

European Criminal Records Information System (ECRIS)

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This report from the Commission to the European Parliament and the Council concerns the exchange through the European Criminal Records Information System (ECRIS) of information extracted from criminal records between the Member States.

Purpose of the report: ECRIS aims to improve the security of citizens within the European Area of Freedom, Security and Justice, by enabling an efficient exchange between the Member States of information on previous criminal convictions handed down by criminal courts in the EU. It became operational in **April 2012**.

This report is the Commission's first statistical report on the exchange through ECRIS of information extracted from the criminal records between the Member States, as foreseen in Article 7 of Council Decision 2009/316/JHA.

It gives an overview on the use and practical implementation of ECRIS since its 'go live' from April 2012 to 31 December 2016, with an emphasis on the year 2016. Its purpose is to present the compliance of the Member States' exchanges with the ECRIS legal framework and to identify any issues regarding the efficiency of the system, with a view to remedying the situation.

It includes conviction data received from 24 Member States. The Commission did not receive data from Bulgaria, Cyprus, Denmark and Slovenia.

General principles of the ECRIS system: overall, ECRIS is based on a decentralised architecture, interconnecting the Member States and enabling them to exchange efficiently criminal records information.

Information is **exchanged electronically between the Central Authorities of Member States**, using a standardised format allowing for an efficient and immediately understandable communication in all EU languages and within short deadlines of **10 or 20 days**.

For example, a Member State having convicted a citizen of another Member State is legally obliged to notify as soon as possible through ECRIS information related to the conviction to the Member State(s) of that person's nationality, including subsequent updates (notifications on new convictions and updates).

The conviction information must be exchanged for the purpose of **criminal proceedings** and, if so permitted by national law, can be exchanged for other purposes, such as administrative procedures, employment, licences, etc.

It should be noted that although ECRIS is designed mostly to exchange information concerning EU nationals, it is also possible to exchange information on **third country nationals** and stateless persons. The Commission proposed to [supplement legislation](#) creating a **central ECRIS-TCN system** to support efficient exchanges through ECRIS.

Main observations: the main observations of the report may be summarised as follows:

- after five years of ECRIS operation, all 28 Member States are currently connected to ECRIS, with Slovenia and Portugal joining in January 2017. However, **none of the Member States are exchanging information through ECRIS with all 27 other Member States. The ultimate goal** - that each Member State is connected to and exchanges information through ECRIS with all the other Member States – is therefore **yet to be achieved**;
- the number of messages exchanged reached nearly 2 million in 2016. The most active Member States in terms of total volume of these three types of messages sent in 2016 were: DE (24.9%), followed by UK (13.7%), IT (7.7%), PL (6.6%) and RO (5.5%);
- since the first year of ECRIS operation, 31% of requests for information on previous convictions of a person were replied to with information on **previous criminal convictions**;
- the number of requests for information and replies to these requests has increased rapidly during the last five years, reaching 364 000 requests and 350 000 replies in 2016. It is a positive sign of rising awareness in the Member States of the need to use ECRIS to request information for criminal proceedings;
- some Member States send considerably more requests for information than they receive (e.g. in 2016, DE, UK, AT and CZ);
- some Member States **do not send notifications on new convictions at all** (EL) or send only few notifications in relation to their EU non-national population⁷ (BG, EE, HR, LT, LV, MT, RO in 2016; BG, EE, LV, HR, LT in 2015; BG, EE, HR, LT, LV, RO, SK in 2014). Failure to systematically and reliably notify convictions may result in offenders being able to escape their criminal past or to commit the same criminal offences again;
- **ECRIS is not always used to request information on previous convictions.** This leads to the situation where criminal courts might pass judgements without knowledge of previous convictions in other Member States, contrary to the requirements set out in Framework Decision 2008/675/JHA;
- ECRIS is **increasingly used for other purposes than criminal proceedings.** Requests from individual persons for information on **their own criminal records** account for the highest volume of requests for other purposes than criminal proceedings – 68% of all requests for other purposes and 15% of all requests made;
- ECRIS is **rarely used for third country nationals (TCNs).**

Lastly, the report gives an accurate picture of the use of ECRIS in statistical terms. As an indication, during the ECRIS operation period, on average 81% of all requests were made for the purpose of criminal proceedings and 19% for other purposes than criminal proceedings.