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GENVAL 115
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OUTCOME OF PROCEEDINGS

From:	Working Party on General Matters, including Evaluations (GENVAL)
On:	26 October 2016
To:	Delegations
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 4342/16.

2. Seventh round of mutual evaluations

- Adoption of the report on Portugal

- doc. 10905/1/16 REV 1 GENVAL 83 CYBER 81 RESTREINT UE

The draft report on Portugal, as set out in doc. 10905/1/16 REV 1 GENVAL 83 CYBER 81 RESTREINT UE, was adopted by the Working Party following the discussion held at last GENVAL meeting on 20 July 2016.

3. Seventh round of mutual evaluations

- Discussion of the report on Denmark

- doc. 13204/16 GENVAL 104 CYBER 113 RESTREINT UE

The expert team responsible for the evaluation presented the content of the draft report on Denmark and the ensuing conclusions and recommendations, as set out in doc. 13204/16 GENVAL 104 CYBER 113 RESTREINT UE.

Denmark expressed its gratitude to the expert team for their objective and accurate findings and for the good cooperation they provided during the evaluation visit.

Hungary and Lithuania asked some questions addressed to Denmark which were responded by the Danish national authorities.

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

4. Orientation debate on the eighth round of mutual evaluations

- Possible topics

**doc. 13404/16 GENVAL 108 COPEN 295 COSI 157 ENFOPOL 357 ENV 665 DAPIX
174 DROIPEN 160**

= Discussion

The Working Party continued the orientation debate on the possible topic for the eighth round of mutual evaluations, on the basis of doc. 13404/16.

Larger support was expressed in favour of topic A), "Environmental crime" that, in response to the concerns expressed by some delegations, the Presidency has proposed to limit to the illegal traffic of waste and to the illegal production or handling with CBRN materials; arguments expressed by delegations in favour of this topic included the need to strengthen the legislation, the penalties system and the administrative measures in order to tackle the various types of infringements linked to environmental crime, as well as the lack of harmonized approach and the need to raise awareness on this crime at EU level.

This topic was also supported by the Commission, which referred "inter alia" to Joint action 97/827/JHA, underlining the links of environmental crime with organized crime and its cross-border implications, as well as the added value of a possible evaluation on this topic, which would allow to assess both the practical aspects and relevant cooperation between law enforcement authorities, with a view to fighting against environmental crime more efficiently.

Significant support was also expressed for the new topics under point III of doc. 13404/16 . In particular support was expressed both for topic F), concerning " The transfer of prisoners", proposed by DK, and for topic G) concerning "The execution of final convictions within the EU ", proposed by BE. Both topics refer to the implementation of mutual recognition instruments on cross-border execution of judicial decisions, and, in particular, to Framework decision 2008/909/JHA as regards the two topics, and also to Framework decisions 2008/947/JHA and 2005/214/JHA only as regards topic G. Some delegations can support both topic F) and G), whereas a very limited support was expressed for topic E) on "Detention conditions in the Member States", proposed by DE.

A more limited support was expressed for topic B) "Information exchange and information management in the Justice and Home Affairs area, and in particular the feeding and consultation of EU databases". The main concerns expressed by the delegations not in favour of this topic refer to possible duplications with the on-going initiatives in this area, in particular with the work being carried out by the High Level Expert Group on Information Systems and Interoperability set up by the Commission. The delegations supporting this topic underlined, however, that the results of these activities would be available before the next evaluation round would start.

Little support was expressed for topic D), "The practical application of EU legal instruments on victims' rights".

The Presidency, highlighting the preliminary results of the discussion as showing a preference for topics A), F) and G), indicated that it will revise the document, with a view to continuing the discussion and taking a final decision on the topic for the eighth round of mutual evaluations at next Genval meeting on 14 December 2016.

5. Outcome of the 21st meeting of the Network for investigation and prosecution of genocide, crimes against humanity and war crimes

- doc. 13409/16 GENVAL 109 COPEN 296 EUROJUST 128 ENFOPOL 351 COHOM
131

- doc. 13410/16 GENVAL 110 COPEN 297 EUROJUST 129 ENFOPOL 352 COHOM
132

= Presentation by the Genocide Network Secretariat

The Head of the Genocide Network Secretariat presented the outcome of the 21st meeting of the Network, which took place on 12 and 13 October 2016 in The Hague, the report and conclusions of which are respectively set out in the Annexes to doc. 13409/16 and to doc. 13410/16.

The meeting focused in particular on the factual and legal aspects of the looting and destruction of cultural heritage, as a challenge for international and national criminal law, and related practical challenges, experience and lessons learned in relation to recent and on-going conflicts, and especially in the light of the situation in Syria and Iraq.

The Head of the Genocide Network Secretariat also highlighted the difficulties linked to the upcoming budgetary restrictions at Eurojust for 2017 and 2018, that would have an impact on the future activities of the Network, and in this respect recalled the Council conclusions of 15-16 June 2014 ¹, which, "inter alia", invite the Commission to continue supporting the "Genocide Network" 's work.

Several delegations expressed their support for providing the Genocide Network with sufficient budgetary resources to carry out its activities and implement the Genocide Network Strategy endorsed by the Council and annexed to the abovementioned Council conclusions. Some delegations also referred to the importance of the training activities organized by the Network. The representative of the Commission announced to come back to the above budgetary issues in writing.

6. Brief update on the second informal trilogue on the "Firearms directive" **= Information by the Presidency**

The Presidency informed the Working Party on the state of play of the negotiations with the European Parliament on the "Firearms directive", referring to the main outstanding issues and to the outcome of the second informal trilogue, which took place on 25 October 2016. The Presidency underlined that negotiations will continue both at political and at technical level, with a view to finding compromise solutions and reaching political agreement with the European Parliament by the end of 2016.

¹ doc. 15584/2/14)

7. Survey on information exchange on weapons

- doc. 12513/16 DAPIX 156 CRIMORG 110 ENFOPOL 298 ENFOCUSTOM 136
GENVAL 97

- doc. CM 3817/16

= **Presentation by the Presidency**

On request of the Presidency, the General Secretariat of the Council informed the Working Party about the recent survey, based on the questionnaire set out in CM 3817/16, on information exchange on weapons. The aim of this initiative was to dispose of a clear picture of the current situation as regards the national filing systems for firearms pursuant to Directive 2008/51/EC, channels for cross-border law enforcement information exchange and possible interoperability options. The outcome of the survey, as set out in doc. 12513/1/16, outlines "inter alia" the importance of strengthening the information exchange on weapons using the existing tools.

8. Implementation of the renewed European Union Internal Security Strategy 2015-2020 in the context of GENVAL

- doc. 11001/1/16 REV 1 JAI 650 COSI 117 CATS 55 ENFOPOL 227 ENFOCUSTOM
106

DAPIX 114 SIRIS 108 GENVAL 84 CORDROGUE 38 DROIPEN 127 COPEN 234
FREMP 129

= **Presentation by the Presidency**

The Presidency informed the Working Party about the activities being carried out for the Implementation of the renewed European Union Internal Security Strategy 2015-2020, as set out in doc. 11001/1/16 REV 1, as regards GENVAL. The Presidency referred in particular to the negotiations on the "Firearms Directive", to the Post-2016 Strategy on Trafficking in Human Beings, and to the on-going activities in the context of the 7th mutual evaluation round.

9. AOB

a) Ministerial Conference on the European Day of Remembrance for Victims of Totalitarian Regimes (Bratislava, 22-23 August 2016)

- doc. 12354/16 JAI 762 FREMP 147

= Information by the Presidency

The Presidency informed the Working Party about the outcome of the Ministerial Conference on the European Day of Remembrance for Victims of Totalitarian Regimes, which was held in Bratislava on 22-23 August 2016. At that occasion, the Ministers agreed on the Joint statement in the Annex to doc. 12354/16, that commemorates the victims of totalitarian regimes and also addresses the issue of radicalization to terrorism, including as regards young people, as well as the measures for preventing and combating this phenomenon.

b) Outcome of the EU-US Justice and Home affairs Senior Officials meeting

- doc. 12385/16 JAIEX 81 RELEX 762 ASIM 123 JAI 765 VISA 292 FRONT 350
COTER 95 DATAPROTECT 82 COPEN 270 CRIMORG 109 EUROJUST 117 COEST
230 USA 52

= Information by the Presidency

The Presidency informed the Working Party about the outcome of the EU-US Justice and Home affairs Senior Officials meeting, which took place in Bratislava on 8-9 September 2016. The above meeting, which addressed the main issues of cooperation with the United States in the JHA area, among which in particular migration and mobility, transnational crime and data protection, aimed at preparing next EU-US Justice and Home affairs Ministerial meeting, foreseen to take place in Washington on 5-6 December 2016.