EUROPEAN PARLIAMENT

2004 *2009*

Committee on Legal Affairs

2004/0818(CNS)

30.11.2005

OPINION

of the Committee on Legal Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the initiative of the Kingdom of Belgium with a view to the adoption by the Council of a framework decision on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children
(14207/2004– C6-0244/2004 – 2004/0818(CNS))

Draftsman: Aloyzas Sakalas

PA_Leg

CONCLUSION

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Kingdom of Belgium[1]	Amendments by Parliament
Amendment 1 Article 6, paragraph 2a (new)	
	2a. This deadline of 30 days may be extended if the information provided by the issuing State is insufficient or if form B referred to in Article 4, paragraph 2, of Council Decision of..... on the exchanges of information drawn from police records is incomplete.
Justification	
The 30-day deadline at the expiry of which the competent authority of the enforcing State must give its decision must be extended if additional information has to be gathered from the issuing State or if form B is incomplete.	
Amendment 2 Article 7, point c a) (new)	
	(ca) where the person subject to the prohibition has undergone rehabilitation, been amnestied or pardoned in the issuing State.
Justification	
The competent authorities of the enforcing State must refuse to recognise or enforce a prohibition if the sentenced person has undergone rehabilitation or been amnestied or pardoned in the issuing State.	

[1] Not yet published in OJ.

Amendment 3
Article 8, paragraph 2a (new)

2a. If the prohibition covers one or more professional activities not designated as such by the legislation of the enforcing State, the competent authorities of the enforcing State for the purpose of Article 6, paragraph 1, shall assess the means of enforcing the prohibition.

Justification

It is a matter for the competent authorities of the enforcing State to assess the means of enforcing a prohibition covering professional activities which are not designated as such by the legislation of the enforcing State.

PROCEDURE

Title	Initiative of the Kingdom of Belgium with a view to the adoption by the Council of a framework decision on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children
References	14207/2004 – C6-0244/2004 – 2004/0818(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	JURI 10.1.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Aloyzas Sakalas 20.1.2005
Previous drafts(wo)man	
Discussed in committee	21.11.2005
Date adopted	21.11.2005
Result of final vote	+: 15 –: 0 0: 0
Members present for the final vote	Maria Berger, Bert Doorn, Giuseppe Gargani, Piia-Noora Kauppi, Kurt Lechner, Klaus-Heiner Lehne, Aloyzas Sakalas, Rainer Wieland, Nicola Zingaretti, Tadeusz Zwiefka
Substitute(s) present for the final vote	Nicole Fontaine, Othmar Karas, Arlene McCarthy, Marie Panayotopoulos-Cassiotou, Michel Rocard
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	