



## Statewatch analysis

### The EU Justice and Home Affairs agenda in 2011

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The following analysis sets out the current and planned JHA proposals for legislation, and the likelihood of agreement on these measures in 2011.

This analysis includes all of the current JHA proposals not yet adopted, and all of the JHA proposals which the Commission has announced for 2011, by topic and by the date proposed by the Commission (although sometimes the Commission delays its proposals by months or years). It takes account of the agendas for JHA Councils announced by the incoming Hungarian Presidency of the EU Council, for the first half of 2011.

It is also possible for a group of Member States to make proposals for policing and criminal law measures. At the moment, it seems unlikely that any such proposal will be made during the Hungarian Presidency, but it is possible that such proposals will be made during the following Polish Council Presidency.

The analysis does not examine non-legislative acts such as the negotiation and conclusion of treaties, the adoption of implementing or delegated measures, or the release of discussion papers.

## Annex I

### Proposals still outstanding as of 24 Dec 2010

#### Asylum

1. Directive on reception conditions for asylum-seekers (COM (2008) 815, 3 Dec. 2008)
  - EP first-reading vote in May 2009; under discussion in Council; ordinary legislative procedure (ie QMV and co-decision); on advance agenda of June 2011 JHA Council; revised proposal from Commission due sometime in 2011
2. Regulation on responsibility for asylum applications (COM (2008) 820, 3 Dec. 2008)
  - EP first-reading vote in May 2009; under discussion in Council during Belgian Presidency; ordinary legislative procedure; not on agendas of JHA Councils during Hungarian Presidency
3. Regulation on Eurodac (COM (2008) 825, 3 Dec. 2008; amended version COM (2009) 342, 10 Sep. 2009; second amended version COM (2010) 555, 11 Oct. 2010)
  - EP first-reading vote in May 2009; EP will now hold first reading again; draft EP committee report issued; under discussion in Council; ordinary legislative procedure; not on agendas of JHA Councils during Hungarian Presidency
4. Proposal on EU resettlement programme (COM (2009) 456, 2 Sep. 2009)
  - EP first-reading vote in May 2010; ordinary legislative procedure; discussions in Council terminated for now due to disagreement with EP over issue of 'delegated acts'
5. Proposal to amend Directive 2004/83 on the qualification as a refugee or for subsidiary protection (COM (2009) 551, 21 Oct. 2009)
  - EP draft committee report; ordinary legislative procedure; no agreement in Council yet; on agenda of June 2011 JHA Council
6. Proposal to amend Directive 2005/85 on asylum procedures (COM (2009) 554, 21 Oct. 2009)

- EP draft committee report due before end of 2010; ordinary legislative procedure; no agreement in Council yet; on agenda of June 2011 JHA Council

## Legal Migration

1. Directive applying long-term residents' Directive to refugees and beneficiaries of subsidiary protection (COM (2007) 298, 6 June 2007)
  - ordinary legislative procedure; first-reading deal between EP and Council, Nov. 2010; EP plenary vote in favour, Dec. 2010; formal adoption likely early in 2011
2. Directive on single permit and migrant workers' rights - COM (2007) 638, 23 Oct. 2007
  - ordinary legislative procedure; largely agreed within Council; EP and Council did not agree first reading deal; EP plenary vote split in Dec. 2010; back to EP committee in early 2011; hard to predict whether deal is possible
3. Directive on seasonal workers (COM (2010) 378, 10 July 2010)
  - ordinary legislative procedure; early discussions within Council and EP; deal not likely within first half of 2011; on agendas of JHA Councils in first half 2011
4. Directive on intra-corporate transferees (COM (2010) 379, 10 July 2010)
  - ordinary legislative procedure; early discussions within Council and EP; deal not likely within first half of 2011; on agendas of JHA Councils in first half 2011

## Visas and Borders

1. Regulation codifying Regulations establishing EC visa list (COM (2008) 761, 28 Nov. 2008)
  - not under discussion since 2009; Commission likely to present revised proposal early in 2011; ordinary legislative procedure
2. Proposal to establish agency to operate SIS II, VIS and Eurodac (COM (2009) 293, 24 June 2009; revised: COM (2010) 93, 19 Mar 2010)
  - ordinary legislative procedure; EP draft committee report tabled; under negotiation between Council and EP; deal likely in first half of 2011

3. Proposal to amend Reg. on immigration liaison officers (COM (2009) 322, 8 July 2009)
  - ordinary legislative procedure; first-reading deal between EP and Council, Nov. 2010; EP plenary vote in favour, Dec. 2010; formal adoption likely early in 2011
4. Regulation amending Reg 2007/2004 establishing Frontex (COM (2010) 61, 24 Feb. 2010)
  - ordinary legislative procedure; under discussion in Council; draft committee report of EP; Hungarian Presidency hopes for deal in first half of 2011; likely EP/Council deal some time in 2011
5. Decision drawing up list of travel documents (COM (2010) 662, 12 Nov. 2010)
  - ordinary legislative procedure; under discussion in Council; Hungarian Presidency hopes for deal in first half of 2011; likely EP/Council deal some time in 2011
6. Regulation on Schengen evaluation process (COM (2010) 624, 16 Nov. 2010)
  - ordinary legislative procedure; under discussion in Council; scheduled for JHA Council agendas in first half of 2011

### Civil law

1. 'Rome III' Regulation on choice of law and jurisdiction in divorce proceedings (COM (2006) 499, 17 July 2006)
  - alternative proposal adopted, Dec. 2010; this version of the proposal is obsolete; **special legislative procedure** - unanimity in Council, consultation of EP
2. Proposal for Regulation on choice of law and jurisdiction as regards wills and inheritance (COM (2009) 154, 14 Oct. 2009)
  - ordinary legislative procedure; under discussion in Council and EP; Hungarian Presidency hopes for deal but this may be optimistic
3. Proposal for Regulation on civil and commercial jurisdiction (COM (2010) 748, 14 Dec. 2010)
  - ordinary legislative procedure; discussion will start in Council and EP during Hungarian Presidency; deal in 2011 unlikely

## Criminal law

1. Proposal for Directive on trafficking in persons (COM (2010) 95, 29 March 2010)
  - ordinary legislative procedure; first-reading deal between EP and Council, Nov. 2010; EP plenary vote in favour, Dec. 2010; formal adoption likely early in 2011
2. Proposal for Directive on European Protection Order (OJ 2010 C 69/5)
  - ordinary legislative procedure; first-reading deal between EP and Council, Nov. 2010; EP plenary vote in favour, Dec. 2010; however, deal is blocked by blocking minority in Council due to concerns about legal base; not on agendas of Hungarian Presidency JHA Councils
3. Proposal for Directive on sexual offences against children; (COM (2010) 94, 29 March 2010)
  - ordinary legislative procedure; deal in JHA Council, Nov. 2010; draft EP committee report, Dec. 2010; negotiations between EP and Council will take place during Hungarian Presidency; good chance of first-reading deal in first half of 2011
4. Proposal for Directive on suspects' rights to information and translation (COM (2010) 82, 9 March 2010)
  - ordinary legislative procedure; alternative proposal adopted, Oct. 2010; this version of the proposal is obsolete
5. Proposal for Directive on European Investigation Order ([2010] OJ C 165/22)
  - ordinary legislative procedure; under discussion in Council and EP; Hungarian Presidency hopes for deal but this may be optimistic
6. Proposal for Directive on suspects' rights to information about criminal charge (COM (2010) 392, 20 July 2010)
  - ordinary legislative procedure; deal in JHA Council, Nov. 2010; draft EP committee report, Dec. 2010; negotiations between EP and Council will take place during Hungarian Presidency; good chance of first-reading deal in first half of 2011
7. Proposal for Directive on attacks on information systems (COM (2010) 517, 30 Sep. 2010)
  - ordinary legislative procedure; discussions just started in EP and Council; good chance of deal in Council in first half of 2011

## Policing law

1. Proposal for Directive on exchange of information on traffic offences (Council doc. 16944/10, 26 Nov. 2010)

- ordinary legislative procedure; agreed in Council in Dec. 2010; good chance of deal between EP and Council in first half of 2011

## Annex II

### Planned Commission proposals for legislation

#### Visas and Borders

1. Jan. 2011 - proposal to amend borders code
2. 2nd quarter 2011 - proposal on entry-exit system
3. 2nd quarter 2011 - proposal on registered travellers' system
4. 2nd quarter 2011 - proposal to amend borders code (as regards entry-exit system, registered travellers' system)
5. 4th quarter 2011 - proposal to establish Eurosur (maritime surveillance system)

#### Civil law

1. Feb. 2011 - proposal on choice of law and jurisdiction as regards matrimonial property (**special legislative procedure** - unanimity in Council, consultation of EP)
2. June 2011 - proposal on debt recovery
3. 4th quarter 2011 - proposal on contract law
4. 4th quarter 2011 - proposal on limitation periods as regards traffic accidents

#### Criminal law

1. May 2011 - proposal on victims' rights
2. June 2011 - proposal on recovery of assets
3. June 2011 - proposal on access to a lawyer

4. Dec. 2011 - proposal on enforcement of financial penalties
5. Dec. 2011 - proposal on communication by criminal suspects

### **Policing**

1. 2 Feb. 2011 - proposal on passenger name records
2. 3<sup>rd</sup> quarter 2011 - proposal on terrorist finance tracking
3. Dec. 2011 - proposal on freezing of domestic terrorists' assets
4. 4<sup>th</sup> quarter 2011 - proposal on data retention - amendment of directive

### **Data protection**

1. June 2011 - general proposal on data protection rules

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