



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 August 2011

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LIMITE

**COPEN 198
EJUSTICE 62
JURINFO 56**

REQUEST FOR CONTRIBUTIONS

from: Presidency
to: Working Party on Cooperation in Criminal Matters (COPEN- ECRIS)
Subject : Questions linked to the draft non-binding manual for practitioners

The revised draft non-binding manual for practitioners, document 9300/1/11 COPEN 84 JURINFO 21 EJUSTICE 34, was discussed by the working Party on Cooperation in criminal matters at its meeting on 24 June 2011. In order to further advance the work on the draft non-binding manual for practitioners in preparation of the 20 September COPEN meeting, and to give the experts additional time to study the revised draft, the deadline for providing written comments on the document was set to 1 September 2011.

This date is also the deadline for sending lists of national offences and sanctions assigned to proper categories that derives from Annexes A and B of Council Decision 2009/316/JHA.

Taking into account the above-mentioned deadline, the Presidency kindly asks the Member States to prepare and send, by 1 of September 2011, also the following data:

- According to art 6.b of Council Decision 2009/316/JHA - the modalities of identification of offenders - with this information Member States will get the knowledge on types of personal data that are used to identify a person in particular Member States.

- According to art. 3.2 of Council Framework Decision - contact details of Central Authority/Authorities. This information will be inserted into the non-binding manual for practitioners.

- Bearing in mind the wording of art. 10 paragraph 2 of Council Framework Decision 2009/315/JHA the Presidency would like to ask Member State whether the Member States have already decided on languages that Member States are going to use when responding to requests. It goes without saying that in most cases Member States will use their own official language/languages. The question arises when responses to requests contain foreign notifications. Such foreign notifications could be, before transmission, translated to the official language of the requested Member State, and then transmitted to the requesting Member State. However, the wording of the Council Framework Decision allows Member States to decide bilaterally in particular cases on which language will be used in a particular response. Thus it is possible to send foreign notifications as a response to a request in the original language of the convicting Member State, but after consent between the requested and the requesting Member State. The Presidency would like to know whether Member States will use this option, or will consider using this option in particular cases. Such information could also be inserted into the non-binding manual for practitioners.

Delegations are invited to provide their comments on the draft non-binding manual for practitioners, replies to the questions above and their national contributions to the country-specific part of the non-binding manual for practitioners by 1 September 2011. Contributions should be to the attention of the General Secretariat of the Council (mail to secretariat.criminal-law@consilium.europa.eu)