



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 October 2013
(OR. en)**

14312/13

**CATS 51
COMIX 528**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 23 September 2013
To: CATS
Subject: Outcome of proceedings

1. Adoption of the agenda

The agenda has been adopted.

2. Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA

– 13702/13 ENFOPOL 296 CODEC 2036

CATS discussed the future of Europol's international relations under the proposed draft Europol Regulation on the basis of the discussion paper presented by the Presidency (13702/13 ENFOPOL 296 CODEC 2036).

A large number of delegations expressed a strong need for flexibility under the new legal basis allowing Europol to fully address its operational needs in balance with the EU's general foreign policy framework. Member States also referred to maintaining the role of the Europol Management Board in Europol's external relations. Many delegations raised questions relating to the kind of structured cooperation Europol might develop within the limits of Article 218 TFEU and the possible content of its "working arrangements" referred to in the draft Europol Regulation. Some delegations also required COSI to look into the operational aspects of this issue. Finally, the need to secure the *acquis* of existing Europol's agreements was underlined.

The Presidency took note of the outcome of the CATS debate and invited the Council Legal Service to explore the possibilities and limits of Article 218 TFEU, taking into account ECJ case law (327/91). The Chair concluded that LEWP would be invited to examine the contribution of the Council Legal Service and the suggestions of delegations in the framework of the negotiations on the draft Europol Regulation.

3. Candidatures for the provisional seat of CEPOL

– Information by the Presidency

The UK delegation confirmed that CEPOL would have to move out as the Bramshill premises were to be sold. Location was however guaranteed until (at least) March 2014. Bramshill being the designated CEPOL seat in Article 4 of the CEPOL Decision, the latter would have to be changed by a new legislative act based on a Commission proposal or MS initiative to be adopted by qualified majority in accordance with the ordinary legislative procedure.

Seven Member States submitted their candidacies to host CEPOL (IE, EL, ES, IT, HU, NL, FI). The Presidency will submit this file to the Council on 8 October 2013.

4. Outcome of the meeting of representatives at the level of COSI / CATS with Interpol
– **Information by the Presidency**

12214/13 JAI 620 ENFOPOL 237 JAIEX 56 COSI 94 CATS 32

CATS took note of the outcome of the meeting of representatives at the level of COSI/CATS with Interpol on 21 June 2013 as set out in 12214/13 JAI 620 ENFOPOL 237 JAIEX 56 COSI 94 CATS 32.

5. UK notification according to Article 10 (4) of Protocol N° 36 to TEU and TFEU
– **12750/13 JAI 670 CATS 39 JUR 387 POLGEN 152**
– **DS 1706/13**

UK explained the background to the matter. It noted that the list of 35 measures for which they intend to seek to opt back into is not final, but still under reflection. After the finalization of the list, formal negotiations will be initiated with the aim of finding an agreement by early summer 2014. UK noted that it should be in the interest of all to reach an agreement as soon as possible, in order to avoid any operational gap. A few delegations took the floor to underline the need for good transition measures. COM stated that a decision on the opt-back-in list can legally not be taken before 1 December 2014. It is thinking about transitional arrangements, but it is too early to discuss the details. Presidency will consider the set up of an ad hoc working group to assess the impact of the opt in/opt out.

6. Proposal for a Council Regulation on the Establishment of the European Public Prosecutor's office
– **Exchange of views on selected issues**
12558/13 EPPO 3 EUROJUST 58 CATS 35 FIN 467 COPEN 108
+ ADD 1 + ADD 2
12554/13 EPPO 2 EUROJUST 57 CATS 34 FIN 466 COPEN 107 GAF 34
12551/13 EPPO 1 EUROJUST 56 CATS 33 FIN 465 COPEN 106
13567/13 COPEN 129 JAI 765 GAF 40 FIN 524 CADREFIN 229 CODEC 2004

The debate focused on in particular two issues: (1) The structure of the Office, and (2) The exclusive competence or not for the Office. 24 delegations took the floor. The quasi-totality of them preliminarily welcomed the Commission proposal, but also noted that certain aspects will have to be elaborated further, in particular at technical level.

As regards the structure of the new office, a number of delegations spoke out in favour of a collegial structure of the EPPO, whereas others expressed that the structure proposed by the Commission will constitute a good basis for further discussions. A few noted that it may be premature to discuss the structure of the office.

As regards the competence, some delegations advocated an exclusive competence for the EPPO, whereas others spoke out for a shared competence Member States - EPPO. Some also argued that any system of competence will need to be flexible and contain numerous possibilities for exceptions.

7. Developments concerning current cases of interest at the Court of Justice

– Case C-43/12

The Council Legal Service outlined the conclusions of Advocate General BOT in Case C-43/12.

8. AOB

- Information by the Presidency on the preparation and organisation of discussions on the future development of the JHA area
The Presidency informed CATS that the preparation and organisation of these discussions will be on the agenda of the next meetings of CATS, COSI, SCIFA and the Civil law committee.
- Follow-up of the legislative process concerning the PNR Directive
COM invited Member States to provide input for the evidence collection to be submitted to the LIBE Committee in a restricted framework.
- Preparation of the EU's anticorruption report (IT)
IT followed by a number of Member States expressed concerns with regard to the methodology retained for the preparation of the EU's anticorruption report.