



Brussels, 22 December 2025
(OR. en)

16527/25
PV CONS 65
JAI 1872
COMIX 439
PARLNAT

DRAFT MINUTES

COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs)

8 and 9 December 2025

MONDAY, 8 DECEMBER 2025

HOME AFFAIRS

1. Adoption of the agenda

16051/25

The Council adopted the agenda set out in document 16051/25.

2. Approval of "A" items

a) Non-legislative list

16035/25 + COR 1

The Council adopted all "A" items listed in the document above, including all linguistic COR and REV documents presented for adoption.

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

16038/1/25 REV 1

Justice and Home Affairs

1. Regulation on enhancing police cooperation in the fight against migrant smuggling and trafficking in human beings

OC

15999/25

PE-CONS 46/25

ENFOPOL

Adoption of the legislative act

approved by Coreper, Part 2, on 03.12.2025

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(2) TFEU). In accordance with the relevant Protocols annexed to the Treaties, Denmark did not participate in the vote.

Foreign Affairs

2. Regulation amending Regulation (EU) 2024/823 on exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association Process

OC

15908/25

PE-CONS 45/25

POLCOM

Adoption of the legislative act

approved by Coreper, Part 2, on 03.12.2025

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).

Internal Market and Industry

3. **Regulation on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004**
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 03.12.2025

OC

15910/1/25 REV1 +
REV1 ADD1
12331/25 + ADD 1
MI

The Council adopted 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, with Germany and Italy voting against (legal basis: Article 114 TFEU).

Justice and Home Affairs

4. **Regulation on the Union Civil Protection Mechanism (UCPM) and Union support for health emergency preparedness and response**
Progress report
approved by Coreper, Part 2, on 03.12.2025

OC

16046/25
PROCIV

The Council took note of the progress report.

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

Legislative deliberations

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

3. **Regulation establishing a common system for the return of third-country nationals staying illegally in the EU**
General approach

OC

16521/25
15604/1/25 REV 1
ADD 1-2

The Council reached a general approach on the proposal for a Regulation establishing a common system for the return of third-country nationals staying illegally in the EU.

Non-legislative activities

| | | |
|----|---|----------|
| 4. | Overall state of the Schengen area Implementation of Schengen Council cycle priorities: Securing our external borders <i>Exchange of views</i> | 15950/25 |
| 5. | Implementation of interoperability: post-2026 roadmap <i>Approval</i> | 15667/25 |

OTHER HOME AFFAIRS ISSUES

Legislative deliberations

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

| | | |
|----|--|---|
| 6. | Regulation establishing a list of safe countries of origin at Union level <i>General approach</i> |  16025/25 +ADD 1 |
| 7. | Regulation amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept <i>General approach</i> |  16004/25 + ADD 1 |

The Council reached a general approach on the proposal for a Regulation establishing a list of safe countries of origin at Union level.

7. **Regulation amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept**  16004/25 + ADD 1
General approach

The Council reached a general approach on the proposal for a Regulation amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept.

8. **Any other business**
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 Home Affairs.

Non-legislative activities

| | | |
|-----|--|---|
| 9. | Implementation of the Pact on Migration and Asylum | |
| | a) The European Annual Asylum and Migration Report <i>State of play</i> | 15196/25 + ADD 1 |
| | b) Council Implementing Decision on the establishment of the Annual Solidarity Pool for 2026 <i>Political agreement</i> | C 16047/1/25 REV 1 R-UE |
| 10. | The impact of the current geopolitical environment on the EU's internal security ^{1 2} <i>Exchange of views</i> | 15564/25 |
| 11. | Countering security challenges: assessment by the European domestic intelligence and security services* ^{1 2 3} <i>State of play</i> |  C-UE/EU-C |
| 12. | The fight against drug trafficking and organised crime ⁴ <i>State of play</i> | 15571/25 |
| 13. | Any other business | |
| | a) EU drugs strategy and EU Action Plan against drug trafficking <i>Information from the Commission</i> | 15573/25 16353/25 |
| | b) Access to data for effective law enforcement <i>Information from the Presidency</i> | 15481/25 + ADD 1 |
| | c) EU-Western Balkans ministerial forum on Justice and Home Affairs (Sarajevo, 30-31 October 2025) <i>Debrief by the Presidency</i> | 12936/1/25 REV 1 |
| | d) EU-US ministerial meeting on Justice and Home Affairs (Washington, DC) <i>Information from the Presidency</i> | 15441/25 |
| | e) Work programme of the incoming Presidency <i>Presentation by Cyprus</i> | 15443/25 |

¹ In the presence of the Schengen associated Countries.

² In the presence of the European agencies Europol and Frontex.

* Without electronic devices. Format 1+0.

³ In the presence of the Director General of the Security and Intelligence Service (PET) of Denmark.

⁴ In the presence of the European agencies EUDA and Europol.

Legislative deliberations

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

14. Any other business

Current legislative proposals

15282/25

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

15. Way forward for a simplified application of the General Data Protection Regulation (GDPR)

15421/1/25 REV 1

State of play

16. Conclusions on model provisions for EU criminal law

14959/25+ COR 1

Approval

17. Russia's war of aggression against Ukraine: fight against impunity⁵

15131/25

15132/1/25 REV 1

Exchange of views

18. The fight against drug trafficking and organised crime

15571/25

State of play

19. Any other business

a) EU drugs strategy and EU Action Plan against drug trafficking

15573/25

Information from the Commission

16353/25

b) Access to data for effective criminal investigations

15481/25 + ADD 1

Information from the Presidency

⁵

In the presence of the European agency Eurojust.

| | | |
|----|---|----------------------------------|
| c) | EU-Western Balkans ministerial forum on Justice and Home Affairs (Sarajevo, 30-31 October 2025) <i>Debrief by the Presidency</i> | 12936/1/25 REV 1 |
| d) | EU-US ministerial meeting on Justice and Home Affairs (Washington, DC) <i>Information from the Presidency</i> | 15441/25 |
| e) | Digital justice and judicial training strategies <i>Information from the Commission</i> | 16190/25 15742/25 15476/25 |
| f) | Annual Report on the application of the Charter of Fundamental Rights in the EU <i>Information from the Commission</i> | 15454/25 16065/25 |
| g) | Bridging the Gap: Investigative Measures for Cross-Border Asset Recovery in the Execution Phase <i>Information from Belgium</i> | 15617/25 + ADD 1 |
| h) | Work programme of the incoming Presidency <i>Presentation by Cyprus</i> | 15488/25 |



First reading



Restricted item



Item based on a Commission proposal

R-UE Document classified RESTREINT UE/EU RESTRICTED

Statements to the legislative "B" items set out in doc. 16051/25

Ad "B" item 3: **Regulation establishing a common system for the return of third-country nationals staying illegally in the EU**
General approach

STATEMENT BY IRELAND

Ireland is pleased that a General Approach has been reached on the *Regulation on establishing a common system for the return of third-country nationals staying illegally in the EU*.

Ireland notes that the General Approach has removed the hybrid elements of the original European Commission proposal.

There is nothing in the Treaties, Protocols or case law of the Court of Justice of the European Union which precludes, as a matter of principle, the adoption of hybrid measures; that is, a Union act which contains both provisions that constitute the development of the Schengen *acquis* and provisions that form part of the area of freedom, security and justice more broadly.

Ireland recalls that hybrid instruments are legally valid and can serve to reflect complex realities where the rules need to apply to both Schengen and non-Schengen situations.

Ireland recalls that a number of Union measure in the area of freedom, security and justice already combine, within a single instrument, provisions which constitute developments of the Schengen *acquis* and provisions which do not have that character. Indeed, there are situations when variable geometry and hybridity are the most appropriate way to ensure all elements are captured in a single measure and that the maximum number of Member States and Schengen associated countries can participate.

Ireland notes the indication of support should Ireland make a request to amend Council Decision 2002/192, in order to allow Ireland's participation in the Schengen *acquis* as regards returns, including the Regulation.

STATEMENT BY GREECE

Greece attaches great importance in the establishment of a common EU system for returns, as soon as possible. A common system will enhance the uptake of voluntary returns and disincentivize unauthorized movements between the Member States by providing for a credible forced return pillar and by harmonizing certain rules and procedures, including the application of a mandatory system of mutual recognition and enforcement of return decisions.

In this context, Greece extends its sincere appreciation to the Danish Presidency, for the dedicated efforts throughout the negotiation process in improving the text and in pursuit of a balanced compromise. In particular, Greece welcomes the improvements made regarding the provisions regulating return hub, entry ban, return of third country-nationals posing security risks, obligations during the return procedure, measures to promote return and detention.

However, Greece believes that the triggering mechanism for the transition to the mandatory system of mutual recognition of return decisions should be simpler, faster and more efficient and not through a new amendment of the Regulation in the future.

Furthermore, Greece maintains its substantial reservations regarding the broadening of possibilities for transfers between the Member States on the basis of a vague cooperation framework [Art. 8 (1)(b) combined with Article 44 (1)(c)].

For those reasons, Greece is abstaining on the General Approach on the Regulation on establishing a common system for the return of third-country nationals staying illegally in the EU, as it currently stands, and during the upcoming trilogues will continue to advocate, in particular, for a certain and swifter transition to the mandatory application of the mutual recognition of return decisions.

Ad “B” item 6: Regulation establishing a list of safe countries of origin at Union level
General approach

STATEMENT BY HUNGARY

Hungary reiterates its serious reservations on the Pact on Migration and Asylum. In the context of the Union list of safe countries of origin, Hungary has always advocated for the automatic inclusion of eligible candidate countries on the Union list. We believe that this inclusion has to be automatic, without imposing any additional requirements on candidate countries to remain on the list.

Therefore, Hungary regrets that the compromise text would de facto expect eligible candidate countries to meet stricter conditions than other third countries listed in the Annex.

Hungary believes that listing the eligible candidate countries would have been the most legally sound approach, that avoids creating additional complications and that treats eligible candidate countries fairly.

In light of the above, Hungary is not in a position to support the general approach.

Ad “B” item 7: Regulation amending Regulation (EU) 2024/1348 as regards the application of the ‘safe third country’ concept
General approach

STATEMENT BY GREECE

The reform of the Safe Third Country concept marks a key step to enabling Member States to more effectively and swiftly process asylum applications and thus, expected to improve migration management.

In this context, Greece extends its sincere appreciation to the Polish and Danish Presidencies, for their dedicated efforts and constructive engagement throughout the negotiation process in pursuit of a balanced compromise. The provisions concerning the Safe Third Country concept reflect and accommodate Greece's core concerns.

However, Greece maintains its position, that the extension of the scope of Article 68(3), on the non-automatic suspensive effect, by including the cases of beneficiaries of international protection in a M-S, goes beyond the intended scope of the review of the Safe Third Country concept as outlined in Article 77.

For this reason, Greece will abstain from the vote on the amendment of Regulation (EU) 2024/1348 with regard to the application of the Safe Third Country concept.

Statements to the legislative "A" items set out in doc. 16038/1/25 REV 1

Ad "A" item 3:

Regulation on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004

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

STATEMENT BY GERMANY

Germany rejects the draft regulation as the requirements relating to the biodegradability of organic substances, to pathogenic micro-organisms and to the labelling of ingredients in the digital product passport, together with the lack of any rules restricting phosphates and phosphorus in the industrial and institutional sectors, the limits in the consumer sector and the possibility of ingredients being labelled exclusively in digital form fall short of the Council's mandate in some respects and raise environmental and health concerns.
