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CATS 132

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 12 November 2019
To: Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 4441/19.

2. Counter-terrorism Coordinator's update on current issues

The Counter-terrorism Coordinator (CTC), Mr Gilles de Kerchove, gave a presentation on current issues in the fight against terrorism. He addressed *inter alia* the problem of foreign fighters and their families that wish to return to the EU. He also stressed the importance of obtaining battlefield information concerning the fight against Daesh (IS/ISIL) for the purposes of obtaining convictions, and highlighted the role of NGOs in this field. He went on to address the issues of right-wing violent extremism and anti-Semitism, and explained the problems caused by the use of new technologies in the fight against terrorism.

Member States and the Commission welcomed the very informative presentation.

3. Victims' Rights
- **Draft Council conclusions**
= 13631/19

The Presidency underlined the importance of reinforcing the protection of victims' rights, which is a priority in its work programme. It referred to the draft Council Conclusions, as set out in 13631/19, which were prepared following the examination made by COPEN on 9 and 22 October 2019 and in which written comments submitted by Member States were taken into account.

Both the Commission and Member States welcomed the initiative of the Presidency to present these Council Conclusions, which will be a good basis for pursuing and developing work in this field. Noting the full support expressed by delegations, the Presidency concluded that the draft Council Conclusions would be submitted to Coreper and to the JHA Council in December for adoption.

4. Alternative measures to detention
- **Draft Council conclusions**
= 13629/19

The delegations that took the floor, including the Commission, expressed support for the text in its current form (13629/19), with two delegations suggesting minor modifications in points I.1 and I.5. The Presidency thanked delegations for their support and concluded that it would consider the proposed modifications with a view to establishing the next version of the text, which would be submitted to Coreper and to the JHA Council in December for adoption.

5. Environmental crime
- **Draft final report of the eight round of mutual evaluations**
= 13458/19

The GSC briefly presented the main findings and recommendations from the 8th mutual evaluation round on environmental crime, as set out in the draft final report (13458/19). Two delegations intervened with some general comments, which did not require any modification of the text. The Commission stressed that the conclusions in the draft report defined a framework for future work in this field, and that it would take them into account when reviewing the Environmental Crime Directive.

The Presidency concluded that the final report had been endorsed by CATS as set out in the above document, with a view to its submission to the December JHA Council. In this connection, the Presidency would also make a reference to its report on EU environmental criminal law (12801/19).

6. EPPO

- State of Play: Information from the Presidency and the Commission

The Commission presented the latest developments concerning the establishment of the EPPO, focusing in particular on the work carried out by the expert group (reference was made, in particular, to the preparation of the Internal Rules of Procedure (RoP), examination of the terms of employment of the European Delegated Prosecutors, and the Case Management System (CMS)).

The Presidency referred to the start of technical work with a view to the appointment of the European Prosecutors as well as to discussions at COPEN on the EPPO and its relations to third states.

Echoing the concerns already voiced in the September CATS meeting, several delegations expressed strong doubts as to whether the current calendar, according to which the EPPO would be fully operational in November 2020, was realistic and achievable. In this respect, it was specifically emphasised that it did not seem likely that all the organisational, practical and logistical conditions needed to ensure the proper functioning of the EPPO, including the RoP and the CMS, would be in place in November 2020.

The Commission agreed on the importance of setting a realistic deadline and raised the possibility of presenting a concrete timetable, highlighting the different steps. As far as the CMS was concerned, it stressed that work was ongoing, using software already developed for DG Competition. As far as the RoP were concerned, all the relevant (preparatory) documents would be submitted to the College. The Commission noted, lastly, that it would focus on defining a suitable budget for the EPPO.

7. E-evidence

- Presentation by the Commission on the follow-up to the international negotiations

The Commission presented the latest developments in the ongoing negotiations within the Council of Europe on the 2nd additional protocol to the Budapest Convention and with the US. The Commission referred to the past and upcoming negotiating rounds, and specified the matters discussed and the respective outcomes. The Commission also reminded the participants about the objectives of the negotiations and the importance of finding an agreement that complied with EU standards.

The Presidency informed that the rapporteur of the EP had recently released its draft report on the e-evidence package, which had been discussed in the LIBE Committee. Once the report had been finalised it would be addressed in forthcoming COPEN and CATS meetings.

8. State of Play on preventive work in prisons, rehabilitation and reintegration of extremist offenders

- Presentation by the Commission

The Commission explained what it had done to combat radicalisation in prisons, from both the DG JUST and DG HOME angles. It focused on the support for projects through the Justice Programme and the Internal Security Fund, such as the DARE project (including the VERA - 2R module), and on the support available to organisations assisting with combating radicalisation in prisons, such as Europris and CEP.

The Commission encouraged Member States to suggest projects that could be supported under the programmes.

9. EU actions against corruption
- Draft Presidency Report
= 13630/2019

The Presidency briefly presented the report, which was issued last week (13630/19). The Commission and two delegations took the floor, mainly to welcome the report and the exchanges organised by the Finnish Presidency, though also to underline a few points of specific interest to them.

- Update by the Presidency and the Commission on the latest developments regarding UNGASS

The Presidency and the Commission provided information on the work carried out in COPEN to define the EU outcome document for the Special Session of of the General Assembly against Corruption (UNGASS), scheduled for 2021, and the key elements to be included in the EU statement to be delivered at the 8th Session of the Conference of the State Parties to the UNCAC, to be held in Abu Dhabi in December 2019 (both documents are currently being finalised).

10. Follow-up to the developments concerning current cases of interest at the Court of Justice

The Council Legal Service (CLS) presented the judgment of the CJEU of 15 October 2019 in case C-128/18, *Dorobantu*, concerning detention conditions. The CLS noted that this judgment is one of the many references that have submitted to the CJEU following its judgment in the *Aranyosi* case.

The CLS pointed in particular to the implicit 'invitation' by the CJEU in point 71 of the judgment to establish minimum EU standards on detention conditions.

One delegation wondered whether the EU had any competence to establish such standards, at least as regards the post-trial/execution phase. The Commission said that only the new Commission could decide on any action in this field.

11. Implementation of the Strategic Agenda for 2019-2024 in the field of Justice and Home Affairs
- Information from the Presidency

The Presidency provided information concerning the draft Council Conclusions on the implementation of the Strategic Agenda, which had been discussed for the first time by the JHA Counsellors on Friday 8 November (WK 12385/2019). The Presidency underlined that the conclusions merely reflected work carried out so far under the Romanian and Finnish Presidencies, and were not adding anything 'new', stressing that delegations had the option to present written comments.

Various delegations expressed misgivings on the methodology followed by the Presidency on this file, and on the substance of the conclusions. Several questions were put, including why CATS had not been consulted on the document before it was submitted to the JHA Counsellors, and whether the conclusions would, unwittingly, 'fix' a political course for the coming years.

The Presidency explained that the draft conclusions contain also issues falling outside the CATS' mandate and said that it would reflect on these questions, but that things would in principle go ahead as planned. The Presidency stressed the importance of having a text that all Member States can support. Member States were encouraged to provide written comments by Tuesday 12 November.

12. Information from the Croatian Presidency on its Programme

The HR Presidency provided information on the priorities for its term in office, for both Justice and Internal Affairs. In the first half of 2020, CATS meetings are planned for 24 February and 18 May, and a joint CATS/COSI meeting is scheduled on 6/7 April 2020 in Sibenik (Croatia).

13. AOB

No issues were raised under this agenda item.