



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 31 January 2008**

**5968/08**

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**Interinstitutional File:  
2005/00267 (CNS)**

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**COPEN 21**

**NOTE**

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from: General Secretariat  
to: delegations

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No. prev doc. : 14212/07 COPEN 143  
No. Cion prop. : COM(2005) 690 final/2 (5463/1/06 REV 1 COPEN 1)

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Subject : Proposal for a Council framework decision on the organisation and content of the exchange of information extracted from criminal records between Member States

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1. On 22 December 2005 the Commission submitted a proposal for a Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States.
2. The European Parliament has been invited to give its opinion on this proposal. This opinion delivered on 26 June 2007<sup>1</sup>. It has been examined by the Working Party on Cooperation in Criminal Matters at its meeting on 26 September 2007.
3. DK/EL/IE/NL/SE entered parliamentary scrutiny reservations on the proposal.

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<sup>1</sup> A6-0170/2007 PE 386.552v02-00

4. At its meeting on 12-13 June 2007, the Council reached an agreement on a general approach on a proposal as set out in 10800/07 COPEN 94. The Working Party on Cooperation in Criminal Matters and the JHA Counsellors Group further examined the proposal and finalised the discussion on the preamble and the form annexed to the instrument.
  
5. The text of the draft Framework Decision resulting from these discussions is set out in Annexes I and II to this note. Annex III contains declarations of the Council to be entered into the minutes of the Council upon the adoption of this instrument.

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Proposal for a

**COUNCIL FRAMEWORK DECISION**

**on the organisation and content of the exchange of information extracted from criminal records between Member States**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission<sup>2</sup> and to that of the Kingdom of Belgium<sup>3</sup>

Having regard to the opinion of the European Parliament<sup>4</sup>,

Whereas:

1. The Union has set itself the objective of offering European citizens a high level of safety in the area of freedom, security and justice. This objective presupposes the exchange between the competent authorities of the Member States of information extracted from criminal records.
2. On 29 November 2000 the Council, in accordance with the conclusions of the Tampere European Council of 15 and 16 October 1999, adopted a programme of measures to implement the principle of mutual recognition in criminal matters. This Framework Decision contributes to achieving the goals provided for by Measure 3 of the programme, which calls for the establishment of a standard form like that drawn up for the Schengen bodies, translated into all the official Union languages, for criminal records requests.

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<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ C [...], [...], p. [...]. 14207/04 COPEN 133 + ADD 1

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

3. The final report on the first evaluation exercise on mutual legal assistance in criminal matters<sup>5</sup> called on the Member States to simplify the procedures for transferring documents between States, using, if necessary, standard forms to facilitate mutual legal assistance.
4. 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<sup>6</sup>, adopted by the European Council on 4 and 5 November 2004, which called for greater exchange of information from national conviction and disqualification registers. 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.
  - 4a. With a view to improving the exchange of information between Member States on criminal records, projects developed with the aim to achieve this objective are welcomed, including the existing project for the interconnection of national criminal registers. The experience gathered from these activities has encouraged the Member States to further enhance their efforts and showed the importance to continue streamlining the mutual exchange of information on convictions between the Member States.
5. This Framework Decision is a response to the wishes expressed at the Council meeting (Justice and Home Affairs) on 14 April 2005, following the publication of the White Paper on exchanges of information on convictions and the effect of such convictions in the European Union<sup>7</sup> and the subsequent general discussion thereof. Its main aim is to improve the exchange of information on convictions and, where imposed and entered in the criminal records of the convicting Member State, on disqualifications arising from criminal conviction of citizens of the European Union. Access to information on convictions handed down in the European Union against nationals of third countries or persons of unknown nationality raises certain specific issues for which proposals will be made subsequently.

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<sup>5</sup> OJ C 216, 01.08.2001, p. 14.

<sup>6</sup> OJ C 53, 03.03.2005, p.1.

<sup>7</sup> COM(2005) 10.

- 5(a). The application of this Framework decision only to the transmission of information extracted from criminal records concerning natural persons should not prejudice, a possible future broadening of the scope of application of the mechanisms established by this instrument to the exchange of information concerning legal persons.
6. Information on convictions handed down in other Member States is currently governed by Articles 13 and 22 of the European Convention on Mutual Assistance in Criminal Matters of 1959<sup>8</sup>; these provisions are now, however, not sufficient to meet the requirements of judicial cooperation in an area such as the European Union.
7. In the relationship between the Member States this Framework Decision replaces Article 22 of the Convention. As well as the obligations of the convicting Member State, which this Framework Decision incorporates and further defines, to transmit information to the Member States of the person's nationality on convictions handed down against its nationals, an obligation for the Member States of the person's nationality to store such information is also introduced, in order to ensure it is able to respond fully to the information requests made to it by other Member States.
8. This Framework Decision on requests for information extracted from criminal records should not prejudice the possibility of judicial authorities' to directly requesting and transmitting information from criminal records pursuant to Article 13 in conjunction with Article 15(3) of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and Article 6(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, set up by Council Decision of 29 May 2000<sup>9</sup>.
9. Improving the circulation of information on convictions is of little use if Member States are not able to take transmitted information into account. On XXXX the Council adopted a Framework Decision on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings<sup>10</sup>.

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<sup>8</sup> Council of Europe, European Treaties Series, No 30.

<sup>9</sup> OJ C 197, 12.7.2000, p. 3.

<sup>10</sup> OJ C [...], [...], p. [...].

- 9(a). The main objective of the initiative of the Kingdom of Belgium is attained by the present Framework decision, as it obliges the central authority of every Member State to request and include all information provided from the criminal records of the Member State of the person's nationality in its extract from criminal records when it responds to a request from the person concerned. Awareness of the existence of the conviction, as well as, where imposed and entered in the criminal record, a disqualification arising from it, is a prerequisite for giving them effect in accordance with the national law of the Member State in which the person intends to perform professional activity related to supervision of children. The mechanism established by Articles 6(2a) and 11 aims at inter alia ensuring that a person convicted of a sexual offence against children should no longer, where the criminal record of that person in the convicting Member State contains such conviction, and if imposed and entered in the criminal record, a disqualification arising from it, be able to conceal this conviction or prohibition with a view to performing professional activity related to supervision of children in another Member State.
10. The provisions of this Framework decision establish rules on the protection of personal data transmitted between the Member States as a result of its implementation. Existing general rules on the on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters are complemented by the rules established in this instrument. Furthermore, the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data applies to the personal data handled on the basis of the present Framework Decision. This Framework Decision also incorporates the provisions of the Decision of 21 November 2005 on the exchange of information extracted from the criminal records<sup>11</sup>, which limit the use the requesting Member State can make of information asked for. It supplements them with specific rules applying where the Member State of the person's nationality forward conviction information transmitted to it by the convicting Member State.

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<sup>11</sup> OJ C [...], [...], p. [...].

- 10(a). This Framework decision should not modify obligations and practices established in relation to third States under the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, in so far as this instrument remains applicable.
11. Under Council of Europe Recommendation No R (84) 10 on criminal records and rehabilitation of convicted persons, the main aim of establishment of criminal records is to inform the authorities responsible for the criminal justice system on the background of a person subject to legal proceedings with a view to adapting the decision to be taken to the individual situation. Since all other use of criminal records that might compromise the chances of social rehabilitation of the convicted person must be as limited as possible, the use of information transmitted under this Framework Decision for purposes other than that of criminal proceedings can be limited in accordance with the national legislation of the requested State and the requesting State.
- 11(a) Article 11(1) concerns the transmission of information to the Member State of nationality for the purpose of its storage and retransmission. The purpose of this Article is not to harmonise national systems of criminal records of the Member States. It does not oblige the convicting Member State to change its internal system of criminal records as regards the use of information for domestic purposes.
12. Improving the circulation of information on convictions is of little use if such information cannot be understood by the Member State receiving it. Mutual understanding may be enhanced by the creation of a "standardised European format" allowing information to be exchanged in a uniform, electronic and easily machine-translatable way. Information referred to in Article 4 shall be transmitted in the official language or one of the official languages of the convicting Member State. Measures should be taken to set up the information exchange system introduced by this Framework Decision in accordance with Article 11.
13. This Framework Decision respects fundamental rights and observes the principles specifically recognised by the Charter of Fundamental Rights of the European Union.

14. This Framework Decision respects the principle of subsidiarity referred to in Article 2 of the Treaty on European Union and Article 5 of the Treaty establishing the European Community since the improvement of systems for the transmission of information on convictions between Member States cannot be carried out adequately by the Member States unilaterally and requires coordinated action in the European Union. In accordance with the principle of proportionality, as set out in the latter Article, this Framework Decision does not go beyond what is necessary in order to achieve that objective,

HAS ADOPTED THIS FRAMEWORK DECISION:

*Article 1*

*Objective*

The purpose of this Framework Decision is:

- a) to define the ways in which a Member State in which a conviction is handed down against a national of another Member State (the "convicting Member State") transmits the information on such a conviction to the Member State of the convicted person's nationality (the "Member State of the person's nationality")
- b) to define storage obligations for the Member State of the person's nationality and to specify the methods to be followed when responding to a request for information taken from criminal records;
- c) to lay down the framework for a computerised conviction-information exchange system between Member States to be built and developed on the basis of this Framework Decision and the subsequent decision referred to in Article 11(3) of this Framework Decision.



## *Article 2*

### *Definitions*

For the purposes of this Framework Decision:

- a) "conviction" means any final decision of a criminal court against a natural person in respect of a criminal offence, to the extent these decisions are entered in the sentencing state's criminal records;
- b) "criminal proceedings" means the pre-trial stage, the trial stage itself and the execution of the conviction;
- c) "criminal record" means the national register or registers recording convictions in accordance with national law.

## *Article 3*

### *Central authority*

1. For the purposes of this Framework Decision, each Member State shall designate a central authority. However, for the transmission of information under Article 4 and for replies under Article 7 to requests as referred to in Article 6, Member States may designate one or more central authorities.
2. Each Member State shall inform the General Secretariat of the Council and the Commission of the authority or authorities designated in accordance with paragraph 1. The General Secretariat of the Council shall notify the Member States and Eurojust of this information.

## *Article 4*

### *Obligations of the convicting Member State*

1. Each Member State shall take the necessary measures to ensure that all convictions handed down within its territory are accompanied, when transmitted to the national criminal record, by information on the nationality or nationalities of the convicted person if they are a national of another Member State.

2. Each central authority shall, as soon as possible, inform the central authorities of the other Member States of any convictions handed down against their nationals within the territory of the former, as entered in the criminal record.

If it is known that the convicted person is a national of several Member States, the relevant information shall be transmitted to each of these Member States, even if the convicted person is a national of the Member State within whose territory he has been convicted.

3. [deleted]
4. Information on subsequent alteration or deletion of information contained in criminal records shall be immediately transmitted by the central authority of the convicting Member State to the central authority of the Member State of the person's nationality.
5. Any Member State which has provided information under paragraph 2 to 4 shall communicate to the central authority of the Member State of the person's nationality, on the latter's request in individual cases, a copy of the convictions and measures in question as well as any other information relevant thereto in order to enable it to consider whether they necessitate any measure at national level.

#### *Article 5*

##### *Obligations of the Member State of the person's nationality*

1. The central authority of the Member State of the person's nationality shall store in accordance with Article 11 paragraphs 1 to 1b all information transmitted under Article 4(2)-(4), in order to be able to retransmit it in accordance with Article 7.
2. Any alteration or deletion of information transmitted in accordance with Article 4(4) shall entail identical alteration or deletions by the Member State of the person's nationality regarding information stored in accordance with paragraph 1 for the purpose of retransmission in accordance with Article 7.

3. For the purpose of retransmission in accordance with Article 7 the Member State of the person's nationality may only use information which has been updated in accordance with paragraph 2.

#### *Article 6*

##### *Request for information on convictions*

1. When information from the national criminal record of a Member State is requested for the purpose of criminal proceedings against a person or for any other purpose than that of criminal proceedings, the central authority may, in accordance with national law, submit a request to the central authority of another Member State for information and related data to be extracted from the criminal record.
2. When a person asks for information on their own criminal record, the central authority of the Member State in which the request is made may, in accordance with national law, submit a request to the central authority of another Member State for information and related data to be extracted from the criminal record, provided the interested party is or has been a resident or a national of the requesting or requested Member State.
  - 2a. Once the time limit for the implementation of an electronic transmission of information set out in Article 11 paragraph 6 has elapsed, whenever a person makes a request as referred to in paragraph 2 of this Article to the central authority of a Member State other than the state of the person's nationality, the central authority of the Member State where the request is made shall submit a request to the central authority of the Member State of the person's nationality for information to be extracted from the criminal record in order to be able to include such information in the extract to be provided to the person.
3. All requests for information from the central authority of a Member State shall be submitted using the annexed form.

## *Article 7*

### *Reply to a request for information on convictions*

1. When information extracted from the criminal record is requested under Article 6 from the central authority of the Member State of the person's nationality for the purposes of criminal proceedings, this State shall transmit to the central authority of the requesting Member State information, on:
  - a) national convictions registered in criminal records
  - b) any convictions handed down in other Member States which were transmitted after the implementation of this Framework Decision, in application of Article 4, and stored in accordance with Article 5(1) and (2)
  - c) any convictions handed down in other Member States which were transmitted before the implementation of this Framework Decision and entered in the criminal records
  - d) any convictions handed down in third countries and subsequently transmitted to it and entered in the criminal records.
  
2. When information extracted from criminal records is requested under Article 6 from the central authority of the Member State of the person's nationality for any other purpose than that of criminal proceedings that State shall in respect of national convictions and convictions handed down in third countries, which have been subsequently transmitted to it and registered in its criminal records, respond in accordance with national law.

In respect of information on convictions handed down in another Member State, which have been transmitted to the Member State of the person's nationality the central authority of the latter Member State shall in accordance with its national law transmit to the requesting Member State the information, which has been stored in accordance with Article 5 (1) and (2) as well as the information which has been transmitted to that Member State before the implementation of this Framework Decision and has been entered in its criminal records.

When transmitting the information in accordance with Article 4, the central authority of the convicting Member State may inform the central authority of the Member State of the person's nationality that the information on convictions handed down in the former and transmitted to the latter may not be retransmitted for any other purposes than that of criminal proceedings. In this case, the central authority of the Member State of the person's nationality shall in respect of such convictions inform the requesting Member State which Member State had transmitted such information so as to enable the requesting Member State to submit a request directly to the Member State of conviction in order to retrieve information on these convictions.

3. When information extracted from criminal records is requested from the central authority of the Member State of the person's nationality by a third state, the Member State of the person's nationality may reply in respect of convictions transmitted by another Member State only within the limitations applicable to the transmission of information to other Member States in accordance with the provisions of paragraph (1) and (2) of this Article.
4. When information extracted from criminal records is requested under Article 6 from the central authority of a Member State other than the Member State of the person's nationality, the requested Member State shall transmit information on national convictions and on convictions handed down against third country nationals and against stateless persons contained in its criminal records to the same extent as provided for in Article 13 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
5. The reply shall be made using the annexed form; it shall be accompanied by a list of convictions, as provided for by national law.

## *Article 8*

### *Deadlines for replies*

1. Replies to the requests referred to in Article 6(1) shall be transmitted by the central authority of the requested Member State to the central authority of the requesting Member State immediately and in any event within a period not exceeding ten working days from the date the request was received, as provided for by national law, rules or practice, using the annexed form.

When the requested Member State requires further information to identify the person involved in the request, it shall immediately consult the requesting Member State with a view to providing a reply within ten working days from the date the additional information is received.

2. Replies to the request referred to in Article 6(2) shall be transmitted within twenty working days from the date the request was received.

## *Article 9*

### *Conditions for the use of personal data*

1. Personal data provided under Article 7(1) and (4) for the purposes of criminal proceedings may be used by the requesting Member State only for the purposes of the criminal proceedings they were requested for, in accordance with the annexed form.
2. Personal data provided under Article 7(2) and (4) for any purposes other than that of criminal proceedings may be used by the requesting Member State, in accordance with its national law, only for the purpose for which it has been requested and within the limits specified by the requested Member State in the relevant form.
3. Notwithstanding paragraphs 1 and 2, personal data provided under Article 7(1), (2) and (4) may be used by the requesting Member State for preventing an immediate and serious threat to public security.

4. Member States shall take the necessary measures to ensure that personal data received from another Member State under Article 4, if transmitted to a third State in accordance with Article 7 paragraph 3, are subject to the same usage restrictions as those applicable in a requesting Member State according to paragraphs 2 of this Article. Member States shall specify that personal data, if transmitted to a third State for the purpose of a criminal proceeding, may be further used by that State only for the purposes of criminal proceedings.
5. This Article does not apply to personal data obtained by a Member State under this Framework Decision and originating from that Member State.

#### *Article 10*

#### *Languages*

For the purposes of transmission by the requesting to the requested Member State of the request referred to in Article 6(1), the annexed form shall be written in the official language, or one of the official languages of the latter.

The requested Member State shall reply either in one of its official languages or in any other language accepted by both Member States.

Any Member State may, at the time of the adoption of this Framework Decision or at a later date, indicate, in a statement to the General Secretariat of the Council, which official languages of the institutions of the European Communities it accepts. The General Secretariat of the Council shall communicate this information to the Member States.

#### *Article 11*

#### *Format and other ways of organising and facilitation exchanges*

1. When transmitting information in accordance with Article 4(2) and (4), the central authority shall transmit the following information, in line with the relevant provisions set out hereafter:
  - a) information that shall always be transmitted, unless, in individual cases, such information is not known to the central authority (obligatory information):

- (i) information on the convicted person (full name, date of birth, place of birth (town and State), gender, nationality and – if applicable –previous name(s),
  - (ii) information on the nature of the conviction (date of conviction, name of the court, date on which the judgment became final),
  - (iii) information on the offence giving rise to the conviction (date of the offence underlying the conviction and name or legal classification of the offence as well as reference to the applicable legal provisions), and
  - (iv) information on the contents of the conviction, including notably the sentence as well as any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence.
- b) information that has to be transmitted if entered in the criminal records (optional information):
- (i) information on the convicted person’s parents’ names,
  - (ii) information on the reference number of the conviction,
  - (iii) information on the place of the offence, and
  - (iv) information on disqualifications arising from a criminal conviction.
- c) information that has to be transmitted if available to the central authority (additional information):
- (i) information on the convicted person’s identity number or type and number of the person’s identification document,
  - (ii) fingerprints, which have been taken from that person, and
  - (iii) if applicable, pseudonym and/or alias name(s).



- 1a. In addition, the central authority, when transmitting the information according to Article 4(2) and (4), may transmit any other information on criminal convictions if entered in the criminal records.
- 1b. The receiving authority shall store all information of the types listed in paragraph 1(a) and 1(b), which it has received in accordance with Article 5(1) for the purpose of retransmission in accordance with Article 7. For the same purpose it may store the information of the types listed in paragraph 1(c) and paragraph 1a.
- 1c. [deleted]
- 1d. [deleted]
2. Until the time limit referred to in paragraph 6 of this Article has elapsed, central authorities of Member States who have not carried out the notification referred to in paragraph 5 of this Article shall transmit all information in accordance with Article 4, requests in accordance with Article 6 and replies in accordance with Article 7 and other relevant information by any means capable of producing a written record under conditions allowing the receiving Member State to establish authenticity. Once the time limit referred to in paragraph 6 of this Article has elapsed, central authorities of Member States shall transmit such information electronically using a standardised format.
3. This format and any other ways of organising and facilitating exchanges of information on convictions between national authorities of Member States shall be set up by the Council in accordance with the relevant procedures of the TEU, no later than XXXX<sup>12</sup>.

Other such ways include:

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<sup>12</sup> The same date as specified in Article 15(1) should be inserted.

- a) defining all ways in which understanding and automatically translating transmitted information may be made easier;
  - b) defining the way in which information may be exchanged electronically, particularly as regards the technical specification to be used and, if need be, any applicable exchange procedures;
  - c) possible alterations to the form annexed to this Framework Decision.
4. If the mode of transmission referred to in paragraphs 2 and 3 is not available, paragraph 2 first sentence, shall remain applicable for the entire period of such unavailability.
  5. Each Member State shall carry out the necessary technical alterations to be able to use the standardised format and electronically transmit it to other Member States. They shall notify the Council of the date from which they are able to carry out such transmissions.
  6. The technical alterations referred to in paragraph 5 shall be carried out within three years from the date the format and the ways in which information on convictions may be exchanged electronically are adopted.
  7. [deleted]

*Article 12*

*Committee procedure*

[deleted]

*Article 13*

*Procedure*

[deleted]

## *Article 14*

### *Relationship with other legal instruments*

1. In relations between the Member States, this Framework Decision supplements the provisions of Article 13 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, its additional Protocols of 17 March 1978<sup>13</sup> and 8 November 2001<sup>14</sup>, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000<sup>15</sup> and its Protocol of 16 October 2001<sup>16</sup>.
2. For the purposes of this Framework Decision, Member States shall waive the right to rely among themselves on their reservations to Article 13 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
3. Without prejudice to their application in relations between Member States and third countries, this Framework Decision replaces, with effect from XXXXXX, the provisions of Article 22 of the 1959 European Convention on Mutual Assistance in Criminal Matters, as supplemented by Article 4 of said Convention's additional Protocol of 17 March 1978, in relations between Member States.
4. This Framework Decision repeals the Decision of 21 November 2005 on the exchange of information extracted from the criminal record.
5. This Framework Decision has no impact on the application of more favourable provisions included in bilateral or multilateral agreements or arrangements concluded between Member States.

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<sup>13</sup> Council of Europe, European Treaty Series, No 99.

<sup>14</sup> Council of Europe, European Treaty Series, No 182.

<sup>15</sup> OJ C 197, 12.7.2000, p. 1.

<sup>16</sup> OJ C 326, 21.11.2001, p. 1.

*Article 15*

*Implementation*

1. Member States shall adopt the measures necessary to comply with the provisions of this Framework Decision no later than XXXXXX<sup>17</sup>.
2. Member States shall transmit to the General Secretariat of the Council and the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.
3. On the basis of that information the Commission shall, no later than XXXXXX, present a report to the European Parliament and the Council on the application of this Framework Decision, accompanied if necessary by legislative proposals.

*Article 16*

*Entry into force*

This Framework Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

*For the Council*

*The President*

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<sup>17</sup> Three years after the date of entry into force of this Framework Decision.

**Form referred to in Articles 6, 7, 8, 9 and 10 of the  
Framework Decision  
on the organisation and content of the exchange of information extracted from criminal  
records between Member States**

**Request for information extracted from criminal records**

*Members States should consult the Manual of Procedures for assistance in filling in this form  
correctly*

a) Information on the requesting State:

Member State:

Central authority(ies):

Contact person:

Telephone (with STD code):

Fax (with STD code):

E-mail address:

Correspondence address:

File reference, if known:

b) Information on the identity of the person concerned by the request\*:

Full name (first name and all surnames):

Previous names:

Pseudonym and/or alias, if any:

Gender: ...M  ...F

Nationality:

Date of birth (in figures: dd/mm/yyyy):

Place of birth (town and state):

Father's name:

Mother's name:

Residence or known address :

Person's identity number or type and number of the person's identification document:

Fingerprints :

Other available identification information:

\* *To facilitate the identification of the person as much information as possible should be provided.*

c) Purpose of request:

*Please tick the appropriate box*

1)  criminal proceedings (please identify the authority before which the proceedings are pending and, if available, the case reference number) .....

2)  request outside the context of criminal proceedings (please identify the authority before which the proceedings are pending and, if available, the case reference number, while ticking the relevant box):

a)  from a judicial authority.....

b)  request from a competent administrative authority.....

c)  request from the person for information on own criminal record .....

Purpose for which the information is requested :.....

Requesting authority:

The interested party does not consent for this information to be divulged (if the person was asked for its consent in accordance with the law of that Member State).

Contact person for any further information needed:

Name:

Telephone:

E-mail address:

Other information (e.g. urgency of the request):

**Reply to the request**

Information relating to the person concerned

*Please tick the appropriate box*

The undersigned authority confirms:

- that there is no information on convictions in the criminal record of the person concerned;
- that there is information on convictions recorded in the criminal record of the person concerned; a list of conviction is attached;
- that there is other information recorded in the criminal record of the person concerned; such information is attached (optional);
- that there is information on convictions recorded in the criminal record of the person concerned but the convicting Member State informed that the information about these convictions may not be retransmitted for any other purposes than that of criminal proceedings. The request for more information may be sent directly to.....  
(please indicate the Member State of conviction);
- that, in accordance with the national law of the requested Member State, requests made for any purposes other than that of criminal proceedings may not be dealt with.

Contact person for any further information needed:

Name:

Telephone:

E-mail address:

Other information (Limitations of use of the data concerning requests outside the context of criminal proceedings):.....

Please indicate the number of pages attached to the reply form:.....



Done at

on

Signature and official stamp (if appropriate):

Name and position/ organisation:

If appropriate, please attach a list of conviction and send the complete package to the requesting Member State. It is not necessary to translate the form or the list into the language of the requesting Member State.

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COUNCIL DECLARATION

The Council recognises that Member States use different systems for identification of the person concerned and different data to search for the criminal records of a specific person, when an extract of such criminal records is required. Therefore, when exchanging the information on the basis of this Framework Decision the Member States shall be aware of different needs of each Member State.

DECLARATION OF THE COUNCIL

The Council declares that each Member State should take the necessary measures to ensure that time-limits are applied to the erasure or destruction of information on convictions transmitted in accordance with Article 4(2) and entered in its criminal records.

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