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NOTE

From:	Presidency
To:	Delegations
Subject:	Overview of the current legislative proposals under the Polish Presidency

Delegations will find attached the state of play of ongoing legislative files in the area of Justice and Home Affairs in preparation for the meeting of the Justice and Home Affairs Council on 5 and 7 March 2025.

INFORMATION FROM THE PRESIDENCY ON
CURRENT LEGISLATIVE PROPOSALS

HOME AFFAIRS***Legislative proposals in the area of internal security*****Regulation on enhancing police cooperation in the fight against migrant smuggling and trafficking in human beings**

On 28 November 2023, the Commission proposed a legislative package to counter migrant smuggling. This comprises a directive on criminal law and a Regulation, which enhances police cooperation, as well as Europol's support in the area of migrant smuggling and trafficking in human beings. The proposal for a Regulation was discussed at several LEWP-Police meetings.

On 19 June 2024, Coreper endorsed a negotiating mandate with the European Parliament.

In the European Parliament, LIBE is the lead committee and the rapporteur is Jeroen Lenaers (EPP, NL). A draft report has been tabled for late March and the expectation is that the Presidency could engage in trilogues as of June.

Regulation laying down rules to prevent and combat child sexual abuse

On 11 May 2022, the Commission presented a proposal for a Regulation laying down rules to prevent and combat child sexual abuse, which aims to oblige online service providers, such as providers of hosting services and interpersonal communications services, to prevent the dissemination of, to detect, report and remove child sexual abuse material ('CSAM'), and to prevent, detect and report the solicitation of children ('grooming'). The proposal also includes the establishment of a new decentralised EU agency (the 'EU Centre') to support the implementation of the proposed Regulation, together with a network of national Coordinating Authorities and other competent authorities. The Law Enforcement Working Party - Police (LEWP-P) has worked on the proposal since 2022 to prepare a partial¹ mandate for negotiations with the European Parliament. Work at the LEWP-Police has resumed at the beginning of 2025 with the presentation of an alternative compromise approach by the Polish Presidency which is currently under examination.

In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility for the negotiations on the proposal. It appointed Javier Zarzalejos (EPP, ES) as rapporteur in October 2022 who was re-elected to the Parliament in 2024 and re-nominated the rapporteur for this file. The LIBE Committee adopted its report on 14 November 2023, and the decision to enter interinstitutional negotiations was confirmed on 22 November 2023.

To avoid a legal gap, the proposed Regulation would need to enter into force by 3 April 2026 to replace the currently applied temporary regime², which is due to expire on that date.

¹ Article 42 of this Regulation about the seat of the EU Centre to prevent and combat child sexual abuse would be excluded from the negotiation mandate. The selection of the seat would be subject to an inter-institutional agreement on the selection procedure applicable to new EU agencies following the example of the selection of the seat of the Anti-Money Laundering Authority.

² Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse, amended by Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024.

Legislative proposals in the area of asylum, migration, borders and visa

Regulation on situations of instrumentalisation in the field of migration and asylum

On 14 December 2021, the Commission presented its proposal for a Regulation addressing situations of instrumentalisation in the field of migration and asylum. The proposal was discussed in the Council's Asylum Working Party, as well as at JHA Counsellor level in 2022. Coreper did not approve a partial general approach on 7 December 2022. Further discussions on the proposal took place at the informal Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 20 April 2023.

In the European Parliament, rapporteur Mr Patryk Jaki (ECR, PL) presented his draft report to the LIBE Committee on 11 September 2023, but the LIBE Committee did not adopt a report. In the new Parliament Mr Jaki is no longer a member of the LIBE Committee.

Meanwhile, the scope of the Crisis and *force majeure* regulation, which was adopted on 14 May 2024, includes situations of instrumentalisation.

In its Work Programme for 2025 the Commission announced its intention to withdraw this proposal.

Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland

The Commission presented its proposal for a Council Decision on interim emergency measures for Latvia, Lithuania and Poland on 1 December 2021. The Council's Asylum Working Group began examining the proposal in January 2022. The text was discussed in Coreper in February 2022, but the Member States did not reach an agreement. Negotiations have not resumed since.

In the European Parliament, Ms Cornelia Ernst (GUE/NGL, DE) was appointed rapporteur for the file and LIBE is the lead committee. In the new Parliament Ms Ernst is no longer a member of the LIBE Committee.

In its Work Programme for 2025 the Commission announced its intention to withdraw this proposal.

Return Directive

The proposal for a recast of the Return Directive, submitted by the Commission in September 2018, was discussed in the Council's Working Party on Integration, Migration and Expulsion. A partial general approach was adopted by the Council on 7 June 2019, excluding the article on border return procedures (which was moved by the Commission to the Asylum Procedure Regulation proposed in September 2020 and now is contained in the Regulation 2024/1349 of 14 May 2024 on the border return procedure).

Ms Tineke Strik (Greens/EFA, NL) was rapporteur for the file, and LIBE is the lead committee. The European Parliament has not adopted its negotiating mandate during the last Parliament term. As a result, no negotiations with the European Parliament took place. Ms Tineke Strik has been re-elected to the new Parliament and renominated the rapporteur for this file. The Commission has announced that before March European Council meeting it will propose a new legislative framework on returns. In its Work Programme for 2025 the Commission announced its intention to withdraw the proposal for a recast Return Directive.

Long-Term Residents Directive

On 27 April 2022, the Commission presented a recast of the Directive concerning the status of third-country nationals who are long-term residents (known as the LTR Directive). The current Long-Term Residents Directive dates back to 2003 (Council Directive 2003/109/EC of 25 November 2003).

After several discussions in the Council's Working Party on Integration, Migration and Expulsion – Admission (IMEX Admission) and by the JHA Counsellors (IMEX – Admission), Coreper adopted a negotiating mandate on 23 November 2023. Two political trilogues took place (30 November 2023 and 16 January 2024). In early March 2024, the interinstitutional negotiations were halted.

In the European Parliament, the LIBE Committee voted for the report by rapporteur Mr Damian Boeselager (Greens/EFA, DE) on 28 March 2023, a result confirmed by the Plenary on 20 April 2023. In the new Parliament, Ms Anna Strolenberg (Greens/EFA, NL) has been appointed as the new Rapporteur for this file. Interinstitutional negotiations have not yet resumed.

Regulation establishing an EU Talent Pool

The proposal for a Regulation establishing an EU Talent Pool was presented by the Commission on 15 November 2023 as part of the Skills and Talent Mobility package. Under the Spanish and Belgian Presidencies, the Working Party on Integration, Migration and Expulsion (Admission) discussed the proposal from December 2023 until May 2024. JHA Counsellors (IMEX Admission) discussed the proposal on 30 May 2024 and expressed broad support to the Presidency compromise text. On 13 June 2024, the Council reached a General Approach.

In the European Parliament, Ms Abir Al-Sahlani (Renew, SE) was appointed rapporteur and the LIBE Committee is the lead committee. The rapporteur was unable to reach an agreement with the other political groups on a compromise text for a report by the end of the past parliamentary term. Ms Al-Sahlani has been re-elected and she will resume her work on this file in the LIBE committee. The interinstitutional negotiations will start as soon as the EP has adopted its mandate, which is expected to happen in April 2025.

Regulation amending the Visa Regulation as regards the visa suspension mechanism

On 18 October 2023, the Commission presented a proposal aimed at amending Regulation (EU) 2018/1806 as regards the visa suspension mechanism. On 13 March 2024, Coreper approved the Council mandate.

In the European Parliament, Mr Matjaž Nemeč (S&D, SI) was appointed rapporteur and the LIBE Committee is the lead committee. The rapporteur was unable to reach an agreement with the other political groups on a compromise text for a report by the end of the past parliamentary term. As a result, no negotiations with the European Parliament took place. Mr Nemeč has been re-elected and he has resumed his work on this file in the LIBE committee. According to the current schedule, the LIBE committee should vote on the report in March 2025 and the interinstitutional negotiations should start in April 2025.

Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement

On 24 July 2024, the Commission submitted its proposal for a Regulation on strengthening the security of identity cards. The proposal essentially reproduces the text of Regulation (EU) 2019/1157 as adopted by the Parliament and the Council, which was declared invalid by the Court of Justice (C-61/22, Landesgericht Wiesbaden), due to it having been adopted on an incorrect legal basis. The correct legal basis according to the Court was Article 77(3) TFEU. This means that it should have been adopted through the special legislative procedure, which requires unanimity in the Council and consultation of the EP. The EP was requested to give its opinion by 12 November 2024. At the request of the EP, Coreper approved an extension of the deadline until 15 April 2025. Presidency compromise texts were discussed at several JHA Counsellors meetings and on 11 December 2024, the Permanent Representatives Committee agreed in principle on the compromise text.

Regulation establishing an application for the electronic submission of travel data (“EU Digital Travel application”) and amending Regulations (EU) 2016/399 and (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 2252/2004, as regards the use of digital travel credentials

On 8 October 2024, the Commission submitted its proposal for a Regulation establishing an application for the electronic submission of travel data (“EU Digital Travel application”) and amending Regulations (EU) 2016/399 and (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 2252/2004, as regards the use of digital travel credentials.

The objective is establishing a uniform standard for digital travel credentials and a common EU application (EU Digital Travel application) for using them.

The proposal was presented at the meeting of the Frontiers Working Party on 22 November 2024. On 4 February 2025, the proposal was again discussed by the Frontiers Working Party. The proposal was presented to the LIBE Committee in the European Parliament on February 20th. Mr Juan Fernando Lopez Aguilar (S&D) was appointed rapporteur.

Council Regulation on the issuance of and technical standards for digital travel credentials based on identity cards

The proposal for a Regulation on the issuance of and technical standards for digital travel credentials) based on identity cards was submitted by the Commission on 8 October 2024. The proposal is closely linked to the aforementioned *Regulation establishing an application for the electronic submission of travel data as regards the use of digital travel credentials* but must be treated separately as different legal bases apply.

The Commission presented the proposal to the meeting of the Frontiers Working Party on 22 November 2024. Initial efforts are focused on progressing with the aforementioned Regulation. On 21 October 2024, the Council decided to consult the EP on the proposal and asked the EP to submit its opinion as soon as possible.

The proposal was presented to the LIBE Committee in the European Parliament on February 20th. Mr Marieke Ehlers (P/E) was appointed rapporteur.

Regulation on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union

On 23 November 2021, the Commission presented a proposal for a Regulation on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union. The proposal is based on Article 91 and Article 100(2) of the Treaty on the Functioning of the European Union.

The proposal was initially examined by the Working Party of Foreign Relations Counsellors as lead preparatory body. On 9 January 2025, the Polish Presidency announced in Coreper that the file would be reattributed to the Justice and Home Affairs Counsellors, reinforced by other experts where appropriate. Two JHA Counsellors meetings took place on 20 January and 21 February 2025 to examine the proposal.

The European Parliament has not adopted a negotiating mandate during the last Parliament term. Under the new Parliament, the proposal has been referred to the Joint Committee procedure on 13 November 2024, with the LIBE and TRAN committees to present a single report. Each committee appointed a rapporteur: Tomas Tobé (EPP) for LIBE and Sérgio Gonçalves (S&D) for TRAN.

JUSTICE

Regulation on the law applicable to the third-party effects of assignments of claims

The proposal for a Regulation on the law applicable to the third-party effects of assignments of claims was submitted by the Commission on 12 March 2018.

The objective of the proposal is to increase cross-border transactions in claims and, thereby, facilitate access to finance by ensuring greater legal certainty for investors when dealing with cross-border transactions of claims.

The proposal is being dealt with by the Working Party on Civil Law Matters.

The European Parliament adopted its position at first reading on 13 February 2019.

The Council reached a general approach on 7 June 2021.

Interinstitutional negotiations started under the Slovenian Presidency but have been halted since 8 March 2022, when the last technical meeting took place. Letters were subsequently exchanged to find a way forward. JHA Counsellors discussed the file several times with the objective to resume discussions with the Parliament.

In the European Parliament, the file has been assigned to the JURI Committee. Adrián Vázquez Lázara (EPP) has been appointed as the new rapporteur.

In its Work Programme for 2025 the Commission announced its intention to withdraw this proposal.

AI Liability Directive

On 28 September 2022, the Commission presented a proposal for a Directive on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive).

The objective of the proposal is a minimum harmonisation of selected aspects of national rules on non-contractual civil liability for AI in order to make it easier for victims of AI-related damage to receive compensation.

The proposal is being dealt with in the Working Party on Civil Law Matters. Discussions on that file were on hold since January 2023, pending an agreement on the closely linked AI Act. A discussion on the impact of the now finalised AI Act and Product Liability Directive on the proposal for an AI Liability Directive took place at Working Party level under Belgian Presidency.

On 11 November 2024, the Hungarian Presidency organised a Working Party meeting to discuss a paper it prepared addressing key aspects of the proposal.

In the European Parliament, JURI is the lead Committee. The rapporteur is Axel VOSS (EPP).

In its Work Programme for 2025 the Commission announced its intention to withdraw this proposal.

Regulation on the cross-border recognition of parenthood

On 7 December 2022, the Commission submitted a proposal for a Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood.

The objective of the proposal is to facilitate the cross-border recognition of parenthood within the EU.

The proposal is being dealt with by the Working Party on Civil Law Matters. The Council held an exchange of view on some aspects of the proposal during its meeting of 14 June 2024. Discussions have been continuing in the Working Party under Polish Presidency.

Directive on combating corruption

The Commission submitted its proposal for a Directive on combating corruption on 3 May 2023. The objective of the proposal is to update and harmonise EU rules on the definitions of and penalties for corruption offences, in both the public and private sectors, and includes preventive measures. The proposal is dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on this proposal during its meeting of 14 June 2024.

In the European Parliament, the lead Committee is LIBE. The rapporteur is Raquel Garcia Hermida-Van der Walle (Renew). The LIBE Committee adopted the draft report on 31 January 2024. The Committee decision to enter into interinstitutional negotiations was confirmed by the plenary on 27 February 2024.

A first trilogue took place on 28 January 2025 and a second trilogue is planned for 26 March 2025.

Regulation on the protection of adults

On 31 May 2023, the Commission submitted a proposal for a Regulation on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults.

The proposal establishes provisions concerning adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their own interests. The main objective of the proposal is to enhance the protection of their rights - including access to justice, individual autonomy, the right to property and to free movement -, as well as to improve the effectiveness of judicial and administrative proceedings, thereby strengthening legal certainty and predictability. The proposal was submitted together with a draft Council decision authorising Member States to become or remain parties, in the interest of the European Union, to the Convention of 13 January 2000 on the International Protection of Adults.

The proposal was presented in June 2023 in the Working Party on Civil Law Matters. The first technical examination of the Regulation has been completed within the Working Party during the Hungarian Presidency. Discussions continue in the Working Party with the objective of reaching a partial general approach on Chapters I to V (scope, jurisdiction, applicable law, recognition and enforcement, authentic instruments) before the end of the Polish Presidency.

In the Parliament, the lead Committee is JURI. The rapporteur is Jana Toom (RENEW).

Regulation on enforcement procedures of the General Data Protection Regulation

On 4 July 2023, the Commission submitted a proposal for a Regulation laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679. The objective of the proposal is to clarify and complement existing procedural rules under the GDPR applicable to cooperation between data protection authorities, in order to streamline and speed up enforcement proceedings in cross-border cases. In particular, the proposal provides for the targeted harmonisation of rules in relation to the submission and handling of complaints, the role of the complainant in the procedure, the procedural steps and tools for Data Protection Authorities to reach consensus at an early stage, and the facilitation of dispute resolution proceedings in the European Data Protection Board (EDPB).

The proposal is being dealt with in the Working Party on Data Protection.

The Council reached a general approach on this proposal on 14 June 2024.

In the European Parliament, the lead Committee is LIBE. Sergey Lagodinsky (Greens/EFA) was appointed as rapporteur for the 9th parliamentary term. The LIBE Committee adopted the draft report on 20 February 2024. The European Parliament adopted its position at first reading on 10 April 2024. Markéta Gregorová (Greens/EFA) was appointed as a rapporteur on 20 September 2024.

The first trilogues took place on 4 November and 12 December 2024. A third trilogue is provisionally planned on 10 April 2025.

Directive amending Directive 2012/29/EU on the rights of victims

On 12 July 2023, the Commission submitted its proposal to amend Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The objective of the proposal is to address specific shortcomings identified in the existing framework, which require targeted improvements in relation to the exercise of victim's rights, especially as regards: the right to information; protection and specialist support, victims' participation in criminal proceedings and victims' access to compensation.

The proposal is dealt within the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council held an exchange of views on the proposal during its meeting of 4 December 2023 and reached a general approach on 14 June 2024.

In the European Parliament, the lead Committees are LIBE and FEMM. The Committees adopted a draft report on the file on 14 March 2024. The decision to enter interinstitutional negotiations with the Council was confirmed in plenary, on 11 April 2024. The rapporteurs are Javier Zarzalejos (EPP) and Lucia Yar (Renew).

The first trilogues took place on 2 December 2024 and 5 February 2025. A third trilogue is provisionally planned on 9 April 2025.