

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

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The Council held a policy debate on the exchange of information extracted from criminal records with a view to defining general guidelines for future proceedings and in particular for future Commission proposals on the interconnection of national criminal records.

In addition, information was provided by France and Germany, which - together with Belgium and Spain - have engaged in a pilot operation involving the interconnection of criminal records which should be operational by the end of 2005.

On the basis of the discussions, the Presidency noted that broad agreement had been reached within the Council concerning the following questions:

- § the need to base exchanges of information on bilateral communications between criminal records;
- § in the case of Community nationals, access to information concerning convictions should be through the Member State of the nationality of the convicted person. The Member State of nationality would also have to concentrate information concerning the criminal records of Community nationals and would be obliged actually to record in full all convictions handed down against its nationals in other Member States of the European Union. The practical arrangements for such an obligation (scope, filtering, period of storage, deletion, etc.) will be considered in detail at a later stage on the basis of a proposal to be submitted by the Commission (refer to CNS /2005/0267);
- § in the case of nationals of non-member countries, or where the nationality of the convicted person is not known to the Member State of conviction, a European index would be created identifying the Member State of conviction.

It should be recalled that when it adopted the Hague Programme the European Council meeting on 4 and 5 November 2004 made the exchange between Member States of information concerning criminal convictions a priority matter and asked the Commission to prepare new proposals.

On 25 January 2005 the Commission submitted the "White paper on exchanges of information on convictions and the effect of such convictions in the European Union".

It also organised two meetings of experts on the white paper and the related feasibility study.