



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 June 2008

9960/08

COPEN 103

"I/A" ITEM NOTE

from : General Secretariat of the Council

to : Coreper/Council

Subject : Draft Framework Decision on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings

1. The Commission submitted on 18 March 2005 a proposal for a Framework Decision on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings.¹
2. The European Parliament delivered its opinion on the proposal on 27 September 2006. The Working Party on judicial cooperation in criminal matters examined the opinion of the European Parliament at its meeting on 12 October 2006.

¹ COM(2005) 91 final (7645/05 COPEN 60).

3. The following Council declaration should be included in the minutes of the Council at the time of the adoption of the Framework Decision:

"The scope of the Framework Decision is limited to convictions handed down by criminal courts. However, in some Member States a decision imposing a criminal sanction can be passed by a judicial authority other than a criminal court or by an administrative authority. In general, such decisions may in these Member States be taken into account in new criminal proceedings. The Council agrees that the question of taking into account decisions passed by judicial authorities other than a court or by administrative authorities should be further considered."

4. The text of the framework Decision has undergone Jurist Linguist scrutiny and is set out in 9675/07 COPEN 67 + REV 1(de) + REV 2(da) + REV 3(nl).
5. Coreper is asked to invite the Council to adopt the Framework Decision as set out in 9675/07 COPEN 67 + REV 1(de) + REV 2(da) + REV 3(nl) by unanimity and order its publication in the Official Journal.
