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NOTE

From: Presidency
To: Delegations

Subject: Information on current legislative proposals

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 9 and 10 June 2022.

INFORMATION FROM THE PRESIDENCY

ON CURRENT LEGISLATIVE PROPOSALS

HOME AFFAIRS

Legislative proposals in the area of security

Europol Regulation and the Regulation on the Schengen Information System (SIS)

Europol The Commission submitted the proposal on 9 December 2020. Member States supported this agreement at Coreper on 11 February. This Regulation is intended to enable Europol to respond to new technological challenges and to develop cooperation with private parties and third countries to combat serious and organised crime and terrorism more effectively. The LIBE Committee (rapporteur Javier Zarzalejos (EPP, ES)) validated the lawyer-linguist revision on 4 May 2022. The text was adopted by the Council as an ‘A’ item on 24 May. The signature by the co-legislators is scheduled for 8 June and publication of the text in the Official Journal is scheduled for 27 June. The entry into force will take place the following day on the occasion of the Europol Management Board, which will be held in Lille on 28 and 29 June 2022.

SIS On 9 December 2020, the Commission presented its proposal for a Regulation setting out the conditions for entering alerts on individuals in the Schengen Information System (SIS) on the basis of information from third countries. A political trilogue took place on 16 March, resulting in a provisional agreement which Coreper approved on 30 March 2022. The text is to be voted on by the Parliament at its plenary session on 8 June 2022, and will be adopted by the Council on 27 June. The text will be signed by the co-legislators in July.

Resilience of critical entities

On 16 December 2020, the Commission presented its proposal for a Directive aimed at enhancing the resilience of critical entities that provide services essential for vital societal functions or economic activities in the internal market. The European Parliament (rapporteur Michal Šimečka (Renew Europe, SK)) adopted its position on 20 October 2021. The Council's general approach was adopted by the Environment Council on 20 December 2021. The first political trilogue took place on 31 January 2022. A second political trilogue was held on 24 April 2022 and the Presidency plans to hold at least a third political trilogue during its tenure.

Proposal for a Regulation laying down rules on preventing and combating the sexual abuse of minors

The Commission presented the proposal for a Regulation on 11 May 2022. Exchanges will continue until the end of June, in coordination with the Czech delegation in the context of the transition to their Presidency starting in July.

Legislative proposals in the area of migration

Screening Regulation

On 23 September 2020, the Commission presented its proposal for a Regulation introducing a screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. In the Council, after examination by the Working Party on Frontiers, and subsequently by the JHA Counsellors under the German, Portuguese and Slovenian Presidencies, work on the text continues in the context of discussions aimed at moving towards agreement in stages, to culminate in the adoption of a negotiating mandate by Coreper at the end of June.

In the European Parliament, the file is currently being negotiated within the LIBE Committee. The rapporteur (Birgit Sippel, (S&D, DE)) presented her draft at the LIBE meeting on 30 November 2021. Members have tabled their amendments to the rapporteur's draft, which now needs to be presented again to the LIBE Committee.

Screening amendment for consistency

On 2 March 2021, the Commission presented a proposal for a Regulation amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) and Regulation (EU) 2019/818 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 for the purpose of introducing a screening of third-country nationals at the external borders. After discussion by the Working Party on Frontiers and subsequently by the JHA Counsellors under the Portuguese and Slovenian Presidencies, the French Presidency held a discussion on the Slovenian compromise on 3 June.

In the European Parliament, the file is currently being negotiated within the LIBE Committee. The rapporteur (Birgit Sippel, (S&D, DE)) presented her draft at the LIBE meeting on 30 November 2021. Members have tabled their amendments to the rapporteur's draft, which now needs to be presented again to the LIBE Committee.

EURODAC Regulation

On 23 September 2020, the Commission presented its proposal for a Regulation on the establishment of EURODAC for the comparison of biometric data of third-country nationals (COM (2020) 61).

The text is currently being negotiated within the framework of the Council's Asylum Working Party. At its meeting on 21 December 2021, under the Slovenian Presidency, Coreper was informed of progress. Work on the text continues in the context of discussions on a gradual approach to agreement. A final examination of the text took place in JHA Counsellors format on 3 June 2022, with the aim of Coreper adopting a negotiating mandate at the end of June. In the European Parliament, the draft report, submitted in March 2021 by the rapporteur (Jorge Buxade Villalba (ECR, ES)), has not yet been adopted in the LIBE Committee.

Regulation on Asylum and Migration Management

On 23 September 2020, the Commission presented its proposal for a Regulation on Asylum and Migration Management (COM (2020) 610 final). The text is currently being negotiated within the framework of the Council's Asylum Working Party.

In the European Parliament, the rapporteur (Tomas Tobé (EPP, SE)) presented his report to the LIBE Committee on 26 October 2021. Members have tabled their amendments to the rapporteur's draft, which now needs to be presented again to the LIBE Committee.

Common Procedure Regulation

On 23 September 2020, the Commission presented its proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (COM(2020) 611 final) The text is currently being negotiated within the framework of the Council's Asylum Working Party. In the European Parliament, the rapporteur (Fabienne Keller (Renew Europe, FR)) presented her report to the LIBE Committee on 26 October 2021. Members have tabled their amendments to the rapporteur's draft, which now needs to be presented again to the LIBE Committee.

Regulation on crisis situations

On 23 September 2020, the Commission presented its proposal for a Regulation addressing situations of crisis and force majeure in the field of migration and asylum (COM (2020) 613 final). The examination of the provisions of the proposal has not yet started in the Council's Working Party on Asylum.

In the European Parliament, the rapporteur (Juan Fernando Lopez Aguilar (S&D, ES)) presented his report to the LIBE Committee on 30 November 2021. Members have tabled their amendments to the rapporteur's draft, which now needs to be presented again to the LIBE Committee.

Instrumentalisation Regulation

The proposal for a Regulation was presented by the Commission on 14 December 2021. It aims to counter the growing role of state actors in the artificial creation and facilitation of irregular migration. A first presentation of the proposal took place on 15 March 2022 in the Council's Asylum Working Party.

Resettlement Regulation

On 13 July 2016, the Commission submitted a proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council. The text was discussed in the Council's Working Party on Asylum and in the European Parliament's LIBE Committee (rapporteur Malin Björk, (GUE/NGL, SE)). A provisional agreement was achieved with the European Parliament on both texts on 13 June 2018 and presented to Coreper on 19 June 2018. However, this provisional agreement was not approved by Coreper and negotiations have not resumed since May 2019.

Qualification Regulation

On 13 July 2016, the Commission presented its proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The proposed Regulation replaces the Qualification Directive. The text was discussed in the Council's Working Party on Asylum and in the European Parliament's LIBE Committee (rapporteur Tanja Fajon (S&D, SI)). A partial mandate for negotiations with the European Parliament was approved in Coreper on 19 July 2017 and was extended several times in 2017 and 2018.

A provisional agreement was achieved with the European Parliament on both texts on 14 June 2018 and presented to Coreper on 19 June 2018. However, this provisional agreement was not approved by Coreper and negotiations have not resumed since.

Reception Directive

On 13 July 2016, the Commission presented its proposal for a Directive laying down standards for the reception of applicants for international protection (recast). The text was discussed in the Council's Working Party on Asylum. Coreper granted a mandate to start negotiations with the European Parliament on 29 November 2017. The Parliament's rapporteur is Sophia in 't Veld (Renew Europe, NL). A provisional agreement was achieved with the European Parliament on both texts on 14 June 2018 and presented to Coreper on 19 June 2018. However, this provisional agreement was not approved by Coreper and negotiations have not resumed since.

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 in June 2019, excluding the article on border return procedures (moved to the Common Procedure Regulation proposed in September 2020). The rapporteur for this text in Parliament is Tineke Strik (Greens/EFA, NL). Parliament has not adopted a negotiating mandate at this stage. As a result, more than three years after the submission of the proposal, discussions with the Parliament have not begun.

Legal migration — ‘Skills and Talent Package’

On 27 April the Commission presented two proposals for revising directives: firstly, the Directive concerning the status of third-country nationals who are long-term residents (known as the LTR Directive) and, secondly, the Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (known as the Single Permit Directive). A preliminary general discussion took place in the Working Party on Integration, Migration and Expulsion (IMEX-Admission) on 19 May. The detailed examination of the two pieces of legislation is expected to start under the Czech Presidency.

Interim emergency measures for Latvia, Lithuania and Poland

The Commission presented its proposal for an EU directive on 1 December 2021. The Asylum Working Group started to examine the proposal in January 2022. The text was discussed in Coreper in February 2022, but the Member States did not manage to reach an agreement. Negotiations have not resumed since then.

Digital COVID Certificate Regulations

On 3 February 2022, the Commission presented its proposal to extend the Regulations by one year, ending on 30 June 2022. The Council and Parliament adopted their negotiating mandates on 7 March and 5 May 2022 respectively. A first trilogue took place on 17 May and a second trilogue is expected to take place on 16 June.

Regulation on the digitalisation of the visa procedure

On 27 April 2022 the Commission presented a proposal for a Regulation amending a number of acts as regards the digitalisation of the visa procedure. Within the Council, the Visa Working Party had its first exchanges of views following the presentation, by the Commission, of the legislative proposal and then of the impact assessment. The stage of first reading of the text will start under the Czech Presidency.

Regulation on visa liberalisation for Qatar and Kuwait

On 27 April 2022, the Commission presented a proposal for a short-stay visa waiver for nationals of Qatar and Kuwait. The Visa Working Party held a preliminary exchange on the proposal on 5 May and the Presidency then held bilateral consultations with delegations from 30 May, with the aim of consolidating a Council position which should be submitted to the Visa Working Party on 22 June. In order to be effective, the visa waiver will have to be the subject of an international agreement concluded with each of the countries concerned, upon authorisation by the Council.

JUSTICE AFFAIRS

Regulation on the digitalisation of judicial cooperation and access to justice

Following a first reading of the text and discussions in the Working Party on e-Justice on 20 May and 2 June 2022, on the basis of a discussion paper, the Presidency began drafting a revised text together with the incoming Presidency, the examination of which will begin under the Czech Presidency.

E-CODEX Regulation

The Commission presented its proposal for an e-Codex Regulation on 2 December 2020. A political agreement was reached with the Parliament under the Slovenian Presidency in December 2021.

After revision by the lawyer-linguists, the text was then adopted by Parliament at first reading on 24 March 2022 and subsequently by the General Affairs Council on 12 April before being signed by the representatives of the two institutions on 4 May 2022.

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

Inter-institutional negotiations have been suspended since the last technical meeting on 8 March 2022. Some progress had appeared possible, but discussions stalled when it came to the definition of the law of the assigned claim, applicable by way of exception. After receiving a note from the Commission to the co-legislators on this issue, Parliament decided to carry out a legal consultation in order to be able to define the line it would take in the negotiations, which could then resume.

Revision of the Founding Regulation of the Agency for Fundamental Rights

The Founding Regulation of the Agency for Fundamental Rights has been amended with the aim of broadening the Agency's mandate and reviewing the roles of its various bodies. It was formally adopted on 5 April 2022 and published in the Official Journal on 7 April. The amending regulation entered into force on 25 April 2022.

Anti-SLAPP Directive

On 27 April 2022, the Commission presented its proposal for a directive on combating strategic lawsuits against public participation, or 'SLAPP'. Work started at technical level on 13 and 24 May; a first reading of the text is ongoing and should continue under the Czech Presidency.

Directive on gender-based violence

The Commission tabled its proposal for a directive on 8 March 2022. Discussions at technical level are continuing in the COPEN Working Party. The French Presidency will have devoted a total of seven meetings to this proposal. The French Presidency's ambition is to carry out a first reading of the text, in order to identify the difficulties and propose initial technical and drafting solutions, so as to prepare the ground for continuing and finalising the work under the forthcoming Presidencies.

