

European Criminal Records Information System (ECRIS)

2008/0101(CNS) - 27/05/2008 - Legislative proposal

PURPOSE: the establishment of a “European Criminal Records Information System” (ECRIS).

PROPOSED ACT: Council Decision

BACKGROUND: in June 2007 the Council reached political agreement on a proposed Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States. (See [CNS/2005/0267](#)). Once adopted this Framework Decision will require further measures for its implementation, in particular the setting up of a computerised system of information exchange as set out in Article 11 of the said Framework Decision.

CONTENT: the purpose of this proposal, therefore, is the establishment of an electronic “European Criminal Information System” (ECRIS) in order to implement Article 11 of the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States. Information on convictions is currently exchanged according to the European Convention on Mutual Assistance in Criminal Matters adopted by the Council of Europe in 1959. This system has a number of important short-comings. As a result national courts frequently pass sentence on the sole basis of past convictions featuring in national registers only, without any knowledge of convictions in other EU Member States.

In short, the proposal sets up elements of a standardised format for the electronic exchange of information extracted from criminal records with the following main elements:

ECRIS: the proposal lays down the rules concerning: technical architecture, operation and use of ECRIS, as well as the various responsibilities that stem from its functioning. ECRIS will be based on a decentralised architecture. Criminal data will be stored on Member States’ databases only and no direct online access to criminal records of other Member States will be possible. The S-Testa network has been chosen as a pilot project and this choice will be confirmed in the first stage of the project. Protocols determining information exchange between national databases will be adopted through comitology (regulatory procedure). Responsibility for operating national criminal records will remain the responsibility of the Member States. Any expenditure concerning infrastructure communication will be covered by the general budget of the European Union and existing EU financial programmes are available to support ECRIS.

Transmission: the proposed Decision creates a standardised European format of transmission regarding information on convictions. This allows data to be exchanged in a uniform, electronic manner that allows for machine translation. The Member States will be required to refer to various offences and sanctions according to codes set out in Annex to the Decision when notifying other Member States (Annex A: Offences categories; Annex B: Sanctions categories). Some flexibility has been built into the system to allow for offences or sanctions that can not be classified easily.

Information on national convictions, sanctions and measures: the Member States will be required to enter national offences and sanctions in each category set out in Annex A and B respectively. This should be accompanied by a brief description of national penalties and measures. A list of national criminal

courts should also be provided in order to allow for the automatic translation of names. Updates will have to be posted on a regular basis. Information will be accessible to national judicial authorities through any available electronic channels.

On a final point, the implementation and operation of ECRIS will have budgetary implications. These costs, however, will be covered to a large extent by the specific program “criminal justice” as part of the “Fundamental Rights and Justice” programme.