



Brussels, 14 June 2018
(OR. en)

9151/18

CATS 35

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 18 May 2018
To: CATS
Subject: Summary of discussions

1. Adoption of the agenda

2. Criminal justice in cyberspace

- **Proposal for a Regulation of the European Parliament and of the Council on European production and preservation orders for electronic evidence in criminal matters**
- **Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings**
- **Impact of international developments**
 - = **selected issues and preparation of the Council debate**

The Committee discussed selected issues on the e-evidence proposal as set out in doc. 8762/18 in preparation for the June Council policy debate. Commission explained its rationale for limiting the scope of the proposed regulation and leaving outside the direct access to data and real-time interception of data, insisting on the balance between ensuring the effectiveness and invasiveness of the measures set in the proposal and the time available under the current legislature.

The real-time interception of data is a new element that was not examined during the expert process and should be looked at in more detail including in view of the US CLOUD Act. A number of delegations took the floor to express interest in studying further those two additional measures, underlying that this should be done in parallel to the examination of the proposals in order to avoid undue delays in the negotiations.

With respect to the international context and the relationship to the US CLOUD Act delegations expressed a broad general support for a common EU approach. The Commission specified that this matter falls within EU competence, which was confirmed also by the CLS.

3. Proposal for a Regulation of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011
– selected issues

The Committee discussed the issue of "dual nationals" on the basis of doc. 8767/18 + ADD 1. A large majority stated that the position as set out in the Council general approach should continue to be defended in the negotiations with the European Parliament. The proposal for a compromise as set out in doc. 8767/18 ADD 1 was not deemed acceptable by most delegations, although several delegations indicated that they had not had sufficient time to scrutinise the proposal. The Presidency concluded that it would reflect again on possible ways to bridge the gap between the position of the European Parliament and that of the Council.

4. European Public Prosecutor's Office
– Preparatory steps for setting up of the EPPO: information by the Commission

The Commission gave an update on the steps for the implementation of the EPPO Regulation, in particular as regards the establishment of a selection panel, the selection of a European Chief Prosecutor and rules on data protection. The Commission also announced that a second expert meeting would take place on 29 May in Brussels.

Delegations welcomed the update and underlined the need for transparency in the implementation process. The Presidency concluded that the Council would continue to closely follow the implementation, which would also be on the agenda for the June Council.

5. **Draft Council conclusions on Eurojust annual report 2017**

Eurojust presented its annual report 2017 (doc. 7732/18 + COR1), underlining in particular the increasing casework and the consequent need to have adequate budgetary resources to fulfil its mandate.

The Committee briefly discussed the draft Council conclusions on the Eurojust annual report 2017 and agreed on the text set out in doc. 8589/18 + COR 1, with some slight changes suggested by AT. The Presidency concluded that it would revise the draft Council conclusions accordingly with a view to their submission to the (JHA) Council on 4-5 June 2018 as A point for adoption.

6. **Draft Council conclusions on Victims of Terrorism**

Delegations welcomed the draft Council conclusions on victims of terrorism set out in doc. 8592/18, which the Presidency drafted in consultation with the Spanish delegation, on the basis of the comments made following the discussions at the previous CATS meeting.

The Presidency concluded that the draft Council conclusions, with the addition of a reference to Eurojust, would be submitted to the Council for adoption together with a discussion paper which the Presidency would draft to guide the discussions at the session of Home Affairs and Justice Ministers. The Commission was also invited to provide more information on the Coordination Centre for victims of terrorism at the next CATS meeting.

7. **International agreements that concern EU competences in the area of criminal law**

– **Overview**

– **EU-Iceland-Norway surrender agreement: Information on consent by Iceland and on notifications/declarations**

The Committee took note of the updated overview of the international agreements that concern EU competences in the area of criminal law (doc. 8594/18).

On the Istanbul Convention, the Commission asked to rephrase the text of footnote n. 26.

8. Presentation of the priorities of the incoming Austrian Presidency

The Austrian Presidency informed CATS about its programme.

9. AOB

- **EU-US Ministerial meeting (22-23 May 2018): information from the Presidency doc. 7654/18**

The Presidency briefed delegations on the preparations for the abovementioned meeting.

- **EU (CATS) - Council of Europe meeting (14 June 2018): information from the Presidency**

The Presidency informed delegations about the agenda for the upcoming meeting between EU (CATS) and the Council of Europe on

14 June 2018 (doc. 8596/18).

- **Pending cases and development on the case law of the Court of Justice: information of the Legal Service**

The Council Legal Service referred to a number of recent Court judgements and on-going cases that concern mutual recognition between Member States or extradition requests from third countries and invited the Committee to examine this case law in more detail in a future meeting.

- **Digital registration of delegates' presence and travel expenses**

The Secretariat provided information and practical guidance regarding the digital registration of delegates' presence and travel expenses.
