



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 October 2011

15151/11

LIMITE

**COPEN 266
EJUSTICE 77
JURINFO 58**

OUTCOME OF PROCEEDINGS

of: Working Party on Cooperation in Criminal Matters (COPEN)
on : 20 September 2011
Subject : Summary of discussions

1. Adoption of the agenda.

The agenda as set out in CM 4399/11 was adopted.

2. Exchange of information extracted from criminal records (ECRIS)

Implementation of the Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) and the Council Framework Decision 2009/315/JHA on the exchange of information extracted from criminal records

- A) Information on the state of play on the implementation, in particular regarding the Reference Implementation Software

The Commission informed the delegations about the state of play of the Reference Implementation. The definition phase is over and the process is in the development phase. The technical experts group which will meet on 21 September is pursuing this work. The prototype version of the Reference Implementation should be available by October. The work is on track, although there is some risk of delay regarding the prototype validation. The centre of gravity of the whole project has now turned away from the contractor and DG JUST to the Member States.

B) Discussion on the draft non-binding Manual for Practitioners

= 12151/11 COPEN 165 JURINFO 54 EJUSTICE 59

The revised draft non-binding manual for practitioners, document 12151/11 COPEN 165 JURINFO 54 EJUSTICE 59, was discussed. Two delegations had provided written comments. The Presidency introduced the new draft manual, pointing out that, following the expressed wishes by the Member States, it has been substantially shortened, focused and containing only a few references to other relevant documentation such as the Business Analysis, the Detailed Technical Specifications, the ECRIS Framework Decision and the ECRIS Decision. Following comments received, some outstanding issues that the Presidency raised for discussion during the meeting include:

- Deletion / rehabilitation
- "open" / "other" category of offences
- links to documentation on the technical specifications of ECRIS
- the concept of "decision" in the context of the information of sanction (to be further discussed in the 21 September ECRIS expert group meeting)

The Presidency efficiently walked the delegations through the document page by page. The Member States very clearly expressed their satisfaction with the new draft manual. Although comments remain on particularities in the draft manual, the general conclusion to be drawn is that the document is very much supported by the Member States and that the Polish Presidency's intention of completing the work with the manual before the end of their Presidency is a realistic ambition.

The issues raised during the meeting, such as the recurring issue about the helpdesk, will be worked into the new version of the draft manual. Moreover, to allow the Member States more time to study the revised draft non-binding manual for practitioners, delegations were invited to provide written comments on the document by the 3 October in order to prepare updated version of the draft on the 25 October COPEN meeting.

The delegations were reminded that they should provide their national contributions to the country-specific part of the non-binding manual for practitioners, as well as the answers to the questions sent out by the Presidency prior to this meeting, *inter alia* about identification data and language use. A reminder is sent out in CM 4768/11.

3. Any other business.

Apart from a short presentation by the UK delegation about their ECRIS Support Programme project, during the discussion about the draft manual, no other business was introduced.
