Criminal judicial cooperation: exchange of information extracted from the criminal record

2004/0238(CNS) - 13/10/2004 - Legislative proposal

PURPOSE: The exchange of information extracted from the criminal record.

PROPOSED ACT: Council Decision.

CONTENT: The European Commission is in the process of preparing a computerized system of information exchanges on criminal convictions between the Member States. Currently, Member States record conviction according to a variety of procedures in specific registers. The 1959 European Convention on Mutual Assistance in Criminal Matters helps facilitate the transmission of important information. However, recent studies of the Convention indicate that there are gaps in the current system of exchange. In addition the Convention is accused of operating randomly and slowly. In short it no longer meets the needs for judicial co-operation in a frontier-free area. Yet, the need to improve information exchange on criminal records is becoming all the more urgent in the wake of paedophile scandals and acts of terrorism.

The Commission acknowledges that a fully functioning computerised exchange system requires major technical and legal work and thus its operational phase is some years away. Accordingly, this proposal does not seek to amend the nature of the obligations imposed on the Member states but to make practical improvement to the current system, without prejudging the results of future work. The proposed Decision provides for each Member State to designate a central authority to deal specifically with this issue and contains two major elements.

Firstly, it seeks to ensure that the criminal record in the Member State of the person's nationality is as complete as possible, so that exhaustive information is quickly available on a Community national's criminal conviction in the territory of the European Union. Under current provisions Member States are only obliged to submit information once a year. The proposal requires information to be passed on without delay.

Secondly, the proposal makes provisions for requests for information extracted from the judicial record. Given that there are no existing deadlines, this proposal suggests that a request for information extracted from the criminal record must be satisfied within a maximum of five days. For ease and speed of use, forms translated in all of the EU's official languages accompany the proposal. Such a measure should ease the current burden of translation costs as well as preventing added delays in the exchange of information.