



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 November 2007**

**15079/07**

**CATS 124  
COMIX 962**

**OUTCOME OF PROCEEDINGS**

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from : Article 36 Committee  
on : 22 and 23 October 2007  
Subject : Outcome of proceedings of the Article 36 Committee meeting on 22 and 23  
October 2007

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**ARTICLE 36 COMMITTEE**

**1. Adoption of the provisional agenda**

**II ITEMS**

**2. Child alert – Outcome of the Informal meeting of JHA Ministers (Lisbon, 1-2 October)  
14126/07 CRIMORG 154 JUSTCIV 278**

The Presidency concluded that the issue would be examined at a future meeting. In the meantime, the Commission was invited to continue its examination and to report to the Committee at some future date. There was agreement that use should be made of existing mechanisms, that parental abductions should not be covered and that a simple and rapid mechanism was desirable.

**3. INITIATIVE of the Federal Republic of Germany and of the French Republic with a view to adopting a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences  
13963/07 COPEN 138**

The Committee discussed two outstanding issues, concerning Article 6 (criteria relating to the executing State) and Article 12 (division of competences), with a view to allowing the Working Party to continue efficiently its work on the draft Framework Decision.

#### **4. Europol:**

##### **a) Implementation Plan/Road Map 13887/07 EUROPOL 102 + COR 1**

The Committee took note of the Implementation Plan as presented by the Commission and Europol (doc. 13887/07 EUROPOL 102+COR 1) which would be submitted to the Justice and Home Affairs Council on 8-9 November 2007. Delegations that wished to comment on the content of the Plan were invited to submit these comments to the Presidency. Some delegations underlined the importance of finding solutions for the three outstanding issues (immunity, budget neutrality, bold-non bolds posts/Rotation/Instructions) in relation to the Implementation Plan and the need to involve the Europol Working Party in these discussions.

The Presidency clarified that these issues are being addressed in expert groups and, on this basis, will be discussed again at the next CATS meeting.

##### **b) (Poss.) Draft Council Decision establishing the European Police Office: finalization of Chapters II and III 14105/07 EUROPOL 104**

The Committee reached agreement on the text of Chapter III of the above-mentioned draft Council Decision as set out in doc. 14105/07 EUROPOL 104. The text of Chapter II, in particular Articles 10 and 12(2)(g) was sent back to the Europol Working Party with a view to reaching agreement on the outstanding issues.

##### **c) Immunity for Europol officials participating in JITs 14014/07 EUROPOL 103**

The Committee discussed the issue of immunity for Europol officials participating in JITs on the basis of doc. 14014/07 EUROPOL 103. Three options for solutions were identified by an experts group on which delegations were requested to comment. A large majority of delegations preferred option 1 i.e. an *ex ante* lifting of immunity. This would require an amendment of Article 1(b) of Regulation NO 549/69, adopted on the basis of Article 16 EC PPI, to the effect that Article 12(a) of the EC PPI would not apply to Europol officials participating in JITs. Since an amendment of Regulation No 549/69 requires a Commission proposal to this effect, the Commission representative would consult the relevant Commission services and report back to CATS at a later stage.

#### **5. Council Conclusions on Cybercrime 13893/07 CRIMORG 148 CATS 110**

It was decided that the Multidisciplinary Group in Organised Crime, would discuss the presented draft Conclusions.

#### **6. Council Conclusions on trafficking in human beings 14011/07 CRIMORG 149 MIGR 98**

It was decided that the Multidisciplinary Group in Organised Crime, would discuss the presented draft Conclusions.

## **7. Status of ratification of EU-US agreements of 25 June 2003 on extradition and of bilateral instruments**

**5916/2/07 REV 2 CATS 8 COPEN 15 USA 8**

The General Secretariat informed about the state of play of ratifications and requested that delegation inform it of any change as soon as possible. It reminded that the US has indicated that it will be ready to conclude in some months.

## **8. External relations in JHA:**

- **Information on the EU-Western Balkans Ministerial Forum on Justice and Home Affairs, Brdo 4-5 October 2007**  
**13434/07 JAI 483 RELEX 683 COWEB 177 (doc. to be issued)**
- **Information on the meeting of the Liaison Officers held in Moscow on 14 September 2007**  
**12858/07 JAI 451 RELEX 640 NIS 189**

The Committee took note of a report by the Presidency on the two meetings mentioned in the heading and supported by the reports issued by the Council secretariat.

The NL delegation requested additional information on the meetings with the United States, in particular whereas Data protection is concerned. The Presidency agreed to discuss this topic at a next CATS meeting or with JHA counsellors before the EU-US ministerial.

The LV delegation emphasised the importance of addressing all important issues regarding Russia and Ukraine in the relevant working parties, in order to prepare the EU position.

## **9. Council Decision on the implementation of Decision 2007/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime**

**13728/07 CRIMORG 145 ENFOPOL 164 + COR 1**  
**11045/1/07 REV 1 ADD 1 CRIMORG 113 ENFOPOL 126**

The meeting discussed in detail the above-mentioned draft Council Decision, as revised after the last meeting, on the basis of document 13728/07 CRIMORG 146 ENFOPOL 164. The outstanding issues would be submitted to Coreper<sup>1</sup> with a view to obtaining a general approach at the Council in November on the draft text of the Decision.

Next to that, the Presidency in cooperation with the incoming Slovenian Presidency, would convene a Friends of the Presidency group to start the negotiations on the Annex.

## **10. Initiative of the Republic of Austria with a view to adopting a Council Decision on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations**

**13534/07 ENFOPOL 162**

The meeting discussed in detail the outstanding issues regarding the draft Council Decision on the improvement of cooperation between the special intervention units, set out in document 13534/07 ENFOPOL 162.

Subject to minor amendments in recital 5, Article 2 and Article 6, agreement was reached on the drafting.

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<sup>1</sup> Note from the Secretariat: see document 14310/07 CRIMORG 163 ENFOPOL 177.

**11. European Action Plan for enhancing security of explosives  
14013/07 ENFOPOL 168 CRIMORG 150**

The Chair explained that the Presidency's intention was to submit to the December Council a number of priority measures concerning explosives security. This would allow the Council to agree on certain measures that can and need to be implemented in the short term.

To that end, the Presidency would present a proposal for these measures on the basis of the Commission's proposal for an EU Action Plan for enhancing security of explosives, as soon as this was available.

**12. Information sharing on violent trouble makers related to large scale events**

The German delegation presented its paper about possible options for sharing information on violent troublemakers at large events. It was agreed that the SIS/SIRENE group would examine the possibility of using the SIS for this exchange of information. If necessary, other working groups might be consulted at a later stage.

**13. AOB**

**MIXED COMMITTEE (Tuesday, 23 October at 10H00)**

**1. Adoption of the provisional agenda**

**I ITEMS**

**2. Financial aspects of the C.SIS:**

- a) **Draft amending budget for C.SIS installation and operating costs for 2007**  
11725/1/07 REV 1 SIRIS 135 COMIX 661
- b) **Multiannual table of authorised C.SIS installation expenditure - second quarter of 2007**  
11726/07 SIRIS 136 COMIX 662
- c) **Draft multiannual C.SIS installation and operating estimates for 2008 to 2010**  
11727/1/07 REV 1 SIRIS 137 COMIX 663
- d) **Budget estimate for C.SIS installation and operating costs for 2008**  
11859/1/07 REV 1 SIRIS 143 COMIX 678

**II ITEMS**

**3. SISone4All  
- State of play**

The Presidency gave an overview of the recent developments, especially the SIS/SIRENE evaluation visits in the new Schengen countries. The Presidency announced also that the decision on the final opening of the borders would be taken in the December JHA Council due to the EP Calendar.

**4. SIS II**  
**- State of play**

The Commission introduced document 14158/07 SIRIS 196 CATS 112 COMIX 905 with the global project status report. The Commission announced that the text of the decision on testing presented to the SIS II Committee and rejected by the Member States, would be adapted and forwarded to the Council for discussion; planned approval date beginning 2008.

**5. Network for SIS, SIRENE and VISION**  
**- State of play**

The Council Secretariat gave an overview of the latest developments in relation to the call for tender for the new network for the Schengen environment.

**6. Report of the SIS II Task Force**  
**13834/07 CATS 109 SIRIS 192 SIS-TECH 135 COMIX 873**

The SIS II Task force presented its report (document 13834/07 CATS 109 SIRIS 192 SIS-TECH 135 COMIX 873). Several delegations requested to be regularly informed on any possible delays in the SIS II project planning. The Presidency announced an in-depth discussion on SIS II planning for the November CATS.

**7. AOB**

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