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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Justice and Home Affairs)  
3 and 4 March 2022

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**HOME AFFAIRS**

**1. Adoption of the agenda**

The Council adopted the agenda set out in 6543/22.

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

**(a) Non-legislative list**

6544/22

The Council adopted the "A" items listed in 6544/22 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

8. Transfer No DEC 05/2022 (Section III – Commission)  
*Approval*  
approved by Coreper, Part 2, on 23 February 2022

**C** 6210/22  
6061/22 + **COR 1 (es)**  
FIN

EU positions for international negotiations

17. Council Decision concerning the position to be taken on behalf of the EU in the North Pacific Fisheries Commission  
*Adoption*  
approved by Coreper, Part 1, on 2 March 2022

**C** 6414/22 + ADD 1  
5663/22 + **COR 1 (mt)**  
PECHE

Health

20. Council Decision authorising the opening of negotiations on behalf of the European Union for the conclusion of an international agreement on pandemic prevention, preparedness and response as well as for the negotiations of complementary amendments to the International Health Regulations (2005)  
*Adoption*  
approved by Coreper, Part 1, on 23 February 2022

6335/22 + **COR 1 (es)**  
+ ADD 1  
+ **ADD 1 REV 1 (et)**  
+ **ADD 1 REV 2 (lv)**  
6133/22 + ADD 1  
SAN

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

6545/22

Employment and Social Policy

**Revision of Directive on carcinogens and mutagens at work (fourth batch)** **OC**

6445/22 +ADD 1  
+ ADD 2 REV 2  
PE-CONS 89/21  
SOC

*Adoption of the legislative act*

approved by Coreper, Part 1, on 2 March 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 153 TFEU)

Statements to this item are set out in the Annex.

**Non-legislative activities**

3. European response to the situation in Ukraine
- a) Decision implementing the temporary protection provided for in Council Directive 2001/55/EC of 20 July 2001  
*Agreement in principle on activation*
- b) Other issues related to the situation in Ukraine

6719/22

**OTHER HOME AFFAIRS ISSUES**

4. Asylum/migration: review of progress achieved<sup>1</sup>  
*Progress report*

6264/22

**Legislative deliberations**

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

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

6308/22

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

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States. The European agencies EUAA and Frontex are invited for this item.

## Non-legislative activities

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

6. Overall state of the Schengen area<sup>2</sup>
- (a) Political governance of Schengen
  - (b) Situation report 6234/22 + COR 1  
*Exchange of views* 6408/22
7. Council Regulation on the Schengen evaluation and monitoring mechanism ☐ C 6685/22  
*General approach*

### **OTHER HOME AFFAIRS ISSUES**

8. Conclusions on civil protection work in view of climate change 6528/22  
*Approval*
9. Council statement on Interpol red notices 6217/22  
*Approval*
10. Any other business

## **FRIDAY 4 MARCH 2022 (10.15)**

### **JUSTICE**

#### **Legislative deliberations**

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

11. **Electronic evidence**
- (a) **Regulation on European Production and Preservation Orders for electronic evidence** 🗳️ C 6322/22 + COR 1
  - (b) **Directive on legal representatives for gathering evidence** 🗳️ C  
*Progress report*

The Presidency provided a progress report on the ongoing negotiations with the European Parliament on these two legislative proposals, including information on the last trilogue which took place on 1 March 2022.

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<sup>2</sup> The European agencies Frontex, Europol and eu-LISA are invited for this item.

12. **Any other business**

a) **Current legislative proposals**

6308/22

*Information from the Presidency*

b) **Directive on corporate due diligence ('sustainable corporate governance')**

c) **Data act**

*Information from the Commission*

The Presidency informed the Council on the state of play on current legislative proposals in the field of justice.

The Commission provided information to the Council on two recent legislative proposals: the proposals for a Directive on corporate due diligence and for a Data Act.

**Non-legislative activities**

13. Council Decision on hate speech and hate crimes

**C** 6523/22

*Policy debate*

14. Fundamental rights

(a) Exchange of views with the Director of the European Union Agency for Fundamental Rights (FRA)

(b) Conclusions on combating racism and antisemitism

6406/22

*Approval*

15. Issues related to access to a lawyer

6319/22

*Exchange of views*

16. Any other business

(a) Allegations of trading in influence

(b) Allegations of violence against demonstrators during protests against COVID-19 restrictions

(c) Prosecution of a Polish judge in Belarus

*Information from the Polish delegation*

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**1** First reading

**C** Item based on a Commission proposal

Statements to the legislative "A" items set out in doc. 6545/22

**Ad "A" item 1:**                    **Revision of Directive on carcinogens and mutagens at work (fourth batch)**  
*Adoption of the legislative act*

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND BY THE COUNCIL on the scope of Directive 2004/37/EC**

“The European Parliament and the Council share the common understanding that hazardous medicinal products which contain substances which meet the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxin (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008 fall under the scope of Directive 2004/37/EC. All requirements of Directive 2004/37/EC apply to hazardous medicinal products accordingly.”

**STATEMENT BY THE COMMISSION on hazardous medicinal products**

“The Commission highlights the importance of protecting workers from the adverse health effects that occupational exposure to certain hazardous medicinal products can have.

In this regard, it is acknowledged that certain hazardous medicinal products which contain one or several substances meeting the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxicant (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008, fall under the scope of Directive 2004/37/EC.”

**STATEMENT BY THE COMMISSION on the action plan and legislative proposals**

“The obligations imposed on the Commission in Article 18a, third paragraph, regarding the presentation of an action plan and the presentation of a legislative proposal cannot go against the institutional prerogatives of the Commission and its right of initiative deriving directly from the Treaties.

Article 18a, third paragraph, refers to Article 16 of Directive 2004/37/EC, which lays down an obligation to set limit values on the basis of the available information, including scientific and technical data, in respect of all those substances for which this is possible. In implementing this provision, the Commission is also invited to present the action plan referred to in Article 18a, third paragraph. For reasons of transparency, this action plan will consist of a listing of the next 25 new or revised substances to be scientifically evaluated. The evaluations of the listed substances will form part of the established procedure including consultation of social partners, the opinion of the ACSH and impact assessment preparing any necessary legislative proposals in due time.”



**STATEMENT BY AUSTRIA, BULGARIA, CYPRUS, ESTONIA, GERMANY, HUNGARY, IRELAND, LATVIA, LITHUANIA, LUXEMBOURG, SLOVAKIA, DENMARK, ROMANIA, PORTUGAL**

“Austria, Bulgaria, Cyprus, Estonia, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia, Denmark, Romania, Portugal support any measure to increase the safety and health of workers. In this context, the progress is welcomed that has been made not only in setting new and stricter limit values for carcinogens but also in extending the scope of the Directive to reprotoxic substances.

However, it is regrettable that such substantial changes were made without involving the Advisory Committee for Safety and Health at Work. It would have been desirable to analyse in detail which article or provision should apply or not apply to reprotoxics. That concerns in particular the minimal requirements on health surveillance.”

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