



Council of the  
European Union

Brussels, 18 November 2022  
(OR. en)

13675/22  
PV CONS 59  
JAI 1329  
COMIX 474

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Justice and Home Affairs)  
13 and 14 October 2022

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## THURSDAY 13 OCTOBER 2022

### JUSTICE

#### 1. Adoption of the agenda

The Council adopted the agenda set out in 13156/1/22 REV 1.

#### 2. Approval of 'A' items

##### c) Non-legislative list

13157/1/22 REV 1

The Council adopted the "A" items listed in 13157/1/22 REV1 including COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

For the following items the documents should read as follows:

#### Justice and Home Affairs

6. Agreement with North Macedonia on the operational activities carried out by the European Border and Coast Guard in North Macedonia

☐ 13185/22 +  
ADD 1 **COR1**  
FRONT

#### Institutional Affairs

8. One member (HR) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions  
*Adoption*  
approved by Coreper, Part 1, on 05.10.2022

12649/22 + **COR1**  
SOC

#### Foreign Affairs

17. Framework Agreement on Partnership and Cooperation between the EU and Malaysia

12585/22 REV 1  
COASI

- d) Council Decision on the signing  
*Adoption*

☐ 11715/22  
11732/22 +  
**COR 1 (nl)**

- e) Council Decision on the conclusion  
*Request for the consent of the European Parliament*  
approved by Coreper, Part 2, on 05.10.2022

☐ 11714/22  
11732/22 +  
**COR 1 (nl)**

## Agriculture

37. Council Decision on the signing of the VPA with Guyana on forest law enforcement, governance and trade in timber products ☐ C 12803/22 + ADD 1  
*Adoption* 9086/22  
approved by Coreper, Part 1, on 05.10.2022 9271/22  
FORETS

(b) **Legislative list** (public deliberation in accordance with Article 16(8) of the Treaty on European Union) 13158/22

## General Affairs

1. **Flexible support for territories (FAST-CARE) – to address the consequences of the Russian aggression against Ukraine** ☐ ☐ C 13151/22  
*Adoption of the legislative act* PE-CONS 48/22  
approved by Coreper, Part 2, on 12.10.2022 COH

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 177 TFEU).

## Economic and Financial Affairs

2. **Amendments of the European Parliament to the Council's position on the draft budget for 2023** ☐ S 13209/22  
*Non-approval of the European Parliament's amendment(s)* FIN  
approved by Coreper, Part 2, on 12.10.2022

The Council adopted its position on draft amending budget No 4/2022, as set out in documents 12092/22 and 12093/22.

### **Legislative deliberations**

**(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**

3. **Revision of Directive 2008/99/EC on the protection of the environment through criminal law** ☐ ☐ C 12835/22 + COR 1  
*Progress report*

The Council took note of the progress report presented by the Presidency regarding the ongoing work on the revision of Directive 2008/99/EC on the protection of the environment through criminal law.

#### 4. Any other business

- d) **Artificial Intelligence Liability Directive** ☐ 13079/22  
*Information from the Commission*

The Council took note of the information provided by the Commission on its recent proposal for a Directive on Artificial Intelligence Liability.

- e) **Review of the Product Liability Directive** ☐ 13134/22  
*Information from the Commission*

The Council took note of the information provided by the Commission on its recent proposal for a review of the Product Liability Directive.

- f) **Current legislative proposals** 13107/22  
*Information from the Presidency*

The Council took note of the information provided by the Presidency regarding progress achieved on current legislative proposals in the field of justice.

#### Non-legislative activities

5. European Public Prosecutor's Office (EPPO)<sup>1</sup> 12672/1/22 REV 1  
*State of play*
6. Judicial responses and the fight against impunity regarding crimes committed in connection with Russia's war of aggression against Ukraine<sup>2</sup> 12838/22  
*State of play*
7. Judicial training and its impact on access to Justice in the context of Rule of Law<sup>3</sup> 12934/22  
*Exchange of views*
8. Upholding fundamental rights in times of crises 12965/22  
*Exchange of views with the Director of the Fundamental Rights Agency (FRA)*

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<sup>1</sup> The European Chief Prosecutor is invited to this point.

<sup>2</sup> The EU Agencies Europol and Eurojust are invited to this point.

<sup>3</sup> The European Judicial Training Network is invited to this point.

9. Any other business
- a) First report on application and functioning of the Data Protection Law Enforcement Directive (EU) 2016/680 ("LED")  
*Information from the Commission* 11583/22
- b) EU-U.S. Data Privacy Framework  
*Information from the Commission*
- c) Workshop on cross-border protection of vulnerable adults, Brussels, 20 September 2022  
*Information from the Presidency*

## **FRIDAY 14 OCTOBER 2022**

### **HOME AFFAIRS**

#### **POLITICAL GOVERNANCE OF THE SCHENGEN AREA ("SCHENGEN COUNCIL")**

##### **Non-legislative activities**

10. Overall state of the Schengen area 12901/1/22 REV 1
- a) Presentation of the barometer by the Commission
- b) Presentation of the Strategic Risk Analysis 2022 by Frontex 10520/22  
*Exchange of views*
11. Multiannual strategic policy cycle for European Integrated Border Management (EIBM): conclusions 12430/22  
*Approval*
12. Any other business
- a) Implementation of Interoperability  
*Information from the Commission*
- b) Enlargement of the Schengen area without internal border controls  
*Information from the Presidency*
- c) First report on application and functioning of the Data Protection Law Enforcement Directive (EU) 2016/680 ("LED") 11583/22  
*Information from the Commission*

## OTHER HOME AFFAIRS ISSUES

### Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

13. **Any other business**  
**Current legislative proposals** 13107/22  
*Information from the Presidency*

Ministers took note of the information provided by the Presidency on the state of play of different legislative files.

### Non-legislative activities

14. Russia's aggression against Ukraine<sup>4</sup> 12942/22  
f) Situation of refugees in the EU  
g) Internal security implications  
*Exchange of views*
15. Asylum and migration<sup>5</sup> 13110/22  
*Progress report and way forward*
16. Any other business  
Critical Infrastructure Resilience in the EU  
*Information from the Commission*

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- I** First reading  
**S** Special legislative procedure  
**C** Item based on a Commission proposal

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<sup>4</sup> Exceptionally, in the presence of the Schengen Associated States.  
The EU agencies Frontex, EUAA and Europol are invited to this point.

<sup>5</sup> Exceptionally, in the presence of the Schengen Associated Countries.  
The EU Agencies Frontex and EUAA are invited to this point.