



Analysis

The EU Justice and Home Affairs agenda in 2013

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The following analysis sets out the current and planned JHA proposals for legislation, and the likelihood of agreement on current proposals in 2013.

This analysis includes all of the current JHA proposals not yet adopted, and all of the JHA proposals which are expected in 2013, by topic (although sometimes the Commission delays its proposals into later years). It takes account of the agendas for JHA Councils announced by the incoming Irish Presidency of the EU Council, for the first half of 2011, and of the plans for the next 'Trio Presidency' (Ireland, Lithuania and Greece) of the EU's Council.

It is also possible for a group of Member States to make proposals for policing and criminal law measures. However, no such proposals have been made since spring 2010, and at time of writing, no further such proposals seem likely in 2013.

The 'ordinary legislative procedure', ie the joint decision-making role of the European Parliament (EP) and the Council, acting by qualified majority vote, applies unless otherwise indicated. All upcoming proposals are subject to the possible opt-out (or opt-in) of the UK and Ireland, and the only measures that will apply to Denmark are those that build upon the 'Schengen acquis' (namely, visas and borders measures).

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.

Sources:

Irish Presidency Council agendas -

<http://register.consilium.europa.eu/pdf/en/12/st18/st18072.en12.pdf>

Trio presidency agenda -

<http://register.consilium.europa.eu/pdf/en/12/st17/st17426.en12.pdf>

Annex I

Proposals still outstanding as of 27 Dec 2012

Asylum

1. Directive on reception conditions for asylum-seekers (COM (2008) 815, 3 Dec. 2008; revised: COM (2011) 320, 1 June 2011)

- EP and Council completed negotiations in 2012; not yet adopted; likely adoption in 2013

2. Regulation on responsibility for asylum applications (COM (2008) 820, 3 Dec. 2008)

- EP and Council completed negotiations in 2012; not yet adopted; likely adoption in 2013

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; latest amended version, COM (2012) 254, 30 May 2012)

- EP and Council defined their positions in 2012; negotiations started in Dec. 2012; likely adoption in 2013

4. Proposal to amend Directive 2005/85 on asylum procedures (COM (2009) 554, 21 Oct. 2009; revised: COM (2011) 319, 1 June 2011)

- EP and Council negotiations since June 2012; not yet concluded; likely adoption in 2013

5. Regulation establishing the asylum and migration **Fund** (COM (2011) 751, 15 Nov. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations will start in 2013; likely adoption in 2013 if overall agreement on EU budget is reached

6. Regulation laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (COM (2011) 752, 15 Nov. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations will start in 2013; likely adoption in 2013 if overall agreement on EU budget is reached

7. Regulation amending asylum and migration funding legislation (COM (2012) 526, 20 Sep. 2012)

- Council and EP both agreed on proposal without amendment in 2012; certain adoption early in 2013 unless Council or EP changes its position

Legal Migration

1. Directive on seasonal workers (COM (2010) 378, 10 July 2010)

- Council and EP defined their positions in 2012; negotiations will start in 2013; adoption likely during 2013

2. Directive on intra-corporate transferees (COM (2010) 379, 10 July 2010)

- Council and EP defined their positions in 2012; negotiations started in 2013; adoption likely during 2013

Visas and Borders

1. Regulation on Schengen evaluation process (COM (2010) 624, 16 Nov. 2010; revised: COM (2011) 559, 16 Sep. 2011)

- non- legislative procedure; Council and EP defined their positions in 2012; EP and Council negotiations since Sep. 2012; not yet concluded; possible adoption in 2013

2. Regulation amending Borders Code regulation (COM (2011) 118, 10 Mar. 2011)

- EP and Council completed negotiations in 2012; not yet adopted; likely adoption in 2013

3. Regulation amending visa list (COM (2011) 290, 24 May 2011)

- EP and Council completed negotiations in 2012; not yet adopted; likely adoption in 2013

4. Regulation amending borders code (COM (2011) 560, 16 Sep. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations since Sep. 2012; not yet concluded; possible adoption in 2013

5. Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa (COM (2011) 750, 15 Nov. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations will start in 2013; likely adoption in 2013 if overall agreement on EU budget is reached

6. Regulation establishing Eurosur (COM (2011) 873, 12 Dec. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations since late 2012; not yet concluded; likely adoption in 2013

7. Regulation amending borders fund (COM (2012) 527, 20 Sep. 2012)

- Council and EP both agreed on proposal without amendment in 2012; certain adoption early in 2013 unless Council or EP changes its position

8. Regulation amending visa list Regulation (COM (2012) 650, 7 Nov. 2012)

- under discussion in Council and EP; likely adoption in 2013

Civil law

1. Regulation on choice of law and jurisdiction on matrimonial property (COM (2011) 126, 16 Mar. 2011)

- under discussion in Council and EP; special legislative procedure (unanimity in Council, consultation of EP); possible adoption in 2013

2. Regulation on choice of law and jurisdiction on registered partnerships (COM (2011) 127, 16 Mar. 2011)

- under discussion in Council and EP; special legislative procedure (unanimity in Council, consultation of EP); possible adoption in 2013; possible use of 'enhanced cooperation' since not all Member States provide for registered partnerships

3. Regulation on civil law enforcement of protection orders (COM (2011) 276, 18 May 2011)

- Council and EP defined their positions in 2012; EP and Council will start negotiations in 2013; likely adoption in 2013

4. Regulation on European account preservation orders (COM (2011) 445, 25 July 2011)

- under discussion in Council and EP; possible adoption in 2013

5. Regulation amending insolvency Regulation (COM (2012) 744, 12 Dec. 2012)

- discussion not yet started in Council and EP; possible adoption in 2013, more likely in 2014

Criminal law

1. Directive on European Investigation Order ([2010] OJ C 165/22)

- negotiations underway between Council and EP; likely adoption in 2013

2. Directive on attacks on information systems (COM (2010) 517, 30 Sep. 2010)

- under discussion in Council and EP; possible adoption in 2013

3. Directive on access to lawyer and communication rights (COM (2011) 326, 8 June 2011)

- EP and Council negotiations since June 2012; not yet concluded; likely adoption in 2013

4. Directive on criminal sanctions against market abuse (COM (2011) 654, 20 Oct. 2011); revised: COM (2012) 420, 25 July 2012

- no EP position yet; Council defined position, Dec. 2012; likely adoption in 2013

5. Directive on freezing and confiscation of criminal proceeds (COM (2012) 85, 12 Mar. 2012)

- no EP position yet; Council defined position, Dec. 2012; likely adoption in 2013

6. Directive on protection of EU financial interests (COM (2012) 363, 11 July 2012)

- under discussion in EP and Council; possible adoption in 2013

7. Regulation establishing a Justice Programme (COM (2011) 759, 15 Nov. 2011)

- EP and Council defined their positions in 2012; negotiations started in 2012; likely adoption in 2013 if overall EU budget deal is reached

Policing law

1. Directive on passenger name records (COM (2011) 32, 2 Feb. 2011)

- no EP position yet; Council defined position, spring 2012; possible adoption in 2013

2. Regulation on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (COM (2011) 753, 15 Nov. 2011)

- Council and EP defined their positions in 2012; EP and Council negotiations will start in 2013; likely adoption in 2013 if overall agreement on EU budget is reached

Annex II Planned Commission proposals for legislation

Visas and Borders

1. proposal on entry-exit system
2. proposal on registered travellers' system
3. proposal to amend borders code (as regards entry-exit system, registered travellers' system)
4. proposal to amend visa code - likely in 2014

Legal migration

1. proposal to amend legislation on researchers and students

Civil law

1. proposal on limitation periods as regards traffic accidents
2. proposal on recognition of civil status documents
3. proposal to simplify legalisation of documents
4. proposal on service of documents
5. proposal on recognition of judgments on matrimonial issues and responsibility for children

Criminal law

1. proposal on vulnerable suspects' rights
2. proposal on Eurojust
3. proposal on European public prosecutor's office (**special legislative procedure** - unanimity in Council, consent by EP; enhanced cooperation is very likely)
4. proposal on money laundering
5. proposal on counterfeiting euro
6. proposal on synthetic drugs
7. proposal on recognition of financial penalties
8. proposal on recognition of disqualifications
9. proposal on criminal records of third-country nationals

Policing

1. proposal on terrorist finance tracking
2. proposal on freezing of domestic terrorists' assets
3. proposal on data retention - amendment of directive
4. proposal for Regulation on Europol
5. proposal for Regulation on European Police College