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## OUTCOME OF PROCEEDINGS

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From: Working Party on General Matters, including Evaluations (GENVAL)  
On: 27 April 2016  
To: Delegations

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Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 2308/16.

### 2. Seventh round of mutual evaluations

**6289/1/16 REV 1 GENVAL 22 CYBER 16 RESTREINT UE**

#### – Adoption of the Report on Spain

The draft report on Spain, as set out in document 6289/1/16 REV 1 GENVAL 22 CYBER 16 RESTREINT UE, was adopted by the Working Party following the discussion held at last GENVAL meeting on 16 March 2016.

### 3. Seventh round of mutual evaluations

**6520/1/16 REV 1 GENVAL 27 CYBER 19 RESTREINT UE**

#### – Adoption of the Report on Lithuania

The draft report on Lithuania, as set out in document 6520/1/16 REV 1 GENVAL 27 CYBER 19 RESTREINT UE, was adopted by the Working Party following the discussion held at last GENVAL meeting on 16 March 2016.

#### 4. Seventh round of mutual evaluations

##### 7696/16 GENVAL 42 CYBER 34 RESTREINT UE

###### – Discussion of the Report on Malta

The Evaluation Team presented the content of the draft report on Malta and the respective conclusions and recommendations, as set out in doc. 7696/16 GENVAL 42 CYBER 34 RESTREINT UE.

MT acknowledged that the evaluation report was a fair representation of the situation in Malta and made some comments on certain issues included in the report.

BG, EL and UK asked some questions regarding certain issues included in the report that were responded by MT.

In response to a question raised by FR, the Evaluation Team clarified that Recommendation 9.2.2 No 5 is not addressed to Malta, but to the Member States and the EU institutions. It aims at addressing the issue of data retention at EU level, considering that different national approaches and difficulties in data availability following the invalidation of Directive 2006/24/EC by the Court of Justice, undermine the efficiency of prosecutions.

In response to certain questions raised by DE, the Evaluation Team clarified that:

- the legal basis for Recommendation 9.2.1 No 2 is Directive 2013/40/EU, obliging Member States to collect and transmit statistics on registered offences covered by the Directive to the Commission; this type of recommendations can also contribute to identify developments and trends of cyber criminality and to the exchange of best practices among Member States.
- Recommendation 9.2.1 No 7 is limited to vesting the police with more powers as regards search and seizure, in full respect of human rights, and does not refer to the strengthening of the police by additional human and technical resources, which is addressed in Recommendation 9.2.1 No 4.

- Recommendation 9.2.2 No 6, addressed to the EU institutions with a view to considering to work on an updated Handbook on the European freezing order, based on Framework Decision 2003/577/JHA, was deleted upon agreement by the Evaluation Team and MT.

The draft report on Malta will be presented at next GENVAL meeting for adoption.

## 5. EU Action Plan against Wildlife Trafficking

- **Presentation by the Commission**

**6570/16 ENV 100 JAI 141 CRIMORG 10 RELEX 154 DEVGEN 30 COMER 21  
EUROJUST 19 ENFOPOL 48 ENFOCUSTOM 30  
WK 254/16**

The Commission presented the EU Action Plan against Wildlife Trafficking, as set out in doc. 6570/16, the objectives of which are, in particular, to raise awareness on Wildlife Trafficking and have this issue on the political agenda, including of law enforcement discussions and fora, with a view to reinforcing the EU action in this field.

The Commission, underlining the importance of this - less known, but also highly profitable - form of organized crime, which affects the EU both as a transit and as an export area and is linked to global security, focussed its presentation on the relevant law enforcement aspects of the Action Plan.

The Commission also referred to the draft Council conclusions on Wildlife Trafficking currently under negotiation in the Working Party on the Environment which would be submitted for adoption by the Council in June 2016.

Europol underlined that its activities are mainly based on the EU Policy cycle for the fight against organized and serious international crime, and include providing assistance to the Member States, whose provision of strategic information is of essential importance. Europol pointed out that currently it has limited resources and does not have a focal point on environmental and related crimes, but would be available to support even large scale operations in this area if it would be provided with additional funding.

Broad support to the EU Action Plan on Wildlife Trafficking was expressed by delegations, underlining i.a. the importance of tackling this crime and of criminalizing related illicit behaviours, the need to focus on the best use of existing instruments, and the importance of supporting Europol activities, including by providing relevant information.

The Presidency, outlining the relevance of this form of crime, invited delegations to coordinate with their national delegates at the Working Party on the Environment, with a view to providing input on the law enforcement aspects of the draft Council conclusions on Wildlife Trafficking.

## **6. Security statistics 2016-2020**

### **– Presentation by the Commission followed by discussion WK 255/16**

The Commission informed that the second action plan in the field of crime statistics expired at the end of 2015, and that the third Action Plan on measuring crime in the EU for 2016 - 2020, is due for adoption in 2016, under the umbrella of the European Agenda on Security.

The new Action Plan will put forward new actions with a view to further improving the collection of security statistics to be used as quantitative evidence base for security policies in the EU. For this purpose, the Commission has foreseen the inclusion of new types of offences, starting with Trafficking in Human Beings and Migrants Smuggling, and possibly continuing with Cybercrime and other types of crime. The Commission is also considering the identification of possible indicators for the evaluation of policy interventions.

## **7. Administrative approach to prevent and tackle serious and organised crime**

### **– Report of the Conference on 21-22 March in Amsterdam 7728/16 JAI 267 GENVAL 43 DROIPEN 66 COPEN 102 CATS 19 COSI 56 CRIMORG 25 ENFOPOL 94**

#### **– Information by the Presidency**

The Presidency presented the outcome of the conference "Working apart together on the administrative approach to prevent and tackle crime", which was held in Amsterdam on 21-22 March 2016, as set out in doc. 7728/16. The Conference aimed at exploring how to make good use of administrative measures available to prevent and tackle serious and organized crime, and to improve cooperation between Member States in cross border cases.

– **Draft Council conclusions**

**7686/16 JAI 262 GENVAL 41 DROIPEN 64 COPEN 97 CATS 18 COSI 53  
CRIMORG ENFOPOL 89**

– **Concluding discussion**

The Presidency introduced the changes made in the revised text of the draft Council Conclusions on the Administrative approach to prevent and tackle serious and organised crime, as set out in the Annex to doc.7686/16.

The Working Party discussed this revised text and a number of delegations presented some suggestions for its further refinement.

In the light of these suggestions, the Presidency presented a further revised text, due to be approved under a silence procedure, as set out in doc. 8374/16. Subject to such approval, the text of the draft Council conclusions will be submitted to COSI and subsequently to Coreper/Council (as an I/A point), for adoption in June 2016.

## **8. Informal European Network on Victims' Rights**

– **Draft Council conclusions establishing an Informal European Network on Victims' Rights**

**6526/2/16 REV 1 JAI 132 DROIPEN 41 COPEN 55**

– **Concluding discussion**

The Presidency presented the changes made in the revised draft Council Conclusions on the Informal European Network on Victims' Rights, as set out in the Annex to doc. 6526/2/16 REV 2.

The Working Party discussed this revised text and a number of delegations presented some suggestions for its further refinement.

In the light of these suggestions, the Presidency announced the distribution to delegations of a further revised text, due to be approved under a silence procedure, as set out in doc. 6526/3/16 REV 3. Subject to such approval, the text of the draft Council conclusions will be submitted to Coreper/Council (as an I/A point), for adoption in June 2016.

## 9. AOB

The Presidency referred to an issue raised by DE as regards the handling of delegations' **comments on mutual evaluation reports**, underlining that the main responsibility for the content of the reports lies with the experts of the Evaluation Team having carried out the on-spot visit. The Presidency proposed that possible alternative view from delegations may be circulated in a separated document and referred to in the outcome of proceedings, which can also indicate the references of such document.

DE expressed its full support to the above practice proposed by the Presidency.

The Presidency informed that the conclusions and recommendations with a view to improving the **follow-up to mutual evaluation mechanism** foreseen in Joint Action 97/827/JHA were approved by the GENVAL Working Party by silence procedure, as set out in document 15538/4/15 REV 4.

The Presidency informed the Working Party on the first **EU Day against impunity for genocide, crimes against humanity and war crimes**, organised by the Presidency, the Commission, the Genocide Network and Eurojust, foreseen to take place on 23 May 2016 in the Hague (Eurojust premises). The Presidency invited GENVAL delegations to participate in this event.

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