

Please find attached the [Conclusions](#) to the European Council of 17 and 18 March. The Prime Minister is likely to give a statement on it on Monday.

The majority of the summit was devoted to migration and the EU/Turkey deal/negotiations following on from the original statement of 7 March 2016 (attached) which introduced the idea of the 'one in one out' EU deal with Turkey.

Turkey / EU migration agreement:

- The Conclusions states: *"Member States declare their willingness to provide Greece at short notice with the necessary means, including border guards, asylum experts and interpreters."* The UK [has offered](#) 10 European Asylum Support Office "experts" to help.
- The Statement of 7 March 2016 stated: *"the implementation of the visa liberalization roadmap with **all** Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016."* As the UK is not in Schengen the UK does not have to be bound by it, the Government has confirmed the UK will not be a part.
- The agreement states that the *"EU-Turkey Statement does not establish any new commitments on Member States as far as relocation and resettlement are concerned."* The 'one in one out' deal whereby a genuine refugee is exchanged for a suspected illegal migrant, will only last for as long as the original agreed quotas on accepting migrants has room. On 25 June 2015 the EU agreed to resettle 20,000 from outside of the EU, directly from the camps, [the UK's believes](#) this was not mandatory on the UK.

EU policy v. EU Charter of Fundamental Rights – could the ECJ strike out the deal?

- The Conclusions state: *"The European Council takes note of the Commission Communication "Next operational steps in EU-Turkey cooperation in the field of migration", in particular as to how an asylum application from a migrant crossing from Turkey into Greece can be declared inadmissible, based on the concept of "first country of asylum" or "safe third country", in accordance with European and international law."*

What the Conclusions do not state is that the Charter of Fundamental Rights incorporated the 1951 UN Convention on Refugees into EU law, therefore the ECJ will be the arbiter of whether the EU is acting legally. Given that [Articles 18 and 19](#) guarantee the right to asylum and outlaw collective expulsions, it seems probable that the forced return of migrants to Turkey could be challenged in the European Court.

VAT flexibility:

In addition to this there was a brief statement on EU Vat that has

"The European Council notes that the Commission intends to publish shortly a communication on an action plan on VAT. It welcomes the intention of the Commission to include proposals for increased flexibility for Member States with respect to reduced rates of VAT, which would provide the option to Member States of VAT zero rating for sanitary products."

In response The Chancellor has claimed:

"We said we'd use the money to benefit women's charities and we've already distributed £17m to good causes across the country. At the same time we said we'd fight for agreement to reduce the VAT rate to zero, and tonight all European leaders have welcomed our plan to do just that. We've achieved what no British government has even tried to achieve. It just shows how Britain can make a case for a reform that will benefit millions as a powerful, confident voice inside a reformed EU." [[BBC News](#) 17 March]