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**'I/A' ITEM NOTE**

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| Subject: | Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Drugs Agency (EUDA) and repealing Regulation (EC) No 1920/2006 **(first reading)**<br>- Adoption of the legislative act<br>= Statements |

**Statement by Bulgaria**

The Republic of Bulgaria supports the added value of the Regulation of the European Parliament and of the Council on the European Union Drugs Agency. The extension of the current scope of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) provides solid guarantees that the future agency will be able to respond more effectively to the new challenges in the field of drugs, to provide better support to Member States and to contribute to the improvement of the drug situation at international level.

The Republic of Bulgaria attaches great importance to the promotion and protection of fundamental rights, an important aspect of which is the equality between women and men. We are and will remain dedicated to the principles and values of the European Union as enshrined in the Treaties.

At the same time, in the course of the negotiations between the Council of the EU, the European Parliament and the European Commission on the proposal for the Regulation, changes have been made in the text of Articles 6(6) and 34(5) that are unacceptable for Bulgaria. These are the simultaneous reference to the terms ‘sex’ and ‘gender’.

In this context, Bulgaria points out that in 2018 the Constitutional Court of the Republic of Bulgaria adopted a decision stating that the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the ‘Istanbul Convention’) promotes legal concepts related to the notion of ‘gender’ that are incompatible with the fundamental principles of the Constitution of the Republic of Bulgaria.

In 2021, the Constitutional Court further clarified that the term ‘sex’, as used in the Constitution in the context of the national legal order, is to be understood only in the sense of biological determination (men and women). In accordance with the aforementioned decisions, the Republic of Bulgaria declares that it cannot accept concepts that intend to differentiate between ‘sex’ as a biological category (women and men) and ‘gender’ as a social construct and that it will interpret the use of the term ‘gender’ in the Regulation only in its biological sense.

In addition, in Bulgaria, data collection is only possible based on biological sex. As a result, Bulgaria interprets the process of data collection in this context, as referring to biological sex, in the Regulation of the European Parliament and of the Council on the European Union Drugs Agency.

Lastly, the Republic of Bulgaria will only accept the translation into Bulgarian of the term ‘gender’ by ‘sex’ (‘пол’ in Bulgarian) in the text of the Regulation.

For the aforementioned reasons, the Republic of Bulgaria cannot vote in support of the text of the Regulation of the European Parliament and of the Council on European Union Drugs Agency.

**Statement by Hungary**

Hungary recognises 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 international law. 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 gender equality as providing equal chances and opportunities for women and men. In Hungary, data collection is only possible based on biological sex. As a result, Hungary interprets the process of data collection in this context, referring to biological sex, in the Regulation of the European Parliament and of the Council on the European Union Drugs Agency.