EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

2008/0101(CNS)

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AMENDMENTS
9 - 12

Draft report
Luca Romagnoli
(PE409.790v01-00)

on the proposal for a Council decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA

Proposal for a decision
(COM(2008)0332 – C6-0216/2008 – 2008/0101(CNS))

AM_Com_LegReport

Amendment 9
Adina-Ioana Vălean

Proposal for a decision
Recital 14

Text proposed by the Commission	*Amendment*
(14) ***Framework Decision 2008/XX/JHA on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters should apply in the context the computerised exchange of information extracted from criminal records of Member States.***	(14) ***The adoption and application of this Decision should be conditional on the adoption and implementation of an instrument adequately guaranteeing the protection of personal data processed in the framework of police and judicial co-operation in criminal matters.***

Or. en

Amendment 10
Nicolae Vlad Popa

Proposal for a decision
Article 3 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Common communication infrastructure shall be based on the Trans European Services for Telematics between Administrations (S-TESTA) communications network and ***further developments thereof or any alternative*** secure ***network operated by the Commission.***	4. Common communication infrastructure shall ***temporarily*** be based on the Trans European Services for Telematics between Administrations (S-TESTA) communications network and ***shall later be based on the European Judicial Network's (EJN)*** secure ***system of communications.***

Or. en

Justification

The new European Judicial Network secure telecommunication system of communication has as purpose the communication between the judicial and other competent authorities with specific responsibilities within the context of international judicial cooperation. The EJN with its flexible, decentralised structure has proved to be functioning very well in recent years. The

European Parliament has recently adopted new regulations that ensure the secure character of these telecommunication connections. Also, for financial reasons it is unnecessary to use two systems that have almost identical purpose: the EJN and S-TESTA.

Amendment 11
Urszula Gacek

Proposal for a decision
Article 5 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It may also include a short description of the constitutive elements of the offence;	(a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It may also include a short description of the constitutive elements of the offence;
	the translation of a description of a national offence from the original language of submission shall be the task and responsibility solely of each individual Member State requesting a translation and shall not be done by ECRIS. Once a translation has been completed, ECRIS shall offer the option of adding it to the database.

Or. en

Justification

The systematic translation of a description of each national offence code, of which there are thousands, into each Member State language would require thousands of hours of work and an unknown amount in costs. If all translations are required before completion of the ECRIS, this would prevent the ECRIS from coming into service for years. This must be prevented. At the same time, once a national court has translated the description, this information should be able to be added into the ECRIS as an aid to future communication and to prevent future duplications of translations.

Amendment 12
Adina-Ioana Vălean

Proposal for a decision
Article 5 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It ***may*** also include a short description of the constitutive elements of the offence;	(a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It ***shall*** also include a short description of the constitutive elements of the offence;

Or. en

Justification

Making the inclusion of a short description of the constitutive elements of a criminal offence mandatory, would make the exchange of information between the respective Member States more effective. The criminal law systems of the Member States can differ greatly. Often Member States do not even have the same criminal offences, i.e. what may be regarded as an offence in one Member State can be deemed not punishable under the laws of another. Thus, such a short description will help the authorities of the requesting Member State to better understand the nature of the offence in question.