



Council of the
European Union

123804/EU XXVII. GP
Eingelangt am 07/12/22

Brussels, 7 December 2022
(OR. en)

15556/22
OJ CONS 78
JAI 1607
COMIX 593

PROVISIONAL AGENDA

COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)

Europa building, Brussels

8 and 9 December 2022 (10.00, 9.30)

Format 1+3 (+2 in listening room)

THURSDAY 8 DECEMBER 2022 (10.00)

HOME AFFAIRS

1. Adoption of the agenda
2. (poss.) Approval of "A" items
 - a) Non-legislative list 15558/22
 - b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 15560/22

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

Non-legislative activities

3. Full application of the Schengen acquis in Bulgaria, Croatia and Romania
 - a) Council Decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania (Legal basis: Article 4 (2) of the 2005 Act of Accession of Bulgaria and Romania) (*) 15218/22
(*poss.*) Adoption

- b) Council Decision on the full application of the provisions of the Schengen acquis in Croatia
(Legal basis: Article 4 (2) of the 2011 Act of Accession of Croatia)
(*poss.*) *Adoption* (*) 14239/22
4. Overall state of the Schengen area
- a) Schengen barometer 15674/22
 - b) Schengen Council cycle 15271/1/22 REV 1
 - c) Internal security: counteracting migrant smuggling 15086/22
 - d) Interoperability
- State of play*

OTHER HOME AFFAIRS ISSUES

Legislative deliberations

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

5. Regulation on addressing situations of instrumentalisation in the field of migration and asylum  15219/1/22 REV 1
Progress report
6. Regulation to prevent and combat child sexual abuse  14862/22
Progress report
7. Any other business 15288/22
Current legislative proposals
Information from the Presidency

Non-legislative activities

8. Russia's aggression against Ukraine ^{1 2} 14684/1/22 REV 1
- a) The situation of Ukrainian refugees in the EU
 - b) Internal security dialogue
- Exchange of views*
9. External dimension of migration and the situation along the main migratory routes ^{1 2} 15270/22 + COR 1
15749/22
Exchange of views
Follow-up to extraordinary JHACouncil meeting on 25 November 2022

¹ Exceptionally in the presence of the Schengen Associated States.

² The EU agencies Europol, Frontex and EUAA are invited to this point.

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| 10. | Asylum and migration ¹
<i>State of play</i> | 15265/22 + ADD 1 |
| 11. | Cooperation between competent authorities dealing with
counter-terrorism ^{1 3}
<i>State of play presented by the Presidency of the Counter
Terrorism Group (CTG)</i> |  |
| 12. | Council Recommendation on the resilience of critical
infrastructure
<i>Adoption</i> | 15454/22 |
| 13. | Any other business | |
| a) | Prague Process Ministerial Conference (Prague 24 and
25 October 2022)
<i>Information from the Presidency</i> | 12629/22 + ADD 1 |
| b) | EU-Western Balkans Ministerial Forum on Justice and
Home Affairs (Tirana, 3-4 November 2022)
<i>Debrief by the Presidency</i> | 14331/22 |
| c) | EU-US Justice and Home Affairs Ministerial Meeting,
Washington (14-15 December 2022)
<i>Information from the Presidency</i> | 14779/22 |
| d) | Wildfire preparedness in the context of the Union Civil
Protection Mechanism
<i>Information from the Commission</i> | |
| e) | Union Civil Protection Mechanism response to the
challenges arising from the war in Ukraine
<i>Information from the Commission</i> | |
| f) | Designation of the Director General of the International
Organisation for Migration (IOM)
<i>Information from Portugal</i> | 15637/22 |
| g) | Work programme of the incoming Presidency
<i>Presentation by the Swedish delegation</i> | |

¹ Exceptionally, in the presence of the Schengen Associated States.
³ The EU Agency Europol is invited to this point.

JUSTICE

Legislative deliberations

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

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| 14. | e-evidence |  | 15267/22 |
| | a) Regulation on European Production and Preservation Orders for e-evidence | | |
| | b) Directive on appointment of legal representatives for gathering evidence | | |
| | <i>Progress report</i> | | |
| 15. | Directive on asset recovery and confiscation |  | 15010/22 |
| | <i>Policy debate</i> | | |
| 16. | Important steps on legislative files |  | |
| | a) Directive on protection of the environment through criminal law | | 15006/22 |
| | <i>General approach</i> | | + ADD 2-3 |
| | b) Regulation on the digitalisation of judicial cooperation and access to justice | | 15205/22 |
| | <i>General approach</i> | | 15139/22 |
| | c) Directive on the digitalisation of judicial cooperation | | 15205/22 |
| | <i>General approach</i> | | 15138/22 |
| 17. | Directive against strategic lawsuits against public participation ("anti-SLAPP Directive") |  | 15222/22 |
| | <i>Policy debate</i> | | |
| 18. | Any other business | | 15288/22 |
| | Current legislative proposals | | |
| | <i>Information from the Presidency</i> | | |

Non-legislative activities

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|-----|--|--|----------|
| 19. | Fight against antisemitism ⁴ | | 15165/22 |
| | <i>Exchange of views</i> | | |
| 20. | Conclusions on the fight against impunity regarding crimes committed in connection with Russia's war of aggression against Ukraine | | 15237/22 |
| | <i>Approval</i> | | |

⁴ The Fundamental Rights Agency is invited to this point.

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| 21. | Conclusions on enhancing the capacities of the European Judicial Cybercrime Network (EJCN)
<i>Approval</i> | 15003/22 |
| 22. | EU accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)
<i>Policy debate</i> | 14858/22
13873/22 |
| 23. | Any other business | |
| a) | EU-Western Balkans Ministerial Forum on Justice and Home Affairs, Tirana, 3-4 November 2022
<i>Debrief by the Presidency</i> | 14331/22 |
| b) | EU-US Justice and Home Affairs Ministerial Meeting, Washington, 14-15 December 2022
<i>Information from the Presidency</i> | 14779/22 |
| c) | Conference on whistleblowing
(Prague, 26-27 October 2022)
<i>Information from the Presidency</i> | |
| d) | Workshop on digitalisation of justice
(Brussels, 24 October 2022)
<i>Information from the Presidency</i> | |
| e) | Recommendation on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions
<i>Information from the Commission</i> | 15292/22 |
| f) | EU 2022 Annual Report on the application of the EU Charter of Fundamental Rights
<i>Information from the Commission</i> | 15737/22 |
| g) | Work programme of the incoming Presidency
<i>Presentation by the Swedish delegation</i> | |

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In the margins of the Council of the European Union:

THURSDAY 8 DECEMBER 2022 (10.00)

Meeting of the SCHENGEN MIXED COMMITTEE

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

Full application of the Schengen acquis in Bulgaria, Croatia and Romania

a) Council Decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania 15218/22

b) Council Decision on the full application of the provisions of the Schengen acquis in Croatia 14239/22

Policy debate

Overall state of the Schengen area ⁵

a) Schengen barometer 15674/22

b) Schengen Council cycle 15271/1/22 REV 1

c) Internal security: counteracting migrant smuggling 15086/22

d) Interoperability

State of play

Any other business

Current legislative proposals

15288/22

Information from the Presidency



First reading



Restricted item



Item based on a Commission proposal

(*) Item on which a vote may be requested

⁵ The EU agencies Frontex, Europol and eu-LISA are invited to this point.