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**NOTE**

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From: General Secretariat of the Council  
To: Working Party on General Matters, including Evaluations (GENVAL)  
No. prev. doc.: 11748/15  
Subject: Presidency's initiative for the improvement of the follow-up to the  
evaluation mechanism foreseen in Joint Action 97/827/JHA  
- Compilation of replies to the questionnaire

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Delegations will find attached the compilation of the replies received to the questionnaire set out in the Annex to doc. 11748/15:

- Austria
  - Belgium
  - Bulgaria
  - Croatia
  - Cyprus
  - Czech Republic
  - Estonia
  - Finland
  - France
  - Germany
  - Greece
  - Hungary
  - Italy
  - Lithuania
  - Luxembourg
  - Malta
  - Poland
  - Portugal
  - Romania
  - Slovakia
  - Slovenia
  - Spain
  - Sweden
  - The Netherlands
  - United Kingdom
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AUSTRIA

**A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- The current time-limit of 18 months for reporting on the measures taken on the basis of the recommendations could prove not to be sufficient in case of necessary amendments to national law. Therefore, a time-limit of at least 24 months should be provided for.*

**B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- As far as the suggested preparation of a calendar indicating the timeline for each MS to report on the implementation of the country specific recommendations in the evaluation report and its distribution to delegations is concerned, the Austrian delegation can be flexible as such a measure could contribute to the respecting of the established timeframe for reporting. In this context we strongly support the sending of individual reminders to the MS concerned by the GSC.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Austria already now regularly provides the GSC with a written report setting out in detail how the recommendations in the national evaluation report have been implemented. Therefore, the creation of a standard format for such a report, which could facilitate the reporting, is supported. The same is true for the suggested setting of a deadline for providing the written report (e.g. 1 month before the relevant GENVAL meeting), in order to have it examined by the evaluation team and distributed to delegations sufficiently in advance of that meeting. Although a deadline of one month seems, at first sight, to be a bit long, it will probably be necessary in order to produce the necessary translations. However, it has to be made sure that by following the suggested procedure, the time-limit dealt with in points 1 and 2 will not be affected.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- Yes.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- In the view of the Austrian delegation, the suggested production of a further (national) follow-up report summarising progress made by the MS concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party, does not seem to be necessary. The procedure under points 9 seq. (see below) seems to be sufficient. Should a MS, after careful deliberation, come to the conclusion that it will not follow some of the recommendations contained in the (original) national report, it will certainly have good reasons for such a decision, which can be explained in the written report as well as at the Genval WP-meeting suggested under point 7. We do not believe that the MS in question will change its position in case of a repetition of the recommendation not followed by it for justified reasons.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

- *Yes.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

- *Yes.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- In this connection, the Austrian delegation would like to repeat its concern that the existing working structures in the field of mutual recognition in criminal matters are not sufficient in order to properly discuss problems and gaps in the implementation of the existing instruments in this field, encountered in their practical application.*

## BELGIUM

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- 18 months is, in general, an appropriate timeframe to implement the different types of recommendations.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

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### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- Yes, this would increase transparency.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Although a general reminder is not deemed necessary, individual reminders could be useful when a member state would not respect the timeline indicated in the calendar.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Member states already report the actions that have been taken following each recommendation (for example the adoption of a law or guidelines, specific trainings, the setting up of a working groups, ...) in a clear manner. We are not convinced of the added value of a standard format, since the various recommendations are of a different nature and there would be the risk of not clearly separating essentials from side-issues.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- A timeframe of 1 month is acceptable.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- It would be useful to organise a discussion at the GENVAL working party in case the Presidency or one/more Member states would like to discuss a specific issue or would like to promote certain good practices. We do not see the need to organise a separate discussion for every MS' follow-up report.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- No, we are of the opinion that one follow-up report is sufficient.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- Yes, the follow-up reports of the different Member States are a useful tool in order to identify common difficulties, shortcomings and challenges. The results of the follow-up of each evaluation round should be summed up and send to the appropriate working groups.*

#### **E) General report**

9) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- See the previous question.*

10) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

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## BULGARIA

*Bulgaria considers the debate launched by the Presidency with the aim to increase the added value of the evaluations, reports and follow-up to recommendations in the framework of the mutual evaluations, very useful. At the same time we believe that it is important to preserve the spirit of these assessments and the principles on which they are based.*

*The mechanism should be designed and implemented in such a way that it can produce results, which could be either in the form of identified good practices, to be used by the Member States for the enhancement of their national systems or as a specific follow-up at the EU level – if such a need is identified.*

*Therefore, improvements to the mechanism could be sought in the direction of creating the necessary prerequisites for presenting a good picture of the situation across the EU with a sufficient degree of generalization thereof and creating the right conditions for constructive debate on the findings of state of play and follow-up activities on a more strategic level, such as CATS, COSI and the JHA Council.*

*The current practice is largely in accordance with the abovementioned goals and in this sense we see room for improvement mainly in terms of technological rules and procedures, which should be aimed more specifically at facilitating the work of Member States and establishing a more structured communication in the process of reporting - by scheduling, sending reminders or other appropriate means.*

*At the same time, the introduction of some new measures, such as a unified reporting format, taking into account the different situations and often the very different nature of the specific recommendations, should be considered carefully in order to avoid the unnecessary administrative burden.*

*With respect to the reporting deadlines, a need for additional time has been identified at national level, in order to synchronize this deadline with the time necessary for the implementation of the necessary legislative measures. In this context 24 months would be a suitable period.*



## CROATIA

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- Our opinion is that according to existing evaluation procedure, a current timeframe of 18 months from the adoption of the report of evaluated Member State, to report on the implementation of relevant country specific recommendations in the evaluation reports, is too short. Our suggestion is extending it in to 24 months.*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- We found it will be very useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe. In this regard, we also found useful the distribution of such calendar to delegations and individual reminders to the Member States concerned by the GSC, with a view to respecting the established timeframe for reporting.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Our standpoint is that written form regardless of format, would be appropriated for the report of evaluated Member State to the GENVAL Working Party, about how country specific recommendations have been implemented. We agree with the indicated deadline of 1 month before the relevant GENVAL meeting. It is sufficient time for examination of the report by the evaluation team, and distribution to delegations.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- For all questions the answer is YES.*

## **E) General report**

**10)** If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- Yes, our thinking is that the final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document, should be presented to CATS and COSI.*

Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- No, we don't have.*

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## CYPRUS

### A) Report timeframe

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*- The timeframe of the 18 months is appropriate.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

### B) Calendar

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*- Yes, it would.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*- Yes, it would.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format?

*- Although this would be useful, we believe that we should rather try to further simplify this process.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

8) Would it be useful to prepare a final follow-up report summarizing progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

*- This choice should be optional for each Member State but not mandatory.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party?

*- The current process is satisfactory.*

**E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc.?

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- No further comments.*

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## CZECH REPUBLIC

### **A) Report timeframe**

*1) The Czech Republic believes that the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports is appropriate.*

*2) N/A*

### **B) Calendar**

*3) Yes, the Czech Republic welcomes the idea for GSC to prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report.*

*4) Yes, it would be very useful.*

### **C) Report content**

*5) The Czech Republic believes that a form on the basis of a standard format is not practical since each MS receives different recommendations to which it responds.*

*6) This procedure may not be feasible as regards, for example, the examination by the evaluation team. Evaluators/experts, who were present at a particular round of mutual evaluations may not be available any longer during relevant follow-up due to various reasons.*

#### **D) Report presentation**

*7) The Czech Republic has the same opinion as in the previous case. Delegations from Member States should have the opportunity to discuss and express their opinion on recommendations from the evaluation reports of MS during meetings of GENVAL.*

*8) The Czech Republic does not agree with a final follow-up report summarising progress made by the Member States concerned as it represents a further administrative burden. In this matter, we believe that WP GENVAL should not spend all its capacity solely on mutual evaluations.*

*9) Such final general report on the follow-up to the evaluation reports drafted by the GSC and based on reactions of MS might prove useful.*

#### **E) General report**

*10) The Czech Republic agrees that such report could be presented at other forums such as CATS, COSI, Council, etc.*

*11) The question is whether we can still find justification for the mechanism of mutual evaluations since the Commission also has competence over acts of the former third pillar since December 2014. In addition, no such evaluations take place as regards other areas, for example in civil judicial cooperation.*

*Should the added value of such evaluations lie in the focus on the practical implementation of a particular instrument, it might be possible to cover these aspects in the context of the implementation negotiations of the Commission, which could be based on the implementation reports of the Commission and focus on a particular area.*



*In case the majority of Member States does not favour the abolishment of the evaluation mechanism a coordinated approach as regards activities of the Commission in this field should be ensured, i. e. the above mentioned processes should complement one another and their activities should not be duplicated so the Member States are not unnecessarily burdened.*

*Furthermore, a representative of the Commission is regularly present in the evaluation team. They should be informed of the Commission's evaluation of the implementation of a relevant instrument in a particular Member State, what issues the Commission drew attention to and what matters needed to be addressed further.*

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## ESTONIA

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- It is appropriate for Estonia*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- Yes, it would be useful*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Yes*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Yes*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Yes, why not to set a deadline.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- Yes, it is a good idea, but we like to notice, that then we have to set certain rules to avoid too long discussions.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- In this matter we would like to stay neutral, but we are thinking that it can lead us to surplus bureaucracy.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- Please look at the answer no 8*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- Please look at the answer no 8*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- The report contains recommendations to the European Union, its institutions, and to other Member States, also recommendations to Eurojust/Europol/ENISA. They should inform by the improvements as well.*

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## FINLAND

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- The timeframe of 18 months is appropriate.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- It might be helpful to remind all about the agreed deadline for reporting.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Reminders are ok if they do not burden the GSC too much.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- The written report should be quite straightforward. A standard format might help the reporting Member States. The evaluation reports also include recommendations to Commission and sometimes other institutions too. Are they supposed to report as well on the implementation?*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- No additional deadline is needed. A Member State is to report in 18 months and this deadline should be established when the report is adopted by GENVAL. Once the written report reaches the GSC, the issue can be put on the agenda of the next suitable GENVAL meeting which allows enough time for examination of the report.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- This would add value to the evaluation procedure.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

***- The recommendations vary case by case due to the nature of this evaluation mechanism. Therefore, the solutions found to implement the recommendations vary as well. As this is the case, Finland does not see added value in preparing a final follow-up report. A follow-up report could add new questions to be solved: is it for GENVAL to draft it, GSC or evaluation team? Written minutes of the GENVAL discussions are enough.***

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

***- This could be considered and the purpose and content of this kind of general report should be carefully considered. A final general report should aim at fostering genuine discussion at the Genval meetings on the solutions found when implementing the recommendations.***

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

***- A very short presentation could be considered to finalize the evaluation round in question.***

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

## FRANCE

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*Oui, le délai de 18 mois semble approprié pour rendre compte de la manière dont les recommandations des experts ont été mises en œuvre.*

*Si le délai de 24 mois peut avoir certains avantages, il est tout de même trop éloigné dans le temps.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*Le seul argument qui pourrait justifier que le délai soit repoussé à 24 mois est le temps que peut prendre l'adoption d'un projet de loi et de décrets dans certains États membres. Dans cette hypothèse, il y a plus de chances que certaines recommandations n'aient pu être mises en œuvre avant "J + 24 mois".*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*Oui, l'établissement d'un tel calendrier pourrait être utile.*



4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

**Oui.**

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*Les autorités françaises estiment qu'il convient de limiter au maximum le travail à réaliser par les administrations des États membres.*

*C'est pourquoi elles suggèrent que l'État membre évalué effectue au groupe GENVAL un compte-rendu oral de la mise en œuvre des recommandations. Par la suite, le Secrétariat général du Conseil établirait un tableau récapitulatif, où chaque recommandation serait complétée par un commentaire sur la mise en œuvre par l'Etat.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 month - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*Les autorités françaises ne sont pas convaincues que les éléments apportés par les États membres nécessitent d'être étudiés par les évaluateurs et de recevoir un commentaire de leur part.*

*Elles suggèrent que l'État membre concerné transmette la fiche établie par le Secrétariat général du Conseil qu'il aura renseignée, une semaine avant la réunion du groupe GENVAL, ce qui permettra aux délégations d'étudier le document et de poser des questions en séances.*

## **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*Oui, une discussion serait utile sur la base de ce qui aura été dit par l'État membre concerné en séance, et du document qu'il aura préalablement renseigné.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*Non, les autorités françaises estiment qu'un rapport sur chacun des États membres n'est pas nécessaire, et que le rapport général de suivi évoqué à la question 9 serait suffisant.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*Oui, il serait intéressant d'avoir un rapport récapitulatif le suivi des rapports d'évaluation de tous les États membres.*

## **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*Oui, le rapport pourrait être présenté dans d'autres enceintes, comme le CATS ou le COSI.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*La préoccupation des autorités françaises demeure de faire un point 18 mois après les évaluations mais sans créer de charges administratives supplémentaires pour les États membres.*

*Partant, il est nécessaire que le Secrétariat général du Conseil établisse un questionnaire qui comprendrait toutes les recommandations, charge à l'État membre d'indiquer si elles ont été mises en œuvre ou non, ou si c'est en cours, en cochant la case adéquate. Les explications seraient ensuite données à l'oral, lors d'une réunion du groupe GENVAL.*

*Au surplus, les autorités françaises rappellent la nécessité que tout renforcement du système de suivi des évaluations ne vienne obérer le mandat du groupe GENVAL et le temps réservé à l'étude des questions générales concernant les formes graves de criminalité.*

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## GERMANY

### General comment:

*In principle, the existing evaluation system does not need strengthening. With regard to the current rules of the European Union, it is not necessary to re-evaluate a Member State that has already been evaluated. In particular, the parallels drawn with the Financial Action Task Force (FATF) are not convincing. In contrast to the FATF, the European Union can draw on the Commission as the Guardian of the Treaties. The Commission monitors the implementation of European legislation in the Member States. To this end, the Commission is able to institute infringement proceedings also in the field of criminal-law cooperation. Against this background, we do not think it necessary to strengthen the follow-up mechanism of the evaluations. In view of the scarcity of human and financial resources, we would advocate avoiding any duplication of work.*

### A) Report timeframe

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted

*- Yes, the timeframe of 18 months is appropriate. The GENVAL Working Party came to the same conclusion at its discussion two years ago (see document of the Irish Presidency of 4 May 2013, item 7, document 9154/13). There is no need to extend the timeframe up to 24 months. Even if legislative measures have to be taken, the laws do not have to be in force at the time of reporting. It is sufficient for the Member State to have already started legislative measures, e.g. the government has already passed the bill and has forwarded it to Parliament.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- See above.*

## **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- No, the preparation of a calendar is not necessary. The deadline for the submission of the follow-up report can easily be determined by adding 18 months to the date of the adoption of the evaluation report.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- See above.*

## **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- No. At present, Member States already report in written form on how they have implemented country specific recommendations. A standard format would not provide any added value, especially given that the country specific recommendations vary considerably in their nature. A standard format would not fit for all the country specific recommendations.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- See above.*

## **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- A discussion about the follow-up report by the Member States at the GENVAL Working Party is considered to be useful because it would provide better mutual understanding. However, there is no need for the participation of the evaluation team. Delegations should be allowed to make comments and ask questions in this discussion.*

*It should be pointed out that a real discussion in the GENVAL Working Party about the evaluation reports and the recommendations made therein is very important. The modus operandi should be improved in this respect. The comments of the Member States should be discussed, and where indicated the comments should be included in the evaluation reports (see question 11).*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- No. A final follow-up report summarizing progress made by the Member State would provide no added value. Neither a discussion about a final follow-up report nor the adoption of this report are necessary. It is sufficient that a Member State reports within 18 months on how country specific recommendations have been implemented.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- No. A final general report which summarizes all the follow-up reports would not provide substantial added value. It is sufficient that a final report summarizing the evaluation reports and the recommendations issued is provided on a regular basis, which is already the case today.*

## **E) General report**

**10)** If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- See above.*

**11)** Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- A real discussion in the GENVAL Working Party about the evaluation reports and the recommendations made therein is very important. According to Article 8 subsection 2 of Joint Action 97/827/JHA, the GENVAL Working Party shall discuss the draft report and adopt its conclusions by consensus. By consequence, comments of the Member States and proposals for amendments should be discussed and, where supported by other Member States, should be included in the evaluation report.*

*Germany would be interested in an estimation of any budgetary implications of the changes to the current evaluation procedure.*

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## GREECE

*We consider that the current timetable of 18 months for MS to report about the implementation of the specific recommendations in the evaluation report is sufficient because the existing mechanism of systematically evaluation is workable and formulated with respect to those areas in which further progress is necessary.*

*However, all the policies under the former third pillar are subject to the control of the court of the E.U. Still, we are quite flexible, if the majority of other Member States decides to change the evaluation mechanism*

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## HUNGARY

On behalf of Hungary and with reference to the last GENVAL meeting held on 15 September 2015, please note that the view of the Hungarian delegation regarding the issue raised in doc. 11748/15 is as follows:

*- We consider the current system and operation of the follow-up to the Member States' evaluation reports (i.e. the mutual evaluation mechanism) as appropriate.*

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## ITALY

Some of the suggested ideas could change deeply the mechanism of the mutual evaluation, and we have some concerns.

A) Report timeframe

*1- It is appropriate;*

*2- X*

B) Calendar

*3- It could be an useful tool to verify the implementation (or the lack of implementation) of the country specific recommendations; but it, at this stage of the mechanism, has to be an exercise not binding, otherwise would change the nature of the mechanism of mutual evaluations*

*4- This idea can be not in line with the nature of the mechanism, based on parity of the Member States;*

C) *5- No, it wouldn't be useful.*

*6- X*

D) *7- X*

*8 X*

*9 X*

*10 X*

*11 X*

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## LITHUANIA

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*- The current timeframe of 18 months in general is appropriate. Nevertheless, we suggest to leave an opportunity to prolong the above mentioned term in specific cases, for example, when legislative amendments in national regulation are needed.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*- Yes, it would be useful.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*- We believe that it would be useful.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Yes, possibly it would be.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Yes, to set a deadline would be useful.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- Possibly yes.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

*- Yes, if it would not create too much burden on the ones who would prepare a final follow-up report.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party?

*- We don't see a significant added value of such a final general report.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc.?

*- N/a*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- No.*

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## LUXEMBOURG

### A) Report timeframe

1. Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*The current timeframe of 18 months seems to be appropriate.*

*Nevertheless, it should be made clear that, when it comes to implementing recommendations by the way of new legislation, the relevant recommendation should be considered as implemented when the concerned bill of law has been approved by the Government and has been laid down before Parliament, even if it has not yet been formally adopted as a new law.*

2. If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*Not applicable.*

### B) Calendar

3. Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*No, the preparation of a calendar is not necessary. The deadline for the submission of the follow-up report could easily be determined by adding a paragraph to the report itself in order to set out clearly and in an transparent manner that the 18 months period to report starts from the date of the adoption of the evaluation report.*

4. If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*An individual reminder from the Council General Secretariat to the evaluated Member State could be useful, for example:*

- 1) *6 months before the end of the period, and*
- 2) *one month before the end of that period.*

### **C) Report content**

5. Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*It seems to be indicated that Member States provide a written report on how they have implemented country specific recommendations.*

*A standard format would not provide any added value, especially given that the country specific recommendations vary considerably in their nature. A standard format would not fit for all the country specific recommendations.*

*This written report could be distributed to all Member States, be put on the agenda of the GENVAL meetings (i) for information and (ii) for discussions if other Member States would have questions.*

6. If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*Yes.*

## **D) Report presentation**

7. If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*The written report of an evaluation of a Member State could be distributed to all delegations and be put on the agenda of GENVAL meetings in order to allow questions, answers and eventually discussions on certain issues, but only if needed or requested.*

8. Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*This seems not to be necessary.*

9. Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*Yes, because this would give a complete overview on the evaluation cycle and allow to draw, eventually, conclusions on points which could be improved.*

## **E) General report**

10. If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*Yes.*

11. Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*No.*



## MALTA

### **A) Report timeframe**

1. Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*The current timeframe is appropriate and provides ample time for uptake and implementation of country specific recommendations.*

2. If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

*Not available.*

### **B) Calendar**

3. Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*This would help with the follow up procedure for each Member State. However, the said timeline should only be indicative so as to allow for the necessary flexibility each Member State may need.*

4. If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*Yes, this would be useful.*

### **C) Report content**

5. Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format?

*Yes, this would be useful and a time saving measure.*

6. If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*Yes, this would be useful.*

### **D) Report presentation**

7. If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*Yes. Forwarding the report to GENVAL would make little sense if a discussion would not be possible.*

8. Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

*Yes, this would be useful.*

9. Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party?

*Yes, it would be useful.*

#### **E) General report**

10. If yes, should this report also be presented at CATS, COSI, Council, etc.?

*It may be useful to forward the final general report to CATS and COSI to make these formations aware of work being achieved within the GENVAL working group which can aid in avoiding repetition of work and allows other formations to make use of resources obtained.*

11. Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*The focus of this mechanism should be on explaining the reasons for non-implementation rather than establishing strict structures. It should not entail any additional automatic obligations for the Member States to implement the recommendations per se, unless the recommendations indicate a failure on the part of the evaluated Member State to transpose or implement already applicable EU/international law.*

## POLAND

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- The current timeframe of 18 months to report about the implementation of recommendations is appropriate, however, we could also accept the longer term, e.g. 24 months.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- Generally, a change mentioned in point 1 could be motivated by the length of legislative procedures which must be taken in order to comply with recommendations.*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- The idea to prepare such calendar may significantly improve the follow-up mechanism.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Distribution of such calendar to delegations may contribute to better respecting the established timeframe for reporting.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Reporting to the GENVAL WP in written form about how country specific recommendations have been implemented is a good idea. As far as a standard format of such report is concerned, it would be helpful to have more information about the proposed structure, level of details etc.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- It seems that distribution of a calendar mentioned in point B 4) is enough in this regard. The Member State would be aware of the deadlines.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- It seems that having discussions on the report presented by the evaluated Member State would be too burdensome for the Member States and the GENVAL's agenda.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- No, because of the reasons mentioned above.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- It seems to be an idea worth considering. It would ensure the global view on the implementation process and provide an opportunity to discuss the potential problems encountered by the Member States, remaining shortcomings, reasons for the latter, etc.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- Yes, with indication to CATS.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- No.*

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## PORTUGAL

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*- The current timeframe of 18 months is appropriate.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*- We don't think that a calendar prepared by the GSC is needed. The rules in place are well known by all MS.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Although in our point of view a calendar is not necessary, we support the idea of the GSC send a reminder to the individual EM whose deadline is coming up.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

- *Yes*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

- *Yes*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

- *Yes. It should be given to the MS concerned the opportunity to explain in what extent the recommendations have been implemented or, if this is the case, why the MS consider that the implementation of one or other recommendation is not needed, by showing that does not have negative effects on the cooperation between MS.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

- *We already have a final follow-up report summarising the progress made by MS. No other one is needed.*



9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- We already have a final follow-up report summarising the progress made by MS. No other one is needed.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- The final follow-up report summarising progress made should only be submitted to the Council according to the current procedure.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- N/A*

*- We only want to point out that Portugal is satisfied with the current evaluation system in place, preferring the "peer pressure approach", putting the emphasis on learning from each other's' best practices through a constructive expert's dialogue rather than introducing a more stringent control and sanction's system. Consequently, the suggestions made are intended only to strengthen the monitoring mechanism and procedures to take full advantage of mutual evaluations.*

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## ROMANIA

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- We consider that the current timeframe regarding the implementation of specific recommendations is appropriate.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- N/A*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- Each Member State knows its calendar regarding the implementation of recommendations. The evaluation report is sent to the GSC by default by the MS. Therefore, a calendar indicating the timeframe is not required.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*- Such a reminder confirms the fact that each MS knows its established timeframe for reporting.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Romania considers that a standard format for reporting is not an option. The problems encountered by a MS can be specific; therefore, a default framework may lead to answers that don't reflect properly the situation.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- N/A*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- No.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- From our point of view, it isn't clear who should prepare the final follow-up report and we don't consider that such a document would bring an added value.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- A general follow-up report would be useful in order to have a horizontal image of the problems faced by MS and to identify possible solutions. The report should focus on recurrent or general problems faced by the MS and not on particular aspects that are not relevant in practice.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- The general report may be presented to CATS, in order to highlight the problems faced by the MS.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- N/A.*

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## SLOVAKIA

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*In general we consider the timeframe appropriate. If legislative changes are needed, a consideration could be given to the possibility to provide countries with additional time (up to 6 months). However, it should not be an automatic extension since in many cases it should be possible to meet the deadline.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

*Please, see the answer to question 1.*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*Yes, we support such an idea. The calendar should also be elaborated for the EU institutions. Also the indication of evaluators (country) should be perceived as an added value. The calendar should be published at the official Council of the EU website.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*Yes, it could be the useful mechanism.*

*In general the basic “procedural” rules for evaluation shall be adopted including following particularities.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*It would be useful to discuss the follow – up in the GENVAL working party. The written information should be used and provided in advance to the delegations. In order to make the whole mechanism effective, the experts involved in the evaluation could be a part of the follow – up discussions in order to reflect the progress achieved.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*The deadlines should be regulated for the whole process (questionnaire, responds, translation, draft report, comments, GENVAL meetings, follow-up report and the consideration in the GENVAL working party). In any case, the country should have full 18 months period available.*

## **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*Yes.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*Yes.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*Yes. It could also serve as basis for discussions in other working parties, or for the EU institutions.*

## **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*Yes, however, depending on the subjects and the impact of the results on the whole system. In this extent the issue remains on the competence and practical expectation from such an involvement of regarded bodies. Hence, we should avoid pressure on certain Member States. In case the evaluated countries did not manage it during follow-up, a mechanism for multidisciplinary solving of systemic problems should be created.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*The mutual evaluation system has been improved over years. It seems that the mutual evaluation changes from criticism to useful suggestions which may assist the evaluated country. The results are more balanced and provide the real picture of the situation in evaluated countries.*

*There are still, however, difficulties with the translation of the draft reports into the language of the evaluated country. This situation should be improved in order to provide the evaluated country sufficient time to consider the content of the draft report in the official language of the country, as it should be perceived as a decisive momentum of evaluation process. If the translated version is not available, or is available only for limited period of time, not all authorities concerned are in a position to provide comments within the provided deadlines.*

*States should not feel being committed to fulfil stated terms for report negotiations and for next follow-up, because not all crucial employees have enough time and linguistic space to study the report in detail.*

*The rules should also be improved in order to prevent the situation, where the same issues are evaluated by different teams in a different manner (one team considers the issue positive, another team considers it negative). If the opinions of two teams contradict, such discrepancies should be solved before the discussions in GENVAL working party take place.*



## SLOVENIA

### A) Report timeframe

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*- We would say yes, procedural and legislative changes cannot be implemented in short time frames; time extensions have to be considered. Exceptions are rare.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

*- Timeframe extension might be appropriate, when the implementation of recommendations is linked to the amendments to legislation and/or the amending process is ongoing. The amendments to the legislation usually take time. 18 months may not be enough for system changes and legislative amendments. The 24 months time frame may be somewhat more realistic. Perhaps it should be considered that after a specific timeframe, i.e. 12 months, a partial report or at least a draft report should be sent, if the indicators point out to the conclusion that the recommendation will not be implemented in the given time frame.*

### B) Calendar

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- Yes, of course, as already mentioned, if both sides agree.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Yes. However, as to the possible reminders, caution should be exercised, because these reminders may be misunderstood or are counterproductive and may even be misinterpreted as a form of implementation pressure. If any, they should be mild, positive with the intention to provide possible additional help.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- Perhaps. Caution should be exercised here as well, meaning that additional burdens i.e. obligations are not imposed; the decision should be autonomous within the existing options.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Yes. No explanation is needed; direct contact is the best solution when solving such vast and complex issues. Video conference may be considered when solving some technical issues.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- Yes. We are in favour of this for practical reasons – so that possible disagreements or misinterpretations are eliminated.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- Yes, we are in favour of this for reasons mentioned above. Our only reservation may be that no additional burdens are imposed.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- Yes, of course.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- Yes, because of the information flow and the elimination of possible replication, we believe that the circle of possible interested partners should be extended.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- The participation of national experts in the evaluations should be maintained. The external experts may be involved with regard to the methodology i.e. the process. The priority criteria should be set, whereby all above mentioned influence factors should be considered.*

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## SPAIN

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

*- **The current timeframe (18 months) is appropriate but considering that it is not a deadline. A flexible approach should be considered.***

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe ?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- **Yes. It would be useful that the GSC according with each Member State could prepare a calendar indicating the timeline to report on the implementation.***

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- **The distribution of the agreed calendar to delegations will be appropriate but it will not be necessary individual reminders.***

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- We don't see the need to develop a standard format since the evaluated Member State should report on the basis of the specific recommendations made.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

8) Would it be useful to prepare a final follow-up report summarizing progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- Not in our opinion (see next answer).*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- A final general report, on the other hand, would be of interest.*

## E) General report

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

- *Yes.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

- *Final Consideration: Before improving new proceedings first we must be sure that we don't increase paper-pushing/bureaucracy, meetings and/or costs.*

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## **SWEDEN**

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*18 months is an appropriate time frame and should be maintained.*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*Yes, this would facilitate the overview and help MS to keep the deadlines. However, in general, additional administrative burdens should be limited to the strictly necessary.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*The GSC should facilitate the work, but should at the same time refrain from overburdening the procedures.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format?

*The follow-up report should clarify the work done, the methods and the goals, although the form of the report should be flexible and at the content should at the discretion of each Member State.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*Even if the form of reporting should be flexible, it still seems useful to set out a deadline for reporting back to GENVAL.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*All reports should be presented and discussed in GENVAL. However, regarding the follow up reports, the discussion could be rather brief and be limited to the outstanding questions. Also, discussions in GENVAL should be focused on conclusions and recommendations, rather than presentation of content.*



8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

*It is logic to prepare a final report for each MS, although this report could be rather brief and limited in its form.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party?

*A general report for all MS is important and should be maintained. This report, set out in one single document, would then be discussed and adopted in GENVAL as a first step.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc.?

*The final report should be presented and noted or adopted also in CATS and COSI. Whether it needs to go to Coreper and Council is still to be discussed.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*The very purpose with the final report is to introduce a number of general recommendations for improvement at national level or suggestions for new action or even legislation at EU level. This is why it is important to discuss and adopt the final report also at least at the high level committees.*

## THE NETHERLANDS

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted ?

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

*- The Netherlands supports the current timeframe of 18 months. In cases where relevant country recommendations have not been finalised, MS could describe the progress made on these specific recommendations.*

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe ?

*- It would according to the Netherlands indeed be useful to include the timeframe in the evaluation report. It would increase the awareness on the mutual evaluation process and provide MS with a better understanding of what is expected of them as a follow-up.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting ?

*- Individual reminders to MS by the GSC would indeed be helpful.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc.) in written form on the basis of a standard format ?

*- It is deemed important by the Netherlands to find a right balance between an effective monitoring and implementation process of the mutual evaluation instrument and limiting the administrative burden for MS. For this reason the Netherlands does not favour of discussing the follow-up of each MS in GENVAL meetings. As an alternative, a report could be drafted by the GSC addressing the main problems MS are facing when implementing the relevant recommendations.*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*- Not applicable.*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*- It's the opinion of the Netherlands that such a system would create additional administrative burden for the MS and therefore not appropriate. It would also dominate the agenda of the GENVAL working party too extensively, limiting the possibilities for discussing other relevant topics.*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party ?

*- Indeed this would be a preferred way to proceed. The GSC report could focus on shared problems and best practices when implementing the relevant recommendations in MS.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party ?

*- The Netherlands would prefer a general report as described under question 8.*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc. ?

*- It would indeed be advisable to share the report in COSI, as many of the recommendations will be linked to operational aspects of the evaluated topic.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*- In order to prepare experts better for their task ahead, it might be worth considering ways to train the experts before the country visits.*

## UNITED KINGDOM

### **A) Report timeframe**

1) Is the current timeframe of 18 months for Member States to report about the implementation of relevant country specific recommendations in the evaluation reports appropriate or should it be adapted?

*The UK believes that 18 months is appropriate.*

2) If yes, what would be the reasons for changing such timeframe and the alternative reporting timeframe?

### **B) Calendar**

3) Would it be useful if the GSC would prepare a calendar indicating the timeline for each Member State to report on the implementation of the country specific recommendations in the evaluation report, following the agreed reporting timeframe?

*Yes.*

4) If yes, would the distribution of such calendar to delegations as well as, where appropriate, individual reminders to the Member States concerned by the GSC, be useful with a view to respecting the established timeframe for reporting?

*Yes.*

### **C) Report content**

5) Would it be useful if the evaluated Member State would report to the GENVAL Working Party about how country specific recommendations have been implemented (including problems encountered, remaining shortcomings, reasons for the latter, etc?) in written form on the basis of a standard format ?

*Yes*

6) If yes, would it be useful to set a deadline -for such written report evaluated Member State - i.e. of 1 months - before the relevant GENVAL meeting, in order to have it examined by the evaluation team, and distributed to delegations sufficiently in advance of that meeting?

*Yes*

### **D) Report presentation**

7) If the answer to question 5 is yes, would it be useful to have a discussion at the GENVAL Working Party, based on the report presented by the evaluated Member State, to allow for comments and questions by the evaluation team and delegations?

*Yes*

8) Would it be useful to prepare a final follow-up report summarising progress made by the Member State concerned, possible remaining shortcomings and recommendations for this purpose, to be discussed and adopted by the GENVAL Working Party?

*No. It is important that there should be a genuine discussion of Member State report and comments taken into account.*

9) Would it be useful to have a final general report on the follow-up to the evaluation reports by all Member States in the relevant evaluation round, in one single document to be discussed and adopted by the GENVAL Working Party?

*Yes*

#### **E) General report**

10) If yes, should this report also be presented at CATS, COSI, Council, etc.?

*Yes, the report should be presented at CATS or COSI as appropriate. However, we should avoid creating a stream of work that goes to Council for the sake of it – CATS and COSI should be sufficiently close to the political level to take a view.*

11) Do delegations have any other suggestions or proposals with a view to the improvement of the follow-up mechanism to the mutual evaluation rounds?

*The UK values the peer evaluation exercise as a means of exchanging best practice and identifying areas of concern. We can learn from each other in order to drive up standards. However, in the process, we should be mindful of creating additional bureaucracy. The key is to allocate enough time for a robust and frank exchange of ideas. Where there are gaps, we find solutions for addressing it. We believe the 18 month period for follow up is fine and agree with the Presidency that it would be valuable to place more emphasis on follow up, for example by requiring Member States to produce a report within 18 months setting out how they have made changes to meet the recommendations, or if not, why not.*