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**COUNCIL OF  
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ADD 1**

**PV/CONS 62  
JAI 1130  
COMIX 690**

**DRAFT MINUTES**

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Subject: **3279th** meeting of the Council of the European Union (**JUSTICE AND  
HOME AFFAIRS**) held in Brussels on 5 and 6 December 2013

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<sup>1</sup> 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)*

### **"B" ITEMS**

#### **2. Any other business**

- **Information from the Presidency on current legislative proposals**
- **Multiannual Financial Framework for Home Affairs**
  - a) **Asylum and Migration Fund (Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund [First reading])**
  - b) **Internal Security Fund (Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management [First reading])**
  - c) **Internal Security Fund (Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa [First reading])**
  - d) **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])**

The Council was informed about the progress on the four MFF Home Affairs files, which the Presidency hopes to finalise before or close to the end of the year.

- **Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast) [First reading]**
- **Proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third country-nationals in the framework of an intra-corporate transfer [First reading]**
- **Proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third country-nationals for the purpose of seasonal employment [First reading]**
- **Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA [First reading]**
- **Latest developments relating to the seat of CEPOL**

The Council took note of the information provided by the Presidency concerning the state of play for the above-mentioned legislative proposals.

**12. Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) [First reading]**

- Essential elements of the one-stop-shop mechanism

17025/13 DATAPROTECT 185 JAI 1084 MI 1104 DRS 214 DAPIX 150  
FREMP 200 COMIX 646 CODEC 2771

At the request of the Chair, the Council Legal Service intervened to explain the legal difficulties that arose from the proposed one-stop-shop mechanism from the point of view of the right to an effective remedy. The Commission disagreed with the reasoning of the CLS.

Following a lengthy debate, it was clear that there was no majority behind the proposal for giving some exclusive powers of corrective measures to the data protection authority of the main establishment. The Chair therefore concluded that there were diverging opinions between Member States and work needed to be continued at technical level, including by looking at cooperation between supervisory authorities and at the possibility of entrusting the European Data Board with legally binding powers.

**13. Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross border debt recovery in civil and commercial matters [First reading]**

- General approach

16991/13 JUSTCIV 291 CODEC 2756  
+ ADD 1

The Council:

- a) approved the compromise package on the draft general approach set out in doc. 16991/13;
- b) called for the work on the remaining recitals to be finalised at technical level on that basis as soon as possible after the Council;
- c) took note that the agreed compromise text will be the basis for the future contacts with the European Parliament.

**14. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings [First reading]**

– Orientation debate

17304/13 JUSTCIV 298 EJUSTICE 109 CODEC 2826

The Council:

- a) took note that many of the guidelines contained in the Presidency's text were supported by most of the delegations. However, a few delegations expressed difficulties with certain of the proposed guidelines;
- b) called for work to be continued at technical level taking into account the guidelines and the comments expressed by delegations.

**15. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [First reading]**

– General approach

16982/13 JUSTCIV 290 PI 176 CODEC 2754

+ ADD 1

The Council:

- a) approved the text submitted by the Presidency as the Council's general approach;
- b) took note of the opposition expressed by the Spanish delegation to the proposed Regulation.

**16. Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law [First reading]**

– Information by the Presidency

The Council took note of an oral report presented by the Presidency on the work accomplished during the second semester of 2013.

## 18. Any other business

### – Information from the Presidency on current legislative proposals

The Council took note of the information provided by the Presidency concerning:

- Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters;
- Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (EPPO) + EUROJUST;
- Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union;
- Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights, Equality and Citizenship programme;
- Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme;
- Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation (MAD);
- Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012;
- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes;
- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships.