Taking account of convictions in the Member States in the course of new criminal proceedings. Framework Decision

2005/0018(CNS) - 04/09/2006

The committee adopted the report by Panayiotis DEMETRIOU (EPP-ED, CY) amending the proposed framework decision under the consultation procedure. Although it supported the content of the proposal, the committee deleted all provisions concerning national criminal records, saying that this matter should be addressed in the context of the separate draft framework decision on the the exchange of information extracted from criminal records between the Member States (see CNS/2005/0267).

The report also amended Article 3, which deals with the central issue of the framework decision, i.e. taking into account, in new criminal proceedings, a conviction handed down in another Member State. As a result of that amendment, the committee proposed to delete all the provisions of Article 5 of the original Commission proposal, which dealt with the optional grounds for not taking account of a previous foreign conviction. These optional grounds would be rendered superfluous, in that the new wording of Article 3 would have the effect of leaving this to the discretion of competent national authorities.