



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 February 2010**

**6557/10**

**CATS 18  
COMIX 138**

**OUTCOME OF PROCEEDINGS**

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of: CATS

on: 11 February 2010

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Subject : Outcome of proceedings of CATS on 11 February 2010

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**MIXED COMMITTEE**

**I ITEMS**

1. Multiannual table of authorised C.SIS installation expenditure - fourth quarter of 2009  
5042/10 SIRIS 3 COMIX 6 + COR 1
  
2. Draft multiannual C.SIS installation and operating estimates for 2010 to 2012  
17364/09 SIRIS 178 COMIX 945

The Mixed Committee agreed with the I points.

**II ITEMS**

3. Adoption of the provisional agenda  
The agenda was adopted.
  
4. Programme of the Trio of Presidencies on JHA matters  
- Presentation by the Presidency  
5008/10 JAI 1 COMIX 1 + COR 1  
The Committee took note of the trio Presidencies program.

## 5. SIS II

### - State of Play

#### - Report of the SIS II task force

The chairman of the SIS II Task Force presented its report in document 6259/10 CATS 15 SIRIS 24 SIS-TECH 23 COMIX 117, confirmed by the COM delegation. The Committee took note of the report.

#### - Milestone 1 Test Results

6275/10 JAI 128 CATS 17 SIRIS 25 SIS-TECH 24 COMIX 119

DE and AT presented document 6275/10 JAI 128 CATS 17 SIRIS 25 SIS-TECH 24 COMIX 119 on the possible re-run of the milestone 1 test without comprehensive analysis of the test results.

The two delegations stated that, respecting Council conclusions of June and November 2009 on the SIS II, a re-run would only be possible after a comprehensive analysis of the test results of the first milestone test, in case the test would be considered inconclusive. DE insisted that in case of a re-run of the test before a full analysis of the results had been presented, COM would bear the entire responsibility of such decision. SI and SK supported DE and AT. CZ and PT favoured a re-run as soon as possible. UK was in favour of a re-run if this would give more information. IT asked for a maximum of transparency and supported a re-run. FR and PL insisted that the JHA Council should reach a conclusion on the file at its April meeting.

COM stated they will follow the advice of the GPMB and the SIS II task force as foreseen in the Council conclusions. The re-run would happen under the condition that the analysis of the milestone test would show that it was inconclusive. The re-run would be at no cost for COM.

The Presidency reminded that the route for decision taking had been laid out in the Council conclusions. Since no clear result of the first milestone test was known, there was no basis in the Council Conclusions for a re-run. The Presidency concluded that there was no sufficient majority for retaining a different approach.

## 6. AOB

HU submitted room document DS 1075/1 on the SIS-evaluation of MS whose evaluation started in 2009. CZ and PL supported the HU proposal whereas AT, PT and LT underlined the importance of quality, i.e. proper evaluations carried out by qualified experts, rather than speed and quantity.

BE suggested raising awareness in the WP's concerned (SIS-TECH, SIS/SIRENE).

COM, considering the lack of a sufficient number of experts to be the core-issue, suggested that more experts be made available by MS.

The Chair concluded by emphasising on the importance of quality; it will liaise with HU to consider the issue.

## CATS

### 1. Adoption of the provisional agenda

The agenda was adopted after withdrawing item AOB “Police cooperation ad hoc in major or sport events”.

## I ITEMS

### 2. Report on the activities of the Customs Cooperation Working Party (1 July to 31 December 2009)

5106/10 ENFOCUSTOM 5

### 3. Draft Council Act determining the grade and step of the re-appointment of a Deputy Director of Europol

6009/10 ENFOPOL 36 EUROPOL 4

The documents were approved

## II ITEMS

### 4. Counter-terrorism work in the SITCEN under EAS

#### - Presentation by Mr. Shapcott

The Director of SITCEN, Mr Shapcott, reassured delegations that SITCEN would continue to provide its usual services to the Terrorism Working Group, CATS and the Council for JHA policies, also during and after its integration into the External Action Service. He explained that the administrative changes for SITCEN should go largely unnoticed for delegations. Moreover, he expressed the hope that beyond the mere continuation of the service, the integration of SITCEN into the EAS would allow to improve the work through better contacts with Commission services and with EU delegations around the world and a better information flow on JHA policies to new customers.

### 5. Informal meeting of JHA Ministers, Toledo 21-22 January

#### - Information by the Presidency

The Presidency informed Delegations of the outcome of the Informal Meeting of the JHA Ministers in Toledo and in particular on the meeting with the US Homeland Security State Secretary, Mrs Napolitano, and on the commitment of the joint statement issued at the meeting.

### 6. RELEX JHA

#### a. EU-US JHA Informal senior officials meeting, Madrid, 11-12 January, 2010

5462/10 JAIEX 11 RELEX 60 ASIM 10 CATS 8 JUSTCIV 13 USA 15

The Presidency informed the Committee on the main items discussed at the Senior officials meeting in Madrid on 11-12 January, including the preparation of the Toledo meeting and the Joint Statement, which was adopted there. Among other issues discussed, there was the Joint Review of the PNR agreement, the implementation of the Washington Statement, the prospects for a Data protection agreement and several seminars organised by the Presidency and/or the Commission, which will be attended by the US.

- b. Meeting of liaison officers in Africa, Dakar, 11-12 February, and South America, Bogotá, 23-24 March, 2010

The Presidency informed delegations on four meetings of liaison officers that will be held in the months ahead in Dakar, Bogota, Moscow and in the Western Balkans. The meeting in Dakar, on 11 and 12 February, will focus on cooperation platforms for law enforcement authorities, organised crime and training.

- c. EU engagement in Guinea-Bissau

The representative of the Council Secretariat informed delegations of the ongoing process of review of the EU engagement in Guinea Bissau. In view of the strategic importance of the region and the increased illegal trafficking and organised crime, the new Mission should also contribute to countering this threat. To this end, the involvement of the JHA staff from the Member States will be necessary.

Delegations welcomed the new approach and also the intention of the Presidency to coordinate future activities linked to illegal trafficking in West Africa in the COSI.

7. Transmission of Article 24-38 TEU Agreements to the European Parliament for consent.  
5962/10 CATS 12 JAIEX 15 RELEX 108

The Presidency recalled the procedure followed for the recent transmission of 7 Agreements. No comments from the delegations on the procedure itself. Some delegations however intervened to recall comments previously made on the interpretation by the Council Legal Service of the declarations ex. art. 24. The Legal Service confirmed its interpretation.

8. Initiative for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings  
- Information by the Presidency

The Committee was informed by the Presidency on the state of play of the work on the initiative for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings.

9. Proposal for a Council Resolution on a Model Agreement for setting up a Joint Investigation Team (JIT)

5951/10 COPEN 34 CRIMORG 20

Delegations examined the proposal on the basis of 5951/10 COPEN 34 CRIMORG 20. NL lifted its scrutiny reservation on Art. 9. It was agreed that the text of the proposal, while taking into account the results of the discussions be transmitted to COREPER/Council for its final adoption.

10. Accession of EU to the ECHR

6180/10 CATS 14 JAI 114 DROIPEN 14 COHOM 26

CATS discussed this issue on the basis of document 6180/10 . In this respect, the Committee discussed issues arising from the application of Article 218 TFUE and in particular the timetable for the finalisation of the negotiations on the negotiating directives and the role of the European Parliament in the procedure. The Committee noted that this file will be brought to the consideration of JHA Council on 25/26 February 2010.

11. AOB

- Follow-up implementation of Prüm Decision

- Presentation by Austrian delegation

The Austrian delegation stressed the importance of a timely implementation of the "Prüm Decisions" for operational cooperation between Member States. It suggested that CATS could monitor the implementation regularly, together with the Ad Hoc Group on Information Exchange, and possibly report to Council on a regular basis.

The Commission stressed that the implementation of the Prüm Decisions is a responsibility for national authorities. However, Commission funding has been used to support this process, so far on 15 projects for a total of 4.300.000 EUR, and more funds have been earmarked in the 2010 budget for this purpose. Delegations were invited to submit applications by 15 April 2010.

- Police cooperation ad hoc in major or sport events

- Presentation by the Austrian delegation

This point was withdrawn.

- Presentation of the project “Witness Protection Assistance (Wi.Pr.A.)”
  - Presentation by the Italian delegation

The Italian delegation informed the meeting about a seminar it will organise in autumn concerning witness protection, which will aim at finding a common European model for better cooperation in this field.

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