

Centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (ECRIS-TCN system)

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Daniel DALTON (ECR, UK) on the proposal for a regulation of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Subject matter: the Regulation shall enable the rapid, efficient and accurate as possible exchange of criminal record information on third country nationals, by putting in place common Union rules and interoperable systems.

Data entry in the ECRIS-TCN system: for each convicted third country national whose data have been entered in the criminal record of the convicting Member State, the central authority of that Member State shall create a **data record** in the Central System.

This recording shall not contain data on the names of parents and shall only contain fingerprint data and facial images only when the national law of a Member State where a conviction is handed down allows for collection and storage of **fingerprints** and **facial images** of a convicted person.

The convicting Member State shall create the data record automatically, where possible, and in any event within **24 hours** upon the conviction being entered into the national criminal records register.

The central authority of the convicting Member State shall **permanently erase** the individual data record automatically, where possible, from the Central System, and in any event within 24 hours after the expiry of that retention period.

The Commission shall adopt **delegated acts** to provide, as soon as it becomes **technically possible** and based on an assessment by the Commission of the availability and readiness of the required technology, that facial images may also be used to identify a third country national on **the** basis of this biometric identifier.

Proportionality, fundamental rights, data protection: any introduction and use of fingerprint data and facial images must:

- never exceed what is **strictly necessary** to achieve the aim;
- respect **fundamental rights**, including the best interests of children;

- be in conformity with [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

Third country nationals shall be able to address requests related to their **rights of access to, and correction and deletion of, data** to the central authority of any Member State. An amendment ensured that third-country nationals requesting a criminal records extract shall receive, if they have committed no offences, a **certificate** that there was no hit on ECRIS, which proves that they have no criminal records in any Member States.

Use of the results obtained in the ECRIS-TCN system: the ECRIS-TCN system only allows a competent authority to establish where criminal records information is held, and not what that information is. In order to obtain the details of what the criminal conviction actually is, the competent authority will still need to use the traditional ECRIS system to make a request to the relevant Member State.

Therefore, Members included an amendment to make it clear that a **hit** in the ECRIS-TCN system by itself **shall not be used to affect a judicial outcome** by undermining the principle of equality before the law, the right to a fair trial, the presumption of innocence or the general prohibition of discrimination.

Right of access for Eurojust, Europol and the European Public Prosecutor's Office: authorised staff of Eurojust, Europol and the European Public Prosecutor's Office shall have direct access to the ECRIS-TCN system.

Staff with a right of access to the system shall be subject to internal disciplinary measures if they make use of data from the ECRIS-TCN system in a way which does not conform with this Regulation.

Monitoring and evaluation: the report submitted by eu-LISA on the state of development of the ECRIS-TCN system shall include an overview of the current costs and progress of the project, a financial impact assessment, and information on any technical problems and risks that may impact the overall costs of the system.

In the event of delays in the development process, the European Parliament and the Council shall be informed as soon as possible.