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12200/17

CATS 93

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 24 May 2017
To: CATS
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in doc. CM 2751/1/17 REV 1, with the addition of two points under AOB: questionnaires from the EP and upcoming discussion at the T-CY.

2. Proposal for a Regulation on the establishment of the European Public Prosecutor's Office

– financing of EPPO

After a short discussion, a great majority of delegations confirmed the model for the financing of the EPPO that had been presented in the Presidency paper (doc. 9276/17). Furthermore, they confirmed the wording of Article 49(6) and (7) in the draft EPPO Regulation, as set out in the same document.

A few delegations raised concerns regarding the confirmed financing model, and in particular argued that the said model should not set a precedent for future enhanced cooperation. It was agreed that a Council declaration should be elaborated in this sense, to be adopted at the upcoming Council (JHA).

3. Criminal justice in cyberspace

= preparation of Council debate

Delegations welcomed the Commission services' paper (docs. 9543/17 and 9554/17) and stated their general satisfaction with the work performed so far. They broadly supported the practical measures outlined therein and expressed the need to continue the examination of the legislative options put forward. In that regard a number of Member States underlined the importance of ensuring synergies with the work ongoing on that matter in the Council of Europe.

4. Data retention

= update on on-going work

The Presidency presented the current state of play of the common reflection process on data retention in the Council and informed that a progress report will be presented at the Council in June.

5. Draft Council conclusions on Eurojust Annual report 2016

= discussion

Following a presentation by the Eurojust representative of Eurojust annual report 2016 (doc. 7971/17), delegations had an exchange of views on the related draft Council conclusions (doc. 9451/1/17 REV 1) and made a few suggestions for changes to their text. The Presidency invited delegations to submit written comments by 29 May 2017 noon, and announced a written consultation on a revised version of the draft Council conclusions, with the intention to submit them to the Council as an A point.

6. Proposal for a Regulation of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders

= Legal form of the instrument (Regulation or Directive)

The Committee discussed the legal form of the instrument (Regulation or Directive) on the basis of doc. 8924/17. A blocking minority opposes the form of a Regulation, as proposed by the Commission. The Presidency concluded that this issue should be submitted for decision to a higher political level, but considered that it would be appropriate to leave this to the EE Presidency, since this delegation is in favour of a Regulation.

7. Presentation of the priorities of the incoming Estonian Presidency

The Estonian Presidency informed CATS about its programme.

8. AOB

a) European Investigation Order: information from the Commission on the implementation following the transposition deadline (doc. 9301/17)

The Committee took note of the state of play regarding the implementation of the Directive on the European Investigation Order (2014/41/EU). Many Member States have not implemented the Directive yet, but it was observed that this would probably not cause a problem since an old MLA request could be assimilated to a EIO, and v.v.

b) EU-US Ministerial meeting (15-16/6/2017): information from the Presidency

The Presidency informed delegations on the main issues to be addressed at this meeting.

c) EU (CATS) - Council of Europe meeting (11/5/2017): information from the Presidency (doc. 9541/17)

The Presidency informed delegations of the main elements that were discussed at the above-mentioned meeting.

d) EU-Japan Day (14/7/2016) - Final report (doc. 9003/17)

The Committee took note of the final version of the report on the EU Japan day, which was held on 14 July 2016. The text in doc. 9003/17 has also been approved by the Japanese authorities.

e) Questionnaires from the EP

The SI delegation asked that the Commission, Council Secretariat and/or incoming Presidency would contact the EP regarding the questionnaires that the latter institutions sends to Member States as regards implementation of EU legislation. Other delegations concurred that these represent a serious administrative burden.

f) Discussion in T-CY

The SK delegation informed the other delegations of an explanation it would provide to the upcoming T-CY meeting (CoE, Strasbourg) regarding competent authorities for requests for information under the Budapest Convention.