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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	19 September 2019
To:	Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS)
No. prev. doc.:	CM 3690/1/19 REV 1
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in 3690/1/19 REV 1, with point 10 being withdrawn from the agenda. Before starting the proceedings, the Chair paid tribute to Giovanni Buttarelli, the European Data Protection Supervisor, who passed away on 20 August.

2. Strengthening Mutual Trust through EU Action against corruption

The Presidency briefly presented 11801/19, which includes a description of the state of play in Union anti-corruption policy as well as three questions which the Presidency plans to submit to the October Council.

Twenty delegations and the Commission took the floor. All of them welcomed the document in principle, although a number of questions, suggestions and comments were made on the content and the three questions.

In the light of the discussion, the Presidency stated that it would further reflect on the document, which it aims to present at Coreper on 2 October.

3. Follow-up to the informal JHA Ministerial meeting

The Presidency provided information about the follow-up to the JHA Ministerial meeting, both as regards Justice (strengthening mutual trust to support the principle of mutual recognition – detention and its alternatives) and as regards Home Affairs (future orientations in the field of internal security).

4. Environmental criminal law

The Commission welcomed the Presidency report as set out in 11826/19. Following verification by the Chair, it appeared that all Member States agreed with the report. The report will be taken into account in connection with the final report on the 8th Round of Mutual Evaluations in the Council (Justice and Home Affairs) in December 2019.

5. Draft Council Conclusions on Eurojust

CATS reached complete agreement on the text of the draft Council conclusions as set out in 11823/19. The new title of the conclusions, as set out in 11823/19 ADD 1, was also agreed on. Eurojust expressed great satisfaction with these conclusions. Subject to agreement by Coreper, the text will be submitted to the Council (Justice and Home Affairs) for adoption on 7 October 2019.

6. Digital criminal justice:

Information from the Commission:

a) e-evidence, follow-up to the international negotiations, state of play:

- **2nd Additional Protocol to the Budapest Convention:** the Commission informed participants about the extension of the Council of Europe's (CoE) negotiating mandate till the end of 2020 and about progress made so far on the various elements of the protocol, including direct cooperation and data protection safeguards. The Commission stated that discussions would continue during the Protocol Drafting Group meeting (15-18 October 2019) and the Protocol Drafting Plenary meeting to be held back-to-back with the Octopus Conference (18-22 November 2019).
- **EU-US negotiations on cross-border access to e-evidence:** the Commission informed delegates that the US had adopted their negotiating mandate and that the official launch of the negotiations was planned for 25 September 2019. Delegations would be briefed about its outcome at the next COPEN meeting. In this regard, the Presidency informed participants about its plan to hold a **JHA Counsellors** meeting ahead of the launch of the negotiations in order to allow delegations to provide comments and raise any questions they might have. The Presidency also asked the Commission to prepare a written report for the JHA Council on the state of play of both negotiations.
- The SK delegation presented their comments (**WK 10150/19**), stressing the usefulness of a broader debate on international cooperation, taking into consideration EIO and MLA and the current practices. The Presidency proposed to look at these issues firstly at working party level in order to prepare the discussions later in **CATS**.

b) digital criminal justice study: the Commission briefly presented the study aimed at defining the existing problems and outlining possible solutions in this area. The study was expected by the end of February 2020. In this regard the Commission invited Member States to take part in the event on **10/10** dedicated to the same matter (see below).

c) e-evidence digital exchange system: the Commission explained that as a follow-up to the 2016 Council conclusions on improving criminal justice in cyberspace the e-evidence digital exchange system project was launched. For this purpose, a de-centralised system, that will operate over a secured e-Codex network, was created, a prototype of which was deployed and tested in ten Member States and served as basis for the development of the main reference implementation this year to be supplemented by national implementation plans. The Commission underlined the possibility of funding Member States through the Connecting Europe Facility programme, the call for which will close on 14 November 2019.

Information from Eurojust on the event 'Criminal Justice in the Digital Age':

Eurojust explained that it is organising, in partnership with the Finnish Presidency, the General Secretariat and the European Commission, the event 'Criminal Justice in the Digital Age', which will take place in Brussels (Justice Lipsius building) on 10 October 2019 (14:00-17:00; registration from 13:30).

This event will provide an opportunity to reflect on the needs as regards digitalisation of criminal justice cooperation in Europe and possible solutions at hand. Judicial practitioners will explain the opportunities and challenges in using digital tools in cross-border investigations in two concrete cases. The event will bring together prosecutors, investigating judges, policy and law makers, civil society, IT and other experts in a focused and interactive discussion.

Representatives of Member States are cordially invited to participate.

7. Entry into force of / accession to criminal justice instruments

With reference to 12145/19, the Commission and various Member States expressed satisfaction over the upcoming entry into force of the EU-IS-NO Surrender Agreement.

On the 2000 MLA Convention, the Commission regretted that the Council still had not taken a decision to allow Croatia to adhere to the Convention. HU stated that it had not yet changed its position.

AT noted that also IE and EL had not yet adopted the Convention, inviting the Legal Service to indicate whether the Member States are actually obliged to adopt the Convention and its Protocol.

The Presidency concluded that it would reflect and that it might come back to this issue at the next meeting of CATS.

8. We Protect Global Alliance (The global fight against child sexual abuse and sexual exploitation online)

The Presidency referred to the work carried out in the framework of the Law Enforcement Working Party on the draft Council Conclusions on the fight against child pornography, with a view to the 4th Summit of the 'We Protect Global Alliance', to be held in Addis Ababa in December. Stressing the importance of strengthening action against child pornography, by supporting the Global Alliance (which now includes 72 participating countries), the Commission welcomed the initiative of adopting Council Conclusions and invited Member States to attend the Summit. Noting that this issue is also be discussed in the framework of other EU fora (on e-privacy), some Member States stressed the need to retain connection data. The importance of training was also underlined.

The Presidency concluded that an updated version of the draft Council Conclusions, as revised on the basis of the comments from Member States, will shortly be released, with a view to their expected adoption in October.

9. EPPO

On EPPO, the Presidency referred to the indicative secret ballot held in the morning in COREPER, which indicated Member States' support for the EP's preferred candidate for the post of European Chief Prosecutor (Ms. Kövesi). It also referred to the work done within the Council to define the internal process for the appointment of the European Prosecutors. The Commission, which welcomed the COREPER vote, referred to the ongoing activities for the setting-up of the EPPO: work on the Case Management System, provision of IT infrastructure, discussions on the Internal Rules of Procedure and the conditions of employment of the Delegated Prosecutors, recruitment of EPPO staff, identification of a building in Luxembourg (some provisional premises will be available pending the completion of the work for the seat).

The Commission urged the Member States which had not yet submitted a list of candidates for the post of European Prosecutors to do so asap. Finally, in relation to the concerns raised by AT and FR about the fact that the EPPO will effectively be fully set up and operational by November 2020, it was confident that the existing timetable will be respected. With respect to the Commission request to address the question of the recognition of the EPPO as a competent judicial authority, the Presidency offered to tackle this issue in October.

On the transposition of the PIF Directive, the Commission recalled that the deadline was 6 July 2019. It expressed concerns about the fact that transposition has not yet been completed in several Member States, urging them to act quickly. Stressing that transposition will be strictly monitored, the Commission indicated its intention to further address this issue at the CATS meeting in November.

10. (withdrawn from the agenda)

11. AOB

Judicial Counter Terrorism Register:

Eurojust presented the Judicial Counter-Terrorism Register (CTR), which has been operational since 1 September 2019. The CTR centralises key judicial information to establish links in proceedings against persons suspected of terrorist offences. The CTR is managed by Eurojust in The Hague on a 24-hour basis and provides proactive support to national judicial authorities. This centralised information will help prosecutors to coordinate more actively and to identify the suspects or networks that are being investigated in specific cases with potential cross-border implications.

Kyoto:

The Commission provided information on the governmental expert meeting, which took place in Kyoto from 9-11 September 2019 in order to prepare the declaration to be adopted at the 14th UN Congress on Crime and Crime Prevention (20-27 April 2020, Kyoto). The meeting was attended by about 60 participants from 40 countries, including the USA, China, Russia, Canada and Australia. The EU was represented by the Commission, the EU Delegation in Vienna and 8 Member States, who were very well prepared with the EU position at hand (11431/19).

EU-US:

The Presidency informed delegations about the upcoming EU-US Senior Officials Meeting on Justice and Home Affairs (Brussels, 26 September, see 11634/19).

UNGASS:

The Commission referred to its intention to coordinate the EU position with a view to the special UNGASS session on corruption to be held in April 2021 by submitting a draft common position. Noting that a website will be shortly made available by UNCAC - to allow Parties to the UN Convention on corruption to upload comments with a view to the special session -, the Commission invited Member States to refrain from submitting contributions until the EU common position has been defined. The Presidency invited the Commission to present the draft common position at the earliest opportunity, with a view to starting discussions at the COPEN meeting on 14 October 2019.

The Chair concluded the meeting by stating that the next CATS meeting would take place on 12 November 2019.
