European Criminal Records Information System (ECRIS): exchange of information on third country nationals

2016/0002(COD) - 12/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 379 votes to 170 with 118 abstentions a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Framework Decision 2009/315/JHA as regards the exchange of information relating to third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316 /JHA.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Objectives

This directive would amend Framework Decision 2009/315/JHA to allow for an effective exchange of information on convictions of third-country nationals through ECRIS.

The amending directive:

- would require Member States to take the necessary measures to ensure that convictions are accompanied by information on the nationality, or nationalities, of the convicted person, to the extent that they have such information;

- would introduce procedures to respond to requests for information,

- would ensure that a criminal record extract requested by a third-country national is supplemented by information from other Member States, and

- would provide for the technical modifications required to ensure the proper functioning of the information exchange system.

The amendments introduced should, among other things, ensure that a person convicted of a sexual offence committed against children cannot conceal that conviction or prohibition in order to exercise a professional activity involving direct and regular contact with children in another Member State.

European Criminal Records Information System (ECRIS)

The European Union Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice (eu-LISA) would develop and manage the ECRIS reference application.

Each Member State would bear its own costs resulting from the implementation, management, use and maintenance of its criminal records database and the installation and use of the ECRIS reference application.

Directive (EU) 2016/680 of the European Parliament and of the Council should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection, prosecution or enforcement of criminal offences, including the protection against and prevention of threats to public security.

Reporting and review

No later than one year after the date of transposition of the amending directive, the Commission should report on the application of the Framework Decision. It should regularly publish a report on the exchange of information extracted from criminal records through ECRIS as well as on the use of ECRIS-TCN, based in particular on statistics provided by eu-LISA and Member States.