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## OUTCOME OF PROCEEDINGS

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From: Working Party on General Matters, including Evaluations (GENVAL)  
On: 24 June 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 doc. CM 3044/16.

### 2. Seventh round of mutual evaluations \*

#### - Adoption of the report on Malta

doc. 7696/1/16 REV 1 GENVAL 42 CYBER 34 RESTREINT UE

The draft report on Malta, as set out in document 7696/1/16 REV 1 GENVAL 42 CYBER 34 RESTREINT UE, was adopted by the Working Party following the discussion held at last GENVAL meeting on 27 April 2016.

### **3. Seventh round of mutual evaluations \***

#### **- Discussion of the report on Cyprus**

**doc. 9892/16 GENVAL 67 CYBER 63 RESTREINT UE**

The Evaluation Team presented the content of the draft report on Cyprus and the respective conclusions and recommendations, as set out in doc. 9892/1616 GENVAL 67 CYBER 63 RESTREINT UE.

CY highlighted the progress already made in tackling cybercrime and welcomed the recommendations in the evaluation report with a view to further improvement.

EE, PL and FR asked some questions regarding certain issues included in the report that were responded by CY.

DE raised a question regarding the legal basis for collecting statistics. The experts explained that some statistics are collected in CY on the basis of internal provisions and strengthening this process can contribute to identify new trends of cybercrime and to have a more comprehensive picture of the phenomenon.

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

### **4. Seventh round of mutual evaluations \***

#### **- Discussion of the report on Italy**

**doc. 9955/16 GENVAL 71 CYBER 66 RESTREINT UE**

The Evaluation Team presented the content of the draft report on Italy and the respective conclusions and recommendations, as set out in doc. 9955/16 GENVAL 71 CYBER 66 RESTREINT UE, highlighting some good practices.

IT acknowledged that the evaluation report reflected in an accurate way the situation in Italy and presented some further progresses achieved following the evaluation visit, including additional budgetary resources for cybersecurity. IT also informed the Working Party that the ratification of the 2000 MLA Convention is foreseen to be finalized until the end of the current year.

FR, RO, DE, SE raised some questions and comments regarding certain issues included in the report that were responded by IT and by evaluation team.

In relation to some comments made by DE, as set out in details in doc. 10616/16, the evaluation team clarified that:

- recommendation 9.2.1 par. 8 related to statistics can contribute to identify new trends of cybercrime and to have a more comprehensive picture of the phenomenon;
- recommendation 9.2.3 par. 1, proposing the creation of a user manual/directory of services related to the MLA activities, could have an added value especially for practitioners. This recommendation was reformulated upon agreement by the evaluation team and IT during the preparatory meeting.

SE asked if some rewording could still be proposed in relation with recommendation 9.2.2 no 3 (replacing malicious by illegal content).

In this respect, the Presidency reminded delegations of the rules of procedures recently agreed by the GENVAL Working Party, as regards the handling of delegations comments on the evaluation reports, as set out in par. 9 of doc. 8419/16, and concluded that this agreed practice should be maintained.

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

## **5. European Crime Prevention Network**

### **- Annual Report of Activities in 2015**

**doc. 10229/16 GENVAL 76 ENFOPOL 198**

The EUCPN representative presented the Annual Report of the European Crime Prevention Network's activities in 2015, as set out in doc. 10229/16.

He indicated that the Network's activities in 2015 focused during the Latvian Presidency on the prevention of secondary victimization, and during the Luxembourg's Presidency on the prevention of cybercrime, on which a Best practice Conference was held in December 2015.

An internal evaluation was carried out in 2015 with a view to providing an input to the Multi-annual strategy 2016 - 2020.

### **- Work Programme 2016**

**doc. 10230/16 GENVAL 77 ENFOPOL 199**

### **- Presentation by EUCPN**

The EUCPN Secretariat presented the work programme of the European Crime Prevention Network for 2016, as set out in doc. 10230/16, which during the Netherlands Presidency focused on the illegal trafficking of firearms, and during the Slovak Presidency would focus on crimes committed on elderly people.

In line with the Multi-annual strategy 2016 - 2020, the work programme for 2016 foresees the following goals for EUCPN: a) to become a point of reference for the target groups of the Network; b) to disseminate qualitative knowledge on crime prevention; c) to support and facilitate crime prevention activities at national and local level; d) to develop various aspects of crime prevention at EU level in respect of the EU strategy of crime prevention; e) to develop a new Multi-annual strategy and a concrete proposal for the future of the EUCPN and its Secretariat.

The EUCPN Secretariat presented a table with a request for information from Member States as regards EU priorities and other phenomena. A list of national representatives of Member States was also distributed. Member States were requested to return the table duly filled in and possible corrections to the list of national representatives as soon as possible to the EUCPN Secretariat.

## **6. Fight against impunity for Genocide, Crimes against humanity and War crimes**

### **a) Outcome of the EU day against impunity, The Hague, 23 May 2016**

#### **- Presentation by the Presidency**

**doc. 10233/16 GENVAL 78 COPEN 211 EUROJUST 83 ENFOPOL 200 COHOM 75**

The Presidency presented the outcome of the first EU Day against impunity, held in The Hague on 23 May 2016, organised by the Netherlands Presidency, in cooperation with the Genocide Network, Eurojust and the European Commission.

The aim of the event, which is planned to be held annually, was to raise awareness on the fight against impunity of the heinous crimes of genocide, crimes against humanity and war crimes and to promote national investigation and prosecution of these crimes.

The conclusions highlight that national jurisdictions have a key role in fighting impunity against these crimes, and that due to current conflicts in the proximity of the European Union, an increase in investigation and prosecution of these crimes may be expected. Since criminal investigations related to core international crimes are by nature very complex, specialisation to handle the specific challenges is necessary.

The second annual EU Day against impunity of genocide, crimes against humanity and war crimes will be organised in 2017 by the future Maltese Presidency in cooperation with the Genocide Network, Eurojust and the European Commission.

#### **b) Outcome of the 20th Genocide network meeting**

##### **- Presentation by the Genocide network Secretariat**

**doc. 10173/16 GENVAL 75 COPEN 206 EUROJUST 81 ENFOPOL 195 COHOM 74**

**doc. 10169/16 GENVAL 74 COPEN 205 EUROJUST 80 ENFOPOL 194 COHOM 73**

The Head of the Genocide Network Secretariat presented the outcome of the 20th meeting of the Network, which took place on 24 and 25 May 2016 in The Hague, the report and conclusions of which are respectively set out in the Annexes to doc. 10169/16 and to doc. 10173/16.

The meeting focused inter alia on the further opportunities offered by the extension of Europol and Eurojust mandates to cover genocide, crimes against humanity and war crimes, on a recent German case against two leaders of FDRL living in Germany prosecuted for crimes occurred in the Democratic Republic of Congo (DRC), and on the participation of victims and witnesses during criminal proceedings in this case.

At the above meeting an update was also given on the initiative for a new Treaty on international cooperation for domestic prosecution of the most serious international crimes.

**c) Outcome of the evaluation on specialized units for investigation and prosecution of core international crimes and victims' participation and protection**

**- Presentation by the Presidency and the Genocide network and discussion**

**doc. 10234/16 GENVAL 79 COPEN 212 EUROJUST 84 ENFOPOL 201 COHOM 76**

The Head of the Genocide Network Secretariat presented the outcome of the recent evaluation on the specialized units that according to Council Decision 2003/335/JHA Member States should consider to set up for the investigation and prosecution of genocide, crimes against humanity and war crimes, as set out in doc. 10234/16.

The evaluation outlined that the actual practice in Member States as regards specialization, shows a wide variety of situations, ranging from the simple designation of contact points and the specialization of the staff, to the establishment of semi or fully dedicated units.

The Presidency also referred to the findings of the evaluation as regards shortcomings and challenges raised by the participation of victims and witnesses, often located far away, including in relation to cultural and linguistic barriers, and indicated the use of videoconference as a best practice to be used in this context.

The Working Party had a discussion in relation to the questions related to point 3 of doc. 10234/16. Delegations' comments in this respect highlighted the need for appropriate training and financing, as well as the importance for Member States who do not have established specialized units of sharing ideas and experiences with those Member States who have done so.

The Presidency, underlining that investigation and prosecution of core international crimes is of high priority and most often time-consuming, pointed out that further initiatives are needed with a view to improving the fight against impunity for these crimes, in order to avoid the European Union becoming a safe heaven and to bring perpetrators to justice.

A number of delegations pointed out that training is an important instrument to raise the awareness of these crimes, and therefore called upon the European Commission to consider promoting training on a more structural basis. It was also underlined that further attention at the national and EU level (such as the European Network for Victims Rights) is recommended as regards to victims of core international crimes.

The Presidency concluded the discussion under point 6 by confirming, as already underlined by some delegations, the importance of continuing to support the Genocide network's activities at EU and national level.

## **7. Report on the progress made in the fight against trafficking in human beings (2016) - Presentation by the Commission**

**doc. 9324/16 JAI 472 DROIPEN 95 COPEN 169 GENVAL 63 MIGR 96 COSI 91**  
**doc. WK 457/16**

The Commission presented the first report on the progress made in the fight against trafficking in human beings (THB) and protection of its victims (2016), as foreseen by Article 20 of Directive 2011/36/EU.

The Commission announced that by the end of 2016 it would present a report on the compliance with the above Directive, the transposition of which has not yet been completed in all Member States. The Commission also indicated that it is currently working on a new strategy, the current one expiring at the end of this year.

The report illustrates figures and trends as regards THB in the EU, showing that 65% of the victims are EU citizens, as well as gaps and challenges identified to fully implement the EU anti-trafficking Directive. In particular, the Commission highlighted that Member States should: address and prioritise all forms of exploitation; increase the number and effectiveness of investigations and prosecutions; work on improving data collection in the field of THB; focus on the early identification of all victims; ensure that all victims are offered protection and assistance as well as take gender-specific measures and a child-centred approach.



## 8. Implementation of the renewed European Union Internal Security Strategy

### - Presentation by the Presidency

doc. 9151/16 JAI 425 COSI 88 CATS 38 ENFOPOL 152 ENFOCUSTOM 69 DAPIX 77  
SIRIS 85 GENVAL 61 CORDROGUE 24 DROIPEN 91 COPEN 162 FREMP 85

The Presidency gave a brief presentation on the implementation of the renewed European Union Internal Security Strategy (ISS), as set out in doc. 9151/16, underlining its nature as a living document which summarizes the results achieved during the Luxembourg Presidency (pages 3 and 4) and the activities carried out under the Netherlands Presidency (page 5). As regards the GENVAL Working Party, the above document refers inter alia to certain activities as regards THB and to the ongoing mutual evaluation round on cybercrime.

## 9. AOB

The incoming SK Presidency announced that during next semester the activities of the GENVAL Working Part would mainly focus on the discussions on the draft Firearms Directive and on the choice of the topics for the eighth mutual evaluation round. Meetings of this Working Party are currently foreseen to take place on 20 July, 27 October and 14 December 2016 (with the possibility of an additional meeting in November).

The General Secretariat of the Council informed that the Presidency received a request from the Chair of the LIBE Committee to receive the negotiating mandate given by the Council to the Commission for the PNR Agreement with Mexico adopted by the Council on 23 June 2015, based on the Interinstitutional Agreement of 12 March 2014 between the European Parliament and the Council concerning classified information held by the Council.

As no objections were raised by delegations in this respect, the Presidency would suggest to Coreper at its meeting on 30 June 2016, under the I part of the agenda, to agree to provide a copy of the negotiating directives to the LIBE Committee.