



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 November 2012

15899/12

CRIMORG 126

OUTCOME OF PROCEEDINGS

of: Working Party on General Matters, including Evaluations (GENVAL)

on: 6 November 2012

Subject: Summary of discussions

1. Adoption of the agenda

The agenda as set out in CM 5021/12 REV 1 was adopted.

2. Fifth round of mutual evaluations - Adoption of the Report on Spain

12660/1/12 REV1 GENVAL 53 RESTREINT UE

The report was adopted.

3. Fifth round of mutual evaluations - Adoption of the Report on Denmark

12659/1/12 REV 1 GENVAL 52 RESTREINT UE

The report was adopted.

4. Sixth round of mutual evaluations - Adoption of the Report on Sweden

13666/12 GENVAL 64 RESTREINT UE

15741/12 GENVAL 79 EUROJUST 97 EJM 80

The report was adopted.

DE circulated a declaration regarding the adoption of this implementation report. UK asked it to be noted that to a great extent it shared the DE opinion. NL took the floor to say that it had some sympathy for the opinion, though not intending to endorse it.

5. Sixth round of mutual evaluations - Discussion of the Report on Lithuania

15372/12 GENVAL 76

The evaluation team presented the report. The Lithuanian 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.

6. Fifth round of mutual evaluations - Outcome of the discussion of the final report at the JHA Council on 26 October 2012

- Presentation by the Presidency

The Presidency made a brief presentation on the outcome of the discussion of the final report at the JHA Council on 26 October 2012. The Ministers had endorsed its recommendations and expressed a large support to further develop the EU legislative framework to prevent and combat financial crime. The exchange of information on and access to bank account data as well as the exchange of operational information between the Financial Intelligence Units (FIUs) and Asset Recovery Offices (ARO) should be further enhanced while respecting the differentiations in the legal systems of the MS and the protection of personal data.

SE asked about a possible follow-up to the recommendations of the report. The Council Secretariat reminded that 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. However, if GENVAL decided to strengthen the system, it would be within GENVAL's competency to do so.

7. Second implementation report / update of the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings

13661/1/12 REV 1 GENVAL 63 JAIEX 67 RELEX 796 JAI 603 COSI 72

The Working Party had a brief discussion of the second implementation report, among other things containing a list of priority third countries and regions with which the EU should develop more concrete partnerships. The Commission explained that the list had been drawn up based upon information received from Europol, Frontex and Eurostat. Other sources of information, such as UNODC, IOM, ILO and the US TIP report had been taken into account as well.

Deadline for written comments to the paper was set at 13 November. Based upon the discussions and the written comments, a revised version will be circulated. The report will then be discussed in CATS on 20 November and in JAIEX on 28 November. The aim is to have the text agreed at the JHA Council of 6-7 December as an A-point.

8. Report from the Commission to the European Parliament and the Council: Possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised) with a view to improving the functioning of the internal market for the products in question through simplification

- Presentation by the Commission
- 13274/12 GENVAL 58 ENFOPOL 249 MI 532 COMIX 475

The Commission (DG Enterprise) gave an overview of the history behind the current Directive and the rules in place. It was stressed that the main aim of the Directive was a (certain) freedom of movement for firearms (and not the combating of organised criminality). The conclusion of the above-mentioned report was that there would be no clear benefit in a compulsory restriction of the classification at EU level to only two firearms categories. It was finally mentioned, that the Commission would hold a conference on 19 November this year on illicit trafficking of firearms. BE drew the attention to point 9.2 of the report, stressing the importance of the Commission submitting proposals soon (and at any rate before the date mentioned in point 9.6 (28 July 2015)).

9. Outcome of the 6th Anti-Trafficking Day and the conference on 18 October 2012 in Brussels

- Presentation by the Presidency

The Presidency gave a brief presentation of the outcome of the 6th Anti-Trafficking Day and the conference held on 18 October 2012 in Brussels. Conclusions from this conference will be circulated to delegations in a near future.

10. Outcome of the International Seminar held in Cyprus on 16-17 October 2012 on the Illicit Trafficking of Cultural Goods and Presentation of the EU CultNet

15400/12 GENVAL 77 ENFOPOL 339 ENFOCUSTOM 108

- Presentation by the Presidency

The Presidency gave a power point presentation of the outcome of the seminar. The EU CultNet aims at identifying and sharing non-operational information on criminal networks suspected of being involved in illicit trafficking of stolen cultural goods, in close cooperation with relevant international organisations, such as Europol, Eurojust, Interpol and UNESCO.

At the recent JHA-Council of 25-26 October 2012, the Council had adopted a resolution on the creation of an informal network of law enforcement authorities and expertise competent in the field of cultural goods.

11. Summary of the results of the ARO Conference held in Cyprus, 22-24 October 2012

- Presentation by the Presidency

The Presidency presented a summary of the results of the conference that had been organised together with the Commission.

12. Outcome of the European Conference held in Cyprus on 15-16 October 2012 on "Best Practices in Cooperation against Cyber Crime: Public – Private Partnerships and exchange of information"

- Presentation by the Presidency

The Presidency gave a presentation of the outcome of the conference.

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

15305/1 GENVAL 75 DROIPEN 148 COSCE 26

- Presentation by the Commission and exchange of views

The Commission presented how it intended to reinforce the cooperation between the EU and the Council of Europe Group of States against Corruption (GRECO), based on Art. 220 TFEU and implying a two-stage approach as laid out in the above-mentioned communication.

The Council Legal Service (CLS) questioned the legal basis chosen. In view of CLS the procedure envisaged that might eventually lead to EU full membership of GRECO should be regulated by Art. 218 TFEU.

Several Member States intervened to state their doubts about the two-stage procedure outlined, the legal basis suggested and the funding possibilities indicated in the Communication. Deadline for submitting (further) written comments was fixed at 13 November.

14. Any other business:

- Outcome of the Sixth Session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC), Vienna, 15-19 October 2012;
- Information by the Incoming Presidency of Ireland concerning its Programme

The Commission informed about the abovementioned sixth session. Progress had been made on a number of issues; however, the Conference of Parties had not been able to agree on the establishment of a peer review mechanism, which EU regretted.

The incoming IE Presidency informed about its programme for the first half of 2013. There will be four meetings; the provisional dates are the following: 16 January, 20 March, 29 May and 19 June 2012.