ECRIS

European Criminal Records Information System

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

European Commission
DG Justice and Consumers

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The genesis and the why?

- **Michel Fourniret** case of 2004
- Need to improve exchange of information on criminal record - **coping with increased mobility in Europe**

- **1959 Convention on Mutual Legal Assistance in Criminal Matters** (MLA) – art. 13 and 22
- **Criminals able to escape their past** simply by moving between EU states

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Main objectives

- Ensure that **complete criminal records information** is **available to the courts for EU citizens**
- Contribute to full implementation of the principle of mutual recognition of judgements – **recidivism**
- Ensure that criminal records information is available when relevant for future activities of the offender (e.g. **pre-employment screening, issuance of residence documents, change nationality, etc**)

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Legal bases

Mutual Legal Assistance (MLA) protocol

- ✓ No Central Authority
- ✓ Slow and frequency
- ✓ Difficult to understand - language barrier

- ✓ **FWD 2009/315 on exchange of information extracted from criminal records**
- ✓ **CD 2009/316 establishing ECRIS system**
- ✓ FWD 2008/675 obligation to take previous convictions into account in new criminal proceedings
- ✓ Directive 2011/92: obligation to exchange information to protect children against sexual crime

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FWD 2008/675 obligation to take previous convictions into account in new criminal proceedings

(relevant for judicial authorities)

Art.3. Taking into account, in the course of new criminal proceedings, a conviction handed down in another Member State

1. Each Member State shall ensure that in the course of criminal proceedings against a person, previous convictions handed down against the same person for different facts in other Member States, in respect of which information has been obtained under applicable instruments on mutual legal assistance or on the exchange of information extracted from criminal records, are taken into account to the extent previous national convictions are taken into account, and that equivalent legal effects are attached to them as to previous national convictions, in accordance with national law.

Implemented by…

- **Usage of IT** to improve the exchanges

2006 – Start of exchange in pilot project Network Judicial Registers (NJR) with BE, DE, ES and FR

2009- Legal basis adopted

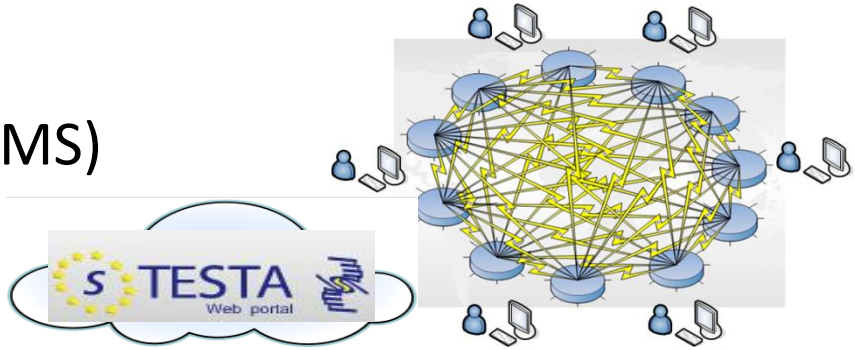
2011 - Adoption of ECRIS Technical Specifications and development of ECRIS RI for 24 Member States

2012 April - ECRIS goes live with 15 Member States

After introducing the electronic mode – number of msg between FR and DE **during 1 month** was equal to the number of those **during last 10 years!**

Main principles

- **Decentralised** network
- **28 Central Authorities** (1 per MS)



- **MS of nationality** becomes the **central repository** of all convictions handed down by courts in the EU against its citizens
- MS of nationality obliged to:
  - store
  - update
  - retransmit all information on convictions of its citizens

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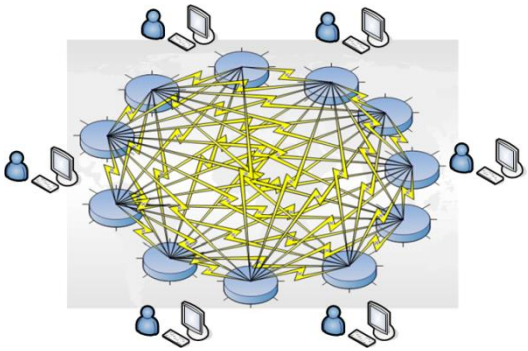
Main principles

- Any convicting MS obliged to send immediately information on conviction to the MS of nationality – **notifications**



- Request for extract from criminal record sent to the MS of nationality
- MS of nationality obliged to respond:
  - For criminal proceedings ➔ **response is mandatory**
  - For other purposes ➔ **response is "according to national law"**

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How does ECRIS work?

EU nationality centric

ECRIS codes

European list of offences & sanctions

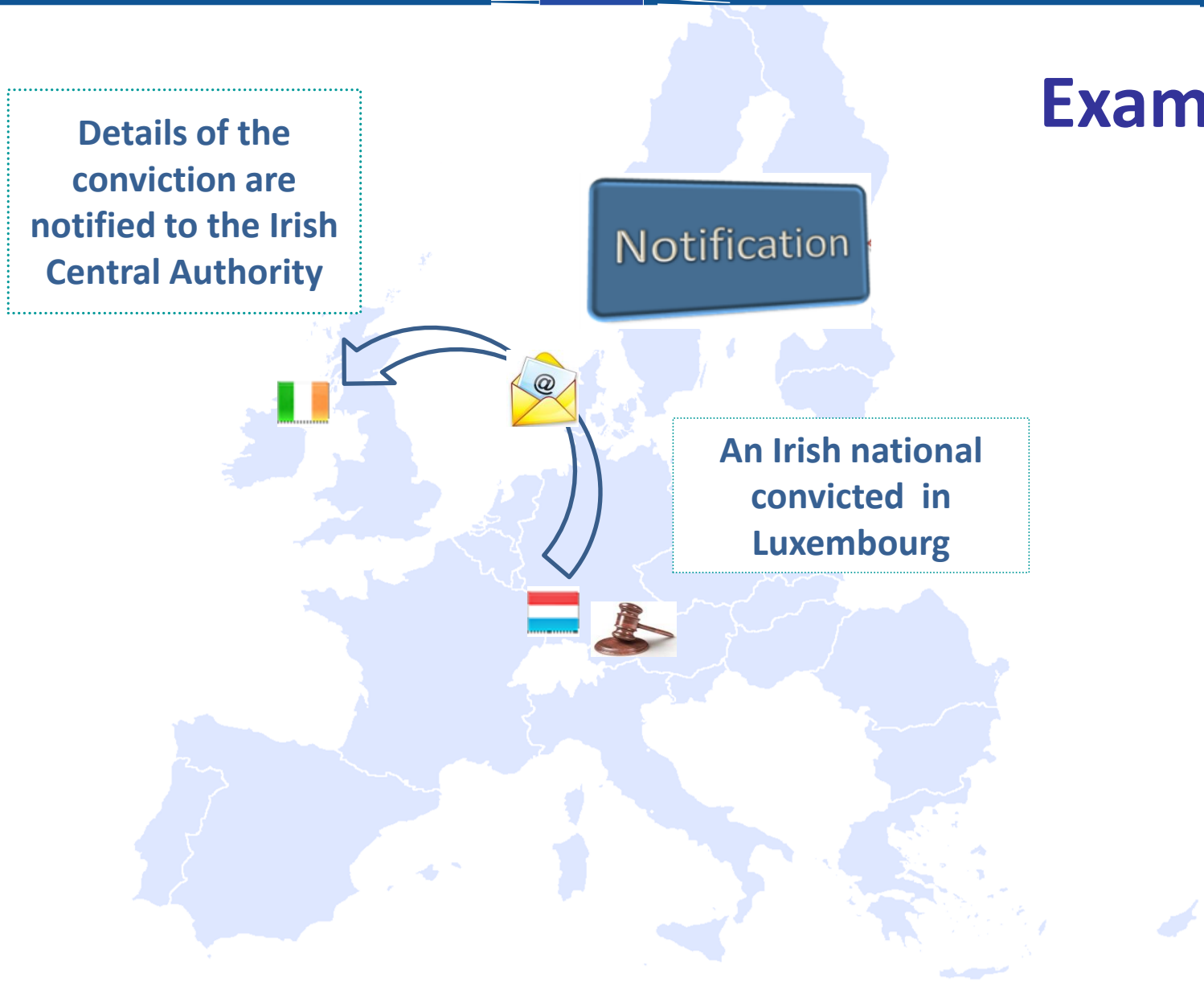
Central Auhorities

Deadline to answers

Obligation to exchange

For criminal and other purposes

Example


Details of the conviction are notified to the Irish Central Authority
Notification
An Irish national convicted in Luxembourg

ERI03 - View Notification TEST

Send Response | Send Problem | Request Additional Info | No Additional Info | Send Cancellation

EN (United Kingdom) | Print | ☑ Show Language Codes

Content in: EN, FR

LU-IE-NOT-000000000000013

From	To	Date	Message Type	Message ID
LU	IE	10/09/2012 17:14	Notification	LU-IE-NOT-000000000000013

EUROPEAN CRIMINAL RECORDS INFORMATION SYSTEM - ECRIS

Notification

Sender: Criminal Records (Luxembourg)

Sent: 10/09/2012 17:14

Person Nominal Information

Surname:	(EN) Smith	**Second Surname:**	
Forename:	(EN) John	**Full Name:**	(EN) John Owen Smith
Nationality:	Ireland	**Birth Date:**	10/09/1972
Birth Country:	Ireland	**Birth Region:**	Cork
Birth Town:	Cork		
Identity Number:	823898873	**Sex:**	Male

Conviction Information

Conviction ID:	BE-C-991200340093849		
Conviction Country:	Luxembourg		
Deciding Authority Name:	(EN) Court Of Appeal - Brussels (FR) Cour D'Appel - Bruxelles	**Deciding Authority Code:**	APBXL
Decision Date:	07/09/2012	**Decision Final Date:**	07/09/2012
Conviction File Number:	2012-A631	**Retention Period End Date:**	06/09/2062

An Irish citizen is convicted in Luxemburg. The details of the conviction are notified to the Irish Central Authorities

Common ECRIS codes *(offences and sanctions) mapped against national offences and sanctions*

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Decision Date:	07/09/2012	**Decision Final Date:**	07/09/2012
Conviction File Number:	2012-A631	**Retention Period End Date:**	06/09/2062
Non-Criminal Ruling:	No	**Transmittable:**	Yes
Remarks:			

Offence - O-00001

Common Category:	1208 00 - Assault or threat on a representative of public authority		
Country:		**Region:**	
Town:			
Start Date:		**End Date:**	
Applicable Legal Provisions:	Test	**Responsibility Exemption:**	Unknown
National Title:	(EN) Assault and battery on a superior committed by an officer during the service	**National Code:**	00535503
Continuous Offence:	Unknown	**Recidivism:**	Unknown
Number of Occurrences:		**Level of Completion:**	
Level of Participation:			
Offence Remarks:			

ECRIS offence

National offence

Sanction - S-00001

Common Category:	1001 - Imprisonment	**Type:**	Penalty
Alternative:			
National Title:	(EN) Criminal detention (FR) Détention criminelle	**National Code:**	10210
Sentenced Start Date:	11/09/2012	**Sentenced Duration:**	

ECRIS sanction

National sanction

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ECRIS offence codes list

Code	Categories and sub-categories of offences
0100 00 open category	**Crimes within the jurisdiction of the International Criminal Court**
0101 00	Genocide
0102 00	Crimes against humanity
0103 00	War crimes
0200 00 open category	**Participation in a criminal organisation**
0201 00	Directing a criminal organisation
0202 00	Knowingly taking part in the criminal activities of a criminal organisation
0203 00	Knowingly taking part in the non-criminal activities of a criminal organisation
0300 00 open category	**Terrorism**
0301 00	Directing a terrorist group
0302 00	Knowingly participating in the activities of a terrorist group
0303 00	Financing of terrorism
0304 00	Public provocation to commit a terrorist offence
0305 00	Recruitment or training for terrorism

Example

Details of the conviction are notified to the Irish Central Authority
Notification
An Irish national convicted in Luxembourg
Request
Irish national in criminal proceeding in Spain

The Irish citizen is in a criminal proceeding in Spain.

The Spanish court/judge launches a request to Irish ECRIS Central Authority.

ERI36 - View Request **TEST**

Send Response | Send Problem | Request Additional Info | No Additional Info | Send Cancellation

EN (United Kingdom) | Print | Show Language Codes

Content in: EN

Draft Message

From	To	Date	Message Type	Message ID
LU	IE		Request	

Sent:

Request Authority

Name:	Secciones Penales de la Audiencia Protrincial de Madrid
Type:	Judicial authority
Code:	

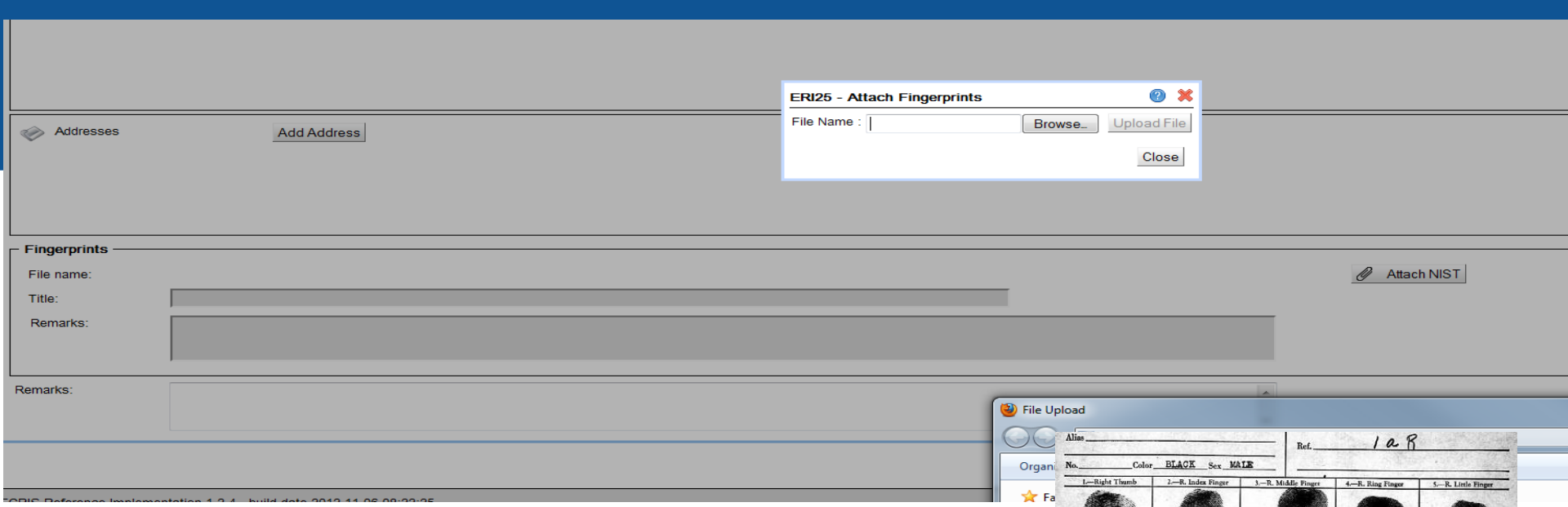
Example of an ECRIS Request message

Person Nominal Information

Surname:	Bond	**Second Surname:**	
Forename:	James	**Full Name:**	
Nationality:	Ireland	**Birth Date:**	01/01/1970
Birth Country:	Ireland	**Birth Region:**	
Birth Town:	Ardee		
Identity Number:		**Sex:**	Unknown

Purpose

Purpose Category:	001 000 - Request for criminal proceeding		
Purpose:	001 001 - Request for court trial		
Consent:	No	**Urgency:**	No



My name is "**Bond**"…but who is really "James Bond"?

Example

Details of the conviction are notified to the Irish Central Authority
Notification
An Irish national convicted in Luxembourg
Request
Request Response
Irish national in Spanish criminal proceeding

ERI37 - View Request Response TEST

Send Response | Send Problem | Request Additional Info | No Additional Info | Send Cancellation

EN (United Kingdom) Print Show Language Codes Content in: EN

Draft Message

From	To	Date	Message Type	Message ID
IE	LU	19/09/2012 20:03	Request	IE-LU-REQ-000000000000002
LU	IE	19/09/2012 20:03	Request Deadline	LU-IE-RDL-000000000000016
LU	IE		Request Response	

Person Nominal Information

Surname:	Bond	Second Surname:	
Forename:	James	Full Name:	
Nationality:	Ireland	Birth Date:	06/11/1970
Birth Country:	Ireland	Birth Region:	
Birth Town:	Abbeyfeale		
Identity Number:		Sex:	Male

Example of an ECRIS Reply message

Conviction Information

Conviction ID:	LU-C-123456789123122		
Conviction Country:	Luxembourg		
Deciding Authority Name:	Cour D'Appel - Luxembourg	Deciding Authority Code:	ASLUX
Decision Date:	12/11/2012	Decision Final Date:	12/11/2012
Conviction File Number:	12345	Retention Period End Date:	-
Non-Criminal Ruling:	Unknown	Transmittable:	Unknown
Remarks:			

Offence - O-00001

Common Category:	1208 00 - Assault or threat on a representative of public authority		
Country:		Region:	
Town:			
Start Date:	12/11/2012	End Date:	
Applicable Legal Provisions:	Applicable provisions	Responsibility Exemption:	Yes
National Title:	Assault and battery on a superior committed by an officer during the service	National Code:	00025908

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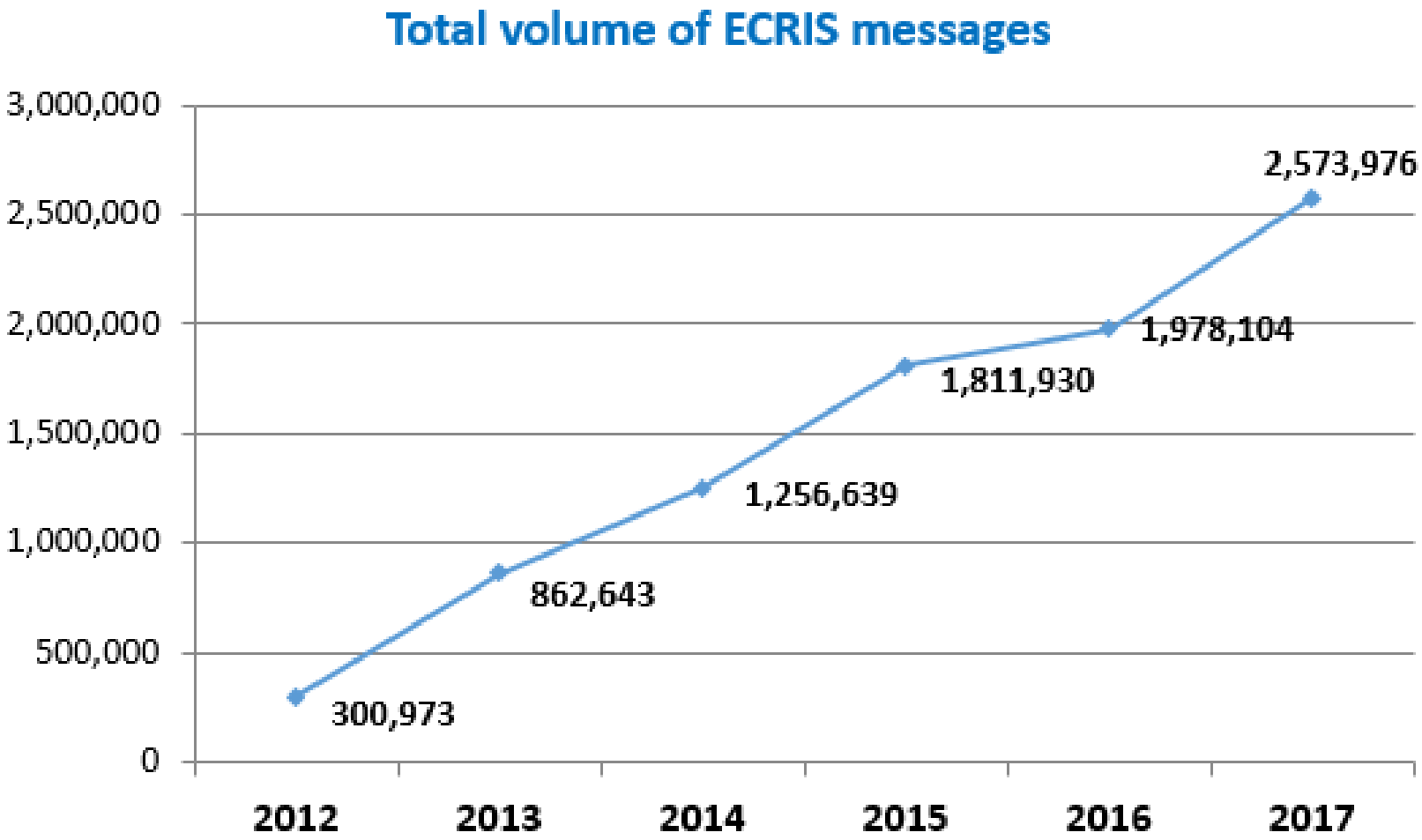
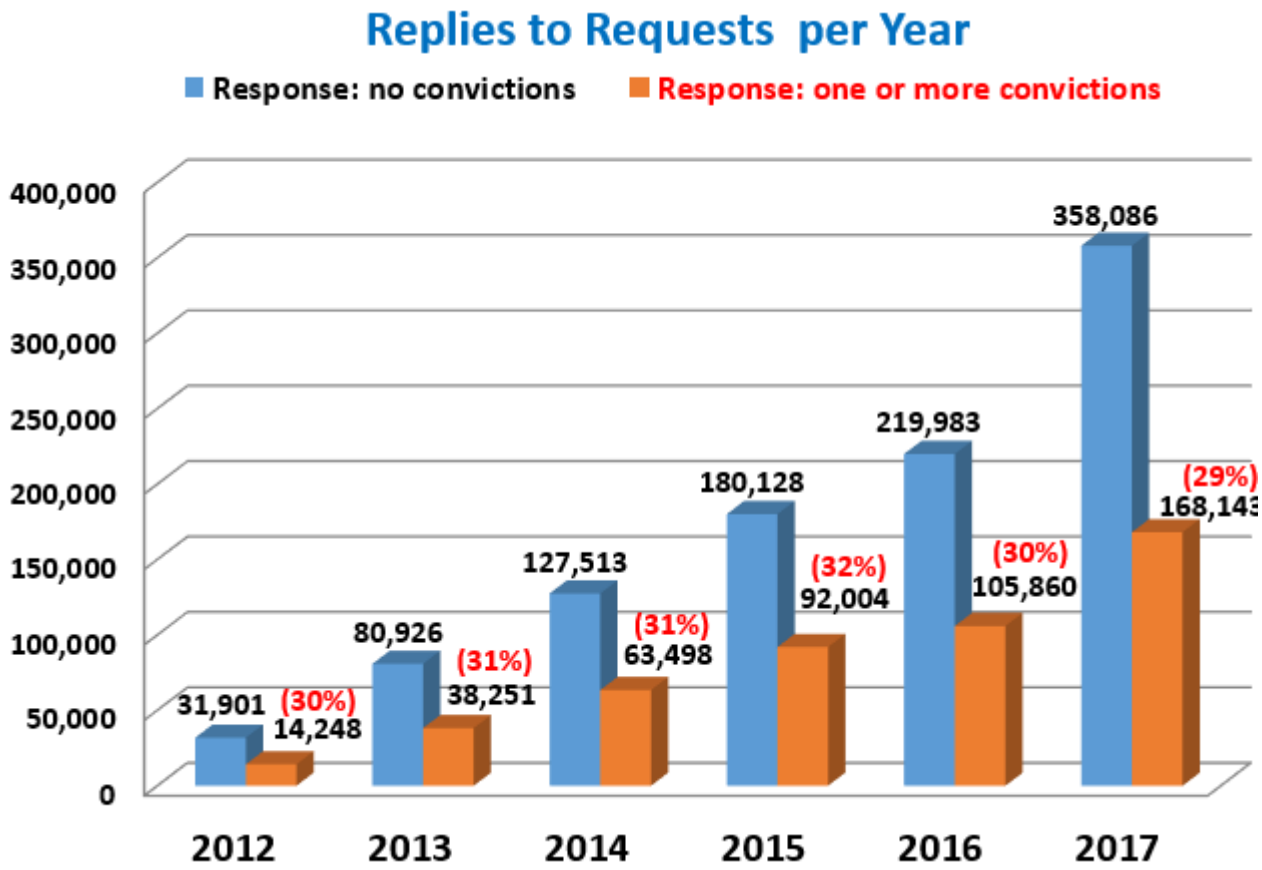
Achievements after 6 years of operation

- **ECRIS** is **up and running** since April 2012
- All 28 Member States are connected
- More than **2.5 million messages in 2017**
- One third of replies via ECRIS includes a "positive hit" (previous conviction)

Increasing number of exchanges



One third of replies refer to previous convictions (positive hits)



* See also statistical report published on 29 June 2017

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Third Country Nationals (TCN)

- No Member State of nationality
- Need to send requests to 27 other MS
- Inefficient and hardly used (only 10% of cases)
- **Commission proposals for ECRIS-TCN of January 2016 and June 2017**
- Future ECRIS-TCN: centralised system with fingerprints

JUST-CRIMINAL-RECORD@ec.europa.eu