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

2016/0002(COD) - 07/06/2019 - Final act

PURPOSE: to enable the rapid and efficient exchange of accurate information on the criminal records of third-country nationals.

LEGISLATIVE ACT: Directive (EU) 2019/884 of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

CONTENT: the purpose of this Directive is to make the necessary amendments to Framework Decision 2009/315/JHA to allow an effective exchange of information on convictions of third-country nationals through ECRIS.

ECRIS is an electronic system for the exchange of information on previous convictions handed down by criminal courts in the EU against a specific person, for the purposes of criminal proceedings against a person and, if permitted by national legislation, for other purposes.

The ECRIS package consists of a Regulation and this Directive.

Regulation (EU) 2019/816 of the European Parliament and of the Council establishes a centralised system at EU level to identify Member States holding information on previous convictions of third-country nationals ("ECRIS-TCN").

ECRIS-TCN shall enable the central authority of a Member State to determine rapidly and efficiently in which other Member States information on the criminal record of a third-country national is stored, so that the current ECRIS framework may be used to request information on the criminal record in question from these Member States in accordance with Framework Decision 2009/315/JHA.

The Directive:

- requires 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;

- introduces procedures to respond to requests for information,

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

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

The Directive respects the fundamental rights and freedoms enshrined, in particular, in the Charter of Fundamental Rights of the European Union, such as the right to the protection of personal data, the right

to judicial and administrative redress, the principle of equality before the law, the right to a fair trial, the presumption of innocence and the general prohibition of all discrimination.

All data from criminal records shall be stored exclusively in databases managed by the Member States. The central authorities of the Member States will not have direct access to the criminal records databases of the other Member States.

The European Union Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice (eu-LISA) is responsible for providing, developing and managing ECRIS' reference application.

The Commission shall 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.

ENTRY INTO FORCE: 27.6.2019.

TRANSPOSITION: from 28.6.2022.