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GENVAL 146
COPEN 400
CYBER 159

OUTCOME OF PROCEEDINGS

From: Working Party on General Matters, including Evaluations (GENVAL)
On: 14 December 2016
To: Delegations

Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 5098/16.

2. Seventh round of mutual evaluations *

- Adoption of the report on Denmark

The draft report on Denmark, as set out in doc. 13204/1/16 REV 1 + COR 1

RESTREINT UE, was adopted by the Working Party following the discussion held at last GENVAL meeting on 26 October 2016.

3. Seventh round of mutual evaluations *

- Discussion of the report on Poland

The expert team responsible for the evaluation presented the content of the draft report on Poland and the ensuing conclusions and recommendations, as set out in doc. 14585/16 RESTREINT UE.

LU and SE asked some questions addressed to Poland which were responded by the Polish national authorities.

DE commented on the lack of legal basis to gather statistics on cybercrime, but it considers possible to provide the already existing ones. It also asked about the concept of making training more mandatory for the judiciary.

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

4. Seventh round of mutual evaluations *

- Discussion of the report on Slovenia

The expert team responsible for the evaluation presented the content of the draft report on Slovenia and the ensuing conclusions and recommendations, as set out in doc. 14586/16 RESTREINT UE.

FI and IE asked some questions addressed to Slovenia which were responded by the Slovenian national authorities.

DE commented on the lack of the legal basis to gather statistics on cybercrime, but it considers possible to provide the already existing ones.

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

5. Orientation debate on the eighth round of mutual evaluations

- choice of the topic

- Discussion

The Working Party continued the discussion on the choice of the topic for the eighth round of mutual evaluations, on the basis of doc. 15196/16, focusing on the two topics which had received most support in the previous discussions, namely:

- Topic A): "Environmental crime", with a focus in particular on the illegal trafficking in waste, and the illegal production or handling with chemical, biological radioactive and nuclear materials;

- Topic G): "The execution of final convictions within the European Union", focusing on the following instruments: Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgements in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, Council Framework decision 2008/947/JHA on the application of mutual recognition to judgements and probation decisions with a view to supervision of probation measures and alternative sanctions¹ and Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

The majority of delegations and the Commission expressed support for topic A): "Environmental crime"; the links of this crime with organized crime were underlined by some delegations and by the Commission as an argument in favour of a mutual evaluation on this topic.

More limited support was expressed by delegations for topic G) concerning "The execution of final convictions within the EU".

Based on the outcome of the discussion, the Presidency concluded that "Environmental crime" will be the topic of the eighth round of mutual evaluations.

6. Seventh round of mutual evaluations *

- Discussion of the report on Hungary

The expert team responsible for the evaluation presented the content of the draft report on Hungary and the ensuing conclusions and recommendations, as set out in doc. 14583/16 RESTREINT UE.

UK and CY asked some questions addressed to Hungary which were responded by the Hungarian national authorities.

DE made some comments concerning the fact that creating a sex offenders register for child sexual abuse is not mandatory according to the EU legislation. Other comments were related to the concrete way to foster better international cooperation between Member States' LEAs and foreign private companies.

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

¹ OJ L 337 of 16. 12.2008, p. 102

7. Seventh round of mutual evaluations *

- Discussion of the report on Czech Republic

The expert team responsible for the evaluation presented the content of the draft report on the Czech Republic and the ensuing conclusions and recommendations, as set out in doc.

13203/16 RESTREINT UE.

FR and ES asked some questions addressed to the Czech Republic which were responded by the Czech national authorities.

The draft report on the Czech Republic will be presented at next GENVAL meeting for adoption.

8. Seventh round of mutual evaluations *

- Discussion of the report on Greece

The expert team responsible for the evaluation presented the content of the draft report on Greece and the ensuing conclusions and recommendations, as set out in doc. 14584/16 RESTREINT UE.

IT and LV asked some questions addressed to Greece which were responded by the Greek national authorities.

DE raised the same comments on the recommendation to gather statistics on cybercrime as for the previous PL and SI reports.

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

9. Trafficking in human beings

- Update on the latest developments

- Presentation by the Commission

The Commission presented two reports foreseen by Directive 2011/36/EU, which sets minimum standards on preventing and combating trafficking in human beings and protecting its victims. In particular the report foreseen in Article 23 (1), as set out in doc. 15199/16, concerns the measures taken by the Member States to comply with the Directive and the report foreseen in Article 23 (2), as set out in doc. 15198/16, concerns the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings.

The Commission underlined the importance of not fostering a culture of impunity of THB and informed that it is working on the post - 2016 policy framework, with a view to replacing the current "EU Strategy towards the Eradication of THB (2012-2016)", with a new THB strategy, foreseen to be presented in the first quarter of 2017.

10. Outcome of the second meeting of the European network on victims' rights

- Information by the Presidency

The Presidency presented the outcome of the second meeting of the European network on victims' rights, held in Bratislava on 21 November 2016, which focused mainly on the development of a more effective access to information (Article 4 of Dir. 2012/29/EU) and also addressed i.a. the complementarity between ENVR and EJV and the working methods for their future cooperation. The conclusions of the meeting are set out in doc. 15333/16.

11. AOB

The incoming Maltese Presidency introduced its work programme in the area of Home affairs as well as the planned activities as regards Genval: concluding the 7th evaluation round, drawing up the questionnaire and the order of visits for the 8th evaluation round and provide feedback to the Commission on the post-2016 THB strategy. The provisional dates for the Genval meetings during next semester are: 3 February, 7 March, 7 April and 15 June 2017. Special meetings could also be held on the issue of non-cash means of payment fraud, on which the Commission is expected to present a legislative proposal.

The Commission answered the questions raised by delegations at last Genval meeting on the budgetary issues regarding the activities of the Genocide network, underlining that the budget of the network is part of Eurojust budget, which is foreseen to be increased.