



Information from the Presidency on current legislative proposals

Procedural rights: Directive on the presumption of innocence

On this file, agreement with the European Parliament was reached under Luxembourg Presidency. Under Netherlands Presidency, the legal-linguist revision of the text has been finalised and the Directive has been formally adopted on 12 February. Signature will take place on 9 March 2016; soon after that, the Directive will be published in the Official Journal. The transposition period is 24 months.

Procedural rights: Directive on procedural safeguards for children

Also on this file, agreement with the European Parliament was reached under Luxembourg Presidency. Currently, the legal-linguist revision of the text is being carried out. The experts meeting took place on 19 February, and the final text of the Directive is scheduled to be available in all languages by mid-March 2016. Subsequently, the Directive will be formally adopted and the text published in the Official Journal. The transposition period is 36 months.

Procedural rights: Directive on legal aid

Under Netherlands Presidency, trilogues on this file took place on 13 January, 18 February and 3 March. A number of outstanding issues were discussed, including the issue of legal aid in European arrest warrant proceedings. The next trilogue is scheduled to take place at the end of March or in April (date to be confirmed). The Presidency aims to advance the negotiations with the European Parliament on this file as much as possible.

Europol Regulation

On 30 November 2015 the LIBE Committee voted and approved the text of the draft regulation as it stood after the interinstitutional negotiations. A political agreement was adopted in COREPER/Council on 2 and 4 December 2015 with respect to the text of the Europol Regulation set out in document 14713/15. The proposed text has been put on the CRP agenda on 3 March 2016 and will be adopted on 10 March 2016 during JHA Council. Once adopted, the Regulation will replace the current Decision and will enter into force as from 1 May 2017.

EU PNR Directive

At the moment, the Directive has been discussed within the lawyer-linguist phase on 9 February. After proper translation in all languages, the Directive will be formally adopted after a plenary vote within the European Parliament.

Data Protection Regulation and Directive

At the ECOFIN of 12 February the JHA Council endorsed the translated texts of the data protection package. At this moment we are in the lawyer-linguist phase. We aim for adoption of the data protection package on the JHA Council of 21 April.

Eurojust Regulation

A general approach on the Eurojust Regulation was reached at the JHA Council on 12-13 March 2015. The provisions relating to the European Public Prosecutor have been excluded from the general approach as the draft EPPO Regulation was not sufficiently advanced. They will be returned to at a future date. The Council is now waiting for the European Parliament to table amendments to the proposal.



PIF Directive

The Working Party on Substantive Criminal Law (DROIPEN) is examining the issue of VAT fraud, as a follow up to the way-forward indicated by the JHA Council of December 2015: which provided for a three-step approach (doc. 14281/15).

In February, as a first step, a meeting of DROIPEN with the participation of VAT experts of the Working Party on Tax Questions allowed criminal law and VAT experts to reach a common understanding on how the VAT system works in the Member States, how fraud with VAT occurs, how it is fought in Member States (e.g. through administrative and criminal proceedings) and the effects of such fraud for the Union.

The Presidency has also initiated explorative discussions among experts on the second (definition of the scope of VAT fraud that could be covered in the Directive) point, and will in the coming months address the third point (relation with the European Public Prosecutor's Office) as foreseen by the JHA Council of December 2015.

ECRIS

The Working Party on Cooperation in Criminal Matters is examining this proposal in a constructive manner and the Commission has organized a technical meeting and will soon provide further information on specific technical matters and amend the impact assessment. The European Parliament has nominated a rapporteur but there have been no discussions with European Parliament on it so far.

Smart Borders

During the Luxembourg presidency the examination of the four key issues identified by Coreper in december 2014 was completed: law enforcement access to the EES, practical aspects of the RTP registration process, consequences of the abolition of the stamping of the travel documents and fall-back procedures in case of failure of the system (s). In January, Coreper took note of the findings of the examination in view of the ongoing work for the new legislation on Smart Borders. A revised proposal from the Commission is expected on 23 March 2016.

Unaccompanied Minors (recast of Dublin Regulation)

The Presidency has held bilateral meetings with several MS on the state of play in the trilogue with EP.

List of Safe Countries of Origin

Following the conclusions of the EUCO of december 2015, the Presidency is aiming for a partial general approach in Coreper of 23 March 2016 on the text excluding the list of countries in the annex.

Following jurisprudence of the European Court of Justice, both co-legislators have to make an assessment on the proposal of the countries on the list. The Presidency will propose to Coreper to ask the European Asylum Support Office to produce country reports on these countries in order to enable such assessment by the Council.