Council of the
European Union

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PV/CONS 33
JAI 458
COMIX 278

DRAFT MINUTES

Subject:	**3396th** meeting of the Council of the European Union **(JUSTICE AND HOME AFFAIRS)** held in Luxembourg on 15 and 16 June 2015

PUBLIC DELIBERATION ITEMS[1]

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LEGISLATIVE DELIBERATIONS

"B" ITEMS (doc. 9605/15 OJ CONS 33 JAI 426 COMIX 264)

JUSTICE

HOME AFFAIRES

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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)

JUSTICE

2. 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]
= General approach [2]
9565/15 DATAPROTECT 97 JAI 420 MI 369 DIGIT 49 DAPIX 94 FREMP 133 COMIX 259 CODEC 823

The Council approved a general approach on the draft General Data Protection Regulation. Austria and Slovenia could not endorse the general approach. Austria, Hungary, Poland, Slovenia and the United Kingdom made statements. as set out hereafter.

The incoming Luxembourg Presidency indicated that, in parallel to the negotiations on the Regulation, works on the Directive on Data Protection in the law enforcement area would be accelerated with the aim to find a general approach in the Council on 8-9 October 2015.

Statement by Austria

"From the very beginning of the discussions on the Commission Proposal for a General Data Protection Regulation, dated January 25, 2012, Austria has always played an active and constructive role in order to reach the goal of a swift and well-balanced agreement on the Regulation.

Austria acknowledges the intensive work done by all the Presidencies in order to achieve this goal. But unfortunately in our point of view several important issues remain unresolved. The current version of the Regulation lowers in some points the current level of protection both in context of the Data Protection Directive 95/46/EC and the Austrian law. In addition, it would mean that some national laws protecting citizens (for example private video surveillance) have to be repealed. Finally, we also see some tension if not contradiction of provisions of the compromise text with Art 8 of the ECHR and Art 8 of the Charter of Fundamental Rights (CFR). A "balance" of EU law deficits under national law is not possible in view of the foreseen legal form and the direct applicability of the regulation.

Austria is therefore not in the position to endorse the general approach as proposed particularly due to the following issues which have yet to be resolved during the trialogue with Parliament and Commission:

1. It is of great importance for Austria to precisely define the scope of the Regulation and the Data Protection Directive. It has to be clear that any data processing activities for pure administrative purposes such as speed monitoring, food safety, assessment of individual grounds for asylum or registration of events and assemblies are covered by the Regulation irrespective of which authority, agency or body is carrying out such processing.

2. The current wording of the Draft Regulation does not enable the Member States to fulfil their obligations resulting from Art 8 CFR in conjunction with the established case law on Art 8 ECHR to enact laws necessary for balancing the individual's right to data protection with the need of controllers of the private sector to process data.[1]

3. Austria has a reservation to the broad scope of the household exemption. The definition of personal and household activities excludes any non-commercial data processing activity including social networking and on-line activity even if it adversely affects other data subjects. This lowers the level of protection currently in place.[2]

4. According to the current version of the Draft Regulation controllers may lawfully process personal data on the basis of Art 6 para 1 point f by just referring to their own "legitimate interest" which has only to be equally important to that of the data subject concerned and doesn´t have to override the interest of the data subject. It is therefore up to the latter to prove that in the particular case his or her right to data protection overrides the "legitimate interest" just assumed by the controller. Such burden of proof on the side of the data subject clearly contradicts both to the protection purpose of the Regulation and to that of Art 8 CFR.[3]

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1 For further details see Art 1 para 2a and Art 6 of the Draft Regulation together with the Austrian Proposal in Council Doc 15768/14 and the relating point of the Note from Austria, Slovenia and Hungary to the 3354th Council.

2 See Art 2 para 2 point d and recital 15.

3 See Art 6 para 1 point f of the Draft Regulation together with recitals 38, 38a, 39 and 40, for further details see Council Doc 6741/15 of 3 March 2015 and the first point of the Note from Austria to the 3376th Council.

5. Austria highlights that the concept of "further processing" as currently referred to in Art 5 and Art 6 cannot be accepted. The concept that "further processing for compatible purposes does not require an additional legal basis" can only be accepted when further processing is carried out by one and the same controller in order to avoid circumvention of the fundamental data protection principle of "purpose limitation". The current text does not follow this logic. This is also true for the second category of "further processing for incompatible purposes". Processing according to Art 6 para 4 has to be carried out by the same controller and furthermore has to be dealt with under the legal basis of points a to e of Art 6 para 1. Art 6 para 1 point f ("legitimate interest") however cannot be accepted as a legal basis for any further processing for incompatible purposes. This would create the serious risk of circumvention of the requirements set out in Art 6 para 3a and the principle of purpose limitation. The last sentence of Art 6 para 4 also conflicts with our view of Art 6 para 1 point f. It is therefore of utmost importance to delete the second sentence of Art 6 para 4.[1]

6. Major differences of opinion between Member States have become evident regarding the question whether the Regulation as such and to what extent does provide a sufficient legal basis for the processing of personal data for archiving, statistical, historical or scientific purposes. Austria holds the view that the current text cannot be read as a legal basis for the processing of theses purposes but rather that Member States are obliged to determine the specific conditions of processing in this field.[2]

7. The protective purpose of the Regulation cannot be achieved in authorizing Member States to derogate from the core data protection principles laid down in Art 5, namely from the principle of proportionality or lawfulness, as it is currently permitted by the Draft Regulation in Art 21 by reference to Art 5.[3]

8. In the interest of legal certainty and minimizing administrative burden on controllers Austria has urged for providing clear guidance on the trigger for obligatory prior consultation with the competent supervisory authority for instance by providing for the establishment of a respective indicative list of data processing operations which will in any case have to lead to a prior consultation.[4]

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1 See Art 5 para 1 point b, Art 6 para 3a and 4 and recital 40, for further Austrian comments see Council Doc 8408/15 and the related point of the Note from Austria to the 3376th Council.

2 See Art 6 para 2 in conjunction with Art 83 and the Austrian comments in Council Doc 8408/15 and the related point of Note from Austria to the 3376th Council.

3 For further details see Art 5 in conjunction with Art 21 para 1 of the Draft Regulation and the second point of the Note from Austria, Slovenia and Hungary to the 3354th Council.

4 For further details see Art 34 para 2 and the Austrian comments in Council Doc. 13505/14 and points 2 and 3 of the Note from Austria to the 3336th Council.

9. Transfers of personal data to third countries unless covered by an adequacy decision by the Commission (Art 41) may only take place if appropriate safeguards have been adduced (Art 42). According to the Draft Regulation the latter may consist, among others, of "a legally binding and enforceable instrument between public authorities or bodies". Such a general clause gives again rise to serious concerns because the sort and type of such instruments as well as their required content remain unclear which is particularly relevant with a view to ensuring individual rights.[1]

10. A further point of serious concern is the fact that even in the absence of a adequacy decision by the Commission or of other appropriate safeguards a transfer of personal data to a third country or an international organisation can already be considered as lawful when the controller refers to his or her legitimate interest. This approach cannot be accepted as it poses a high risk of circumvention of the overall concept of legal barriers and guarantees as set out in Chapter V of the Draft Regulation and lowers the current level of protection.[2]

11. Moreover, Austria underlines the importance of the proposal for Art 42a 'Disclosures not authorised by Union law by the German Delegation[3] and the corresponding amendments voted by the European Parliament to Art 43a which should in its substance be incorporated in the text.[4]

12. Austria underlines that Member States should be authorized in the employment context to adopt not only more specific but also "stricter" rules than those provided by the Regulation (Art 82).

13. As for other unresolved problems Austria points to the issue of possibility of parallel proceedings about the same subject matter,[5] clarifications to the issue of full and joint several liability,[6] to the failure to clearly separate the "right to be forgotten" as developed by the Court of justice from the traditional right to erasure[7] and to the missing criteria of "important" reasons of public interest while processing of special categories of personal data.[8]"

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1 See Art 42 para 2 point a of the Draft Regulation.
2 See Art 44 para 1 point h of the Draft Regulation in conjunction with point 3 of the Note from Austria and Slovenia to the 3319th Council.
3 See Council Doc 8836/15.
4 See also point 4 of the Note from Austria and Slovenia to the 3319th Council.
5 See Art 75 para 1 in conjunction with the Austrian comments in Council Doc 7586/15.
6 See Art 77 of the Draft Regulation.
7 See Art 17 of the Draft Regulation.
8 See Art 9 para 2 point g of the Draft Regulation.

Statement by Hungary

"Hungary very much welcomes and supports the intention to modernise and to enhance the consistency of the data protection legislation currently in force in the Union.

Hungary shares the commitment of the vast majority of Member States to create a data protection framework that provides for sufficient flexibility to tackle the challenges posed by the extensive use of personal data in the digital era while at the same time reinforces the guarantees of the protection of the fundamental rights of individuals.

Hungary therefore has, since the very inception of the Commission's proposal for the data protection package, endeavoured to contribute to a well-balanced text that takes duly into consideration the interests of the data subjects as well as that of the data controllers and processors.

During the negotiations however Hungary has identified a number of issues where a potential risk of lowering the current level of protection with regard to the fundamental rights and freedoms of individuals currently provided for in the Hungarian legal system might arise.

Bearing in mind that the right to the protection of personal data is a fundamental right enshrined in the Charter of Fundamental Rights and also in the constitutions of Member States, Hungary has submitted textual proposals in order to avoid such risk.

With the assistance and support of other Member States and the Presidencies some of those proposals were accepted by the majority and added to the text of the draft regulation.
However some issues remained unresolved for the time being, to which Hungary would like to draw the attention of the Council."

1. Further processing of personal data for purposes incompatible with the initial purpose of processing [Article 6 (4)]

"Purpose limitation" is one of the fundamental principles and guarantees relating to personal data processing. Hungary therefore has submitted drafting proposals in order to ensure the enforcement of this principle.

Hungary warmly welcomes and appreciates the support of the Latvian Presidency and a number of Member States that resulted the amendment of the text with an expressed obligation of the data controller to provide data subjects with any relevant information in case it intends to process their data for a purpose other than the one for which the data were collected ("further processing").

Hungary also strongly supports the provision that entitles the data subjects to exercise their right to object to further processing in case such processing is intended for a purpose incompatible to the one for which the data were collected ("further processing for incompatible purposes").

However Hungary shares the doubts of other Member States that the mentioned guarantees are sufficient to allay all concerns attached to "further processing for incompatible purposes" taking into account the risk such processing might pose for the rights of data subjects.

In order to strengthen the position of data subjects Hungary continues to highlight the necessity to clarify in the text that the rules on "further processing" should be applicable solely to further processing by the initial controller thus any processing operations by a different controller should be qualified as a new processing.

2. Processing of personal data of a child (Article 8)

Article 8 (1) sets out a special condition for the lawfulness of the processing of personal data, namely that consent should be given, on behalf of the child as data subject, or authorised by the holder of parental responsibility over the child.

While Hungary recognises and supports the aim of this provision also believes that no plausible justification is provided why the draft regulation limits the scope of this rule to 'information society services' only.

Therefore Hungary suggests deleting the text that limits the scope of Article 8 to the *offering of information society services directly* to a child and proposes the application of this provision generally to *every* data processing operation that is based on the consent of the data subject being a child.

If such deletion cannot be supported, Hungary, as a compromise, is ready to agree to a scope of Article 8 encompassing at least data processing operations based on the consent of the data subject in relation to the offering of *any* service directly to a child ("*to the offering of ~~information society~~ services directly to a child")*.

3. Personal data related to criminal convictions and offences [Article 9 (1)]

Article 9 (1) sets out the exhaustive list of special categories of personal data (also known as sensitive data).

In Article 9 (1) Hungary suggests adding "*data relating criminal convictions and offences or related security measures*" to the list of sensitive data having regard to the initial text proposed by the Commission as well as to European Parliament's position.

From a data protection perspective such reinsertion deems appropriate as there can be no doubt about the sensitivity of the said data and thus all the legal requirements and limits attached to the processing of these data should be applicable thereto. Member States, such as Hungary, which already have in place provisions treating such data as sensitive data should not be obliged to lower the protection of such data.

The "downgrading" of such data to non-sensitive data would entail the risk of lowering the level of protection of the data subjects' rights Hungary currently provides for. This would not be in line with the underlying regulatory goal of the new data protection legislation and especially of Article 9.

4. Transfer of personal data to third countries based on the legitimate interests of the data controller [Article 44. 1. (h)]

Hungary has articulated clearly its view during the negotiations, that data transfers based on the legitimate interest of the data controller and directed into third countries that do not provide for an adequate level of protection with regard to the rights of the data subjects would entail a serious risk of lowering the level of protection the EU acquis currently provides for.

Our main arguments are:

– the concept and content of the provision is vague [e. g. "legitimate interest not overridden by the interests or rights or freedoms of the data subject", "suitable safeguards"];

– it is the sole responsibility of the data controller to assess the circumstances and the conditions of the data transfer (e.g. to assess whether its interests are legitimate or not);

– the harm potentially caused by such transfers for the data subject's rights might hardly be prevented or remedied (the competence of European authorities for the investigation and sanctioning of violations with regard to data processing in third countries are strictly limited).

Whereas Hungary argues for the deletion or the reformulation of the concerned provision, Hungary is ready to agree to a compromise in order to provide sufficient flexibility in the text of the draft regulation. Such a compromise could be that data transfers based on Article 44 1.(h) should be subjected to a prior approval of the competent supervisory authority."

Statement by Poland

"1. Personal data protection is of paramount importance in today's world, where rapid technological developments and globalisation have brought new challenges for protection of our citizens' privacy. We strongly believe that the new regulation should help all EU Member States to better protect personal data rights of European citizens in the digital age. That is why Poland welcomes the general approach on the General Data Protection Regulation.

2. Nevertheless, in Poland's opinion several issues still require special attention and consideration during the trialogue:
   a) There is a general agreement that we cannot lower the standard of protection provided for in the current *acquis*. Bearing this in mind, **Article 6 paragraph4** of the regulation raises our serious concerns. We consider it to be contrary to the purpose limitation principle, which lies at the very foundation of the current EU data protection regime. In Poland's opinion, legitimate interest of the controller or a third party should not constitute a basis for further processing of personal data for incompatible purposes, as it would significantly weaken data subjects control over their data. Moreover, we support narrow interpretation of the term "compatible purposes".

b) It is important to ensure that the new regulation provides protection of personal data of EU citizens against unauthorised **transfers to the third countries**, which do not provide suitable safeguards to the protection of rights and freedoms of individuals. Therefore, this matter should be given careful consideration during the trialogue. Also, in Poland's opinion, the issue of Article 44 paragraph 1 letter h) has not been yet adequately resolved in the text of the regulation. The current wording of this provision, enabling transfers on the basis of controller's legitimate interests, may constitute a potential loophole which would allow uncontrolled transfers of personal data.

c) Poland is concerned that the provisions regarding the **right to be forgotten** provided in the regulation might prove to be ineffective from the point of view of data subjects and might impose disproportionate burdens for data controllers.

d) The aim of the **one-stop-shop mechanism** was for a single DPA's decision to produce one result for data subjects and businesses in the EU. It was supposed to be effective, friendly to citizens and to business and to ensure legal certainty. The proposed text seems to miss these aims. In our view under the current model, the risk of fragmentation is not addressed sufficiently and threatens the envisaged benefits of the whole system.

In the spirit of compromise, we support adoption of the general approach on the General Data Protection Regulation. We hope for the trialogue to be guided by the aim of achieving high level of protection, legal certainty and simplification which are necessary in the light of digital developments that took place over recent years."

Statement by Slovenia

"The Republic of Slovenia has consistently, from the very beginning of the deliberations on the European Commission's "*Proposal for a General Data Protection Regulation*", dated January 25 2012, stated that it considers data protection (data privacy) as an individual (personal) human right and that we should not decrease data protection standards in comparison to the valid Directive 95/46/EC and should be more ambitious.

The Republic of Slovenia acknowledges the intensive work done by all the Presidencies. However, the Republic of Slovenia is due to principled reasons reluctant to endorse the general approach since it is of the opinion that several important issues remain unresolved, especially the following:

1. Further processing of personal data (Article 6, paragraph 4) - the last sentence provides a "systemic tenet" that allows for the pre-dominance of interests of data controller over the interests of data subjects to further process personal data even for incompatible purposes;

2. A special Article regulating "'Disclosures not authorised by Union law" (in the list of European Parliament's amendments Article 43.a) would be required in order to prevent unilateral encroachments into personal data by third countries;

3. A minimum harmonisation clause for the public sector[1] and possibilities for Member States to develop stricter protection (higher data protection standards) for different sets of human rights.

4. Article 80 regarding the freedom of expression is unbalanced; the protection of freedom of expression should be significantly wider;

5. The proposed system of sanctions since it was not sufficiently discussed and seems to be too far reaching.

We expect that these and other important issues should be re-discussed during trialogues."

Statement by the United Kingdom

"The UK is willing to support the General Approach on the basis that it reflects the Council's work over several years and thus involves substantial compromises on all sides. However, the UK's support comes with important caveats. We must ensure a reform:

– that builds trust in online services to realize the potential of the digital single market;

– where obligations on businesses are limited and reflect the risk posed by their processing, and SMEs are not disadvantaged;

– that strengthens privacy rights in a simple, coherent and informed way;

– that preserves both privacy and opportunities for ground-breaking research that may save lives or improve the quality of life for many;

– that is fit for the rapidly changing digital age; and

– that will work with innovation and research and not against it.

Failure to negotiate a text which fulfils these objectives risks causing serious damage to Member States' digital economy and research sector.

[1] For further explanation of this position see the Note from Austria, Slovenia and Hungary to the 3354th Council.

In particular, the UK calls upon future Presidencies to ensure that the following priorities are addressed in the forthcoming trilogues with the European Parliament:

i) Right to be Forgotten. The UK would like to express its wish that consideration is given during trilogues to return the article to the standard set by Directive 95/46/EC. The way in which the so-called 'right to be forgotten' clauses in the Council text are currently framed leave open to interpretation the degree to which the sacrosanct principle of free speech would be protected. The text may purport to give assurances that freedom of expression is not restricted but the UK has strong reservations that, in practice, it would be undermined. The UK is concerned that the right to be forgotten could result in chilling effects on legitimate journalistic activity, with the potential consequence that public confidence in the accuracy of reporting could be damaged. The 1995 Directive has a right of erasure which is better suited to the realities of the online world and does not raise unmanageable expectations. In particular, the potential requirement to notify unknown third party data controllers is not possible in the digital age. For these reasons, we do not believe that there is any justification for an expanded right such as that contained in the General Data Protection Regulation.

ii) Effect on SMEs. The UK stresses the need to avoid unnecessary and disproportionate regulatory burdens on business, in particular SMEs, and to avoid impediments to innovative research and development. The Regulation must promote rather than hinder the Digital Single Market and the competitiveness of the EU in a global digital market. The UK also has concerns about the risk of unquantifiable burdens imposed by elements of the Regulation such as the right to be forgotten, the ambiguous definition of personal data, obligations to provide excessive and unnecessary information, the joint liability provisions and the punitive sanctions regime.

iii) One Stop Shop/ European Data Protection Board. The UK has always supported the principle of the One Stop Shop: a single point of contact for controllers would reduce costs and improve legal certainty. Decisions within the One Stop Shop framework should be made primarily between the affected Member States with any central mechanism very much a last resort rather than a default option. The mechanism should avoid a system which purports to provide greater proximity for data subjects but could require them to ultimately have their case decided in Luxembourg by the CJEU, rather than by their local supervisory authority. The UK believes that the current model does not achieve this, and believes it is necessary to return to this during the trilogue. The aim during the trilogue should be to deliver a model which facilitates fast and effective redress for data subjects whilst also providing efficient and cost-effective mechanisms for business. The preservation of a review clause for the One Stop Shop will also be essential.

iv) Right to Object. Under the current Directive 95/46/EC, data subjects can already object to their data being processed but only in strictly limited circumstances i.e. where the controller claims that the processing is justified by the public interest or the controller's legitimate interests. However, for no obvious reason, the Council text now specifically encourages data subjects to object to historical, statistical, and scientific research processing that is not necessary for performing a task carried out for reasons of public interest. The UK believes the text is disproportionate and unbalanced. In principle, it could hinder private research that might be enormously valuable but not "necessary for public interest". The UK would like to express its wish that consideration is given during trilogues to return the article to the standard set by Directive 95/46/EC.

v) Exemptions and scope. The UK stresses the need to maintain Member States' capability to restrict certain elements of the Regulation in order to safeguard important matters of public interest and to ensure that the scope of the Regulation is restricted only to matters falling within EU law as provided for by the Council's General Approach."

3. 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 [First reading]

= General approach [1]

9332/15 JUSTCIV 135 FREMP 121 CODEC 793
+ ADD 1
+ ADD 2
+ ADD 3

The Council:

a) approved as a general approach the compromise text set out in ADD 1 to 3 to doc. 9332/15, in combination with the partial general approach of March 2015 set out in ADD 1 to doc. 6812/15;

b) agreed that the compromise text will be the basis for the future contacts with the European Parliament.

[1] When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

4. Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office

= Policy debate

9372/15 EPPO 30 EUROJUST 112 CATS 59 FIN 393 COPEN 142 GAF 15

The Council

a) broadly expressed conceptual support for Articles 1-16 of the Regulation as indicated in Annex 1 to doc. 9372/15, on the understanding that the details of the text will need to be re-examined, including once the Council has reached an agreement in principle on the full text of the Regulation;

b) welcomed the progress made in Articles 17-33 and took note of the current text of these Articles, as indicated in Annex 2 to doc. 9372/15.

Portugal made a statement, as set out hereafter.

Statement by Portugal

"From the outset, Portugal supported the project to create the European Public Prosecutor's Office as a way to render more efficient combating crimes affecting the financial interests of the European Union;

The Portuguese Constitution stipulates that the rules and principles of international law shall form an integral part of Portuguese law, including the recognition of the obligations to ensure rights related to proper administration of justice;

In Portugal, the principle of the autonomy of the Prosecution Service and of the prosecutors who compose it is a principle enshrined in the Constitution;

Portugal considers that protecting the European Public Prosecutor's Office of all interference means ensuring not only its external independence but also its functional autonomy;

The European Delegated Prosecutor is better placed to take decisions, since he/she has experience on how the national legal system works, being familiar with national rules of procedure. In addition he/she has experience at national level to conduct investigations regarding more serious crimes than those that are covered by the European Public Prosecutor's Office competence;

However, the model of hierarchical structure set out in the proposed Regulation still does not ensure the necessary level of autonomy of the prosecutors, which we consider being a crucial factor for an effective and efficient operation of a Prosecutor's Office. Thus, at the current stage, Portugal cannot agree with the proposal for the first 16 articles;

Notwithstanding all these difficulties, on behalf of the common European interest and of the compromise position that Portugal has always taken in European matters, Portugal is committed to contribute to a solution that will ensuring both efficiency and respect for the different legal systems in the European Union;

To this end, Portugal considers that the creation of a special status for all prosecutors members of the European Public Prosecutor's Office, ensuring that the rules regarding the hierarchical competence are not likely to violate national legal systems, insofar as they are special rules that only apply to prosecutors in the exercise of functions within the scope of the European Public Prosecutor's office, it is an option that should be further developed. Portugal maintains its opinion that a system where the European Delegated Prosecutors are responsible for taking the bulk of the operative decisions would contribute significantly to the effectiveness of the European Prosecutor's Office and still believes that the Regulation should move in that direction."

5. Any other business

= **Information from the Presidency on current legislative proposals**

The Presidency informed the Council about the state of play of the negotiations on the

a) 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]

b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure [Firs reading]

c) Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings [First reading]

d) Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings [First reading]

e) Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings [First reading]

f) 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.

HOME AFFAIRS

8. Any other business

= **Information from the Presidency on current legislative proposals**

The Presidency informed the Council about the state of play of the negotiations on the:

a) Proposal for a Regulation establishing a European Union Agency for law enforcement training (Cepol)

b) Proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol)

c) Proposal for a Directive 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.