



Council of the
European Union

Brussels, 17 May 2016
(OR. en)

8221/16
ADD 1

PV/CONS 20
JAI 316
COMIX 309

DRAFT MINUTES

Subject: **3461st** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Luxembourg on 21 April 2016

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

1. Directive of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings [First reading]

PE-CONS 2/16 DROIPEN 4 COPEN 3 CODEC 20

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: Article 82(2)(b) of the TFEU)

Statement by Italy

"Italy welcomes the adoption of the Directive of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, as a further step in the completion of the Roadmap on procedural rights of suspected and accused persons adopted by the Council in 2009.

Italy maintains concerns about the level of protection accorded by this instrument to children involved in criminal proceedings, considering their particular situation of vulnerability and the importance of the rights at stake. This particular position of children, together with the principles deriving from the Charter, the European Convention on Human Rights and the case-law of the European Court of Human rights, should be at the heart of the interpretation of the provisions contained in the instrument. When implementing this Directive, Italy will continue to be inspired by the high levels of protection its legal system already provides for children in criminal proceedings."

2. **Regulation of the European Parliament and of the Council on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No 2494/95 [First reading]**

PE-CONS 1/16 ECOFIN 14 UEM 5 STATIS 1 CODEC 14
+ REV 1 (it)

The Council approved the European Parliament's position at first reading, with the Austrian delegation abstaining, and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) of the TFEU)

Statement by Austria

"Austria assumes that Article 5(4) of the Regulation on harmonised indices of consumer prices implies the following for Member States: In accordance with the subsidiarity principle, under Article 5(4) Member States may lay down an appropriate provision concerning aspects of the data collection method, e.g. specifying the required level of detail, the level of aggregation and the frequency of data transfer. With regard to the aim of avoiding the imposition on undertakings of any additional burden in connection with this new form of data collection under Article 5(4) (recital 20 - according to COM's explanatory memorandum to the proposal, no impact assessment is required!), it is to be assumed that it will be sufficient for statistical units (enterprises), if requested by the national bodies (as in existing data collection), to send the latter the relevant aggregated data, if available in electronic form, once a month and that Member States may exempt SMEs from the reporting obligation in accordance with the European initiatives (e.g. Better Regulation, Small Business Act)."

3. Directive of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime [First reading]

PE-CONS 71/15 GENVAL 81 AVIATION 164 DATAPROTECT 233

ENFOPOL 417 CODEC 1698

+ COR 1 (it)

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish delegation did not participate in the vote. (Legal basis: Article 82(1)(d) and Article 87(2)(a) of the TFEU)

Statement by the Council

"Article 2 of the PNR Directive allows Member States that so wish to apply it to intra-EU flights on a voluntary basis, upon notice to the Commission to that end.

Considering the current security situation in Europe, Member States declare that by the date of transposition provided for in Article 18 they will make full use of the possibility provided for by Article 2 under the conditions set by the Directive.

Member States declare that, as wished by the Parliament, they undertake¹ to extend under their domestic law the collection of PNR data to non-air carriers, such as travel agencies and tour operators which provide travel-related services including the booking of flights for which they collect and process PNR data."

4. Proposal for a Council Decision on a Tripartite Social Summit for Growth and Employment

= Request for the consent of the European Parliament

7618/1/16 REV 1 SOC 165 EMPL 107

5820/14 SOC 53

approved by Coreper, Part 1, on 13.04.2016

The Council agreed to forward the draft Council Decision on a Tripartite Social Summit for Growth and Employment as revised by the lawyer-linguists, set out in doc. 5820/14, to the European Parliament for its consent.

¹ Subject, in some Member States, to parliamentary proceedings.

"B" ITEMS

3. European Border and Coast Guard: Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC [First reading]

= Progress report

7680/16 FRONT 167 SIRIS 63 CODEC 393 COMIX 270

The Council took note of the outcome of the debate at the meeting of the Mixed Committee at Ministerial level (doc. 8485/16 JAI 335 COMIX 327).

4. IT systems for Security and Borders

a) Communication from the Commission to the European Parliament and the Council - Stronger and Smarter Information Systems for Borders and Security

b) Smart Borders Package

i) Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 [First reading]

ii) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 2016/399 as regards the use of the Entry/Exit System [First reading]

= Policy debate

7644/16 JAI 257 COSI 51 FRONT 159 ASIM 49 DAPIX 49 ENFOPOL 86

SIRIS 61 DATAPROTECT 23 VISA 90 FAUXDOC 9 COPEN 96

7675/16 FRONT 165 VISA 91 CODEC 391 COMIX 268

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7711/16 JAI 264 COSI 54 FRONT 168 ASIM 51 DAPIX 50 ENFOPOL 92

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The Council took note of the outcome of the debate at the meeting of the Mixed Committee at Ministerial level (doc. 8485/16 JAI 335 COMIX 327).

5. Any other business

No issues were raised under this item.