



Council of the
European Union

Brussels, 19 July 2021
(OR. en)

9630/21
PV CONS 13
JAI 697
COMIX 318

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)
7 and 8 June 2021

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

MONDAY 7 JUNE 2021

JUSTICE

1. Adoption of the agenda

The Council adopted the agenda set out in 9384/21.


2. Approval of "A" items

a) **Non-legislative list** 9386/21


The Council adopted the "A" items listed in 9386/21 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) 9387/21

General Affairs

1. **Cohesion policy legislative package 2021-2027:
Just Transition Fund (JTF) Regulation**  9088/21 + ADD 1
Adoption of the legislative act PE-CONS 5/21
approved by Coreper, Part 2, on 02.06.2021 FSTR

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Hungarian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 175(3) and 322(1)(a) TFEU). Statements to this item are set out in the Annex.

2. **Council Decision concerning the dock dues in the French
outermost regions**  8847/21
Adoption 7922/21 + COR 1
approved by Coreper, Part 2, on 02.06.2021 COH
POSEIDOM


The Council adopted the above Council Decision as finalised by the legal/linguistic experts and as set out in document 7922/21 + COR 1 + COR 2 (fr). (Legal basis: Article 349 TFEU).

Legislative deliberations



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

3. **Regulation on Assignments of Claims**  9050/21
General approach²

The Council reached agreement on a general approach on the proposal above. Belgium presented a statement as set out in the Annex.

4. **Regulation on e-CODEX system and amending Regulation (EU) 2018/1726**  9005/21
General approach

The Council reached agreement on a general approach on the proposal above. France and Estonia presented a statement, as set out in the Annex.

5. **Regulation Amending Regulation 168/2007 establishing the European Agency for Fundamental Rights**   8686/21
General approach

The Council confirmed the general approach on the draft Regulation amending the FRA Regulation, as set out in document 8686/21.

6. **Any other business** 9194/21
Current legislative proposals
Information from the Presidency

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

² When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

Non-legislative activities

7.	Combating illegal content online in the context of the Digital Services Act proposal <i>Policy debate</i>	9048/21
8.	EU accession to ECHR <i>State of play</i>	8662/21
9.	Conclusions on the protection of vulnerable adults across the European Union <i>Approval</i>	8636/21
10.	e-evidence negotiations	
	a) Negotiations for EU-US agreement on cross-border access to e-evidence <i>State of play</i>	9095/21
	b) Negotiations on a second additional protocol to the Budapest Convention <i>State of play</i>	
11.	Setting up of the European Public Prosecutor's Office (EPPO) <i>State of play</i>	9030/21
12.	Key elements for the public prosecution services including as regards judicial cooperation in criminal matters <i>Exchange of views</i>	9091/21
13.	Any other business	
	a) EU Strategy on the Rights of the Child (2021-2024) <i>Presentation by the Commission</i>	7453/21
	b) Criminal law and protection of intellectual property rights: connections between counterfeiting and organized crime <i>Information from the Presidency</i>	9287/21
	c) EU-US Justice and Home Affairs Ministerial Meeting <i>Information from the Presidency</i>	
	d) EU-North Africa enhanced dialogue on JHA <i>Information from the Presidency</i>	
	e) High-Level Conference on e-Justice 26-27 April 2021 <i>Information from the Presidency</i>	
	f) Follow up to the Schrems II judgement <i>Information from the Commission</i>	9372/21
	g) Judicial aspects of EU Strategy to tackle Organised Crime 2021-2025 and EU Strategy to combat Trafficking in Human Beings 2021-2025 <i>Information from the Commission</i>	
	h) Work programme of the incoming Presidency <i>Presentation by Slovenia</i>	

Legislative deliberations

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

- 14. Regulation amending Regulation (EU) 2016/794 on Europol**  9158/21
Progress report

The Council took note of the progress made on the revision of the Europol Regulation and of the intentions of the Presidency to seek on that basis a mandate for negotiations with the European Parliament by the Permanent Representatives Committee at the end of June.


- 15. Directive on the resilience of critical entities**  8969/21
Progress report

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





- 16. Any other business**
- a) **Current legislative proposals** 9194/21
Information from the Presidency
 - b) **EU Asylum Agency Regulation** 
Information from the Presidency
 - c) **Blue Card Directive** 
Information from the Presidency

The Presidency informed delegations on the state of play of the current legislative proposals. It highlighted the interinstitutional agreement it had reached on the Blue Card Directive and the efforts it was undertaking with a view to reaching an agreement on the EU Asylum Agency Regulation.

Non-legislative activities

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| 17. | New Pact on Migration and Asylum: state of play and way forward
<i>Progress report</i> | 9178/21 |
| 18. | Update by the Counter-Terrorism Group (CTG) on further cooperation between competent authorities dealing with counter-terrorism ³
<i>Exchange of views</i> |  |
| 19. | COVID-19 and fighting criminality: one year after
<i>Policy debate</i> | 8997/21 |
| 20. | Artificial Intelligence: internal security outlook
<i>Presentation by the Commission and exchange of views</i> | 9096/21 |
| 21. | Communication on a Schengen Strategy
<i>Presentation by the Commission</i>
<i>Exchange of views</i> | 9441/21 |
| 22. | Implementation of interoperability: state of play on the implementation of Entry/Exit and the European Travel Information and Authorisation System
<i>Information from the Commission</i> | 9085/21 |
| 23. | Any other business | |
| | a) Implementation of the European Borders and Coast Guard 2.0 Regulation
<i>Information from the Commission</i> | |
| | b) EU-North Africa enhanced dialogue on JHA
<i>Information from the Presidency</i> | |
| | c) EU-US Justice and Home Affairs Ministerial Meeting
<i>Information from the Presidency</i> | |
| | d) Work programme of the incoming Presidency
<i>Presentation by Slovenia</i> | |

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|---|-------------------------------------|
|  | First reading |
|  | Special legislative procedure |
|  | Restricted item |
|  | Item based on a Commission proposal |
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³ Exceptionally, in the presence of the Schengen Associated States.

Statements to the legislative "B" items set out in doc. 9384/21

Ad "B" item 3: **Regulation on Assignments of Claims**
General approach

STATEMENT BY BELGIUM

“Belgium generally supports the objectives pursued by the proposed Regulation and accepts the text presented for a general approach. Belgium however regrets the lack of clarity of the proposal, which may lead to difficulties of application. Belgium also regrets the solution adopted concerning the assignment of claims secured by a security right over immovable property or moveable property subject to registration in a public register. Belgium would have preferred an exclusion of priority conflicts over these secured claims, which would have been clearer and simpler to apply. We hope that these elements can be improved during the future interinstitutional negotiations with the European Parliament and that they will be subject of a particular attention during the review of the instrument provided for in Article 13.”

Ad "B" item 4: **Regulation on e-CODEX system and amending Regulation**
(EU) 2018/1726
General approach

STATEMENT BY ESTONIA AND FRANCE

“Estonia and France welcome the objective of the Commission proposal and the text of the general approach prepared by the Portuguese Presidency.

As to the location of e-CODEX, Estonian and French delegations propose e-Codex to be handled entirely in Tallinn, and that the eu-LISA Regulation (2018/1726) is amended as follows in the course of the next negotiation phases:

- In article 17 (3), the following shall be added: “The tasks relating to the development and operational management of the e-Codex system referred to in articles 1(4a) and 8b shall be carried out in Tallinn, Estonia, where the necessary equipment for these tasks is installed.”
- As a consequence, in order to avoid contradiction between the subparagraphs of article 17 (3), the reference to article 1 (4a) shall be added in article 1 (5) (changes with bold and strikethrough): “*The Agency may be made responsible for the preparation, development or operational management of large-scale IT systems in the area of freedom, security and justice other than those referred to in paragraphs 3, and 4 and 4a of this Article, including existing systems, only if so provided by relevant Union legal acts governing those systems, based on Articles 67 to 89 TFEU, taking into account, where appropriate, the developments in research referred to in Article 14 of this Regulation and the results of pilot projects and proofs of concept referred to in Article 15 of this Regulation.*”

Statements to the legislative "A" items set out in doc. 9387/21

Ad "A" item 1: **Cohesion policy legislative package 2021-2027:**
Just Transition Fund (JTF) Regulation
Adoption of the legislative act

STATEMENT BY BULGARIA

“The Republic of Bulgaria understands the reporting on common indicators in Annexes I and II of the European Social Fund Plus Regulation and in Annex III of the Just Transition Fund Regulation by using a category of “non-binary”, as not obligatory. The Republic of Bulgaria does not intend to gather and report relevant data, as such a category does not exist in its national legislation.”

STATEMENT BY HUNGARY

“The procedure towards the adoption of the Cohesion Policy regulations has reached another important step. Hungary sees it necessary to reiterate its earlier statement regarding the representation and interpretation of gender in these regulations.

Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of its national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union.

For these reasons Hungary interprets the concept of “gender“ as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to the ‘equality between men and women’ in the Regulations. As regards the breakdown of data, Hungary believes that footnote 2 in Annex III of JTF Regulation (and also the first line of Annex I and Annex II respectively of the ESF+ Regulation) should be applied and refer to the term “gender” and the parenthesis as a whole and not only one of the subcategories listed there.

Bearing in mind the fact that determining the content of the term “gender” falls under the exclusive competence of the Member States, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation.”

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU.”
