



Council of the  
European Union

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GENVAL 53  
COPEN 291  
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## OUTCOME OF PROCEEDINGS

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From: Working Party on General Matters, including Evaluations (GENVAL)  
On: 29 October 2015  
To: Delegations

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Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 4224/15.

### 2. Seventh round of mutual evaluations

#### - Adoption of the Report of United Kingdom

10952/2/15 REV 2 GENVAL 26 CYBER 72 RESTREINT UE

The draft report of the United Kingdom, as set out in doc. 10952/2/15 REV 2 GENVAL 26 CYBER 72 RESTREINT UE, was adopted by the Working Party, following the discussion held at last GENVAL meeting on 15 September 2015.

### **3. Seventh round of mutual evaluations**

#### **- Discussion of the Report of Romania**

**13022/15 GENVAL 46 CYBER 99 RESTREINT UE**

**The evaluation team** presented the content of the draft report of Romania and the ensuing conclusions and recommendations, as set out in doc. 13022/15 GENVAL 46 CYBER 99 RESTREINT UE, expressing appreciation for the well-established and multidisciplinary approach and the commitment both at national and international level in the prevention and fight against cybercrime, as well as for the well-functioning cooperation among the different national authorities involved

**The evaluation team** also suggested some procedural and practical improvements to RO, among which, a more coordinated and standardised approach on statistics, strengthening the role of the Operational Council of Cyber-Security (OCCS), and including in training activities information on the support that may be offered by Eurojust, Europol and ENISA.

**RO** expressed its comments on the findings of the evaluation team and replied to the questions asked by other delegations.

The draft report of Romania will be presented at next GENVAL meeting for adoption.

### **4. Situation in the Member States following the "Data Retention Judgement"**

#### **- Presentation by Eurojust**

**13085/15 GENVAL 49 COPEN 273 DROIPEN 119 JAI 760**

**The representative of Eurojust** presented Eurojust's analysis of Member States' legal framework and current challenges on data retention, as set out in doc. 13085/15 GENVAL 49 COPEN 273 DROIPEN 119 JAI 760.

**The representative of Eurojust** outlined the main elements of the judgment of the Court of justice of the European Union (CJEU) (Grand Chamber) "*Digital Rights Ireland and Seitlinger and others*" of 8 April 2015 in joined Cases C-293/12 and C-594/12 (the "Data Retention Judgement"), underlining *i.a.* that the judgment makes clear that data retention for the purpose of possible access by the competent national authorities satisfies an objective of general interest, provided that certain conditions and safeguards are ensured.

**The representative of Eurojust** also referred to the situation and recent developments in the legislation and case-law of the Member States following the invalidation of Directive 2006/24/EC, highlighting that the current fragmented legal framework across the Union has an impact on the effectiveness of criminal investigations and prosecutions at national level, in particular in terms of evidence reliability and admissibility, as well as on cross-border judicial cooperation.

**The representative of Eurojust** informed that Eurojust will continue to work on data retention and will organize a workshop on 10 December 2015 on this topic, that will also be a core issue for the Consultative forum on 11 December 2015.

#### **- Exchange of views**

**11747/1/15 REV 1 GENVAL 33 COPEN 229 DROIPEN 92 JAI 632**

**Some delegations (CY, AT, DE, EE, FR, UK, ES)** informed the Working Party about certain recent developments as regards the legislation and relevant case law on data retention at national level.

**The Presidency** informed the Working Party that the data retention issue will be on the agenda of next CATS meeting on 10 - 11 November 2015, with a view to preparing a Ministerial discussion on the possible options for the way ahead and political orientations in this respect at the Council on 3 - 4 December 2015.

**The Presidency** also invited delegations to inform both the General Secretariat of the Council ([giovanna.giglio@consilium.europa.eu](mailto:giovanna.giglio@consilium.europa.eu)) and Eurojust ([legalservice@eurojust.europa.eu](mailto:legalservice@eurojust.europa.eu)) of any possible further developments as regards data retention in the Member States.

## 5. Improvement of the follow-up to mutual evaluation reports

### - Information by the Presidency

11748/15 GENVAL 34 COPEN 230 DROIPEN 93 JAI 633

13082/15 GENVAL 48 COPEN 272 DROIPEN 118 JAI 759

The Presidency referred to its initiative set out in doc. 11748/15, aimed at optimizing the evaluation mechanism established by Joint Action 97/827/JHA by improving the follow-up to the mutual evaluations, outlining that, based on the contributions received so far, the possibility of certain adjustments is generally supported by delegations, provided that it would not entail any additional administrative burdens to the mutual evaluation process.

The Presidency invited delegations who did not reply yet to the questionnaire set out in the Annex to doc. 11748/15, to send their written answers to the Presidency ([luc.reding@mj.etat.lu](mailto:luc.reding@mj.etat.lu)) and to the General Secretariat of the Council ([secretariat.criminal-law@consilium.europa.eu](mailto:secretariat.criminal-law@consilium.europa.eu) and [giovanna.giglio@consilium.europa.eu](mailto:giovanna.giglio@consilium.europa.eu)), at the latest **by 13 November 2015**.

The Presidency intends to summarize and analyse the outcome of the above questionnaire, as well as to present some conclusions and recommendations with a view to improving the current follow-up mechanism, in a document that will be submitted to next GENVAL meeting in December 2015 for approval.

## 6. A.O.B.

NL announced that in the context of the "teamwork project" on Trafficking of Human Beings, carried out in cooperation with the Luxembourg Presidency and the Trio Presidency (NL, SK, and MT), a manual focusing in particular on labor exploitation is under preparation, and will be presented at a Conference foreseen to take place on 18-19 January 2016 in Amsterdam.