



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 May 2010

9371/10

**CATS 35
COMIX 335**

OUTCOME OF PROCEEDINGS

of: CATS

on: 12 and 13 April 2010

Subject : Outcome of proceedings of CATS on 12 and 13 April 2010

CATS

1. Adoption of the provisional agenda

The agenda has been approved.

I ITEMS

2. Draft Council conclusions on systems and mechanisms for the enhancement of the security of explosives

7980/10 ENFOPOL 76

3. Proposal for a Council Resolution on a Model Agreement for setting up joint cooperation teams under Chapter 5 of Decision 2008/615/JHA

7991/10 ENFOPOL 79

4. Final report of the second round of counter terrorism peer evaluation

6090/2/10 REV 2 ENFOPOL 38 PROCIV 15

5. Draft Agreement on Operational and Strategic Co-operation between the former Yugoslav Republic of Macedonia and the European Police Office
8159/10 EUROPOL 13 ENFOPOL 89 JAIEX 33 COWEB 95

6. Draft Council conclusions on improving the rules governing the administrative control and identification of, and the exchange of information and intelligence on criminal activities in relation to, speedboats, recreational craft and their motors
8308/10 ENFOPOL 92 MI 97

7. Draft Conclusions of the Council and the representatives of the governments of the Member States on improving prevention to tackle violence against women and care to its victims within the scope of law enforcement.
8310/10 ENFOPOL 94 CRIMORG 71

8. European Union Handbook of best police practices on tackling violence against women
7488/2/10 REV 2 ENFOPOL 60

Items 1 to 8 were approved.

9. Draft Council conclusions on the exchange programme for police officers inspired by Erasmus
8309/10 ENFOPOL 93

This item was adopted with an amendment presented by Austria and Germany to preamble nr. 11

II ITEMS

10. Initiative for a Directive of the European Parliament and of the Council on the European Protection Order

7938/10 COPEN 74 CODEC 242
8394/10 DROIPEN 37 COPEN 88 SG 66 CODEC 296
8396/10 DROIPEN 38 COPEN 89 CODEC 294
8401/10 DROIPEN 39 COPEN 90 CODEC 295
8402/10 DROIPEN 40 COPEN 91 CODEC 296
8407/10 DROIPEN 41 COPEN 92 CODEC 297

The Committee examined the draft Directive with particular regard to the issue of the scope of the instrument in relation to the legal basis. It was decided to refer the issue to the JHA Council on 22-23 April 2010 for further guidance.

11. EU Accession to the ECHR

7668/10 FREMP 5 JAI 227 COHOM 74 (RESTREINT UE)
7918/10 FREMP 6 JAI 253 COHOM 76 COSCE 1 (RESTREINT UE) + COR 1
8356/10 FREMP 7 JAI 279 COHOM 85 COSCE 2 (RESTREINT UE)

The Committee examined the text of the Draft Council Decision on the negotiating mandate and directives with particular regard to the questions of the "co-respondent" mechanism, of the preservation of the monopoly of the ECJ and of the designation of the Union negotiator. The Committee noted that this file will be brought to the consideration of JHA Council on 22-23 April 2010.

12. Eurojust Annual Report

8147/10 EUROJUST 38

The report was presented by the President of Eurojust and CATS took note of it.

13. Eurojust Draft Council conclusions

7610/10 EUROJUST 37 COPEN 67 EJM 7 CATS 25

Delegations expressed their first observations concerning the draft Council conclusions. Member States were invited to submit their written observations by 26 April, following which further discussion will take place within the Council preparatory bodies.

14. Information on the Consultative Forum on Public Prosecution Policy organised by the Presidency in cooperation with Eurojust (request by Germany)

Information was provided by the Presidency on the intended objectives of the meeting of the Forum. Some delegations expressed the opinion that as far as the mandate of the Forum is concerned it should be further discussed and decided within the Council preparatory bodies. The meeting of the Consultative Forum will take place on 20 May and is intended as allowing for a possibility to exchange views and share experiences among the member States public prosecution services. Germany expressed its opinion to the creation of new networks in general and to this one in particular.

15. RELEX JHA

a. Debrief on the EU-US meeting at Ministerial Level held in Madrid on 8/9 April

8429/1/10 REV 1 JAIEX 35 RELEX 287 ASIM 45 CATS 28 JUSTCIV 67 USA 57

The Presidency reported on the successful meeting with the US authorities. In the field of **Mobility**, the EU expressed concern over the ESTA, the ESTA fee and the ESTA working costs, which make altogether that it will be hard not to consider the ESTA system as a visa. In the field of **Security**, both sides welcomed the progress made with the implementation of the Toledo Statement, i.a. on Aviation Security, Information Sharing, on Research activities and on international activity.

The United States is ready to negotiate a Declaration emphasising the shared goals and principles and what needs to be done in order to fight terrorism.

Judicial cooperation with the US is marked at this moment by the implementation of the EU-US agreements on Mutual Legal Assistance and on Extradition.

On **data protection**, data sharing and data security, some steps have been set, such as the review of the PNR agreement, but otherwise it is clear that a lot remains to be done towards a Data protection agreement and the exchange of financial data under the Terrorism Financing Programme.

All these can be found in more details in the outcome of proceedings that was issued by the Council Secretariat and which is accessible under reference 8429/1/10 REV 1

- b. Information on the Union for the Mediterranean meeting of Ministers of Justice, scheduled for 9-10 May in Sicily

This meeting will not take place due to lack of interest in a meeting before the summer by one of the major partners.

16. Proposal for Council Conclusions on a Latin-American and Carribean (LAC) organised analysis

5070/3/10 REV 3 CRIMORG 4 JAIEX 8 AMLAT 3

The proposal was discussed by delegations. While it was conceded that crime from Latin America and the Caribbean had a considerable impact on the EU a number of delegations expressed their concerns regarding a regionalisation of the OCTA. No final consensus was reached on a revised version of the original document that was circulated during the meeting and the Committee agreed to revert to it at its next meeting.

17. Draft Council Conclusions on an Action Plan to implement the Concerted Strategy to combat cybercrime.

5957/2/10 REV 2 CRIMORG 22 ENFOPOL 32

The draft was presented by the Presidency and delegations generally supported it. The Presidency concluded that the draft be forwarded to Coreper/Council without changes.

18. Action-oriented paper on the fight against organised crime in West Africa

5069/3/10 REV 3 CRIMORG 3 CORDROGUE 4 JAIEX 7 COAFR 3 COSI 5
MIGR 11

The draft was presented by the Presidency and delegations generally supported it. The Presidency concluded that the draft be forwarded to Coreper/Council without changes.

19. Negotiations of an operational cooperation agreement between Europol and the Russian Federation

6605/10 EUROPOL 8 JAIEX 20 COEST 46

The Committee was informed by Europol on the outcome of the discussions in the Europol Management Board meeting on 3-4 February 2010 regarding the negotiations of an operational cooperation agreement with Russia. Since the Europol MB considered it convenient to seek the Council's opinion on this matter, the Presidency invited delegations to comment on how this issue should be taken forward. A large majority of Member States expressed their support for allowing Europol to start the negotiations with the Russian Federation as soon as possible and to address the data protection concerns in parallel with these negotiations at a special conference with the Russian Federation which would involve Europol, Eurojust, the Commission and the Joint Supervisory Body. Since some Member States entered a scrutiny reservation, the Presidency noted that no unanimity existed in CATS on starting the negotiations on an operational cooperation agreement with Russia. It therefore concluded to revert back to this issue at the CATS meeting which is scheduled to take place in May 2010.

20. Draft Council Conclusions on the use of a standardised, multidimensional semi-structured instrument for collecting data and information on the processes of radicalisation in the EU

7984/10 ENFOPOL 78 + COR 1 + ADD 1

The Committee approved the draft conclusions.

21. Draft Council conclusions on strengthening cooperation between national structures responsible for analysis of the terrorist threat

7982/1/10 REV 1 ENFOPOL 77

The meeting approved the draft conclusions.

A representative of the Commission welcomed closer cooperation between national structures responsible for counter-terrorism, stressed the need to avoid the creation of parallel networks and welcomed reporting of the discussions at the meetings between such structures at Council preparatory bodies, e.g. TWP, CATS and COSI.

22. AOB

- European Coordinator on Trafficking in Human Beings

The UK asked the Commission on information about its plan to nominate an European coordinator on Trafficking in Human Beings and requested that the Council be involved in drafting the job description.

The Commission informed the Committee that the Commission had already announced the creation of a post in DG JLS and that it had the intention of consulting Member States on the job description as announced in COREPER.

- Procedural rights: translation and interpretation

Austria complained about the late arrival of documents.

MIXED COMMITTEE

I ITEMS

1. Formula for calculating individual Member States' shares in C.SIS expenditure for the years 2007, 2008, 2009 and 2010 following the participation of Bulgaria, Romania and Liechtenstein

5655/1/10 REV 1 SIRIS 17 FL 3 COMIX 69

2. SISNET Financial Regulation: Administrative procedures

5657/10 SIRIS 18 COMIX 71

3. Multiannual table of authorised C.SIS installation expenditure - third quarter of 2009

15656/09 SIRIS 148 COMIX 831

The I-items were approved.

II ITEMS

4. Adoption of the provisional agenda

The agenda was adopted.

5. SIS II

- State of Play

8287/10 CATS 26 SIRIS 59 SIS-TECH 52 COMIX 280

- Outcome of the SIS II first milestone tests

8391/10 JAI 289 SIRIS 62 COMIX 287

8381/10 SIS-TECH 54 CATS 27 COMIX 285 + ADD 1

- Draft Council Conclusions on SIS II

8390/1/10 REV 1 JAI 288 SIRIS 61 COMIX 286

FR stated that the rerun of the test did not happen in operational conditions and considers the milestone 1 test as failed, as explained in its room document of 13 April 2010.

FR pointed out that the contingency plan SIS 1+ RE could no longer be implemented after September 2010 on the basis of the current contract. FR also pointed out the tight contractual schedule to keep the contingency plan as a back- up solution.

DE and AT fully supported FR's analysis as they produced the same results, which are explained in detail in 8287/10 CATS 26 SIRIS 59 SIS-TECH 52 COMIX 280. DE recalled that the decision - making route had been set out in the Council conclusions of 5 June 2009 on the further direction of SIS II, including the Annex thereto (10708/09 JAI 360 SIRIS 82 CATS 64 COMIX 478). In line with the Council conclusions of June and November 2009, the discussion about the consequences of the test result remains the sole competence and responsibility of the Ministers. Furthermore, DE pointed out that the new ICD 3.0 proposed by the Commission signifies a completely new system, which means that the Member States would lose their national investments.

On the other hand, the alternative solution SIS 1+ RE, the planned contingency plan as stated in paragraph 9 of the June Council Conclusions, is compatible with the national provisions. The Commission document SEC(2010) 436 final "Report on the financial and contractual aspects of developing the second generation Schengen Information System (SIS II)" would be examined.

AT, DE and FR entered a reservation regarding the draft Council conclusions as set out in 8390/1/10 REV 1 JAI 288 SIRIS 61 COMIX 286. As the decision to be taken on the further direction of SIS II will have important and long -lasting technical, financial and political consequences, AT, DE and FR insisted that their position must clearly be reflected in the draft Council conclusions.

PL, SI, NL and CH shared some of the serious doubts of FR, DE and AT. IE, SE and LT also endorsed their remarks regarding the financial aspects. UK did not want to see this dissenting opinion stated in the draft Council conclusions and supported the view of COM and the Presidency. CZ, LU, LI, PT, BE and IT supported the draft Council conclusions. SI did not see any added value in drafting new council conclusions.

6. Draft Council Conclusions on common practices for SIRENE bureaux in cases of missing persons exposed to high risk

This item was withdrawn from the agenda.

7. Connection of Bulgaria, Romania and Liechtenstein to SIS
- State of Play

The Committee took note that the preparations for the integration of RO, BG and LI into the SIS1+ are under way on the basis of a room document from 13 April 2010 circulated by RO.

8. AOB

The GSC explained that the current contract for the supply of services relating to the communication infrastructure for the Schengen environment (SISNET) based on Decision 2007/149/EC, pending its migration to a communication infrastructure maintained by the European Union, will expire on 13 December 2011 as set out in 7826/10 SIRIS 46 COMIX 30. To ensure the indispensable continuity of these services until SIS II is developed, the Member States concerned, as well as IC, FL, NO and CH, are therefore invited to mandate the GSC before 30 April 2010, by means of a letter which might be based on the template proposed in Annex of 7826/10 SIRIS 46 COMIX 230, to act as their representative for the purpose of issuing a call for tender for the supply of services relating to a communication infrastructure for the Schengen environment and for concluding and managing contracts for the supply of such services.
