



Brussels, 25 September 2014
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13573/14

CATS 130

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 15 and 16 September 2014
To: CATS
Subject: Summary of discussions

1. Adoption of the agenda

The agenda has been adopted.

2. Regulation on CEPOL

– Presentation by the Commission

12013/14 ENFOPOL 222 CODEC 1639

CATS took note of the presentation by the Commission on its proposal for a Regulation establishing an EU agency for law enforcement training (CEPOL) (12013/14), mainly aimed at broadening the objectives of the agency, equipping it for implementing the European Law Enforcement Training Scheme (LETS) and revising its governance.

CATS held a general exchange of views on the draft Regulation, mainly welcoming the proposal. At the same time, a number of delegations suggested to have further in-depth discussions on LETS, mentioned the need to balance the enlargement of the scope of CEPOL's activities with the resources made available to the agency and voiced some caution in relation to the proposed governance of CEPOL.

The Director of CEPOL drew the attention of the Committee to the concerns of CEPOL as regards the proposed resources for the extended mandate of the agency and the implementation of LETS (see also doc. 13077/14).

3. Internal security strategy

– Follow up to the Joint CATS/COSI meeting in Rome 12889/14 JAI 650

Delegations welcomed the opportunity for CATS, as coordinating committee in the area of police and judicial cooperation in criminal matters, to discuss certain aspects regarding the revision of the internal security strategy (ISS) as set out in doc. 12889/14. Recognising the central role of COSI in the preparation of the revised ISS, delegations felt that both CATS and SCIFA should be involved in the implementation of the ISS in order to develop a multidisciplinary approach. Some delegations suggested organising joint meetings between the relevant Committees. Delegations referred to the strategic and horizontal role of CATS which should coordinate and guide the discussions in the technical working parties. Various delegations underlined the importance of avoiding duplication and overlapping and said that the existing strategies and capacities should be used before developing new ones.

The Committee supported taking into account criminal justice - related issues in the ISS. Some delegations felt that the future Council conclusions on the renewed ISS should contain a reference to improving the working of the Council preparatory bodies.

The Presidency took note of delegations' comments, which would be transmitted to COSI for its meeting on 30 September 2014. The Presidency's intention was to draft Council conclusions on the ISS which would be submitted for approval to the JHA Council in December 2014. In this respect, the Presidency was also looking forward to the outcome of the High Level Conference on the ISS to be held on 29 September 2014.

4. Fight against organized crime infiltration in the legal economy.*

- a) **Draft Council Conclusions on organized crime in infiltration in the legal economy**
12897/14 JAI 652 CATS 113 GENVAL 51 ENFOPOL 248 DROIPEN 100 MI 632
- b) **Draft Council Conclusions on establishing an operational network - @on - to counter mafia-style serious and organised crime groups**
12214/14 ENFOPOL 231 COSI 73

CATS took note of the presentation by the Presidency of its proposal to adopt Council Conclusions on organised crime infiltration in the legal economy (12897/14) and a Council Resolution on the creation of an operational network - @ON - to counter mafia-style serious and organised crime groups (12214/14). The representatives of the Commission and Europol expressed their support to these initiatives, both of which are expected to contribute to combating organised crime.

5. Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (EPPO)

12558/13 EPPO 3 EUROJUST 58 CATS 35 FIN 467 COPEN 108

– **Thematic discussion on certain issues**

12825/14 EPPO 40 EUROJUST 147 CATS 110 FIN 594 COPEN 210 GAF 41

CATS held an orientation debate on the procedural safeguards applicable to the EPPO (doc 12825/14). The Commission noted that the Regulation must set out the relevant rights clearly and thereby referred to the European Parliament. 23 delegations took the floor. Many of them agree in principle with the Commission proposal, although details will still need to be worked on. Some called for the introduction of additional safeguards, specific to the EPPO, in the text, whereas others advocated a more general and short reference to existing procedural safeguards. Many also underlined the interest to avoid dual regimes of procedural safeguards; there should not be one standard for PIF-offences and another for other types of crime. The correct interpretation of the judgment in the Data Retention case was evoked by some, and the Council Legal Service took the floor to clarify the impact of that judgment. The Presidency took note of the debate, which will feed in to the discussions in COPEN of 24-25 September.

6. Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust)

12566/13 EUROJUST 59 EPPO 4 CATS 36 COPEN 109 CODEC 2163

– **Thematic discussion on Status of the President and Vice President**

12874/14 EUROJUST 150 EPPO 41 CATS 111 COPEN 211 CODEC 1763

CATS considered the three questions posed by the Presidency regarding the status of the President and Vice-President. There was a clear position that the President or Vice-Presidents should not be granted status as EU officials and that the 'one Member State one vote' rule should be retained. Delegates were more divided on the final question on whether a national member elected as President or Vice-President should be replaced, with some in favour, some opposed and others who wished to explore alternative options such as bolstering the capacity of the national desks by seconding additional experts. The issue of whether compensation should be provided and the extent of any such compensation was also debated. The President suggested that a mixed model of compensation could be considered which received support from delegates. The Presidency concluded that the national desk of the National Member elected should be reinforced and a mixed model of compensation could be introduced. The Commission undertook to examine the alternatives for providing some form of compensation within the existing budget.

7. Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings

– **Orientation debate**

12955/14 DROIPEN 102 COPEN 214 CODEC 1777

The Committee examined the issue of Article 8 on the basis of doc. 12955/14. Member States replied to the question whether the draft Directive should contain minimum rules on trials in absentia, and if so, whether the text as proposed by the Commission in Article 8(2) and (3) of its proposal for a Directive would be adequate.

The outcome of the discussion can be described as follows:

11 Member States stated that they would prefer deleting paragraphs 2 and 3;

6 Member States stated that they would prefer maintaining paragraphs 2 and 3;

2 Member States showed flexibility on the issue;

1 Member State said that it could accept paragraphs 2 and 3 if there would be a general exclusion of minor offences;

1 Member State observed that paragraphs 2 and 3 "are not convenient" and need to be reformulated.

The German delegation presented a compromise solution, setting out basic standards that Member States would have to comply with as regards trials in absentia. Some Member States showed interest in working on that text.

The Chair invited the Working Party to continue the examination of this issue taking account of the outcome of the discussions in the Committee.

8. Preliminary exchange of views on the Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law

12880/14 CATS 112 DROIPEN 99 JAI 649 GAF 42 FIN 596 CADREFIN 105 CODEC 1765 EPPO 42

CATS held a preliminary exchange of views on the proposal for a PIF Directive, in view of preparing upcoming trilogues with EP. Following introductory statements by the Presidency and the Commission, 22 delegations took the floor. Most of them requested that Council should maintain the text of the general approach on the issues of VAT offences (Art 2), on the definition of public official (Article 4(3)) and on prescription (Art 12). In particular, many delegations expressed their astonishment at the parliament's opinion on the definition of a public official. A certain marge of flexibility was expressed by most as regards the definition of the Union's financial interests more in general (Article 2), the definition of corruption (Article 4(1)) and other issues. The Presidency took note of the outcome of the CATS debate, which will feed in to the meeting of DROIPEN on 30 September (the day before the first informal trilogue).

9. Developments concerning current cases of interest at the Court of Justice

– Information of the Legal Service - Case C-363/14

The Council Legal Service informed about the case and indicated that Member States were invited to join the defence of the case before the Court.

10. AOB

The Presidency informed about a seminar in Syracuse where an informal meeting of CATS would take place to prepare the evaluation of Coreper of CATS and SCIFA.

The Commission informed about the State of Play regarding Mexico and PNR, which had been discussed at COLAC.

The Council Legal Service informed about the missing notifications regarding the Norway/Iceland surrender agreement and missing ratifications regarding the 2000 MLA Convention and its Protocol and the legal implications this has in regard of the so-called block opt-out.

Delegations were also given information on forthcoming conferences and seminars in the field of police and criminal law cooperation.
