



PRESS

Council of the European Union

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## Exchanging criminal records: EU agrees a reformed ECRIS system

The EU is introducing new rules to improve the way member states exchange information on convictions of third country nationals. Council and Parliament negotiators today agreed on a reformed European criminal records information system (ECRIS) that will now include a centralised database with information on convictions of third country nationals and stateless persons (so-called ECRIS-TCN). This provisional political agreement will now have to be confirmed by the two institutions.

"We want a Union that better protects its citizens. An efficient exchange of information on criminal convictions of third country nationals will help us ensure that someone cannot just escape their criminal past by moving to another member state. We already had an effective system covering EU nationals but we needed to close this loophole to make sure third country nationals are fully covered too."

Josef Moser, Austrian minister of justice

### Content of the agreement

The regulation lays down the rules creating the centralised system and specifies the data to be included and the rights of access. The centralised system will include only information to identify the person; the actual conviction information can still only be obtained from the convicting member state. The regulation also sets out the division of responsibilities between the member states and eu-LISA, the agency which is tasked with developing and operating the system.

The agreement of the two institutions foresees in particular that dual EU/TCN nationals will be included in the centralised database. This will avoid a dual national having the possibility of "hiding" information on convictions by being both in the centralised database and in the database of his/her EU member state. Fingerprints of those dual nationals will be included in the system to the extent they have been collected in accordance with national law.

### Next steps

Once the provisional agreement is confirmed by the two institutions (for the Council, confirmation will be done by EU permanent representatives at Coreper), the text will be

revised by lawyer linguists before being formally adopted.

## Background

The ECRIS "package" is composed of:

- a regulation, which establishes a centralised system to identify the member state(s) which may hold conviction information on a third country national
- a directive, which amends the existing framework decision on ECRIS in light of this new centralised system for information on third country nationals

ECRIS was established in 2012. It enables the efficient exchange of information between member states regarding criminal convictions in the EU. At the moment, most of the information exchanged is on EU citizens and the system works on a decentralised basis with each member state storing information of their nationals. Although it is already possible to exchange information on third-country nationals through ECRIS, there is currently no common European procedure or mechanism in place to do so effectively.

Under the current rules, information on convictions of third country nationals within the EU is not gathered in the member state of nationality, as it is for EU nationals, but only stored in the member state where the convictions have been handed down. A complete overview of the criminal history of a third country national can therefore only be obtained by sending a request to all member states.

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