

**Background brief***3 December 2025*

# Justice and Home Affairs Council

08-09 December 2025, Brussels

**PRESS****EN**

**Chairs:** Peter Hummelgaard, Minister for Justice of Denmark; Rasmus Stoklund, Minister for Immigration and Integration of Denmark

**Commission representatives:** Michael McGrath, Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection; Magnus Brunner, Commissioner for Internal Affairs and Migration

**Starting time:**

- 8 December: 09:00
- 9 December: 09:30

**Media opportunities:**

- Doorstep Minister Rasmus Stoklund: 8 December – 8:40
- Doorstep Minister Peter Hummelgaard: 8 December – 9:00
- Doorstep Minister Peter Hummelgaard: 9 December – 8:45
- Press conference home affairs: 8 December – approx. 19:00
- Press conference justice: 9 December – approx. 15:00

**Main agenda topics:**

The main topics on the agenda of home affairs concern migration policy. In particular, ministers plan to reach common member state positions on a return regulation, a regulation about safe third countries and a regulation on a common EU list of safe countries of origin and to reach agreement on the annual solidarity pool.

Ministers of justice will, among other things, exchange views on the fight against impunity regarding crimes committed in Ukraine and on the judicial cooperation with third countries.

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[Justice](#) and [Home Affairs](#) meeting page on the Council website

[Press conferences, doorsteps and other public events in video streaming](#)

[High quality photo and video material](#)

## Home affairs

### *Migration*

When it comes to asylum and migration policy the presidency plans to receive the backing of ministers of home affairs for the Council position on three EU laws: a return regulation that should lead to swifter, simpler and more effective return procedures throughout the EU as well as the regulations on safe third country and on safe country of origin which should make asylum procedures faster and more effective.

The safe third country concept allows EU member states to reject an asylum application as inadmissible (i.e. without examining its substance) when asylum seekers could have sought international protection in a non-EU country that is considered safe for them. The EU list of safe countries of origin will make it possible for EU member state authorities to treat the applications of people coming from these countries in an accelerated manner, leading to swifter procedures and faster returns of those who are not in need of protection.

Furthermore, ministers aim to reach agreement on the annual solidarity pool, the new mechanism that will lead to a fairer sharing of responsibility in the asylum area. Together with other parts of the Pact on migration and asylum, the solidarity mechanism will become applicable as from 12 June 2026. The purpose is to reduce irregular migratory pressure on the EU, while helping the member states under most pressure.

The expected agreement on the solidarity pool will put forward an overall number for the entire EU of required relocations (of asylum seekers from member states under migratory pressure to other member states) and financial contributions. It will furthermore contain the pledges of member states, who can choose to contribute with relocation offers, financial contributions or alternative measures (e.g. material or in-kind assistance). The official adoption of the Council decision on the solidarity pool will not take place at the Council meeting but will happen following legal scrubbing and translation before the end of 2025.

[EU migration and asylum policy \(background information\)](#)

[EU asylum rules \(background information\)](#)

### *Schengen*

The focus of the Schengen-related discussion will be about strengthening the external borders. Ministers will in an informal lunch setting be asked to exchange views about how to collectively address key challenges in the field of border management at the external borders.

Ministers will be asked to approve a roadmap for the roll-out of the EU's interoperability architecture in 2027-2028. They will be informed of the steps towards the elaboration of the remaining interoperability elements. With the entry/exit system for borders, the ETIAS travel authorisation system and the updated fingerprint database Eurodac having started operations in 2025 or being planned for 2026, the Council is now turning to the remaining elements of the common border and security IT architecture.

[The Schengen area explained \(background information\)](#)

[IT systems to fight crime and secure EU borders \(background information\)](#)

### *Internal security*

As regards the EU's internal security there will be a discussion on the implications of malicious use of drones from the perspective of law enforcement authorities. Ministers will discuss appropriate law enforcement measures to address these challenges including possible EU action. Such actions could be better coordination of anti-drone activities, harmonisation of standards of anti-drone systems and increasing funding in research and innovation. The proposed long-term EU budget for the period 2028-2034 has earmarked funds for research into developing drone-related capacities.

In its conclusions of 23 October 2025, the European Council also addressed recent violations of EU airspace by calling for strengthened joint efforts among member states to enhance counter-drone and air defence capabilities.

### [Conclusions of the European Council, 23 October 2025](#)

The ministers will also receive the regular six-monthly threat assessment update on the current security challenges. The briefing will be provided by the director-general of the Danish Security and Intelligence Service (PET) on behalf of the European domestic security and intelligence services.

### *Fighting organised crime*

The agenda item on the fight against drug trafficking and organised crime will include a presentation by the presidency of a summary report on the actions identified as priorities within the EU roadmap to fight drug trafficking and organised crime since October 2023. The roadmap contains 17 short- and medium-term actions which served as the basis for member states' actions during the Belgian, Hungarian, Polish and Danish presidencies. The Commission will present two communications on 1) the new EU drugs strategy and on 2) an EU action plan against drug trafficking. Both communications have been adopted by the Commission on 4 December 2025.

### [Fighting crime \(background information\)](#)

### *Other points*

- The presidency will give a state of play of the developments during its term related to access to data for effective law enforcement. Following the presentation of the roadmap to ensure lawful and effective access to data by the Commission in June 2025 the Presidency has dealt with the file as a cross-cutting priority within the Council.
- The EU – Western Balkans Ministerial Forum on Justice and Home Affairs took place on 30-31 October in Sarajevo. The presidency will brief ministers about the meeting in which home affairs ministers discussed the online dimension of security (e.g. countering radicalisation, terrorism financing and violent extremism and terrorist content online, preventing and disrupting drug trafficking and distribution online, cooperation with online platforms to lawfully access data) as well as migration where the focus was on visa alignment.
- The presidency will inform ministers that the EU-US senior officials meeting and the EU-US ministerial meeting were both cancelled because of the US government shutdown. These meetings take place every year and offer a high-level forum to discuss cooperation on justice and home affairs issues.
- Poland will give an update on the security situation and follow-up on the visa issuance to Russian citizens.
- The upcoming Cyprus Presidency will present its work programme.

### *Items for approval without discussion*

The Council will adopt a regulation on strengthening Europol to better support member states in their fight against migrant smuggling and trafficking in human beings. The new rules amend the mandate of Europol, the EU agency that assists national law enforcement bodies in fighting organised crime and terrorism. They also foresee that information sharing (about migrant smuggling and human trafficking) between national authorities and Europol will be reinforced and that a European Centre Against Migrant Smuggling will be established as a permanent structure within Europol. Additional human and financial resources (50 staff and €50 million) to implement the new tasks are foreseen for Europol.

## Justice

### *Russia's war of aggression against Ukraine: fight against impunity*

Ministers for justice will exchange views on the fight against impunity regarding crimes committed in Ukraine.

Ministers will in particular discuss the cooperation of EU member states with the planned Special Tribunal for the Crime of Aggression against Ukraine as well as the support to the international criminal court.

When it comes to this fight against impunity, the EU, its member states and international bodies have established various initiatives, such as the establishment of a joint investigation team between Ukrainian and several EU member states' judicial authorities.

On 25 June this year, Ukraine and the Council of Europe in Strasbourg signed the agreement on the establishment of a Special Tribunal for the Crime of Aggression against Ukraine. One of the ongoing lines of work is to prepare cooperation agreements between participating member states and the Special Tribunal to clarify how to deal with arrests of suspects carried out by member states, their surrender to the Special Tribunal and the protection of witnesses among other things.

[Russia's war against Ukraine \(background information\)](#)

### *General data protection regulation: the way forward for simplifying its application*

There will also be a state of play on the way forward for a simplified application of the General Data Protection Regulation (GDPR). Simplification and burden reduction being horizontal priorities of the Danish presidency, it has held several discussions about possible ways forward to simplify the application of the GDPR. In July at the informal ministerial meeting in Copenhagen, ministers for justice discussed how to balance competitiveness and the right to the protection of personal data. Subsequent discussions were held in Council expert meetings. The technical discussions addressed the question of how to ease administrative burdens related to the GDPR while maintaining a high level of data protection. In this context experts looked at both legislative and non-legislative avenues, including matters related to guidance, implementation and enforcement.

The state of play comes also on the back of the publication, on 19 November 2025, of a "Digital Omnibus" – a package to simplify various laws in the area of data and tech, including the GDPR. (The legislative proposal itself will be under the responsibility of the General Affairs Council.)

[Data protection in the EU \(background information\)](#)

### *EU criminal law: model provisions*

Ministers are expected to approve conclusions on model provisions for EU criminal law. The model provisions constitute a toolbox for future negotiations on EU criminal law instruments.

Although the EU's competence on criminal law is limited, in areas of particularly serious crime with a cross-border dimension the EU can establish minimum rules concerning the definition of criminal offences and sanctions. Recently adopted EU legislation in this area covers, for example, environmental crime and combating violence against women and domestic violence.

With these model provisions, member states want to facilitate consistency, coherence and efficiency across criminal law legislative acts. National criminal law codes often contain horizontally applicable rules on issues such as jurisdiction, aggravating circumstances and levels of penalties and these rules usually apply to all types of crime (be it for example migrant smuggling or sanctions circumvention). For this reason, member states have an interest in EU laws in the criminal law area being consistent when it comes to these horizontally applicable rules.

[Fighting crime \(background information\)](#)

### *The fight against drug trafficking and organised crime*

In line with a similar agenda point during the meeting of home affairs ministers, but now focussing on issues under the responsibility of justice minister such as judicial cooperation. The presidency will inform about the actions undertaken as regards the fight against drug trafficking and organised crime since the EU roadmap on these matters was adopted in October 2023.

The Commission will again present the new EU drugs strategy and EU action plan against drug trafficking – both having been published on 4 December 2025.

[EU drugs policy \(background information\)](#)

### *Judicial cooperation with third countries*

During an informal lunch, ministers will discuss the judicial cooperation with third countries with a focus on extradition. At its meeting on 13 and 14 June 2024, following work under the Belgian presidency, the Council approved conclusions on strengthening judicial cooperation with third countries in the fight against organised crime. The conclusions contain a toolkit of measures aimed at strengthening judicial cooperation with third countries, to be used flexibly and depending on the specific circumstances. Securing extradition from third countries is essential to make progress in the fight against organised crime. Ministers will during the lunch be able to share best practices and experiences in this regard.

### *Other points*

- As was the case during the meeting of home affairs ministers the presidency will give an update on its work on access to data for effective criminal investigations. One of the Presidency's focus points was on data retention where discussions both at the level of ministers and experts were held to provide input to the Commission's ongoing work on an impact assessment for a possible data retention legislative proposal.
- The Commission will inform ministers about the Digital Justice Strategy and Judicial Training Strategy. Presented on 20 November 2025 the two strategies outline a number of EU and national actions to accelerate the digitalisation of national justice systems.
- The Commission will present the annual report on the application of the Charter of Fundamental Rights.
- The presidency will inform ministers that the EU-US senior officials meeting and the EU-US ministerial meeting were both cancelled because of the US government shutdown. These meetings take place every year and offer a high-level forum to discuss cooperation on justice and home affairs issues.
- On 30-31 October 2025 the EU-Western Balkans Ministerial Forum on Justice and Home Affairs took place in Sarajevo. The presidency will brief ministers about the forum which was an opportunity to address issues such as strengthening the Rule of Law through judicial reform and the fight against corruption as well as democracy and fundamental rights.
- Belgium is planning to inform ministers about (the lack of) investigative measures for tracing and recovering illegally obtained assets in a cross-border situation in the execution phase (i.e. the phase following the conviction).
- The upcoming Cyprus presidency will present its work programme.