



Council of the
European Union

081433/EU XXVIII.GP
Eingelangt am 01/07/26

Brussels, 1 July 2026
(OR. en)

10469/26
PV CONS 37
TRANS 417
TELECOM 313
ENER 394
PARLNAT

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Transport, Telecommunications and Energy)
8 and 9 June 2026

MEETING ON MONDAY 8 JUNE 2026

1. Adoption of the agenda

The Council adopted the agenda set out in document 9799/26.

2. Approval of "A" items

a) Non-legislative list

9904/26

The Council adopted all "A" items listed in the document above, including all linguistic 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)

9906/26 + COR 1

Foreign Affairs

1. Review of the Foreign investment screening Regulation



9644/26 + ADD 1
PE-CONS 10/26
POLCOM

Adoption of the legislative act

Approved by Coreper, Part 2, on 03.06.2026

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: Articles 114 and 207(2) TFEU).

A joint statement by the European Parliament and the Commission is set out in the Annex.

2. Regulation addressing the effects of global overcapacity on the Union steel market



9645/1/26 REV 1 +
ADD 1 + ADD 2
REV 2
PE-CONS 23/26 +
COR 1
POLCOM

Adoption of the legislative act

Approved by Coreper, Part 2, on 03.06.2026

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), with Estonia voting against and Portugal abstaining.

Joint statements by the European Parliament, the Council and the Commission, by Estonia, Latvia and Lithuania, and by Sweden, Latvia, Lithuania, Finland, Estonia and Denmark are set out in the Annex.

Justice and Home Affairs

3. **Directive amending Directive 2012/29/EU on the rights of victims**  9646/26 + ADD 1-2
Adoption of the legislative act PE-CONS 11/26
Approved by Coreper, Part 2, on 03.06.2026 JAI

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 82(2)(c) TFEU), with Malta and Slovakia abstaining.

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

Statements by Hungary, by Italy, by Malta, by Slovakia and by Portugal are set out in the Annex.

TRANSPORT

Legislative deliberations

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

Land

3. **Regulation on clean corporate vehicles**  8947/26
Progress report

The Council took note of the progress report.

Non-legislative activities

4. Decarbonisation efforts in the transport sector beyond 2030
Exchange of views 9380/26 + COR 1
5. Conclusions on the EU Maritime Industrial Strategy
Approval 9700/26
+ ADD 1 REV 1
+ ADD 1 REV 1
COR 1 (en)
6. Conclusions on the EU Ports Strategy
Approval 9714/26

Any other business

7. a) **Simplification and acceleration of EU-level railway systems certification and authorisation procedures to speed up ERTMS deployment** [2] 9763/1/26 REV 1
Information from Greece

The Council took note of the information provided by Greece, supported by Austria, Czechia, Hungary, Italy, Luxembourg, Portugal and Romania.

- b) **Unlocking European Rail Traffic Management System (ERTMS) Deployment: Stability, Simplicity and Interoperability First** [2] 9556/26
Information from Belgium

The Council took note of the information provided by Belgium, supported by Austria, Czech Republic, Estonia, Hungary, Luxembourg, the Netherlands, Portugal, Romania and Sweden.

Slovakia orally expressed support for the initiative and requested that to be registered in the Council's minutes.

- c) **Competitiveness of the European Rail Freight Transport** [2] 9903/1/26 REV 1
Information from Austria, Belgium, Croatia, Czechia, Greece, Hungary, Portugal, Romania and Slovakia

The Council took note of the information provided by Austria, Belgium, Croatia, Czechia, Greece, Hungary, Portugal, Romania and Slovakia.

d) A strategic approach for the European railway industry

 10057/1/26 REV 1

Information from Austria, Croatia, France, Germany, Greece, Italy, Luxembourg, Poland, Portugal and Romania

The Council took note of the information provided by Austria, Croatia, France, Germany, Greece, Italy, Luxembourg, Poland, Portugal and Romania.

e) Competitiveness of the EU rail industry

 9748/1/26 REV 1

Information from Croatia, Portugal and Spain

The Council took note of the information provided by Croatia, Portugal and Spain.

Romania orally expressed support for the initiative and requested that to be registered in the Council's minutes.

f) Presentation of the sixth progress report of the platform on International Rail Passenger Transport (IRP)

 9753/26

Information from Austria and the Netherlands

The Council took note of the information provided by Austria and the Netherlands.

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

Passenger Package

Information from the Commission

  9306/26
9313/26 + ADD 1-2
9348/26

The Council took note of the information provided by the Commission.

h) EU Large-Scale Cross-Border Testbed initiative for autonomous vehicles

 9848/26

Information from the Commission

The Council took note of the information provided by the Commission.

- i) **Clean Transport Corridor initiative** [2] 9862/26
Information from the Commission

The Council took note of the information provided by the Commission.

- j) Crisis in the Middle East: Coordination and response measures in the transport sector - Follow up on the VTC Transport Ministers Meeting on 21 April 2026
Information from the Presidency and the Commission

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

- i) **Regulation on Military Mobility** [1] [C] 15793/25
15794/25 + ADD 1
- ii) **Regulation on air passenger rights** [C] 7615/13
- iii) **Regulation on enforcement of passenger rights in the Union** [1] [C] 16284/23 + ADD 1
- iv) **Directive amending Council Directive 96/53/EC laying down for certain road vehicles the maximum authorised dimensions and the maximum authorised weights** [1] [C] 11722/23 + ADD 1
- v) **Directive amending Directive 1999/62/EC (Eurovignette)** [1] [C] 13259/25 + ADD 1
Information from the Presidency

The Council took note of the information provided by the Presidency.

- l) **Ongoing study on discontinuing seasonal time changes** [2] 10045/26
Information from the Commission

The Council took note of the information provided by the Commission.

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

Call to continue discussions on the proposal for a revision of the combined transport directive
Information from Malta

  9877/26

The Council took note of the information provided by Malta.

n) Unruly passengers: sharing of no-fly lists between airlines
Information from the Netherlands

 10063/1/26 REV 1

The Council took note of the information provided by the Netherlands, supported by Estonia, Hungary and Poland.

o) Drone threats to civilian transport infrastructure and operations
Information from Estonia, Latvia, Lithuania, Poland and Romania

 10191/26

The Council took note of the information provided by Estonia, Latvia, Lithuania, Poland and Romania.

p) Publication of the ETS Aviation Commission's evaluation report
Information from France, Czechia, Finland, Greece, Luxembourg and Poland

 10169/26

The Council took note of the information provided by France, Czechia, Finland, Greece, Luxembourg and Poland.

q) Work programme of the incoming Presidency
Information from Ireland

MEETING ON TUESDAY 9 JUNE 2026

TELECOMMUNICATIONS

Legislative deliberations

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

8. **Regulation on the establishment of European Business Wallets**  9684/26 + ADD 1
General approach

The Council reached a general approach on the Regulation on the establishment of European Business Wallets as set out in document 10346/26 + ADD 1.

Germany and Spain presented statements, as set out in the Annex.

Austria, Estonia, Malta, Poland and Slovenia presented a joint statement, as set out in the Annex.

9. **Regulation on digital networks (Digital Networks Act)**  9685/26
Progress report

The Council took note of the progress report.

10. **Cybersecurity Package**  9399/26

- a) **Regulation on the Cybersecurity Act 2 (CSA2)**
- b) **Directive amending Directive (EU) 2022/2555 as regards simplification measures and alignment with the Cybersecurity Act 2**
Progress report

The Council took note of the progress report.

Non-legislative activities

11. Strengthening EU–ITU cooperation for inclusive, secure and sustainable digital transformation¹ 9254/26
Exchange of views
12. Technological sovereignty of Europe’s public administrations 9253/26
Exchange of views

¹ In the presence of the Secretary General of the International Telecommunication Union (ITU).

Any other business

13. a) **Current legislative proposals (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)** 1C
- i) **Digital Omnibus** 9247/26
15708/25
15698/25
- ii) **European Competitiveness Fund (Chapter VI on Support for Digital Leadership)** 11770/1/25 REV 1
Information from the Presidency

The Council took note of the information provided by the Presidency.

- b) **An International Digital Strategy for the European Union: Taking Stock One Year On** 2 9880/26
Information from the Commission

The Council took note of the information provided by the Commission.

- c) **Outcomes of the D9+ Ministerial meeting (Luxembourg, 8 June 2026)** 2 9881/26
Information from Luxembourg

The Council took note of the information provided by Luxembourg.

- d) **Protection of Minors Online: Key Takeaways from the Informal meeting of Telecommunication Ministers (Nicosia, 29-30 April 2026)** 2 9910/26 + COR 1
Information from the Presidency

The Council took note of the information provided by the Presidency.

- e) **Work programme of the incoming Presidency**
Information from Ireland

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- 1 First reading
- C Item based on a Commission proposal
- 2 Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
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Statements to the legislative "B" items set out in doc. 9799/26**Ad "B" item 8:****Regulation on the establishment of European Business Wallets**
*General approach***STATEMENT BY GERMANY**

“Germany expressly welcomes and supports the objective of the proposed Regulation to further advance the digital single market and sustainably strengthen Europe’s competitiveness. The compromise text presented by the Council Presidency – which Germany endorses – should be refined during the further legislative process to ensure that the desired level of ambition for a broadly usable European Business Wallet (EBW) is achieved and the principle of legal certainty is adhered to. For Germany, the following points are of central importance and must be addressed in the trilogue:

1. It is essential to ensure that wallet providers meet the security requirements of public applications with higher security standards. To this end, we consider it necessary to establish uniform, binding minimum requirements, which could be regulated in the implementing acts for Articles 7 and 11. It does not seem realistic to expect wallet providers to be solely responsible for considering all sector-specific requirements as part of the risk assessments they are required to conduct. Instead, this task should be undertaken by the Commission in collaboration with the Member States. Clear minimum security requirements would establish a consistent, EU-wide baseline, offer application providers reliable benchmarks for verifying the security level of wallets and furnish supervisory bodies with clear criteria for evaluating the self-declarations of wallet providers.
2. There is consensus regarding the understanding – as confirmed by the Cyprus Presidency and the European Commission – that the principle of equivalence brings about a technical equality of the core functionalities pursuant to Article 5(1) with their manual or physical equivalents. Therefore, the qualified trust service pursuant to Article 3, point (17) of Regulation (EU) 910/2014 is to be understood as the ‘resulting action’ resulting from the use of the core functionalities – such as the qualified electronic signature replacing the handwritten signature – which has the same legal effects as if the action had been *‘lawfully carried out in person, in paper form, or via any other means or processes that would be deemed compliant with applicable legal, administrative provisions, or procedural requirements’*.

Mandatory national procedural requirements, indispensable attendance requirements, sovereign preventive control mechanisms, and obligations to provide advice, instruction and verification (e.g. regarding legal capacity capacity to conduct business capacity, and understanding) remain unaffected in their protective function, in accordance with recital 6.

Against this background, Germany sees a need to narrow down the broad wording of Article 4. The principle of legal certainty requires rules to be precise, clear and transparent so that individuals can understand what their rights and obligations are. To avoid legal fragmentation and ongoing disputes over interpretation before European and national courts, the co-legislators are called upon to incorporate the aforementioned understanding in the enacting terms of the Regulation, for example by limiting the wording to the substitution of the respective ‘equivalent’ action..”

STATEMENT BY SPAIN

“Spain reaffirms its strong commitment to the digital transformation of the European single market and to reducing administrative burdens for businesses. Despite the reservations set out below, and in a constructive spirit, Spain supports the general approach on the European Business Wallet (EBW) Regulation, convinced that a shared step forward is essential for the competitiveness and simplification goals set out in the Letta and Draghi reports.

Spain welcomes the significant progress achieved throughout the negotiation and acknowledges the Presidency's efforts to accommodate Member States' concerns. In particular, Spain takes note of the safeguards introduced in the recitals and in Article 4 regarding the relationship between the EBW and existing national digital infrastructures, and considers them a meaningful step in the right direction.

Nevertheless, Spain maintains a substantive concern regarding Article 16(1). As currently drafted, the Regulation could be interpreted as allowing economic operators to submit documents or data to public administrations through the EBW even where dedicated digital interfaces — such as specialised portals, structured web forms, or sector-specific web services — are already established and legally required under national or Union law. These interfaces often embed data validation rules, business logic, and complex system integrations that cannot simply be bypassed. Spain and other Member States have invested significantly in such infrastructures in areas such as tax administration, social security, and company registration. Placing these systems in legal uncertainty would not only risk disrupting well-functioning public services, but would ultimately harm the very businesses the Regulation seeks to help: companies that today rely on predictable, integrated digital channels would face the risk of inconsistent implementation across Member States, and the operational burden of navigating parallel communication channels with public administrations. Spain considers it essential that the continued use of these interfaces is not put in doubt.

Spain also regrets that Article 2(2) does not explicitly cover existing legally mandated systems and procedures governing the exchange of documents and data between competent authorities and economic operators (B2G). The current without-prejudice clause is limited to exchanges between competent authorities (G2G), leaving room for legal uncertainty that could affect well-established national digital channels. Spain notes that several other delegations share this concern and considers that a targeted amendment to this provision would have significantly strengthened the text. Furthermore, Spain considers it important that the exclusion of the administration of justice from the scope of this Regulation be given full normative force through a provision in the operative part of the text, rather than relying solely on recital language, which carries no binding legal effect.

Spain trusts that the implementing acts provided for under Article 4 will be developed in close cooperation with Member States and will offer a meaningful opportunity to address the technical and operational concerns that remain open. Spain stands ready to engage actively and constructively in that process, with a view to ensuring that the EBW genuinely complements — rather than disrupts — the existing digital infrastructure that businesses and administrations across Europe rely upon.”

JOINT STATEMENT BY AUSTRIA, ESTONIA, MALTA, POLAND AND SLOVENIA

“We strongly support the objectives of the European Business Wallet (hereinafter *EBW*), in particular the digitalisation of the Single Market and the reduction of unnecessary administrative burdens for economic operators. At the same time, **we would like to highlight several important concerns that should be duly reflected in the EBW framework:**

- The Regulation should clearly ensure that the EBW does not duplicate existing national and Union digital solutions and does not replace or undermine them. Well-established systems for the exchange of data and documents, including those used between competent authorities and economic operators, should remain fully usable.
- The implementation of EBW functionalities should be guided by a clear demonstration of added value and should apply only where appropriate, taking into account the diversity, complexity and specific requirements of administrative procedures across Member States.
- Existing legal requirements, infrastructures and technical systems, including sector-specific digital solutions already in operation, should continue to be respected and remain fully operational.
- The EBW should not create disproportionate administrative or financial burdens, in particular for SMEs and public administrations. Its use should bring clear benefits and should not lead, in practice, to reliance on intermediary services where efficient public digital services already exist.
- Finally, interoperability, clear technical standards and close cooperation with Member States in the preparation of implementing acts will be essential to ensure the smooth and practical implementation of the EBW.

A balanced and workable solution should deliver tangible benefits for businesses while respecting existing national and European digital ecosystems.”

Ad "A" item 1:

Review of the Foreign investment screening Regulation
Adoption of the legislative act

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COMMISSION
on the need for further action on foreign investments and economic security**

“The European Parliament and the Commission agree that the Union needs to remain an attractive place to do business, ensuring that foreign investments, especially in strategic sectors, contribute to economic growth and competitiveness. The two institutions acknowledge, however, that certain investments risk creating strategic dependencies and undermining the resilience of the internal market. These developments risk weakening the Union’s economic security and may undermine the Union’s technological edge, economic resilience and capacity to create jobs. 9644/26 ADD 1 2 GIP.INST.002 EN Against this background, the two institutions consider it a priority to assess and take the necessary further action at Union level to address such risks and to safeguard the Union’s economic security in order to ensure that foreign investments in the Union do not increase strategic dependencies or technological gaps. The Commission intends to take an initiative to set out targeted conditions for inbound foreign investments in carefully identified strategic sectors, in line with the Union's international commitments, with a view to boosting Union industry’s competitiveness and addressing the abovementioned risks. The European Parliament acknowledges this commitment and is ready to exercise fully its role as co-legislator and to consider any such proposal in a timely manner.”

Ad "A" item 2:

Regulation addressing the effects of global overcapacity on the Union steel market

Adoption of the legislative act

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION on import of steel products from Russia

“Since the beginning of the war, the Union and its Member States have taken unprecedented measures to reduce economic dependencies on Russia and to work towards ensuring that the Union’s economic activity does not contribute to sustaining Russia’s war effort.

These measures have significantly reduced trade flows across a wide range of sectors, including steel, accelerated decoupling and contributed to the Union’s resilience, while also demonstrating the Union’s capacity to act in a united and decisive manner when its values and strategic interests are at stake.

At the same time, the Union must remain attentive to those areas where dependencies persist, in particular as regards certain steel products the import of which is not yet fully prohibited.

In particular, some limited imports originating from Russia continue in the steel sector until 30 September 2028, in accordance with the transitional arrangements laid down in the relevant restrictive measures adopted by the Council¹. To ensure progressive and steady diversification, these imports are capped by quotas with volumes decreasing annually.

While recalling the institutional framework applicable to restrictive measures, the European Parliament, the Council and the Commission highlight that the relevant restrictive measures adopted by the Council underpin a trajectory towards a complete phase-out of the remaining imports of Russian steel products, notably steel slabs, by 30 September 2028.”

JOINT STATEMENT BY ESTONIA, LATVIA AND LITHUANIA

“Estonia, Latvia and Lithuania would like to express its concern that the interests of accession candidate countries facing an exceptional and immediate security situation, such as Ukraine, are not sufficiently considered in the regulation. Ukraine should have been exempted from the scope of the regulation, in line with the current steel safeguard as stipulated in the regulation nr 2025/1153 which suspends certain provisions with regard to imports from Ukraine. It is important to take due account of the situation in Ukraine when allocating country-specific quotas, both now and in the future revision process of the Regulation.

The iron and steel industry remains a significant source of revenue for Ukraine — maintaining access to EU markets helps sustain Ukraine’s industrial base amid a full-scale war. Ukraine’s economy has suffered massively due to war: many steel-production facilities have been destroyed, damaged or occupied, yet the sector remains critical for maintaining economic activity, preserving jobs, and ensuring that Ukraine retains the capacity to rebuild and to integrate fully into the European economy in the future. By supporting Ukraine now, the EU helps safeguard Ukraine’s ability not only to supply goods, but also to rebuild its infrastructure, sustain employment, and avert mass economic collapse or mass displacement.

When the first exemption was introduced in 2022, the aim was to provide a “lifeline” to a severely contracting economy: under war conditions, Ukraine’s economy faced dramatic shrinkage, and traditional export routes were disrupted. In June 2025, the EU extended the suspension of safeguard measures on Ukrainian steel and iron for another three years — reaffirming the need for continued support.

Closer integration of Ukraine into the EU’s internal market — even through preferential arrangements — serves the Union’s long-term strategic interests. It strengthens economic ties, anchors Ukraine more firmly in European trade networks and supply chains, and reduces its dependence on non-EU markets. This contributes directly to European efforts of stability, reconstruction, and Ukraine’s long-term political, economic, and security integration into the EU.

Granting concessions to Ukraine — especially suspending tariffs and safeguard measures on key imports like steel — is not just a gesture of goodwill, but a strategically sound economic decision for the EU in the current geopolitical context. It helps keep Ukraine’s economy viable under wartime conditions; sustain key industrial capacity; foster deeper economic integration; facilitate reconstruction and it sends a strong and unequivocal political message of European support and solidarity.”

JOINT STATEMENT BY SWEDEN, LATVIA, LITHUANIA, FINLAND, ESTONIA AND DENMARK

“The steel industry is important for Europe. It constitutes an important part of key value chains and the union’s resilience. It is therefore essential to create the conditions for the European steel industry to remain competitive, not least in light of the challenges posed by global overcapacity.

At the same time, it is important to ensure that the regulation does not unduly affect the competitiveness of the downstream user industries negatively. The proposal has evolved in a more balanced direction when it comes to considering the interest of both producer- and downstream user industries, though further steps in this direction had been preferred. It remains crucial that the implementation of the measure, as well as future reviews, further consider the importance of reaching this balance in an evidence-based manner.

Regrettably, the measure will also have negative effects on our free trade partners. Constructive engagement, with the aim of reaching mutually acceptable solutions, is therefore essential. It is important that Ukraine’s situation is duly reflected in the allocation of country specific quotas. The Joint Statement on imports of steel products from Russia is welcomed, and it is important to ensure that the objectives of the declaration are fulfilled.”

Ad "A" item 3: **Directive amending Directive 2012/29/EU on the rights of victims**
Adoption of the legislative act

STATEMENT BY HUNGARY

“Hungary attaches fundamental importance to the clear division of competences between the European Union and the Member States as laid down in the Treaties. The principle of conferral, as enshrined in Article 5 TEU, remains the cornerstone of the EU legal order and must be fully respected in both legislative and non-legislative acts. Hungary underlines that nothing in this Directive can be interpreted as establishing a precedent affecting the allocation of competences between the Union and its Member States beyond what has been conferred to the European Union by the Treaties, nor can it prejudice the assessment of whether the Union has competence to act in a given area. The allocation of competences must always be determined strictly on the basis of the Treaties. Any interpretation of this Directive suggesting an extension of Union competences beyond what has been conferred by the Member States in the Treaties would be unacceptable.

We recall that Hungary recognises and promotes equality between men and women in accordance with the Fundamental Law of Hungary and the primary law, principles and values of the European Union, as well as commitments and principles stemming from international law. Equality between women and men is enshrined in the Treaties of the European Union and in the Charter of Fundamental Rights of the European Union as a fundamental value and right. Furthermore, Article 10 and 19 TEU, alongside Article 21 of the Charter identify, inter alia, ‘sex’ as a specific ground for discrimination, which shall be prohibited. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ in this Directive.”

STATEMENT BY ITALY

“The matter of the ‘status and legal capacity of persons’ falls within the exclusive competence of the Member States, and the European Union therefore has no legislative competence in this area (Article 5 TEU). The concept of a person’s ‘gender’ thus falls within the exclusive competence of Italy: the EU can neither define nor regulate it. The concept of ‘gender identity’ will therefore be interpreted in accordance with national law, which distinguishes gender on the basis of biological sex (male or female), as will the corresponding right to identity.

For the same reasons, the term ‘intersectional discrimination’ will be interpreted, in accordance with national law, as ‘multiple discrimination’.

Italian legislation recognises the possibility for women to access termination of pregnancy. The issue addressed in this statement is therefore not one of ‘substance’ but of ‘procedure’. This matter falls within the exclusive competence of the Member States. Therefore, as the Union has no competence in this area and there is no legal basis for it, Italy regrets that such a reference has been included in a Union legislative act.”

STATEMENT BY MALTA

“Malta welcomes all efforts that further strengthen victims’ rights. In this regard, Malta broadly welcomes the compromise package. However, Malta maintains its objection to the reference to abortion in the recitals.

Reference to abortion undermines the national competence of the Member States in relation to healthcare and their respective national healthcare system, and such overreach is nothing short of a violation of the principles of subsidiarity and proportionality.

In addition, the co-legislators have not agreed to operative provisions detailing specific treatments for victims of sexual violence, including but not limited to abortion.

The purpose of recitals is to set out concise reasons for the chief provisions of the enacting terms². The reference in the recital is thus meant to complement and inform the interpretation of the relevant provision on access to sexual and reproductive rights.

The recitals are the place where the institutions must demonstrate to have acted within the limits of their competences, that the objectives of the proposed action cannot be sufficiently achieved by the Member States and that Union action does not exceed what is necessary to achieve the objectives of the Treaties. Recitals are therefore crucial to an act’s validity. This has been consistently confirmed by the CJEU. The recital in question therefore fails the test of Article 296 TFEU.

This could give rise to the creation of a precedent in suggesting that Member States would be subject to the Commission’s evaluation of the implementation of the relevant national legal provisions which make the right to abortion legally accessible therein.

Malta will therefore abstain despite being fully precluded from the obligation to transpose and implement EU legislation on abortion by virtue of Protocol No 7 of the Act concerning the conditions of accession of the Republic of Malta³.”

² Guideline 10 of the Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of European Union Legislation.

³ https://eur-lex.europa.eu/eli/treaty/acc_2003/act_1/pro_7/sign/eng

STATEMENT BY SLOVAKIA

“The Slovak Republic takes note of the final compromise text of the Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

The Slovak Republic remains fully committed to strengthening the rights, support and protection of victims of crime and to combating all forms of violence and discrimination. In this regard, the Slovak Republic wishes to recall its position concerning the inclusion of the term “gender identity” in Articles 22 and 23 of the Directive.

Article 12 of the Constitution of the Slovak Republic prohibits discrimination and guarantees equal rights to all persons. While fully committed to the protection of all victims without discrimination, the Slovak Republic does not consider it necessary to single out or emphasise separately the concept of “gender identity”, as the protection afforded by the Directive applies equally to all victims.

The Slovak Republic further recalls that, pursuant to Article 52a of the Constitution of the Slovak Republic (Constitutional Act No. 255/2025 Coll.), the Slovak constitutional framework recognises the biologically determined sex of a man and a woman. Following the constitutional amendments adopted in 2025, the Slovak legal order recognises objective biological reality as the sole determining factor for legal categorisation at the state level. The Slovak Republic recalls that the Directive does not establish an autonomous definition of this concept under EU law and that its implementation remains within the competences of the Member States. The interpretation and application of the term “gender identity” will therefore be carried out in accordance with the constitutional order and national legislation of the Slovak Republic.

Furthermore, with regard to Recital 13 and the reference to sexual and reproductive healthcare services, the Slovak Republic recalls that the European Union does not possess a general competence in the field of healthcare policy. In accordance with Article 168(7) TFEU, the definition of health policy and the organisation and delivery of health services and medical care remain the responsibility of the Member States.

The Slovak Republic therefore understands the relevant provisions of the Directive as fully respecting the competences of the Member States and as not creating any new obligations beyond those provided for under the Treaties and national constitutional frameworks. In light of the above, the Slovak Republic will abstain from the vote while remaining committed to the protection of victims’ rights.”

STATEMENT BY PORTUGAL

“Portugal welcomes all efforts aimed at further strengthening victims’ rights. In this regard, Portugal broadly supports the compromise package.

However, Portugal maintains its objection to the reference to abortion in the recitals. Such a reference trespasses upon the national competence of the Member States and constitutes an overreach, contrary to the principles of subsidiarity and proportionality.

In addition, the co-legislators have not agreed to operative provisions detailing specific treatments for victims of sexual violence, including but not limited to abortion. Guideline 10 of the Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of European Union Legislation provides that *the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms, without reproducing or paraphrasing them*. Recitals should also *not include provisions of a non-normative nature, such as wishes or political declarations*.

The recitals are the section of a legal act in which the institutions must substantiate that they have acted within the scope of their competences, that the objectives pursued cannot be adequately achieved by the Member States alone, and that the action at Union level remains confined to what is necessary to fulfil the objectives of the Treaties. In this context, the inclusion of such a reference in recital 13 sets an undesired and unjustifiable precedent.”
