



Brussels, 18 April 2017
(OR. en)

8248/17

JAI 343
GENVAL 44
CYBER 59
COPEN 109
ENFOPOL 184
ENV 359

OUTCOME OF PROCEEDINGS

From: Working Party on General Matters, including Evaluations (GENVAL)
On: 7 April 2017
To: Delegations
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. [CM 2259/1/17 REV 1](#).

2. Retention of electronic communication data

– Information from the Presidency

The Presidency briefly informed the Working Party about the state of play and the way forward regarding the retention of electronic communication data, outlining that the discussions on this issue will continue in DAPIX in the format of "Friends of the Presidency". This would allow flexibility as regards the participation of experts with different competencies; synergies will be ensured with the on-going work both within the Commission on guidelines on the conditions for compliance of MS' national legislation with the "Tele 2 and Watson" judgement, and within Eurojust and Europol. The issue of data retention will be on the agenda of the (JHA) Council in June.

3. Seventh round of mutual evaluations

– Adoption of the report on Croatia

The draft report on Croatia, as set out in doc. 5250/1/17 REV 1 GENVAL 3 CYBER 9 RESTREINT, was adopted by the Working Party following the discussion held at last GENVAL meeting on 3 February 2017.

4. Seventh round of mutual evaluations

– Adoption of the report on Latvia

The draft report on Latvia as set out in doc. 5387/1/17 REV 1 GENVAL 3 CYBER 9 RESTREINT, was adopted by the Working Party following the discussion held at last GENVAL meeting on 3 February 2017.

5. Seventh round of mutual evaluations

– Discussion of the report on Luxembourg

The expert team responsible for the evaluation presented the content of the draft report on Luxembourg and the ensuing conclusions and recommendations, as set out in doc. 7162/17 GENVAL 22 CYBER 38 RESTREINT.

CY and RO asked some questions addressed to Luxembourg which were responded by the Luxembourgish national authorities.

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

6. Seventh round of mutual evaluations

– Discussion of the report on Ireland

The expert team responsible for the evaluation presented the content of the draft report on Ireland and the ensuing conclusions and recommendations, as set out in doc. 7160/17 GENVAL 21 CYBER 37 RESTREINT.

BE, PT and FR asked some questions addressed to Ireland which were responded by the Irish national authorities.

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

7. Seventh round of mutual evaluations

– Discussion of the report on Germany

The expert team responsible for the evaluation presented the content of the draft report on Germany and the ensuing conclusions and recommendations, as set out in doc. 7159/17 GENVAL 20 CYBER 36 RESTREINT.

HU, EE and FI asked some questions addressed to Germany which were responded by the German national authorities.

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

8. Eighth round of mutual evaluations

– Presentation by Europol

Europol gave a presentation on environmental crime, underlining the need to tackle this crime on the basis of an interagency and multidisciplinary approach, and the importance for Member States to provide more information to Europol, which is available to increase its resources to deal with environmental crime.

– Presentation by Eurojust

Eurojust representative gave a presentation on environmental crime, referring *i.a.* to the Eurojust report of 2014 on a Strategic project on this crime, carried out in collaboration with Europol, the conclusions of which are still valid. The Eurojust representative referred in particular to the specific knowledge needed by LEAs, prosecutors and judges in this area and to the different stakeholders involved in tackling environmental crime, underlining that this requires a multidisciplinary approach. He also stressed the very low rate of environmental crime cases, as many related offences are not investigated or prosecuted, and the often low level of penalties imposed for environmental crimes. In his view, the mutual evaluation would be an opportunity for a comprehensive understanding of environmental issues from a criminal law perspective.

– **Discussion on the draft questionnaire**

The Working Party continued the discussion on the draft questionnaire, revised by the Presidency, as set out in doc. 7752/17, for the purpose of the 8th round of mutual evaluations. Some delegations made additional suggestions for changes to the questionnaire. The Commission, supported by two delegations, underlined the link between organised crime and both waste crime and wildlife trafficking, reiterating its wish to have some questions on the latter included in the questionnaire.

The Presidency invited delegations to send possible written comments **by 19 April 2017**, to the Presidency (genval.mhas@gov.mt) and to the General Secretariat of the Council (secretariat.mutual-evaluation@consilium.europa.eu and giovanna.giglio@consilium.europa.eu), with a view to submitting a revised version of the draft questionnaire at the next Genval meeting on 5 May 2017 for adoption.

– **Discussion on order of visits and observers**

The Working Party also discussed the order of visits for the 8th evaluation round, on which some delegations expressed their preferences, that will require a revision of the provisional list set out in doc. 7834/17, to be also submitted to GENVAL at its next meeting on 5 May 2017.

9. European Crime Prevention Network

– Annual Report of Activities in 2016

The representative of EUCPN presented the annual report of the Network, as set out in doc. 7841/17, for the year 2016, during which EUCPN activities focused mainly on the prevention of illegal trafficking of firearms and of crimes committed on elderly people.

– Work Programme 2017

The representative of EUCPN also presented the work programme of the Network, as set out in doc. 7843/17, for the year 2017, during which EUCPN activities are mainly focusing on the prevention of crimes committed by mobile organised groups in the current semester, and will mainly focus on cyber-safety during next semester. According to the representative of EUCPN, the development of a multidisciplinary integrated approach to crime would require more emphasis on the preventive measures.

– Funding of the next Secretariat project

The MT Chair of EUCPN drew the attention on certain financial difficulties regarding some Member States' contributions, which could have an impact on the continuation of EUCPN activities, taking also into account that the EUCPN Secretariat is foreseen to support also the Informal Network on the administrative approach. In this respect, the MT Chair of EUCPN referred to the obligations for Member States regarding the financing of the Network and of its activities, as foreseen in Council Decision 2009/902/JHA .

– Recommendation Paper on Predictive Policing

The representative of EUCPN presented a paper, as set out in doc. WK 3821/17, on predicting policy, which consists in a statistical model using data from the past to predict time and location of possible future crimes, as opposed to intelligence-led policyming, which uses real time data; the representative of EUCPN outlined the different recommendations formulated in this paper.

10. AOB

- **The future of the European Network on Victims' Rights (ENVR)**
- **Information from HU**

HU recalled that the June 2016 Council Conclusions establishing the European Network on victims' rights (ENVR) foresee an evaluation of its activities by the end of May 2017, when the current action grant will expire and at the same time an operational grant for a period of 4 years could be requested. This would involve, as in the intention of the support group of Member States (NL, FR, IE, SK, HU), making the network a permanent structure, with the participation of at least 14 Member States, legal personality and a seat in a Member State.

HU, due to the time constraints for applying for the above operational grant, requested to launch the evaluation in written form. NL, FR, IE, PL and DE expressed support for the HU initiative.

The Presidency, expressing also its support, will consider further proceedings with a view to allowing ENVR to apply for the operational grant in due time.

11. Initiative for a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes

- **Information from NL**

NL informed the Working Party about the state of play of the initiative for a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes, which is currently supported by 53 States. A MLA retreat will take place in NL from 26 to 29 June 2017, with a view to discussing the outstanding issues and moving towards starting negotiations. NL encouraged Member States who have not yet officially supported the initiative to sign the "Permanent declaration". Delegations may contact NL, BE and SI for this purpose.