



EUROPEAN COMMISSION

Brussels, 29/10/2009  
C/2009/ 8413

Dear Mr Sobotka,

The European Commission would like to thank the Czech Senate for its opinion on the Proposal for a Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography {COM(2009) 135 final}.

The European Commission fully agrees with the Czech Senate that sexual abuse, the sexual exploitation of children and child pornography are heinous crimes, and that cooperation at EU level to protect children is therefore paramount. The aim of the proposal for a new Framework Decision in this field is to strengthen prosecution of offenders.

The European Commission particularly appreciates the views of the Czech Republic Senate, which aim at reinforcing some crucial aspects of the proposal, especially with respect to the exchange of information on convictions for sexual offences between Member States, with a view to ensuring that certain offenders are disqualified from exercising professions implying regular contact with children, as a consequence of a conviction pronounced in another Member State. In fact the existing loopholes, which were apparent on the occasion of the Fourniret case, make it imperative to find tools for better cooperation in this field. The Commission takes note of the disagreement of the Czech Republic Senate concerning the recognition of disqualifications. The Commission still thinks that mutual recognition is essential for the purpose of making the exchange of information effective. The issue will be further discussed in the Council framework.

The Commission also takes note of the disagreement expressed by the Czech Republic Senate concerning overall general decriminalisation of victims. However, such automatic decriminalisation is not envisaged by the proposal, since a decision of the competent authority – prosecutor or judge according to national legislation – is always required to exempt a victim from criminal liability.

Mr. Přemysl Sobotka  
President of the Senate  
of the Parliament of the Czech Republic

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Concerning criminal penalties, discussion is underway in the Council, aimed at further differentiating the level of penalties for different crimes, according to their gravity.

We're looking forward to continuing the dialogue with the Czech Senate on this important issue.

Yours sincerely,

Margot WALLSTRÖM  
Vice-President of the European Commission