



Brussels, 8 March 2018  
(OR. en)

6917/18

CATS 15

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 19 February 2018  
To: CATS  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 1185/1/18 REV 1.

### 2. Proposal for a Directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA – selected issues

The Presidency presented a proposed package compromise covering Articles 4-7 of the Directive, as set out in doc. 6181/1/18 REV 1, which was commented upon by most delegations and the Commission. A few suggestions to the text were made - in particular that the text in brackets should be deleted - but broadly delegations expressed support to the Presidency text. The Presidency concluded that a text based on this compromise text discussed in CATS would be submitted to Coreper next week, after finalisation by JHA Counsellors.

### **3. European Public Prosecutor's Office**

- a) **Preparatory steps for setting up of the EPPO**
  - **information by the Commission**
- b) **Cooperation with partner agencies and offices, in particular OLAF-EPPO and Eurojust- EPPO**  
**doc. 6099/18**

The Commission presented its plans as regards the implementation of the EPPO Regulation in detail, as presented in doc. 6083/18. Delegations requested a close involvement of the Member States in every step of the implementation and appreciated the Commission's intention to do so. In particular, it was noted that an expert meeting will take place on 13 March in Brussels.

A discussion was held on the future cooperation between EPPO and OLAF/Eurojust, with the active participation of participants of the said bodies. Delegations referred to the parallel discussion as regards OLAF that has taken place in GAF and Coreper. The Presidency concluded that the issue would continue to be followed in the JHA framework, for example at the next CATS meeting.

### **4. Mutual evaluations on organised crime: follow-up of the 7th round on cybercrime and update on the 8th round on the fight against environmental crime**

- **Information from the Presidency**  
**doc. WK 1573/2018**

The Presidency informed about the state of play regarding the 8th mutual evaluation round, namely that following the 9 evaluation visits already carried out, the respective evaluation reports are under preparation and will be presented at a joint LEWP/COPEN meeting on 27 March 2018.

The Presidency also invited delegations to designate additional and knowledgeable experts from different areas for the 8th round on environmental crime, as well as to provide the follow-up reports of the 7th evaluation round on cybercrime, due to be submitted within 18 months from the adoption of the evaluation reports.

The representative of the Commission welcomed the reports of the 7th evaluation round on cybercrime and stressed that it had already made use of this information included therein in its work.

## **5. Implementation and application of EU criminal law instruments**

### **a) Update of the timeline**

CATS took note of the updated timeline regarding the implementation of Directives in the field of criminal law, as set out in doc. WK 1374/2018. Two small refinements were suggested, which will be included in the next edition of the timeline.

### **b) Case-law of Court of Justice regarding EAW**

CATS took note of the information provided by the Presidency in doc. 5825/18 regarding the above subject.

The Commission stated that it was currently developing a database on 'good and bad' prisons in cooperation with the Fundamental Rights Agency. The Commission also referred to its handbook on the EAW, which contains information on the respect of human rights, and underlined that the application of the EAW is regularly examined in expert groups. The Commission further announced that it had launched a compliance study on the EAW, on the basis of which it would formulate recommendations and take other action as appropriate. The Presidency concluded that this topic would most likely be dealt with again in a future meeting of CATS.

### **c) Implementation of EIO doc. 5908/1/18 REV 1**

The Commission observed that it had initiated the first phase of infringement proceedings against four Member States for non-transposition of implementation measures regarding the European Investigation Order. The Commission also announced that it had asked for an external study on whether the Member States in general had correctly complied with their obligation to transpose the Directive on the EIO in their national laws.

As regards the Commission's encouragement to use the possibility of notifying that EIO's could be received in another, commonly used, language, the opinions of the Member States were divided. Some Member States said that they would only accept EIO's in their own language, while others said that they also accepted EIO's in English, at least in urgent cases, encouraging other Member States to adopt the same attitude.

One Member State said that no guidelines on the EIO were necessary, while another Member State said that such guidelines would be welcomed.

#### **d) Victims' Rights**

The Presidency underlined that the issue of victims' rights is receiving increasing attention and is being addressed from different angles (victims of THB; of terrorism, etc.).

The representative of the Commission informed about the recent and current activities regarding the victims' rights and in particular on the appointment of Mrs Joelle Milquet as special advisor for the compensation of victims of crime, on the on-going reflection on the idea of a coordination centre for victims of terrorism and on the activities of the European Network for victims' rights (ENVR).

The representative of the Commission also informed about the outcome of the High level experts' meeting on victims' rights held on 29 January 2018 (doc. WK 1460/2018), which focused on three main issues: 1) victims of terrorism: importance of proactive and effective implementation of the legislation; 2) compensation to victims of crime: need to consider the best methods to implement the general principles; 3) victims of gender-based violence: importance to make use of all tools available to better allow victims to rely on support and protection. The general conclusions highlighted that a lot has been done, but more needs to be done in this area.

## **6. Trafficking in human beings**

### **– Communication from the Commission: Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions**

The Presidency drew the attention of delegations to the above-mentioned Communication (doc. 15438/17), which would be presented in detail at the COSI meeting of 21 February.

Several delegations welcomed the inclusion of this point on the agenda because it is necessary to keep the awareness around this theme. A number of delegations expressed doubts about the "Nordic model" and the possibility to apply this more widely but were open to discuss it and hear good practices. The Swedish delegation offered to provide information in this regard. Some objections were also voiced on the suggestion that the Commission would encourage Member States who had not yet done so "to criminalise those knowingly using services exacted from victims of trafficking" because those delegations found that focusing on awareness was more effective.

## **7. Proposal of the Spanish delegation for draft Council conclusions on Victims of Terrorism**

The Spanish delegation presented its proposal for draft Council conclusions on Victims of Terrorism as set out in doc. 6105/18, which builds on the outcome of the discussions on this topic at the CATS meeting on 13 November 2017 and at the High-Level expert meeting on victims' rights, which took place in Brussels on 29 January 2018.

Various delegations supported the Spanish proposal and welcomed particularly that the draft conclusions do not aim at creating new structures but build on existing ones and look for synergies with other EU initiatives on victims' rights. Specific reference was made to the European Network for Victims' Rights. Various delegations announced that they would send some drafting suggestions.

The Commission also welcomed the Spanish proposal and stated that it was willing to financially support the setting up of a Coordination Centre for victims of terrorism.

The Presidency welcomed delegations' support and invited them to send their written comments by 28 February 2018. The Presidency would consult the Spanish delegation on the next steps.

**8. AOB**

– **EU-US Senior Officials meeting: information from the Presidency**

The Presidency informed delegations about the upcoming EU-US Senior Officials meeting, referring to the main items covered in the agenda (doc. 5628/18).

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