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European Union

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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Economic and Financial Affairs)  
24 May 2022

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1. **Adoption of the agenda**

The Council adopted the agenda set out in 9192/22, except item 6. which was withdrawn.

2. **Approval of 'A' items**

(a) **Non-legislative list**

9193/22

The Council adopted the "A" items listed in 9193/22 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:

Economic and Financial Affairs

2. Decision of the Council on the approval of a draft design for a 2 euro commemorative coin submitted by Malta approved by Coreper (Part 2) on 18 May 2022

7977/22

+ **COR 1 (es)**  
UEM

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

9194/22

Justice and Home Affairs


1. **Regulation amending Regulation (EU) 2016/794 on Europol**  
*Adoption of the legislative act*  
approved by Coreper, Part 2, on 18 May 2022



8927/22 + ADD 1  
PE-CONS 8/22  
ENFOPOL


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 88 TFEU). Statements to this item are set out in the Annex.

## Transport

2. Directive on the minimum level of training of seafarers (codification)  8674/22  
*Adoption of the legislative act* PE-CONS 37/21  
approved by Coreper, Part 2, on 18 May 2022 CODIF  
MAR

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 100(2) TFEU).

## Foreign Affairs

3. Regulation on temporary trade liberalisation between the EU and Ukraine  9266/22  
*Adoption of the legislative act* PE-CONS 21/22  
*Decision to derogate from the eight-week period provided for in* POLCOM  
*Article 4 of Protocol 1 on the role of national parliaments in the*  
*EU*  
approved by Coreper, Part 2, on 20 May 2022

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 207(2) TFEU).

The Council agreed to derogate from the eight- week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments.

## Economic and Financial Affairs

4. Regulation on European long-term investment funds (ELTIFs)  8839/22  
*General approach* 8840/1/22 REV 1  
approved by Coreper, Part 2, on 18 May 2022 EF

The Council adopted a general approach on this Regulation proposal. (Legal basis: Article 114 TFEU.)

## Non-legislative activities

3. Economic and financial impact of the Russian aggression against Ukraine 9042/1/22 REV 1  
*Exchange of views*

### Legislative deliberations

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

4. Any other business 8892/22  
Current financial services legislative proposals  
*Information from the Presidency*
- The Presidency informed Ministers about the state of play of current financial services legislative proposals.

### Non-legislative activities

5. Economic recovery  
State of play regarding the implementation of the RRF  
*Exchange of views*
6. Follow-up to the meeting of G20 finance ministers and central bank governors 8834/22  
*Information from the Presidency and the Commission*  
*Exchange of views*
7. Any other business 9059/22  
Proceedings of the Wise Persons Group on Challenges Facing the Customs Union  
*Presentation by the Commission*
-

**Statements to the legislative "A" items set out in doc. 9194/22****Ad "A" item 1:      **Regulation amending Regulation (EU) 2016/794 on Europol**  
*Adoption of the legislative act*****STATEMENT BY AUSTRIA**

“Austria agrees to the Regulation amending Regulation (EU) 2016/794 on Europol in view of Europol’s important role in the fight against crime and the support provided to Member States in this regard.

However, Austria also notes that the Regulation – the product of a political compromise – does not sufficiently address Austria’s major data protection concerns and also falls short of the data protection standards called for by the European Data Protection Supervisor. These concerns relate in particular to the long retention periods in connection with the processing of uncategorised personal data (Article 18(6a)), the fact that data processing may begin before the consultation period has expired (Article 39(3)) and the long retention periods provided for in the transitional arrangements (Articles 74a and 74b).”

**STATEMENT BY LUXEMBOURG**

“Luxembourg will vote in favour of the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol’s cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol’s role on research and innovation.

Since the beginning of the negotiations, we have worked to strike a balance between Europol’s operational needs on the one hand and personal data protection requirements on the other. It is in light of this principled position that Luxembourg regrets the long retention periods for uncategorised data provided for in Articles 18(6a), 74a and 74b.”

## **STATEMENT BY THE COMMISSION**

### **on the implementation of the mechanism for Europol to propose the issuing of alerts in the Schengen Information System**

“As part of the evaluation that the Commission will carry out under Article 68(3) of Regulation (EU) 2016/794, three years after the entry into force of this Regulation amending Regulation (EU) 2016/794, the Commission will report on the operational impact of the new mechanism established in Article 4(1)(r) of Regulation (EU) 2016/794. Under this mechanism, Europol may propose to Member States, based on data that Europol received from third countries or international organisations, to enter information alerts in the interest of the Union into the Schengen Information System on persons involved in terrorism or in serious and organised crime. The Commission will carry out this evaluation on the basis of reports that Europol will provide on the proposals made for alerts in the Schengen Information System and on the subsequent alerts inserted by Member States in the Schengen Information System.”

## **COMMISSION STATEMENT**

### **on the relations between Europol and the European Public Prosecutor’s Office**

In the Commission’s view, the provisions on the relations between Europol and the European Public Prosecutor’s Office (‘the EPPO’), as set out in Article 20a of Regulation (EU) 2016/794, cannot limit the obligations on Europol stemming from Article 24(1) of Council Regulation (EU) 2017/1939, and shall therefore be interpreted and applied in accordance with the latter Article.

## **COMMISSION STATEMENT**

### **on the provisions for Europol’s cooperation with third countries**

“As regards rules for Europol’s cooperation with third countries, the Commission notes that any transfer of personal data from Europol to a third country on the basis of a “legally binding instrument” requires an international agreement under Article 218 of the Treaty, as already provided for in Article 25(1)(b) of Regulation (EU) 2016/794. The Commission also notes that any transfer of personal data from Europol to a third country on the basis of an assessment of appropriate safeguards by Europol must meet the requirements as set by the case law<sup>1</sup> of the Court of Justice of the European Union, thus requiring Europol to conclude that the level of data protection in the third country provides essential equivalence in terms of data protection. Allowing for data transfers based on such an assessment without the need for prior agreement by the European Data Protection Supervisor as provided for in Article 25(6) of Regulation (EU) 2016/794 will create risks of subsequent intervention by the European Data Protection Supervisor based on a divergent assessment of the data protection safeguards and might thus negatively affect law enforcement cooperation.”

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<sup>1</sup> Opinion 1/15, *EU-Canada PNR Agreement*, EU:C:2017:592 (26.7.2017); judgment of 6 October 2015, *Schrems*, C- 362/14, EU:C:2015:650; judgement of 16 July 2020, C- 311/18, *Schrems II*, EU:C:2020:559.

## COMMISSION STATEMENT on the strengthening of Europol-Interpol cooperation

“The Commission recalls that in the on-going negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL), and in line with the negotiating directives given by the Council<sup>2</sup>, the Commission seeks to strengthen cooperation between Europol and Interpol, taking into account the latest developments in combating terrorism, cross-border and transnational serious organised crime, as well as current operational needs and Europol’s mandate. The Commission seeks to ensure, in line with the negotiating directives given by the Council<sup>3</sup>, that the agreement provides the legal basis for authorising Europol to access relevant Interpol databases for the performance of its tasks.”

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<sup>2</sup> Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL).

<sup>3</sup> Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL).