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European Union

Brussels, 21 December 2021
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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
9 and 10 December 2021

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HOME AFFAIRS

1. Adoption of the agenda

The Council adopted the agenda set out in 14625/21.

2. Approval of "A" items

a) Non-legislative list

14626/21

The Council adopted the "A" items listed in 14626/21 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

9. Council Decision on EU accession to the Judgments Convention
Request for the consent of the European Parliament
approved by Coreper, Part 2, on 08.12.2021

C 13988/21 + ADD 1
13494/21 + ADD 1
+ ADD 1 REV 1
(hu)
JUSTCIV

Institutional Affairs

Appointments

14. Appointment of an official to a post of Director-General of the
Directorate-General for Agriculture, Fisheries, Social Affairs and
Health (LIFE) at the General Secretariat of the Council
Adoption
approved by Coreper, Part 2, on 08.12.2021

14243/21
14247/21
+ COR 1 (fr,lt,lv)
STAT

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

14627/21

Justice and Home Affairs

1. EU Asylum Agency Regulation

Adoption of the legislative act

approved by Coreper, Part 2, on 01.12.2021



14294/21 + ADD 1

PE-CONS 61/21

+ COR 1 (ro)

ASILE

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Hungary, Poland and Slovakia voting against and Bulgaria and the Czech Republic abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 78(1) and 78(2) TFEU). Statements to this item are set out in the Annex.

2. Regulation replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings

Adoption of the legislative act

approved by Coreper, Part 2, on 08.12.2021



14593/21

PE-CONS 73/21

JUSTCIV

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 81 TFEU).

Economic and Financial Affairs

3. PRIIPS Quick Fix Regulation

Adoption of the legislative act

approved by Coreper, Part 2, on 08.12.2021




14493/21

PE-CONS 71/21

EF

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

4. **UCITS Quick Fix Directive**
Adoption of the legislative act
approved by Coreper, Part 2, on 08.12.2021


 14495/21
PE-CONS 72/21
+ COR 1 (de)
EF

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 53 TFEU).

Legislative deliberations

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

3. **Directive on the Resilience of critical entities**
Progress report

 14352/21



The Council took note on the Presidency report on progress made in the negotiations on the Directive on the resilience of critical entities.

4. **Any other business**
Current legislative proposals
Information from the Presidency

14619/21

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


Non-legislative activities

- | | | | |
|-----|--|---|----------------------|
| 5. | Council Regulation on a Schengen Evaluation and Monitoring Mechanism
<i>Progress report</i> |  | 14629/21 + ADD 1 |
| 6. | Conclusions on the fulfilment of the necessary conditions for the full application of the Schengen acquis in Croatia
<i>Approval</i> | | 14764/21 |
| 7. | Implementation of interoperability
<i>Information from the Commission and eu-LISA</i>
<i>Exchange of views</i> | | 14132/21
14134/21 |
| 8. | Next Generation EU - preventing the infiltration by organised crime
<i>Policy debate</i> | | 14255/21 |
| 9. | Cooperation between competent authorities dealing with counter-terrorism
<i>a) State of play by the EU Counter Terrorism Coordinator (EU CTC)</i>
<i>b) State of play by the Counter Terrorism Group (CTG)¹</i> |  | |
| 10. | Countering hybrid threats and migratory challenges
<i>Policy debate</i> | | |
| 11. | Any other business | | |
| | a) EU-Western Balkans JHA Ministerial (Brdo, 2-3 December 2021)
<i>Debrief by the Presidency</i> | | 14718/21 |
| | b) EU-US Justice and Home Affairs Ministerial Meeting (Washington, 16 December 2021)
<i>Information from the Presidency</i> | | |
| | c) Ministerial Conference on Child sexual abuse, 11-12 November 2021, Brdo pri Kranju, Slovenia
<i>Information from the Presidency</i> | | |
| | d) Work programme of the incoming Presidency
<i>Presentation by France</i> | | |

¹ Exceptionally, in the presence of the Schengen Associated States.

Legislative deliberations

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

- 12. Regulation on European Production and Preservation Orders for e-evidence**  14212/21
Progress report

The Council took note of the progress report presented by the Presidency on the negotiations with the European Parliament.

- 13. Any other business**
a) Current legislative proposals 14619/21
Information from the Presidency

The Council took note of the information provided by the Presidency on the evolution of the work regarding current legislative proposals discussed in the Council in the justice sector.

- b) New legislative proposals related to the digitalisation of justice**
Information from the Commission

The Commission presented its new legislative proposals, adopted on 1 December 2021, related to the digitalisation of justice.

Non-legislative activities

14. EU accession to ECHR
State of play
15. The Covid-19 pandemic - lessons learned for the functioning of courts and for the judicial review/scrutiny of emergency measures
Exchange of views 14266/21
16. Combating hate speech and hate crime for a more inclusive and protective Europe
Exchange of views 14334/21
17. EPPO - European Public Prosecutor's Office
State of play 14220/21
18. Any other business
- a) EU-Western Balkans JHA Ministerial (Brdo, 2-3 December 2021)
Debrief by the Presidency 14718/21
- b) EU-US Justice and Home Affairs Ministerial Meeting (Washington, 16 December 2021)
Information from the Presidency
- c) Future proposals in the area of justice
Information from the Commission
- d) 2021 Annual Report on the application of the EU Charter of Fundamental Rights: protecting fundamental rights in the digital age
Information from the Commission 14592/21
- e) Work programme of the incoming Presidency
Presentation by France



First reading



Item based on a Commission proposal



Restricted item

Statements to the legislative "A" items set out in doc. 14627/21**Ad "A" item 1:** **EU Asylum Agency Regulation**
*Adoption of the legislative act***JOINT STATEMENT BY CYPRUS, GREECE, ITALY, MALTA AND SPAIN**

“Cyprus, Greece, Italy, Malta and Spain consider that the legislative proposals presented by the Commission in 2016 on the reform of the Common European Asylum System and in 2020 within the new Pact on Migration and Asylum constitute a legislative package whose elements are closely interlinked. The adoption of the European Asylum Agency Regulation is an important and necessary step that does not affect this package approach. Consequently, the objective remains the adoption of a fully integrated and coherent set of rules, ensuring the effective application of the principle of solidarity and fair sharing of responsibility, a result that should be achieved in the course of the negotiations on the different proposals currently under discussion.”

JOINT STATEMENT BY HUNGARY AND POLAND

“Hungary and Poland would like to stress their commitment to the reform of the Common European Asylum System, however the reform of the EU asylum policy shall be based on a consensus between Member States that stays in line with the European Council conclusions from 2018, ensuring the proper balance between responsibility and solidarity. We perceive that the Agency should be treated as a tool for implementing the legislative proposals included in the Pact. In this regard we are convinced that we should not urge solutions that were contraproductive in the past and resulted in the deepening of mistrust among the Member States. Finally and taking into account the interlinkage of the relevant legislative proposals we remain fully committed to the principle that nothing is agreed until everything is agreed, thus Hungary and Poland cannot confirm the compromise text proposed by the Presidency with a view to an agreement with the European Parliament.”
