



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 May 2013

10155/13

**CATS 25
COMIX 337**

OUTCOME OF PROCEEDINGS

of: CATS

on: 8 May 2013

Subject : Outcome of proceedings of CATS on 8 May 2013

MIXED COMMITTEE

1. Adoption of the provisional agenda

The agenda has been approved.

2. SIS II

- Entry into operation

The Commission announced the successful entry into operation of SIS II and congratulated all stakeholders involved.

3. AOB

CATS

1. Adoption of the agenda

The agenda has been approved.

2. Report on the activities of the Customs Cooperation Working Party (1 July - 31 December 2012)

doc. 7943/13 ENFOCUSTOM 54

The Committee took note of the above-mentioned report as set out in doc. 7943/13 ENFOCUSTOM 54

3. Proposal for a Regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA

- Discussion of selected questions

doc. 8229/13 ENFOPOL 98 CODEC 746

doc. 8899/13 JAI 317 CATS 17 ENFOPOL 122

On the basis of a Presidency discussion paper set out in doc. 8899/13 JAI 317 CATS 17 ENFOPOL 122, the Committee had an extensive debate about some issues proposed in the above-mentioned draft Regulation.

In general, the interventions showed that delegations are happy with the current functioning of CEPOL and Europol and therefore do not wish to make any major changes that would endanger this.

A majority of delegations oppose the proposed merger of CEPOL into the new Europol, fearing that this would quickly endanger the importance of and resources for EU law enforcement training. At the same time, they see a risk that the merger would negatively affect the operational core business of Europol. Several delegations also indicated that the reasons for the merger were not sufficiently explained and even contradicted the evaluation ordered by the Commission. Furthermore they consider that no detailed calculations had been provided by the Commission which would allow to make a serious assessment as to the possible costs savings of a merger.

A number of Member States also expressed reluctance regarding the proposal to make the transmission of information to Europol mandatory, explaining that the focus should be on quality of data rather than quantity and suggesting that incentives could work better than a legal obligation.

It was also pointed out that for Europol to be the information hub, reciprocity in information exchange with other EU bodies should be ensured. As regards the data protection regime for Europol, it was stated that the link should be made with the data protection package currently under negotiation.

The Chair took note of the strong misgivings regarding the proposed merger and concluded that this point would be submitted to Council for political guidance.

4. Report on the second joint review of the implementation of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program
- Presentation by the Commission

doc. 17971/12 JAI 930 USA 36 RELEX 1178 DATAPROTECT 150

The Commission briefly presented the report and sketched out future work on the monitoring of the EU-US TFTP Agreement. A delegation intervened to emphasise the importance of close follow-up by the Commission

5. Draft Council conclusions calling for an update of the EU Strategy for Combating Radicalisation and Recruitment to Terrorism

doc. 7785/2/13 REV 2 JAI 229 ENFOPOL 82 COTER 32

The Committee expressed wide agreement with the draft Council Conclusions. Some delegations requested some minor amendments.

The Presidency announced that a new draft incorporating the proposed changes would be circulated after the meeting in view of adoption of the draft Council Conclusions by Coreper/Council.

**6. Preparation of the upcoming end of the five year transitional period provided for in Article 10(1) to (3) of Protocol 36 on transitional provisions
doc. 8878/13 CATS 16**

The Committee had an extensive debate on the basis of doc. 8878/13 CATS 16.
The Chair concluded that it was agreed that a list should be established with all measures constituting the *acquis* of the Union before the entry into force of the Lisbon Treaty.

**7. Developments concerning current cases of interest at the Court of Justice
- Case C-617/10**

Case C-617/10 was shortly outlined by the Council Legal Service.

8. Presentation of the program of the incoming LT Presidency

The incoming Presidency presented its program and priorities.

9. AOB

- **Proposal for a Directive of the European Parliament and the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**

The Presidency reminded delegations of the rejection of the proposal by the LIBE Committee.
