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COMIX 323
PARLNAT

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
13 and 14 October 2025

JUSTICE

- 1. Adoption of the agenda** 13309/25

The Council adopted the agenda set out in document 13309/25.

- 2. Approval of "A" items** 13310/25
a) Non-legislative list

The Council adopted all "A" items listed in the document above, including all linguistic COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

- b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)** 13311/25

Internal Market and Industry

- 1. Regulation on the safety of toys**  13337/25 + ADD 1
Adoption of the Council's position at first reading and of the statement of the Council's reasons 9663/25 + ADD 1
approved by Coreper, Part 1, on 08.10.2025 + ADD 1 COR 1
MI

The Council adopted its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons (legal basis: Article 114 TFEU). Statements to this item are set out in the Annex.

Transport

- 2. Regulation on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002**  13375/25 + ADD 1
Adoption of the Council's position at first reading and of the statement of the Council's reasons 10056/25 + ADD 1
approved by Coreper, Part 1, on 08.10.2025 TRANS

The Council adopted its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons (legal basis: Article 100(2) TFEU). A statement to this item is set out in the Annex.

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

3. Any other business

- a) **Current legislative proposals** 13253/25
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of different legislative proposals in the field of justice.

Non-legislative activities

4. Rule of law developments in the field of justice 13365/25 + COR 1
Exchange of views
5. Russia's war of aggression against Ukraine: fight against impunity¹ 12606/25
State of play
6. The future of Eurojust¹ 12646/25
Exchange of views
7. Access to data for effective criminal investigations¹ 13029/25 + COR 1
State of play
8. Any other business
- a) Annual progress report on simplification, implementation and enforcement 13298/25
Information from the Commission 13613/25
- b) European Democracy Shield 13069/25
Information from France
- c) U.S. sanctions against international judicial and human rights mandate holders: A call for a principled and coordinated EU response 13459/25
Information from Slovenia
- d) Rule of Law report 2025 13661/25
Information from Slovakia

¹ In the presence of the European agency Eurojust.

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

Legislative deliberations

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

- 9. Regulation establishing a common system for the return of third-country nationals staying illegally in the EU**  9205/25
Policy debate

The Council held a policy debate on the proposed Regulation.

Non-legislative activities

10. Overall state of the Schengen area
- a) Schengen barometer 13141/1/25 REV 1
- b) Future of Frontex 13432/25
Exchange of views
11. Implementation of interoperability 13061/25
State of play

OTHER HOME AFFAIRS ISSUES

Legislative deliberations

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

- 12. Regulation on the Union Civil Protection Mechanism and Union support for Health Emergency Preparedness and Response**  13406/1/25 REV 1
Policy debate

The Council held a policy debate on the proposal for the Regulation on the Union Civil Protection Mechanism and Union support for Health Emergency Preparedness and Response.

- 13. Any other business**
- a) **Current legislative proposals** 13253/25
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of different legislative proposals in the field of Home Affairs.

Non-legislative activities

14.	External dimension of migration ^{2 3} <i>Exchange of views</i>	13243/25
15.	Access to data for effective law enforcement ⁴ <i>State of play</i>	13024/25
16.	The impact of the current geopolitical environment on the EU's internal security ⁵ <i>Exchange of views</i>	12991/25
17.	Any other business	
	a) Annual progress report on simplification, implementation and enforcement <i>Information from the Commission</i>	13298/25 13616/25
	b) Implementation of the Pact on Migration and Asylum including the Annual Solidarity Pool <i>Information from the Presidency and the Commission</i>	12803/25
	c) Salzburg Forum Ministerial Conference (Valtice, 1–12 September 2025) <i>Information from Czechia</i>	12982/25
	d) Drone detection and protection <i>Information from Germany</i>	13696/25



First reading



Item based on a Commission proposal

² Exceptionally in the presence of the Schengen associated Countries.
³ In the presence of the European agencies EUAA and Frontex.
⁴ In the presence of the European agencies Europol and Eurojust.
⁵ In the presence of the European agency Europol.

Statements to the legislative "A" items set out in doc. 13311/25

Ad “A” item 1: **Regulation on the safety of toys**
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY AUSTRIA

“Austria supports the objective of further improving the established high level of protection through the overhaul of the Toy Safety Directive (2009/48/EC), particularly with regard to protection from hazardous chemicals and more effective enforcement. The conversion into a Regulation, the introduction of a digital product passport for toys, and the explicit reference to the obligations of online marketplace operators are welcomed by Austria.

However, it must be noted that the compromise text does not adequately address Austria’s substantial concerns regarding the enforceability and legal certainty of the provisions:

- Austria anticipates a significant administrative burden and additional costs for businesses and authorities arising from certain proposed provisions, without a corresponding substantial improvement in the current level of protection. In particular, the provisions concerning mental health and the general ban on hazardous chemicals give rise to substantial legal uncertainties and serious practical enforcement challenges from Austria’s perspective.
- Furthermore, the deletion of the sell-off period in Article 57 will result in a dual system of products on the market, some with and some without a digital product passport. This will create significant challenges for market surveillance and complicate the uniform and legally sound enforcement of the Regulation in practice.

Due to these concerns, Austria will abstain from the final vote.”

STATEMENT BY THE COMMISSION

“The Commission regularly and systematically evaluates the occurrence of hazardous chemicals in toys, taking into account available scientific evidence, with a view to adapting the limit values or the conditions for the presence of specific chemical substances or mixtures in toys in accordance with Article 46 of Regulation 2025/... on the safety of toys. For that purpose, the Commission will request an opinion from the European Chemicals Agency on the safety of nitrosamines and nitrosatable substances in toys, in view of the overall exposure, within 12 months of the entry into force of this Regulation. For the same purpose, the Commission will request an opinion from the European Chemicals Agency on the safety of lead, cadmium, mercury and chromium vi in toys, in view of the overall exposure, within 24 months of the entry into force of this Regulation.”

Ad “A” item 2: Regulation on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY THE COMMISSION

“The Commission recalls that the final agreement reached by the co-legislators on the amended proposal for a Regulation on the European Maritime Safety Agency (“EMSA”) introduces changes to the governance in comparison with the Commission proposal. These changes reduce the Commission’s capacity to ensure compliance with Union law in human resources and budgetary matters.

The shift from unanimity to a four-fifths majority in the second round of voting in Article 20 paragraph 2 weakens the effectiveness of the Commission’s safeguard to ensure good administration and sound financial management. This introduces the risk that decisions contrary to the applicable Union legal framework - particularly the Framework Financial Regulation and the Staff Regulations and the Conditions of Employment of other Servants of the European Union - could nonetheless be adopted, despite the Commission’s formal objection. This could also result in serious financial and reputational risks not only for EMSA but also for the Commission and the European Union as a whole.

In this context, the Commission calls upon the Agency and its Management Board to engage in early and structured coordination with the Commission on all draft decisions to be submitted for adoption.”