

Brussels, 24 June 2015
(OR. en)

10261/15

LIMITE

**CATS 65
JAIEX 42
RELEX 516
COPEN 169
DROIPEN 70**

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9122/15 JAIEX 25 RELEX 409 CATS 57 COPEN 135
Subject:	CATS - Council of Europe meeting, Brussels, 5 June 2015

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (09.09.2015)

1. The current and incoming Chairs of CATS together with representatives of the Commission and the European External Action Service met with representatives of the Council of Europe (CoE) in Brussels on 5 June 2015. A list of participants in the meeting is found in the Annex to this note.
2. Issues of common interest were discussed and information was exchanged about the most recent developments in the areas concerned, as set out below:

Roadmap on procedural rights

3. The Latvian Presidency presented a brief overview of the work accomplished during the semester on the 3 procedural rights files- the Directive on the presumption of innocence, the Directive on procedural safeguards for children and the Legal aid Directive - which are currently at different stages of negotiations with the European Parliament. Work on the first two instruments is already advancing steadily in trilogues. Work on the Legal aid Directive will resume under the Luxembourg Presidency following the adoption of the Council General Approach in March and the EP LIBE Committee orientation vote in May.

4. The CoE thanked for having been invited to provide comments on the 3 proposals. The main point of concern of the CoE is the compliance with the standards of ECHR, as interpreted by the European Court on Human Rights (ECtHR). The contribution on the Legal aid Directive is expected to be released soon, while those on the presumption of innocence and the children directives are already available.
5. The Commission underlined that it has been very carefully observing the compliance with the ECHR standards when preparing the proposals for the 3 Directives and has been even going further on some occasions, as for example in the proposed Directive on the presumption of innocence.

European Public Prosecutor's Office (EPPO)

6. The Presidency informed about the progress on the EPPO file, which was one of the priorities of the LV Presidency. It was underlined that the positive discussion at the March Council provided momentum to advance the work on the file, where most progress was achieved on the first 16 articles. There are still a number of open issues concerning the modalities of the operation of EPPO, on which work will continue at expert level in the Council.
7. The CoE pointed out that at this stage the issue of respect for human rights related to the activities of EPPO and the recourse to the ECtHR in this respect has not been addressed in the draft Regulation. The Commission highlighted that the available remedies will mostly depend on the final structure of the EPPO, which is still under consideration.

Ratification of CoE Conventions

8. CoE informed that since the last CATS-CoE meeting in December 2014 progress was made concerning the ratification of the CoE criminal law instruments. The ratification of key CoE conventions will continue to be promoted at the EU level.
9. The Commission recalled that the EU is actively promoting the use of the CoE Convention on Cybercrime in particular. To date 25 EU Member States have already ratified the Convention and 3 Member States are in an advanced stage of preparation in this respect. The CoE commended that two CoE capacity building projects on cybercrime are funded by the EU and highlighted their positive impact adding to the efforts to fight cybercrime globally.

Terrorism

- **Recent developments in the CoE, including the additional protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS 196)**

10. Terrorism has been the main topic during the latest session of the CoE Committee of Ministers held in Brussels on 19 May 2015. An Additional protocol to the CoE on the Prevention of Terrorism was adopted together with a Political declaration and a 3-year Action plan on the fight against violent extremism and radicalisation leading to terrorism. The action plan sets out a number of measures addressed to radicalisation, including in schools, prisons and on the Internet.
11. The Council and the Commission were commended on the fact that a pragmatic solution was found allowing for the timely adoption of the EU negotiating mandate on the Protocol. The CoE hoped that the Additional protocol could be opened for signature and ratification soon, so as to keep the political momentum. In this respect, participants agreed that even if the issue of signature and conclusion on behalf of the EU is politically and legally complex, a timely solution is needed.

- **Recent developments in the EU**

12. The Commission presented the recently adopted European Agenda on Security, where tackling terrorism and preventing radicalisation is one of the 3 main priority areas of action. It was underlined that it is an ambitious programme based on a democratic concept of security, where full compliance of fundamental rights and ensuring a democratic oversight are among the basic principles on which future action will be based.
13. The representatives of the EEAS and the EU CTC Office highlighted the need to work closely with strategic third countries, in particular in the MENA region to enhance the impact of counter-terrorism measures. In addition, the setting up of the Internet Referral Unit (EU IRU) in Europol by July 2015, the launching of the Radicalisation Awareness Network (RAN) Centre of Excellence in the autumn, the establishment of effective anti-radicalisation programmes in the Member States were referred as key actions in providing an effective response to terrorism and violent extremism.
14. Closer cooperation with the CoE in international multilateral fora in this domain is considered essential.

Priorities of the incoming Luxembourg Presidency

15. The incoming Luxembourg Presidency informed about its main priorities in the criminal justice area in line with the Trio Presidency programme, including in particular advancing the work on the three procedural rights files and the EPPO file, as well as ensuring that the Council Decision concerning the signature of the CoE Additional protocol on terrorism will be timely adopted.
16. Information was provided about a number of topical Presidency events that will take place in Luxembourg on subjects such as mutual legal assistance in the digital age, victims rights, radicalisation in prisons, citizenship and justice.

Update on recent developments

17. The CoE made available an information document with the priorities of the current Bosnia and Herzegovina Chairmanship of the Committee of Ministers. As far as criminal justice is concerned they include promotion of the Istanbul Convention on violence against women, as well as the promotion of the intercultural dialogue addressing inter alia the prevention of radicalisation and extremism.
18. A white paper on organised crime has been adopted by the European Committee on crime problems (CDPC) last December. It establishes areas in which the CoE could contribute to fighting trans-national organised crime and identifies specific tasks to that effect.
19. As part of the reform process of the Council of Europe, a review of the CoE conventions is ongoing. A review of the Cultural property convention, the Convention of compensation of victims of violent crimes and the Transfer of prisoners convention is expected in this respect.

**Meeting CATS - Council of Europe
Brussels, 5 June 2015**

List of participants

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