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**PROPOSAL**

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from: European Commission  
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Subject: Proposal for a Council Decision on the establishment of the European Criminal  
Records Information System (ECRIS) in application of Article 11 of  
Framework Decision 2008/XX/JHA

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

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Encl.: COM(2008) 332 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.5.2008  
COM(2008) 332 final

2008/0101 (CNS)

Proposal for a

**COUNCIL DECISION**

**on the establishment of the European Criminal Records Information System (ECRIS) in  
application of Article 11 of Framework Decision 2008/XX/JHA**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### **Grounds for and objectives of the proposal**

The need to improve the quality of information exchanged on convictions was prioritised in the European Council Declaration on Combating Terrorism of 25 and 26 March 2004 and was reiterated in the Hague Programme, adopted by the European Council on 4 and 5 November 2004. These objectives are reflected in the action plan jointly adopted by the Commission and the Council on 2 and 3 June 2005 with a view to carrying out the Hague Programme.

As a response to the expectations expressed at the Council meeting (Justice and Home Affairs) on 14 April 2005, following the publication in January 2005 of the White Paper on exchanges of information on convictions and the effect of such convictions in the European Union and the subsequent general discussion thereof, the Council in June 2007 has reached a political agreement on the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States 2008/XXX/JHA (hereinafter the "Framework Decision"). The Framework Decision requires further measures for its implementation, in particular as regards the setting up of a computerised system of exchange of information.

The purpose of this decision is to implement Article 11 of the Framework Decision.

#### **General context**

Information on convictions is currently exchanged according to the European Convention on Mutual Assistance in Criminal Matters of 1959 (Council of Europe Convention, hereinafter the "1959 Convention"). This system presents important shortcomings, which were analysed in the White Paper. The result is that national courts often pass sentences on the sole basis of the past convictions featuring in their national register, without any absolutely no knowledge of convictions in other Member States.

At the Council meeting of 14 April 2005, Member States decided to maintain the principle of centralisation of information in the Member State of nationality of the person, but agreed that the system should be improved in order to ensure that information is completed and transmitted in an electronic way.

#### **Existing provisions in the area of the proposal**

On 21 November 2005 the Council adopted a first proposal from the Commission for a Council Decision on the exchange of information extracted from criminal records, whose purpose is to improve the system of the 1959 Convention in the short term, chiefly by speeding up transmission (Council Decision 2005/876/JHA).

In June 2007 the Council reached a political agreement on the Framework Decision which this Decision seeks to complete. The main purposes of the Framework Decision are to ensure that a Member State is able to respond properly and fully to requests made to it regarding the criminal records of its nationals, and to lay down the basis for

a computerised conviction-information exchange system. This system shall be built and developed to enable the exchange of criminal records information in a uniform, electronic and easily machine-translatable form.

This proposal shall implement Article 11 of the Framework Decision.

### **Consistency with the other policies and objectives of the Union**

This Decision respects fundamental rights. It contains several provisions designed to ensure a high and satisfactory level of protection for personal data transmitted by the convicting Member State to the Member State of the person's nationality (Article 3(2) and 3(3)). They supplement the provisions of the Framework Decision which limit the use that the requesting Member State can make of information for which it has asked (Article 9).

## **2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT**

### **Consultation of interested parties**

#### *Consultation methods, main sectors targeted and general profile of respondents*

Two studies were undertaken before the Framework Decision, and much consultation and collection of expertise has been carried out in preparation of the Framework Decision<sup>1</sup>. Detailed questionnaires on how national criminal records work were sent to Member States in April 2004; the replies were collated and analysed in the White Paper.

Furthermore an extensive study on national criminal records systems in the European Union, Bulgaria and Romania was carried out in 2006 with the objective of supporting the Commission's decision making concerning criminal records by depicting the current situation in the relevant states, proposing alternatives for the development of a common format for the exchange of information on criminal records and outlining the most feasible and appropriate solution in detail.

The main inspiration for this proposal comes from the pilot project ("Network of Judicial Registers" (NJR)) launched by Member States. The participating Member States<sup>2</sup> have developed a secure electronic communication between their respective judicial registers and since 2007, 6 out of 12 current members of the project have been exchanging information in this form.

The Commission has also organised a specific expert meeting to prepare this proposal and has received contributions from several Member States. EUROJUST was also consulted.

#### *Summary of responses and how they have been taken into account*

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<sup>1</sup> Two studies on criminal records, inter alia, were carried out in 2001 and 2002 by the Institute of Advanced Legal Studies (ISLA) (Falcone Programme (2000/FAL/168)) and the Institute for International Research on Criminal Policy (IRCP) (Grotius Programme (2001/GRP/024)).

<sup>2</sup> In March 2008 BE, CZ, DE, ES, FR, IT, LU, SK, SI, PL, PT, UK participated to the pilot project. BE, CZ, DE, ES, FR, LU exchanged information electronically.

The results of the consultations and recommendations made by the studies were taken into account in preparation of this proposal.

#### **Collection and use of expertise**

There was no need for external expertise.

#### **Impact assessment**

This proposal simply implements certain aspects of the Framework Decision.

Therefore it was not necessary to carry out an impact assessment.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **Summary of the proposed action**

The proposal seeks to implement Article 11 of the Framework Decision. It proposes to develop a computerised conviction - information exchange system between Member States by establishing the European Criminal Records Information System (ECRIS).

The proposal sets up elements of a standardised format for the electronic exchange of information extracted from criminal records, in particular as concerns information on the offence giving rise to the conviction and information on the content of the conviction, as well as other general and technical implementation aspects of the information exchange.

#### **Legal basis**

The legal basis for this proposal is Article 31 of the Treaty on European Union, as amended by the Nice Treaty, and Article 34(2) (c).

#### **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

This proposal shall set up common technical elements and standards of a computerised system, the ECRIS, as well as other general and technical implementation aspects related to organising and facilitating exchanges of criminal records information. This objective could be better achieved by an EU action.

The setting up of common technical standards for the computerised data transmission between Member States cannot be carried out adequately by the Member States nor can the central support and the help desk be organised individually. It requires coordinated action by the European Union.

As the Framework Decision states it is left to Member States to decide at which stage of proceedings and in what form the information on convictions should be collected, as well as to decide how to store the collected information. Each Member State keeps the full responsibility to handle its own criminal records system with the view to participating in ECRIS. The exchange of information on criminal records remains

under the full responsibility of the Member States.

The proposal therefore complies with the subsidiarity principle.

### **Proportionality principle**

This proposal implements certain aspects of the Framework Decision, which respects the proportionality principle. The decision provides for the minimum basis to allow electronic interconnection between national criminal records and to allow automatic translation to take place.

### **Choice of instruments**

Proposed instruments: Decision.

Other means would not be adequate for the following reason:

The proposal aims to establish the ECRIS system. This action entails certain basic elements and standards of a computerised data exchange system, including a standardised format for the electronic exchange of information extracted from criminal records, as well as other general and technical implementation aspects related to the organizing and facilitating exchanges of information. These detailed specifications require the use of a Council Decision.

## **4. BUDGETARY IMPLICATION**

The implementation and operation of the ECRIS will have budgetary implications, but these costs, to a large extent, will be covered by the specific program "criminal justice" as part of "Fundamental Rights and Justice" Framework Programme<sup>3</sup>.

## **5. ADDITIONAL INFORMATION**

### **Simulation, pilot phase and transitory period**

Information is currently exchanged between some Member States participating in a pilot project in an electronic way. This proposal is very much inspired by the pilot project, in particular as concerns the tables of offences and sanctions.

Moreover, as provided by the Framework Decision, Member States will have to decide themselves whether to join the interconnection according to their own state of development. As a result the system will grow progressively.

### **Simplification**

The proposal provides for simplification of legislation, simplification of administrative procedures for public authorities (EU or national), in particular as it will allow automatic translation of the information avoiding costly and lengthy manual translation.

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<sup>3</sup> OJ L58, 24.02.2007

Moreover the setting up of an electronic exchange system will speed up and make the exchange of information systematic replacing lengthy and uncertain paper exchange.

### **Review/revision/sunset clause**

The proposal provides for a regular report to be sent to Council and European Parliament.

### **Detailed explanation of the proposal**

This section gives a brief overview of those main articles of the proposal which have not been described above.

#### **Article 3 - European Criminal Records Information System**

This Article lays down rules concerning the technical architecture, operation and use of ECRIS, as well as defining the responsibilities, including financial responsibilities, stemming from its functioning.

ECRIS is a system based on decentralised information technology architecture. The criminal records data will be stored solely in databases operated by Member States, and there will be no direct online access to criminal records databases of other Member States.

The S-TESTA network was chosen by the pilot project as a common communication infrastructure between national criminal records databases. This choice will be confirmed in the first stage of the project. A common set of protocols allowing the exchange of information between national criminal records databases will be determined in accordance with the Comitology procedure, taking into consideration achievements of the pilot project. In order to implement this set of protocols, the Commission may provide software allowing Member States to connect their registers. Member States will decide whether to use this software or to rely on their own interconnection software implementing the common set of protocols.

Member States bear the responsibility for the operation of national criminal records databases and for the efficient performance of exchanges involving their participation. The expenditure concerning the communication infrastructure should be covered by the general budget of the European Union and existing European Union financial programmes can be used to support ECRIS specifically.

#### **Article 4, Annexes A and B - Format of transmission of information, Table of 'Offences categories' and Table of 'Sanctions categories'**

The present Decision creates a standardised European format of transmission of information on convictions, allowing information to be exchanged in a uniform, electronic and easily computer translatable way. This Article establishes an obligation for Member States to refer to the codes of categories of offences and sanctions provided for in two reference tables of "Offences categories" in Annex A and "Sanctions categories" in Annex B when notifying other Member States about convictions or when replying to their requests for information on convictions. Transmitting this information, Member States will have to indicate an appropriate sub-

category code of the reference table of offences or sanctions respectively for each offence and each sanction. If it is not possible to classify an offence or sanction under any of the existing sub-categories, they should indicate an appropriate "open category" code. Additionally, in case of relevance for a certain conviction of the additional parameters relating to the offence or sanction, included in both reference tables, the indication of an appropriate letter code for each parameter will be required.

The categories of offences should be interpreted in the light of existing harmonised common definitions, both on the European and international level.

The content of the tables derives from the analysis of the needs of all 27 Member States by considering mainly the Pilot Project categorisation and the results of the clustering exercise of various national offences and sanctions. Comments made by some delegations following the 12 November 2007 expert meeting have also been taken into consideration in this respect.

#### Article 5 - Information on national convictions, sanctions and measures

This Article requires that Member States enter their national offences and sanctions in each category of the table in Annex A or Annex B respectively. In order to ensure the mutual understanding and transparency of the common categorisation, they shall also send a short description of national penalties and measures, and, where necessary for distinguishing between some problematic offences, a short description of the constitutive elements of these national offences. A list of national criminal courts should also be provided with the aim of allowing an automatic translation of names of these courts. This Article links the timing for submission of the listed information with the moment of notifying the Council and the Commission by Member States pursuant to Article 11(5) of the Framework Decision about their readiness to use the standardised format and to transmit it electronically to other Member States. The relevant updates will have to be conveyed regularly. The information will be accessible to national judicial authorities through any available electronic channels to ensure full transparency and mutual understanding.

#### Article 6 - 7 - Committee, Committee procedure and the implementing measures

Article 7 sets up a committee which will assist the Commission in developing ECRIS.

Article 6 provides that the reference tables of categories of offences and sanctions, as well the technical standards used for the exchange of information will require constant revision and regular updates. It also envisages the adoption of rules on statistics as well as the adoption of a manual setting out the detailed rules for the exchange of information in order to ensure that national users of ECRIS share the common understanding of various notions and procedures. This manual should address in particular modalities of identification of offenders, common understanding of the categories of offences and sanctions listed in Annexes A and B, explanation of problematic national offences and sanctions, as well as the procedures governing the exchange of information.

Accordingly, Article 6 vests the Commission assisted by a Committee with the implementing powers with respect to all such aspects of the operation and development of ECRIS.

Article 7 defines the procedure for the adoption of measures necessary for the implementation of this Decision by analogy to the regulatory procedure under Community law.

Proposal for a

**COUNCIL DECISION**

**on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 31 and 34(2) (c) thereof,

Having regard to the proposal from the Commission<sup>4</sup>,

Having regard to the opinion of the European Parliament<sup>5</sup>,

Having regard to Article 11 (3) of the Council Framework Decision 2008/XX/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States<sup>6</sup>,

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety in the area of freedom, security and justice. This objective presupposes the systematic exchange between the competent authorities of the Member States of information extracted from national criminal records in a way that would guarantee their common understanding and efficiency of such exchange.
- (2) The need to improve the exchange of information on criminal convictions was prioritised in the European Council Declaration on Combating Terrorism of 25 and 26 March 2004 and was subsequently reiterated in the Hague Programme<sup>7</sup> and in the Action Plan<sup>8</sup> on its implementation. Furthermore, computerised interconnection of criminal records at EU level was recognised as a political priority by the European Council in its Conclusions of 21 and 22 June 2007.
- (3) The electronic interconnection of criminal records is part of the E-Justice project, which was acknowledged as a priority by the European Council several times in 2007.
- (4) Information on convictions imposed on nationals by other Member States does not circulate efficiently on the current basis of the Council of Europe Convention on

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<sup>4</sup> OJ C [...], [...], p. [...].

<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> OJ L [...], [...], p. [...].

<sup>7</sup> OJ C 53, 03.03.2005, p.1.

<sup>8</sup> OJ C 198, 12.8.2005, p. 1.

mutual legal assistance in criminal matters of 1959. Therefore, there is a need for more efficient and accessible procedures of exchange of such information at EU level.

- (5) A pilot project is currently being developed with a view to interconnecting the criminal records. Its achievements constitute a valuable basis for the further work on computerised exchange of information at the European level.
- (6) This Decision aims to implement Article 11 of Framework Decision 2008/XX/JHA in order to build and develop a computerised conviction-information exchange system between Member States. Such system should allow the Member State receiving information on conviction to understand it easily. Therefore, a standardised format allowing information to be exchanged in a uniform, electronic and easily computer-translatable way and any other ways of organising and facilitating electronic exchanges of information on convictions between national authorities of Member States should be set up.
- (7) The categories of data to be entered into the system, the purposes for which the data is to be entered, the criteria for its entry, the authorities permitted to access the data, and some specific rules on protection of personal data are defined in the Framework Decision 2008/XX/JHA.
- (8) The reference tables of categories of offences and categories of sanctions provided for in the Annexes should facilitate the automatic translation and should enable the mutual understanding of the information transmitted by using a system of codes. The content of the tables is the result of the analysis of the needs of all 27 Member States. That analysis took into account the Pilot Project categorisation and the results of the clustering exercise of various national offences and sanctions. Moreover, in case of the table of offences, it also took into consideration the existing harmonised common definitions on the European and international level as well as the Eurojust and Europol data models. The categories of offences should be interpreted in the light of existing harmonised common definitions, both on the European and international level.
- (9) In order to ensure the mutual understanding and transparency of the common categorisation, each Member State should submit the list of national offences and sanctions falling in each category referred to in the respective table, as well as the list of national criminal courts. Such information should be accessible to national judicial authorities in particular through any available electronic channels.
- (10) The European Criminal Records Information System (ECRIS) is a system based on decentralised information technology architecture. The criminal records data should be stored solely in databases operated by Member States, and there should be no direct online access to criminal records databases of other Member States. Member States should bear the responsibility for the operation of national criminal records databases and for the efficient exchanges of information with their participation. The common communication infrastructure should be initially the S-TESTA network. All the expenditure concerning the common communication infrastructure should be covered by the general budget of the European Union. A common set of protocols allowing the exchange of information between various criminal records databases should be determined in accordance with the Comitology procedure, taking into consideration the achievements of the Pilot Project.

- (11) In order to accelerate the development of ECRIS, the Commission intends to undertake a number of technical measures to assist Member States in preparing the technical infrastructure for connecting their criminal records databases. The Commission may provide appropriate software allowing Member States for this connection, which they may choose to apply instead of their own interconnection software implementing the common set of protocols.
- (12) Since the objective of this Decision is not to harmonise national systems of criminal records there is no obligation for a Member State of conviction to change its internal system of criminal records as regards the use of information for domestic purposes.
- (13) Both reference tables of categories of offences and sanctions, as well the technical standards used for the exchange of information should require constant revision and regular updates. Implementing powers in this respect were therefore delegated to the Commission assisted by a Committee. The regulatory procedure under Community law should apply *mutatis mutandis* for the adoption of measures necessary for the implementation of this Decision.
- (14) Framework Decision 2008/XX/JHA on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters<sup>9</sup> should apply in the context the computerised exchange of information extracted from criminal records of Member States.
- (15) Since the objective of the proposed action, namely the development of a system for the computerised transmission of information on convictions between Member States, cannot be adequately achieved by the Member States unilaterally, and can therefore, by reason of a necessity for a coordinated action in the European Union, be better achieved at the level of the European Union, the Council may adopt measures in accordance with the principle of subsidiarity referred to in Article 2 of the EU Treaty and set out in Article 5 of the EC Treaty . In accordance with the principle of proportionality, as set out in the latter Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (16) This Decision respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*Subject-matter*

This Decision establishes the European Criminal Records Information System (ECRIS). It also sets up the elements of a standardised format for the electronic exchange of information extracted from national criminal records, in particular as regards information on the offence giving rise to the conviction and information on the content of the conviction, as well as other general and technical implementation aspects related to the organising and facilitating exchanges of information.

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<sup>9</sup> OJ L [...], [...], p. [...].

*Article 2*  
*Definitions*

For the purpose of this Decision, the definitions laid down in Framework Decision 2008/XX/JHA shall apply.

*Article 3*  
*European Criminal Records Information System (ECRIS)*

1. ECRIS shall be based on decentralised information technology architecture and shall consist of:
  - (a) the criminal records database in each Member State;
  - (b) a common communication infrastructure that provides an encrypted network;
  - (c) interconnection software built in compliance with the common set of protocols allowing the exchange of information between various criminal records databases.
2. The interconnection software and databases storing, sending and receiving information extracted from criminal records shall operate under the responsibility of the Member States. No criminal records data shall be stored centrally. All criminal records data shall be stored in databases operated by Member States.
3. Central authorities of the Member States referred to in Article 3 of Framework Decision 2008/XXX/JHA shall not have direct online access to criminal records databases of other Member States. Best available techniques identified together by Member States with the support of the Commission shall be taken to ensure the confidentiality and integrity of criminal records data sent to other Member States.
4. Common communication infrastructure shall be based on the Trans European Services for Telematics between Administrations (S-TESTA) communications network and further developments thereof or any alternative secure network operated by the Commission.
5. In order to ensure efficient operation of ECRIS, the Commission shall provide general support and monitoring services.
6. Notwithstanding the possibility of using the EU financial programmes in accordance with the applicable rules, each Member State and the Commission shall bear its own costs arising from the implementation, administration, use and maintenance of the ECRIS components referred to in paragraph 1.

*Article 4*  
*Format of transmission of information*

1. When transmitting the information under Article 4(2)-(4) and Article 7 of Framework Decision 2008/XXX/JHA, relating to the name or legal classification of the offence and to the applicable legal provision, Member States shall refer to the

corresponding code in the table of offences in Annex A, including the parameters relating to the degree of completion and level of participation and, where applicable, the existence of total or partial exemption from criminal liability.

2. When transmitting the information under Article 4(2)-(4) and Article 7 of Framework Decision 2008/XXX/JHA, relating to the contents of the conviction, including the sentence as well as any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence, Member States shall refer to the corresponding code in the table of sanctions and measures in Annex B.

#### *Article 5*

##### *Information on national convictions, sanctions and measures*

1. The notification referred to in Article 11(5) of Framework Decision 2008/XXX/JHA shall be accompanied by:
  - (a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It may also include a short description of the constitutive elements of the offence;
  - (b) the list and description of types of sentences, possible supplementary penalties, security measures and possible subsequent decisions modifying the enforcement of the sentence as defined in national law, in each of the categories referred to in the table of sanctions and measures in Annex B;
  - (c) the list of national criminal courts.
1. Such notifications accompanied by the information referred to in paragraph 1 shall be also transmitted to the Commission.
2. The lists and descriptions referred to in paragraph 1 shall be regularly updated by Member States. Updated information shall be sent to the Commission.
3. The Commission shall make the information referred to in paragraph 1 accessible to national judicial authorities, in particular by using any available electronic channels.

#### *Article 6*

##### *Implementing measures*

The following implementing measures shall be adopted in accordance with the procedure referred to in Article 7:

- (a) any measures necessary for the technical development and operation of ECRIS, concerning in particular:
  - (i) technical specifications of the exchange, including security requirements, in particular the common set of protocols;

- (ii) procedures verifying the conformity of the software applications with the technical specifications;
- (iii) issues related to the common communication infrastructure;
- (b) a manual setting out the procedure for the exchange of information, addressing in particular the modalities of identification of offenders, as well as the common understanding of the categories of offences and sanctions listed in Annexes A and B;
- (c) rules on statistics required for the monitoring of ECRIS and, where necessary, any other statistics relating to the exchange of information extracted from criminal records, and in particular their type and frequency;
- (d) any modifications of Annexes A and B.

## *Article 7*

### *Committee procedure*

1. Where reference is made to this Article, the Commission shall be assisted by a regulatory committee composed of representatives of the Member States and chaired by a representative of the Commission (the "Committee").
2. The Committee shall adopt its rules of procedure.
3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) and (4) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.
4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
5. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament thereof.
6. The Council may act by qualified majority on the proposal, within three months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal on the basis of the Treaty.

If, on the expiry of that period, the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

*Article 8*  
*Report*

1. The Commission services shall regularly publish a report concerning the exchange of information extracted from criminal records between Member States based in particular on the statistics collected by the system, and for the first time, a year after submitting the report referred to in Article 15 (3) of Framework Decision 2008/XX/JHA.
2. The Member States shall provide the Commission with the information necessary to draft the report referred to in paragraph 1.

*Article 9*  
*Implementation and time limits*

1. Member States shall adopt the measures necessary to comply with the provisions of this Decision within the time limit specified in Article 11 (6) of Framework Decision 2008/XX/JHA.
2. Member States shall use the format specified in Article 4 and comply with the ways of organising and facilitating exchanges of information laid down in this Decision from the date referred to in Article 11(5) of Framework Decision 2008/XX/JHA.

*Article 10*  
*Date of effect*

This decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

*For the Council*

*The President*  
[...]

**ANNEX A**  
**Common table of offences categories**

Parameters		
<b>Level of completion:</b>	Completed act	Ø
	Attempt	A
<b>Level of participation:</b>	Main perpetrator	Ø
	Aider and abettor	H
	Instigator	I
<b>Exemption from criminal liability:</b>	Insanity or diminished accountability	S

Code	CATEGORIES AND SUB-CATEGORIES OF OFFENCES
<b>0100 00</b> open category	<b>CRIMES WITHIN THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT</b>
0101 00	Genocide
0102 00	Crimes against humanity
0103 00	War crimes
<b>0200 00</b> open category	<b>PARTICIPATION IN A CRIMINAL ORGANISATION</b>
0201 00	Directing a criminal organisation
0202 00	Knowingly taking part in the criminal activities of a criminal organisation
0203 00	Knowingly taking part in the non-criminal activities of a criminal organisation
<b>0300 00</b> open category	<b>TERRORISM</b>
0301 00	Directing a terrorist group

0302 00	Knowingly participating in the activities of a terrorist group
0303 00	Offences linked to terrorist activities <sup>10</sup>
0304 00	Financing of terrorism
0305 00	Terrorist offences <sup>11</sup>
<b>0400 00</b> open category	<b>TRAFFICKING IN HUMAN BEINGS</b>
0401 00	For the purposes of labour or services exploitation
040200	For the purposes of the exploitation of the prostitution of others or other forms of sexual exploitation
0403 00	For the purposes of organ or human tissue removal
0404 00	For the purpose of slavery, practices similar to slavery or servitude
0405 00	For other purposes
0406 00	For the purposes of labour or services exploitation of a minor
0407 00	For the purposes of the exploitation of the prostitution of minors or other forms of their sexual exploitation
0408 00	For the purposes of organ or human tissue removal of a minor
0409 00	For the purpose of slavery, practices similar to slavery or servitude of a minor
<b>0500 00</b> open category	<b>FIREARMS, THEIR PARTS AND COMPONENTS, AMMUNITION AND EXPLOSIVES</b>
0501 00	Illicit manufacturing
0502 00	Illicit trafficking at national level
0503 00	Illicit exportation or importation

<sup>10</sup> See the proposal for a Council Framework Decision amending Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA).

<sup>11</sup> See the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) and Council of Europe Convention on the Prevention of Terrorism of 16 May 2005

0504 00	Unauthorised possession or use
<b>0600 00</b> open category	<b>HARM TO THE ENVIRONMENT</b>
0601 00	Destroying or damaging protected fauna and flora species
0602 00	Unlawful discharges of polluting substances or ionising radiation into air, soil or water
0603 00	Offences related to waste, including hazardous waste
0604 00	Offences related to illicit trafficking in protected fauna and flora species or parts thereof
0605 00	Offences related to illicit trafficking in hormonal substances and other growth promoters
0606 00	Offences related to illicit trafficking in nuclear materials or other hazardous radioactive substances
0607 00	Unlawful trading in ozone-depleting substances
0608 00	Unintentional environmental offences
<b>0700 00</b> open category	<b>OFFENCES RELATED TO DRUGS OR PRECURSORS, AND OTHER OFFENCES AGAINST PUBLIC HEALTH</b>
0701 00	Offences related to illicit trafficking in narcotic drugs, psychotropic substances and precursors not exclusively for own personal consumption
0702 00	Illicit consumption of drugs and their acquisition, possession, manufacture or production exclusively for own personal consumption
0703 00	Aiding or inciting others to use narcotic drugs or psychotropic substances illicitly
0704 00	Non- drug related offences against public health other than environmental offences
<b>0800 00</b> open category	<b>CRIMES AGAINST THE PERSON</b>
0801 00	Intentional killing
0802 00	Aggravated cases of intentional killing
0803 00	Unintentional killing (manslaughter )
0804 00	Infanticide

0805 00	Illegal abortion
0806 00	Causing death at the request of a victim
0807 00	Offences related to committing suicide
0808 00	Violence causing death
0809 00	Causing grievous bodily injury, disfigurement or permanent disability
0810 00	Unintentionally causing grievous bodily injury, disfigurement or permanent disability
0811 00	Causing minor bodily injury
0812 00	Unintentionally causing minor bodily injury
0813 00	Exposing to danger of loss of life or grievous bodily injury
0814 00	Torture
0815 00	Failure to offer aid or assistance
0816 00	Offences related to organ or tissue removal without authorisation or consent
0817 00	Offences related to illicit trading in human organs and tissue
<b>0900 00</b> open category	<b>OFFENCES AGAINST PERSONAL LIBERTY , DIGNITY AND OTHER PROTECTED INTERESTS, INCLUDING RACISM AND XENOPHOBIA</b>
0901 00	Kidnapping, illegal restraint
0902 00	Unlawful arrest or detention by public authority
0903 00	Hostage-taking
0904 00	Unlawful seizure of an aircraft or ship
0905 00	Insults, slander, defamation
0906 00	Threats
0907 00	Duress, pressure, harassment or aggression of a psychological or emotional nature

0908 00	Extortion
0909 00	Aggravated extortion
0910 00	Invasion of privacy and offences against protection of personal data
0911 00	Illegal interception of data or communication
0912 00	Discrimination on grounds of gender, race, sexual orientation, religion or ethnic origin
0913 00	Incitement to public racial discrimination
0914 00	Incitement to racial hatred
<b>1000 00</b> open category	<b>SEXUAL OFFENCES</b>
1001 00	Rape
1002 00	Aggravated rape <sup>12</sup> other than rape of a minor
1003 00	Sexual assault
1004 00	Procuring for prostitution or sexual act
1005 00	Indecent exposure
1006 00	Sexual harassment
1007 00	Soliciting by a prostitute
1008 00	Incest
1009 00	Sexual exploitation of children <sup>13</sup>
1010 00	Offences related to indecent images of minors
1011 00	Rape of a minor <sup>14</sup>

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<sup>12</sup> For example rape with particular cruelty.

<sup>13</sup> Other than incestuous.

<sup>14</sup> Other than incestuous.

1012 00	Sexual assault of a minor <sup>15</sup>
<b>1100 00</b> open category	<b>OFFENCES AGAINST THE FAMILY LAW</b>
1101 00	Domestic violence
1102 00	Bigamy
1103 00	Evading the alimony or maintenance obligation
1104 00	Neglect or desertion of a minor or a disabled person
1105 00	Failure to comply with an order to produce a minor or removal of a minor
<b>1200 00</b> open category	<b>OFFENCES AGAINST THE STATE, PUBLIC ORDER, COURSE OF JUSTICE OR PUBLIC OFFICIALS</b>
1201 00	Espionage
1202 00	High treason
1203 00	Offences related to elections and referendum
1204 00	Attempt against life or health of the head of State
1205 00	Insult of the State, nation or State symbols
1206 00	Insult or resistance to a representative of public authority
1207 00	Extortion, duress, pressure towards a representative of public authority
1208 00	Assault on a representative of public authority
1209 00	Public order offences, breach of the public peace
1210 00	Violence during sports events
1211 00	Abuse of alcohol or drugs

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<sup>15</sup> Other than incestuous.

1212 00	Obstructing or perverting the course of justice, making false allegations, perjury
1213 00	Unlawful impersonation of a person or an authority
<b>1300 00</b> open category	<b>OFFENCES AGAINST PUBLIC PROPERTY OR PUBLIC INTERESTS</b>
1301 00	Tax offences
1302 00	Customs offences
1303 00	Public, social security or family benefit fraud
1304 00	Fraud affecting European benefits or allowances
1305 00	Offences related to illegal gambling
1306 00	Obstructing of public tender procedures
1307 00	Active or passive corruption of a civil servant, a person holding public office
1308 00	Embezzlement, misappropriation or other diversion of property by a public official
1309 00	Abuse of a function
<b>1400 00</b> open category	<b>ECONOMIC AND TRADE RELATED OFFENCES</b>
1401 00	Bankruptcy
1402 00	Embezzlement, concealment of assets or unlawful increase in a company's liabilities
1403 00	Fraudulent insolvency
1404 00	Violation of competition rules
1405 00	Abuse of trust
1406 00	Laundering of the proceeds from crime
1407 00	Active or passive corruption in the private sector

1408 00	Fraud in the private sector <sup>16</sup>
1409 00	Counterfeiting and piracy of industrial or intellectual property products
1410 00	Revealing a secret or breaching an obligation of secrecy
1411 00	'Insider trading'
<b>1500 00</b> open category	<b>OFFENCES AGAINST PROPERTY</b>
1501 00	Theft
1502 00	Aggravated theft
1503 00	Theft after breaking into premises
1504 00	Theft with violence
1505 00	Armed robbery
1506 00	Theft committed by an organised gang
1507 00	Shoplifting
1508 00	Unlawful appropriation
1509 00	Unlawful appropriation or diversion of energy
1510 00	Fraud including swindling
1511 00	Trafficking in stolen vehicles
1512 00	Dealing in stolen goods, other than vehicles
1513 00	Illicit trafficking in cultural goods including antiques and works of art
<b>1600 00</b> open category	<b>CAUSING DAMAGE TO GOODS</b>

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<sup>16</sup> For example: credit or insurance fraud.

1601 00	Criminal damage
1602 00	Unlawful destruction of property
1603 00	Sabotage
1604 00	Arson
1605 00	Aggravated arson
1606 00	Intentional destruction of property by fire raising
1607 00	Unintentional destruction of property by fire-raising
<b>1700 00</b> open category	<b>OFFENCES AGAINST INFORMATION SYSTEMS</b>
1701 00	Illegal access to information systems
1702 00	Illegal system interference
1703 00	Illegal data interference
1704 00	Production, possession or trafficking in computer devices or data enabling commitment of computer related offences
<b>1800 00</b> open category	<b>FORGERY OF MEANS OF PAYMENT</b>
1801 00	Counterfeiting or forging currency including the Euro
1802 00	Counterfeiting of non cash means of payment
1803 00	Counterfeiting or forging public fiduciary documents
1804 00	Putting into circulation/ using counterfeited or forged currency, non-cash means of payment or public fiduciary documents
1805 00	Possession of a device for the counterfeiting or forgery of currency or public fiduciary documents
<b>1900 00</b> open category	<b>FALSIFICATION OF PUBLIC OR ADMINISTRATIVE DOCUMENTS OR FALSIFICATION OF A DOCUMENT BY A CIVIL SERVANT OR PUBLIC AUTHORITY</b>
1901 00	Falsification of a public or administrative document by a private individual

1902 00	Falsification of a document by a civil servant or a public authority
1903 00	Supply or acquisition of a forged public or administrative document; supply or acquisition of a forged document by a civil servant or a public authority
1904 00	Using forged public or administrative documents
1905 00	Possession of a device for the falsification of public or administrative documents
<b>2000 00</b> open category	<b>OFFENCES AGAINST TRAFFIC REGULATIONS</b>
2001 00	Dangerous driving
2002 00	Driving over the speed limit
2003 00	Driving under the influence of alcohol or narcotic drugs
2004 00	Driving without a licence or while disqualified
2005 00	Driving without seat belts or child seat
2006 00	Failure to stop after a road accident
2007 00	Avoiding a road check
2008 00	Offences related to road transport, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods
<b>2100 00</b> open category	<b>OFFENCES AGAINST LABOUR LAW</b>
2101 00	Unlawful employment of an EU national
2102 00	Unlawful employment of a third country national
2103 00	Offences relating to remuneration including social security contributions
2104 00	Offences relating to working conditions, health and safety at work
2105 00	Offences relating to access to or exercise of a professional activity
2106 00	Offences relating to working hours and rest time

2107 00	Other offences against rights of the employees, including the right to form and join trade unions
<b>2200 00</b> open category	<b>OFFENCES AGAINST THE MIGRATION LAW</b>
2201 00	Unauthorised entry or residence
2202 00	Facilitation of unauthorised entry and residence
<b>2300 00</b> open category	<b>OFFENCES AGAINST MILITARY OBLIGATIONS</b>
<b>2400 00</b> open category	<b>OTHER OFFENCES</b>

**ANNEX B**  
**Common table of sanctions categories**

Code	CATEGORIES AND SUB-CATEGORIES OF SANCTIONS
<b>1000</b> open category	<b>DEPRIVATION OF FREEDOM</b>
1001	Imprisonment for adults
1002	Imprisonment for minors
1003	Life imprisonment
<b>2000</b> open category	<b>RESTRICTION OF PERSONAL FREEDOM</b>
2001	Prohibition to frequent some places
2002	Restriction to travel abroad
2003	Prohibition to stay in some places
2004	Prohibition from entry to a mass event
2005	Prohibition to enter in contact with certain persons through whatever means
2006	Placement under electronic surveillance <sup>17</sup>
2007	Obligation to stay in a place
<b>3000</b> open category	<b>PROHIBITION OF A SPECIFIC RIGHT OR CAPACITY</b>
3001	Disqualification from function
3002	Loss / suspension of capacity to hold or to be appointed to public office
3003	Loss / suspension of the right to vote or to be elected
3004	Incapacity to contract with public administration
3005	Ineligibility to obtain public subsidies
3006	Cancellation of the driving licence <sup>18</sup>

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<sup>17</sup> Fixed or mobile placement.

<sup>18</sup> Reapplication in order to obtain a new driving licence is necessary.

3007	Suspension of driving licence
3008	Prohibition to drive certain vehicles
3009	Loss / suspension of the parental authority
3010	Loss / suspension of right to be an expert in court proceedings / witness under oath / juror
3011	Loss / suspension of right to be a legal guardian <sup>19</sup>
3012	Loss / suspension of right of decoration or title
3013	Prohibition to exercise professional, commercial or social activity
3014	Prohibition from working or activity with minors
3015	Obligation to close an establishment
3016	Prohibition to hold or to carry weapons
3017	Withdrawal of a hunting / fishing license
3018	Prohibition to issue cheques or to use payment / credit cards
3019	Prohibition to keep animals
<b>4000</b> open category	<b>PROHIBITION OR EXPULSION FROM TERRITORY</b>
4001	Prohibition from national territory
4002	Expulsion from national territory
<b>5000</b> open category	<b>PERSONAL OBLIGATION</b>
5001	Submission to medical treatment
5002	Submission to a social-educational program
5003	Obligation to be under the care / control of the family
5004	Educational measures for minors
5005	Socio-judicial probation
5006	Obligation of training/working

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<sup>19</sup> Legal guardian for a person who is legally incompetent or for a minor.

5007	Obligation to provide judicial authorities with specific information
5008	Obligation to publish the judgment
<b>6000</b> open category	<b>PENALTY ON PERSONAL PROPERTY</b>
6001	Confiscation
6002	Demolition
6003	Restoration
<b>7000</b> open category	<b>PLACING IN AN INSTITUTION</b>
7001	Placing in a psychiatric institution
7002	Placing in a detoxification institution
7003	Placing in an educational institution for adults
7004	Placing in an educational institution for minors
<b>8000</b> open category	<b>FINANCIAL PENALTY</b>
8001	Fine
8002	Day-fine <sup>20</sup>
8003	Fine for the benefit of a special recipient <sup>21</sup>
<b>9000</b> open category	<b>WORKING PENALTY</b>
9001	Community service or work
<b>1000</b> open category	<b>MILITARY PENALTY</b>
1001	Loss of military rank <sup>22</sup>

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<sup>20</sup> Fine expressed in daily-units.

<sup>21</sup> E.g. : for an institution, association, foundation or a victim.

<sup>22</sup> Military demotion.

1002	Expulsion from professional military service
1003	Military imprisonment
<b>1100</b> open category	<b>EXEMPTION/ DEFERMENT OF SENTENCE/ PENALTY, WARNING</b>
<b>1200</b> open category	<b>OTHER SANCTIONS</b>

Parameters	
<b>ø</b>	Penalty
<b>m</b>	Measure
<b>a</b>	Suspended penalty/ measure <sup>23</sup>
<b>b</b>	Partially suspended penalty/ measure <sup>24</sup>
<b>c</b>	Suspended penalty/ measure with probation/ supervision <sup>25</sup>
<b>d</b>	Partially suspended penalty/ measure with probation/ supervision <sup>26</sup>
<b>e</b>	Conversion of penalty/ measure
<b>f</b>	Alternative penalty/ measure imposed initially in case of non-respect of the principal penalty
<b>g</b>	Revocation of suspended penalty/ measure
<b>h</b>	Subsequent formation of an overall penalty <sup>27</sup>
<b>i</b>	Interruption of enforcement/ postponement of the penalty/ measure <sup>28</sup>
<b>j</b>	Remission of the penalty

<sup>23</sup> The enforcement of penalty can be avoided.

<sup>24</sup> The enforcement of penalty can be avoided.

<sup>25</sup> The enforcement of penalty can be avoided.

<sup>26</sup> The enforcement of penalty can be avoided.

<sup>27</sup> Situation where a single aggregated penalty covers several criminal acts which have given rise to one or several previous judicial decisions.

<sup>28</sup> The enforcement of penalty cannot be avoided.

<b>k</b>	Remission of the suspended penalty
<b>l</b>	End of penalty
<b>n</b>	Pardon
<b>o</b>	Amnesty
<b>p</b>	Release on parole (liberation of a person before end of the sentence under certain conditions)
<b>q</b>	Rehabilitation (deletion of penalty in the criminal record for purposes other than judicial proceedings)

## LEGISLATIVE FINANCIAL STATEMENT

### 1. NAME OF THE PROPOSAL:

Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA

### 2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Justice in criminal and civil matters – 18.06 –

### 3. BUDGET LINES

#### 3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

18.0606 – Criminal justice

#### 3.2. Duration of the action and of the financial impact:

2009 – 2013

#### 3.3. Budgetary characteristics:

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
	Comp	Non-diff <sup>29</sup>	NO	NO	YES/NO	No 3a

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<sup>29</sup> Non-differentiated appropriations hereafter referred to as NDA.

#### 4. SUMMARY OF RESOURCES

##### 4.1. Financial Resources

##### 4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2009	2010	2011	2012	2013	2014r	Total
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##### Operational expenditure<sup>30</sup>

Commitment Appropriations (CA)	8.1.	a	0,593	1,204	0,914	0,914	0,914	0,914	5,451
Payment Appropriations (PA)		b	0,300	1,000	1,100	1,000	1,000	1,051	5,451

##### Administrative expenditure within reference amount<sup>31</sup>

Technical & administrative assistance (NDA)	8.2.4.	c							
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##### TOTAL REFERENCE AMOUNT

<b>Commitment Appropriations</b>		a+c	<b>0,593</b>	<b>1,204</b>	<b>0,914</b>	<b>0,914</b>	<b>0,914</b>	<b>0,914</b>	<b>5,451</b>
<b>Payment Appropriations</b>		b+c	<b>0,300</b>	<b>1,000</b>	<b>1,100</b>	<b>1,000</b>	<b>1,000</b>	<b>1,051</b>	<b>5,451</b>

##### Administrative expenditure not included in reference amount<sup>32</sup>

Human resources and associated expenditure (NDA)	8.2.5.	d	0,585	0,585	0,293	0,293	0,293	0,293	2,342
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e	0,094	0,094	0,062	0,062	0,062	0,062	0,436

<sup>30</sup> Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

<sup>31</sup> Expenditure within Article xx 01 04 of Title xx.

<sup>32</sup> Expenditure within Chapter xx 01 other than Articles xx 01 04 or xx 01 05.

### Total indicative financial cost of intervention

<b>TOTAL CA including cost of Human Resources</b>	a+c +d +e	1,272	1,883	1,269	1,269	1,269	1,269	8,229
<b>TOTAL PA including cost of Human Resources</b>	b+c +d +e	0,979	1,679	1,455	1,355	1,355	1,406	8,229

### Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
	f	-	-	-	-	-	-	-
<b>TOTAL CA including co-financing</b>	a+c +d +e +f							

#### 4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement<sup>33</sup> (i.e. flexibility instrument or revision of the financial perspective).

#### 4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

<sup>33</sup> See points 19 and 24 of the Interinstitutional Agreement.

EUR million (to one decimal place)

Budget line		Revenue	Prior to action [Year n-1]	Situation following action						
				[Year n]	[n+1]	[n+2]	[n+3 ]	[n+4]	[n+5] <sup>34</sup>	
		<i>a) Revenue in absolute terms</i>								
		<i>b) Change in revenue</i>	$\Delta$							

**4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.**

Annual requirements	2009	2010	2011	2012	2013	2014 and later
Total number of human resources	5,0	5,0	2,5	2,5	2,5	2,5

**5. CHARACTERISTICS AND OBJECTIVES**

**5.1. Needs to be met in the short or long term**

The main objective need to be met as soon as possible is to improve the quality of information exchanged on convictions between Member States. To achieve this the Council adopted the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States 200XXX/JHA ( the “Framework Decision”).

**5.2. Added-value of Community involvement and consistency of the proposal with other financial instruments and possible synergy**

This proposal implements Article 11 of the Framework Decision by establishing the European Criminal Records Information System (ECRIS). It sets up common technical elements and standards of a computerised system, the ECRIS, as well as other general and technical implementation aspects relating to organising and facilitating exchanges of criminal records information. These objectives could be achieved by Community involvement.

The setting up of common technical standards for computerised data transmission between Member States and delivery of central monitoring and support cannot be achieved adequately by Member States. It requires coordinated activities of the Community.

<sup>34</sup> Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

**5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework**

- (1) establishing ECRIS to enable interconnection between all 27 Member States national criminal records databases;
- (2) monitoring the ECRIS and providing support to the Member States;
- (3) maintaining and enhancing ECRIS.

**5.4. Method of Implementation (indicative)**

***Centralised Management***

- directly by the Commission
- indirectly by delegation to:
  - executive Agencies
  - bodies set up by the Communities as referred to in Article 185 of the Financial Regulation
  - national public sector bodies/bodies with a public service mission

***Shared or decentralised management***

- with Member states
- with Third countries

***Joint management with international organisations (please specify)***

Relevant comments:

ECRIS is technically based on a decentralised architecture, including the national criminal records databases in the Member States, a common communication infrastructure that provides an encrypted network, and interconnection software. Therefore the Commission will introduce different types of action:

- action grants, i. e. co-financing of national and trans-national projects;
- public procurement contracts to be undertaken.

## **6. MONITORING AND EVALUATION**

### **6.1. Monitoring system**

ECRIS operates on a decentralised basis. Certain processes are carried out only by Member States, but according to Article 3 (5) of this Decision the Commission has the obligation to monitor ECRIS. To fulfil this obligation the Commission receives the necessary data and statistics.

### **6.2. Evaluation**

#### *6.2.1. Ex-ante evaluation*

Most of the technical measures established by this proposal are already subject to a pilot project ("NJR") successfully run by certain Member States. Taking that into account, no further *ex-ante* evaluation is planned.

#### *6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

Pursuant to Article 6 of this proposal, the implementing measures concerning the exchange of information extracted from criminal records between Member States shall be adopted in a regulatory procedure. The main role in this procedure is played by a special Committee chaired by the Commission. This Committee is under an obligation to take account of previous experiences.

#### *6.2.3. Terms and frequency of future evaluation*

Pursuant to Article 8 of this proposal, the Commission is obliged to publish regularly a report concerning the exchange of information extracted from criminal records between Member States.

## **7. ANTI-FRAUD MEASURES**

Standard anti-fraud provisions will be included in grant agreements. Community legislation provides that an anti fraud-proofing opinion should not be inserted.

## 8. DETAILS OF RESOURCES

### 8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2009		2010		2011		2012		2013		2014		TOTAL	
			No. outputs	Total cost												
<i>Establishing ECRIS</i>																
<b>Action</b>																
Art. 5 (2) <sup>35</sup>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 5 (3)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 5 (4)	man day	0,0003	60	0,018	12	0,004	12	0,004	12	0,004	12	0,004	12	0,004	120	0,036
Art. 3 (4)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sub-total																0,036

<sup>35</sup> Art. 5 (2) collect notifications  
 Art. 5 (3) collect national lists  
 Art. 5 (4) compile and publish national lists  
 Art. 3 (4) operate TESTA network  
 Art. 3 (5) monitor and support.

<i>Monitoring and support ECRIS</i>																
Action																
Art. 3 (5)	man day (supp. team)	0,0005	150	0,075	400	0,200	220	0,110	220	0,110	220	0,110	220	0,110	1430	0,715
	flat (ref. implementation)	0,5000	0 <sup>36</sup>	0,000	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	5	2,500
	flat (studies, translation)	not defined		0,500		0,500		0,300		0,300		0,300		0,300		2,200
Sub-total																5,415
<b>TOTAL COST</b>				<b>0,593</b>		<b>1,204</b>		<b>0,914</b>		<b>0,914</b>		<b>0,914</b>		<b>0,914</b>		<b>5,451</b>

<sup>36</sup> First year is already covered by another budget.

## 8.2. Administrative Expenditure

### 8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources ( <b>number of posts/FTEs</b> )					
		2009	2010	2011	2012	2013	2014
Officials or temporary staff <sup>37</sup> (XX 01 01)	A*/AD	4,0	4,0	2,0	2,0	2,0	2,0
	B*, C*/AST	1,0	1,0	0,5	0,5	0,5	0,5
Staff financed <sup>38</sup> by Art. XX 01 02							
Other staff <sup>39</sup> financed by Art. XX 01 04/05							
<b>TOTAL</b>		5,0	5,0	2,5	2,5	2,5	2,5

### 8.2.2. Description of tasks deriving from the action

One AD<sup>1</sup> official devoting 50% of his time coordinating the project including all legal, technical and organisational measures to implement the Framework Decision, in particular this proposal

One full time AD<sup>2</sup> official dealing with all legal aspects of this proposal

One full time AD<sup>3</sup> official managing the information technology project to implement this proposal from a technical point of view

One AD<sup>4</sup> official devoting 50% of his time supporting all technical and financial aspects of the implementing project

One full time AD<sup>5</sup> official supporting all technical and legal aspects of the implementing project

One full time AST<sup>1</sup> official supporting the implementing project as a secretary

These human resources will probably be needed during the first 2 years. The need will decrease afterwards.

### 8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended

<sup>37</sup> Cost of which is NOT covered by the reference amount.

<sup>38</sup> Cost of which is NOT covered by the reference amount.

<sup>39</sup> Cost of which is included within the reference amount.

- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not provided for in the APS/PDB exercise of the year in question

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
<b>1 Technical and administrative assistance (including related staff costs)</b>							
Executive agencies <sup>40</sup>							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
<b>Total technical and administrative assistance</b>							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	2009	2010	2011	2012	2013	2014 and later
Officials and temporary staff (XX 01 01)	0,585	0,585	0,293	0,293	0,293	0,293
Staff financed by Art. XX 01 02 (auxiliary, END, contract staff, etc.)  (specify budget line)						
<b>Total cost of human resources and associated costs (NOT in reference amount)</b>	<b>0,585</b>	<b>0,585</b>	<b>0,293</b>	<b>0,293</b>	<b>0,293</b>	<b>0,293</b>

Calculation– *Officials and Temporary agents*

Calculation– *Staff financed under Article XX 01 02*

<sup>40</sup> Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	2009	2010	2011	2012	2013	2014 and later	TOTAL
XX 01 02 11 01 – Missions	0,003	0,006	0,006	0,006	0,006	0,006	0,033
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees <sup>41</sup>	0,094	0,094	0,062	0,062	0,062	0,062	0,436
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
<b>2 Total other management expenditure (XX 01 02 11)</b>							
<b>3 Other expenditure of an administrative nature</b> (specify including reference to budget line)							
<b>Total administrative expenditure, other than human resources and associated costs (NOT included in reference amount)</b>	<b>0,097</b>	<b>0,100</b>	<b>0,068</b>	<b>0,068</b>	<b>0,068</b>	<b>0,068</b>	<b>0,469</b>

Calculation - *Other administrative expenditure not included in reference amount*

<sup>41</sup> Specify the type of committee and the group to which it belongs.