



Brussels, 16 February 2015
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6260/15

CATS 30

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 10 February 2015
To: CATS
Subject: Summary of discussions

CATS - JUSTICE

1. Adoption of the agenda

The agenda was adopted as set out in doc. 5922/15.

2. Proposal for a Regulation on the establishment of the European Public Prosecutor's office

- Thematic discussion on certain issues
5632/15 EPPO 9 EUROJUST 15 CATS 10 FIN 73 COPEN 16 GAF 3

The Presidency organised an orientation debate on three issues which are of key importance in the current stage of negotiations. On the issue of the role and competence of different actors within the Office, delegations generally expressed support for clarifying the roles of each actor in the Regulation, but most delegations also underlined the need to ensure flexibility in the organisation of the Office. On the second issue, decisions to be taken by the Permanent Chamber, the Presidency concluded the discussions by stating that most delegations had noted that clear rules on the decision-making are necessary, but that certain aspects should be left to the internal Rules of Procedure in order to allow for a certain degree of flexibility.

On the third issue, allocation of cases, a number of ideas on how the workload could be distributed evenly were expressed, and the Presidency noted that it would reflect further on these ideas.

3. **Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (EUROJUST)**

- Provisions relating to EPPO
5730/15 EUROJUST 17 EPPO 11 CATS 15 COPEN 18 CODEC 126

The vast majority of delegates supported the Presidency's plan to 'decouple' the draft Eurojust Regulation from EPPO to allow for negotiations to commence with the European Parliament. For most delegations, this "separation" should be temporary and they considered that the relevant provisions should be reintroduced to the draft Regulation before its final adoption. The objective is to have one and only one Eurojust Regulation.

4. **Judicial response to terrorism**

- State of play and next steps
5855/15 JAI 59 PESC 119 COSI 12 COPS 25 ENFOPOL 28 COTER 21 SIRIS 10
FRONT 34 DROIPEN 10 COPEN 24 ECOFIN 63
5917/15 CATS 20 DROIPEN 12 COPEN 31 COTER 25

CATS held a substantive debate on the judicial aspects of the counter-terrorism agenda presently consolidated across the EU. Further to the interventions from the Commission (DG Justice and DG Home), the EU Counter-terrorism coordinator and the representative of Eurojust, there was broad agreement among delegations on the relevance of considering specific measures and enhancing the implementation of the tools which already exist within the five areas of action identified in the Presidency paper. These concerned (i) criminalisation, (ii) conducting effective criminal proceedings, (iii) exchange of information and cooperation of judicial authorities, (iv) disengagement, rehabilitation, and de/anti-radicalisation measures in the judicial context, and (v) cooperation with third countries. Delegations also referred to certain specific measures that need to be considered. In this respect the necessity to assess the feasibility of reviewing the existing Framework Decision 2002/475/JHA on combatting terrorism, as amended by Framework Decision 2008/919/JHA in the light of the requirements of the UNSC Resolution 2178(2014) was pointed out.

The need to ensure a coordination of the EU position ahead of the meetings of the Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) of the Council of Europe in Strasbourg tasked to prepare a draft Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) was emerging from the debate as an issue of immediate concern. Enhancing the existing system for exchange of criminal records at EU level (ECRIS), associating Eurojust with the work files of Europol, and in particular with focal point "Travellers", developing programmes and exchanging best practices on disengagement, rehabilitation and de/anti-radicalisation measures in prisons were also specifically referred to by delegations. The Commission informed that a number of measures are already under consideration and will most likely be integrated in the renewed EU Internal Security Strategy expected in the spring of 2015.

5. **Pending cases and developments on the case law of the Court of Justice**

– Information of the Legal Service

The Legal Service informed the meeting about development in pending cases in the area of responsibility of CATS.

6. **AOB**

– Information from the Presidency on trilogues

The Presidency informed the meeting about progress and developments regarding the proposal for a Directive on the fight against fraud to the Union's financial interests by means of criminal law, the proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings and the proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings.

– Information on implementation of mutual recognition instruments doc. 5740/15 CATS 16 JAI 56 COPEN 19

The Committee discussed the note presented by Austria (5740/15) concerning the above-mentioned subject. The Commission replied that its services are in a transition phase after 1 December 2014, which would explain why information on the transposition by Member States of Directives is not yet easily available. The Commission promised however to improve the situation in the near future.

In the same discussion, the Finnish delegation, supported by several others, asked for a more flexible and practical solution to the request set out in the letters that were sent by the Commission (DG JUST and DG HOME) in December last year, in which Member States were asked to notify national transposition measures taken pursuant to Framework Decisions in the Commission's MNE system before 15 March 2015. As this entails a huge extra administrative burden for them, it was suggested to postpone the deadline and, to the extent possible, for the Commission to take account of notifications that have been made in the past.

Without making any firm promises, the Commission stated that it would look into this matter and see if something could be done to address the concerns of the Member States.
