



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 November 2002

14580/02

CATS 69

OUTCOME OF PROCEEDINGS

of : Article 36 Committee
on : 7 and 8 November 2002
Subject : Outcome of proceedings of the meeting of the Article 36 Committee on
7 and 8 November 2002

1. Opening of the meeting and adoption of the agenda

The agenda was adopted as set out in 13803/02 OJ/CATS 11, with the addition of the following other business items:

1. Ministerial Troika with Russia (Moscow, 5.11.2002) (Presidency)
2. London Conference on combatting organised crime in South East Europe (Presidency)
3. Timetable for Europol-Eurojust agreement (France)

2. Security Handbook for the use of police authorities and services at meetings of the European Council and other similar events

doc. 12637/2/02 REV 2 ENFOPOL 123 + COR 1

The Committee agreed that the text of the handbook revised following comments from delegations would be forwarded to COREPER and Council for information. It was agreed that future reviews would be carried out by the Police Chiefs Task Force and the Police Cooperation Group and would be approved by the Committee.

3. Co-operation Agreement between Europol and USA on the exchange of personal information

**docs. 13689/02 EUROPOL 82 + ADD 1
13696/02 EUROPOL 83**

Following an in-depth debate it was decided to forward the Draft Agreement to COREPER/Council. The draft exchange of letters and the opinion of the Joint Supervisory Body will be forwarded to COREPER / Council for information.

The Netherlands, France, United Kingdom and Greece entered (parliamentary) scrutiny reservations.

4. Council Decision authorising the Director of Europol to negotiate an agreement between Europol and Latvia on the exchange of information

doc. 13698/02 EUROPOL 85

and

5. Council Decision authorising the Director of Europol to negotiate an agreement between Europol and Cyprus on the exchange of information

doc. 13697/02 EUROPOL 84

The Article 36 Committee agreed to authorise the Director of Europol to negotiate agreements between Europol and Latvia and Cyprus. The relevant documents will therefore be forwarded to COREPER / Council.

6. Presidency proposal on the number of Deputy Directors at Europol

doc. 13729/02 EUROPOL 87

The Article 36 Committee accepted the Presidency's proposal on the number of Deputy Directors at Europol. The relevant document will therefore be forwarded to COREPER / Council.

7. Evaluation of the Europol anti terrorist task force

doc. 13699/02 EUROPOL 86 ENFOPOL 132

The Article 36 Committee accepted the evaluation of the Europol anti terrorist task force as contained in document 13699/02 EUROPOL 86 ENFOPOL 132. The document, together with a cover note outlining certain comments made by the Article 36 Committee, will be forwarded to COREPER / Council.

8. Updating the list of terrorists organisations

The Committee agreed that a finalised version of this confidential document would be forwarded to COREPER and Council for approval as an "A" item.

9. Protocol to the CIS Convention: customs files identification data base (FIDE)

doc. 13538/02 ENFOCUSTOM 36

After an intervention from the United Kingdom delegation concerning their reservations contained in Annex 2 of the above document, the Committee agreed to ask the Customs Cooperation Working Party

- a) to conclude examination of the preamble and the opinion from the European Parliament on the draft protocol with a view to its adoption and signature before the end of March 2003;
- b) to carry out an evaluation of FIDE and its relation to other EU information systems which support the work of law enforcement agencies as quickly as possible.

10. European Action against Synthetic Drugs

doc. 13812/02 CORDROGUE 89

After a brief debate focussing on paragraphs 3, 4 and 5 the Committee agreed to revise the above document in the light of comments from delegations and to ask the Horizontal Working Party on Drugs to conclude work on the remaining sections. The revised text will be submitted to the Committee at its next meeting with a view to its adoption at the JHA Council on 28/29 November.

11. Europol Organized Crime Report 2002

docs. 13751/02 CRIMORG 95
13752/02 CRIMORG 96

The debate in the Committee focussed on the procedure and the number of versions and translations of the report. At the end of the debate, the Committee agreed that there should only be two versions of the report, one confidential and one public. These two versions of the report would be submitted to Council for approval. It was further agreed that the confidential version would be in English only and the public version in five languages, but that this procedure would need to be reconsidered in the future, in particular the possibility of producing a summary report which could be translated into all languages.

The Committee agreed to return to the content of the report at its next meeting.

12. Note by the German delegation regarding computer-aided preventive searches carried out by individual Member States on the bases of co-ordinated offender profiles (Europe-wide electronic profile searches)

doc. 13626/02 ENFOPOL 130

The German delegation presented the above document and proposed the organisation of a seminar on this topic. In the light of questions raised by several delegations, it was agreed that the German delegation should present a concrete text and the idea of a seminar to discuss these questions was welcomed. It was agreed to return to this question at a future meeting of the Committee.

13. Judicial co-operation in criminal matters - negotiations with Russia on the basis of article 24 and 38 of the Treaty of the European Union

doc. 13654/02 CRIMORG 94 NIS 127

The Committee discussed in detail the question of whether to continue to prepare negotiations with Russia in the light of the FATF decision to remove Russia from the list of non-cooperating countries. At the end of the discussion the Presidency concluded

- a) that there was no basis to continue work on starting negotiations with Russia on money laundering in the light of the FATF decision, although negotiations for agreement would be possible for criminal matters on a different basis.
- b) in the light of the clear mandate from JHA and ECOFIN Ministers to start negotiations with non-cooperating countries on the FATF list, to ask the Multidisciplinary Group to examine which countries might be relevant and what criteria should be used and, more specifically whether Ukraine could be the first country

14. Agreement between EU and USA on judicial co-operation in criminal matters and on extradition

After a meeting in restricted session, the Committee agreed to re-examine this draft agreement at its next meeting on the basis of a text revised in the light of comments from delegations.

15. Council Framework Decision combating racism and xenophobia

doc. 13447/02 DROIPEN 75

The text resulting from the discussions of the Committee is set out in document 14283/02 DROIPEN 83. The Committee agreed to examine this revised text at its next meeting.

16. Council Framework Decision on the application of the principle of mutual recognition to financial penalties

**doc. 12903/02 COPEN 51
13188/02 COPEN 52**

The Committee examined the above proposal with particular reference to Articles 1b, 4(2)(b), 4(2)(c), 4(2)(e), 13(2) and 16(4) of the proposal, on the basis of 12903/02 COPEN 50, 13188/02 COPEN 52 and 13830/02 COPEN 54.

The text resulting from those proceedings, with comments by delegations set out in footnotes to the text, is set out in Annex I to document 14284/02 COPEN 55. A declaration by the Commission is set out in Annex II.

The Committee agreed to continue its examination of the draft at its next meeting.

17. Draft Council Framework Decision on the execution in the European Union of orders freezing property or evidence (certificate)

**docs. 6980/02 COPEN 20
11544/2/02 REV 2 COPEN 46**

The Presidency asked delegations to send their comments on the certificate in writing by 18 November and it was agreed to return to this item at a future meeting.

18. Troika Meeting with the Council of Europe on 22 October 2002 - oral report

Following an oral report during lunch, the Presidency announced a written report to follow (see document 14261/02 CATS 67 COSCE 8).

19. Preparation of the meeting of the Council (Justice and Home Affairs) on 28-29 November 2002

The Presidency announced that the draft agenda would be presented to Coreper on the same day.

20. Any Other Business

- a) Troika meeting with Russia on 5 November (Presidency)
- b) London Conference on organised crime in South-East Europe (Presidency)
- c) Timetable for Europol-Eurojust agreement (France)

These items were discussed at lunch.
