



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 July 2012**

**12974/12**

**CATS 55**

**OUTCOME OF PROCEEDINGS**

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of: CATS

on: 24 May 2012

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Subject : Outcome of proceedings of CATS on 24 May 2012

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**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 as regards the SIS II project, stressing that the preliminary results of the Milestone 2 tests were very positive and that the central system had demonstrated full stability. The Milestone 2 tests results still needed to be validated.

DE, supported by AT, queried the basis for the Commission's assessment in the absence of the SFR II test tools. FR stated that the SFR II test tools had been made available to the Commission on 27 April. The Commission replied that these tools were not fully qualified and not available for all Member States to use but indicated that the SFR II test tools would be available for the purpose of the comprehensive test.

The Presidency underlined the importance of the ongoing activities and encouraged Member States and other stakeholders to take the necessary steps to ensure a positive outcome.

**3. Proposal for a Council regulation on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast)**

*- Outstanding issues*

**10201/12 SIRIS 36 SCHENGEN 37 COMIX 321**

The Presidency and Commission presented the revised draft version of the Regulation proposal, outlining the objectives to be achieved with the recast and the Committee had an exchange of views. The Presidency concluded the discussion by indicating that JHA Counsellors would be convened to discuss outstanding issues given that a number of delegations (AT, CH, DE, EL, FR, IE and UK) had maintained reservations and in order to enable consideration to be given to the possibility of dividing the draft Regulation into two separate proposals to reflect the particular position of IE and the UK.

**4. Priorities of the incoming Cyprus Presidency**

CY delegation gave an outlook of its priorities for its incoming Presidency.

## CATS

### 1. Adoption of the provisional agenda

The agenda has been approved.

### 2. Data Retention Directive

#### *- Presentation by the Commission of the preliminary findings of the impact assessment*

The Commission provided details of the process that it had started to review the Data Retention Directive, through workshops and consultations. In the course of that review process, the Commission had identified the following three problems with the current legal framework.

The first problem was the tension with the requirements flowing from the rights of privacy and data protection, in particular related to the lack of predictability of the purposes for which telecom data might be used.

The second problem related to the wider regulatory framework applicable to the telecom sector and the very substantial financial costs that telecom operators incurred as a consequence of the Data Retention Directive. The different Member States rules on whether and the extent to which these costs were reimbursed were perceived as problematic.

A third series of problems related to the challenges that the implementation of the Directive posed to law enforcement authorities. Difficulties to rapidly exchange telecom data and the unavailability of some types of telecom data were among the factors cited in this regard.

The Commission stated that its reflection process was still ongoing and it was hence not in a position to indicate whether (and when) it could table a legislative proposal or seek otherwise to make law enforcement efforts in this area more concerted.

Several Member States intervened to express their qualm regarding any possible legislative proposal to amend the 2006 Directive and in particular the retention periods contained therein given the law enforcement need to access those data.

**3. Draft Council conclusions on the establishment of a European Cybercrime Centre  
8295/1/12 REV 1 ENFOPOL 87 TELECOM 71**

The Commission provided background information in relation to its Communication "Tackling Crime in our Digital Age: Establishing a European Cybercrime Centre" and together with Europol presented the way forward and further practical steps of the establishment of the Centre.

These presentations were followed by an exchange of views by delegations on the draft Council conclusions on the establishment of a European Cybercrime Centre (doc. 8295/1/12 REV 1 ENFOPOL 87 TELECOM 71). The PL and IT delegations withdrew their reservations on the document. Some delegations referred to the need to clarify the resources that would be necessary for the Centre to function, the exact scope of its activities and underlined the necessity for the Council to be involved in the follow-up to the establishment of the Centre.

The Chair concluded that the document would be modified and submitted to COREPER/Council for adoption.

**4. Draft Council conclusions on a Global Alliance against Child Sexual Abuse Online  
9663/1/12 REV1 GENVAL 30 ENFOPOL 126 DROIPEN 53 AUDIO 49 JEUN 41  
9662/1/12 REV 1 GENVAL 29 ENFOPOL 125 DROIPEN 52 AUDIO 48 JEUN 40**

The Presidency presented the revised version of the draft Council conclusions with one additional change, which met with general approval by delegations. All delegations which intervened supported the idea underlying the joint statement by the Commission and the Presidency, but some delegations suggested some amendments to the draft joint statement.

5. - **EUROJUST Annual Report 2011**  
**8853/1/12 REV 1 EUROJUST 32 CATS 24 EJM 27 COPEN 89**
- **Draft Council conclusions on the tenth EUROJUST Annual Report (calendar year 2011)**  
**9087/1/12 REV 1 EUROJUST 38 CATS 27 EJM 31 COPEN 96**

Following the presentation of the Annual Report, CATS discussed draft Council Conclusions and decided to submit the draft, modified on the basis of comments made, to Coreper/Council for adoption.

6. **Discussion on the EU's entry into mutual assistance and extradition agreements with third countries (implementation of paragraph 3.5.2 of the Stockholm Programme)**  
**10072/12 CATS 33 COPEN 117 JAIEX 32 RELEX 445**

CATS discussed possible criteria to identify priority areas for future agreements with third countries in the area of mutual legal assistance and extradition. Delegations recalled the invitation to the Commission, set out in the Stockholm Programme, to submit a list of prospective countries as well as an assessment of the appropriateness and urgency of concluding such agreements.

7. **12th Meeting of Network for investigation and prosecution of genocide, crimes against humanity and war crimes**
- **Report from the meeting on 24-25 April 2012**  
**9644/12 CATS 30 CRIMORG 50 COPEN 107**
- **Conclusions of the meeting of Network for investigation and prosecution of genocide, crimes against humanity and war crimes**  
**9642/12 COPEN 106 EUROJUST 44**

CATS took note of the report and the conclusions of the network meeting.

**8. AOB**

- **Report on the activities of the Customs Cooperation Working Party (1 July - 31 December 2011)**  
**doc. 9319/12 ENFOCUSTOM 40**

CATS took note of the 6-month report on the activities of the CCWP during the Polish Presidency (1 July - 31 December 2011) as set out in doc. 9319/12 ENFOCUSTOM 40.

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