



Council of the
European Union

Brussels, 7 December 2016
(OR. en)

15123/16

OJ CONS 66
JAI 1032
COMIX 796

PROVISIONAL AGENDA

| | |
|----------|-----------------------------------------------------------------------------------|
| Subject: | 3508th meeting of the COUNCIL OF THE EUROPEAN UNION (Justice and Home Affairs) |
| Date: | 8 and 9 December 2016 |
| Time: | 10.00, 9.30 |
| Venue: | Brussels |

A. THURSDAY 8 DECEMBER 2016 (10.00)

JUSTICE

1. Adoption of the agenda

Legislative deliberations

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

2. Approval of the list of "A" items
15124/16 PTS A 101
3. **PIF:** Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (**First reading**)
= Progress report
15130/16 DROIPEN 205 JAI 1033 GAF 76 FIN 849 CADREFIN 121 FISC 220
CODEC 1806

4. **EPPO** : Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office
 - = Policy debate
 - 15057/16 EPPO 32 EUROJUST 161 CATS 95 FIN 845 COPEN 366 GAF 75 CSC 356
 - 15200/16 EPPO 33 EUROJUST 162 CATS 97 FIN 853 COPEN 373 GAF 77 CSC 361

5. **Supply of digital content**: Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content
(**First reading**)
 - = Policy debate
 - 14827/16 JUSTCIV 309 CONSOM 289 DIGIT 139 AUDIO 130 DAPIX 213 DATAPROTECT 102 CODEC 1734

6. **Any other business**
 - = Information from the Presidency on current legislative proposals

Non-legislative activities

7. Approval of the list of "A" items
 - 15125/16 PTS A 102

8. **Criminal Justice in cyberspace**
 - a) **e-evidence**: Implementation of the Council conclusions on improving criminal justice in cyberspace
 - = Progress report by the Commission
 - 15072/1/16 REV 1 JAI 1037 CYBER 143 COPEN 369 DROIPEN 206 JAIEX 103 EJUSTICE 210 ENFOPOL 459

 - b) **Encryption**: Challenges for criminal justice in relation to the use of Encryption - future steps
 - = Progress report by the Presidency
 - 14711/16 CYBER 137 JAI 976 ENFOPOL 429 GENVAL 122 COSI 192 COPEN 352

9. **Any other business**
 - a) EU-US JHA Ministerial Meeting on 4 and 5 December 2016
 - = Information from the Presidency
 - 15062/16 JAI 1020 JAIEX 102 RELEX 1005 ASIM 160 CT 11 CATS 96 FRONT 463 VISA 385 CYBER 142 USA 64 DATAPROTECT 104

 - b) EU-Western Balkans Ministerial Conference on Justice and Home Affairs, (Brdo Pri Kranju, Slovenia, 15 and 16 December 2016)
 - = Information from the Presidency
 - 14674/16 JAIEX 95 RELEX 966 ASIM 155 JAI 973 COWEB 136 JUSTCIV 307 EUROJUST 154 FRONT 447 ENFOPOL 421 CATS 91

- c) Work programme of the incoming Presidency
= Presentation by the Maltese delegation
- d) 4th Foreign Terrorist Fighters Eurojust Report
= Information from Eurojust
14887/16 JAI 1005 COPS 349 ENFOPOL 435 **EU RESTRICTED**
COTER 127 EUROJUST 159 COSI 196 COPEN 360
- e) Code of conduct on countering illegal **hate speech online**
= Information from the Commission
15122/16 JAI 1031 FREMP 200 DROIPEN 204 COHOM 158 COPEN 368
EDUC 414 MIGR 208 SOC 769 ANTIDISCRIM 79 COSI 201
DAPIX 223 ENFOPOL 449 CYBER 144 TELECOM 268

B. FRIDAY 9 DECEMBER 2016 (09.30)

HOME AFFAIRS

Legislative deliberations

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

10. Reform of the Common European Asylum System and Resettlement

- a) **Dublin:** Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) **(First reading)**
- b) **Reception conditions:** Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) **(First reading)**
- c) **Qualification:** Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents **(First reading)**
- d) **Procedure:** Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU **(First reading)**
- e) **Resettlement Framework:** Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council **(First reading)**
= Progress report

- f) **Eurodac:** Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast)
(First reading)
 = Partial general approach
 15119/16 ASILE 86 EURODAC 23 ENFOPOL 448 CODEC 1801
- g) **EASO: Proposal** for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010
(First reading)
 = Progress report
 14106/1/16 REV 1 ASILE 72 CODEC 1592 CSC 347

11. **Entry/Exit System (EES)**

- a) 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)
- b) 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)
 = Progress report
 15350/16 FRONT 481 VISA 391 CODEC 1845 COMIX 812

12. **Any other business**

- Information from the Presidency on current legislative proposals

Non-legislative activities

7. Approval of the list of "A" items
 15125/16 ADD 1 PTS A 102

13. **Migration**

- = Implementation ¹

1. Exceptionally, in the presence of the Schengen Associated States.

14. **Fight against terrorism and organised crime**¹

- a) Cooperation between law enforcement agencies and electronic communication service providers
 - = Joint letter by France and Germany
14001/16 JAI 899 COSI 180 DAPIX 197 ENFOPOL 397 COPEN 320
CYBER 125 FREMP 176 TELECOM 215
- b) Foreign terrorist fighters returnees
 - = Policy options
14799/16 JAI 994 CT 8 CFSP/PESC 952 COSI 195 COPS 347 ENFOPOL 432
COTER 123 SIRIS 162 FRONT 454 CATS 94

15. **Management of the consequences following terrorist attacks:** strengthening preparedness and response by Civil Protection and enhancing cooperation with emergency and security services

- = Exchange of views
14396/16 PROCIV 77 JAI 943

16. **Any other business**

- a) EU-US JHA Ministerial Meeting on 4 and 5 December 2016
 - = Information from the Presidency
15062/16 JAI 1020 JAIEX 102 RELEX 1005 ASIM 160 CT 11 CATS 96
FRONT 463 VISA 385 CYBER 142 USA 64 DATAPROTECT 104
- b) EU-Western Balkans Ministerial Conference on Justice and Home Affairs, (Brdo Pri Kranju, Slovenia, 15 and 16 December 2016)
 - = Information from the Presidency
14674/16 JAIEX 95 RELEX 966 ASIM 155 JAI 973 COWEB 136 JUSTCIV 307
EUROJUST 154 FRONT 447 ENFOPOL 421 CATS 91
- c) **EU Internet Forum:** Second High level meeting, 8 December 2016
 - = Information by the Commission
- d) Work programme of the incoming Presidency
 - = Presentation by the Maltese delegation

In the margins of the Council:

Meeting of the MIXED COMMITTEE (FRIDAY 9 DECEMBER 2016 – 09.30)

1. **Entry/Exit System (EES)**

- a) 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)
- b) 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)
- = Progress report
15350/16 FRONT 481 VISA 391 CODEC 1845 COMIX 812

2. **Any other business**

- Information from the Presidency on current legislative proposals
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