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

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The Council agreed on a general approach on the text of Articles 1 to 8 of a proposal for a Decision on exchange of information extracted from criminal records. The preamble, the forms to be annexed to the draft Decision and the question of access for natural persons will be discussed at a later stage by the Council.

The proposal aims to ensure that the criminal record in the Member State of the person's nationality is as complete as possible at the earliest opportunity. Therefore, each central authority of a Member State must without delay inform the central authorities of the other Member States of criminal convictions and subsequent measures in respect of nationals of those Member States entered in the criminal record. Furthermore, a central authority may request information from the criminal records of another Member State. The reply must be sent immediately and in any event within a period not exceeding ten working days from the receipt of the request, under certain conditions. Requests, replies and other relevant information may be transmitted by any means capable of producing a written record under conditions allowing the receiving Member State to establish authenticity.

In all Member States criminal convictions are recorded by a variety of procedures in specific registers. There are exchange mechanisms to facilitate the transmission of this information between Member States, in particular under the European Convention on Mutual Assistance in Criminal Matters of 1959. However, an analysis of their operation reveals that they contain gaps and function randomly and slowly, no longer meeting the needs for judicial cooperation in a frontier-free area such as the European Union. Recent tragic paedophilia cases have also highlighted the serious malfunctioning of systems for the exchange of information on convictions between Member States. Likewise, the demands of the fight against terrorism are such that the quality of these exchanges must be improved quickly.