



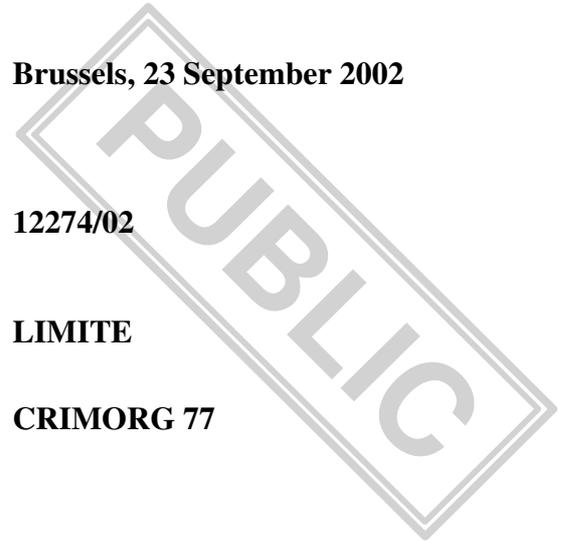
**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 September 2002**

**12274/02**

**LIMITE**

**CRIMORG 77**



### **OUTCOME OF PROCEEDINGS**

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From : Multidisciplinary Group on Organised Crime (MDG)  
on : 16 September 2002

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Subject : Outcome of proceedings of the Multidisciplinary Group on Organised Crime on  
16 September 2002

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#### **1. Adoption of agenda.**

The draft agenda was adopted without modification.

#### **2. Second round of mutual evaluations:**

##### **a. Formal adoption of the evaluation report on United Kingdom**

*doc. 8414/1/02 CRIMORG 28 REV 1 RESTREINT UE*

The report was finally adopted.

##### **b. Discussion of the evaluation reports on Finland and the Netherlands**

*doc. 8050/02 CRIMORG 20 + COR 1 (en) RESTREINT UE*

*doc. 9999/02 CRIMORG 45 + COR 1 (en) RESTREINT UE*

The evaluation teams presented both reports, commented on by delegations of the Member States visited and discussed amongst delegations. The evaluation teams and the Finnish and Netherlands delegations agreed upon a number of amendments.

They will be incorporated into a revised version of the reports. These versions will then be ready for final adoption in a future MDG meeting.

**c. Third round of mutual evaluation**

*doc. 11679/02 CRIMORG 71*

In general the questionnaire was well received by delegations. Some delegations indicated that a duplication of efforts that might occur in conjunction with other evaluations on Europol should be avoided.

The Presidency concluded that, following the information of the Article 36 Committee about the consultation of the Europol Management Board during its meeting on 25<sup>th</sup> July 2002, the MDG would await a reply from the Management Board via the Article 36 Committee and raise this issue again during the MDG meeting in October. Delegations were invited to submit their comments and suggestions on the draft questionnaire in writing to the Council Secretariat by the beginning of October.

**3. UN Convention on corruption – third common position**

*doc. 11652/02 CRIMORG 70 RESTREINT UE*

Delegations commented in detail on the document and agreed on a number of amendments. Some reservations remained with regard to Articles 1 and 3. A revised document was issued and transmitted to the Article 36 Committee.

**4. Draft Council Recommendation concerning measures to protect commercial drivers engaged in export trade from violent attacks**

*doc. 11622/02 CRIMORG 69*

After having discussed the initiative and in the light of the lacking interest of Member States, the Presidency decided to put it aside, but announced that they would raise the topic at a political level, given the importance attached to it by the Presidency.

## **5. Information technologies and the investigation and prosecution of organised crime**

### **a. Presentation by the Commission on state of play.**

The Commission gave an account on the state of implementation of the Commission Communication on Cybercrime [COM (2000) 890].

The Commission expressed their favour for multidisciplinary forums at a national level to further advance the issue and offered to re-launch - before the end of the year - the EU-Forum on Cybercrime in order to catch up on any meetings that might have taken place at a national level.

Furthermore the Commission presented Directive 2002/58/EC of 12 July 2002 and explained their view on the circumstances under which data retention was authorised.

### **b. Presentation by the Presidency of answers to questionnaire on retention of traffic data**

*doc. 11490/1/02 CRIMORG 67 TELECOM 4 REV 1*

The Presidency presented the replies that had been given by Member States in answer to the questionnaire laid down in doc. 11490/1/02 CRIMORG 67 TELECOM 4 REV 1.

Those Member States that had not submitted their answers to date were reminded to do so in due time.

The Presidency concluded that the issue was supposed to be discussed at a later stage taking into account doc. 10358/02 CRIMORG 49 MI 119 as well as with the information provided by the Commission.

## **6. Draft Council Decision on the investigation and prosecution of war crimes, genocide and crimes against humanity**

*doc. 11562/02 CRIMORG 68*

Delegations commented on this draft proposal. Some concerns regarding the legal basis and the subsidiarity principle were raised. The Presidency indicated that it would take into account the comments made and would transmit a revised document to the Article 36 Committee so that the JHA Council could adopt it on October 14-15, 2002. The revisions are set out in doc. 11562/02 REV 1 CRIMORG 68.

**7. Draft mandate for the Presidency to begin negotiations with Russia on mutual legal assistance**

Some delegations commented on possible issues to be dealt with in an EU-Russia agreement on mutual legal assistance and extradition. Furthermore, the issue of what would happen when Russia was to be withdrawn from the FATF list of non-co-operative countries and territories (NCCT's), was raised. Some of delegations questioned whether the MDG was the appropriate Working Party to deal with this issue and whether the matter should not be referred to CATS.

**8. Any other business.**

The European Commission informed that the EU Forum on the Prevention of Organised Crime was organising a seminar on "Reporting Obligations under the Money Laundering Directive" on October 1, 2002. It also indicated a number of other future seminars (Criminality and Terrorism, October 30, 2002; Traffic in Human Beings, November 15, 2002 and Counterfeiting of Work of Arts, December 1, 2002).

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