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#### NOTE

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From:	Presidency
To:	Delegations
Subject:	Overview of the current legislative proposals under the Belgian Presidency

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Delegations will find attached the state of play of ongoing legislative files in the area of Justice and Home Affairs in preparation for the meeting of the Justice and Home Affairs Council on 4 and 5 March 2024.

**INFORMATION FROM THE PRESIDENCY ON**  
**CURRENT LEGISLATIVE PROPOSALS**

**HOME AFFAIRS****Legislative proposals in the area of security****Revision of the Directive on financial information (access of competent authorities to centralised bank account registries)**

The Commission submitted its proposal in July 2021. The European Parliament appointed Mr Emil Radev (EPP, BG) as rapporteur. The decision of the Committee on Civil Liberty, Justice, and Home Affairs (LIBE) to enter into interinstitutional negotiations was confirmed by the Plenary on 13 February 2023. In the Council, negotiations began in the Law Enforcement Working Party (LEWP) in January 2023 and continued during spring 2023. Coreper agreed on a common approach on 29 March. Trilogues with the European Parliament began on 3 May. A provisional agreement was reached on 6 June 2023 between the Council and the European Parliament. Following the agreement on the package of legislative proposals to strengthen EU anti-money-laundering rules and rules on combating the financing of terrorism (AML/CFT), which include several definitions used in this proposal, confirmation of the final compromise took place in Coreper on 14 February 2024. Adoption by the EP is scheduled for April 2024.

## **Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (CSA)**

In May 2022, the Commission adopted the above proposal, accompanied by an impact assessment, intended to oblige online service providers to prevent the dissemination of and detect, report and remove child sexual abuse material, to prevent, detect and report the solicitation of children and to set up a new decentralised EU agency, the EU Centre to prevent and combat child sexual abuse. The text was examined in the [Law Enforcement Working Party](#). A progress report was presented at the JHA Council meetings in December 2022 and 2023, and Coreper provided guidance on selected issues in May and October 2023. The Council Legal Service issued a written opinion on 26 April 2023.

The Belgian Presidency has been working since the beginning of its term to prepare a new approach on the proportionality of detection orders and safeguarding cybersecurity with a view to reaching an agreement within the Council by June 2024. Work will continue in the LEWP.

In the European Parliament, LIBE is the lead committee and the rapporteur is Javier Zarzalejos (EPP, ES). In April 2023, the European Parliament Research Service presented a complementary impact assessment covering a wide range of issues linked to fundamental rights and proportionality. The rapporteur's draft report was presented in LIBE in April 2023. The vote in LIBE took place on 14 November and the EP position was adopted on 22 November 2023 by a large majority.

On 30 November 2023, the Commission presented its proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) [2021/1232](#) of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive [2002/58/EC](#) for the purpose of combating online child sexual abuse. This interim regulation lays down temporary and strictly limited rules derogating from certain obligations laid down in Directive [2002/58/EC](#) ("the ePrivacy Directive"), with the sole objective of enabling providers to voluntarily detect, report and remove child sexual abuse material. Following adoption of a Coreper negotiating mandate on 20 December 2023 and of the EP report on 7 February 2024, the Presidency and the EP rapporteur agreed on 15 February 2024 to extend the period of application of the Interim Regulation by 20 months until 3 April 2026, allowing the co-legislators more time to reach an agreement on the long-term CSA Regulation.

## **Regulation on enhancing police cooperation in the fight against migrant smuggling and trafficking in human beings**

The Commission proposed a legislative package to counter migrant smuggling on 28 November 2023. This comprises a directive on criminal law and a Regulation, which enhances police cooperation, as well as Europol's support in the area of migrant smuggling and trafficking in human beings, in particular by codifying the establishment of the European Centre Against Migrant Smuggling (EMSC) within Europol and reinforcing Europol's resources. The proposal was discussed at the LEWP-Police meetings on 1 December 2023 and 19 January 2024.

The Belgian Presidency decided to hold an exchange of views among delegations on the main concepts (building blocks) of the proposal before starting an article-by-article discussion. This exchange took place at the LEWP-Police meeting on 16 February.

Commission staff are preparing a working document that should be a partial substitution for an impact assessment and will set out its arguments regarding the need for legislative action. This document should be issued in April.

In the European Parliament, LIBE is the lead committee and the rapporteur is Jeroen Lenaers (EPP, NL).

### **Legislative proposals in the area of asylum, migration, borders and visa**

#### **Schengen Borders Code Regulation**

On 14 December 2021, the Commission presented a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

On 10 June 2022, the Home Affairs Council reached a general approach to this proposal.

The European Parliament has appointed Ms Sylvie Guillaume (S&D, FR) as rapporteur, and LIBE is the lead committee. The LIBE Committee voted for the report on 20 September 2023. On 5 October, the mandate was approved in Plenary, allowing interinstitutional negotiations to start. At a political trilogue on 6 February 2024, a provisional agreement was reached and was confirmed by Coreper on 14 February 2024.

## Screening Regulation

On 23 September 2020, the Commission presented its proposal for a Regulation introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. In the Council, after examination by the Working Party on Frontiers, a negotiating mandate was adopted by Coreper on 22 June 2022, as part of the ‘first step’ in the gradual approach initiated by the French Presidency.

In the European Parliament, the file was negotiated in the LIBE Committee. The rapporteur, Ms Birgit Sippel, (S&D, DE), presented her draft report at the LIBE meeting on 30 November 2021. The report was voted for in the LIBE Committee on 28 March 2023. On 19 April 2023, the EP plenary session subsequently endorsed the decision to open negotiations.

Interinstitutional negotiations started under the Swedish Presidency, continued under the Spanish Presidency and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## Screening Consequential Amendments

On 2 March 2021, the Commission presented a proposal for a Regulation amending Regulation (EU) 2019/816 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) and Regulation (EU) 2019/818 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 for the purpose of introducing a screening of third-country nationals at the external borders. After an examination by the Working Party on Frontiers and subsequently by the JHA Counsellors under the Portuguese, Slovenian and French Presidencies, a negotiating mandate was adopted on 29 June 2022.

In the European Parliament, the file was negotiated in the LIBE Committee. The rapporteur, Ms Birgit Sippel, (S&D, DE), presented her draft report at the LIBE meeting on 30 November 2021. The report was voted for in the LIBE Committee on 28 March 2023. On 19 April 2023, the EP plenary session subsequently endorsed the decision to open negotiations.

Interinstitutional negotiations started under the Swedish Presidency, continued under the Spanish Presidency and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

### **EURODAC Regulation**

On 23 September 2020, the Commission presented its amended proposal for a Regulation on the establishment of EURODAC for the comparison of biometric data of third-country nationals. The Council's negotiating mandate was adopted by Coreper on 22 June 2022.

The LIBE Committee voted on 12 December 2022, adopting the European Parliament's negotiating mandate. The rapporteur is Mr Jorge Buxade Villalba (ECR, ES). Interinstitutional negotiations started under the Czech Presidency, continued under the Swedish and Spanish Presidencies and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

### **Regulation on Asylum and Migration Management**

On 23 September 2020, the Commission presented its proposal for a Regulation on asylum and migration management. The third technical reading was finalised in the Council's Asylum Working Party under the Slovenian Presidency. The Czech Presidency proposed a concept for a new way forward on the reform of the EU asylum system, based on balanced solidarity and responsibility. Based on the proposed way forward, work on the legislative text resumed in the Asylum Working Party under the Swedish Presidency. The Council reached a general approach on 8 June 2023.

In the European Parliament, rapporteur Mr Tomas Tobé (EPP, SE) presented his report to the LIBE Committee on 26 October 2021. The report was voted for by the LIBE Committee on 28 March 2023 and confirmed by the plenary on 19 April 2023.

The interinstitutional negotiations started under the Swedish Presidency continued under the Spanish Presidency and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## **Asylum Procedure Regulation (APR)**

On 23 September 2020, the Commission presented its amended proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. During the Czech Presidency, negotiations on major parts of the text were concluded except, inter alia, provisions related to the border procedure and safe country concepts. On 20 December, a partial negotiating mandate was agreed by Coreper. Building on the concept developed during the Czech Presidency, the Swedish Presidency finalised negotiations, thereby allowing the Council to reach a general approach on 8 June 2023. In the European Parliament, rapporteur Ms Fabienne Keller (Renew Europe, FR) presented her report to the LIBE Committee on 26 October 2021. The report was voted for by the LIBE Committee on 28 March 2023 and confirmed by the plenary on 19 April 2023.

The interinstitutional negotiations started under the Swedish Presidency, continued under the Spanish Presidency and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## **Return Border Procedure Regulation (RBPR)**

During the interinstitutional negotiations on the Pact under the Spanish Presidency, the Legal Services of both the European Parliament and the Council were instructed by the political level to jointly assess, agree and present possible solutions with regard to risks of illegality deriving from variable geometry.

The Belgian Presidency, in agreement with the Rapporteurs on the Asylum Procedure Regulation (APR) and the Crisis Regulation, has therefore agreed to proceed with a split and establish an autonomous and self-standing act based on Article 79(2)(c) TFEU, resulting in the Return Border Procedure Regulation (RBPR).

Similarly to other Pact files, the provisional agreement on the Return Border Procedure Regulation was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## Regulation on crisis situations

On 23 September 2020, the Commission presented its proposal for a Regulation addressing situations of crisis and *force majeure* in the field of migration and asylum. A first examination of the proposal took place at the end of the Czech presidency and continued during the Swedish and Spanish Presidencies. At its meeting on 4 October 2023, the Permanent Representatives Committee gave the Spanish Presidency a mandate to enter into negotiations with the European Parliament.

In the European Parliament, rapporteur Mr Juan Fernando López Aguilar (S&D, ES) presented his report to the LIBE Committee on 30 November 2021. The LIBE Committee adopted the final report on 5 April. The EP plenary session on 19 April 2023 subsequently authorised the opening of interinstitutional negotiations.

Interinstitutional negotiations started under the Spanish Presidency and were concluded under the Belgian Presidency. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## Resettlement Regulation

On 13 July 2016, the Commission submitted a proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and of the Council. The text was discussed in the Council's Asylum Working Party and in the European Parliament's LIBE Committee, where the rapporteur is Ms Malin Björk (GUE/NGL, SE). A provisional agreement was reached with the European Parliament on 13 June 2018. However, Coreper did not approve this provisional agreement. Based on the 2018 provisional agreement, the negotiation mandate was amended in Coreper on 7 and 20 December 2022. A provisional agreement with the European Parliament was reached, based on the amended mandate. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.



## Qualification Regulation

On 13 July 2016, the Commission presented its proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The proposed Regulation is intended to replace the Qualification Directive.

The text was discussed in the Council's Asylum Working Party and in the European Parliament's LIBE Committee, where the rapporteur is Matjaž Nemec (S&D, SI). A partial mandate for negotiations with the European Parliament was reached in Coreper on 19 July 2017 and was extended several times in 2017 and 2018.

A provisional agreement was reached with the European Parliament on 14 June 2018. However, Coreper did not approve this provisional agreement. Based on the 2018 provisional agreement, the negotiating mandate was amended in Coreper on 7 and 20 December 2022. A provisional agreement with the European Parliament was reached, based on the amended mandate. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## Reception Conditions Directive

On 13 July 2016, the Commission presented its proposal for a Directive laying down standards for the reception of applicants for international protection (recast). The text was discussed in the Council's Asylum Working Party. The Council's negotiating mandate was adopted by Coreper on 29 November 2017. Ms Sophia in 't Veld (Renew Europe, NL) is the European Parliament rapporteur for this proposal, and LIBE is the lead committee. A provisional agreement was reached with the European Parliament on 14 June 2018. However, Coreper did not approve this provisional agreement. On the basis of the 2018 provisional agreement, the negotiating mandate was amended in Coreper on 7 and 20 December 2022. A provisional agreement with the European Parliament was reached, based on the amended mandate. The provisional agreement was confirmed by Coreper on 8 February and voted for by the LIBE Committee on 14 February 2024.

## **Regulation on situations of instrumentalisation in the field of migration and asylum**

On 14 December 2021, the Commission presented its proposal for a Regulation addressing situations of instrumentalisation in the field of migration and asylum. The proposal was discussed in the Council's Asylum Working Party, as well as at JHA Counsellor level in 2022. Coreper did not approve a partial general approach on 7 December 2022. Further discussions on the proposal took place at the informal Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 20 April 2023.

In the European Parliament, rapporteur Mr Patryk Jaki (ECR, PL) presented his draft report to the LIBE Committee on 11 September 2023.

Meanwhile, the scope of the Crisis and *force majeure* regulation has been extended to include situations of instrumentalisation.

## **Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland**

The Commission presented its proposal for a Council Decision on interim emergency measures for Latvia, Lithuania and Poland on 1 December 2021. The Council's Asylum Working Group began examining the proposal in January 2022. The text was discussed in Coreper in February 2022, but the Member States did not reach an agreement. Negotiations have not resumed since.

In the European Parliament, Ms Cornelia Ernst (GUE/NGL, DE) was appointed rapporteur for the file and LIBE is the lead committee.

## **Return Directive**

The proposal for a recast of the Return Directive, submitted by the Commission in September 2018, was discussed in the Council's Working Party on Integration, Migration and Expulsion. A partial general approach was adopted by the Council on 7 June 2019, excluding the article on border return procedures (which was moved by the Commission to the Asylum Procedure Regulation proposed in September 2020). Ms Tineke Strik (Greens/EFA, NL) is rapporteur for the file, and LIBE is the lead committee. The European Parliament has not yet adopted its negotiating mandate. As a result, discussions with the European Parliament have not yet begun.

## Long-Term Residents Directive

On 27 April 2022, the Commission presented the Directive concerning the status of third-country nationals who are long-term residents (known as the LTR Directive). The current Long-Term Residents Directive dates back to 2003 (Council Directive 2003/109/EC of 25 November 2003).

After several discussions in the Council's Working Party on Integration, Migration and Expulsion – Admission (IMEX Admission) and by the JHA Counsellors (IMEX – Admission), Coreper adopted a negotiating mandate on 23 November. Two political trilogues took place (30 November 2023 and 16 January) and inter-institutional negotiations are ongoing.

In the European Parliament, the LIBE Committee voted for the report by rapporteur Mr Damian Boeselager (Greens/EFA, DE) on 28 March 2023, a result confirmed by the Plenary on 19 April 2023.

## Single Permit Directive

On 27 April 2022, the Commission presented the Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (known as the SPD Directive). The current Single Permit Directive dates back to 2011 (Directive 2011/98/EU).

In the European Parliament, the LIBE Committee voted for the report by rapporteur Javier Moreno (S&D, ES) on 23 March 2023, a result confirmed by the Plenary on 19 April 2023.

The Council reached a general approach on 8 June 2023 under the Swedish Presidency. Interinstitutional negotiations started under the Swedish Presidency and were concluded under the Spanish Presidency. The provisional agreement was confirmed by Coreper on 20 December 2023 and voted for by the LIBE Committee on 23 January 2024.

## **EU Talent Pool**

On 15 November 2023, the Commission issued a new proposal for a Regulation establishing the EU Talent Pool, which aims to match employers in the EU with jobseekers in third countries for EU-wide shortage occupations. The IMEX Working Party (Admissions) started to examine the proposal on 6 December 2023. Under the Belgian Presidency, this examination has continued and a Council negotiating mandate is expected to be reached by June 2024.

In the European Parliament, Abir Al-Sahlani (Renew, SE) was appointed rapporteur. No report will be presented/voted for in the LIBE Committee before elections.

## **Regulation amending the Visa Regulation as regards the visa suspension mechanism**

On 18 October 2023, the Commission presented a proposal aimed at amending Regulation (EU) 2018/1806 as regards the visa suspension mechanism. Shortly thereafter, examination of the proposal started in the Visa Working Party and good progress has been made under the Spanish and the Belgian Presidencies towards defining a Council mandate, which should be agreed on in the coming weeks. In the European Parliament, the proposal was presented to the LIBE Committee on 13 November. Mr Matjaž Nemec (S&D, SI) was appointed rapporteur.

## **Regulation amending the Visa Regulation as regards holders of Serbian passports issued by the Serbian Coordination Directorate (*Koordinaciona uprava*)**

On 16 November 2023, the Commission presented a proposal aimed at amending Regulation (EU) 2018/1806 to grant visa exemptions to holders of Serbian passports issued by the Serbian Coordination Directorate (i.e. Serbs residing in Kosovo), thereby ensuring that all citizens of the Western Balkans region benefit from visa-free travel to the Schengen area. The Visa Working Party examined the proposal and the COWEB Working Party discussed its political implications. On 14 February 2024, Coreper reached an agreement on the Council mandate, which makes no changes to the Commission proposal.

## **Regulations on the collection and transfer of advance passenger information (API) for enhancing and facilitating external border controls and for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**

On 13 December 2022, the Commission published two proposals for Regulations on API. A presentation of the proposals took place in the Working Party on Frontiers on 19 December 2022 and in the Working Party on JHA Information Exchange (IXIM) on 20 December of that year. Both proposals were examined on numerous occasions in IXIM. A negotiating mandate for both proposals was adopted by Coreper on 21 June 2023.

LIBE is the lead committee in the European Parliament. The rapporteur for the border management proposal is Mr Jan-Christoph Oetjen (Renew Europe, DE), and the rapporteur for the law enforcement proposal is Ms Assita Kanko (ECR, BE). The European Parliament adopted its negotiating position in December 2023.

The co-legislators are currently engaged in trilogue negotiations that are expected to conclude in agreement on a compromise by the beginning of March 2024.

## **Regulation amending Council Decision 2009/917/JHA, as regards its alignment with Union rules on the protection of personal data**

The proposal was submitted by the Commission in May 2023 and discussed in several meetings of the Law Enforcement Working Party – Customs. Coreper adopted the negotiating mandate on 29 October 2023.

In the European Parliament, LIBE is the lead committee, and the rapporteur is Ms Cornelia Ernst (GUE/NGL, DE). The draft report was presented to LIBE on 25 October 2023. The revised draft report was agreed by LIBE on 13 November and announced during the EP plenary on 20 November. The first and only trilogue, where provisional agreement was reached, took place on 7 December. This was confirmed by Coreper on 15 December 2023. The vote in the EP plenary took place on 6 February and adoption by the Council will take place on 26 February 2024.

### **Regulation on the law applicable to the third-party effects of assignments of claims**

The proposal for a Regulation on the law applicable to the third-party effects of assignments of claims was submitted by the Commission on 12 March 2018.

The objective of the proposal is to increase cross-border transactions in claims and, thereby, facilitate access to finance by ensuring greater legal certainty for investors when dealing with cross-border transactions of claims.

The proposal is being dealt with by the Working Party on Civil Law Matters.

The Council reached a general approach on 7 June 2021. Interinstitutional negotiations started under the Slovenian Presidency but have been halted since 8 March 2022, when the last technical meeting took place. Letters were subsequently exchanged to find a way forward. The last exchange is a letter sent by the Spanish Presidency in December 2023 as a reply to a letter of 25 September 2023 from the EP JURI Committee.

### **Directive against strategic lawsuits against public participation ("anti-SLAPP Directive")**

On 27 April 2022, the Commission submitted a proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation').

The objective of the proposal is to provide natural and legal persons who engage in public participation with targeted procedural safeguards against manifestly unfounded claims or abusive court proceedings (commonly referred to as strategic lawsuits against public participation or 'SLAPPs').

The proposal is being dealt with in the Working Party on Civil Law Matters.

The Council reached a general approach at the JHA Council on 9 June 2023. The lead Committee in the Parliament is JURI. The European Parliament voted for its report on the Commission proposal in the Plenary on 11 July 2023.

A provisional agreement was reached at the trilogue of 29 November 2023.

Coreper confirmed agreement on the final compromise text on 18 December 2023.

Revision of the text by lawyer-linguists has been finalised, with a view to the directive's adoption by the co-legislators.

### **Directive on liability for defective products**

On 28 September 2022, the Commission presented a proposal for a revised Product Liability Directive.

The objective of the proposal is to adapt the liability regime established through the Product Liability Directive of 1985 to the digital age, the circular economy and the impact of global value chains.

The proposal is being dealt with in the Working Party on Civil Law Matters.

A mandate for negotiations was approved in Coreper on 14 June 2023.

The European Parliament adopted its position in Plenary on 18 October.

A provisional agreement was reached at the trilogue of 14 December 2023.

Coreper confirmed agreement on the final compromise text on 24 January 2024.

Revision of the text by lawyer-linguists is ongoing.

## **AI Liability Directive**

On 28 September 2022, the Commission presented a proposal for a Directive on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive).

The objective of the proposal is a minimum harmonisation of selected aspects of national rules on non-contractual civil liability for AI, making it easier for victims of AI-related damage to receive compensation. The AI Liability directive is intended to provide a legal basis for claiming compensation following a lack of compliance with specific obligations set out in the EU's AI Regulation.

The proposal is being dealt with in the Working Party on Civil Law Matters. Discussions on that file will be resumed now that agreement has been reached in negotiations on the closely linked AI Act.

## **Regulation on the cross-border recognition of parenthood**

On 7 December 2022, the Commission submitted a proposal for a Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood.

The objective of the proposal is to facilitate the cross-border recognition of parenthood within the EU.

The proposal is being dealt with in the Working Party on Civil Law Matters. The Working Party continues to meet regularly to examine the proposal. The Presidency intends to organise a policy debate on the issue of surrogacy at the JHA Council in June.

## **Directive harmonising certain aspects of insolvency law**

On 7 December 2022, the Commission submitted a proposal for a Directive harmonising certain aspects of insolvency law.

The objective of the proposal is to harmonise targeted aspects of Member States' insolvency laws to improve the recovery of assets from the liquidated insolvency estate, ensure their fair and predictable distribution and improve the overall efficiency of insolvency proceedings. This should facilitate cross-border investments within the EU.



The proposal is being dealt with in the Working Party on Civil Law Matters. The Council held a policy debate on this file on 20 October 2023 and work has since resumed in the Working Party, which continues to meet regularly to examine the proposal.

### **Regulation on the protection of adults**

On 31 May 2023, the Commission submitted a proposal for a Regulation on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults.

The main objective of the proposal is to protect the rights, including fundamental rights, of vulnerable adults. This would be achieved by increasing legal certainty for the general public and public authorities involved, facilitating the cross-border recognition of protection measures and powers of representation, making proceedings faster and less expensive. The proposal is linked to a Council decision authorising Member States to become or remain parties, in the interest of the European Union, to the Convention of 13 January 2000 on the International Protection of Adults.

The proposal was presented in June in the Working Party on Civil Law Matters under the Swedish Presidency. The first technical examination of the Regulation remains ongoing in the Working Party.

### **Directive on the protection of the environment through criminal law**

On 15 December 2021, the Commission submitted its proposal for a Directive on the protection of the environment through criminal law, replacing Directive 2008/99/EC.

The objective of the proposal is to define environmental crime more precisely, to add new environmental crime categories to its scope and to introduce various new provisions, including on minimum and maximum sanctioning levels for natural and legal persons, on specific training to strengthen the law enforcement chain, on adequate resource allocation and on cross-border investigation tools.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on the proposal on 9 December 2022. Following adoption of its opinion by the JURI Committee, interinstitutional negotiations started in May 2023.

A provisional agreement was reached at the trilogue of 16 November 2023.

Coreper confirmed agreement on the final compromise text on 6 December 2023.

Revision of the text by lawyer-linguists is finished. After approval by the EP plenary, the text is due to be submitted for adoption to Coreper on 20 March and to the Council (Agriculture) on 26 March.

Signature is scheduled to take place during the April I session.

### **Directive on combating violence against women and domestic violence**

The Commission submitted its proposal for a Directive on combating violence against women and domestic violence on 8 March 2022.

The objective of the proposal is to set minimum standards in EU law for criminalising certain forms of gender-based violence, improve access to justice, protection and support for victims, ensure coordination between relevant services and prevent such crimes.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on the proposal on 9 June 2023. Following adoption of their joint opinion by the LIBE and FEMM Committees, interinstitutional negotiations started in July 2023, under the Spanish Presidency.

A provisional agreement was reached at the trilogue of 6 February 2024.

Coreper confirmed provisional agreement at its meeting on 14 February 2024.

Revision of the text by lawyer-linguists is ongoing.

## **Revision of the Directive on asset recovery and confiscation**

On 25 May 2022, the Commission submitted a proposal for a Directive on asset recovery and confiscation.

The objective of the proposal is to extend possibilities for confiscation beyond the most traditional cases, including what is known as non-conviction-based confiscation, and to reinforce the action of national asset recovery offices.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on 9 June 2023.

A provisional agreement was reached at the trilogue of 12 December 2023.

Coreper confirmed agreement on the final compromise text on 18 January 2024.

The revision of the text by lawyer-linguists was completed in February 2024.

## **Directive on the violation of Union restrictive measures**

The proposal was tabled on 2 December 2022, shortly after the adoption of a specific Council Decision of 28 November 2022 which had expanded the legal basis in Article 83(1) TFEU.

The objective of the proposal is to ensure that the Member States will have the same minimum crime definitions and minimum penalties in force as regards violation of Union restrictive measures. This will send an important political signal, will increase the effectiveness of restrictive measures and will facilitate cross-border cooperation.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on 9 June 2023. On 6 July, the LIBE Committee adopted the report and authorised the opening of interinstitutional negotiations, a decision confirmed by the Plenary on 12 July.

A provisional agreement was reached at the trilogue of 12 December 2023.

Coreper confirmed agreement on the final compromise text on 20 December 2023.

The revision of the text by lawyer-linguists was completed in February 2024.

### **Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**

On 19 December 2022, the Commission submitted a proposal to amend Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

The objective of the proposal is to amend the existing 2011 Directive in a targeted manner. In particular, it aims to criminalise the use of services provided by a victim of trafficking, strengthening the obligations regime of national referral mechanisms and the rules on data collection and statistics.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

The Council reached a general approach on 9 June 2023. The FEMM and LIBE Committees, both holding the lead for this file, approved their joint opinion on 5 October. The Parliament's position was adopted in the Plenary of 18 October.

A provisional agreement was reached at the trilogue of 23 January 2024.

Coreper confirmed agreement on the final compromise text on 8 February 2024.

Revision of the text by lawyer-linguists is ongoing.

## **Directive on combating corruption**

The Commission submitted its proposal for a Directive on combating corruption on 3 May 2023.

The objective of the proposal is to update and harmonise EU rules on the definitions of and penalties for corruption offences, in both the public and private sectors, and includes preventive measures.

The proposal was presented in the Working Party on Judicial Cooperation in Criminal Matters (COPEN) in June 2023, under the Swedish Presidency. Its examination in the Working Party is ongoing. The CATS Committee discussed the proposal on 17 November.

The objective of the Belgian Presidency is to reach a general approach before the end of June.

## **Regulation on enforcement procedures of the General Data Protection Regulation**

On 4 July 2023, the Commission submitted a proposal for a Regulation laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679.

The objective of the proposal is to clarify and complement existing procedural rules under the GDPR applicable to cooperation between data protection authorities, in order to streamline and speed up enforcement proceedings in cross-border cases. In particular, the proposal provides for the targeted harmonisation of rules in relation to the submission and handling of complaints, the role of the complainant in the procedure, the procedural steps and tools for Data Protection Authorities to reach consensus at an early stage, and the facilitation of dispute resolution proceedings in the European Data Protection Board (EDPB).

The proposal is being dealt with in the Working Party on Data Protection. The first article-by-article examination of the proposal was initiated under the Spanish Presidency and is now completed. Work is ongoing at Working Party level under the Belgian Presidency, with discussions on a possible redrafting of the proposal's key provisions.

The objective of the Belgian Presidency is to reach a general approach before the end of June.

## **Directive amending Directive 2012/29/EU on the rights of victims**

On 12 July 2023, the Commission submitted its proposal to amend Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

The objective of the proposal is to address specific shortcomings identified in the existing framework, which require targeted improvements in relation to the exercise of victim's rights, especially as regards: the right to information; protection and specialist support, victims' participation in criminal proceedings and victims' access to compensation.

The proposal was presented in the Working Party on Judicial Cooperation in Criminal Matters (COPEN) in September 2023, under the Spanish Presidency. Its examination in the Working Party is ongoing. Elements of the proposal were debated at the JHA Council on 4 December 2023.

The objective of the Belgian Presidency is to reach a general approach before the end of June.

## **Directive on minimum rules to prevent migrant smuggling**

On 28 November 2023, the Commission submitted a proposal for a Directive laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA

The objective of the proposal is to clearly define and effectively sanction the offence of migrant smuggling, in line with the UN Protocol against the Smuggling of Migrants by Land, Sea and Air. It aims, in particular, to ensure the effective investigation, prosecution and sanctioning of organised criminal networks responsible for migrant smuggling, provide more harmonised penalties that take account of the seriousness of the offence, improve the jurisdictional reach and reinforce Member States' resources to tackle and prevent migrant smuggling.

The proposal is being dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

## **Directive on child sexual abuse and exploitation**

On 15 February 2024, the Commission submitted a proposal for a Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast).

The objective of the proposal is to improve the identification and protection of and support to victims of child sexual abuse, to ensure effective prevention and to facilitate investigations.

The proposal will be dealt with in the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

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