



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
9 and 10 March 2023

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THURSDAY 9 MARCH 2023

HOME AFFAIRS

1. Adoption of the agenda

The Council adopted the agenda set out in 6975/23.

2. Approval of "A" items

a) Non-legislative list 6976/23

The Council approved the list of "A" items including 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) 6977/23

Justice and Home Affairs

Regulation on Kosovo* visa liberalisation

Adoption of the Council's position at first reading and of the statement of the Council's reasons

approved by Coreper, Part 2, on 1.3.2023

 6714/1/23 REV 1
6714/23 ADD 1
+ **ADD 1 COR 1 (It)**
5103/23
+ ADD 1 REV 1
VISA

The Council approved 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. In accordance with the relevant Protocols annexed to the Treaties, Ireland did not participate in the vote. (Legal basis: Article 77(2)(a) TFEU). A statement to this item is set out in the Annex.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

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

Non-legislative activities

- | | | |
|----|--|-----------------|
| 3. | Overall state of the Schengen area: | |
| | a) Functioning of the Schengen area | 6764/23 |
| | <i>State of play</i> | 6762/23 |
| | b) The future of visa policy | 6636/23 |
| | <i>Exchange of views</i> | |
| 4. | Entry into operation of the enhanced SIS | 6660/23 |
| | <i>State of play</i> | |
| 5. | Implementation of interoperability | 6506/1/23 REV 1 |
| | <i>Exchange of views</i> | |
| 6. | Any other business | |

OTHER HOME AFFAIRS ISSUES

Legislative deliberations

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

- | | | |
|----|--|---------|
| 7. | Any other business | |
| | Current legislative proposals | 6838/23 |
| | <i>Information from the Presidency</i> | |

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

- | | | |
|----|--|--------------|
| 8. | Russia's aggression against Ukraine: ¹ | 6563/23 |
| | Internal security dialogue and Justice and Home Affairs/Common Security and Defence Policy cooperation | 6906/23 R-UE |
| | <i>Exchange of views</i> | |

¹ The EU agencies Europol and Frontex were invited to this point.

9. Asylum and migration:^{2 3} 6748/23
- a) External aspects including in the light of recent events in and around the Mediterranean Sea
 - b) Internal aspects and the implementation of the Dublin roadmap
Exchange of views
10. Any other business
- a) EU support hub for internal security and border management in Moldova 6996/23
Information from the Commission
 - b) Ministerial Conference EU-MENA strategic police partnership towards a trustful security cooperation, Lisbon, 13-14 February 2023 7052/23
Information from Portugal
 - c) Vigilance about organizations promoting values incompatible with those of the EU 7058/23
Information from France

² Exceptionally in the presence of the Schengen Associated States.

³ The EU agencies Frontex and EUAA were invited to this point.

FRIDAY 10 MARCH 2023

JUSTICE

Legislative deliberations

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

11. **Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures**  6454/23
Progress report

The Council took note of the progress report provided by the Presidency on the ongoing work regarding the proposal for a Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures.

12. **Directive on asset recovery and confiscation**  6452/23
Progress report

The Council took note of the progress report provided by the Presidency on the ongoing work regarding the proposal for a Directive on asset recovery and confiscation.

13. **Any other business** 6838/23
Current legislative proposals
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

14. **Barriers to access to justice and how to overcome them** 6694/23
Exchange of views
15. **Conclusions on the EU Charter of Fundamental Rights and the civic space⁴** 6675/23
Approval 6749/23
Exchange of views

⁴ The Fundamental Rights Agency was invited to this point.

16. Combating racism and antisemitism: next steps⁴ 6744/23
Exchange of views
17. Judicial responses and the fight against impunity regarding 6458/23
crimes committed in connection with Russia's aggression
against Ukraine⁵
State of play
18. Any other business
- a) Deprivation or restriction of liberty: final report of the 9th 6741/23
round of mutual evaluations
Information from the Presidency
- b) EU-US data privacy framework
Information from the Commission
- c) Council Decisions on EU accession to Istanbul
Convention
Information from the Presidency

① First reading

Ⓒ Item based on a Commission proposal

R-UE Document classified RESTREINT UE/EU RESTRICTED

⁵ The EU agency Eurojust was invited to this point.

Statements to the legislative "A" items set out in doc. 6977/23

Ad "A" item: **Regulation on Kosovo* visa liberalisation**
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY THE SLOVAK REPUBLIC

“The Slovak Republic regrets that the final presidency compromise proposal doesn’t reflect the Slovak position submitted during the written consultation on paragraph 5, reflecting the language of Roadmap towards a visa-free regime with Kosovo*, Ad I. Requirements related to Readmission and Reintegration, part Readmission, stating - *Ensure that readmission procedures, conducted through the appropriate channels, function in relation to all Member States.*

The Slovak Republic believes that the above mentioned amendment would ensure the clarity and removed the ambiguity in the interpretation.”

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.