



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 04 February 2009

6012/09

COPEN 20

"I/A" ITEM NOTE

from : General Secretariat of the Council
to : Coreper/Council

Subject : 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

1. On 28 May 2008 the Commission submitted a 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 ¹.
2. By a letter dated 9 June 2007 the European Parliament has been invited to deliver its opinion on the proposal. This opinion delivered on 19 September 2008², was examined by the experts during the Working Party meetings in the course of negotiations of the proposal.
3. The proposal is subject to a parliamentary scrutiny reservation entered by IE.
4. The declaration by the Czech Republic which should be included in the minutes of the Council upon the adoption of the Decision is set out in the Annex to this note.

¹ COM(2008) 332 final, 10122/08 COPEN 110.

² A6-0360/2008

4. The text of the Decision has undergone Jurist Linguist scrutiny and is set out in 14571/08 COPEN 195.

 5. Subject to the lifting of the parliamentary scrutiny reservation by IE, Coreper is asked to invite the Council:
 - to adopt the Council decision as set out in 14571/08 COPEN 195,
 - to order its publication in the Official Journal.
 - to take note of the declaration of the Czech republic as set out in the Annex to this note.
-

Statement of the Czech Republic on the procedure for the implementation mechanism as foreseen in article 6 of 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/XXX/JHA

"The Czech Republic states that it respects the choice of the Council to establish a procedure according to which any modification of reference tables of offences and sanctions annexed to this decision shall be adopted by the Council acting by a qualified majority and after having consulted the European Parliament, as provided for in Article 34 (2) (c) TEU in connection with Article 39 (1) TEU.

Accordingly the Czech Republic states that the respective procedure is being established with a view to the particular nature of the reference tables and shall be without prejudice to the procedure provided for in Article 34 (2) (c) TEU requiring unanimity in the Council for the adoption of decisions and modifications thereof."
