



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from:	Mr Peter Tempel, Ambassador Permanent Representative of the Federal Republic of Germany to the European Union
date of receipt:	21 January 2011
to:	Mr Ivan BIZJAK, Director-General, Directorate-General H (Justice and Home Affairs), General Secretariat of the Council of the European Union

Subject: Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;
Transposition report by Germany pursuant to Article 10(2) of the Framework Decision

Sir,

The Government of the Federal Republic of Germany would hereby inform the European Commission that:

Pursuant to Article 10(2) of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, the Member States are obliged to transmit to the General Secretariat of the Council and to the Commission, by 28 November 2013, the text of the provisions transposing the Framework Decision on racism.

To transpose the Framework Decision into German law, it was necessary to adapt Section 130 of the German Penal Code. That transposition was done through the

Law transposing Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, and transposing the Additional Protocol of 28 January 2003 to the Council of Europe Convention of 23 November 2001 on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (BT Drcks. 17/3124).

The transposition Law was passed by the German Parliament on 16 December 2010 without amendments and is expected formally to enter into force in March 2011 with its publication in the Federal Law Gazette. A copy of the Law in the Federal Law Gazette will be transmitted immediately following its publication.

Please find attached the German transposition report containing the text of the relevant domestic penal provisions, a correlation table and explanations of the penal provisions transposing the requirements in the Framework Decision.

For any discussion of the transposition report, the following may be contacted:

Mr Matthias Hellmann, LL.M.,
Senior Government Official at
the Federal Ministry of Justice,
Mohrenstrasse 37,
10117 Berlin,
Germany
Tel.: + 49 30 18 580 9225
Fax: + 49 30 18 580 8252
E-mail: hellmann-ma@bmj.bund.de

and

Dr Martin Rosenbaum,
Judge at
the Federal Ministry of Justice,
Mohrenstrasse 37,
10117 Berlin,
Germany
Tel.: + 49 30 18 580 8542
Fax: + 49 30 18 580 8252
E-mail: rosenbaum-ma@bmj.bund.de

(Complimentary close).

(s.) Peter TEMPEL
