Statewatch analysis

The EU Justice and Home Affairs agenda in 2011

Professor Steve Peers
University of Essex

28 December 2010

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.
Proposals still outstanding
as of 24 Dec 2010

Annex I

Asylum

   - 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

   - 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

   - 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

   - 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’

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

- 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


   - 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

   - 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

   - 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

   - not under discussion since 2009; Commission likely to present revised proposal early in 2011; ordinary legislative procedure

   - ordinary legislative procedure; EP draft committee report tabled; under negotiation between Council and EP; deal likely in first half of 2011

   - 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

   - 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

   - ordinary legislative procedure; under discussion in Council; scheduled for JHA Council agendas in first half of 2011

Civil law

   - alternative proposal adopted, Dec. 2010; this version of the proposal is obsolete; special legislative procedure - unanimity in Council, consultation of EP

   - ordinary legislative procedure; under discussion in Council and EP; Hungarian Presidency hopes for deal but this may be optimistic

   - ordinary legislative procedure; discussion will start in Council and EP during Hungarian Presidency; deal in 2011 unlikely
Criminal law


   - 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

   - 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

   - ordinary legislative procedure; alternative proposal adopted, Oct. 2010; this version of the proposal is obsolete

   - ordinary legislative procedure; under discussion in Council and EP; Hungarian Presidency hopes for deal but this may be optimistic

   - 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

   - ordinary legislative procedure; discussions just started in EP and Council; good chance of deal in Council in first half of 2011
Policing law


- 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

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. 3rd quarter 2011 - proposal on terrorist finance tracking
3. Dec. 2011 - proposal on freezing of domestic terrorists' assets
4. 4th quarter 2011 - proposal on data retention - amendment of directive

Data protection

1. June 2011 - general proposal on data protection rules

© Statewatch ISSN 1756-851X. Personal usage as private individuals/"fair dealing" is allowed. We also welcome links to material on our site. Usage by those working for organisations is allowed only if the organisation holds an appropriate licence from the relevant reprographic rights organisation (eg: Copyright Licensing Agency in the UK) with such usage being subject to the terms and conditions of that licence and to local copyright law.