



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 November 2010

16006/10

**CATS 88
COMIX 735**

OUTCOME OF PROCEEDINGS

of: CATS
on: 25 and 26 October 2010
Subject : Outcome of proceedings of CATS on 25 and 26 October 2010

MIXED COMMITTEE

- 1. The agenda was adopted with one AOB item :**
 - Access of law enforcement services to Eurodac.

I ITEM

- 2. Multiannual table of authorised C.SIS installation expenditure – third quarter of 2010**
14930/10 SIRIS 146 COMIX 659
- 3. The provision of SIS and SIRENE hit statistics to Council**
14934/1/10 REV 1 SIRIS 147 COMIX 660

The I-items has been approved.

II ITEMS

- 4. SIS II**
 - State of Play

COM gave an overview of the state of play of the project. COM was examining the use of EBF funding for the SIS II project. The ICD was solidified and in the acceptance process.

COM explained that it would present regular and written updates of the project status to the SIS II Committee. On the basis of this reporting a report for each JHA Council meeting would be prepared, allowing the ministers to assess the project progress.

5. AOB

- Access of law enforcement services to Eurodac

AT asked for access of the law enforcement services to Eurodac. AT explained that of the 11.000 asylum requests in AT last year, 6.000 had been found in the national fingerprint database. The delegation referred to the 2007 Council Conclusions on access to Eurodac by Member State police and law enforcement authorities. The delegation had noted that in the Commission's amended proposal for a Regulation on EURODAC this access was no longer mentioned. AT asked COM to add a proposal for access.

COM explained that a proposal for access to Eurodac for the security services had been omitted in this proposal in order to facilitate negotiations with the European Parliament and to speed up the codecision process. A separate proposal for access by the law enforcement services would be presented in 2012.

DE, ES, FR, LT, SI, PT, NL, CZ and HU supported AT.

Delegations considered that

- this access was part of the asylum package
- a proposal in 2012 would be too late
- it would be an important tool to combat crime
- it was not proven that the omission would speed up the codecision process
- this access was also granted for the VIS.

The Presidency took note of the remarks made by delegations and would forward them to the SCIFA where this legislative proposal is dealt with.

CATS

1. Adoption of the provisional agenda

I ITEMS

2. Europol Work Programme 2011

10098/10 EUROPOL 19

3. Draft Resolution on ENFAST - European Network on Fugitive Active Search Teams

15370/10 ENFOPOL 299 COPEN 232 CRIMORG 186

4. Draft Council conclusions on preparedness and response in the event of a CBRN attack

15144/10 ENFOPOL 295 PROCIV 127 COTER 74 SAN 208 CODUN 36 CONOP 70

The I-items has been approved.

II ITEMS

5. Implementation of Council Decisions 2008/615/JHA and 2008/616/JHA ("Prüm Decisions")

- general debate

15003/1/10 REV 1 JAI 853 DAPIX 39 CRIMORG 180 ENFOPOL 208

15199/10 JAI 871 CATS 82 DAPIX 41 CRIMORG 183 ENFOPOL 297

ENFOFOCUSTOM 93

- Draft Council decision on DNA exchange for Slovakia

13497/1/10 REV1 JAI 727 DAPIX 15 CRIMORG 156 ENFOPOL 247

ENFOCUSTOM 75

13553/10 JAI 729 DAPIX 16 CRIMORG 157 ENFOPOL 249 ENFOCUSTOM 76

- Draft Council decision on dactyloscopic exchange for Slovakia

14179/1/10 REV1 JAI 783 DAPIX 24 CRIMORG 166 ENFOPOL 268

ENFOCUSTOM 81

14180/10 JAI 784 DAPIX 25 CRIMORG 167 ENFOPOL 269 ENFOCUSTOM 82

Against the backdrop of the implementation deadline of 26 August 2011, delegations welcomed both the efforts done by the Presidency to identify specific shortcomings and the initiative to raise awareness at political level that a stronger commitment was needed.

Taking note of suggestions concerning the draft discussion paper on how to facilitate the implementation process, the Presidency concluded that an amended discussion note to be refined with the incoming Presidency would be submitted to Coreper/Council.

Taking note of the positive overall evaluation reports on the implementation of both DNA data and dactyloscopic data exchange provisions by Slovakia, delegations endorsed the draft Council Decisions on the launch of data exchange for DNA and fingerprints respectively by Slovakia, to be submitted to Coreper/Council.

6. Europol Pension Fund

14191/10 EUROPOL 33

CATS took note of Europol's financial assessment of the Europol Pension Fund as set out in doc. DS 1706/10 and was informed on the legal basis of the draft Council Decision amending the Council Act of 12 March 1999 adopting the rules on the Europol Pension Fund, as set out in doc.14191/10 EUROPOL 33. It was decided to postpone the discussions on the above-mentioned draft Decision until the moment that more precise information will become available on the exact number of Europol staff members and (deferred) pensioners that would remain under the Europol Pension Fund and the financial consequences related to this. This information is expected to become available in the first quarter of 2011.

7. Draft Council Resolution on combating road freight crime and providing secure truck parks

12083/3/10 REV 3 GENVAL 2 ENFOPOL 207 TRANS 192

Following a short debate, a consensus was established on the the text of the draft resolution. The Chair indicated the resolution would be submitted to Coreper and Council as a I/A point.

8. Cross-border exchange of information and road safety related traffic offences

On the "Proposal for a Directive of the European Parliament and of the Council facilitating the cross-border exchange of information on road safety related traffic offences", the Presidency took note of the support of many delegations for the document presented by Luxembourg, whose main points are namely applying Prüm like VRD information exchange mechanisms by using EUCARIS software applications, deleting the provision for an information letter from the proposal, limiting offences in question on those to be detected by automatic means and opting for a regulation instead of a decision.

Subsequent to the change of the legal basis to Art. 87(2) TFEU as agreed by COREPER, which was still objected by the Commission at the meeting, LU suggested as well that the proposal should be discussed as a genuine police cooperation matter. However, the current as well as the incoming Presidency explained that the file would continue to be dealt with by the Land Transport Party to which JHA were invited to attend and be considered as an information point by CATS. Several delegations questioned this approach as they deemed the proposed implication of JHA experts insufficient.

9. Agency for Fundamental Rights reports on ethnic profiling and police stops and minorities and radicalisation

- Presentation and general discussion

CATS took note of the reports on "Ethnic Profiling", on "Experience of Discrimination and Violence" and on "Police Stops and Minorities", as presented by the Director of the Agency for Fundamental Rights.

10. Cefpol Strategy

- Presentation and general discussion
15068/10 ENFOPOL 293

CATS welcomed the CEPOL strategy, as set out in doc. 15068/10, which was presented by the CEPOL Director and the Chairman of the CEPOL Governing Board. Various delegations underlined the importance of a timely implementation of the Exchange programme for Police officers inspired by Erasmus (doc. 8309/10) and the need for appropriate funding of this programme

11. Draft Council decision authorising the opening of negotiations for an agreement between the European Union and the United States of America on protection of personal data when transferred and processed for the purpose of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police cooperation and judicial cooperation in criminal matters

13316/1/10 REV 1 JAI 715 USA 103 DAPIX 19 DATAPROTECT 61 RELEX 741
RESTREINT UE

The Committee extensively debated the four questions listed by the Presidency in its Note. On the first and fourth question, the solution proposed by the Presidency was accepted. Regarding the second question, the debate showed that Member States were divided as to the solution to be chosen and the Chair indicated this question would be submitted to Coreper.

Regarding the third question, as well as a number of outstanding reservations, the Chair referred these to a future JHA Counsellors meeting.

12. Proposal for a directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

14905/10 DROIPEN 113 JAI 842 CATS 80 CODEC 1030

The Presidency concluded that their suggestion on including a new Article 10(1)(a) was welcomed by delegations. In addition, the Presidency concluded that Article 23 constituted a good basis for further discussion; however, the Presidency took note of a number of scrutiny reservations. Concerning Article 10(1), a significant number of delegations expressed doubts in relation to the scope; the Article will be discussed again in the Working Party.

13. Proposal for a directive regarding the European Investigation Order in criminal matters

15329/10 COPEN 230 EJM 56 EUROJUST 118 CODEC 1117

CATS examined the questions put forward to it by the Presidency in its note 15329/10 COPEN 230 EJM 56 EUROJUST 118 CODEC 1117. Following the discussion it was decided that the file will be transmitted to Coreper/Council for the orientation debate on some issues.

14. Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings - Outstanding issues

14909/10 DROIPEN 114 COPEN 216 CODEC 1031

The Committee was called to confirm the orientations of the Working Party on certain general issues set out in 14909/1/10 REV1 DROIPEN 114 COPEN 216 CODEC 1031 in view of the continuation of discussion in the Working Party. The discussions confirmed the broad support of delegations for the suggested approaches, while some specific issues should be referred for further consideration to the Working Party. The outcome of proceedings is reflected in 15484/10 DROIPEN 116 COPEN 239 CODEC 1128, which will be submitted to the Working Party.

15. Judicial dimension of the fight against terrorism – follow-up of the recommendations

15067/10 JAI 859 COPEN 223 EUROJUST 111 ENFOPOL 292 COTER 72 FIN 490

The Committee extensively discussed the questions submitted by the Presidency regarding a possible follow-up to the Counter Terrorism Coordinator's recommendations.

The Chair concluded that the Presidency would scrutinise the recommendations so as to distinguish operational ones from legislative ones.

The former should be dealt with by COSI, the latter by CATS. H also indicated a second distinction, according to whether the recommendations were completely new or had already been (partially) endorsed by other Council documents (action plan, etc.)

16. AOB

- Cooperation CSDP-Civilian Police missions and Europol: Commission Action Plan implementing the Stockholm Programme

The Commission informed the meeting that, at the next COSI meeting, it intends to invite Member States for a preparatory meeting to discuss the possible content of the future Commission Communication on the cooperation between CSDP-Civilian Police missions and Europol.

- **Access of security authorities to Eurodac. Request from the Austrian delegation**

The Commission informed the delegations that it would examine the possibility to ensure the access of law enforcement authorities to EURODAC in 2012.

CATS stressed the need to provide for the access of law enforcement services to EURODAC already in the current amended proposal for a Regulation of the European Parliament and of the Council on EURODAC, and invited the Commission to take into account the delegations' comments.

- **CY counter-terrorism coordinator**

The CY delegation informed that Mr Kareklas had been appointed as national counter-terrorism coordinator for Cyprus.
