



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 April 2012

8193/12

CATS 19

OUTCOME OF PROCEEDINGS

of: CATS

on: 3 April 2012

Subject : Outcome of proceedings of CATS on 3 April 2012

MIXED COMMITTEE

1. Adoption of the provisional agenda

The agenda has been approved.

2. SIS II

- *State of play*

The Commission presented the state of play of the SIS II project and pointed to certain risk factors. DE hoped it would be possible to have an objective assessment of the test results.

The Presidency underlined the importance of the ongoing activities if progress was to continue to be made and encouraged Member States and other actors to undertake the necessary steps.

3. **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**

doc. 7568/12 DATAPROTECT 35 JAI 175 DAPIX 31 FREMP 33 COMIX 167 CODEC 636

- *Orientation debate*

The result of the discussion is set out in doc. 8596/12 DATAPROTECT 46 JAI 238 DAPIX 54 FREMP 53 COMIX 229 CODEC 939.

CATS

1. **Adoption of the provisional agenda**

The agenda has been approved.

2. **EU-US Agreement on data protection (“Umbrella Agreement”)**
- *State of play*

The Commission briefed Member States about the latest negotiation rounds with the United States on this Agreement. It succinctly indicated the areas on which progress had been achieved and those on which progress had so far been more difficult to achieve.

CZ referred to its note on the obligations of the Commission to provide the Member States in a timely manner with negotiating documents (16908/11 JAI 833 USA 73 DATAPROTECT 127 RELEX 1187) and deplored that the Commission this time again only provided an oral briefing. CZ was fully supported by DE, FR, AT and PL.

3. Information on current and upcoming legislative activities

- EU-TFTS

- State of play

The Commission informed delegations about the impact assessment it was currently preparing, together with an external contractor. The Impact assessment would address, inter alia, questions regarding the financial implications, scope and legal basis.

The Commission also informed delegations that the tabling of a legislative proposal would probably be delayed with a few months beyond the date of July 2012 called for in the Council decision of July 2011, exactly 1 year after the adoption of the Council decision on the conclusion of the second EU-US TFTP Agreement.

Two delegations called on the Commission not to procrastinate in the preparation of a legislative proposal on a European terrorist finance tracking system, the necessity of which had been long established.

- EU-US PNR Agreement

- State of play

The Presidency briefly provided delegations with a state of play of the proceedings in the EP.

- Data retention

- Orientation by the Commission

The Commission repeated its call to delegations to provide it with empirical evidence of the necessity of telecom data for criminal investigations and prosecutions.

It also informed delegations about its plans for improving the 2006 Data Retention Directive, for which the impact assessment would soon be ready.

4. Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union

doc.7641/12 DROIPEN 29 COPEN 57 CODEC 656 + ADD 1 + ADD 2

doc. 8169/12 DROIPEN 37 COPEN 70 CODEC 817

- Orientation debate

The result of the discussion is set out in doc. 8650/12 DROIPEN 44 COPEN 82 CODEC 955

5. AOB

- State of play of Commission reflections on the Stockholm Programme mid-term review

COM is currently considering not to carry out a formal mid-term review as requested by the European Council; comprehensive reporting exercises are already in place for various sectorial issues and a full-fledged mid-term review would repeat to large extent what is already indicated in other reports. Some MS called on the Commission not to neglect this mid-term review. At least a political document stating the priorities for the second half of the Stockholm Programme would be useful for the Council/European Council to evaluate progress made in the JHA area, and, if needed, review its priorities.

- State of play of Commission reflections on a new Money Laundering Framework

COM is currently reflecting on possible changes in the existing money laundering framework, especially on the question of approximation of criminal offences related to money laundering activities, and is looking for MS' advice in this respect.

- Pending cases and developments in the case law of the Court of Justice/European Court of

Human Rights

doc. 7690/12 JUR 146 TRANS 82 DAPIX 36 ENFOPOL 72 CODEC 672

CBE Directive - The meeting was informed that the CLS opinion set out in doc. 14115/10 JUR 398 TRANS 248 CODEC 907 remained unchanged. The CLS invited MS to support the Council in the court case.
