



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 January 2013

5525/13

GENVAL 4

OUTCOME OF PROCEEDINGS

of: Working Party on General Matters, including Evaluations (GENVAL)
on: 16 January 2013
Subject: Summary of discussions

1. Adoption of the agenda

The agenda as set out in CM 1062/13 was adopted.

2. Sixth round of mutual evaluations - Adoption of the Report on Lithuania

15372/1/12 REV 1 GENVAL 76

The report was adopted.

3. Sixth round of mutual evaluations - Discussion of the Report of Slovakia

17900/1/12 REV 1 GENVAL 99 RESTREINT UE

The evaluation team presented the report. The Slovak delegation commented on the findings of the evaluation team and replied to the questions asked by other delegations. The Plenary discussed the conclusions and recommendations of the report. The Presidency concluded that a revised version of the report will be presented for adoption at the next GENVAL meeting.

DE, supported by PL and NL, expressed the opinion that the recommendations on certain points (both of the report on Slovakia and the one on Belgium) went further than the scope of the Eurojust Decision.

The Council General Secretariat replied that, in accordance with Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organized crime (97/827/JHA), the intention was not only to focus on legislation, but rather to focus on the full system in place, including policies and practices, as further defined by the questionnaire.

4. Sixth round of mutual evaluations - Discussion of the Report of Belgium

17898/1/12 REV 1 GENVAL 97 RESTREINT UE

The evaluation team presented the report. The Belgian delegation commented on the findings of the evaluation team and replied to the questions asked by other delegations. The Presidency concluded that a revised version of the report will be presented for adoption at the next GENVAL meeting.

5. Follow-up to mutual evaluations reports - Discussion

17338/12 GENVAL 94

On the basis of a Presidency paper circulated in December following a question from one delegation, GENVAL conducted an initial discussion of a possible enhanced follow-up mechanism of the evaluations. The question of a more rigorous follow-up of the evaluation process had equally been raised during the JHA Council in October 2012.

The Presidency reminded that according to the current system, Member States were requested to report back to the Council after 18 months, but contrary to other "more stringent" systems (such as for instance FATF and GRECO), the mutual evaluations were based on "gentle peer pressure" approach, focusing on learning from each others' best practices.

Despite weaknesses in the current system, a number of delegations seemed to prefer to maintain the current follow-up system to avoid overregulation, bureaucracy and additional costs. Others would like to see a more efficient follow-up (the Schengen evaluation system was mentioned by way of example).

The Presidency concluded that delegations that wanted to submit their comments in writing should do so by 15 February 2013.

6. Information on the Rights of Victims of Trafficking in Human Beings

- **Overview of the Rights of Victims of Trafficking in Human Beings - Priority A, Action 4, of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016**

5121/13 GENVAL 2 DROIPEN 2 JAI 12 JAIEX 2 MIGR 3 RELEX 13 COSI 3

The paper and its main objectives - among others to present a user-friendly overview based upon existing EU instruments within the area of victim protection - was presented by the Commission. The intention was to publicise it on 6 April this year, coinciding with the date for transposing the Directive on preventing and combating trafficking in human beings. Since the paper had been circulated only one day prior to the meeting and the presentation by the Commission no real discussion took place.

- **Draft Council Conclusions on the Provision of Information on the Rights of Victims of Trafficking in Human Beings**

5120/13 GENVAL 1 DROIPEN 1 JAI 11 JAIEX 1 MIGR 2 RELEX 12 COSI 2

The Presidency introduced the draft Council Conclusions focusing on victims. The first part of the conclusions were identical to the conclusions adopted during the CY Presidency in October 2012. IE stressed that this was "a statement of already existing rights". For ease of reference, the Commission's overview document will be annexed to the conclusions. The delegations intervening stressed their initial support for the initiative, but underlined that they needed further time to study both the conclusions and the underlying document.

The Presidency concluded by encouraging delegations to submit any written contributions by 15 February 2013.

**7. Evaluation report on the European Union Crime Prevention Network (EUCPN)
(report from the Commission to the Council)**

17432/12 GENVAL 92 CRIMORG 147 JAI 890

- preliminary discussion

The Working Party had a brief discussion of the evaluation report done by external consultants, containing a number of recommendations. The main recommendation was to reinforce the existing structure following from the 2009 Decision. Concerning the establishment of a Crime Prevention Observatory mentioned in the Stockholm Programme, this was considered premature. Most delegations that took the floor agreed with this conclusion.

Based upon the discussions and possible written comments, a Presidency discussion paper will be circulated for either the March or the May GENVAL meeting, where also the Annual report for 2012 and the Work Programme for 2013 will be discussed.

8. Global Alliance against Child Sexual Abuse Online - conference of 5 December 2012

- Report and presentations of actions by the Commission

The Commission gave a brief presentation of the conference of 5 December 2012, where the Global Alliance against Child Sexual Abuse Online had been launched in Brussels.

Delegations were reminded that by 1 April 2013 they were invited to indicate to the Global Alliance Secretariat which particular actions among those defined during the Conference they would be willing to undertake in order to achieve the operational goals of the initiative. On that basis a report would be presented at a follow-up conference that would be hosted by the US. It was also underlined that the Alliance is open to receive new associates, as one of its main objective is to broaden its scope. Conclusions from this conference will be circulated to delegations in a near future.

9. Any other business:

Use of polygraph examinations in Member States

18030/12 GENVAL 101

- Presentation of a questionnaire by Lithuania

Lithuania briefly presented the questionnaire circulated to Member States on 21 December 2012. The deadline for replying is 29 March 2013 at the latest. It was announced that during the incoming LT Presidency the results of the questionnaire will be brought back for discussion to GENVAL and the Network on an administrative approach against organised crime.

Participation of the European Union in the Council of Europe Group of States against Corruption (GRECO)

- Update by the Presidency

The Presidency informed delegations that since the discussion at CATS on 20 November 2012, in particular on the legal basis chosen and the modalities for reinforced cooperation / accession (15305/1 GENVAL 75 DROIPEN 148 COSCE 26), the matter had been briefly discussed at the meeting between CATS and the Council of Europe on 19 December 2012. The Presidency together with the Council Legal Service would meet with the Commission services in the near future in order to discuss how to bring the issue forward. GENVAL would be kept updated on any developments.

Matchfixing

- Update by the Presidency

The Presidency informed that the main responsible committee was the Sport Working Party, which would meet in Brussels on 30 January 2013. The agenda would be communicated to delegations once it was issued. GENVAL representatives were invited to attend that meeting.

Finally the IE Presidency informed about a conference on Cybercrime and European Security to take place on 30 January 2013 in Brussels. More information about the conference can be found at www.security-round-table.eu

In addition, the IE Presidency informed about its programme for the first half of 2013. There will be another three GENVAL-meetings. The provisional dates are the following: 20 March, 29 May and 19 June 2012. Contact details were distributed as well.
