



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 December 2012**

**17419/12**

**JAI 886  
COMIX 719**

**OUTCOME OF PROCEEDINGS**

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from: The Mixed Committee at the level of Senior Officials  
on: 30 November 2012  
Subject: Outcome of proceedings of the Mixed Committee at the level of Senior Officials  
on 30 November 2012

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- **SIS II**  
= **State of play**

The Commission gave an overview of the state of play and reported that, following intensive contacts with FI, an 'ad-hoc' solution had been worked out in order to avoid delays for the entry into operations of the SIS II due to problems with their national system. The Committee took note of the state of play and that the item would be put on the agenda for the next JHA Council.

- **Schengen governance - The situation in the Schengen area: Second biannual report from the Commission to the European Parliament and the Council on the functioning of the Schengen area (1 May - 31 October 2012)**  
= **Presentation and orientation debate**  
**16423/12 JAI 809 SCHENGEN 71 COMIX 647**

The Commission presented the report and the Committee had a brief exchange of views with a view to the JHA Council on 6-7 December. The Presidency, in response to concerns raised by RO and BG regarding the reference in the report to the measures which would contribute to the successful enlargement of the Schengen area which the European Council had

requested the Council to identify and implement, recalled that it had reported on the implementation of those measures in October 2012 and stated that the progress made on their implementation was such as to enable the process to be considered as now completed.

The Presidency also indicated that Ministers were, in the context of the political debate on the report foreseen for the JHA Council, invited in particular to identify issues which they believed required attention and action in the coming months.

- **Multiannual Financial Framework 2014-2020 (Home Affairs) - Horizontal Regulation**
  - = **Proposal for a regulation of the European Parliament and of the Council 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 [First reading]**
    - **Partial general approach**  
**16684/12 JAI 835 ENFOPOL 385 ASIM 146 PROCIV 196**  
**CADREFIN 483 CODEC 2785**  
**+ COR 1**

The Committee had an extensive discussion on the draft Horizontal Regulation for MFF Home Affairs. A partial general approach was reached on the entire document except on the figures, which are anyway dependant on the overall budget 2014-2020. Moreover, three items remain in brackets: VAT-eligibility, the level of pre-financing and the rules for decommitment.

- **Proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data [First reading]**
  - = **State of play**

The Presidency outlined its intentions in relation to this item on the agenda of the Mixed Committee at Ministerial level.

The CH delegation thanked the Presidency for having included this agenda item, but regretted that the same approach had not been taken concerning the Data Protection Regulation in order to respect point 9 of doc. 5817/12.

The DE delegation doubted whether the proposed Data Protection Directive represented any added-value compared to the 2008 Framework Decision on the protection of personal data in the framework of police and judicial cooperation in criminal matters. Moreover it would be very difficult to achieve an harmonisation of data protection in the fields of police cooperation and criminal proceedings; thus the objective should not entail a full-scale harmonisation but set out minimum rules.

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