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COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
9 and 10 June 2022

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Non-legislative activities

- 8. Protection of personal data in the context of international transfers** 9258/1/22 REV 1
9188/22

Exchange of views

Ministers had an exchange of views on the issue of protection of personal data in the context of international transfers, in particular in the light of ongoing discussions with regard to a possible new adequacy decision concerning the United States.

- 9. Judicial responses to the situation in Ukraine¹** 9784/22
Policy debate

Ministers had a policy debate, with the participation of Eurojust, on judicial responses to the situation in Ukraine, including the protection of displaced persons, the fight against impunity and the violation of EU restrictive measures.

- 10. Conclusions on the EU Strategy on the rights of the child** 9468/22 + COR 1
Approval

The Council approved conclusions on the Strategy of the Rights of the Child. The text of the approved conclusions is set out in doc. 10024/22. Statements by Poland and Hungary are set out in the Annex.

¹ The European Union agency Eurojust is invited on this item.

11. EU accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)
State of play

9211/22 + COR 1

The Council took note of the progress made in the negotiations in the Council of Europe and the relevant work within the competent Council bodies.

12. Any other business

a) Guidelines on extradition
Information from the Commission

The Council took note of the information provided by the Commission on its recently published guidelines on extradition.

b) EU-US Justice and Home Affairs Ministerial Meeting, Paris, 23 June 2022
Information from the Presidency

9657/22

The Council took note of the information provided by the Presidency with regard to the EU-US Justice and Home Affairs Ministerial Meeting scheduled on 23 June 2022.

c) Work programme of the incoming Presidency
Presentation by the Czech delegation

The Council took note of the oral presentation by the incoming Presidency of its work programme in the justice sector.

FRIDAY 10 JUNE 2022

HOME AFFAIRS

POLITICAL GOVERNANCE OF THE SCHENGEN AREA ('SCHENGEN COUNCIL')

Non-legislative activities

15. Overall state of the Schengen area

9802/22

- State of Schengen Report
Exchange of views

The Council took note of the information provided at the meeting of the Mixed Committee at Ministerial level (doc. 10217/22).

OTHER HOME AFFAIRS ISSUES

Non-legislative activities

18. Ukraine / Follow-up of the 10-point plan^{2 3}

9440/22

Exchange of views

On the basis of a Commission presentation, Ministers engaged in an exchange of views on the implementation of the 10-point plan regarding refugees from Ukraine and related challenges. Ministers also discussed measures to mitigate potential increase of arms trafficking stemming from the war in Ukraine and underlined the importance to remain vigilant on the evolution of criminal threats.

The European Union agencies EUAA, Europol, eu-LISA and Frontex participated in this debate.

² The European Union agencies EUAA, Europol, eu-LISA and Frontex are invited on this item.

19. **Asylum/migration: review of progress achieved in the first step³** 9360/22 + ADD 1
Progress report

Ministers engaged in an exchange of views on the progress achieved in the first step of the gradual approach regarding asylum and migration. The Chair concluded that a solidarity declaration would be finalised in the near future.

20. **Enhanced cooperation between competent authorities in the fight against terrorism³⁴** 

State of play presented by the Presidency of the Counter Terrorism Group (CTG)

The Council took note of the information provided by the President of the Counter Terrorism Group (CTG). Europol participated in this item.

21. **Report on other non-legislative activities:**

a) **Implementation of the EU Drugs Strategy and Action Plan 2021-2025** 9064/22

b) **Combating radicalisation**
Information from the Presidency 9319/22

a) The Council took note of the information provided by the Presidency on the implementation of the EU Drugs Strategy and Action Plan 2021-2025 over the past semester, in particular regarding the approval by the Council of a general approach on the proposal for a regulation on the European Drugs Agency.

b) The Council took note of the report on combating radicalisation.

³ Exceptionally, in the presence of the Schengen Associated States.

⁴ The European Union agency Europol is invited on this item.

22. Any other business

9657/22

- a) **EU-US Justice and Home Affairs Ministerial Meeting,
Paris, 23 June 2022**
Information from the Presidency

The Council took note of the information provided by the Presidency with regard to the EU-US Justice and Home Affairs Ministerial Meeting scheduled on 23 June 2022.

- b) **Work programme of the incoming Presidency**
Presentation by the Czech delegation

The Council took note of the oral presentation by the incoming Presidency of its work programme in the home affairs sector.



First reading



Item based on a Commission proposal



Restricted item

Statements to the non-legislative "B" items set out in doc. 9710/22**Ad "B" item 10:****Conclusions on the EU Strategy on the rights of the child**
*Approval***STATEMENT BY POLAND**

“Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, the expression “gender equality” will be interpreted by Poland as equality between women and men, in accordance with Article 2 and 3 of the Treaty on European Union and Article 8 and 157 para 3 of the Treaty on the Functioning of the European Union. Therefore, the remaining expressions containing the term “gender” will be interpreted by Poland as “sex”, in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union.

At the same time, Poland wishes to emphasize the exclusive competence of the Member States in the area of substantive family law, in particular as regards the determination of the child’s origin and the definition of marriage, parenthood and motherhood. In Poland, issues pertaining to the concept of family and marriage are regulated in the provisions of constitutional rank (Article 18 of the Constitution) and since they define the social structure of the state, they are not subject to interference from EU institutions (Article 4 para 2 TEU), as they constitute an element of Polish national identity (see judgment of the CJEU in cases C-673/16 and C-490/20, Protocol No. 30 on the application of the Charter of Fundamental Rights of the European Union to Poland and the United Kingdom, Declaration No. 61 by the Republic of Poland on the Charter of Fundamental Rights of the European Union, according to which the Charter does not affect in any way the right of Member States to legislate in the sphere of public morality, family law, as well as the protection of human dignity and respect for human physical and moral integrity).

Therefore, it is in this spirit that Poland’s consent to the adoption of the Council Conclusions on the EU Strategy on the Rights of the Child should be interpreted, and its references to various strategies of the European Commission and the Council of Europe cannot be interpreted as a general endorsement of all actions announced, terminologies used as well as references made in those strategies, especially when these actions, terminologies and references directly refer to the LGBTIQ Equality Strategy 2020–2025 and/or the Gender Equality Strategy 2020–2025 of the Commission.”

STATEMENT BY HUNGARY

“Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender equality’ as reference to the ‘equality between girls and boys’ in point 2 of the Council Conclusions on the EU Strategy on the Rights of the Child.

Hungary’s agreement to the adoption of the Council Conclusion on the EU Strategy on the Rights of the Child and to the references made therein to various strategies of the European Commission and the Council of Europe cannot be interpreted as a general endorsement of all actions announced, terminologies used as well references made in those strategies, especially when these actions, terminologies and references are direct connotations of the LGBTIQ Equality Strategy 2020-2025 and/or the Gender Equality Strategy 2020-2025 of the Commission.”

Statements to the non-legislative "A" items set out in doc. 9711/22

Ad "A" item 1:

Council Decision authorising the opening of negotiations on the judicial sales of ships in the framework of the United Nations Commission on International Trade Law (UNCITRAL)
Adoption

STATEMENT BY THE COMMISSION

“The Decision authorising the opening of negotiations is premised solely on the existence of conferred powers of the Union and not on a determination of a specific competence. Its effect is limited to authorising the Commission or the High Representative, as the case may be, to use its prerogatives under the EU Treaties in order to start negotiations. The scope of these negotiations is therefore determined by the scope of the powers of the Union. Besides, the freedom of the envisaged treaty partner of the Union as regards the determination of the scope of the negotiations cannot be limited by the Council Decision authorising the opening of the negotiations. Thus, the precise legal basis for the future agreement can only be determined after the content of the agreement is known.

The Commission reserves all its rights in this regard.”

Ad "A" item 2:

Council Decision on the signing of the Protocol on Matters specific to Mining, Agricultural and Construction Equipment (MAC Protocol, UNIDROIT)
Adoption

STATEMENT BY THE COMMISSION

“The Decision concerning the signature, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Mining, Agricultural and Construction Equipment (MAC Protocol) should indicate the Commission as responsible to designate the person(s) empowered to sign on behalf of the Union. The change to Article 2 that indicate that the President of the Council is responsible for such designation is thus not in accordance with the Treaties.

The designation of the person(s) empowered to sign, on behalf of the Union, an international agreement is an act of external representation of the Union, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties ‘cannot alter the rules of the Treaties that the institutions are obliged to respect’ (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”