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Delegations will find in the Annex the revised text of the ECRIS Business Analysis as resulting from the observations submitted by the Member States and examined during the discussions at the Working Party on Cooperation in Criminal Matters, which met on 19 May 2011. Changes are indicated by underlined text as against the initial ECRIS Business Analysis.



ANNEX

European Commission – DG Justice

iLICONN Consortium (Bilbomatica – Intrasoft – Unisys)

ECRIS Technical Specifications

Business Analysis

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Document History

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0.3	22/09/2010	AME	Review
0.4	26/09/2010	DCO	Updates in all sections
0.5	27/09/2010	LCO	Final revision before delivery
0.6	14/10/2010	DCO LCO	Intermediate revision including comments of Member States
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1.2	23/02/2011	DCO	Implementation of comments and changes agreed during the Expert Group Review meeting 16-Feb-2011
1.3	27/02/2011	LCO	Final revision before delivery
1.4	28/02/2011	LCO	Implementing comments from DG JUST
<u>1.5</u>	<u>06/06/2011</u>	<u>LCO</u>	<u>Implementing agreements reached during the COPEN meetings on 09-Mar-2011 and 19-May-2011 (changes on suspension information, judicial annulment and storage of notifications).</u>

TABLE OF CONTENTS

1	DOCUMENT	8
1.1	Purpose	8
1.2	Scope	8
1.3	References	9
1.4	About this Document	10
1.4.1	Elaboration of this Document	10
1.4.2	Understanding this Document	11
1.4.3	Providing Comments	11
2	INTRODUCTION	13
3	TERMINOLOGY AND CONCEPTS	14
3.1	ECRIS Software	14
3.2	Alias	14
3.3	Offence	14
3.4	Sanction	14
3.5	Conviction	15
3.6	Decision	15
3.7	Suspension, Postponement, Interruption	16
3.8	Revocation	17
3.9	Conversion and Alternative Sanction	17
3.10	Overall Sanction	18
3.11	Remission, Pardon, Amnesty	18
3.11.1	Remission	18
3.11.2	Pardon	18
3.11.3	Amnesty	19
3.12	End of Sanction	19
3.13	Rehabilitation	19
3.14	<u>Judicial Annulment</u>	20
3.15	Obligatory versus Mandatory Information	20
4	PRINCIPLES OF DATA EXCHANGES	21
4.1	Notifications	21
4.1.1	General Content of Notification Messages	21
4.1.2	Conviction Information	22
4.1.3	Notifying Subsequent Changes	22
4.1.4	Notifying the Formation of Overall Sanction	23
4.1.5	Notifying the End of the Retention Period	23
4.2	Storage for Retransmission	23
4.3	Translation of Information Exchanged	24
4.3.1	Standardised Information Elements	24
4.3.2	Nominal Identity Information	25

4.3.3	Requests	25
4.3.4	Notifications	25
4.4	Requests on Third Country Nationals	26
4.5	Copies of Convictions	26
5	INFORMATION EXCHANGE PROCESSES	27
5.1	Legend	27
5.1.1	Diagrams	27
5.1.2	Descriptions	28
5.2	Process: Notify Convictions and Subsequent Changes	29
5.2.1	Process Start	31
5.2.2	Function (1) – Send Notification Data to the Member State of the Convicted Person’s Nationality	31
5.2.3	Function (2) – Search Person	32
5.2.4	Function (3) – Check Specifics of Person Found	33
5.2.5	<u>Function (4) – Decide Whether to Process or Discard</u>	34
5.2.6	Function (5) – Store Notification Information for the Purpose of Later Retransmission ³⁴	
5.2.7	Function (6) – Inform Convicting Member State that Notification Information has been Correctly Received	35
5.2.8	Function (7) – Inform Convicting Member State that Notification Information Cannot be Stored for Retransmission	35
5.3	Process: Request Criminal Record Information	36
5.3.1	Process Start	39
5.3.2	Function (1) – Send Request to Other Member State’s Central Authority	39
5.3.3	Function (2) – Evaluate Purpose of Request	40
5.3.4	Function (3) – Send Request Denial to Requesting Member State	40
5.3.5	Function (4) – Send Deadline to Requesting Member State	41
5.3.6	Function (5) – Search Person	41
5.3.7	Function (6) – Send New Deadline to Requesting Member State	42
5.3.8	Function (7) – Check Specifics of Person Found	43
5.3.9	Function (8) – Inform Requesting Member State that Request cannot be answered ⁴⁴	
5.3.10	Function (9) – Collect Convictions of Person Found	44
5.3.11	Function (10) – Add Conviction Information to Response	45
5.3.12	Function (11) – Add Information that Person has no Convictions to Response	45
5.3.13	Function (12) – Check Whether Additional Convictions are Available from Other Member States ⁴⁵	
5.3.14	Function (13) – Add List of Other Member States to Response	46
5.3.15	Function (14) – Send Response to Requesting Member State	46
5.4	Sub-Process: Search Person	47
5.4.1	Process Start	48
5.4.2	Function (1) – Search Person	49
5.4.3	Function (2) – Search Criminal Records	50
5.4.4	Function (3) – Evaluate if Additional Information can be requested	50
5.4.5	Function (4) – Request Additional Identification Data	51
5.4.6	Function (5) – Search Additional Identification Information	51

5.4.7	Function (6) – Send Additional Identification Information	52
5.4.8	Function (7) – Send Negative Response	52
6	GENERAL RULES	53
6.1	Managing Deadlines	53
6.1.1	Requests	53
6.1.2	Notifications	54
6.2	Obligatory Data Elements	55
7	DOMAIN MODEL	56
7.1	General Information	56
7.1.1	Understanding the Domain Model	56
7.1.2	UML Class Diagrams	56
7.1.3	Recurring Information Elements and Property Types	57
7.1.4	Reference Tables	58
7.2	Messages	59
7.2.1	“Notification” Message	62
7.2.2	“Notification Problem” Message	62
7.2.3	“Notification Receipt” Message	63
7.2.4	“Request” Message	64
7.2.5	“Request Denial” Message	65
7.2.6	“Request Deadline” Message	65
7.2.7	“Request Problem” Message	66
7.2.8	“Request Response” Message	66
7.2.9	“Request Additional ID Info” Message	67
7.2.10	“Additional ID Info” Message	68
7.2.11	“Additional ID Info Unavailable” Message	69
7.3	Information Entities	69
7.3.1	Main Information Entities	69
7.3.2	“Contact Person” Entity	71
7.3.3	“Requesting Authority” Entity	72
7.3.4	“Person” Entity	72
7.3.5	“Place” Entity	75
7.3.6	“Address” Entity	75
7.3.7	“Identification Document” Entity	76
7.3.8	“Alias” Entity	77
7.3.9	“Conviction” Entity	78
7.3.10	“Decision” Entity	79
7.3.11	“Offence” Entity	81
7.3.12	“Sanction” Entity	82
7.3.13	“Suspension” Entity	85
7.3.14	“Interruption” Entity	86
7.3.15	Relations between Information Entities	87
8	NOTIFICATION EXAMPLES	88
8.1	Original Conviction	88

Business Analysis

8.1.1	Scenario	88
8.1.2	Notification Message	88
8.2	Revocation of Suspension	90
8.2.1	Scenario	90
8.2.2	Notification Message	90
8.3	Remission of Sanction	92
8.3.1	Scenario	92
8.3.2	Notification Message	92
8.4	Interruption/Postponement of Sanction	95
8.5	End of Sanction	95
8.6	Release on Parole	97
8.7	Conversion of Sanction	97
8.7.1	Scenario	97
8.7.2	Notification Message	98
8.8	Amnesty and Rehabilitation	99
8.8.1	Scenario	99
8.8.2	Notification Message	99
8.9	Pardon	100
8.10	End of Retention Period	100
8.11	Formation of Overall Sanction	101
8.11.1	Scenario	101
8.11.2	Notification Messages	101

1 DOCUMENT

1.1 Purpose

This document is a formal product of the *ECRIS Technical Specifications* project, for the European Commission – DG Justice and produced by the iLICONN Consortium.

The main purpose of this document is to provide a common understanding, from the **functional point of view**, of how the ECRIS data exchanges are to be performed between the Member States' central authorities as well as what information elements are to be exchanged in detail.

In terms of workflow, this document determines the *kinematics* of the computerised dialogues between the Member States' central authorities by exploring the various business cases, alternative courses and business exceptions that can occur. In terms of content, the "domain model" defines exactly the set of information to be exchanged, and more specifically the types of messages and the data elements to be contained within each such message.

This document assumes that the readers have a good and detailed knowledge and understanding of the following elements:

- ECRIS legal basis
- The "ECRIS Technical Specifications – Inception Report" document
- The provisions of the respective Member States' national legislations and practices regarding the registration of criminal record data inside the national criminal record registers

The target audience of this document are first the legal experts of the Member States' central authorities who need to validate the definitions of the flows and of the detailed concepts, and on a second level the IT experts who need to consider the feasibility of the described flows and the availability of the defined data elements.

1.2 Scope

This document provides all necessary information for reaching a common understanding of the business flows and data elements to be exchanged between the Member States' central authorities. In particular, this document contains:

- Diagrams depicting in details the workflows of the data exchanges between the central authorities of two Member States, from a business point of view, including all possible flows and alternative courses that may occur during these information exchanges.
- Detailed textual descriptions of the business flows illustrated by these diagrams.
- The detailed definition of all the messages to be supported by the ECRIS application.
- The detailed definition of each data element that must or can be transmitted within these messages, illustrated by concrete examples.
- The detailed definition of the common business rules that need to be applied to the messages and to the data elements so as to have a consistent data exchange system of sufficient quality.



Please note that for some of the data elements described further in this document, the analysis foresees predefined lists of values that are applicable. These are to be found in the supporting spread-sheet named "Common Reference Tables".

This document does not provide any other information than what has been stated above, and in particular it does not include:

- Technical considerations for the ECRIS data exchanges. In particular, the technical errors are purposefully left out of this document; indeed the descriptions of business flows assume that no technical errors occur during the data exchanges so as to focus only on the business flows.

The technical errors and the handling of technical failures are to be described in the later “Detailed Technical Specifications”.

- Considerations on the security of the data exchanges; this is handled in the “Security Analysis” document.
- While monitoring of the system and collection of statistics also have significant business value, these are left out of this analysis document since these topics are to be further elaborated in the specific “Logging, Monitoring and Statistics Analysis” document.

1.3 References

The following documents have been used as input for the elaboration of this document:

- [1] ECRIS Legal Basis – Council Framework Decision 2009/315/JHA
Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal records between Member States (OJ L 93/23 of 07.04.2009)
- [2] ECRIS Legal Basis – Council Decision 2009/316/JHA
Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European criminal records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93/33 of 07.04.09)
- [3] Network of Judicial Registers (NJR) – Functional Concept – version 1.3a (approved) of 13 March 2008
- [4] Network of Judicial Registers (NJR) – Functional Concept – version 1.4 (draft) of 23 November 2009
- [5] NJR WSDL and XML Files v1.4.2 of 21 January 2009 (final)
“CommonTables_and_XML_rel1-4-2_20090121.zip” files containing:
 - RegisterService-1.4.2.wsdl (version 1.4.2)
 - common.xsd (version 1.4 of 18 December 2008)
 - CommonTables-1.3.xsd (version 1.3)
 - CommonTables-1.4.2.xml (version 1.4.2)
 - error.xsd (version 1.4 of 02 November 2005)
 - information.xsd (version 1.4 of 02 November 2005)
 - notification.xsd (version 1.4 of 22 November 2005)
 - receipt.xsd (version 1.4 of 02 November 2005)
 - request.xsd (version 1.4 of 02 November 2005)
- [6] NJR WSDL and XML Files v1.5 (draft)
 - RegisterService-1.5.wsdl (draft version 1.5 of 11 August 2010)
 - common.xsd (draft version 1.5 of 10 June 2010)
 - CommonTables-1.5.xsd (draft version 1.5)
 - CommonTables-1.5.xml (draft version 1.5.0)
 - error.xsd (draft version 1.5 of 10 July 2010)
 - information.xsd (draft version 1.5 of 10 July 2010)
 - notification.xsd (draft version 1.5 of 10 July 2010)
 - receipt.xsd (draft version 1.5 of 10 July 2010)
 - request.xsd (draft version 1.5 of 10 July 2010)
- [7] Concrete examples of NJR “notifications”, “requests” and “information” messages provided by the following Member States: BE, FR, ES and UK.
- [8] ECRIS Technical Specifications – Inception Report v1.02 of 22 October 2010.

- [9] ECRIS Technical Specifications – Glossary v1.6 of 26 May 2011
- [10] ECRIS Technical Specifications – Common Reference Tables v0.19 of 07 June 2011

1.4 About this Document

1.4.1 Elaboration of this Document

This “Business Analysis” document has been drafted by the iLICONN staff based on the following input:

- The documents listed in the references above
- Information gathered during the preliminary on-site visits of the following Member States’ central authorities:
 - 19-Jul-2010 / 30-Jul-2010: Belgium – Service Public Fédéral Justice – Service Casier Judiciaire Central
 - 26-Jul-2010 : France – Ministère de la Justice – Casier Judiciaire National
 - 29-Jul-2010 : Germany – Bundesamt für Justiz – Bundeszentralregister
 - 05-Aug-2010 : United Kingdom – Association of Chief Police Officers (ACPO) – ACPO Criminal Records Office (ACRO)
 - 09-Aug-2010 : Spain – Ministerio de Justicia – Registro central de penados y rebeldes
- The answers provided by the following Member States’ central authorities to the questions defined in the “Inception Phase Questionnaire” document that has been sent out by the European Commission to all Member States’ contact points on the 04th of August 2010 (listed in alphabetical order):
 - Austria (AT), Belgium (BE), the Czech Republic (CZ), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (GR), Hungary (HU), Italy (IT), Lithuania (LT), Luxembourg (LU), the Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), the United Kingdom (UK)
- Direct contacts and meetings with various experts (various experts from the European Commission, experts from the contractor currently developing the *NJR Reference Implementation* software but also other experts that have been involved in various studies and similar projects in the field of justice and cooperation in criminal matters).
- Concrete examples of NJR “notifications”, “requests” and “information” messages provided by the following Member States: BE, FR, ES and UK.
- The discussions, conclusions and agreements that have been reached during the Expert Group Review meeting on 19 October 2010 and during the COPEN Working Group meeting on 20 October 2010.
- The 933 comments issued by the Member States and the European Commission on the previous version of this document until 08 October 2010.
- A new proposal regarding the content of notification messages and the usage of the domain model drafted by iLICONN and circulated to a limited number of Member States experts as basis for discussion (document “ECRIS Technical Specifications – Business Analysis Proposal” v0.2 of 29 November 2010). Conference calls with several Member States’ experts and direct e-mail contacts for discussing this new proposal between 15 and 26 November 2010.
- The discussions and agreements that have been reached during the Expert Group Review meeting on 01 December 2010 and COPEN Working Party meeting on 10 December 2010.
- The comments issued by the Member States and the European Commission on the previous version of this document.
- Conference calls held with experts from DE, ES, FR and PL between 7 and 9 February 2011 and direct e-mail contacts with several other Member States for discussing the aforementioned comments.

- The discussions and agreements that have been reached during the Expert Group Review meeting on 16 February 2011.
- The discussions and agreements that have been reached during the COPEN Working Party meetings on 9 March 2011 and on 19 May 2011.

1.4.2 Understanding this Document

This document comes with a "Glossary" document that provides definitions for the specific terms that are used throughout the *ECRIS Technical Specifications* project.

By convention, all words marked in *italic* in this document can be looked up in the "Glossary" document. The **bold font** are used for emphasising a specific term or part of a sentence. The underlines mark the text that has been added or modified since the last version while the ~~strike-through~~ marks the text that has been removed or replaced.

In case of doubts about the exact meaning of a term, please consult first the "Glossary".

Should you still have any doubts about the meaning of a specific sentence or paragraph, please do not hesitate to take direct contact with the following persons by telephone or via e-mail, at your best convenience:

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In addition, please note that in several places in this analysis document, open remarks are written.



The intention of such remarks are to draw the attention of the reader to specific points to be taken into account in this analysis document so as to make sure that the descriptions are well understood, as well as to highlight specific consequences or implications.

1.4.3 Providing Comments

As described in the "Inception Report" document, all major deliverables produced by the iLICONN Consortium are undergoing a "Review Cycle" during which all EU Member States experts are invited to provide comments.

Since the iLICONN staff needs to collect, compare and analyse the feedback from 27 Member States on the same document – thus potentially a large number of comments – it uses a tool that allows easily extracting the comments from MS Word documents.

Therefore, for commenting this document, please apply the following guidelines:

- All comments are to be written in plain English. Comments provided in other languages cannot, unfortunately, be taken into account.
- The comments must be specific to and must relate to the text (sentence and/or paragraph) being revised.
- Please use simple wording and be as specific, concise and clear as possible in order to avoid ambiguities.
- When referring to specific terms, acronyms, abbreviations that are common in your daily jargon but that are not defined in the *Glossary* document, please define them first.

- Write your comments directly in this MS Word document, by proceeding as follows:
 - First select a word, a part of a sentence or a paragraph (this can be done for example by double-clicking on a word or by dragging your mouse over parts of the text while keeping the left mouse-button pressed).

Attention:

Please note that a **minimum of 4 characters** must be selected in order for our commenting tool to grab the comment. Furthermore, comments on diagrams and embedded pictures are also not taken into account. In such cases, please select the caption text underneath the diagram or image.

- Once a word, part of a sentence or paragraph has been selected, insert an MS Word comment in which you can type your remarks.

An MS Word comment is typically displayed as a red balloon in the right margin of the document and usually starts with the abbreviation of your name and the timestamp at which the comment is being written. Depending on your version of MS Word, use the following steps for inserting a comment:

MS Word 2007 and MS Word 2010:

1. Select the text you would like to comment upon
2. Open the **Review** ribbon, select **New Comment** in the **Comments** section
3. In the balloon that appears in the right margin, type your comment
4. Click anywhere in the document to continue editing the document

MS Word 2003:

1. Select the text you would like to comment upon
2. From the **Insert** menu, select **Comment** (or click on the **New Comment** button on the **Reviewing** toolbar)
3. In the balloon that appears in the right margin, type your comment
4. Click anywhere in the document to continue editing the document

The text will have coloured lines surrounding it, and a dotted coloured line will connect it to the comment. To delete a comment, simply right click on the balloon and select **Delete Comment**.

- Please do not use the MS Word "track changes" tool and do not write your comments as plain text in the MS Word file.
- In case that you want to provide general comments or remarks that are not specific to a part of the text of this document, please provide them into a separate document and/or e-mail.

In case that you need to translate this document to another language, and then translate back your comments to English, please make sure that your comments are provided in the form described above and that they have not been altered or moved to another section of the text during the translation process.



In addition, and because the common reference values are put in a separate spreadsheet, please include comments on the reference values **in this business analysis document**, on the relevant description of the data element being concerned.

Comments or changes performed directly in the supporting spread-sheet "Common Reference Tables" can unfortunately **not** be taken into account.

2 INTRODUCTION

This “Business Analysis” document aims at setting a common understanding between all the stakeholders regarding the exchanges that are to be performed with the ECRIS software between Member States’ central authorities regarding information on criminal records.

At first, it is important to clarify the terminology used throughout this document but also in the ECRIS data exchanges since the Member States have different legislations with often similar mechanisms but using different names. It is also to be noted that some of the legal mechanisms described are not necessarily defined and used in all Member States. Once the terminology is set, the main concepts and principles relating specifically to the exchange of criminal record information are to be outlined so as to ensure a proper understanding of the more detailed concerns. Then the document describes the information exchange process between two central authorities and details the content of the messages to be transmitted back and forth during the automated dialogues.

It is to be noted that while this analysis must comply with the ECRIS legal instruments, it also needs to set a minimum of operational rules so as to ensure the proper functioning of ECRIS due to its nature of being an electronic and (partly) automated information technology system. This may thus result in the analysis being partially more constraining than the ECRIS legal instruments, such as for example by defining a minimum set of mandatory information for sending requests to a central authority. These additional constraints are not to be considered as new legal obligations to the Member States but rather as necessary functional and operational constraints to be respected when implementing the ECRIS software so as to achieve proper interoperability.

Please note also that this analysis aims at remaining on a functional, business and legal level rather than on an IT-technical level. The information exchange processes and the information elements to be transmitted are described from this perspective only, leaving out IT-technical considerations on purpose. In particular, the domain model is establishing logical groups of information, logical and functional rules as well as logical relations. These elements may well be implemented technically with a different structure than what is described in this document, especially when designing the XML schemas and XML messages, as long as the rules and concepts defined in this document are strictly respected.

3 TERMINOLOGY AND CONCEPTS

The following chapters aim at defining a common terminology and common concepts to be used by all stakeholders in the context of the ECRIS data exchanges.

3.1 ECRIS Software

This analysis distinguishes the terminology used between ECRIS and the ECRIS software. Indeed, "ECRIS" is understood as being the overall system as defined in the legal instruments. It refers to the central authorities of the Member States (including their staff and infrastructure that actively participate in the data exchanges), the obligations defined in the legal instruments, the common definitions defined therein, etc. The term "ECRIS software" or "ECRIS application" is used throughout this document and refers specifically to the software tool that performs the electronic data exchanges between two central authorities. As such it refers to both the national implementations and to the *ECRIS Reference Implementation*.

3.2 Alias

In the context of this analysis, the "alias" may refer to a full nominal identity that may be completely different from the primary nominal identity under which a convict has been registered, including differing fore- and surnames, differing sex, differing parent's names, differing birth date and location, differing addresses, etc.

Indeed, this concept goes beyond the simple usage of a pseudonym. In particular it covers exceptional but real cases of persons using multiple identities during their life, such as for example a person changing gender or a person using multiple and completely different identity documents.

Please note that providing a completely different nominal identity as an alias in addition to the primary identification information already contained in a notification or in a request can on one hand increase the probability of finding the person. However on the other hand it also increases the risk that both the primary identification information and the alias correspond to two distinct persons. As described later in the business processes, if this situation occurs, it is the responsibility of the Member State that performs the search to decide whether to use only the primary identification information or to conclude that multiple matches have been found and thus that there is a doubt about which person is being referred to in the message and act accordingly.

3.3 Offence

As also defined in the "Glossary" document:

"Offence" is understood in the context of ECRIS as a violation or breach of the penal law. An offence can range from a simple misdemeanour (e.g. a traffic violation) to a felony (e.g. capital murder).

3.4 Sanction

"Sanction" is understood as a punishment that can either be a penalty or other means of enforcement used to provide incentives for obedience with the law, or with rules and regulations.

Please note that the term "sanction" is the generic term that groups both penalties and measures listed in Annex B of the Council Decision 2009/316/JHA. As such, the parameters "Ø – Penalty" and "m – Measure" that are defined in the parameters table in Annex B of this same Council Decision are simply qualifying the type of the "sanction".

Please note also that the parameter “s – Penalty or measure specific to minors” defined in Annex B of the Council Decision 2009/316/JHA provides additionally the information whether the sanction is specific to juvenile persons or not.

The term “disqualifications arising from the conviction” is used in the Council Framework Decision 2009/315/JHA and is referred to in article 11 as optional information that shall be transmitted by the central authorities of the Member States if available. These “disqualifications” are understood as being various forms of deprivation of rights or privileges of the convicted person. The most common disqualifications are already identified as sanctions and are covered by the categories that are defined in Annex B of the Council Decision 2009/316/JHA, more specifically in categories such as “2000 – Restriction of Personal Freedom”, “3000 - Prohibition of a specific right or capacity”, etc. and their subcategories. Such “disqualifications” are understood as being specific subsets of sanctions.

3.5 Conviction

According to the Council Framework Decision 2009/315/JHA:

“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 criminal record of the convicting Member State.”

The term “conviction” in this analysis is slightly generalised and understood as any final decision by a **competent authority** that a natural person is guilty **of one or more offences** and for which appropriate **sanctions** are declared, to the extent that these decisions are entered in the criminal record of the convicting Member State.

Indeed, this analysis considers also non-criminal rulings and considers also cases where several offences are being grouped during a single judgment and for which multiple sanctions may be declared. This document also leaves out on purpose any such convictions that are not entered in the criminal records register since these are not part of the ECRIS business.

This generalisation is necessary for the sake of understanding the domain model defined later in this document. In particular, please keep in mind that the ECRIS legal instruments also allows Member States to provide, in replies to requests, information on non-criminal rulings which in nature are not decided by criminal courts (see Council Decision 2009/316/JHA, Annex B, sanction parameter “t”).

As defined above, a conviction thus carries in essence information about the deciding authority, the person being convicted, one or more offences that have been committed, and one or more sanctions to be executed.

3.6 Decision

The term “decision” is more general than the conviction defined above. It is understood as **any final decision** from a **competent authority**, to the extent that these are recorded in the criminal records register of the convicting Member State and that are thus subject to be transmitted between the Member State’s central authorities through ECRIS. These include obviously the convictions defined above but also all subsequent alterations or deletions of information contained in the criminal record.

The term “decision” thus also groups subsequent changes to the original conviction, such as the interruption of the execution of the sanction, the replacement of a sanction by another one, the revocation of a suspension, the formation of an overall penalty, the end of execution of the sanction, etc.

It is to be noted that not all such subsequent alterations and deletions are necessarily formally and explicitly declared by a competent authority in all Member States. As an example, in many Member States the removal of convictions from the criminal record of a person is regulated by the penal laws through the definition of retention periods which are automatically applied, without requiring for each case a specific decision. For the sake of simplicity however, these

automatic mechanisms are also included when using the term “decision” in this analysis document.

3.7 Suspension, Postponement, Interruption

The general notion of “suspension” applies to sanctions and refers actually to different situations which need to be more specifically identified:

- When pronounced **before** the execution of the sanction, it can refer to the fact that all or part of the execution of the sanction is not being enforced under certain conditions fulfilled by the convicted person, such as that the convicted person behaves correctly during a certain period of time, the fact that the person has never been convicted before, mitigating circumstances of the offence, etc. (such conditions are specific and depend on the national legislations of the Member States).

As an example, if a person is convicted to an imprisonment of 1 year with 3 months of suspension, it means that in practice the convicted person will be deprived of freedom during 9 months at the most as long as the conditions are met. However, if later the same person is caught performing again the same or a similar offence after the complete execution of the first sanction, the convicting authority may decide that the 3 months of suspension declared in the first conviction are now to be executed, in addition to the new sanctions that are declared in the new conviction.

Please note also that it is possible to use this mechanism of not enforcing the execution of the sanction either partially or completely. Please note also that this suspension is not necessarily pronounced at the same time than the original conviction but maybe decided later.

In this analysis, this specific situation is referred to when using the term “suspension”. It is also referred to in the following parameters of Annex B of the Council Decision 2009/316/JHA:

- “a – Suspended penalty/measure”
- “b – Partially suspended penalty/measure”
- “c – Suspended penalty/measure with probation/supervision”
- “d – Partially suspended penalty/measure with probation/supervision”

Additionally, the notion of “probation/supervision” that is used in these parameters refers to the fact that specific terms ruling such suspensions have been declared by the court and require that the convicted person reports regularly to an appointed probation officer, performs public service work, pays an additional fine, undergoes a form of therapy or is subject to any other form of restraining obligations or prohibitions for a determined period of time. When the probation/supervision is not explicitly mentioned, it is assumed that the suspension is valid as long as the convicted person maintains good behaviour.

Please note also in this context that the suspension period pronounced may be longer than the total duration of the sanction (example: a person has been sanctioned to 1 year of prison with 10 years of suspension). In this case, the execution of the whole sanction is not being enforced but if the convict does not behave in accordance with the specific terms on which the suspension has been declared during this extended suspension period, then the execution of the sanction is enforced.

Please note that probation is not the same as “parole,” which means freedom given under certain restrictions to convicts at the end of their imprisonment.

- When pronounced **before** the execution of the sanction, it can also refer to the fact that the execution of the sanction is **postponed in time** due to special circumstances, but **without avoidance** of part or all of the execution of the sanction.

In this analysis, this specific situation is referred to when using the term “postponement”.

It is also referred to in the parameter “j – Interruption of enforcement/postponement of the penalty/measure” defined in Annex B of the Council Decision 2009/316/JHA.

- When pronounced **during the execution** of a sanction, it refers to the fact that the execution is stopped **temporarily**, due to special circumstances affecting the convicting person such as

the person's medical condition, special professional or family reasons, etc. This does not lead to the avoidance of the execution of the sanction.

In this analysis, this second situation is referred to when using the term "interruption".

It is also referred to in the parameter "j – Interruption of enforcement/postponement of the penalty/measure" defined in Annex B of the Council Decision 2009/316/JHA.

3.8 Revocation

The "revocation" is the decision to cancel a suspension and thus to enforce the execution of the part of the sanction that was previously declared in the conviction but for which the execution was not enforced. According to the definition above of the suspension and of the probation and supervision, revocation typically occurs when:

- The specific terms of the suspension are not met by the convicted person **during probation/supervision period**, such as for example that the person did not report regularly to the probation officer or that one or more of the secondary obligations and prohibitions were not respected by the convicted person.
- The convicted person performed the same or a similar offence before or after the (partial) execution of the sanction. In this case, the same person is convicted again and the court may decide that the person must execute the part of the previous sanctions that were suspended in addition to the new sanctions that are pronounced as punishment for the new offences.

The notion of revocation is also referred to in the parameter "h – Revocation of suspended penalty/measure" defined in Annex B of the Council Decision 2009/316/JHA.



Please note that this analysis does not consider cases where a suspension would be only partially revoked.

3.9 Conversion and Alternative Sanction

This section refers to various mechanisms that can be applied in the Member States for replacing a sanction by another one.

The term "conversion" refers to the replacement of a sanction by another sanction being decided by a competent authority **after** the initial conviction took place. It can possibly occur during the execution of the initial sanction for any special circumstance affecting the convicting person such as the person's medical condition, special professional, family reasons, etc.

The term "alternative sanction" rather applies to the initial conviction in which right away the convicting court decides to pronounce a sanction that is not the usual sanction foreseen for the offences that have been committed by the convicted person. Two situations can be distinguished:

- Due to special circumstances, an "unusual" sanction is declared as principal sanction and is to be executed by the convicted person. This covers cases such as that the convicted person would normally, according to the applicable national legal provisions, have to pay a high fine for the offence committed but the court decides to replace the payment by imprisonment because it is known that the person does not have sufficient financial resources.

This is referred to by the parameter "f – Alternative penalty/measure imposed as principal penalty" defined in Annex B of the Council Decision 2009/316/JHA.

- A court may also pronounce in the conviction a sanction but already foresee another sanction to be executed only in the case that the person does not execute the primary sanction. As an example, a person is convicted to pay a fine as primary sanction but the court already indicates that if the fine is not paid by a specific deadline, the convicted person will go to jail instead.

This is referred to by the parameter “g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty” defined in Annex B of the Council Decision 2009/316/JHA.

3.10 Overall Sanction

Another possible way of converting sanctions is the “formation of an overall sanction”, which is referred to by the parameter “i – Subsequent formation of an overall penalty” defined in Annex B of the Council Decision 2009/316/JHA.

This corresponds to cases where a person has been convicted and must execute several sanctions as result of these convictions. A competent authority within some Member States may issue a decision that replaces the individual sanctions by a single sanction.

Please note that in practice, this occurs mainly when a person has been convicted multiple times for the same or similar offences and at some point the court decides to group all past sanctions into a single one. However in theory this decision of forming an overall sanction could also happen for replacing multiple sanctions that have been declared within a single conviction or for similar sanctions that have been pronounced for different types of offences.

3.11 Remission, Pardon, Amnesty

3.11.1 Remission

The “remission” of a sanction relates to a form of forgiveness and is understood as a decision issued by a **competent authority** that diminishes the sanction that was initially foreseen in the conviction.

This remission can be partial, for example reducing the amount of a fine to be paid, reducing the duration of deprivation of freedom or the duration of a specific obligation or prohibition. It can also be complete and thus lead to avoidance of execution of the whole sanction. In the latter case, the remission of the sanction may also additionally lead to the removal of the conviction from the person’s criminal record, depending on the provisions of the national legislations and on the specifics of the decision itself. These cases are referred to by the parameter “k – Remission of the penalty” defined in Annex B of the Council Decision 2009/316/JHA.

Such partial or complete forgiveness can also occur in the case of suspended sanctions, either by reducing the part of the sanction for which the execution is enforced, or actually by increasing the part of the sanction that is being suspended. Such cases are referred to by the parameter “l – Remission of the suspended penalty” defined in Annex B of the Council Decision 2009/316/JHA.

If the remission is decided while the convicted person is executing the sanction, it may also lead to the immediate end of the execution.



Please note that while this analysis covers the mechanism of remission which may have as a result the diminishing of the sanction, it does not explicitly cover mechanisms that actually increase sanctions. If such cases occur, it is assumed that the initial sanction is replaced by a new, more severe sanction using the “conversion” principle defined earlier.

3.11.2 Pardon

The notion of “pardon” also refers to a form of forgiveness and has identical consequences than the remission described earlier. In particular, it can also be partial or relate to the complete sanction or conviction; it may as well lead to the end of execution of the sanction depending on when it is decided and may lead to the removal of the conviction from the person’s criminal records. These possibilities and outcomes again depend on the specifics of the national legislations and of the decision itself. The main difference however is that pardon is not declared by a competent judicial or administrative authority but is granted by the **Head of the State**, on

a case by case basis. This case is referred to by the parameter “o – Pardon” defined in Annex B of the Council Decision 2009/316/JHA.

3.11.3 Amnesty

As for pardon, “amnesty” is also not declared by a competent judicial or administrative authority but is granted through a **legislative act**. However amnesty does not imply forgiveness but rather annuls the illicit nature of an offence under certain conditions, indicating a reason to overlook or forget such offences. As a consequence, it affects thus a **whole group of convicted persons** and not a specific case. This case is referred to by the parameter “p – Amnesty” defined in Annex B of the Council Decision 2009/316/JHA.

As for remission and pardon, it may as well lead to the end of execution of the sanction depending on when it is decided and may lead to the removal of the conviction from the person’s criminal records. However, in nature, amnesty cannot affect a sanction only partially. It completely annuls it if this sanction relates to the offence that is being cancelled.

3.12 End of Sanction

The end of sanction marks the moment when the sanction is deemed completed and is referred to by the parameter “n – End of penalty” defined in Annex B of the Council Decision 2009/316/JHA.

This termination of the sanction may occur as a result of various events such as:

- The complete execution of the sanction or of the parts of the sanction for which the execution was enforced in case of a suspended penalty/measure; this may be for example the end of imprisonment of the convicted person, the full payment of a fine, the public service work has been performed, the convicted person has successfully undergone a therapy, the end date of the period during which an obligation or prohibition has been reached, etc.
- The early ending of the execution of the sanction as a result of remission of the sanction, pardon, amnesty or release on parole.

The notion of “release on parole” refers to the liberation of a convicted person before the expiration of the term of imprisonment, under specific conditions. It is referred to by the parameter “q – Release on parole” defined in Annex B of the Council Decision 2009/316/JHA. It is decided during the execution of the sanction, based usually on the behaviour of the convicted person.

3.13 Rehabilitation

The “rehabilitation” refers to the complete discharge for the person convicted of the effects of a past conviction. It is referred to by the parameter “r – Rehabilitation” defined in Annex B of the Council Decision 2009/316/JHA. In most countries it sets back the convicted person in the same legal state as if the conviction had never occurred. Please note however that this may not be case in some Member States where specific judicial or law enforcement authorities **can** still have access to convictions that were pronounced in the same Member State and that were rehabilitated.

Also, depending on the national legal provisions and on the type of offence and sanction, the rehabilitation can occur automatically after a predetermined period of time, also known as “retention” period. The rehabilitation can also be decided explicitly by a competent authority, on a case by case basis and upon request by the formerly convicted person before the end of the retention period.

Depending on the Member States, the rehabilitation **can** have as result the deletion of the conviction from the person’s criminal record. Independently of this deletion from the person’s criminal record, when the rehabilitation is pronounced in the convicting Member State and once it has been notified to the Member State of nationality, the Member State of nationality may no longer retransmit this conviction to other Member States.

3.14 Judicial Annulment

The “judicial annulment” refers to the discharge of a convicted person from the effects of a conviction that has been previously sentenced and possibly already inscribed in the criminal records register. Such annulment usually occurs at the initiative of the convicted person which, in a specific timeframe and based on specific conditions foreseen by the national legislation, applies for a procedure for vacating the judgement and obtains a relief from the conviction from a competent judicial authority. As a consequence, the initial conviction is annulled and it sets back the convicted person in the same legal state as if the conviction had never occurred.

Depending on the Member States, this can be the result for example of a default judgement being annulled on explicit request of the convicted person, a judgment being annulled by a supreme court, a judgment being annulled as a consequence of new evidence, etc.

Depending on the Member States, this judicial annulment can have as result the deletion of the conviction from the person’s criminal record. Independently of this deletion from the person’s criminal record, when the legal annulment is pronounced in the convicting Member State and once it has been notified to the Member State of nationality, the Member State of nationality may no longer retransmit this conviction to other Member States.

3.15 Obligatory versus Mandatory Information

Article 11 of the Council Framework Decision 2009/315/JHA defines explicitly a set of information elements that are “obligatory”, meaning that these information elements **must always** be transmitted in notifications, unless, in individual cases, such information is not known to the central authority of the convicting Member State.

In addition to the legal obligation, there is however also a need to define in this analysis information elements that must always be provided in order to fulfil technical and operational necessities.

The words “obligatory” and “mandatory” are synonyms from a purely linguistic point of view, but they are redefined for the specific needs of this analysis document as follows:

- **“Obligatory”** means that the Member States have a **legal obligation** to provide the information unless not available in individual. As defined above, this applies only to a specific and well-defined set of information elements transmitted in notifications.
- **“Mandatory”** means that there is an **operational necessity** to provide the information and that a value must be provided from a technical stand-point, **but this does not imply a legal obligation or duty**.

Please note that in any case, this analysis foresees that dummy values can be used for all mandatory fields so as to indicate that the information is unknown.

4 PRINCIPLES OF DATA EXCHANGES

4.1 Notifications

As defined in article 4 of the Council Framework Decision 2009/315/JHA, the convicting Member State must inform the central authority of the Member State of the convicted person's nationality of the convictions that have been handed down within its territory against this person, as well as of any subsequent alterations or removal of information affecting the information on these convictions.

In order to perform this task from an operational point of view, and since ECRIS is to be viewed as an automated messaging system, "notification" messages are to be used in order to convey such information from the central authority of the convicting Member State to the central authority of the Member State of nationality.

4.1.1 General Content of Notification Messages

In order to ease the process of the Member State of nationality, the notification message needs to **provide all information** that is **relevant to the event** being notified. This implies also that in the case of subsequent notifications informing the Member State of the person's nationality of subsequent alterations or deletions of information relating to the same conviction, it is assumed that all available information relating to this conviction is sent again in each notification message, together with the information relating to the latest change.

It is **not** the aim of such notification messages to each time carry the **whole history** of a convicted person. In particular, if the person has been convicted multiple times, not all convictions contained in the national register are notified each time. Only the information on the conviction that relates to the change being notified is included in the notification message.

This approach follows closely the "snapshot" approach that was already agreed upon in the NJR pilot project. The main advantages are:

- The latest notification message simply replaces the previous ones that were relating to the same conviction, since it provides the most up-to-date situation.
- The receiver of the notification does not need to first find back and collect the previous notifications sent by the same convicting Member State for recomposing the information. Indeed, each time the notification message carries complete and coherent information as extracted from the criminal records register of the convicting Member State.
- Technical implementation considerations such as versioning, changes of message structure over time, etc. are not adding complexity since the latest notification replaces the previous ones.
- Errors can easily be corrected by sending a new notification message, since it contains again all up-to-date information and simply replaces the previous ones.

More concretely, this is the expected behaviour in ECRIS:

- When a person of nationality "A" is convicted in Member State "B", when this conviction is entered in the criminal records register, then Member State "B" sends a notification message to the central authority of Member State "A" containing the information on this new conviction. In particular, if older convictions exist in the register for the same person, these are **not** included in the notification message.
- When a change occurs in the register of the convicting Member State "B" to the conviction information of the person of nationality "A", then "B" sends a notification message to "A" which contains (1) the information relating to the conviction being affected, (2) the result of the previous changes that have already affected this same conviction earlier as well as (3) information relating to the latest change itself. Here again, if other convictions exist in the register for the same person, these are **not** included in the notification message.

In practice, this means that a notification message contains the most up-to-date information about **one** conviction, including the results of all the subsequent alterations and deletions of information that have occurred previously.

4.1.2 Conviction Information

As explained above, a notification message contains always information on **one single** conviction. However the level of granularity of the information available about this conviction can differ between Member States and can evolve in time.

The domain model in this analysis document offers thus the possibility to provide in a notification message the "history" of the respective conviction, meaning the original conviction information as well as all the subsequent changes applied to it. To this end, a "Decision" entity is defined which is used for providing information on the decision in the original conviction but also in the subsequent changes affecting the conviction. In order to provide the "history" of a conviction, several instances of the "Decision" information entities can be piled up in a notification message. This "Decision" entity may therefore also provide information on a sanction that replaces one or more sanctions previously indicated in the conviction. This domain model also allows Member States to not send the complete history of a conviction but to simply transmit the current state of the conviction, after changes have been pronounced and applied. In this case, only one block of conviction and decision related information is provided in the notification message, which represents the current state of the conviction.

There is no ambiguity about which set of information provides the current state of the conviction. Indeed, in the case where a Member State does not include the history, then the conviction information provided is to be considered as representing the current state. In the case that a Member State does provide the history of the conviction, it must also clearly mark which "sanction" information is actually replacing one or more previous "sanction" information entities in the notification message. In this way, the current state is retrieved from the message by discarding the sanctions that have been replaced by more up-to-date sanction information.

Please note that it is **not** the aim of this approach to force the national registers to keep the history of all decisions relating to convictions. It is not implied that the national registers must keep the original conviction information unmodified and store all changes that occur in time next to it, in separate technical records. The approach outlined in this section should rather be followed **to the best capabilities of each national register**. As a concrete example, if a change occurs in a national register that modifies the duration of a sanction, it is not implied that the convicting Member State must send the original duration of the sanction and the new duration of the sanction. The convicting Member State must send the latest applicable information, meaning in this case the new duration of the sanction, together with the remaining information on the convicted person and on the conviction itself. It can send the duration of the sanction that was originally pronounced if it still has the information in its national register, but this is only an option.

Please note that the same domain model is also used for requests. While a response to a request can contain any number of convictions, this allows for each conviction to provide the history of all subsequent changes that have been applied since the original conviction was declared by piling up instances of the "Decision" information entity in the message.

4.1.3 Notifying Subsequent Changes

A notification message can provide information on a new conviction but also information on a change that is applied on a conviction that has already been notified to the Member State of the nationality.

In order to facilitate the processing of such notifications that update previously transmitted convictions, a technical identifier is introduced for uniquely identifying a conviction. This identifier is unique per Member State. When a notification message then provides an update of a conviction previously notified, this unique identifier is used within the notification message for referring to the conviction that is actually being modified.

Considering the fact that an update may occur on convictions that have been notified to the Member State of nationality before ECRIS or even before the NJR pilot project, the notification message can relate to a previously notified conviction by using one of the following:

- for convictions that have already been notified using ECRIS: the unique ECRIS technical identifier of the conviction
- for convictions that have been notified using NJR: the unique NJR identifier of the conviction (called "decision id")
- for convictions that have been notified by other means of communication: the code and name of the convicting authority, the file number of the conviction and the final date of the conviction

4.1.4 Notifying the Formation of Overall Sanction

According to the previous definition of the formation of an overall sanction, this specific change is grouping multiple sanctions and replacing them by a single sanction, relating thus possibly to several convictions. In order not to complicate the implementation of the ECRIS software, the multiple convictions are not to be grouped into a single notification message but instead several distinct notification messages are to be sent:

- Firstly, a notification message on this new conviction is sent (with or without offences) indicating the formation of the overall sanction. This notification message indicates that this conviction affects other convictions previously notified by referring to them as explained previously, either using a unique technical identifier for convictions notified in NJR or ECRIS or the main decision information for other convictions.
- Then, each conviction being referred to by the formation of the overall sanction is also notified by sending one separate notification message for each such conviction. These notification messages indicate clearly for each such conviction which sanctions are being replaced by the overall one, if applicable. This is necessary so as to make sure that the Member State of nationality has the up-to-date information of each conviction, also in the case where such older convictions were not previously notified or registered. Please note that, depending on the provisions of the national legislation, the initial convictions to which the formation of an overall sanction is referring are not necessarily modified from a legal standpoint. In any case, the information on these initial convictions must still be transmitted through separate notification messages so as to make sure that the receiving Member State has the complete information.

Please note that this approach also covers situations where the convictions modified by the formation of the overall sanction are not necessarily all modified at the same time in the national criminal records registers.

4.1.5 Notifying the End of the Retention Period

As an option, when the end of the retention period has arrived for a given conviction, it is proposed that the convicting Member State sends a notification message to the Member State of nationality for informing it of this event. To this end, a new parameter "erp – End of retention period" is defined in this analysis. In addition, this notification message informing of the end of the retention period can optionally indicate whether the particular conviction should be deleted from the criminal records register or not.

4.2 Storage for Retransmission

The Council Framework Decision 2009/315/JHA, articles 5, 7(1)b and 11, define in detail the obligation of the Member States to store information notified by the convicting Member States on convictions, subsequent alterations and deletions, for the purpose of retransmitting this same information when responding to requests.

Please note however that the legal instruments do not impose to the Member States where and how such information is to be stored. Therefore this analysis does **not** make the assumption that

the information contained in notifications received by the Member State of the person's nationality is necessarily to be stored into the national criminal records register of that State. Any Member State could very well decide to store this information elsewhere, depending on the information received, due to national legal and/or technical constraints. Member States could for example decide that specific types of convictions, such as convictions relating to minors, convictions relating to non-criminal rulings, convictions relating to parking fines, etc. are to be stored outside of the national register and only for the purpose of retransmission to other Member States while not using it on the national level.

This implies also that Member States having decided to store part of the conviction information outside of their national register also need to look up information on convictions in several places when responding to requests from other Member States, so as to make sure that the responses are complete and in particular include the convictions received from other Member States and that are to be retransmitted according to the provisions of the legal instruments.

According to the explanation above, the business processes that are depicted later in this analysis are therefore **logically separating** the storage of notifications from the registration of information in the national register.

4.3 Translation of Information Exchanged

According to the Council Framework Decision 2009/315/JHA, article 10, requests are to be sent in one of the official languages of the requested Member State. The requested Member State may reply either in one of its official languages or in any other language accepted by both Member States. Furthermore, according to the Council Framework Decision 2009/315/JHA, recital 17, notifications containing the information on convictions are to be transmitted in the official language or one of the official languages of the convicting Member State.

From an operational point of view, this implies the following:

- A request needs to be translated by the requesting Member State before sending it to the requested Member State.
- Notifications received from the convicting Member State in a language that is not one of the official languages of the Member State of nationality may need to be translated by the latter before its central authority can actually use it on the national level, such as for example before registering the information in the national criminal records register.
- A response to a request can be constituted of convictions extracted from the national criminal records register (thus available in one of the official languages of the requested Member State) but also of convictions that have been received through notifications by other Member States (thus in different languages). At the latest when answering to a request with such convictions, the requested Member State may need to translate the information contained in foreign notifications first to one of its official languages before actually sending the response to the requester.

While the translation of requests and notifications remain the responsibility of the Member States, this analysis aims at facilitating and reducing the need for translation through the principles described in the following sections.

4.3.1 Standardised Information Elements

Whenever possible, this analysis defines standardised, codified and structured formats for the information elements defined in the domain model. Technically speaking, the standardised elements are to be transmitted using technical codes that can then automatically be processed by the software of the receiving Member State and automatically transcoded into a form that is natively understood by this Member State, thus avoiding the need for translation or transliteration.

This applies to information elements such as:

- All information elements carrying dates and times

- All information elements carrying numbers
- All information elements carrying a yes/no information (i.e. Boolean information elements)
- All information elements that allow defining pre-determined lists of possible values. The lists of predefined values which are common to all Member States are provided in the common reference tables (please refer to the domain model for further details).

4.3.2 Nominal Identity Information

Requests, responses to requests and notifications can carry personal identification information.

The nominal identity information can contain the following information elements: fore- and surnames of the person, former names of the person, names of the parents of the person, birth date and place, sex, nationalities, identity number, identification document information, addresses, aliases, fingerprints and other remarks.

All person names and parts of addresses that cannot be standardised (such as street names and non-standardised towns and places) are to be transmitted as known to the **sending** Member State, using its alphabet and character set.

In order to fulfil however the obligation defined by article 10 of the Council Framework Decision 2009/315/JHA, for requests, these information elements are to be sent in two versions: in the alphabet and character set of the requesting Member State and additionally transliterated into the alphabet and character set of the requested Member State. It is recommended to fully automate this transliteration if possible so as to diminish the manual workload of the Member States' central authorities.

4.3.3 Requests

The request message is constituted of the following elements:

- Information on the requesting authority
- Identification information of the person for which convictions are to be extracted from the criminal records register, if any
- The purpose of the request
- Additional information such as the case number, the consent of the person referred to in the request, the urgency of the request, miscellaneous remarks.

The main elements used by the requested Member State in order to process the request are the identification information and the purpose of the request. In addition to the principle described above for the nominal identity information, this analysis foresees the standardisation of the purposes of requests, using a common reference table. Other information elements such as the case number, the consent of the person or the urgency of the request are standardised.

At the exception of the information on the requesting authority and of additional remarks, the main information elements of the request message are thus made available in a form that does not require additional translation or transliteration by the requested Member State.

4.3.4 Notifications

The notification messages can contain, in addition to the personal identification data, a substantial amount of information on convictions. While most of the information elements are standardised and codified in the domain model (e.g. common offence and sanction codes, dates, durations, offence and sanction parameters, etc.), several information elements remain as free text information elements that need to be translated at some point in time in order to be used.

It remains the responsibility of the Member State of nationality to translate the convictions received, more specifically the parts that have not been transcoded by the ECRIS software automatically, but it may do so at any time that is deemed most suitable and at the latest before sending these convictions in a response to requests.

4.4 Requests on Third Country Nationals

As defined in article 6(4) of the Council Framework Decision 2009/315/JHA, the requests are not limited to persons being nationals of one of the EU Member States. Indeed, this article also includes the possibility for a Member State to issue requests relating to a third country national or to a stateless person to another Member State.

As a consequence, this analysis does not limit the information exchange processes or the domain model definitions to EU nationals. In particular, the process "Request Criminal Record Information" defined later in this document is not limited in any way by the person's nationality and applies also to requests relating to third country nationals and stateless persons. Also, the common reference table listing the pre-defined values for countries includes all known countries and a special value that can be used for stateless persons.

However, it is assumed that the requesting authorities of Member States will only issue such requests towards other Member States in the case that they can **reasonably expect** the requested Member State to have information on the given person.

4.5 Copies of Convictions

Article 4(4) of the Council Framework Decision foresees the possibility to provide copies of the original convictions in **individual cases**.

It is assumed in this analysis that the Member States request and receive such copies through other means of communication such as fax, e-mail, post, etc. rather than using the ECRIS software. Member States which need to systematically ask for copies of convictions may directly contact the judicial authorities of the convicting Member State without passing through the central authority of the convicting Member State, in accordance with article 6(8)(b) of Council Act 197/1.

Indeed, in many cases the central authority of the convicting Member State does not possess the copy of the original conviction. It would thus require significant changes on the national level in order for the central authorities to (1) get systematic access of the copies of the original convictions and (2) systematically keep a digital copy of the original convictions.

5 INFORMATION EXCHANGE PROCESSES

This chapter describes, from a business perspective (and not from a technical point of view) the exchanges workflows of criminal records information between Member States, as described in the Council Framework Decision 2009/315/JHA and in the Council Decision 2009/316/JHA defining ECRIS.

As depicted in the following diagrams, ECRIS aims at supporting in a structured and formalised manner, fully or partially, **some** of the stages of the criminal record information exchange processes between the Member States.


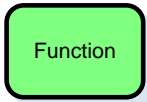

For the sake of coherence and completion, and in order to ensure that the information exchanges are perceived and understood in the same manner by all the stakeholders, the workflows being depicted also include steps that are not necessarily automated, thus including also stages which are not necessarily supported by the ECRIS software. This is indeed necessary in order to place the automated computerised parts of these exchanges of information into their context.

The workflows however focus on the information exchange between the central authorities of the Member States and do not provide descriptions of the internal workings and of the internal processing of the conviction information being exchanged.

5.1 Legend

5.1.1 Diagrams

The information exchanges workflows are depicted using the **Event-driven Process Chain** (EPC) formalism for describing business processes. This formalism has been chosen for its simplicity and does not require any specific background knowledge for being understood. The following legend applies to all the subsequent diagrams and should allow for an easy reading and understanding of the represented business processes:

SYMBOL	NAME	DESCRIPTION
	Event	Events are passive elements in EPC. They describe under what circumstances a function or a process works or which state a function or a process results in. Examples of events are "requirement captured", "material on stock", etc. In the EPC graph an event is represented as hexagon. In general, an EPC diagram must start with an event and end with an event.
	Function	Functions are active elements in EPC. They model the tasks or activities within the company/organisation. Functions describe transformations from an initial state to a resulting state. In case different resulting states can occur, the selection of the respective resulting state can be modelled explicitly as a decision function using logical connectors. Functions can be refined into another EPC. In this case it is called hierarchical function. Examples of functions are "capture requirement", "check material on stock", etc. In the EPC graph a function is represented as rounded rectangle.
	Organisational Unit	Organisation units determine which person or organisation within the structure of an enterprise is responsible for a specific function. Examples are "sales department", "sales manager", "procurement manager", etc. It is represented as an ellipse with a vertical line.







	Information Material	Represents the information, material, or resource objects in the real world, for example business objects, entities, etc., which can be input data serving as the basis for a function, or output data produced by a function. Examples are "material", "order", etc. In the EPC graph such an object is represented as rectangle.	
	IT Systems / Tools	IT application or tool used by the persons within the organisational unit to support the function being performed.	
LOGICAL OPERATORS			
		When Path Splits	When Path Joins
	XOR	Exactly and only one of the possible process paths must be chosen.	Exactly one of the preceding process paths triggers the succeeding process.
	OR	At least one of the possible paths must be chosen (allows several paths to proceed in parallel).	At least one of the preceding paths triggers the succeeding process.
	AND	All process paths must be pursued.	All incoming process paths have to terminate before the succeeding process is started.

Table 1 – Legend for EPC diagrams

Please note that in the subsequent business flow diagrams, the functions and events have been numbered so that the specific explanatory textual descriptions can refer back to the corresponding functions and events using these numbers.



Please note that in all the workflows analysed in this chapter, several possibilities/paths are presented and described, leaving exclusively to each Member State the decision to opt for the best course of action to be followed.

Indeed, the workflows need to explore all possible alternate paths than can be followed by the Member States' central authorities and for which ECRIS needs to provide adequate support.

5.1.2 Descriptions

The EPC diagrams that are provided in this chapter describe the functions that are to be performed by the central authorities of the Member States during the ECRIS information exchanges. However not all the functions described are to be supported by corresponding functionality in the ECRIS software. Some of the functions are manually performed by the personnel of the central authority or supported by functionality of other IT tools used in the central authorities.

Therefore, the textual descriptions of the functions indicate whether a given function is to be supported by functionality in the ECRIS software, as follows:

- "This function is **supported** by the ECRIS software": this indicates that the ECRIS software provides the functionality for performing this task. In this analysis, this refers to cases where a message needs to be sent from a central authority to the central authority of another Member State.

- “This function is **partially supported** by the ECRIS software”: this indicates that the ECRIS software provides functionality providing some assistance to the human operators that perform this task.
- “This function **may be supported** by the ECRIS software”: this indicates that the ECRIS software could provide assistance for performing this task, completely or in part, depending on how it has been implemented by each Member State.
- “This function is **not supported** by the ECRIS software”: this indicates that the ECRIS software is not providing assistance to the human operators for performing this task. Either other IT tools are used, or the task is performed manually.

5.2 Process: Notify Convictions and Subsequent Changes

This process is initiated by the central authority of a convicting Member State, after registering into its national criminal records register the conviction of a national of another Member State(s), or after modifying or deleting previous conviction information relating to a national of another Member State.

The notification concerns **only one** natural person, who may however be associated with possible variations of names, aliases and other identification data as further explained in the domain model chapters.

According to the Council Framework Decision 2009/315/JHA, article 4 (2), each Member State “shall, as soon as possible, inform the central authorities of the other Member States of any convictions handed down within its territory against the nationals of such other Member States, as entered in the criminal record”. In addition, according to the Council Framework Decision 2009/315/JHA, article 4 (3), information on subsequent alterations or removal of information contained in the criminal record of the *convicting Member State* must be immediately transmitted to the Member States of nationality of the convicted person.

The business process “Notify Convictions and Subsequent Changes” models the workflow implied and resulting from these notifications, without detailing the internal national processing of the notified conviction information. In particular, the registration of the convictions in the national criminal records register is not depicted. The diagram only depicts the process up to the storage of the conviction information for the purpose of retransmission, as defined in the ECRIS legal basis, and shows the subsequent response message to be sent to the convicting Member State.

Please note also that this business process illustrates the dialogues between **two** Member States’ central authorities. If the conviction information relates to a person having multiple nationalities, several instances of this process are triggered in parallel (actually as many instances as the number of the person’s foreign EU nationalities).

Please note also that the appreciation of the time required between the registration of the information into the national criminal records register and the start of this process is to be decided individually by each Member State.

The following diagram illustrates the business flow that occurs when new conviction information or a change or deletion of conviction information is notified to another Member State:

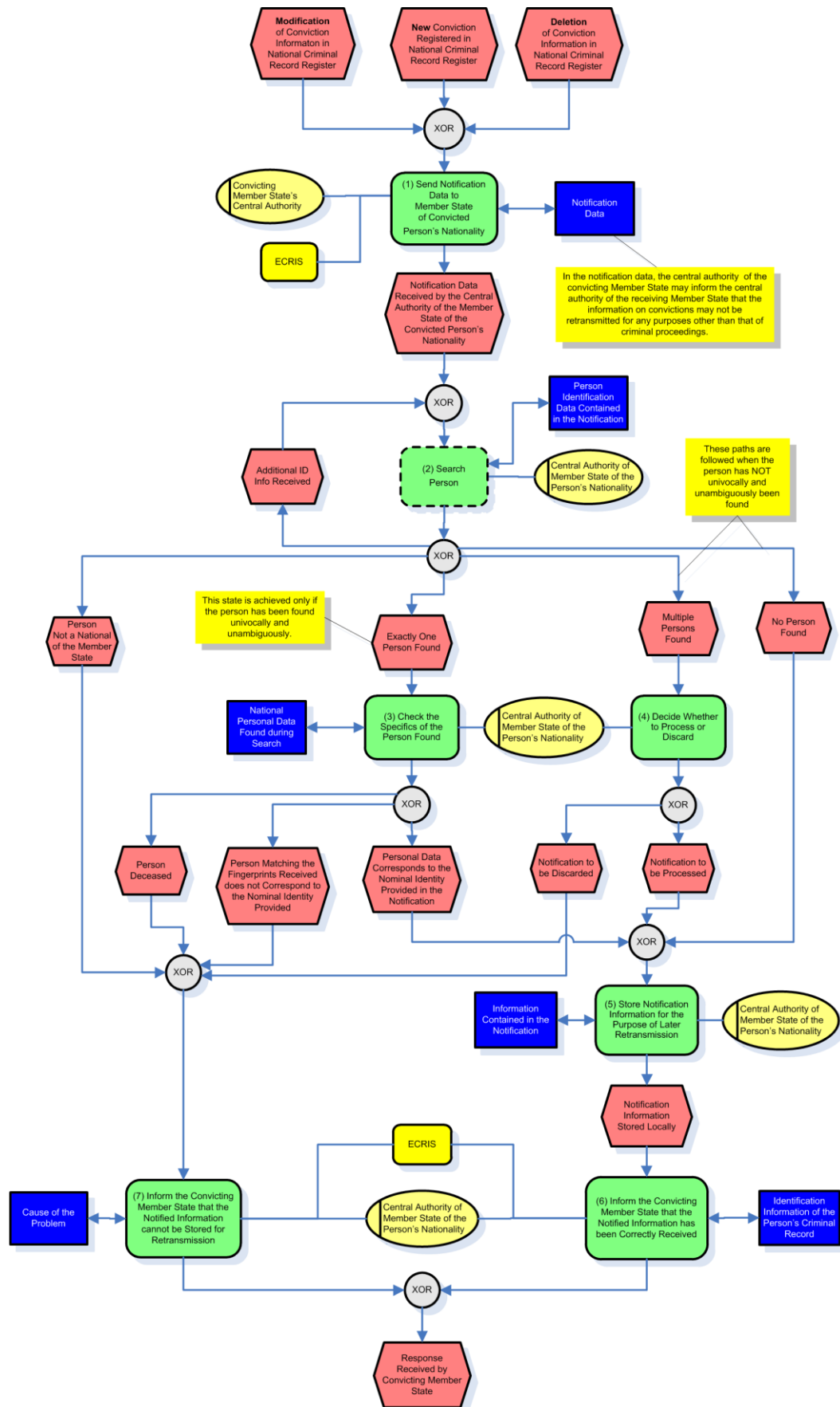


Figure 1 – “Notify Conviction” Process

5.2.1 Process Start

The starting event triggering this “Notify Conviction and Subsequent Changes” business workflow can take 3 different forms, occurring:

- Each time a conviction is entered in the criminal records register of a convicting Member State and concerns a person being a national of one or more other Member States;
- Each time information contained in the criminal records register of the convicting Member State is subject to subsequent modifications (e.g. amnesty, conversion, revocation of a suspension, remission, etc.) and this conviction information concerns a person being a national of one or more other Member States;
- Each time information contained in the criminal records register of the convicting Member State is being removed (i.e. rehabilitation, end of retention period, etc.) and this conviction information concerns a person being a national of one or more other Member States

Please note here that **all** changes performed in the national criminal records register related to a national of another Member State are to be notified, without exceptions.

Please note also that offences that are not of criminal nature, as well as convictions stored in other registers such as juvenile registers, are out of scope of ECRIS and are not to be notified.

5.2.2 Function (1) – Send Notification Data to the Member State of the Convicted Person’s Nationality

Performed by:	The central authority of the convicting Member State
Information used:	Notification data It contains all information relating to the event that is being notified. In case of a new conviction, it contains only the information relating to this new conviction. In case of a change or removal of conviction information, it contains the information on the convictions being affected, information on the previous changes that have also affected these convictions as well as the information on the change or removal itself. The information is provided in one of the official languages of the convicting Member State.
Resulting event:	The notification data has been received successfully by the central authority of the Member State of the convicted person’s nationality
This function is supported by the ECRIS software.	

As a result of any of the initiating three events aforementioned, the central authority of the convicting Member State transmits via the ECRIS software the information on convictions to the central authority of the Member State of the person's nationality.

The content of the notification message is defined in details in the domain model later in this document. The information is to be transmitted by the convicting Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete and accurate as possible so as to allow the receiving Member State to properly process the information.

Please note at this stage that, according to the Council Framework Decision 2009/315/JHA, article 7(2), paragraph 3, the notification message in particular also contains the information whether the notified information may be retransmitted by the receiving Member State to other Member States for **purposes other than criminal proceedings**.

5.2.3 Function (2) – Search Person

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The person identification data that is contained in the notification data transmitted by the central authority of the convicting Member State
Resulting events:	This sub-process can have only one of the following outcomes: a) Exactly one person found b) Person is not a national of the Member State c) Additional identification information received d) No person found e) Multiple persons found

This complex search function is modelled as a sub-process and is explained in more details later in this document.

In this sub-process, the central authority of the Member State of the person's nationality attempts to **univocally and unambiguously** find the person that is referred to as convict in the notification transmitted by the central authority of the convicting Member State. This look-up is performed based on **all** the initial person identification data that is contained in the notification data. In particular, regarding fingerprints, the Member State of the person's nationality may decide whether or not to use them if they are made available by the convicting Member State.

Depending on the outcome of this search process, the business flow can take different paths:

- Exactly one person found
Exactly one person matching the identification data provided in the notification message could be found univocally and without ambiguity by the receiving Member State; it allows to proceed to the evaluation of the personal information found.
- Person is not a national of the Member State
This event occurs when no match has been found during the search and the Member State receiving the notification information has the **absolute certainty** that the convicted person either does not exist or is not a national of the country. In this case the receiving Member State decides not to store the notified conviction information for the purpose of retransmission and informs the convicting Member State of the problem.
- Additional identification information received
This event occurs when, during the searching process, the Member State of the person's nationality requests additional identification data from the convicting Member State and receives updated identification information. In this case the search process needs to be performed again, using the updated person identification data. Please note that although this may create a loop in the business flow, in practice, the Member State performing the search is deciding on the outcome of the search sub-process and can in any of the iterations decide to use one of the other resulting events rather than performing another attempt.
Please note that this additional dialogue between the Member State of nationality and the convicting Member State should however be encouraged so as to increase the probability of finding the person.
- No person found
This event occurs when the search process fails to find persons matching the identification data that has been provided. In this case however the Member State receiving the notification information does not know whether the person is a national of the country or if the person even exists. In doubt, the receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Multiple persons found
This event occurs when several persons match the identification data that has been provided and the central authority does not manage to narrow down univocally and without ambiguity the list of matches to one single person. In this case, the receiving Member State takes a

~~decision on what to do with the notification received. stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.~~

5.2.4 Function (3) – Check Specifics of Person Found

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The national personal data held by the Member State of the person's nationality and found during the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Personal Data Corresponds to the Nominal Identity Provided in the Notification b) Person Deceased c) Person Matching the Fingerprints Received does not Correspond to the Nominal Identity Provided
This function is not supported by the ECRIS software.	

This function is performed when a single person matches the identification data provided in the notification. The central authority of the Member State of the person's nationality verifies the specific personal data known on national level. Depending on the outcome of this check, the business flow can take different paths:

- Personal data corresponds to the nominal identity provided in the notification
The Member State of the person's nationality has verified that the personal data held on national level and found during the search process corresponds to the identification data provided in the notification message. The receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Person deceased
The Member State of the person's nationality has the **absolute certainty** that the nominal identity used in the notification corresponds to a deceased person. In this case the receiving Member State decides not to store the notified conviction information for the purpose of retransmission and informs the convicting Member State of the problem.
- Person matching the fingerprints received does not correspond to the nominal identity provided
This event occurs when the Member State of the person's nationality has found a unique match during the previous search, using the fingerprints provided, but detected that the person found does not correspond to the nominal identification data that has been provided by the convicting Member State. In this case the receiving Member State **can** decide not to store the notified conviction information for the purpose of retransmission and then informs the convicting Member State of the problem.
Please note that the receiving Member State may also decide in this case to still store the notified conviction either under the identity corresponding to the fingerprints or even under the identity corresponding to the nominal identity. In this case, the process continues as if the receiving Member State had not raised this discrepancy.

5.2.5 Function (4) – Decide Whether to Process or Discard

<u>Performed by:</u>	<u>The central authority of the Member State of the person's nationality</u>
<u>Information used:</u>	<u>The multiple results of personal data held by the Member State of the person's nationality and found during the previous search process.</u>
<u>Resulting event:</u>	<p>This function can have only one of the following outcomes:</p> <p>a) <u>Notification to be processed: the central authority of the Member State of the person's nationality decides to further process and store the notification received although multiple matching persons have been found</u></p> <p>b) <u>Notification to be discarded: the central authority of the Member State of the person's nationality decides to discard the notification because multiple matching persons have been found</u></p>
<u>This function is not supported by the ECRIS software.</u>	

This function is performed when multiple persons match the identification data provided in the notification.

The central authority of the Member State of the person's nationality takes a decision on what to do with the notification received. Depending on the outcome of this decision, the business flow can take different paths:

- Notification to be processed
The Member State of the person's nationality decides to proceed with the processing of this notification. In this case, the receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Notification to be discarded
The Member State of the person's nationality decides not to proceed with the processing of this notification. In this case, the receiving Member State discards the notified conviction information without storing it for the purpose of retransmission and informs the convicting Member State of the problem.

5.2.6 Function (5) – Store Notification Information for the Purpose of Later Retransmission

<u>Performed by:</u>	<u>The central authority of the Member State of the person's nationality</u>
<u>Information used:</u>	<u>The notification data transmitted by the central authority of the convicting Member State, to be stored for later retransmission</u>
<u>Resulting event:</u>	<u>The information contained in the notification has been successfully stored locally for the purpose of later retransmission</u>
<u>This function may be supported by the ECRIS software.</u>	

According to the Council Framework Decision 2009/315/JHA, article 5(1), the central authority of the Member State of the person's nationality **must store**, for later retransmission, the **obligatory** and **optional information** on convictions handed down against its nationals on the territory of other Member States and that has been notified to it. As explained earlier, how and where this information is actually stored is to be decided individually by each Member State's central authority.

Depending on how each Member State is implementing its ECRIS software tool, this system could be used for the purpose of storing the information contained in the notifications. Please note however that, as explained in the "Technical Architecture" document, special care needs to be taken if this implementation is chosen so as to remain compliant with the versioning rules that are defined for the ECRIS software and the detailed technical specifications.

Please note that while the obligatory and optional information data must be stored by the receiving Member State for retransmission, additional information **may** be stored for retransmission, in accordance with article 11(2) of the Council Framework Decision 2009/315/JHA.

5.2.7 Function (6) – Inform Convicting Member State that Notification Information has been Correctly Received


Performed by:	The central authority of the Member State of the person's nationality
Information used:	Personal identification data held by Member State of nationality
Resulting event:	The response issued by the Member State of the person's nationality has been received by the convicting Member State
This function is supported by the ECRIS software.	

This function is one of the **final operations** of this business workflow which occurs in the case that the normal course of operations took place and that the information on convictions has been stored on the national level by the Member State of the convicted person's nationality for the purpose of retransmission.

In this case the central authority of the Member State of the person's nationality informs via ECRIS the convicting Member State that the notification information has been received successfully.

Optionally, the personal identification information under which the convictions were stored by the Member State of the person's nationality can also be transmitted to the convicting Member State. This allows in particular informing the convicting Member State of the nominal identification that is being used in the Member State of nationality. (Indeed, it could for example be the case that the convicting Member State knows only an alias of the person, has a misspelling in names, an inaccuracy in other personal information such as the birth place, etc.)

This function leads to the **final state** of this workflow in which the convicting Member State has received the receipt of the notification from the Member State of the person's nationality.



Please note that at the latest from this moment onwards, if a request is sent to the Member State of the person's nationality, referring to the same person as the one in the notification that has just been processed, it is expected that the Member State of the person's nationality will be able to retransmit the information contained in these notifications to the requester.

However if the notification has been stored although the search on the person yielded several matches, the retransmission may not be possible.

5.2.8 Function (7) – Inform Convicting Member State that Notification Information Cannot be Stored for Retransmission

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The cause of the problem that prevents the central authority from storing the convictions information for the purpose of retransmission.
Resulting event:	The response message issued by the Member State of the person's nationality has been received by the convicting Member State.
This function is supported by the ECRIS software.	

This function is one of the **final operations** of this business workflow which occurs in the case that an issue previously raised prevents the central authority from actually storing the convictions information for the purpose of retransmission.

The Member State of the person's nationality informs via ECRIS the convicting Member State of this fact, including in the response message one of the following causes:

- The person is not a national of the Member State

- The person has deceased
- Person matching the fingerprints received does not correspond to the nominal identity provided
- Multiple persons have been found

This function leads to the **final state** of this workflow in which the convicting Member State has received the response from the Member State of the person's nationality.

5.3 Process: Request Criminal Record Information

According to the Council Framework Decision 2009/315/JHA, article 6, paragraphs 1 and 2, for purposes of criminal proceedings against a person of a nationality of a different Member State, but also for any other purposes (such as administrative purposes or an individual persons' request for obtaining his own criminal records), the central authority of a Member State may, in accordance with its national legislation, **issue a request** to the central authority of this other Member State for information and related data to be extracted from the criminal records of the person.

According to the Council Framework Decision 2009/315/JHA, article 7 (1), in response to the request issued by the central authority of the requesting Member State for **purposes of criminal proceedings**, the requested Member State's central authority must transmit, using a standardised format, all the person's convictions stored in its criminal records register to the requesting Member State. This response is containing:

- convictions handed down in the Member State of the person's nationality and entered in the criminal records;
- any convictions handed down in other Member States which were transmitted to it after 27 April 2012 (and were necessarily stored by the Member State of the person's nationality according to the ECRIS legal basis for the purpose of retransmission);
- any convictions handed down in other Member States which were transmitted to it by 27 April 2012, and registered in the criminal records register;
- any convictions handed down in third countries and subsequently transmitted to it and entered in the national criminal records register

According to the Council Framework Decision 2009/315/JHA article 7(2), paragraph 1, when the information extracted from the criminal records register is requested from the central authority of the Member State of the person's nationality for **purposes other than criminal proceedings**, "that central authority shall in respect of convictions handed down in the Member State of the person's nationality and of convictions handed down in third countries, which have been subsequently transmitted to it and entered in its criminal record, reply in accordance with its national law". Please note also that, as defined in the Council Framework Decision 2009/315/JHA article 7(2), paragraphs 2 and 3, the requested Member State can in its response to the requester either transmit information on convictions previously received from other Member States and stored for the purpose of the retransmission or transmit a list of Member States to which the request can be redirected.

Since the two information exchanges processes are very similar, they are modelled as one business process named "Request Criminal Record Information".

The following diagram illustrates the business flow that occurs when a Member State's central authority requests information on convictions related to a foreign person to the Member State of the person's nationality. It includes the response process from the Member State of the person's nationality to the requesting Member State.

For facilitating the reading, the diagram has been cut in parts:

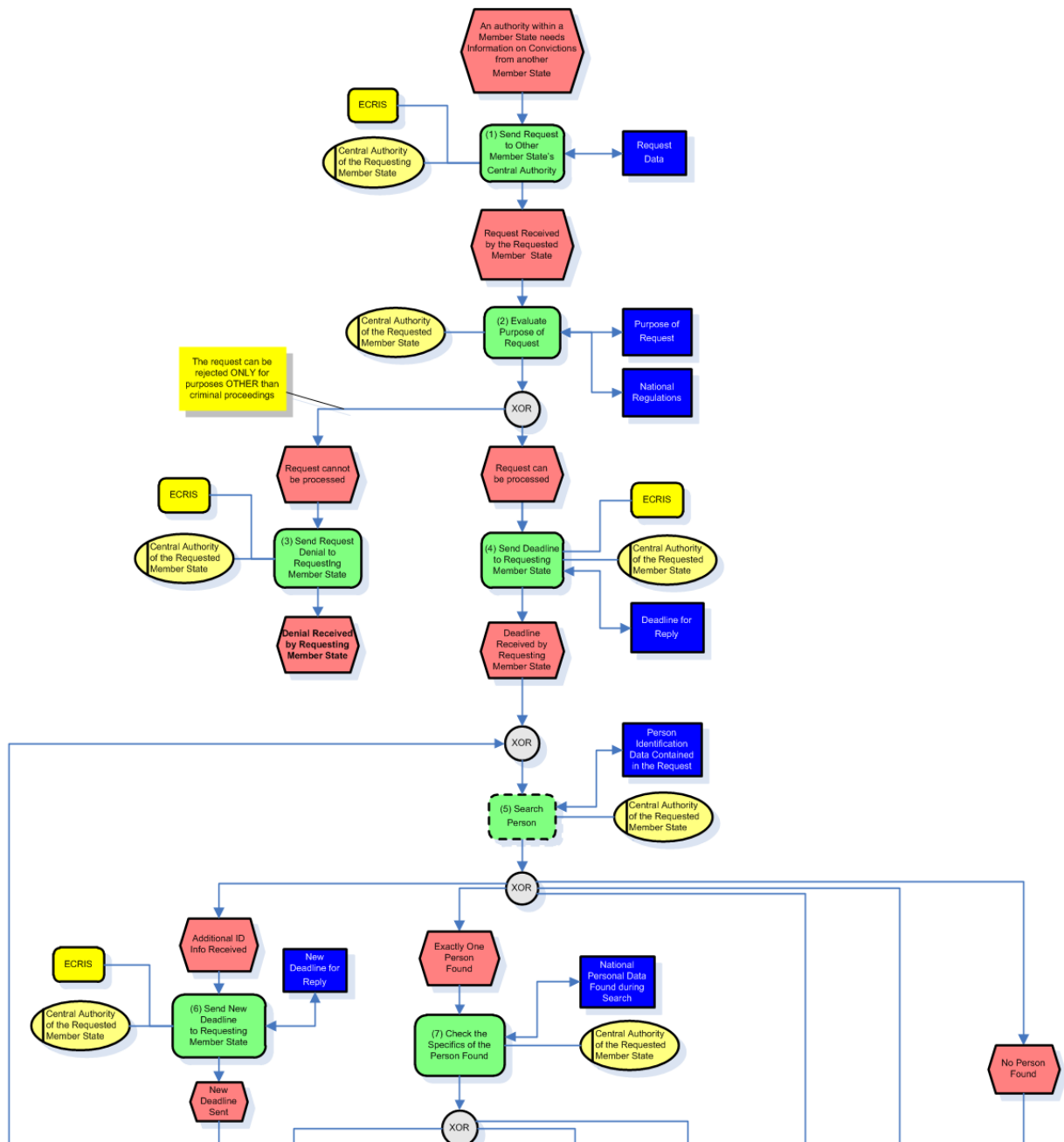


Figure 2 – Request Criminal Record Information (part 1)

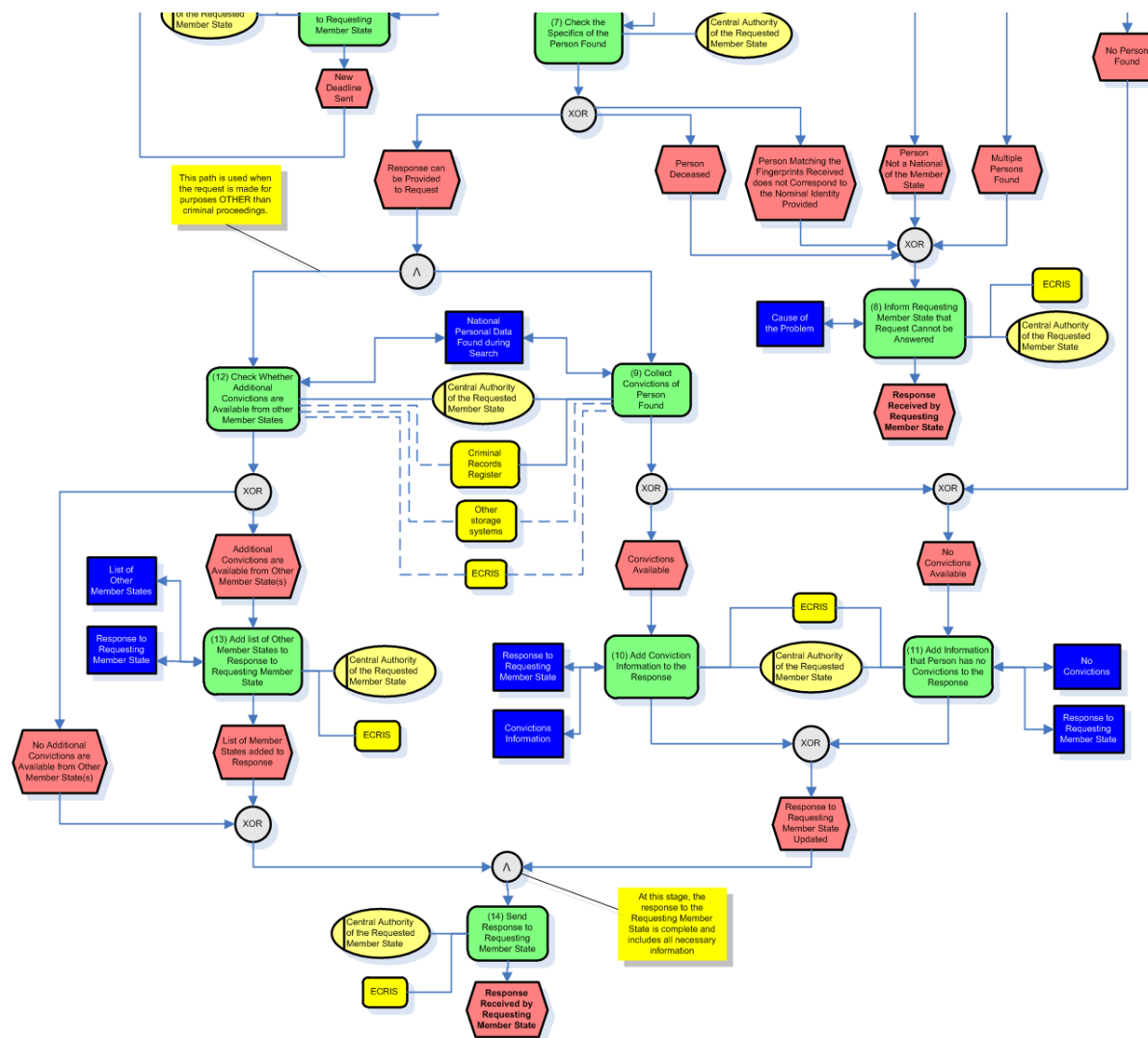


Figure 3 – Request Criminal Record Information (part 2)

5.3.1 Process Start

As mentioned earlier, the starting event that triggers this process is the need identified by a competent authority within a Member State for receiving information on the criminal records of a foreign person.

This need may be raised by criminal proceedings as well as non-criminal proceedings, such as for example employment vetting, an individual's request to receive an extract of his/her own criminal records, a procedure for obtaining a licence for carrying firearms, etc. This is expressed by the **purpose of the request**, which is taken into account in the business flow.

Please note that although the need is identified by a competent authority within a Member State, such as for example a court, a prosecutor or a specific administration, the first function of this process is handled by the central authority of that Member State. The process depicting how the request is actually transmitted within this Member State from the competent authority to the central authority is not considered in this analysis and is internal to each Member State.


5.3.2 Function (1) – Send Request to Other Member State's Central Authority

Performed by:	The central authority of the requesting Member State
Information used:	Request data The information is provided in the language of the requested Member State.
Resulting event:	The request issued by the requesting Member State has been received by the other Member State's central authority
This function is supported by the ECRIS software.	

As a result of the starting event aforementioned, the central authority of the requesting Member State issues via ECRIS an official request to the central authority of the requested Member State, which may be either:

- The Member State of one of the person's nationalities.
- A different Member State than the Member State of the person's nationality. This situation can occur in the two following cases:
 - When notifying convictions, the central authority of a *convicting Member State* informed the Member State of the person's nationality that the conviction information may not be retransmitted to other Member States for purposes other than criminal proceedings. When the Member State of the person's nationality receives a request for purposes other than criminal proceedings relating to the same person, it must answer to the requester that convictions are available in another Member State. The requester may thus send its request to the convicting Member State, which is not the Member State of the person's nationality.
 - The ECRIS software may be used for sending requests to other Member States relating to third country nationals, in cases where the requester reasonably suspects that the requested Member State may have information on convictions about this person.

Please note that the content of the request message is defined in details in the domain model later in this document. The information is to be transmitted by the requesting Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete as possible so as to allow the requested Member State to properly process the request.

 Please note that the major part of the request data is standardised and codified, limiting thus the need for the **requesting** Member State to translate information before transmitting it to the requested Member State.

5.3.3 Function (2) – Evaluate Purpose of Request

Performed by:	The central authority of the requested Member State
Information used:	The purpose of the request (contained in the request data)
Resulting event:	This function can have only one of the following outcomes: a) The request can be processed b) The request cannot be answered (due to national legislation)
This function is not supported by the ECRIS software.	

According to the Council Framework Decision 2009/315/JHA article 6(1), a requested Member State **must provide an answer** when the request was issued for **purposes of criminal proceedings**. According to article 6(2), a requested Member State **can reply in accordance with its national laws** when the request was issued for **purposes other than criminal proceedings**.

The central authority of the requested Member State evaluates thus first the purpose of the request. In particular, in the case of non-criminal proceedings, the requested Member State verifies if its own national legal provisions allow disclosing information on convictions extracted from the national criminal record to an authority of a different Member State for the specific purpose that has been indicated in the request.

Please note that to this end, and in order to ensure a minimum common understanding between the central authorities of the Member States, the domain model defines a **common categorisation of the purposes of requests** for facilitating this evaluation.

According to the outcomes of this evaluation, the possible results are:

- The request is **considered as valid from a legal perspective** by the central authority of the requested Member State. This result is the only possible output if the request was issued for criminal proceedings. This result is also achieved when only a limited set of specific convictions can be provided according to the national laws in the case where the request was issued for purposes other than criminal proceedings.
- The central authority **cannot provide an answer to the received request** because the **request is not considered valid** according to the national regulations. In this case, a **request denial** is sent back to the central authority of the requesting Member State (see next step in the process). This can only occur if the request was issued for purposes other than criminal proceedings.

Please note that it is recommended that the central authority of the requesting Member State verifies that the requesting authority is actually authorised to issue a request for the purpose being indicated **before** sending out the request to another Member State.

5.3.4 Function (3) – Send Request Denial to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	Request denial message
Resulting event:	The request denial has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	

This function is one of the possible **final operations** of this process and occurs when the central authority of the requested Member State informs via ECRIS the central authority of the requesting Member State the fact that, **in accordance with its national laws, the request is not considered valid** for the purpose that has been indicated in the request.

It leads to the **final state** of this workflow in which the requesting Member State has received as response from the requested Member State that **the request is rejected**.


 The request denial can only be sent if the request was issued for **purposes other than criminal proceedings**.

5.3.5 Function (4) – Send Deadline to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	The deadline for the response to the request, in accordance with the ECRIS legal basis
Resulting event:	The deadline issued by the requested Member State has been received by the requesting Member State’s central authority
This function is supported by the ECRIS software.	

According to article 8 of the Council Framework Decision 2009/315/JHA, replies to the requests 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 no later than **ten working days** from the date the request is received. If the request is issued on demand of the person itself wishing to receive information on his/her own criminal records, then the deadline is set to **twenty working days** from the date the request is received.

Thus, the central authority of the requested Member State should inform the requesting Member State of the deadline (either ten or twenty days, depending on why the request has been issued) and based on the **its own calendar** (considering the latter’s public holidays, office closing days, etc.).

 Please note that, although it is not the aim of this analysis to impose specific implementation details of the national ECRIS software, it is highly recommended that this calculation and transmission of deadline be performed fully automatically by the national ECRIS implementation so as to guarantee that the requesting Member State is always immediately notified of the legal response deadline.

5.3.6 Function (5) – Search Person

Performed by:	The central authority of the requested Member State
Information used:	The person identification data that is contained in the request transmitted by the central authority of the requesting Member State
Resulting events:	This sub-process can have only one of the following outcomes: a) Exactly one person found b) Additional identification information received c) Person is not a national of the Member State d) Multiple persons found e) No person found

This complex search function is modelled as a sub-process and is explained in more details later in this document.

In this sub-process, the central authority of the requested Member State attempts to **univocally and unambiguously** find the person that is referred to in the request transmitted by the central authority of the requesting Member State. This look-up is performed based on **all** the initial person identification data that is contained in the request

message. In particular, regarding fingerprints, the requested Member State may decide whether or not to use them if they are made available by the requesting Member State.

Depending on the outcome of this search process, the business flow can take different paths:

- Exactly one person found
Exactly one person matching the identification data provided in the request message could be found univocally and without ambiguity by the requested Member State; it allows to proceed to the evaluation of the personal information found.
- Additional identification information received
This event occurs when, during the searching process, the requested Member State asks for additional identification data from the requesting Member State and receives updated identification information. In this case the search process needs to be performed again, using the updated person identification data. Please note that although this may create a loop in the business flow, in practice, the Member State performing the search is deciding on the outcome of the search sub-process and can in any of the iterations decide to use one of the other resulting events rather than performing another attempt.
Please note that this additional dialogue between the requested Member State and the requesting Member State should however be encouraged so as to increase the probability of finding the person.
- Person is not a national of the Member State
This event occurs when no match has been found during the search and the Member State receiving the request has the **absolute certainty** that the person either does not exist or is not a national of the country. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- Multiple persons found
This event occurs when several persons match the identification data that has been provided and the central authority does not manage to narrow down univocally and without ambiguity the list of matches to one single person. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- No person found
This event occurs when the search process fails to find persons matching the identification data that has been provided. In this case however the requested Member State does not know whether the person is a national of the country or if the person even exists. In doubt, the requested Member State informs the requesting Member State that no convictions are available.

5.3.7 Function (6) – Send New Deadline to Requesting Member State


Performed by:	The central authority of the requested Member State
Information used:	The new deadline for the response to the request, in accordance with the ECRIS legal basis
Resulting event:	The new deadline issued by the requested Member State has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	

According to article 8 of the Council Framework Decision 2009/315/JHA, when the requested Member State requires additional information for identifying the person concerned, and it has received this additional identification information from the requesting Member State, replies to requests shall be provided immediately and in any event no later than **ten working days** from the date the **additional information is received**.

In this case, the central authority of the requested Member State calculates the new deadline based on its calendar (taking into account national public holidays and office closing days)

and transmits the new date via ECRIS to the central authority of the requesting Member State.

Since additional identification data is now available, the central authority of the requested Member State performs a new attempt for identifying the person.

	<p>Please note that, although it is not the aim of this analysis to impose specific implementation details of the national ECRIS software, it is highly recommended that this calculation and transmission of deadline be performed fully automatically by the national ECRIS implementation so as to guarantee that the requesting Member State is always immediately notified of the new legal deadline.</p>
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5.3.8 Function (7) – Check Specifics of Person Found

Performed by:	The central authority of the requested Member State
Information used:	The personal data held by the requested Member State and found during the previous identification process.
Resulting event:	<p>This function can have only one of the following outcomes:</p> <ul style="list-style-type: none"> a) Response can be Provided to Request b) Person Deceased c) Person Matching the Fingerprints Received does not Correspond to the Nominal Identity Provided
This function is not supported by the ECRIS software.	

This function is performed when a single person matches the identification data provided in the request. The central authority of the requested Member State verifies the specific personal data known on national level. Depending on the outcome of this check, the business flow can take different paths:

- Response can be provided to the request
The requested Member State has verified that the personal data held on national level and found during the search process corresponds to the identification data provided in the request message. The requested Member State can proceed with the collection of the convictions (if any) and provide a response to the request.
- Person deceased
The requested Member State has the **absolute certainty** that the nominal identity used in the request corresponds to a deceased person. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- Person matching the fingerprints received does not correspond to the nominal identity provided
This event occurs when the requested Member State has found a unique match during the previous search, using the fingerprints provided, but detected that the person found does not correspond to the nominal identification data that has been provided by the requesting Member State. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.

5.3.9 Function (8) – Inform Requesting Member State that Request cannot be answered

Performed by:	The central authority of the requested Member State
Information used:	The reason why the request cannot be answered by the requested Member State
Resulting event:	The response issued by the requested Member State has been received by the requesting Member State’s central authority
This function is supported by the ECRIS software.	

This step occurs in the case that the requested Member State cannot reasonably provide an answer to the requesting Member State. The following cases described earlier lead to this step:

- The person is not a national of the Member State (i.e. the requested Member State has the absolute certainty that the person is not one of its nationals or that he/she does not exist)
- Multiple persons have been found
- The person has deceased
- The person matching the fingerprints received does not correspond to the nominal identity provided in the request message

This step is one of the **final operations** of this process. It leads to the **final state** of this workflow in which the requesting Member State has received as response from the requested Member State that **the request cannot be answered and why**.

5.3.10 Function (9) – Collect Convictions of Person Found

Performed by:	The central authority of the requested Member State
Information used:	The personal data held by the requested Member State and found during the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Convictions are available b) No convictions are available
This function is not supported by the ECRIS software.	

This step is reached when the search process yielded exactly one person matching the identification data provided in the request and the first evaluation of the specific information of the persons allowed further processing the request.

The central authority of the requested Member State **collects all conviction information** relating to the person found earlier. The primary source for collecting this information is the national criminal records register. Please note however that each Member State can also use other sources of information, depending on its national regulations and on how it implemented the legal provisions of ECRIS:

- Other conviction storage systems, for cases such as:
 - when the convictions are spread in several physically separated registers
 - when the conviction information is stored in different systems depending on the age at which the offence was perpetrated
 - when convictions transmitted by other Member States could not be entered in the national register due to constraints imposed by the national legislation but were stored in another specific database for the purpose of retransmission

This collection of information can result in one of the following situations:

- Convictions that can be included in the response have been found
- No convictions that can be included in the response have been found. This covers cases where the person has never been convicted before, cases where the person has been

convicted but the convictions are no longer to be taken into account as a result of the end of the retention period or of rehabilitation, as well as cases where convictions are available but are not deemed relevant for the specific purpose for which the request was issued. This latter case only applies to requests issued for purposes other than criminal proceedings.

5.3.11 Function (10) – Add Conviction Information to Response

Performed by:	The central authority of the requested Member State
Information used:	Available convictions The response message to be sent to the requesting Member State.
Resulting event:	All information on the convictions that can be disclosed has been added to the response message that will be sent to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs when convictions that can be included in the response have been found during the previous step by the central authority of the requested Member State. Thus, the central authority of the requested Member State adds to the ECRIS response **the complete information available on these convictions**.

Please note that the content of the response message is defined in details in the domain model later in this document. The information is to be transmitted by the requested Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete as possible so as to allow the requesting Member State to properly understand and process the response.

5.3.12 Function (11) – Add Information that Person has no Convictions to Response

Performed by:	The central authority of the requested Member State
Information used:	Information that no convictions have been found The response message to be sent to the requesting Member State.
Resulting event:	The information that no convictions are available for the person referred to in the request has been added to the response message that will be sent to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs in two different situations:

- During the search process no person matching the identification data provided in the request has been found. The requested Member State does not know for sure whether the person actually exists or whether he/she is a national of the country. The only conclusion that can be drawn in this case is that no convictions are available.
- The search process resulted in exactly one matching person but there are no convictions available that can be transmitted as a response to the request. As described previously, this can happen either because (1) the person has never been convicted before, (2) the person has been convicted but the convictions are no longer to be taken into account as a result of the end of the retention period or of rehabilitation, or (3) convictions are available but are not deemed relevant for the specific purpose for which the request was issued.

Thus, the central authority of the requested Member State adds to the ECRIS response the information that **no convictions are available** for the person referred to in the request.

5.3.13 Function (12) – Check Whether Additional Convictions are Available from Other Member States

Performed by:	The central authority of the requested Member State
Information	The personal data held by the requested Member State and found during

used:	the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Additional convictions are available from other Member States b) No additional convictions are available from other Member States
This function may be partially supported by the ECRIS software.	

As defined by article 7, paragraph 2, of the Council Framework Decision 2009/315/JHA, the requested Member State may have received notifications from other Member States relating to the person referred to in the request and for which the convicting Member State may have indicated that the information cannot be retransmitted for purposes other than criminal proceedings.

Thus, in cases where the request has been issued for **purposes other than criminal proceedings**, the central authority of the requested Member State also checks whether additional convictions are available from other Member States for the person referred to in the request. For performing this task, the same sources of information can be used by the requested Member State as for the collection of the criminal records information.

This check can result in one of the following situations:

- To the knowledge of the central authority of the requested Member State, no additional convictions are available in other Member States for the person referred to in the request.
- Additional convictions are available in other Member States; the list of Member States is to be provided in the response to the requester.

This task is **not performed** when the request has been issued in the context of **criminal proceedings**.

5.3.14 Function (13) – Add List of Other Member States to Response

Performed by:	The central authority of the requested Member State
Information used:	The list of other Member States found during the previous step. The response message to be sent to the requesting Member State.
Resulting event:	The list of Member States has been added to the response message that will be sent later to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs when the request has been issued for **purposes other than criminal proceedings** and the central authority of the requested Member State has detected that it has previously received notifications from other Member States containing information on convictions that may not be retransmitted for such purposes.

The central authority of the requested Member State adds the list of these other Member States to the ECRIS response in order to inform the requester that it can issue additional requests to these Member States' central authorities.

5.3.15 Function (14) – Send Response to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	The response message produced and enriched during the previous steps
Resulting event:	The response issued by the requesting Member State has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	


This function is one of the **final operations** of this business workflow which occurs in the case that a proper response can be provided by the central authority of the requested Member State to the requester.

In this case the central authority of the requested Member State transmits via ECRIS the response that has been completed during the previous steps to the central authority of the requesting Member State.

This response contains thus:

- The personal identification information as found in the criminal records register of the requested Member State, **if available**. This allows in particular informing the requesting Member State of the nominal identification that is being used in the requested Member State. (Indeed, it could for example be the case that the requesting Member State knows only an alias of the person, has a misspelling in names, an inaccuracy in other personal information such as the birth place, etc.)
- A list of conviction information, **if any**.
- **Optionally**, a list of Member States that can be contacted for receiving additional convictions

This function leads to the **final state** of this workflow in which the requesting Member State has received the response from the requested Member State.



Please note that the case where the requesting Member State receives a response that it considers not correct, for example because it does not correspond to the person that the request was referring to, is not considered in the process.

It is assumed that such error cases will be handled manually through ad-hoc contacts between the Member States' central authorities, not using ECRIS.

5.4 Sub-Process: Search Person

This sub-process describes how a central authority attempts to uniquely and unambiguously find on the national level the person that corresponds to the identification data that has been provided by another Member State as input of the notification or request process described earlier.

It actually covers the cases of Member States that perform the search using the national criminal records register only, the cases of Member States that perform in-depth identification using population registers and other sources of information as well as cases where Member States combine the two approaches.

This searching process is used in the notification and in the request process but it is identical in both scenarios, as depicted below. This process is further detailed in this analysis document because it also can imply additional dialogues between the central authorities of the Member States, as shown in the next sections, as well as specific output states depending on how this search is performed.

Please note finally that this flow actually defines a sub-process that cannot be triggered and executed on its own between the central authorities of two Member States but that occurs within and as part of the processes defined earlier.

The following diagram illustrates the business flow that occurs when attempting to find a person on a national level based on the identification data provided by another Member State's central authority:

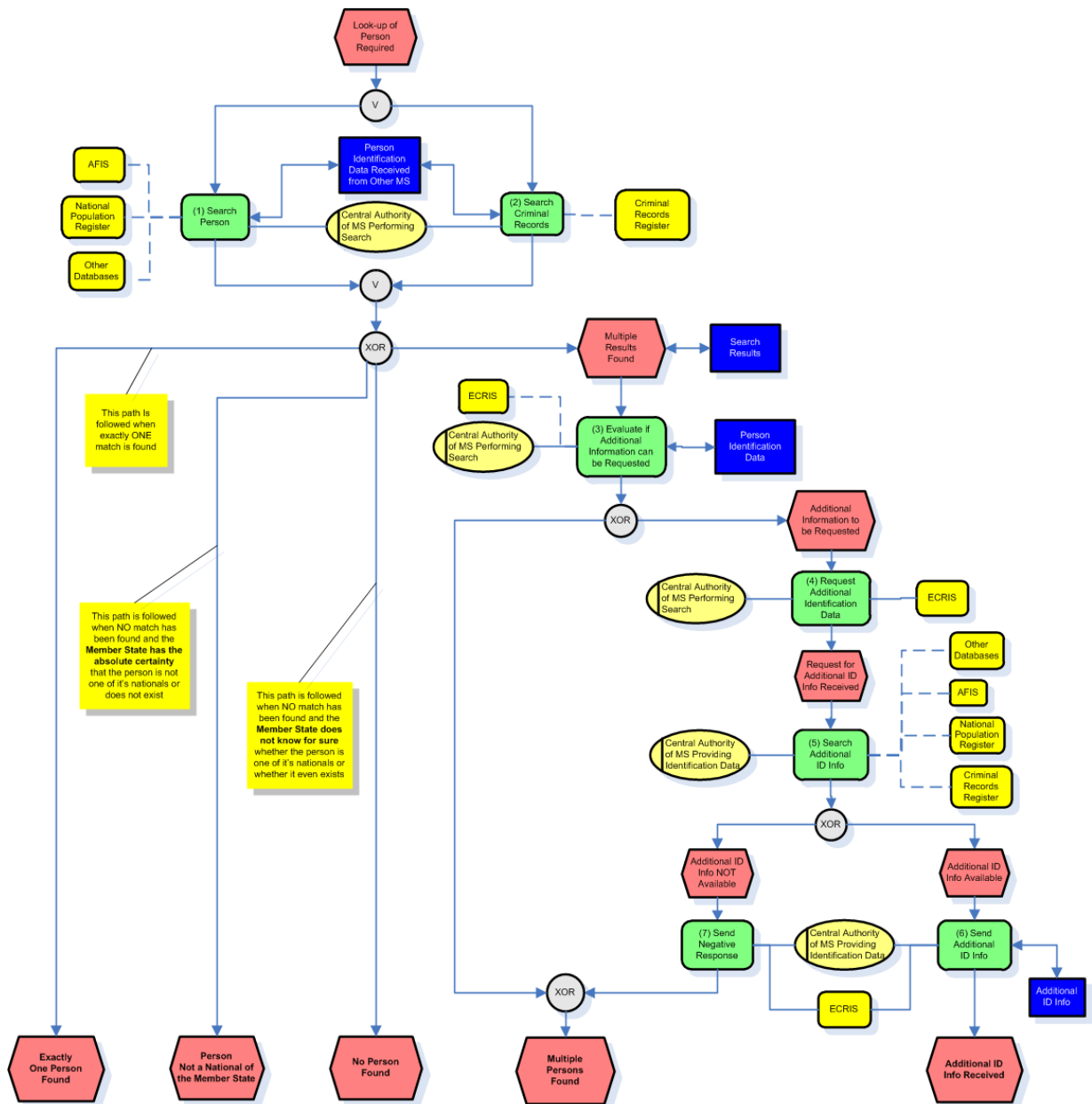


Figure 4 – Search Person

5.4.1 Process Start

This process starts when identification data has been provided by another Member State’s central authority and that the Member State processing the information needs to uniquely and unambiguously find the person in order to perform its work.

5.4.2 Function (1) – Search Person

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from another Member State
Resulting event:	This function can have only one of the following outcomes: a) Exactly One Person Found b) Person is not a national of the Member State c) No Person Found d) Multiple Results Found
This function is not supported by the ECRIS software.	

This look-up of the person, using the identification data that has been provided by the convicting/requesting Member State, is performed by the central authority through in-depth identification on the national level, using sources of information such as:

- National population or civil registers
- The national AFIS (automated fingerprint identification system) in the case that the Member State uses fingerprints for performing the identification
- Any other national or regional databases or systems usually used by the central authority of the Member State

Since fingerprints are optional in ECRIS, and many Member States' central authorities cannot yet make use of them, the nominal information contained in the identification data (i.e. the person's names, parent's names, aliases, etc.) is the primary information used for searching. The list of matches is narrowed down using primarily the date and place of birth. If this still yields several results, then additional information such as the parent's names, aliases, addresses, etc. may be used in order to attempt to further narrow down the number of matches to **one**.

This operation can only have one of the following results:

- Exactly one person matches the identification data that has been provided by the convicting/requesting Member State; **the person has been uniquely and unambiguously identified.**
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information on the person that has been found.
- When no match has been found and the Member State performing the identification has the **absolute certainty** that the person is not one of its nationals, the conclusion of this sub-process is that the person is not a national of the Member State.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that the person is not a national of the Member State.
- When no match has been found and the Member State performing the identification has doubts whether the person is one of its nationals or whether the person exists, the only conclusion that can be drawn to this sub-process is that no match has been found.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that no person has been found.
- Multiple results match the identification data that has been provided by the convicting/requesting Member State, despite all the efforts made by the central authority to narrow down the possibilities. In this case, additional steps can be taken in order to attempt to succeed in the unique identification of the person.

5.4.3 Function (2) – Search Criminal Records

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from another Member State
Resulting event:	This function can have only one of the following outcomes: a) Exactly One Person Found b) No Person Found c) Multiple Results Found
This function is not supported by the ECRIS software.	

The look-up, using the identification data that has been provided by the convicting/requesting Member State, is performed in this function by the central authority by searching for persons matching the transmitted identification data in the national criminal records register.

Here also, the nominal information contained in the identification data is the primary information used for searching.

This operation can only have one of the following results:

- Entries have been found and relate to exactly one person; **the person has been uniquely and unambiguously found.**
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information on the person that has been found.
- When no entries have been found, the only conclusion that can be drawn to this sub-process is that the person is not known to the central authority. No conclusions can be drawn on the real existence of the person.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that no person has been found.
- Multiple results match the identification data that has been provided by the convicting/requesting Member State, despite all the efforts made by the central authority to narrow down the possibilities. In this case, additional steps can be taken in order to attempt to succeed in the unique matching of the person.

5.4.4 Function (3) – Evaluate if Additional Information can be requested

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from the initial Member State
Resulting event:	This function can have only one of the following outcomes: a) Additional identification data can be requested from the Member State that initially provided the identification data b) No additional identification data can be requested from the Member State that initially provided the identification data; the end result of the identification process is that multiple matches remain
This function may be supported by the ECRIS software.	

This operation occurs when the previous look-up of the person returned several matches. The central authority that performs the search process decides, based on the identification data previously received from the convicting/requesting Member State, whether it will request additional identification data from the convicting/requesting Member State.

This operation can only have one of the following results:

- Additional identification information will be requested from the convicting/requesting Member State; this is typically done when the central authority performing the search estimates that there is a high probability that the matches can be narrowed down to a single match if the convicting/requesting Member State provides additional clarifications.
- No additional identification information will be requested. This leads directly to a final state of this sub-process, with the result that several persons matching the identification criteria have been found. The parent process (notification or request) continues its course of operations using the information that multiple persons have been found.

5.4.5 Function (4) – Request Additional Identification Data

Performed by:	The central authority of the Member State performing the search
Information used:	The list of additional data elements that would allow the Member State performing the search to succeed
Resulting event:	The message issued by the Member State performing the search has been received by the central authority of the Member State that initially provided the identification data
This function is supported by the ECRIS software.	

The central authority that performs the search process sends via the ECRIS software a request for additional identification information to be provided by the convicting/requesting Member State. In particular, the central authority indicates in this request the list of identification elements that would be useful for uniquely and unambiguously finding the person.

5.4.6 Function (5) – Search Additional Identification Information

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	The list of additional data elements requested by the Member State performing the search
Resulting event:	This function can have only one of the following outcomes: a) Additional identification data is available b) No additional identification data is available
This function is not supported by the ECRIS software.	

Upon receipt of the request for additional identification information, the convicting/requesting Member State looks up in various sources whether it can provide the requested additional data elements.

The central authority of the convicting/requesting Member State may use various systems such as:

- the national criminal records register
- the national population or civil registers
- the national AFIS (automated fingerprint identification system)
- any other systems

It may also contact the competent authority that initially issued the request or that performed criminal investigation in order to get more information.

This operation can only have one of the following results:

- Additional identification information has been found by the central authority of the convicting/requesting Member State and will be transmitted to the central authority performing the search.
- No additional identification information has been found by the central authority of the convicting/requesting Member State.

5.4.7 Function (6) – Send Additional Identification Information

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	Updated identification information
Resulting event:	The message issued by the Member State that initially provided the identification data has been received by the central authority of the Member State performing the search
This function is supported by the ECRIS software.	

The central authority of the convicting/requesting Member State has found additional identification information and transmits it to the central authority performing the search, using the ECRIS software.

This operation leads to a final state of this sub-process in which the central authority performing the search has received updated identification information. The parent process (notification or request) continues its course of operations using the updated personal identification data received. In this case, the parent processes (i.e. notification and request) foresee that the identification process is performed again using this updated identification information.

Please note that this function allows not only sending additional identification information but it also allows sending the complete updated identification information. This also allows correcting an error that may have slipped into the identification information initially sent.

5.4.8 Function (7) – Send Negative Response

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	Message indicating that no additional identification data is available
Resulting event:	The message issued by the Member State that initially provided the identification data has been received by the central authority of the Member State performing the search. The end result of the search process is that multiple matches remain.
This function is supported by the ECRIS software.	

The central authority of the convicting/requesting Member State has not found additional identification information and informs the central authority performing the search of this fact, using the ECRIS software.

This leads to a final state of this sub-process, with the result that several persons matching the identification criteria have been found. The parent process (notification or request) continues its course of operations using the information that multiple persons have been found.

6 GENERAL RULES

6.1 Managing Deadlines

There is a clear difference regarding the requirements for meeting deadlines between the current manner of exchanging criminal records information between the Member States through the NJR pilot project and the ones explicitly defined in the ECRIS legal basis:

Deadlines for exchanges of criminal records information	Reply to notification	Reply to request	
		(criminal and non-criminal proceedings)	(request initiated by individual person on his/her own criminal records)
ECRIS	N/A	10 working days + 10 working days once additional identification information is received	20 working days
NJR	21 calendar days (*)	7 calendar days (*) (criminal proceedings only)	N/A

(*) The NJR deadlines are technical deadlines after which a reply message will normally be ignored. The reply to a request or notification message is to be sent as soon as possible.

6.1.1 Requests

The ECRIS legal basis clearly defines the aforementioned deadlines for requests, but it does not explicitly specify the expected behaviour to be adopted if replies to requests do not meet these deadlines.

However, as with any regulation and any other part of the ECRIS legal basis, it is implicit that not meeting the defined deadlines is to be considered as non-compliance with the legal basis. The only way to actually detect without ambiguity that a legal deadline is not being respected is to perform appropriate **monitoring** of the moments in time when

- a request is received by the requested Member State
- when additional identification information is received by the requested Member State
- when a final response to the request is received by the requesting Member State

The solution to be adopted in ECRIS, in accordance with the ECRIS legal basis and with the processes described earlier, **applies only to requests** and is the following:

- For each request, the deadline calculated during the request process is used by both requesting and requested Member State for monitoring the compliance.
- All reply messages transmitted by the requested Member State after the set deadlines **must not be technically rejected** by the requesting Member State's ECRIS software so that the non-compliance can be monitored and logged appropriately on both sides. The requesting Member State may however decide to discard the reply without further processing and without further notice.
- As described in the process "Request Criminal Record Information", the requested Member State's central authority transmits the legal deadline to the requesting central authority, calculated on the basis of its national calendar, taking into account only the working days and thus leaving out public holidays and office closing days.
- As long as the legal deadline has not been received by the requesting Member State, the requesting Member State uses a provisional deadline calculated in the same way as foreseen by the ECRIS legal basis, but based on its own national calendar, for the

monitoring. The case where the legal deadline is transmitted after the provisional deadline has elapsed is to be considered as non-compliance with the ECRIS legal basis and logged.

- As described in the process “Request Criminal Record Information”, when the requested Member State **receives** additional identification information and needs to perform the identification process again with updated information, the requested Member State calculates and sends the new deadline to the requesting Member State (function (6)). Please note that when the requested Member State asks the requester for additional identification information, the initially calculated legal deadline is not suspended and keeps running until the requested Member State actually receives the additional identification information. If the additional information is not provided on due time, the requested Member State may reply that the matching process was not successful and that no further response can be provided so as to respect the legal deadline.
- The reception by the requesting Member State of the messages issued during the following operations by the requested Member State are to be considered as final responses; the date of reception of these messages is compared with the set deadline in order to verify the compliance with the legal basis:
 - Process “Request Criminal Record Information” - Function (3) : Send Request Denial to Requesting Member State
 - Process “Request Criminal Record Information” - Function (8) : Inform Requesting Member State that Request cannot be Answered
 - Process “Request Criminal Record Information” - Function (14) : Send Response to Requesting Member State
- All occurrences of non-compliance with the set deadlines are logged by both requesting and requested Member State.

This solution allows both requesting and requested Member State to monitor the compliance with the ECRIS legal basis in the same way and to log the cases where deadlines are not met. These cases are to be collected in the statistics to be consolidated and published to the ECRIS stakeholders on a regular basis with the aim of verifying the effectiveness and efficiency of ECRIS.

6.1.2 Notifications

As indicated earlier, the ECRIS legal basis does not define legal deadlines for responding to notifications.

However, since the information exchange processes are performed as computerised dialogues between two Member States’ central authorities, it is necessary to define a maximum time limit until which the convicting Member State will wait for a response to the notification. Indeed, a technical deadline needs to be defined so as to allow technical house-keeping and in order not to block the versioning of the ECRIS software.

For the process “Notify Convictions” concerning notifications of new or modified information on convictions, since no legal deadline is defined in the legal basis, the following rule is set:

- The maximum time, from the moment when the notification is received by the Member State of the person’s nationality, and until the end response is received by the convicting Member State, is set to **30 calendar days**. After this time span, the convicting Member State’s ECRIS software can consider that the dialogue is finished, even if the instance of the business process has not yet reached one of its final states (i.e. even if the Member State of the person’s nationality has not yet transmitted a final response to this dialogue).

This rule is defined so as to avoid dialogues remaining without responses indefinitely. This rule also allows monitoring the effectiveness of the ECRIS exchanges and collecting statistics in the cases of notifications of new or modified information on convictions.

6.2 Obligatory Data Elements

Council Framework Decision 2009/315/JHA, article 11, paragraph 1(a), defines obligatory information as follows:

Obligatory information: the following information **must always** be transmitted, unless, in **individual cases** such information is not known to the central authority of the *convicting Member State*:

- i. Information of the convicted person: full name, date of birth, place of birth (town and State), gender, nationalities 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 decision became final.
- iii. Information on the offence giving rise to the conviction: date of offence, name or legal classification of the offence, references to the applicable legal provisions.
- iv. Information on the contents of the conviction: the sentence, any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence.

Following the same principle as for deadlines, the solution foreseen by this analysis is to perform proper monitoring and logging of the occurrences of non-compliance with this article of the legal basis. This is achieved as follows:

- Each data element in the ECRIS messages that correspond to the information elements defined in the legal basis as **obligatory** are made **mandatory from a technical point of view** in the ECRIS detailed technical specifications. This obliges the ECRIS implementations to always fill in a value for these data elements; if no value is provided, the transmission of the messages is rendered technically impossible for the sender of the message.
- However, in order not to block the ECRIS exchanges in the **individual cases** where the information is not known to the central authority of the convicting Member State, for each such data element a **dummy value** is pre-defined and is to be used when the information is not available.
- The Member State's ECRIS software receiving a message from another ECRIS application verifies for each mandatory data element whether a dummy value has been used and logs for each such data element the number of occurrences of the dummy values.

The total number of occurrences of dummy value per data element is to be collected in the statistics to be consolidated and published to the ECRIS stakeholders on a regular basis with the aim of verifying the effectiveness and efficiency of ECRIS.

This allows the ECRIS stakeholders verifying if indeed the dummy values are only provided in individual cases or if it is systematic for some elements. By providing this visibility on the quality of the information exchanged, it allows the Member States to take focused corrective actions when necessary.

7 DOMAIN MODEL

As mentioned before, the “Business Analysis” document presents the ECRIS data exchanges between the Member States’ central authorities from a non-technical point of view. It focuses on the functional aspects of the ECRIS systems and aims at determining the various steps of the processes to be fully or partly automated, how these automations are to be realised and the tasks that remain to be performed within the Member States’ administrations.

The “Domain Model” chapter defines exactly the specific types of messages and the data elements to be contained in each such message. It defines the common business and validation rules to be applied to each data element. It also identifies the data elements that can be standardised and be codified into common reference tables.

7.1 General Information

7.1.1 Understanding the Domain Model

The following sections describe the messages and the blocks of information elements to be contained in each such message. Each entity described below defines such a block and its properties. For each property it is defined whether the property is mandatory or not and the possible number of occurrences of the property within the block.

The number of occurrences is to be understood as follows:

- 1 = the property must occur exactly once within the block (mandatory element)
- 0...1 = the property can occur at most once (i.e. it can occur 0 or 1 times) within the block
- 0...N = the property can occur any number of times within the block
- 1...N = the property must occur at least once but may occur more than once within the block (mandatory element)

Please note that some messages and information entities refer to other structured information entities rather than to simple properties. In each entity, only the simple properties are described in more details. For the detailed description of an entity, please refer to the appropriate section defining the information entity.

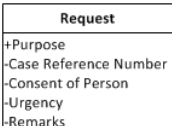
For facilitating the reading of the domain model, the following convention is used in the tables:

- when the name of a property is not surrounded by square brackets, it refers to a simple information element (e.g. [Person] means that the “Person” property is an entity)
- when the name of the property is surrounded by square brackets, it refers to a structured entity that in turn may contain other entities and simple information elements

7.1.2 UML Class Diagrams

The diagrams in the next chapters use the UML formalism but have been simplified in order to facilitate the reading. In particular, the properties of the information blocks are not always displayed in each diagram.

The following legend applies to the diagrams below:

SYMBOL	DESCRIPTION
	<p>This symbol represents an information block, or entity. Within the box, the simple properties contained in the entity are listed. The “+” sign indicates the mandatory properties while the “-” sign indicates the optional properties.</p>


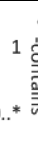

	<p>This type of arrow indicates that an entity extends or specialises another entity. The arrow head points to the general or abstract entity that is being extended.</p>
	<p>This type of arrow indicates that an entity is composed of/contains another entity. The arrow head points to the entity being the container of the entity at the other end.</p>
	<p>This type of arrow indicates that there is a relation between two entities. Such relations are not extensions or compositions; these are modelled using the arrows listed above.</p>

Table 2 – Legend for UML class diagrams

7.1.3 Recurring Information Elements and Property Types

“Names”

Various information entities described below contain person names as properties (first and/or last names). Names are simple free text elements.

Regarding the content of the name elements to be provided, **all** the available names belonging together **must** be provided in the appropriate order. More specifically, when providing a person’s “first name”, all first names known must be provided in the same order as specified on the identity documents; when providing a person’s “last name” composed of several names, all last names must be provided in the same order as specified on the identity documents.

This general rule applies to the following information elements that are defined in the ECRIS legal basis: full name (i.e. fore- and surnames), previous names and parent’s names of the person subject of the notification or request as well as all names indicated as possible aliases and pseudonyms.

As already indicated earlier, the names are to be provided in the form in which they have been captured, using the original alphabet, character set, special characters and diacritics of the sending Member State. In requests, additionally the name elements are also to be provided in a transliterated form, using the alphabet and character set of the requested Member State, so as to comply with the provisions of article 10 of the Council Framework Decision 2009/315/JHA.

Example of valid values for forenames: María Concepción; Γεώργιος; João; Måns

Example of valid values for surnames: Papadopoulou; de Góngora y Argote; Rydz-Śmigły; Müller; Giscard d'Estaing; Petófi-Szendrey

“Remarks”

All messages and several entities described below contain the “remarks” information element. It is a simple free text element that allows carrying any additional miscellaneous information that the sending central authority wishes to transmit to the receiving central authority about the message or entity and that could not be entered in any of the other information elements.

“Boolean” information elements

“Boolean” information elements are properties that allow only values “yes” or “no”. If a “Boolean” property has been defined as mandatory, then it also allows a technical dummy value that has the meaning “unknown”.

For the sake of clarity, all “Boolean” elements are defined as mandatory. In this way, the provider of the information must explicitly assign one of the values to the element and there is no ambiguity for the receiver of the information.

“Date” information elements

Information elements that carry dates are transmitted in a technical form that allows structuring the date into year, month and day.

As a general rule, partial values for dates are not accepted and are to be considered as invalid. Typically, it must be avoided to send combinations such as for example the day and the month with an unknown year, the day and the year without the month, etc. Only the following combinations are to be considered as valid dates:

- The year only (without month and day)
- The year and the month (without day)
- The year, the month and the day

If a date property has been defined as mandatory, then it also allows a technical dummy value that has the meaning "unknown".

Please note also that most dates that are issued in a judicial context, such as the dates of the convictions, the dates relating to the execution of a sanction, to a suspension, etc. are normally either completely available (i.e. year, month and day are known) or completely unavailable. For such dates, it is highly unlikely to receive other combinations.

7.1.4 Reference Tables

As already described earlier, some of the information elements described in the domain model have been codified and only allow using one of a list of predefined values.

The **common reference tables** define lists of values that are common for all Member States. The definitions and detailed content of these common reference tables can be found in the joined spread-sheet "Common Reference Tables".

In addition to the common reference tables, the domain model foresees that for some fields **national reference tables** may be used. These tables are not common but are specific to the sending Member State. Each Member State may decide to share its national reference table with one or more other Member States so as to facilitate the information exchanges, as it is currently also done in the NJR pilot project.

From a technical point of view, the information for such standardised elements is transmitted by the sending Member State using a technical code so that the receiving Member State's ECRIS software can automatically transcode the information, reducing the need for translation or transliteration.

The following basic rules must be applied to all reference tables:

- Each entry in a reference table contains a unique technical identification code as well as "valid from" and "valid to" dates.
- The **technical identification code is always unique** within the reference table and can never be reused for defining new entries in the table. Please note that these technical identifiers are structured and in particular contain 2 digits (i.e. a "-00-" part) that can be used for versioning each record, thus allowing to reuse the same functional/business code with a different or modified meaning by inserting a new record in the common reference table and incrementing this 2-digit part of the technical identifier. This is based on the NJR experience and proved helpful also in particular when ISO codes are modified and reused.
- If a value within a reference table becomes obsolete, the **"valid to" date of the entry is modified** so as to indicate the date after which this reference value is to be deemed as obsolete.

Please note here that a value is deemed as obsolete depending on the context in which it is used. As an example, a notification sent in 2012 indicating an old currency such as "Belgian Francs" can be correct and must not be discarded if the conviction was handed down when this currency was still in use (before 2002). In the same way, if the currency "Belgian Francs" is indicated in a conviction handed down in 2006, it is to be considered as an error.

- An **entry** in a reference table **cannot be modified or deleted** (at the exception of the "valid to" date that can be modified as explained above). If a change needs to be

performed in one reference value, then the existing value is to be marked as obsolete using the appropriate “valid to” date and a new entry with a different technical identification code is to be added for defining the new value.

7.2 Messages

Based on the business processes defined earlier, it appears that the following business messages need to be supported by the ECRIS software:

- Process “Notify Convictions”:
 - “Notification” message
 - “Notification Problem” message
 - “Notification Receipt” message
- Process “Request Criminal Records Information”
 - “Request” message
 - “Request Deadline” message
 - “Request Denial” message
 - “Request Problem” message
 - “Request Response” message
- Sub-process “Search Person”:
 - “Request Additional Identification Information” message
 - “Additional Identification Information” message
 - “Additional Identification Information Unavailable” message

Each message carries a **technical code** that allows **uniquely identifying an instance of a message** across all ECRIS message exchanges. Each message contains also sufficient technical meta-data so that the ECRIS software can **correlate** the messages appropriately, allowing the software to know to which previous message a message is actually responding to. This correlation is achieved using the unique technical identifier. Please note that this unique technical identifier only needs to be unique at the level of a Member State. Indeed, the combination of the code of the Member State and of this technical identifier provides then an identifier that is across all over the ECRIS exchanges.



Please note that these business messages are not necessarily translated exactly into the same number of technical XML messages to be sent by the ECRIS applications. The detailed technical specifications may generalise some common messages or add technical messages depending on the implementation needs.

However all business messages and their content need to be supported by the detailed technical specifications.

“Notify Convictions” Process Messages

The following diagram illustrates the messages used in the “Notify Convictions” process:

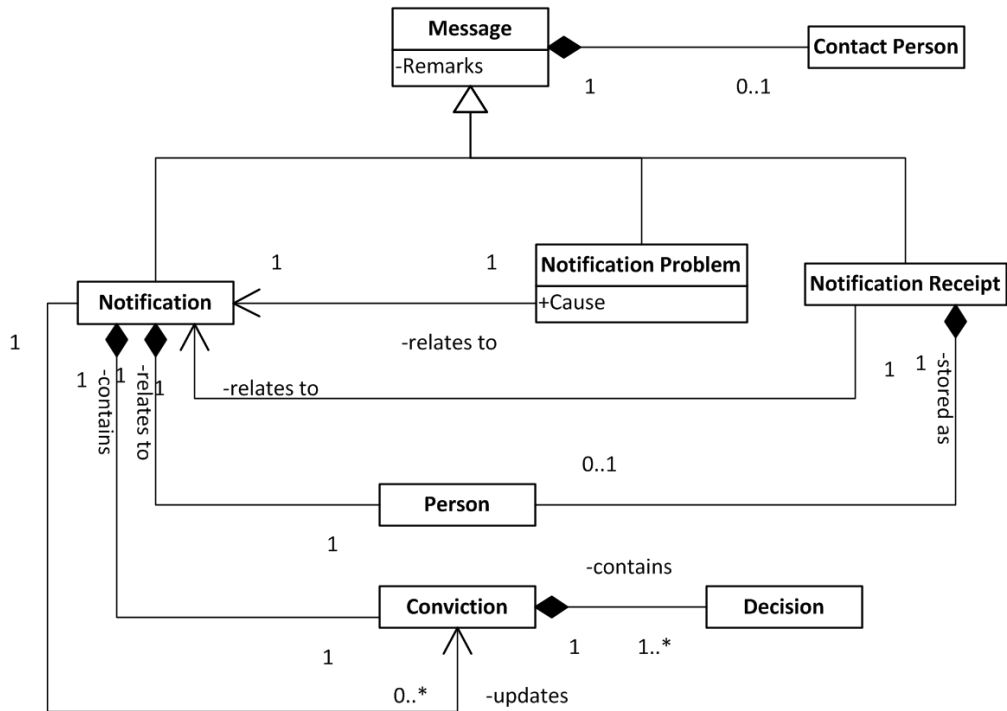


Figure 5 – “Notify Convictions” process messages

“Request Criminal Records Information” Process Messages

7.2.1 “Notification” Message

The “Notification” message carries information on convictions as well as information on subsequent alterations and deletions. It is sent by the convicting Member State to the Member State of the convicted person’s nationality.

The “Notification” message relates **to one single person** being convicted and contains information **on one single conviction**.

The “Notification” message contains the following information elements:

NOTIFICATION			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the convicting Member State that can be contacted by the central authority of the Member State of nationality in case of questions or problems with this message.	No	0...1
[Person]	Identification information of the convicted person	Yes	1
[Conviction]	The conviction information handed down within the convicting Member State’s territory and being notified	Yes	1
Affected Conviction	A reference to the existing conviction that has already been previously notified and that is being modified by this notification message.	No	0...N
Remarks	Any additional information available regarding this message	No	0...1

Table 3 – “Notification” message content

- The “Affected Conviction” property provides a reference to an existing conviction that has already been notified previously and that is being modified by the current notification message. It contains one of the following:
 - The unique ECRIS technical identifier of the conviction (please note that in this case, this property contains the same identifier as the one provided in the “Conviction” entity that is also contained in the notification message)
 - The unique NJR technical identifier of the conviction (please note that in this case, this property contains a different identifier than the one provided in the “Conviction” entity that is also contained in the notification message)
 - A structure providing the code and name of the convicting authority, the file number of the conviction and the final date of the conviction. The code of the convicting authority in this structure is defined as optional due to the fact that not all Member States assign such codes.

7.2.2 “Notification Problem” Message

The “Notification Problem” message is used by the Member State of the person’s nationality in order to inform the convicting Member State that the information notified previously cannot be processed, and in particular that it cannot be stored for the purpose of retransmission due to a problem.

The "Notification Problem" message contains the following information elements:

NOTIFICATION PROBLEM			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the Member State of nationality that can be contacted by the central authority of the convicting Member State in case of questions or problems with this message.	No	0...1
Cause	The reason for not storing the notified conviction information.	Yes	1
Remarks	Any additional information available regarding this message	No	0...1

Table 4 - "Notification Problem" message content

- The "Cause" information can have only one of the following pre-defined values:
 - Person is not a national of the Member State
 - Person deceased
 - Fingerprints do not match the nominal identity information
 - Multiple persons found

7.2.3 "Notification Receipt" Message

The "Notification Receipt" message is used by the Member State of the person's nationality in order to inform the convicting Member State that the information notified previously has been successfully received. Optionally it can also carry the personal identification data to which the Member State of nationality has related the notified convictions.

The "Notification Receipt" message contains the following information elements:

NOTIFICATION RECEIPT			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the Member State of nationality that can be contacted by the central authority of the convicting Member State in case of questions or problems with this message.	No	0...1
[Person]	Personal identification information under which the notified conviction information has been stored.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 5 - "Notification Receipt" message content

7.2.4 "Request" Message

The "Request" message carries information on the request transmitted by a Member State to another Member State for information and related data to be extracted from the criminal record of a person.

The "Request" message relates **to one single person** for which the information on convictions is required by the requesting Member State.

The "Request" message contains the following information elements:

REQUEST			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requesting Member State that can be contacted by the central authority of the requested Member State in case of questions or problems with this message.	No	0...1
[Requesting Authority]	Information on the authority that has issued the request within the requesting Member State and before which the proceedings are pending.	Yes	1
Purpose Category	Category of the purpose of this request (contains a predefined value from the common reference table "Purposes of Requests - Common Categories")	Yes	1
Purpose	Textual description of the purpose of this request.	Yes	1
[Person]	Identification information of the person for which the information on convictions is requested	Yes	1
Case Reference Number	Information on the case reference number identifying the proceedings for which the request is issued	No	0...1
Accusation Offence Category	The category of the offence of which the person is accused, as defined by Annex A of the Council Decision 2009/316/JHA	No	0...N
Accusation	Free text element that provides information on the accusation that this request refers to.	No	0...1
Consent	Specifies whether the concerned person has given its consent for the full disclosure of its criminal records information	Yes	1
Urgency	Information on the degree of urgency of the current request	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 6 – "Request" message content

- The "Purpose Category" information can only have one of the values defined in the common reference table "Request Purposes".
- The "Purpose" information is a free text element that provides a detailed textual description of the purpose of this request.
- The "Case Reference Number" contains the textual representation of the reference number of the proceedings for which the request is being issued.

- The “Accusation Offence Category” property indicates the common ECRIS category of the offence, as defined by Annex A of the Council Decision 2009/316/JHA, of which the person in the request is being accused of. It can contain any number of values defined in the common reference table “Offences”.
- The “Accusation” property is a textual description of the charges brought against the person to which the request relates.
- The “Consent” information is a Boolean element indicating whether the concerned person has given its consent for the full disclosure of its criminal records. This information is not relevant when the request has been issued for criminal proceedings but may be required by some Member States for processing requests issued for purposes other than criminal proceedings.
- The “Urgency” information provides an indication of how urgently the response is needed by the requesting authority. It can only have one of the following values:
 - Normal
 - High

Please note that this urgency has only an informative value. The requested Member State may process the requests as deemed suitable and in accordance with the applicable provisions of the ECRIS legal basis and of its national regulations.

7.2.5 “Request Denial” Message

The “Request Denial” message is sent by the requested Member State to the requesting Member State when it cannot provide an answer because the request is not considered receivable according to the national regulations. This **can only occur** for requests that have been issued for **purposes other than criminal proceedings**.

The “Request Denial” message contains the following information elements:

REQUEST DENIAL			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 7 – “Request Denial” message content

7.2.6 “Request Deadline” Message

The “Request Deadline” message allows the requested Member State to transmit the legal deadline for the response to the requesting Member State. The same type of message is used for sending the initial legal deadline as well as for sending the new deadline that is calculated by the requested Member State upon reception of additional identification information.

The “Request Deadline” message contains the following information elements:

REQUEST DEADLINE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Deadline	The date by which the response to the	Yes	1

	request must be sent according to the legal obligations defined by article 8 of the Council Framework Decision 2009/315/JHA.		
Remarks	Any additional information available regarding this message.	No	0...1

Table 8 – “Request Deadline” message content

7.2.7 “Request Problem” Message

The “Request Problem” message is used by the requested Member State in order to inform the requesting Member State that the request cannot be answered due to a specific circumstance.

The “Request Problem” message contains the following information elements:

REQUEST PROBLEM			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Cause	The reason that prevents the requested Member State from providing an answer to the request.	Yes	1
Remarks	Any additional information available regarding this message.	No	0...1

Table 9 – “Request Problem” message content

- The “Cause” information can have only one of the following pre-defined values:
 - Person is not a national of the Member State
 - Person deceased
 - Fingerprints do not match the nominal identity information
 - Multiple persons found

7.2.8 “Request Response” Message

The “Request Response” message is sent by the requested Member State to the requesting Member State for providing the information on convictions extracted from the national criminal records register (if any) in the case that the request could be processed and that a single person matching the identification data has been found.

The “Request Response” message contains the following information elements:

REQUEST RESPONSE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
[Person]	Identification information of the person for which the information on convictions is provided	Yes	1
[Conviction]	The conviction information found for the person referred to in the request (empty if no	No	0...N

	convictions are available)		
Other Member State	The code of the central authority of another Member State to which additional requests referring to the same person can be sent for obtaining additional information on convictions.	No	0...N
Remarks	Any additional information available regarding this message.	No	0...1

Table 10 – “Request Response” message content

- The “Other Member State” information is a list of Member States’ central authorities to which the requesting Member State can send the same request in order to obtain additional information on convictions. This is only relevant for requests that are issued for purposes other than criminal proceedings. This information is to be provided in the case where the requested Member State has previously received foreign notifications from convicting Member States relating to the same person than the one referred to in the request, with the explicit information that these notifications may not be retransmitted for purposes other than criminal proceedings.

This list can only contain values defined in the common reference table “Central Authorities”.

7.2.9 “Request Additional ID Info” Message

The “Request Additional ID Info” message is sent by the Member State performing the search of a person to the requesting/convicting Member State when additional identification information is required in order to uniquely find the person that is referred to in the request/notification message previously received. It can also be used in order to ask for more information on the purpose for which the request was issued.

The “Request Additional ID Info” message contains the following information elements:

REQUEST ADDITIONAL ID INFO			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
Requested Additional Information	The additional information that is required in order to uniquely find the person that was previously referred to in the request/notification message and/or to clarify the purpose of the request.	Yes	1...N
Remarks	Any additional information available regarding this message.	No	0...1

Table 11 – “Request Additional ID Info” message content

- The “Requested Additional Information” information can only contain a combination of the following pre-defined values:
 - Forename
 - Surname
 - Second Surname
 - Sex
 - Birth Date
 - Birth Place

- Nationality
- Previous name
- Mother's name
- Father's name
- Identity number
- Identification document
- Address
- Alias
- Fingerprints
- Purpose

7.2.10 "Additional ID Info" Message

The "Additional ID Info" message is sent by the requesting/convicting Member State in response to the previous "Request Additional ID Info" message when additional identification information is available. This message allows sending the updated personal identification data to the Member State that is performing the search of the person.

The "Additional ID Info" message contains the following information elements:

ADDITIONAL ID INFO			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
[Person]	The updated identification information of the person that was initially referred to in the request/notification message.	No	0...1
Purpose	The updated textual description of the purpose of the request.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 12 - "Additional ID Info" message content

- The "Purpose" property is a free text element that provides an updated detailed textual description of the purpose of the request.

7.2.11 “Additional ID Info Unavailable” Message

The “Additional ID Info Unavailable” message is sent by the requesting/convicting Member State in response to the previous “Request Additional ID Info” message for informing that **no** additional identification information is available.

The “Additional ID Info Unavailable” message contains the following information elements:

ADDITIONAL ID INFO UNAVAILABLE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 13 – “Additional ID Info Unavailable” message content

7.3 Information Entities

The following sections define in more details the structured information entities that are used in several of the messages described previously.

7.3.1 Main Information Entities

The main information entities that are used in the notification, request and request response messages are the following:

- The “Person” entity carries the personal identification information of the person that is the subject of the notification or request.
- The “Conviction” entity carries overall information on one conviction and it is composed of one or more “Decision” entities. This entity is used in notification and request response messages.
- The “Decision” entity carries specific information on one decision, which can be the decision of the original conviction or subsequent decisions modifying the conviction. It may relate to several offences and several sanctions. By piling up several instances of this information entity in a notification message, the domain model allows providing the history of the conviction, as explained earlier in this document.
- The “Offence” entity carries all information relating to one offence.
- The “Sanction” entity carries all information relating to a sanction, including the results of decisions that modify the enforcement of the sentence.

“Person” Entity

The following diagram illustrates the “Person” entity:

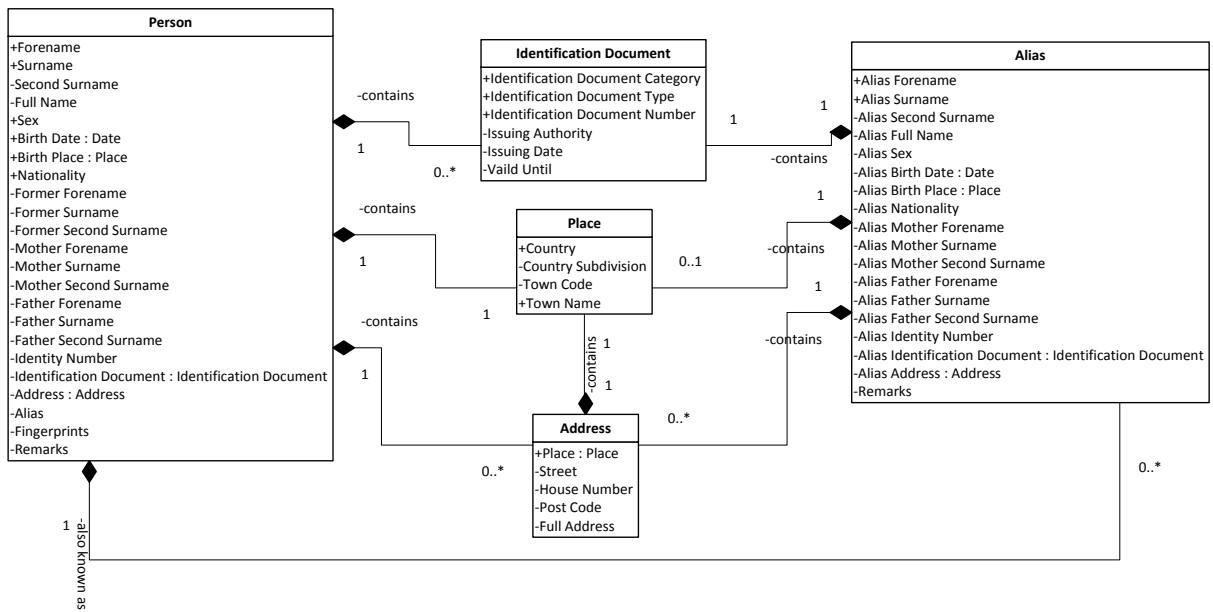


Figure 8 – “Person” entity

“Conviction” Entity

The following diagram illustrates the “Conviction”, “Decision”, “Offence” and “Sanction” entities:

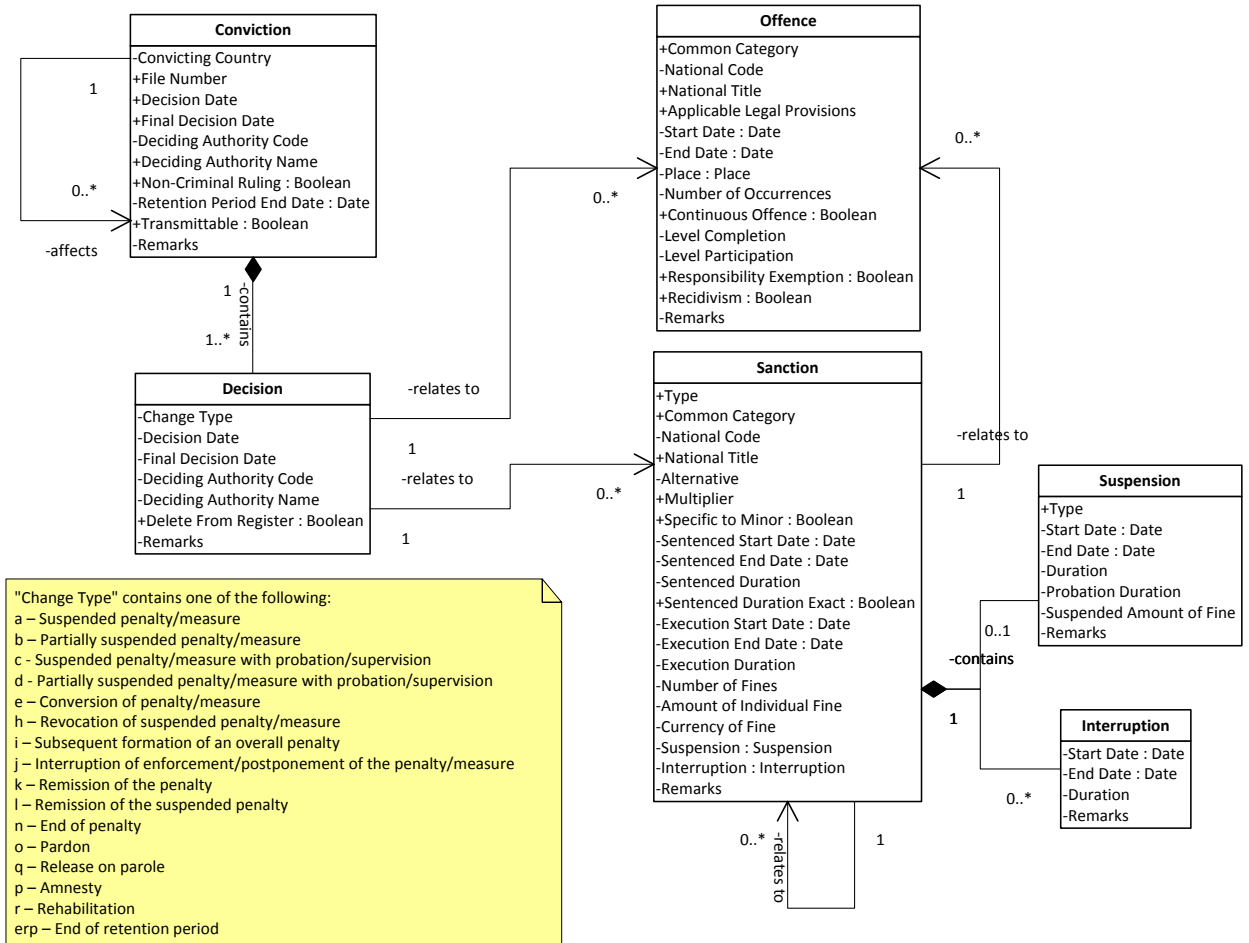


Figure 9 – “Conviction”-related entities

Please note that the main information entities listed above can carry a **technical code** that allows **uniquely identifying an instance of such an entity within a given message**. This allows the ECRIS software to properly **correlate** the information entities appropriately, allowing for example the software to know to which offences a sanction relates, or to which sanctions a decision relates.

7.3.2 “Contact Person” Entity

The “Contact Person” entity contains all necessary information of the person within the central authority that can be further contacted for in case of questions or problems relating to a specific message.

The “Contact Person” entity contains the following properties:

CONTACT PERSON			
Property	Summary	Mandatory	Occurrence
Forename	The first name of the contact person	No	0..1

Surname	The last name of the contact person	No	0...1
Second Surname	The second last name of the contact person	No	0...1
Phone	The phone number of the contact person, including the standard country calling prefix number (as text element)	No	0...1
Fax	The fax number of the contact person, including the standard country calling prefix number (as text element)	No	0...1
E-mail	The e-mail address of the contact person (as text element)	Yes	1

Table 14 – “Contact Person” entity content

7.3.3 “Requesting Authority” Entity

The “Requesting Authority” entity represents the competent authority within a Member State that is at the origin of a request and for which the response is intended; it also provides an indication to the context that generated the request and the proceedings that are on-going.

The “Requesting Authority” entity contains the following properties:

REQUESTING AUTHORITY			
Property	Summary	Mandatory	Occurrence
Type	The type of the competent authority	Yes	1
Code	A code representing the competent authority	No	0...1
Name	The official name of the competent authority	Yes	1

Table 15 – “Requesting Authority” entity content

- The “Type” information indicates the category for this requesting authority. It can only have one of the following pre-defined values:
 - J - Judicial authority
 - A - Competent administrative authority
 - P - Person concerned for information on own criminal records
 - E - Employer
 (see common reference table “Type of Requesting Authorities”)
- The “Code” information contains a textual representation of the code corresponding to the authority before which the proceedings generating the request are pending. It **can** originate from a national reference table.
- The “Name” information contains the textual representation of the official name of the authority before which the proceedings generating the request are pending.

7.3.4 “Person” Entity

The “Person” entity represents the identity information of a person being the subject of the various ECRIS messages.

The “Person” entity consists of the following properties:

PERSON			
Property	Summary	Mandatory	Occurrence
Forename	The first name of the person	Yes	1
Surname	The last name of the person	Yes	1
Second Surname	The second last name of the person	No	0...1

Full Name	The unstructured form of the complete person's name (grouping first and last names)	No	0...1
Sex	The gender of the person	Yes	1
Birth Date	The date of birth of the person	Yes	1
[Birth Place]	The location of birth of the person	Yes	1
Nationality	The nationality of the person, expressed as a country (can be multiple)	Yes	1...N
Former Forename	The former known first name of the person	No	0...N
Former Surname	The former known last name of the person	No	0...N
Former Second Surname	The former known second last name of the person	No	0...N
Mother Forename	The first name of the person's mother	No	0...1
Mother Surname	The last name of the person's mother	No	0...1
Mother Second Surname	The second last name of the person's mother	No	0...1
Father Forename	The first name of the person's father	No	0...1
Father Surname	The last name of the person's father	No	0...1
Father Second Surname	The second last name of the person's father	No	0...1
Identity Number	The national identification number of the person	No	0...1
[Identification Document]	The information of the person's identification document	No	0...N
[Address]	Address of the person	No	0...N
[Alias]	Alternative nominal identity under which the same person is also known	No	0...N
Fingerprints	The electronic fingerprints of the person	No	0...1
Remarks	Any additional valuable remarks related to the person	No	0...1

Table 16 – "Person" entity content

- Regarding all "forename" properties (i.e. forename, former forename, mother forename, father forename):
The property contains all the forenames of the concerned person. If the person in question has multiple first names, **all** the available first names **must** be inserted in the **in the exact order** as recorded in their personal ID document (if available).
- Regarding all "surname" properties (i.e. surname, second surname, former surname, former second surname, mother surname, mother second surname, father surname, father second surname):
The property contains all the surnames of the concerned person.
If the person in question has multiple last names, **all** the available last names **must** be inserted **in the exact order** as recorded in their personal ID document (if available).
If, according to national rules, the person in question has 2 distinct surnames (first surname and second surname), these **must** be transmitted using the distinct "surname"

and “second surname” properties and in the exact order as recorded in their personal ID document (if available). This applies for example for Spanish nationals but not necessarily for other Member States’ nationals where multiple last names form one single surname. Please note that additional guidelines for filling in person’s last names in the appropriate properties should be provided in the future non-binding manual for practitioners and is out of scope of this document.

- The “Full Name” information contains the complete name of the person in a non-standardised and unstructured format, in order to allow the transmission of all the special instances of the person’s name that might occur. **All** the content of the person’s name is to be included **in the exact order** as inscribed in the person’s ID card (or any other identification document - if available).

Example of value: Alejandro Rodríguez de la Peña y de Ybarra

- The “Sex” property indicates the gender of the person in question. It is based on the ISO 5218 standard and can only have one of the following values:

- 0 = not known
- 1 = male
- 2 = female

- The “Birth Date” property indicates the date of birth of the person.
- The “Birth Place” property indicates the location where the person was born. It is a “Place” entity described in a later section of this document.
- The “Nationality” property indicates the codes of the countries of which the person has the nationality. It is based on the ISO 3166-1 standard and can only contain values defined in the common reference table “Countries and Nationalities”.
- The “Identity Number” represents the person’s national unique identity number. Considering that the format of unique national identity numbers used in the Member States of the European Union is not necessarily homogenous in layout and content, the format of this property is plain text, allowing thus different forms and variations.

Example of a Romanian identity number: 1850132163216

- The “Identification Document” property allows providing information on a list of identification documents of the concerned person. It is a complete entity in its own and is described in a later section of this document.
- The “Address” property allows providing information on a series of addresses for the concerned person. It is a complete entity in its own and is described in a later section of this document.
- The “Alias” property allows providing information on a series of aliases under which the concerned person is also known. It is a complete entity in its own and is described in a later section of this document.
- The “Fingerprints” property provides the electronic fingerprints of the person in question.

These are provided in the form of a NIST binary file, as an optional attachment to the personal identification information. The NIST file should primarily contain the ten-print fingerprint image and optionally the palm-print images (if available), as grey-scale images of a resolution of 500 dpi, encoded and compressed with the “Wavelet Scalar Quantization” algorithm (WSQ).

Please note that the definition of the detailed content of the NIST file is out of scope of the *ECRIS Technical Specifications* project. It is therefore recommended to apply the same standard for NIST files as the one that has been defined for the PRUM project. The detailed definition of this standard can be found in the Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, more specifically in “CHAPTER 2: Exchange of dactyloscopic data (interface control document)” of the annex.

7.3.5 "Place" Entity

The "Place" entity represents a physical location and is used for transmitting information such as the birth place of a person or the place of an address.

The "Place" entity contains the following properties:

BIRTH PLACE			
Property	Summary	Mandatory	Occurrence
Country	The country in which the place is located	Yes	1
Country Subdivision	The subdivision of the country in which the place is located	No	0...1
Town Code	The code of the town (value from the common reference table if available)	No	0...1
Town Name	The name of the town, as a free text element	Yes	1

Table 17 - "Place" entity content

- The "Country" property indicates the code of the country where the place is located. It is based on the ISO 3166-1 standard and can only contain one of the values defined in the common reference table "Countries and Nationalities".
- The "Country Subdivision" property indicates any type of country subdivision such as provinces, counties, departments, districts, etc. It is based on the ISO 3166-2 standard and can only contain one of the values defined in the common reference table "Country Subdivisions".
- The "Town Code" property indicates the code of the city. It can only contain one of the values defined in the common reference table "Cities".

Please note that the common reference table "Cities" defines the **most common values** for the cities in the EU Member States. If the place that is being transmitted in a message has a corresponding value in this common reference table, then this code can be used for transmitting the town in a language-neutral way.

- The "Town Name" property indicates the name of the city in a textual representation. If the "Town Code" has been provided, the codified form takes precedence over the "Town Name" information element since it is more reliable. The "Town Name" provides however always the name of the place, also when no value is available in the common reference table.

7.3.6 "Address" Entity

The "Address" entity represents the detailed description of a location.

The "Address" entity contains the following properties:

ADDRESS			
Property	Summary	Mandatory	Occurrence
[Place]	The country, country subdivision and town in which the address is located	Yes	1
Street	The name of the street of location	No	0...1
House Number	The number of the house/flat of location	No	0...1
Post Code	The post code of location	No	0...1
Full Address	The unstructured full textual representation of this address	No	0...1

Table 18 - "Address" entity content

- The “Place” property indicates the country, country subdivision and town where the address is located. It is a “Place” entity described earlier in this document.
- The “Street” property is a textual representation of the street name.
- The “House Number” is a textual representation of the number of the house or flat.
Example of valid value: 42b
- The “Post Code” is a textual representation of the post code of the address.
Example of valid value: 2597 GV 75
- The “Full Address” is a full textual and unstructured representation of the complete address. It allows the transmission of all the special instances of a person’s address that might be countered and that cannot be inserted in the structured and standardised properties defined above.
Example of valid value: 170, rue de la Loi B-1049 Brussels (Belgium)

7.3.7 “Identification Document” Entity

The “Identification Document” entity represents an identity document of a natural person.

The “Identification Document” entity contains the following properties:

IDENTIFICATION DOCUMENT			
Property	Summary	Mandatory	Occurrence
Identification Document Category	The category of the person’s identification document (value from the common reference table)	Yes	1
Identification Document Type	The type of the person’s identification document	Yes	1
Identification Document Number	The number of the person’s identification document	Yes	1
Issuing Authority	The name of the competent authority that has issued the identification document	No	0...1
Issuing Date	The date at which the identification document was issued	No	0...1
Valid Until	The date until which the identification document is valid	No	0...1

Table 19 – “Identification Document” entity content

- The “Identification Document Category” property indicates the category to which the type of this identification document belongs. It can only contain one of the values defined in the common reference table “ID Document Categories”.
- The “Identification Document Type” property is the textual representation of the type of this identification document.
- The “Identification Document Number” property is the textual representation of the number of this identification document.
Example of a Belgian identity card number: 000-5902762-01
- The “Issuing Authority” property is the textual representation of the name of the competent authority that has issued this identification document.
- The “Issuing Date” property is a date element representing the date at which the competent authority has delivered this identification document.
- The “Valid Until” property is a date element representing the date at which the identification document expires.

7.3.8 "Alias" Entity

The "Alias" entity represents a **complete different nominal identity** of the person subject to a notification, request or response to request.

It can be used for transmitting pseudonyms only but also for transmitting a complete alternative identity indicating a different sex, different birth date and place, different parent's names, different identity documents, etc.

As an example, a person known as `John Smith` could have as aliases: `Alan Doe` (completely different forename and surname), `William Smith` (completely different forename) or `John Doe` (completely different surname). The "Alias" entity is however not intended for carrying name variations derived from the names used in the primary nominal identity, such as `Johnny Smith`.

The "Alias" entity contains properties that are very similar to the "Person" entity:

ALIAS			
Property	Summary	Mandatory	Occurrence
Alias Forename	The first name of the alias of the person	Yes	1
Alias Surname	The last name of the alias of the person	Yes	1
Alias Second Surname	The second last name of the alias of the person	No	0...1
Alias Full Name	The unstructured form of the complete person's alias name (grouping first and last names)	No	0...1
Alias Sex	The gender of the alias of the person	No	0...1
Alias Birth Date	The date of birth of the alias of the person	No	0...1
[Alias Birth Place]	The location of birth of the alias of the person	No	0...1
Alias Nationality	The nationality of the alias of the person, expressed as a country (can be multiple)	No	0...N
Alias Mother Forename	The first name of the alias' mother	No	0...1
Alias Mother Surname	The last name of the alias' mother	No	0...1
Alias Mother Second Surname	The second last name of the alias' mother	No	0...1
Alias Father Forename	The first name of the alias' father	No	0...1
Alias Father Surname	The last name of the alias' father	No	0...1
Alias Father Second Surname	The second last name of the alias' father	No	0...1
Alias Identity Number	The national identification number of the alias of the person	No	0...1
[Alias Identification Document]	The information of the alias' identification document	No	0...N
[Alias Address]	Address of the alias of the person	No	0...N
Remarks	Any additional valuable remarks related to the alias of the person	No	0...1

Table 20 – “Alias” entity content

Please note that apart from the fact that most properties are defined as optional, the rules, formats and structures of the properties of the “Alias” entity are identical to their counterparts in the “Person” entity.

7.3.9 “Conviction” Entity

The “Conviction” entity contains the overall information on the decision of a competent authority relative to the conviction of a natural person.

The “Conviction” entity contains the following properties:

CONVICTION			
Property	Summary	Mandatory	Occurrence
Convicting Country	The country in which the conviction has been handed down	No	0...1
File Number	The reference number of the conviction in the national judicial system.	Yes	1
Decision Date	The date when the conviction was issued	Yes	1
Final Decision Date	The date when the conviction becomes final and legally applicable	Yes	1
Deciding Authority Code	The code of the competent authority that took the decision	No	0...1
Deciding Authority Name	The name of the competent authority that took the decision	Yes	1
Non-Criminal Ruling	Boolean element that specifies whether the conviction represents a non-criminal ruling	Yes	1
Retention Period End Date	The end date of the retention period for this conviction	No	0...1
Transmittable	Boolean element indicating whether this conviction can be retransmitted when replying to requests for purposes other than criminal proceedings	Yes	1
Remarks	Any additional valuable remarks related to this conviction	No	0...1

Table 21 – “Conviction” entity content

- The “Convicting Country” property indicates which country has handed down the conviction. In a notification message, this information is actually redundant because it is the convicting Member State that sends the notification. However in a response to a request, and since the response can carry convictions handed down in other Member States but also in third countries, it can be relevant to inform the requester in which country the conviction has been handed down.

This element is based on the ISO 3166-1 standard and can only contain one of the values defined in the common reference table “Countries and Nationalities”.
- The “File Number” property is the textual representation of the reference number of this conviction in the national judicial system. Considering that such reference numbers are different in form and content from one national judicial system to another, this element is provided in free text format.

Example of a valid file number: 0043212/2007
- The “Decision Date” property indicates the date when the conviction was issued.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Final Decision Date” property indicates the date when the conviction becomes final and legally applicable. This date can be on the same date as the “Decision Date” or later but not earlier.
Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.
- The “Deciding Authority Code” property is the textual representation of the code identifying the competent authority that took the decision. It **can** originate from a national reference table.
- The “Deciding Authority Name” property is the textual representation of the full name of the competent authority that took the decision. It **can** originate from a national reference table.
- The “Non-Criminal Ruling” property is a Boolean element that indicates whether this conviction is a non-criminal ruling, meaning that the conviction has not been issued by a penal court. This information element is only relevant in responses to requests for purposes other than criminal proceedings.
Since the non-criminal rulings are decisions issued by courts other than penal courts, the sanctions indicated in such a non-criminal ruling **cannot be pertaining** to the following sanction categories and their sub-categories:
 - 1000 - Deprivation of freedom
 - 4000 - Prohibition or expulsion from territory
 - 10000 - Military penalty
 This rule is not implied by the legal provisions of ECRIS but is a valid logical rule that can be applied for operational reasons.
- The “Retention Period End Date” property indicates the date at which the retention period of this conviction has expired. It must be after the “Final Decision Date”.
- The “Transmittable” property is a Boolean element indicating whether this conviction can be retransmitted by the central authority when replying to requests for purposes other than criminal proceedings.
 - yes → the notified conviction **can** be retransmitted to the central authority of another Member State when requested for purposes other than criminal proceedings
 - no → the notified conviction **cannot** be retransmitted to the central authority of another Member State when requested for purposes other than criminal proceedings

7.3.10 “Decision” Entity

The “Decision” entity contains the specific information on a decision of a competent authority relative to the conviction of a natural person, which can be the decision of the original conviction itself or subsequent decisions modifying the conviction. It may relate to several offences and several sanctions.

The “Decision” entity contains the following properties:

DECISION			
Property	Summary	Mandatory	Occurrence
Change Type	Indicates the type of change that is applied to the conviction (can be multiple)	No	0...N
Decision Date	The date when the decision was issued	No	0...1
Final Decision Date	The date when the decision becomes final and legally applicable	No	0...1
Deciding Authority Code	The code of the competent authority that took the decision	No	0...1
Deciding Authority Name	The name of the competent authority that took the decision	No	0...1

Delete From Register	Boolean element indicating whether the conviction should be removed from the criminal records register of the convicted person or not	Yes	1
Remarks	Any additional valuable remarks related to this decision	No	0...1

Table 22 – “Decision” entity content

- The “Change Type” indicates the type of the change that has affected the conviction as a whole or one of the sanctions within the conviction, as defined by the parameters in Annex B of the Council Decision 2009/316/JHA. This property is optional and should not be filled in for the decision that indicates the initial conviction.

It can thus only have one of the following values:

- a - Suspended penalty/measure
- b - Partially suspended penalty/measure
- c - Suspended penalty/measure with probation/supervision
- d - Partially suspended penalty/measure with probation/supervision
- e - Conversion of penalty/measure
- h - Revocation of suspended penalty/measure
- i - Subsequent formation of an overall penalty
- j - Interruption of enforcement/postponement of the penalty/measure
- k - Remission of the penalty
- l - Remission of the suspended penalty
- n - End of penalty
- o - Pardon
- q - Release on parole
- p - Amnesty
- r - Rehabilitation
- ja - Judicial annulment
- erp - End of retention period

- The “Decision Date” property indicates the date when the decision bringing changes to the initial conviction was issued.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Final Decision Date” property indicates the date when the decision bringing changes to the initial conviction becomes final and legally applicable. This date can be on the same date as the “Decision Date” or later but not earlier.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Deciding Authority Code” property is the textual representation of the code identifying the competent authority that took the decision bringing changes to the initial conviction. It **can** originate from a national reference table.
- The “Deciding Authority Name” property is the textual representation of the full name of the competent authority that took the decision bringing changes to the initial conviction. It **can** originate from a national reference table.
- The “Delete From Register” property is a Boolean element indicating whether this conviction should be deleted from the criminal records of the convicted person once the retention period is over.

7.3.11 "Offence" Entity

The "Offence" entity contains all the information on the offence that has been committed by the convicted person.

The "Offence" entity contains the following properties:

OFFENCE			
Property	Summary	Mandatory	Occurrence
Common Category	The category of the offence as defined by Annex A of the Council Decision 2009/316/JHA	Yes	1
National Code	The code of the offence as known on the national level of the convicting Member State	No	0...1
National Title	The title of the offence as known on the national level of the convicting Member State	Yes	1
Applicable Legal Provisions	The references to the articles of the national laws of the convicting Member State that have been breached	Yes	1
Start Date	The date when the convicted person started committing the offence	No	0...1
End Date	The date when the convicted person ceased committing the offence	No	0...1
[Place]	The place where the offence happened	No	0...1
Number of Occurrences	The number of times that the offence has been perpetrated by the convicted person during the elapsed time	No	0...1
Continuous Offence	A Boolean element indicating whether the offence was perpetrated continuously during the given period of time instead of a well-defined number of times.	Yes	1
Level of Completion	A code describing the level of completion of the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	No	0...1
Level of Participation	A code describing the level of participation of the convicted person in the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	No	0...1
Responsibility Exemption	A Boolean element describing whether the convicted person has been exempted from criminal responsibility, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	Yes	1
Recidivism	A Boolean element indicating whether the convicted person has performed the same or similar offences in the past	Yes	1
Remarks	Any additional valuable remarks related to this offence	No	0...1

Table 23 - "Offence" entity content

- The "Common Category" property indicates the common ECRIS category of the offence, as defined by Annex A of the Council Decision 2009/316/JHA. It can only contain one of the values defined in the common reference table "Offences".

- The “National Code” property is the code under which the type of offence is identified in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
As an example, the offence « Conduite d'un véhicule malgré l'invalidation du permis de conduire » is known in the French national judicial system as having the national code 02287302.
- The “National Title” property is the name of the offence as known in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
Example of a French national title for an offence: « Emploi irrégulier du dispositif destiné au contrôle des conditions de travail - transport routier »
- The “Applicable Legal Provisions” property is the textual description of the references to the articles of the national laws of the convicting Member State that have been breached.
Example from the French judicial system: ART.L.234-1 §I, §V C.ROUTE.
- The “Start Date” property represents the date when the convicted person started committing the offence. It must necessarily be before the “Decision Date” of the “Conviction” entity in which the offence is contained.
- The “End Date” property represents the date when the convicted person ceased committing the offence. It can be on the same date as the “Start Date” or later but not earlier.
- The “Place” property represents the location where the offence has been committed. It is a “Place” entity described earlier in this document.
- The “Number of Occurrences” property is a numeric value indicating how many times the offence has been committed by the convicted person during the elapsed time.
- The “Continuous Offence” property is a Boolean element indicating whether the offence was perpetrated continuously during the given period of time instead of a well-defined number of times.
- The “Level of Completion” property is a code describing the level of completion of the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA. It can only contain one of the following values:
 - C - Completed act
 - A - Attempt or preparation
- The “Level of Participation” property is a code describing the level of participation of the convicted person in the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA. It can only contain one of the following values:
 - M - Perpetrator
 - A - Aider and abettor, instigator, organiser, conspirator
- The “Responsibility Exemption” property is a Boolean element describing whether the convicted person has been exempted from criminal responsibility. The value “yes” corresponds to the parameter “S – Insanity or diminished responsibility” as defined in Annex A of the Council Decision 2009/316/JHA.
- The “Recidivism” property is a Boolean element indicating whether the convicted person has performed the same or similar offences in the past. The value “yes” corresponds to the parameter “R – Recidivism” as defined in Annex A of the Council Decision 2009/316/JHA.

7.3.12 “Sanction” Entity

The “Sanction” entity contains all the information on the sanction to which the convicted person has been sentenced. In particular, it contains the specific terms of the sanction but carries also information about the enforcement of its execution.

The "Sanction" entity contains the following properties:

SANCTION			
Property	Summary	Mandatory	Occurrence
Type	The specific type of the sanction (i.e. penalty or measure)	Yes	1
Common Category	The category of the sanction as defined by Annex B of the Council Decision 2009/316/JHA	Yes	1
National Code	The code of the sanction as known on the national level of the convicting Member State	No	0...1
National Title	The title of the sanction as known on the national level of the convicting Member State	Yes	1
Alternative	An indication of whether the sanction represents an alternative to another sanction	No	0...1
Multiplier	The number of times that this sanction is being applied	Yes	1
Specific to Minor	A Boolean element indicating whether this sanction is specific to minors	Yes	1
Sentenced Start Date	The date when the execution of the sanction is supposed to start, as sentenced by the deciding authority	No	0...1
Sentenced End Date	The date at which the execution of the sanction is supposed to stop, as sentenced by the deciding authority	No	0...1
Sentenced Duration	The duration of execution of the sanction, as sentenced by the deciding authority	No	0...1
Sentenced Duration Exact	A Boolean element indicating whether the sentenced duration is defined exactly or not.	Yes	1
Execution Start Date	The date when the execution of the sanction really starts	No	0...1
Execution End Date	The date at which the execution of the sanction really stopped	No	0...1
Execution Duration	The real duration of execution of the sanction, as performed by the convicted person	No	0...1
Number of Fines	The number of fines to be paid by the convicted person	No	0...1
Amount of Individual Fine	The monetary amount of one fine	No	0...1
Currency of Fine	The currency of the fine	No	0...1
[Suspension]	The terms of the suspended parts of this sanction	No	0...1
[Interruption]	The terms of the interruption/postponement of this sanction	No	0...N
Remarks	Any additional valuable remarks related to this sanction	No	0...1

Table 24 – "Sanction" entity content

- The “Type” property indicates the type of the sanction. It corresponds to the parameters “ø – Penalty” and “m – Measure” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:
 - ø – Penalty
 - m – Measure
- The “Common Category” property indicates the common ECRIS category of the sanction, as defined by Annex B of the Council Decision 2009/316/JHA. It can only contain one of the values defined in the common reference table “Sanctions”.
- The “National Code” property is the code under which the type of sanction is identified in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
- The “National Title” property is the name of the sanction as known in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
Example of a French national title for a sanction: « obligation d’accomplir un stage de sensibilisation à la sécurité routière »
- The “Alternative” property indicates whether this sanction represents an alternative to another sanction that would normally have been sentenced. It corresponds to the parameters “f – Alternative penalty/measure imposed as principal penalty” and “g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:
 - f – Alternative penalty/measure imposed as principal penalty
 - g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty
- The “Multiplier” property indicates the number of times that the particular sanction applies for the given offence(s). By default its value is set to 1.
The “Multiplier” property cannot contain the value 0; it must be a strictly positive number.
- The “Specific to Minor” property is a Boolean element indicating whether this type of sanction is specific to minors. The value “yes” corresponds to the parameter “s – Penalty or measure specific to minors” as defined in Annex B of the Council Decision 2009/316/JHA.
- The “Sentenced Start Date” property indicates the date when the execution of the sanction starts, as declared by the deciding authority. It represents the expected start date of the sanction.
- The “Sentenced End Date” property indicates the date at which the execution of the sanction stops, as declared by the deciding authority. It represents the expected end date of the sanction.
- The “Sentenced Duration” property provides the duration of execution of the sanction in years, months, days and hours, as declared by the deciding authority. It represents the expected duration of the sanction.
- The “Sentenced Duration Exact” property is a Boolean element indicating whether the sentenced duration declared by the deciding authority is defined exactly or not.
 - yes → the sentenced duration is exactly defined as the duration of the sanction
 - no → the sentenced duration is not exactly defined but represents a minimum to be served; it indicates that the convict must execute the sanction “at least” for the duration that has been sentenced
 - unknown → this value is to be used when the sanction is not expressed in duration and thus this property is not applicable
- The “Execution Start Date” property indicates the date when the execution of the sanction actually started. It must necessarily be after the latest “End Date” of the “Offence” entities to which this sanction relates to.

- The "Execution End Date" property indicates the date at which the execution of the sanction actually stopped. It can be on the same date as the "Execution Start Date" or later but not earlier.
- The "Execution Duration" property provides the duration of execution of the sanction in years, months, days and hours, as actually really performed.
- The "Number of Fines" property is a numeric element indicating the number of fines to be paid by the convicted person.
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories. The "Number of Fines" property cannot contain the value 0; it must be a strictly positive number.
- The "Amount of Individual Fine" property is a numeric element indicating the amount of money to be paid per fine.
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories. The "Number of Fines" property cannot contain the value 0; it must be a strictly positive number.
- The "Currency of Fine" property indicates in which currency the fine is to be paid. It is based on the ISO 4217 standard and can only contain one of the values defined in the common reference table "Currencies ISO4217".
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories and only when the "Amount of Fine" property is also specified.
- The "Suspension" property provides information on the suspension of all or part of the execution of this sanction. It is an entity in its own that is described later in this document.
- The "Interruption" property provides information on the interruption/postponement of the execution of this sanction. It is an entity in its own that is described later in this document.

7.3.13 "Suspension" Entity

The "Suspension" entity provides information on the suspension of all or part of a sanction.

The "Suspension" entity contains the following properties:

SUSPENSION			
Property	Summary	Mandatory	Occurrence
Type	The type of the suspension	Yes	1
Start Date	The date when the suspension of the sanction starts	No	0...1
End Date	The date when the suspension of the sanction ends	No	0...1
<u>Duration</u>	<u>The duration of the suspension of the sanction.</u>	<u>No</u>	<u>0...1</u>
<u>Duration of Suspended Part</u>	<u>The duration of the suspended part of the sanction.</u>	<u>No</u>	<u>0...1</u>
Probation Duration	The duration of the probation/supervision period	No	0...1
Suspended Amount of Fine	The amount of the fine for which the payment is being suspended	No	0...1
Remarks	Any additional valuable remarks related to this suspension	No	0...1

Table 25 – "Suspension" entity content

- The "Type" property indicates the type of the suspension. It corresponds to the parameters "a – Suspended penalty/measure", "b – Partially suspended penalty/measure", "c – Suspended penalty/measure with probation/supervision" and "d – Partially suspended

penalty/measure with probation/supervision” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:

- a - Suspended penalty/measure
 - b - Partially suspended penalty/measure
 - c - Suspended penalty/measure with probation/supervision
 - d - Partially suspended penalty/measure with probation/supervision
- The “Start Date” property indicates the date when the suspension of the sanction starts.
 - The “End Date” property indicates the date at which the suspension of the sanction stops. It must be later than the “Start Date”.
 - The “Duration” property provides the duration of the suspension of the sanction in years, months, days and hours. It provides the period during which the suspension is running and during which it may be revoked if the convict behaves badly.
 - The “Duration of Suspended Part” provides the duration of the **part of the sanction being suspended**, expressed in years, months, days and hours.

If the “Type” indicates that the suspension of the sanction is partial (i.e. types “b” or “d”), then the “Duration of Suspended Part” of the suspended part of the sanction must be shorter than the “Execution Duration” of the sanction to which the suspension applies.

If the “Type” indicates that the suspension of the sanction is complete (i.e. types “a” or “c”), then the “Duration of Suspended Part” of the suspended part of the sanction must be equal or longer than the “Execution Duration” of the sanction to which the suspension applies.

- The “Probation Duration” property provides the duration of the probation/supervision period in years, months, days and hours.
- The “Suspended Amount of Fine” property indicates the amount of the fine for which the payment is being partially suspended. It can only refer to a sanction which defines **one unique** fine.

The suspended amount of fine is expressed in the same currency as the one indicated by the “Currency of Fine” property of the related sanction.

As an example:

A person is being sentenced to 1 year of prison with a partial suspension of 6 months. This means that the person will actually only go to jail for 6 months. This suspension lasts for 10 years, meaning that during these 10 years, the suspension may be revoked in case the person behaves badly. In this specific example, the properties of the suspension would allow indicating the following information:

Duration = 10 years

Duration of Suspended Part = 6 months

If in addition to this, the person must perform a specific probation and for example report to a probation officer during 2 years, then the property “Probation Duration” can be used for indicating this specific probation period.

This example is fictive but outlines how the properties above are to be used for transmitting the information that is relevant according to the provisions of the national legislations.

7.3.14 “Interruption” Entity

The “Interruption” entity provides information on the interruption/postponement of the execution of a sanction.

The "Interruption" entity contains the following properties:

INTERRUPTION			
Property	Summary	Mandatory	Occurrence
Start Date	The date when the interruption/postponement of execution of the sanction starts	No	0...1
End Date	The date when the interruption/postponement of execution of the sanction stops	No	0...1
Duration	The duration of the interruption/postponement of execution of the sanction	No	0...1
Remarks	Any additional valuable remarks related to this interruption/postponement of execution of the sanction	No	0...1

Table 26 – "Interruption" entity content

- The "Start Date" property indicates the date when the interruption/postponement of execution of the sanction starts.
- The "End Date" property indicates the date at which the interruption/postponement of execution of the sanction stops. It must be later than the "Start Date".
- The "Duration" property provides the duration of the interruption/postponement of execution of the sanction in years, months, days and hours.

7.3.15 Relations between Information Entities

As depicted in the class diagrams, various relations are established between the information elements that are transmitted in messages:

- Relation from conviction to conviction so as to indicate that a conviction affects one or more other convictions (i.e. case of formation of overall sanction);
- Relations from decisions to offences and sanctions, indicating which offences and sanctions were pronounced during the decision;
- Relation from sanctions to offences;
- Relation from sanctions to sanctions, occurring when:
 - a sanction replaces one or more previous sanctions (i.e. when notifying subsequent changes and the sanction information is replaced by modified sanction information, as a result of the formation of the overall sanction, as a result of a conversion of sanction, etc.);
 - a sanction is marked as being an alternative for another sanction, without actually replacing or overriding the sanction; in this case the sanctions are complementing each other

In terms of technical implementation, the "Conviction", "Decision", "Sanction" and "Offence" information elements are to be provided as flat information entities and relationship entities are to be used for linking the various information elements together within the various ECRIS messages. These relationship entities are to be strongly typed in the detailed technical specifications so as to indicate clearly how and why an information element relates to another one, as well as to avoid linking just any information elements together. The technical implementation of such relationships needs however to be designed in such a way that the mechanism remains flexible and easy to extend.

8 NOTIFICATION EXAMPLES

The following sections illustrate the principles above and the usage of the domain model with various concrete examples of notifications. In particular, the examples show how the domain model is to be used depending on whether the Member State is including the history of the conviction in the notification message (by piling up several instances of the “Decision” entity) or not.

Please note that not all examples provide each time the full detailed content of the notification message. Only the relevant parts are shown so as to facilitate the understanding of the principles.

Also, the examples illustrate the usage of the domain model as defined in this analysis document. In particular, the technical implementation in the XML form may differ in terms of format and structure but must respect the principles described and how to combine the various information entities so as to compose meaningful messages.

8.1 Original Conviction

The following illustrates a notification of a new conviction.

8.1.1 Scenario

Person: Mr XY of French nationality, born on 20 May 1980 in Lyon, male

12 March 2014

The person is convicted in Belgium by the court ANP in a case identified by the file number 102212/M02 for the following offences:

- Offence O.1: Unlawful discharges of polluting substances soil and water
This offence has been committed 4 times.
- Offence O.2: Unintentional killing
- Offence O.3: Insult and resistance to a representative of public authority.

In relation to all three offences, person XY acted as main perpetrator for the entire length of the offences.

The court sentences the person to the execution of the following sanctions:

- Sanction S.1: 20 years imprisonment partially suspended for 2 years with a probation period of 1 year (in this example the suspension can be revoked during 40 years).
- Sanction S.2: 4 fines of 5.000 EURO (to be paid by 12 March 2015)

8.1.2 Notification Message

Notification message sent on 28/04/2014 to France:

Person	Forename:		X
	Surname:		Y
	Full Name:		X Y
	Birth Date:		20/05/1980
	Birth Place	Birth Country:	FRA
		Birth Town:	Lyon
	Sex:		1 (= male)
	Nationality:		FRA
Conviction C.1	Convicting Country:		BE
	File Number:		102212/M02

Decision Date:		12/03/2014
Final Decision Date:		12/03/2014
Deciding Authority Code:		BE-TRIB-P-0265-ANP
Deciding Authority Name:		Court ANP
Non-Criminal Ruling:		No
Retention Period End Date:		22/09/2049
Transmittable:		Yes
Remarks:		Nothing special here
Decisions		
Decision D.1	Delete From Register:	No
	Remarks:	Nothing special here
Offences		
Offence O.1	Common Category:	0601 00
	National Title:	Décharge non autorisée de substances polluantes
	Applicable Legal Provisions:	CP ART. 156.4 (1)a
	Start Date:	05/2013
	Level of Completion:	C
	Level of Participation:	M
	Number of Occurrence:	4
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Offence O.2	Common Category:	0803 00
	National Title:	Meurtre accidentel
	Applicable Legal Provisions:	CP ART. 2.18 (7)
	Start Date:	05/2013
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Offence O.3	Common Category:	1206 00
	National Title:	Insulte et opposition aux forces de l'ordre public
	Applicable Legal Provisions:	CP ART. 5.169
	Start Date:	16/07/2013
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Sanctions		
Sanction S.1	Type:	ø – Penalty
	Common Category:	1001
	National Title:	Emprisonnement avec sursis partiel
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	20 years
	Sentenced Duration Exact:	Yes
	Suspension	Type:	d – Partially suspended penalty/measure with

			probation/supervision
		Duration:	40 years
		Duration of Suspended Part:	2 years
		Probation Duration:	1 year
		Remarks:	(FR) During the probation period the convict must report twice per month to a probation officer.
	Sanction S.2	Type:	∅ – Penalty
		Common Category:	8001
		National Title:	Amende
		Multiplier:	1
		Specific to Minor:	No
Sentenced Duration Exact:		Unknown	
Number of Fines:		4	
Amount of Individual Fine:		5.000	
Currency of Fine:	EUR		
Relations			
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3			
Sanction S.1 relates to offences O.1, O.2			
Sanction S.2 relates to offence O.3			

8.2 Revocation of Suspension

The following illustrates a notification of a decision that revokes the suspension of a sanction previously notified.

8.2.1 Scenario

Let's take the previous scenario of Mr XY. Since Mr XY has not reported to the probation officer on a regular basis as required, it is decided on 23 October 2014 to revoke the suspension.

8.2.2 Notification Message

Case 1: Member State sending history of decisions

In this case, the Member State has kept the original conviction information and is capable of notifying separately the revocation of suspension. The notification message sent on 15/11/2014 to France is as follows:

- Same person information
- Same conviction information
- Same decision information
- Same offences information
- Same sanctions information for **S.1** and S.2

In this notification, the unmodified S.1 sanction is still present, including the suspension information in S.1, and the result of the revocation is provided as sanction S.1*. A new "Decision" entity is added.

The "Conviction" block contains now the following information:

Conviction C.1	...	...	...
Decisions			

Decision D.1	Delete From Register:	No
	Remarks:	Nothing special here
Decision D.2	Change Type:	h – Revocation of suspended penalty/measure
	Decision Date:	23/10/2014
	Final Decision Date:	23/10/2014
	Deciding Authority Name:	Court of execution control ECONP
	Delete From Register:	No
Offences		
...
Sanctions		
Sanction S.1	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Emprisonnement avec sursis partiel

Sanction S.2	Type:	∅ – Penalty
	Common Category:	8001
	National Title:	Amende

Sanction S.1*	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Prison ferme
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	20 years
	Sentenced Duration Exact:	Yes
	Sentenced Start Date:	30/10/2014
Execution Start Date:	30/10/2014	
Relations		
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3		
Decision D.2 relates to sanction S.1*		
Sanction S.1* relates to offences O.1, O.2		
Sanction S.1* replaces sanction S.1		

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original conviction information but has updated it in its national register as a result of the decision. The notification message sent on 15/11/2014 to France is as follows:

- Same person information
- Same conviction information
- Same offences information
- Same sanction information for S.2

The decision information indicates the type of change applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction).

In this notification, the original S.1 sanction information is replaced by the updated S.1 sanction information. The original information relating to the suspension is not present anymore in this notification message.

Please note that the Member State that has received the previous notification and this one can analyse the previous notification and this notification and reconstruct the history if it requires it. Doing such processing is left at the discretion of each Member State.

Conviction C.1	...	...
	Decisions		
	Decision D.1	Change Type:	h – Revocation of suspended penalty/measure
		Delete From Register:	No
		Remarks:	Nothing special here
	Offences		

	Sanctions		
	Sanction S.1	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	20 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Execution Start Date:	30/10/2014
	Sanction S.2	Type:	∅ – Penalty
		Common Category:	8001
		National Title:	Amende
	
	Relations		
	Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2			
Sanction S.2 relates to offence O.3			

8.3 Remission of Sanction

The following illustrates a notification of a decision of a remission of a sanction previously notified. As a reminder, this has the effect of diminishing the penalty.

8.3.1 Scenario

Let's take the previous scenario of Mr XY and let's suppose now that the court BE-TRI-159/AF decides of the remission of the sanction, reducing the imprisonment of Mr XY from 20 to 15 years, which has as effect of ending the date of execution of the sanction on 30/10/2029 instead of 30/10/2034. Let's also suppose that the notification is sent on 05/11/2029, after the end of real execution of the sanction.

8.3.2 Notification Message

Case 1: Member State sending history of decisions

Logging, Monitoring and Statistics Analysis

In this case, the Member State has kept the original conviction information, all subsequent changes and is capable of notifying separately also the remission of the imprisonment. The notification message sent on 05/11/2029 to France is as follows:

- Same person information
- Same conviction information
- Same decision information for D.1 and D.2
- Same offences information
- Same sanctions information for S.1 and S.2
- The previous change of revocation of suspension is still provided as decision D.2 and modified sanction S.1*

In this notification, the initial S.1 sanction is still present, including the suspension information in S.1, as well as the decision D.2 of the revocation of the suspension and its result provided as the modified sanction S.1*.

In addition, a new decision D.3 is added as well as the updated sanction information S.1**. It is important to note here that in the relations, the message indicates that sanction S.1** replaces sanction S.1* which already replaced sanction S.1. In this manner, the message clearly provides the current state of the conviction, the applicable sanctions being now S.1** and S.2.

The "Conviction" block contains now the following information:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Nothing special here	
	Decision D.2	Change Type:	h – Revocation of suspended penalty/measure	
		Decision Date:	23/10/2014	
		Final Decision Date:	23/10/2014	
		Deciding Authority Name:	Court of execution control ECONP	
		Delete From Register:	No	
	Decision D.3	Change Type:	k – Remission of the penalty	
		Decision Date:	12/10/2029	
		Final Decision Date:	25/10/2029	
		Deciding Authority Name:	BE-TRI-159/AF	
		Delete From Register:	No	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Emprisonnement avec sursis partiel	
...		...		
Sanction S.2	Type:	ø – Penalty		
	Common Category:	8001		
	National Title:	Amende		
		
Sanction S.1*	Type:	ø – Penalty		
	Common Category:	1001		
	National Title:	Prison ferme		

		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	20 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Execution Start Date:	30/10/2014
	Sanction S.1**	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	15 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Sentenced End Date:	30/10/2029
		Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029	
	Relations		
	Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
	Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3			
Decision D.2 relates to sanction S.1*			
Sanction S.1* relates to offences O.1, O.2			
Sanction S.1* replaces sanction S.1			
Decision D.3 relates to sanction S.1**			
Sanction S.1** relates to offences O.1, O.2			
Sanction S.1** replaces sanction S.1*			

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original conviction information but has updated it in its national register as a result of the subsequent decisions. The notification message sent on 22/04/2018 to France is as follows:

- Same person information
- Same conviction information
- Same offences information
- Same sanction information for S.2

In this notification, the previously modified S.1 sanction information is replaced again by the updated S.1 sanction information. The original information relating to the suspension and the original duration of the imprisonment is not present anymore in this notification message.

The decision information indicates the types of changes applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction). Please note that the "Change Type" allows multiple values to be provided. Indeed, this allows the convicting Member State to indicate that the updated information actually is the result of multiple changes that occurred in the past, even if no further details are available on the past states of the sanction. The convicting Member State should at least provide here the indication of the latest change that brought this update and can, if available, indicate all past changes that occurred.

Conviction C.1	...	...
	Decisions		
	Decision D.1	Change Type:	h – Revocation of suspended penalty/measure k – Remission of the penalty
		Delete From Register:	No
		Remarks:	- Initial partial suspension of imprisonment of sanction S.1 has been revoked - Now imprisonment is reduced from 20 years to 15 years
	Offences		

	Sanctions		
	Sanction S.1	Type:	ø – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	15 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Sentenced End Date:	30/10/2029
		Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029	
	Sanction S.2	Type:	ø – Penalty
		Common Category:	8001
		National Title:	Amende
	
Relations			
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3			
Sanction S.1 relates to offences O.1, O.2			
Sanction S.2 relates to offence O.3			

8.4 Interruption/Postponement of Sanction

For this type of change, the same logic as for the previous examples applies.

If the Member State intends sending the history of the changes, it can create a notification message that still contains the initial sanction S.n without interruption. Then it includes a new decision D.x as well as a new sanction S.n* which provides the information on the interruption/postponement.

If the Member State does not intend sending the history of changes, it creates a notification message containing only the updated sanction information for S.n with the information on the interruption/postponement.

The change of information in this case is provided by using the appropriate fields in the "Interruption" entity, which are to be included in the corresponding "Sanction" entity.

8.5 End of Sanction

The "end of sanction" is not to be confused with the end of **execution** of the sanction, although in some situations both events can occur at the same time. The "end of sanction"

indicates the date at which the sanction is considered as terminated from a judicial point of view, which can happen also if the sanction has not been executed.

The “end of sanction” information is to be notified using the appropriate parameter “n – End of penalty” whereas the “end of execution of the sanction” is to be indicated by sending updated sanction information and using the “execution end date” property.

For the “end of sanction”, the same logic for constructing the content of the notification message as for the previous examples applies.

For the end of execution of the sanction, it is proposed **not to use** new “Decision” and “Sanction” entities in the notification message but rather to simply update the previous “Sanction” entity. Let’s again illustrate this case with the previous example of Mr XY who has been to jail for 15 years and is released on 30/10/2029. Let’s also assume that the previous notification message informed the Member State of nationality of the remission of the imprisonment but that the execution was still on-going and that thus the previous notification message did not yet contain information about the end of execution. The Member State that intends to send the whole history of the conviction can now transmit the following notification message:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Nothing special here	
	Decision D.2	Change Type:	h – Revocation of suspended penalty/measure	
		Decision Date:	23/10/2014	
		Final Decision Date:	23/10/2014	
		Deciding Authority Name:	Court of execution control ECONP	
		Delete From Register:	No	
	Decision D.3	Change Type:	k – Remission of the penalty	
		Decision Date:	12/10/2029	
		Final Decision Date:	25/10/2029	
		Deciding Authority Name:	BE-TRI-159/AF	
		Delete From Register:	No	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Emprisonnement avec sursis partiel	
		
	Sanction S.2	Type:	ø – Penalty	
		Common Category:	8001	
		National Title:	Amende	
		
	Sanction S.1*	Type:	ø – Penalty	
		Common Category:	1001	
National Title:		Prison ferme		
Multiplier:		1		
Specific to Minor:		No		
Sentenced Duration:		20 years		
	Sentenced Duration Exact:	Yes		

Sanction S.1**	Sentenced Start Date:	30/10/2014
	Execution Start Date:	30/10/2014
	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Prison ferme
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	15 years
	Sentenced Duration Exact:	Yes
	Sentenced Start Date:	30/10/2014
	Sentenced End Date:	30/10/2029
	Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029
	Relations	
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3		
Decision D.2 relates to sanction S.1*		
Sanction S.1* relates to offences O.1, O.2		
Sanction S.1* replaces sanction S.1		
Decision D.3 relates to sanction S.1**		
Sanction S.1** relates to offences O.1, O.2		
Sanction S.1** replaces sanction S.1*		

Because the definition of the sanction S.1** was not modified but it simply was executed, no new "Decision" entity or "Sanction" entity is added. The sanction S.1** is updated with the information of the end date of the execution of the sanction.

8.6 Release on Parole

For this type of change, the same logic as for the previous examples applies.

If the Member State intends on sending the history of the changes, it can create a notification message that still contains the initial sanction S.n and includes a new "Decision" entity D.x that relates to a new sanction S.n* with the information on the release on parole.

If the Member State does not intend to send the history of changes, it creates a notification message containing only the updated sanction information for S.n with the information on the release on parole.

In both cases, in addition to the parameter "q – Release on parole", the various date properties indicating for instance the execution start and end date and the execution duration can also be modified so as to reflect the result of the release on parole.

8.7 Conversion of Sanction

8.7.1 Scenario

Let's take a new example where Ms WZ has been sentenced to the suspension of her driving licence on 16 June 2012. A first notification message has been sent to the Member State of nationality on 28 June 2012.

Due to special circumstances, it is decided on 20 July 2012 that this sanction is converted into a fine of 3.000 EUR instead.

8.7.2 Notification Message

Case 1: Member State sending history of decisions

In this case, the Member State has kept the original sanction information and is capable of notifying separately the new sanction into which the initial one has been converted. The notification message sent on 05/08/2012 is as follows:

- Same person information as in the first notification
- Same general conviction information as in the first notification
- Same offence information as in the first notification

In this notification message, the initial decision D.1 and initial sanction S.1 are still present and the result of the conversion is provided as a new decision D.2 and new sanction S.1*:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the decision concerning the suspension of the driving licence.	
	Decision D.2	Change Type:	e – Conversion of penalty/measure	
		Decision Date:	20/07/2012	
		Final Decision Date:	20/07/2012	
		Deciding Authority Name:	Court FTR	
		Delete From Register:	No	
		Remarks:	Ms WZ has proved that the suspension of her driving licence will cause her not to get a job she applied for. Therefore the court accepted to convert this suspension into a fine.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	∅ – Penalty	
		Common Category:	3007	
		National Title:	Suspension du permis de conduire	
		
	Sanction S.1*	Type:	∅ – Penalty	
		Common Category:	8001	
		National Title:	Amende	
		Multiplier:	1	
		Specific to Minor:	No	
		Number of Fines:	1	
Amount of Individual Fine:		3.000		
Currency of Fine:		EUR		
Sentenced Duration Exact:	Unknown			
Relations				
Decision D.1 relates to sanctions S.1 and to offence O.1				
Sanction S.1 relates to offence O.1				
Decision D.2 relates to sanction S.1*				
Sanction S.1* relates to offence O.1				
Sanction S.1* replaces sanction S.1				

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original sanction information but has updated it in its national register as a result of the conversion. The notification message sent on 05/08/2012 is as follows:

- Same person information as in the first notification
- Same conviction information as in the first notification
- Same offence information as in the first notification

The decision information indicates the type of change applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction).

In this notification, the initial S.1 sanction information is replaced by the updated S.1 sanction information. The original information relating to the suspension of the driving licence is not present anymore in this notification message.

Conviction C.1	...	...
	Sanction S.1	Type:	ø – Penalty
		Common Category:	8001
		National Title:	Amende
		Multiplier:	1
		Specific to Minor:	No
		Number of Fines:	1
		Amount of Individual Fine:	3.000
		Currency of Fine:	EUR
Sentenced Duration Exact:	Unknown		
...	

8.8 Amnesty and Rehabilitation

Both events of amnesty and rehabilitation affect the conviction as a whole and do not specifically apply to one or more sanctions, as defined earlier in this document.

The following example illustrates how the domain model and notification messages are to be used for transmitting information on such events.

The example illustrates the principle using the amnesty, but the mechanism is identical when notifying of the rehabilitation.

8.8.1 Scenario

Let's take the example of Ms TT who has been sentenced to the loss of right to vote or to be elected. A legislative act is voted on national level that annuls the illicit nature of the offence, and thus the complete conviction, as from 01 February 2015 onwards. In addition, the conviction is also to be removed from the criminal records of the convicted persons.

8.8.2 Notification Message

Such an event does not affect sanctions but the conviction as a whole. In all cases, the notification message sent on 16 February 2015 contains the following information:

- Same person information as in the first notification
- Same conviction information as in the first notification
- Same decision information as in the first notification
- Same offence information as in the first notification

- Same sanction information as in the first notification

In this notification, the initial conviction information is provided, as well as the information of the amnesty. Since the change applies to the whole conviction, no additional "Sanction" information is provided. A new "Decision" entity is added for indicating the amnesty:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the initial decision sentencing the loss of right to vote or to be elected.	
	Decision D.2	Change Type:	p – Amnesty	
		Decision Date:	15/12/2014	
		Final Decision Date:	01/02/2015	
		Deciding Authority Name:	National Parliament	
		Delete From Register:	Yes	
		Remarks:	Following the occurrence of several specific cases, the National Parliament adopted the decision to annul the illicit character of this type of offence for all persons convicted between 01/01/1956 and 15/12/2014.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	3003	
		National Title:	Perte du droit d'élire ou d'être élu	
		
	Relations			
Decision D.1 relates to sanctions S.1 and to offence O.1				
Sanction S.1 relates to offence O.1				

8.9 Pardon

The notion of pardon, as defined earlier in this document, can either be partial and have similar effects on sanctions than the remission, or can be complete and apply to the whole conviction. The event of pardon can be notified using the mechanisms illustrated earlier:

- When it applies to one or more specific sanctions, it can be notified using a similar mechanism than the remission, where the modified sanction information is provided either directly in the conviction information if no history is provided or using new separate "Decision" and "Sanction" entities if the history is provided.
- When it applies to the conviction as a whole, then it can be notified using the same mechanism as for amnesty or rehabilitation using a new separate "Decision" entity, without modifying any of the sanctions.

8.10 End of Retention Period

The end date of the retention period can already be indicated in the first notification message informing of a new conviction using the property "Retention Period End Date". It is however recommended that when the retention period has effectively expired, the convicting Member State informs the Member State of nationality of this fact using the new parameter "erp – End of retention period".

Example: a conviction C.1 decided on 04 April 2013 is to be kept in the criminal records until 10 July 2025. On 10 July 2025, the convicting Member State sends a change notification message to the Member State of nationality using the "Decision" entity with this new parameter. It can also include the information whether the conviction should be removed from the register by using appropriately the property "Delete From Register".

8.11 Formation of Overall Sanction

The formation of overall sanction works in a manner that is similar to the conversion example provided previously.

In nature, the formation of overall sanction can replace multiple sanctions related to **different** convictions. However, as already defined earlier in this document, each notification only carries information about **one single** conviction and its subsequent changes so as to simplify the implementation of the ECRIS software. Therefore, when the formation of an overall sanction affects several convictions, **several** notification messages are to be sent.

Please note that the scenario below illustrates the case where the initial convictions are being affected, and thus modified, by the formation of the overall sanction. As mentioned earlier in this document, for the specific cases where the initial convictions are not modified due to the provisions of the national legislations, these original convictions are still transmitted in individual notification messages but do not carry any changes.

8.11.1 Scenario

Let's take the example of Mr X Y who has perpetrated theft at various degrees and at various occasions in time. He has been judged and sentenced in total 5 times to various fines and once for imprisonment with suspension.

Each conviction has been notified previously to the Member State of nationality separately, each time that it was recorded in the national register. Let's assume that convictions C1 (fine), C2 (fine) were notified by fax, that conviction C3 (fine) was notified through NJR and that convictions C4 (fine) and C5 (imprisonment with suspension) were notified through ECRIS.

On 16 February 2015, the court decides in a new conviction C6 to replace the remaining sanctions, more specifically the 2 unpaid fines of convictions C2 and C3 and the imprisonment with suspension of conviction C5, by an imprisonment of 6 months without suspension. Let's also assume that the 2 fines sentenced in convictions C1 and C4 have been paid earlier and are therefore not replaced by the overall sanction.

8.11.2 Notification Messages

In all cases, on 03/03/2015, the convicting Member State sends 4 notification messages as follows:

- 1 notification for conviction C6 containing the decision of the formation of the overall sanction; this notification message includes references indicating that it affects also the convictions C2, C3 and C5
- 1 notification for conviction C2 in which the fine is replaced by the overall sanction
- 1 notification for conviction C3 in which the fine is replaced by the overall sanction
- 1 notification for conviction C5 in which the imprisonment with suspension is replaced by the overall sanction

Please note that it is important at this stage to also send the notifications for the affected convictions C2, C3 and C5 because the Member State of nationality needs to know in more details which sanctions in these convictions are being replaced by the overall sanction. It also makes sure that the Member State of nationality receives the up-to-date and current judicial state of these past convictions (especially also since they might have been sent using other means than ECRIS or NJR in the past).

Logging, Monitoring and Statistics Analysis

Below is an example of the notification message for the new conviction in which the formation of the overall sanction was decided. Please note that the list of affected convictions previously notified is included in the message:

Person	Forename:		X	
	Surname:		Y	
	Full Name:		X Y	
	Birth Date:		29/04/1973	
	Birth Place	Birth Country:	BEL	
		Birth Town:	Brussels	
	Sex:		1 (= male)	
	Nationality:		BEL	
Conviction C.6	Convicting Country:		ES	
	File Number:		ETR/2015-02-16/481566	
	Decision Date:		16/02/2015	
	Final Decision Date:		01/03/2015	
	Deciding Authority Code:		ES-PEN-A065	
	Deciding Authority Name:		Spanish Penal Court of Madrid	
	Non-Criminal Ruling:		No	
	Retention Period End Date:		22/09/2049	
	Transmittable:		Yes	
	Remarks:		Nothing special here	
	Decisions			
	Decision D.1	Change Type:	i – Subsequent formation of an overall penalty	
		Delete From Register:	No	
		Remarks:	Overall sanction was declared by court after written notification from execution control that payment of past fines was not done by the convicted person.	
	Offences			
	(empty)			
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Prison ferme	
		Multiplier:	1	
Specific to Minor:		No		
Sentenced Duration:		6 months		
Sentenced Duration Exact:	Yes			
Relations				
Decision D.1 relates to sanction S.1				
Affected	Conviction C.5	ECRIS technical identifier:	C-05614	

	Conviction C.3	NJR technical identifier:	ES2010000003100
	Conviction C.2	File Number:	ETR/1996-08-11/74106
		Final Decision Date:	01/09/1996
		Deciding Authority Code:	ES-PEN-A065
		Deciding Authority Name:	Spanish Penal Court of Madrid

Case 1: Member State sending history of decisions

In this case, the convicting Member State has kept the original convictions and sanctions information for the convictions C2, C3 and C5. At the exception of the notification of C6, which is the new conviction containing the overall sanction, each notification message for C2, C3 and C5 contains the history of the conviction and indicates the new overall sanction as well as which past sanction within the conviction is being replaced.

Example of notification message on the modified conviction C2:

Conviction C.2	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the decision relating to the fine sentenced back in 1996.	
	Decision D.2	Change Type:	i – Subsequent formation of an overall penalty	
		Decision Date:	16/02/2015	
		Final Decision Date:	01/03/2015	
		Deciding Authority Name:	Spanish Penal Court of Madrid	
		Delete From Register:	No	
		Remarks:	Overall sanction was declared by court after written notification from execution control that payment of past fines was not done by the convicted person.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	∅ – Penalty	
		Common Category:	8001	
		National Title:	Fine	
		
	Sanction S.1*	Type:	∅ – Penalty	
		Common Category:	1001	
		National Title:	Prison ferme	
		Multiplier:	1	
		Specific to Minor:	No	
		Sentenced Duration:	6 months	
	Sentenced Duration Exact:	Yes		
	Relations			
	Decision D.1 relates to sanctions S.1 and to offence O.1			
	Sanction S.1 relates to offence O.1			
	Decision D.2 relates to sanction S.1*			
Sanction S.1* replaces sanction S.1				

Case 2: Member State not sending history of decisions

In this case, each notification message for C2, C3 and C5 does not contain the history of the conviction and indicates simply the new overall sanction instead of the past sanction.

Example of notification message on the modified conviction C2:

Conviction C.2	...	...
	Decisions		
	Decision D.1	Change Type:	i – Subsequent formation of an overall penalty
		Delete From Register:	No
		Remarks:	<ul style="list-style-type: none"> - Here are some additional remarks about the decision relating to the fine sentenced back in 1996. - Overall sanction applicable as from 01/03/2015 on, declared by court on 16/02/2015 after written notification from execution control that payment of past fines was not done by the convicted person.
	Offences		

	Sanctions		
	Sanction S.1	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	6 months
		Sentenced Duration Exact:	Yes
Relations			
Decision D.1 relates to sanction S.1 and to offences O.1, O.2			
Sanction S.1 relates to offences O.1, O.2			



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THE EUROPEAN UNION**

Brussels, 19 October 2011

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: ECRIS Business Analysis

Delegations will find in the Annex the revised text of the ECRIS Business Analysis as resulting from the observations submitted by the Member States and examined during the Expert Meeting on 21 September 2011. Changes are indicated by underlined text as against the previous version of the ECRIS Business Analysis.



ANNEX

European Commission – DG Justice

iLICONN Consortium (Bilbomatica – Intrasoft – Unisys)

ECRIS Technical Specifications

Business Analysis

Document Information

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Document History

VERSION	DATE	AUTHOR	DESCRIPTION
0.1	07/09/2010	DCO	First draft
0.2	09/09/2010	DCO	Second draft, updates on Process "Request criminal records Data " and "Reply to request for criminal records" after internal discussions with LCO and PAT
0.3	17/09/2010	DCO	Third draft, updates in all sections
0.3	22/09/2010	AME	Review
0.4	26/09/2010	DCO	Updates in all sections
0.5	27/09/2010	LCO	Final revision before delivery
0.6	14/10/2010	DCO LCO	Intermediate revision including comments of Member States
0.7	15/10/2010	DCO	Updates including various comments from the Commission
0.8	03/11/2010	LCO	Complete revision and implementation of all remaining Member States' and Commission's comments
0.9	13/12/2010	LCO	Implementation of comments and changes agreed during the Expert Group Review meeting 01-Dec-2010 and COPEN meeting 10-Dec-2010
1.0	15/12/2010	LCO	Revision and correction of examples in chapter 8
1.1	16/12/2010	LCO	Correction of chapter 7.2.10 ("Additional ID Info" Message) after verification by DG JUST
1.2	23/02/2011	DCO	Implementation of comments and changes agreed during the Expert Group Review meeting 16-Feb-2011
1.3	27/02/2011	LCO	Final revision before delivery
1.4	28/02/2011	LCO	Implementing comments from DG JUST
1.5	06/06/2011	LCO	Implementing agreements reached during the COPEN meetings on 09-Mar-2011 and 19-May-2011 (changes on suspension information, judicial annulment and storage of notifications)
<u>1.6</u>	<u>30/09/2011</u>	<u>DCO</u>	<u>Implementing agreements reached during the Expert Review meeting on the 21-Sep-2011 (changes on judicial annulment)</u>

TABLE OF CONTENTS

1	DOCUMENT	8
1.1	Purpose	8
1.2	Scope	8
1.3	References	9
1.4	About this Document	10
1.4.1	Elaboration of this Document	10
1.4.2	Understanding this Document	11
1.4.3	Providing Comments	11
2	INTRODUCTION	13
3	TERMINOLOGY AND CONCEPTS	14
3.1	ECRIS Software	14
3.2	Alias	14
3.3	Offence	14
3.4	Sanction	14
3.5	Conviction	15
3.6	Decision	15
3.7	Suspension, Postponement, Interruption	16
3.8	Revocation	17
3.9	Conversion and Alternative Sanction	17
3.10	Overall Sanction	18
3.11	Remission, Pardon, Amnesty	18
3.11.1	Remission	18
3.11.2	Pardon	18
3.11.3	Amnesty	19
3.12	End of Sanction	19
3.13	Rehabilitation	19
3.14	Judicial Annulment	20
3.15	Obligatory versus Mandatory Information	20
4	PRINCIPLES OF DATA EXCHANGES	21
4.1	Notifications	21
4.1.1	General Content of Notification Messages	21
4.1.2	Conviction Information	22
4.1.3	Notifying Subsequent Changes	22
4.1.4	Notifying the Formation of Overall Sanction	23
4.1.5	Notifying the End of the Retention Period	23
4.2	Storage for Retransmission	23

4.3	Translation of Information Exchanged	24
4.3.1	Standardised Information Elements	24
4.3.2	Nominal Identity Information	25
4.3.3	Requests	25
4.3.4	Notifications	25
4.4	Requests on Third Country Nationals	26
4.5	Copies of Convictions	26
5	INFORMATION EXCHANGE PROCESSES	27
5.1	Legend	27
5.1.1	Diagrams	27
5.1.2	Descriptions	28
5.2	Process: Notify Convictions and Subsequent Changes	29
5.2.1	Process Start	31
5.2.2	Function (1) – Send Notification Data to the Member State of the Convicted Person’s Nationality	31
5.2.3	Function (2) – Search Person	32
5.2.4	Function (3) – Check Specifics of Person Found	33
5.2.5	Function (4) – Decide Whether to Process or Discard	34
5.2.6	Function (5) – Store Notification Information for the Purpose of Later Retransmission ³⁴	
5.2.7	Function (6) – Inform Convicting Member State that Notification Information has been Correctly Received	35
5.2.8	Function (7) – Inform Convicting Member State that Notification Information Cannot be Stored for Retransmission	35
5.3	Process: Request Criminal Record Information	36
5.3.1	Process Start	40
5.3.2	Function (1) – Send Request to Other Member State’s Central Authority	40
5.3.3	Function (2) – Evaluate Purpose of Request	41
5.3.4	Function (3) – Send Request Denial to Requesting Member State	41
5.3.5	Function (4) – Send Deadline to Requesting Member State	42
5.3.6	Function (5) – Search Person	42
5.3.7	Function (6) – Send New Deadline to Requesting Member State	43
5.3.8	Function (7) – Check Specifics of Person Found	44
5.3.9	Function (8) – Inform Requesting Member State that Request cannot be answered ⁴⁵	
5.3.10	Function (9) – Collect Convictions of Person Found	45
5.3.11	Function (10) – Add Conviction Information to Response	46
5.3.12	Function (11) – Add Information that Person has no Convictions to Response	46
5.3.13	Function (12) – Check Whether Additional Convictions are Available from Other Member States ⁴⁶	
5.3.14	Function (13) – Add List of Other Member States to Response	47
5.3.15	Function (14) – Send Response to Requesting Member State	47

5.4	Sub-Process: Search Person	48
5.4.1	Process Start	49
5.4.2	Function (1) – Search Person	50
5.4.3	Function (2) – Search Criminal Records	51
5.4.4	Function (3) – Evaluate if Additional Information can be requested	51
5.4.5	Function (4) – Request Additional Identification Data	52
5.4.6	Function (5) – Search Additional Identification Information	52
5.4.7	Function (6) – Send Additional Identification Information	53
5.4.8	Function (7) – Send Negative Response	53
6	GENERAL RULES	54
6.1	Managing Deadlines	54
6.1.1	Requests	54
6.1.2	Notifications	55
6.2	Obligatory Data Elements	56
7	DOMAIN MODEL	57
7.1	General Information	57
7.1.1	Understanding the Domain Model	57
7.1.2	UML Class Diagrams	57
7.1.3	Recurring Information Elements and Property Types	58
7.1.4	Reference Tables	59
7.2	Messages	60
7.2.1	“Notification” Message	63
7.2.2	“Notification Problem” Message	63
7.2.3	“Notification Receipt” Message	64
7.2.4	“Request” Message	65
7.2.5	“Request Denial” Message	66
7.2.6	“Request Deadline” Message	66
7.2.7	“Request Problem” Message	67
7.2.8	“Request Response” Message	67
7.2.9	“Request Additional ID Info” Message	68
7.2.10	“Additional ID Info” Message	69
7.2.11	“Additional ID Info Unavailable” Message	70
7.3	Information Entities	70
7.3.1	Main Information Entities	70
7.3.2	“Contact Person” Entity	72
7.3.3	“Requesting Authority” Entity	73
7.3.4	“Person” Entity	73
7.3.5	“Place” Entity	76
7.3.6	“Address” Entity	76
7.3.7	“Identification Document” Entity	77

7.3.8	"Alias" Entity	78
7.3.9	"Conviction" Entity	79
7.3.10	"Decision" Entity	80
7.3.11	"Offence" Entity	82
7.3.12	"Sanction" Entity	83
7.3.13	"Suspension" Entity	86
7.3.14	"Interruption" Entity	87
7.3.15	Relations between Information Entities	88
8	NOTIFICATION EXAMPLES	89
8.1	Original Conviction	89
8.1.1	Scenario	89
8.1.2	Notification Message	89
8.2	Revocation of Suspension	91
8.2.1	Scenario	91
8.2.2	Notification Message	91
8.3	Remission of Sanction	93
8.3.1	Scenario	93
8.3.2	Notification Message	93
8.4	Interruption/Postponement of Sanction	96
8.5	End of Sanction	96
8.6	Release on Parole	98
8.7	Conversion of Sanction	98
8.7.1	Scenario	98
8.7.2	Notification Message	99
8.8	Amnesty and Rehabilitation	100
8.8.1	Scenario	100
8.8.2	Notification Message	100
8.9	Pardon	101
8.10	End of Retention Period	101
8.11	Formation of Overall Sanction	102
8.11.1	Scenario	102
8.11.2	Notification Messages	102

1 DOCUMENT

1.1 Purpose

This document is a formal product of the *ECRIS Technical Specifications* project, for the European Commission – DG Justice and produced by the iLICONN Consortium.

The main purpose of this document is to provide a common understanding, from the **functional point of view**, of how the ECRIS data exchanges are to be performed between the Member States' central authorities as well as what information elements are to be exchanged in detail.

In terms of workflow, this document determines the *kinematics* of the computerised dialogues between the Member States' central authorities by exploring the various business cases, alternative courses and business exceptions that can occur. In terms of content, the "domain model" defines exactly the set of information to be exchanged, and more specifically the types of messages and the data elements to be contained within each such message.

This document assumes that the readers have a good and detailed knowledge and understanding of the following elements:

- ECRIS legal basis
- The "ECRIS Technical Specifications – Inception Report" document
- The provisions of the respective Member States' national legislations and practices regarding the registration of criminal record data inside the national criminal record registers

The target audience of this document are first the legal experts of the Member States' central authorities who need to validate the definitions of the flows and of the detailed concepts, and on a second level the IT experts who need to consider the feasibility of the described flows and the availability of the defined data elements.

1.2 Scope

This document provides all necessary information for reaching a common understanding of the business flows and data elements to be exchanged between the Member States' central authorities. In particular, this document contains:

- Diagrams depicting in details the workflows of the data exchanges between the central authorities of two Member States, from a business point of view, including all possible flows and alternative courses that may occur during these information exchanges.
- Detailed textual descriptions of the business flows illustrated by these diagrams.
- The detailed definition of all the messages to be supported by the ECRIS application.
- The detailed definition of each data element that must or can be transmitted within these messages, illustrated by concrete examples.
- The detailed definition of the common business rules that need to be applied to the messages and to the data elements so as to have a consistent data exchange system of sufficient quality.



Please note that for some of the data elements described further in this document, the analysis foresees predefined lists of values that are applicable. These are to be found in the supporting spread-sheet named "Common Reference Tables".

This document does not provide any other information than what has been stated above, and in particular it does not include:

- Technical considerations for the ECRIS data exchanges. In particular, the technical errors are purposefully left out of this document; indeed the descriptions of business flows assume that no technical errors occur during the data exchanges so as to focus only on the business flows.

The technical errors and the handling of technical failures are to be described in the later “Detailed Technical Specifications”.

- Considerations on the security of the data exchanges; this is handled in the “Security Analysis” document.
- While monitoring of the system and collection of statistics also have significant business value, these are left out of this analysis document since these topics are to be further elaborated in the specific “Logging, Monitoring and Statistics Analysis” document.

1.3 References

The following documents have been used as input for the elaboration of this document:

- [1] ECRIS Legal Basis – Council Framework Decision 2009/315/JHA
Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal records between Member States (OJ L 93/23 of 07.04.2009)
- [2] ECRIS Legal Basis – Council Decision 2009/316/JHA
Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European criminal records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93/33 of 07.04.09)
- [3] Network of Judicial Registers (NJR) – Functional Concept – version 1.3a (approved) of 13 March 2008
- [4] Network of Judicial Registers (NJR) – Functional Concept – version 1.4 (draft) of 23 November 2009
- [5] NJR WSDL and XML Files v1.4.2 of 21 January 2009 (final)
“CommonTables_and_XML_rel1-4-2_20090121.zip” files containing:
 - RegisterService-1.4.2.wsdl (version 1.4.2)
 - common.xsd (version 1.4 of 18 December 2008)
 - CommonTables-1.3.xsd (version 1.3)
 - CommonTables-1.4.2.xml (version 1.4.2)
 - error.xsd (version 1.4 of 02 November 2005)
 - information.xsd (version 1.4 of 02 November 2005)
 - notification.xsd (version 1.4 of 22 November 2005)
 - receipt.xsd (version 1.4 of 02 November 2005)
 - request.xsd (version 1.4 of 02 November 2005)
- [6] NJR WSDL and XML Files v1.5 (draft)
 - RegisterService-1.5.wsdl (draft version 1.5 of 11 August 2010)
 - common.xsd (draft version 1.5 of 10 June 2010)
 - CommonTables-1.5.xsd (draft version 1.5)
 - CommonTables-1.5.xml (draft version 1.5.0)
 - error.xsd (draft version 1.5 of 10 July 2010)
 - information.xsd (draft version 1.5 of 10 July 2010)
 - notification.xsd (draft version 1.5 of 10 July 2010)
 - receipt.xsd (draft version 1.5 of 10 July 2010)
 - request.xsd (draft version 1.5 of 10 July 2010)
- [7] Concrete examples of NJR “notifications”, “requests” and “information” messages provided by the following Member States: BE, FR, ES and UK.
- [8] ECRIS Technical Specifications – Inception Report v1.02 of 22 October 2010.

[9] ECRIS Technical Specifications – Glossary v1.6 of 26 May 2011

[10] ECRIS Technical Specifications – Common Reference Tables v0.20 of 30 September 2011

1.4 About this Document

1.4.1 Elaboration of this Document

This “Business Analysis” document has been drafted by the iLICONN staff based on the following input:

- The documents listed in the references above
- Information gathered during the preliminary on-site visits of the following Member States’ central authorities:
 - 19-Jul-2010 / 30-Jul-2010: Belgium – Service Public Fédéral Justice – Service Casier Judiciaire Central
 - 26-Jul-2010 : France – Ministère de la Justice – Casier Judiciaire National
 - 29-Jul-2010 : Germany – Bundesamt für Justiz – Bundeszentralregister
 - 05-Aug-2010 : United Kingdom – Association of Chief Police Officers (ACPO) – ACPO Criminal Records Office (ACRO)
 - 09-Aug-2010 : Spain – Ministerio de Justicia – Registro central de penados y rebeldes
- The answers provided by the following Member States’ central authorities to the questions defined in the “Inception Phase Questionnaire” document that has been sent out by the European Commission to all Member States’ contact points on the 04th of August 2010 (listed in alphabetical order):
 - Austria (AT), Belgium (BE), the Czech Republic (CZ), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (GR), Hungary (HU), Italy (IT), Lithuania (LT), Luxembourg (LU), the Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), the United Kingdom (UK)
- Direct contacts and meetings with various experts (various experts from the European Commission, experts from the contractor currently developing the *NJR Reference Implementation* software but also other experts that have been involved in various studies and similar projects in the field of justice and cooperation in criminal matters).
- Concrete examples of NJR “notifications”, “requests” and “information” messages provided by the following Member States: BE, FR, ES and UK.
- The discussions, conclusions and agreements that have been reached during the Expert Group Review meeting on 19 October 2010 and during the COPEN Working Group meeting on 20 October 2010.
- The 933 comments issued by the Member States and the European Commission on the previous version of this document until 08 October 2010.
- A new proposal regarding the content of notification messages and the usage of the domain model drafted by iLICONN and circulated to a limited number of Member States experts as basis for discussion (document “ECRIS Technical Specifications – Business Analysis Proposal” v0.2 of 29 November 2010). Conference calls with several Member States’ experts and direct e-mail contacts for discussing this new proposal between 15 and 26 November 2010.
- The discussions and agreements that have been reached during the Expert Group Review meeting on 01 December 2010 and COPEN Working Party meeting on 10 December 2010.
- The comments issued by the Member States and the European Commission on the previous version of this document.
- Conference calls held with experts from DE, ES, FR and PL between 7 and 9 February 2011 and direct e-mail contacts with several other Member States for discussing the aforementioned comments.

- The discussions and agreements that have been reached during the Expert Group Review meeting on 16 February 2011.
- The discussions and agreements that have been reached during the COPEN Working Party meetings on 9 March 2011 and on 19 May 2011.
- The discussions and agreements that have been reached during the Expert Group Review meeting on 21 September 2011.

1.4.2 Understanding this Document

This document comes with a “Glossary” document that provides definitions for the specific terms that are used throughout the *ECRIS Technical Specifications* project.

By convention, all words marked in *italic* in this document can be looked up in the “Glossary” document. The **bold font** are used for emphasising a specific term or part of a sentence. The underlines mark the text that has been added or modified since the last version while the ~~strike-through~~ marks the text that has been removed or replaced.

In case of doubts about the exact meaning of a term, please consult first the “Glossary”.

Should you still have any doubts about the meaning of a specific sentence or paragraph, please do not hesitate to take direct contact with the following persons by telephone or via e-mail, at your best convenience:

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In addition, please note that in several places in this analysis document, open remarks are written.



The intention of such remarks are to draw the attention of the reader to specific points to be taken into account in this analysis document so as to make sure that the descriptions are well understood, as well as to highlight specific consequences or implications.

1.4.3 Providing Comments

As described in the “Inception Report” document, all major deliverables produced by the iLICONN Consortium are undergoing a “Review Cycle” during which all EU Member States experts are invited to provide comments.

Since the iLICONN staff needs to collect, compare and analyse the feedback from 27 Member States on the same document – thus potentially a large number of comments – it uses a tool that allows easily extracting the comments from MS Word documents.

Therefore, for commenting this document, please apply the following guidelines:

- All comments are to be written in plain English. Comments provided in other languages cannot, unfortunately, be taken into account.
- The comments must be specific to and must relate to the text (sentence and/or paragraph) being revised.
- Please use simple wording and be as specific, concise and clear as possible in order to avoid ambiguities.

- When referring to specific terms, acronyms, abbreviations that are common in your daily jargon but that are not defined in the *Glossary* document, please define them first.
- Write your comments directly in this MS Word document, by proceeding as follows:
 - First select a word, a part of a sentence or a paragraph (this can be done for example by double-clicking on a word or by dragging your mouse over parts of the text while keeping the left mouse-button pressed).

Attention:

Please note that a **minimum of 4 characters** must be selected in order for our commenting tool to grab the comment. Furthermore, comments on diagrams and embedded pictures are also not taken into account. In such cases, please select the caption text underneath the diagram or image.

- Once a word, part of a sentence or paragraph has been selected, insert an MS Word comment in which you can type your remarks.

An MS Word comment is typically displayed as a red balloon in the right margin of the document and usually starts with the abbreviation of your name and the timestamp at which the comment is being written. Depending on your version of MS Word, use the following steps for inserting a comment:

MS Word 2007 and MS Word 2010:

1. Select the text you would like to comment upon
2. Open the **Review** ribbon, select **New Comment** in the **Comments** section
3. In the balloon that appears in the right margin, type your comment
4. Click anywhere in the document to continue editing the document

MS Word 2003:

1. Select the text you would like to comment upon
2. From the **Insert** menu, select **Comment** (or click on the **New Comment** button on the **Reviewing** toolbar)
3. In the balloon that appears in the right margin, type your comment
4. Click anywhere in the document to continue editing the document

The text will have coloured lines surrounding it, and a dotted coloured line will connect it to the comment. To delete a comment, simply right click on the balloon and select **Delete Comment**.

- Please do not use the MS Word “track changes” tool and do not write your comments as plain text in the MS Word file.
- In case that you want to provide general comments or remarks that are not specific to a part of the text of this document, please provide them into a separate document and/or e-mail.

In case that you need to translate this document to another language, and then translate back your comments to English, please make sure that your comments are provided in the form described above and that they have not been altered or moved to another section of the text during the translation process.



In addition, and because the common reference values are put in a separate spread-sheet, please include comments on the reference values **in this business analysis document**, on the relevant description of the data element being concerned.

Comments or changes performed directly in the supporting spread-sheet “Common Reference Tables” can unfortunately **not** be taken into account.

2 INTRODUCTION

This “Business Analysis” document aims at setting a common understanding between all the stakeholders regarding the exchanges that are to be performed with the ECRIS software between Member States’ central authorities regarding information on criminal records.

At first, it is important to clarify the terminology used throughout this document but also in the ECRIS data exchanges since the Member States have different legislations with often similar mechanisms but using different names. It is also to be noted that some of the legal mechanisms described are not necessarily defined and used in all Member States. Once the terminology is set, the main concepts and principles relating specifically to the exchange of criminal record information are to be outlined so as to ensure a proper understanding of the more detailed concerns. Then the document describes the information exchange process between two central authorities and details the content of the messages to be transmitted back and forth during the automated dialogues.

It is to be noted that while this analysis must comply with the ECRIS legal instruments, it also needs to set a minimum of operational rules so as to ensure the proper functioning of ECRIS due to its nature of being an electronic and (partly) automated information technology system. This may thus result in the analysis being partially more constraining than the ECRIS legal instruments, such as for example by defining a minimum set of mandatory information for sending requests to a central authority. These additional constraints are not to be considered as new legal obligations to the Member States but rather as necessary functional and operational constraints to be respected when implementing the ECRIS software so as to achieve proper interoperability.

Please note also that this analysis aims at remaining on a functional, business and legal level rather than on an IT-technical level. The information exchange processes and the information elements to be transmitted are described from this perspective only, leaving out IT-technical considerations on purpose. In particular, the domain model is establishing logical groups of information, logical and functional rules as well as logical relations. These elements may well be implemented technically with a different structure than what is described in this document, especially when designing the XML schemas and XML messages, as long as the rules and concepts defined in this document are strictly respected.

3 TERMINOLOGY AND CONCEPTS

The following chapters aim at defining a common terminology and common concepts to be used by all stakeholders in the context of the ECRIS data exchanges.

3.1 ECRIS Software

This analysis distinguishes the terminology used between ECRIS and the ECRIS software. Indeed, "ECRIS" is understood as being the overall system as defined in the legal instruments. It refers to the central authorities of the Member States (including their staff and infrastructure that actively participate in the data exchanges), the obligations defined in the legal instruments, the common definitions defined therein, etc. The term "ECRIS software" or "ECRIS application" is used throughout this document and refers specifically to the software tool that performs the electronic data exchanges between two central authorities. As such it refers to both the national implementations and to the *ECRIS Reference Implementation*.

3.2 Alias

In the context of this analysis, the "alias" may refer to a full nominal identity that may be completely different from the primary nominal identity under which a convict has been registered, including differing fore- and surnames, differing sex, differing parent's names, differing birth date and location, differing addresses, etc.

Indeed, this concept goes beyond the simple usage of a pseudonym. In particular it covers exceptional but real cases of persons using multiple identities during their life, such as for example a person changing gender or a person using multiple and completely different identity documents.

Please note that providing a completely different nominal identity as an alias in addition to the primary identification information already contained in a notification or in a request can on one hand increase the probability of finding the person. However on the other hand it also increases the risk that both the primary identification information and the alias correspond to two distinct persons. As described later in the business processes, if this situation occurs, it is the responsibility of the Member State that performs the search to decide whether to use only the primary identification information or to conclude that multiple matches have been found and thus that there is a doubt about which person is being referred to in the message and act accordingly.

3.3 Offence

As also defined in the "Glossary" document:

"Offence" is understood in the context of ECRIS as a violation or breach of the penal law. An offence can range from a simple misdemeanour (e.g. a traffic violation) to a felony (e.g. capital murder).

3.4 Sanction

"Sanction" is understood as a punishment that can either be a penalty or other means of enforcement used to provide incentives for obedience with the law, or with rules and regulations.

Please note that the term "sanction" is the generic term that groups both penalties and measures listed in Annex B of the Council Decision 2009/316/JHA. As such, the parameters "Ø – Penalty" and "m – Measure" that are defined in the parameters table in Annex B of this same Council Decision are simply qualifying the type of the "sanction".

Please note also that the parameter “s – Penalty or measure specific to minors” defined in Annex B of the Council Decision 2009/316/JHA provides additionally the information whether the sanction is specific to juvenile persons or not.

The term “disqualifications arising from the conviction” is used in the Council Framework Decision 2009/315/JHA and is referred to in article 11 as optional information that shall be transmitted by the central authorities of the Member States if available. These “disqualifications” are understood as being various forms of deprivation of rights or privileges of the convicted person. The most common disqualifications are already identified as sanctions and are covered by the categories that are defined in Annex B of the Council Decision 2009/316/JHA, more specifically in categories such as “2000 – Restriction of Personal Freedom”, “3000 - Prohibition of a specific right or capacity”, etc. and their subcategories. Such “disqualifications” are understood as being specific subsets of sanctions.

3.5 Conviction

According to the Council Framework Decision 2009/315/JHA:

“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 criminal record of the convicting Member State.”

The term “conviction” in this analysis is slightly generalised and understood as any final decision by a **competent authority** that a natural person is guilty **of one or more offences** and for which appropriate **sanctions** are declared, to the extent that these decisions are entered in the criminal record of the convicting Member State.

Indeed, this analysis considers also non-criminal rulings and considers also cases where several offences are being grouped during a single judgment and for which multiple sanctions may be declared. This document also leaves out on purpose any such convictions that are not entered in the criminal records register since these are not part of the ECRIS business.

This generalisation is necessary for the sake of understanding the domain model defined later in this document. In particular, please keep in mind that the ECRIS legal instruments also allows Member States to provide, in replies to requests, information on non-criminal rulings which in nature are not decided by criminal courts (see Council Decision 2009/316/JHA, Annex B, sanction parameter “t”).

As defined above, a conviction thus carries in essence information about the deciding authority, the person being convicted, one or more offences that have been committed, and one or more sanctions to be executed.

3.6 Decision

The term “decision” is more general than the conviction defined above. It is understood as **any final decision** from a **competent authority**, to the extent that these are recorded in the criminal records register of the convicting Member State and that are thus subject to be transmitted between the Member State’s central authorities through ECRIS. These include obviously the convictions defined above but also all subsequent alterations or deletions of information contained in the criminal record.

The term “decision” thus also groups subsequent changes to the original conviction, such as the interruption of the execution of the sanction, the replacement of a sanction by another one, the revocation of a suspension, the formation of an overall penalty, the end of execution of the sanction, etc.

It is to be noted that not all such subsequent alterations and deletions are necessarily formally and explicitly declared by a competent authority in all Member States. As an example, in many Member States the removal of convictions from the criminal record of a person is regulated by the penal laws through the definition of retention periods which are automatically applied, without requiring for each case a specific decision. For the sake of simplicity however, these

automatic mechanisms are also included when using the term “decision” in this analysis document.

3.7 Suspension, Postponement, Interruption

The general notion of “suspension” applies to sanctions and refers actually to different situations which need to be more specifically identified:

- When pronounced **before** the execution of the sanction, it can refer to the fact that all or part of the execution of the sanction is not being enforced under certain conditions fulfilled by the convicted person, such as that the convicted person behaves correctly during a certain period of time, the fact that the person has never been convicted before, mitigating circumstances of the offence, etc. (such conditions are specific and depend on the national legislations of the Member States).

As an example, if a person is convicted to an imprisonment of 1 year with 3 months of suspension, it means that in practice the convicted person will be deprived of freedom during 9 months at the most as long as the conditions are met. However, if later the same person is caught performing again the same or a similar offence after the complete execution of the first sanction, the convicting authority may decide that the 3 months of suspension declared in the first conviction are now to be executed, in addition to the new sanctions that are declared in the new conviction.

Please note also that it is possible to use this mechanism of not enforcing the execution of the sanction either partially or completely. Please note also that this suspension is not necessarily pronounced at the same time than the original conviction but maybe decided later.

In this analysis, this specific situation is referred to when using the term “suspension”. It is also referred to in the following parameters of Annex B of the Council Decision 2009/316/JHA:

- “a – Suspended penalty/measure”
- “b – Partially suspended penalty/measure”
- “c – Suspended penalty/measure with probation/supervision”
- “d – Partially suspended penalty/measure with probation/supervision”

Additionally, the notion of “probation/supervision” that is used in these parameters refers to the fact that specific terms ruling such suspensions have been declared by the court and require that the convicted person reports regularly to an appointed probation officer, performs public service work, pays an additional fine, undergoes a form of therapy or is subject to any other form of restraining obligations or prohibitions for a determined period of time. When the probation/supervision is not explicitly mentioned, it is assumed that the suspension is valid as long as the convicted person maintains good behaviour.

Please note also in this context that the suspension period pronounced may be longer than the total duration of the sanction (example: a person has been sanctioned to 1 year of prison with 10 years of suspension). In this case, the execution of the whole sanction is not being enforced but if the convict does not behave in accordance with the specific terms on which the suspension has been declared during this extended suspension period, then the execution of the sanction is enforced.

Please note that probation is not the same as “parole,” which means freedom given under certain restrictions to convicts at the end of their imprisonment.

- When pronounced **before** the execution of the sanction, it can also refer to the fact that the execution of the sanction is **postponed in time** due to special circumstances, but **without avoidance** of part or all of the execution of the sanction.

In this analysis, this specific situation is referred to when using the term “postponement”.

It is also referred to in the parameter “j – Interruption of enforcement/postponement of the penalty/measure” defined in Annex B of the Council Decision 2009/316/JHA.

- When pronounced **during the execution** of a sanction, it refers to the fact that the execution is stopped **temporarily**, due to special circumstances affecting the convicting person such as

the person's medical condition, special professional or family reasons, etc. This does not lead to the avoidance of the execution of the sanction.

In this analysis, this second situation is referred to when using the term "interruption".

It is also referred to in the parameter "j – Interruption of enforcement/postponement of the penalty/measure" defined in Annex B of the Council Decision 2009/316/JHA.

3.8 Revocation

The "revocation" is the decision to cancel a suspension and thus to enforce the execution of the part of the sanction that was previously declared in the conviction but for which the execution was not enforced. According to the definition above of the suspension and of the probation and supervision, revocation typically occurs when:

- The specific terms of the suspension are not met by the convicted person **during probation/supervision period**, such as for example that the person did not report regularly to the probation officer or that one or more of the secondary obligations and prohibitions were not respected by the convicted person.
- The convicted person performed the same or a similar offence before or after the (partial) execution of the sanction. In this case, the same person is convicted again and the court may decide that the person must execute the part of the previous sanctions that were suspended in addition to the new sanctions that are pronounced as punishment for the new offences.

The notion of revocation is also referred to in the parameter "h – Revocation of suspended penalty/measure" defined in Annex B of the Council Decision 2009/316/JHA.



Please note that this analysis does not consider cases where a suspension would be only partially revoked.

3.9 Conversion and Alternative Sanction

This section refers to various mechanisms that can be applied in the Member States for replacing a sanction by another one.

The term "conversion" refers to the replacement of a sanction by another sanction being decided by a competent authority **after** the initial conviction took place. It can possibly occur during the execution of the initial sanction for any special circumstance affecting the convicting person such as the person's medical condition, special professional, family reasons, etc.

The term "alternative sanction" rather applies to the initial conviction in which right away the convicting court decides to pronounce a sanction that is not the usual sanction foreseen for the offences that have been committed by the convicted person. Two situations can be distinguished:

- Due to special circumstances, an "unusual" sanction is declared as principal sanction and is to be executed by the convicted person. This covers cases such as that the convicted person would normally, according to the applicable national legal provisions, have to pay a high fine for the offence committed but the court decides to replace the payment by imprisonment because it is known that the person does not have sufficient financial resources.

This is referred to by the parameter "f – Alternative penalty/measure imposed as principal penalty" defined in Annex B of the Council Decision 2009/316/JHA.

- A court may also pronounce in the conviction a sanction but already foresee another sanction to be executed only in the case that the person does not execute the primary sanction. As an example, a person is convicted to pay a fine as primary sanction but the court already indicates that if the fine is not paid by a specific deadline, the convicted person will go to jail instead.

This is referred to by the parameter “g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty” defined in Annex B of the Council Decision 2009/316/JHA.

3.10 Overall Sanction

Another possible way of converting sanctions is the “formation of an overall sanction”, which is referred to by the parameter “i – Subsequent formation of an overall penalty” defined in Annex B of the Council Decision 2009/316/JHA.

This corresponds to cases where a person has been convicted and must execute several sanctions as result of these convictions. A competent authority within some Member States may issue a decision that replaces the individual sanctions by a single sanction.

Please note that in practice, this occurs mainly when a person has been convicted multiple times for the same or similar offences and at some point the court decides to group all past sanctions into a single one. However in theory this decision of forming an overall sanction could also happen for replacing multiple sanctions that have been declared within a single conviction or for similar sanctions that have been pronounced for different types of offences.

3.11 Remission, Pardon, Amnesty

3.11.1 Remission

The “remission” of a sanction relates to a form of forgiveness and is understood as a decision issued by a **competent authority** that diminishes the sanction that was initially foreseen in the conviction.

This remission can be partial, for example reducing the amount of a fine to be paid, reducing the duration of deprivation of freedom or the duration of a specific obligation or prohibition. It can also be complete and thus lead to avoidance of execution of the whole sanction. In the latter case, the remission of the sanction may also additionally lead to the removal of the conviction from the person’s criminal record, depending on the provisions of the national legislations and on the specifics of the decision itself. These cases are referred to by the parameter “k – Remission of the penalty” defined in Annex B of the Council Decision 2009/316/JHA.

Such partial or complete forgiveness can also occur in the case of suspended sanctions, either by reducing the part of the sanction for which the execution is enforced, or actually by increasing the part of the sanction that is being suspended. Such cases are referred to by the parameter “l – Remission of the suspended penalty” defined in Annex B of the Council Decision 2009/316/JHA.

If the remission is decided while the convicted person is executing the sanction, it may also lead to the immediate end of the execution.



Please note that while this analysis covers the mechanism of remission which may have as a result the diminishing of the sanction, it does not explicitly cover mechanisms that actually increase sanctions. If such cases occur, it is assumed that the initial sanction is replaced by a new, more severe sanction using the “conversion” principle defined earlier.

3.11.2 Pardon

The notion of “pardon” also refers to a form of forgiveness and has identical consequences than the remission described earlier. In particular, it can also be partial or relate to the complete sanction or conviction; it may as well lead to the end of execution of the sanction depending on when it is decided and may lead to the removal of the conviction from the person’s criminal records. These possibilities and outcomes again depend on the specifics of the national legislations and of the decision itself. The main difference however is that pardon is not declared by a competent judicial or administrative authority but is granted by the **Head of the State**, on

a case by case basis. This case is referred to by the parameter “o – Pardon” defined in Annex B of the Council Decision 2009/316/JHA.

3.11.3 Amnesty

As for pardon, “amnesty” is also not declared by a competent judicial or administrative authority but is granted through a **legislative act**. However amnesty does not imply forgiveness but rather annuls the illicit nature of an offence under certain conditions, indicating a reason to overlook or forget such offences. As a consequence, it affects thus a **whole group of convicted persons** and not a specific case. This case is referred to by the parameter “p – Amnesty” defined in Annex B of the Council Decision 2009/316/JHA.

As for remission and pardon, it may as well lead to the end of execution of the sanction depending on when it is decided and may lead to the removal of the conviction from the person’s criminal records. However, in nature, amnesty cannot affect a sanction only partially. It completely annuls it if this sanction relates to the offence that is being cancelled.

3.12 End of Sanction

The end of sanction marks the moment when the sanction is deemed completed and is referred to by the parameter “n – End of penalty” defined in Annex B of the Council Decision 2009/316/JHA.

This termination of the sanction may occur as a result of various events such as:

- The complete execution of the sanction or of the parts of the sanction for which the execution was enforced in case of a suspended penalty/measure; this may be for example the end of imprisonment of the convicted person, the full payment of a fine, the public service work has been performed, the convicted person has successfully undergone a therapy, the end date of the period during which an obligation or prohibition has been reached, etc.
- The early ending of the execution of the sanction as a result of remission of the sanction, pardon, amnesty or release on parole.

The notion of “release on parole” refers to the liberation of a convicted person before the expiration of the term of imprisonment, under specific conditions. It is referred to by the parameter “q – Release on parole” defined in Annex B of the Council Decision 2009/316/JHA. It is decided during the execution of the sanction, based usually on the behaviour of the convicted person.

3.13 Rehabilitation

The “rehabilitation” refers to the complete discharge for the person convicted of the effects of a past conviction. It is referred to by the parameter “r – Rehabilitation” defined in Annex B of the Council Decision 2009/316/JHA. In most countries it sets back the convicted person in the same legal state as if the conviction had never occurred. Please note however that this may not be case in some Member States where specific judicial or law enforcement authorities **can** still have access to convictions that were pronounced in the same Member State and that were rehabilitated.

Also, depending on the national legal provisions and on the type of offence and sanction, the rehabilitation can occur automatically after a predetermined period of time, also known as “retention” period. The rehabilitation can also be decided explicitly by a competent authority, on a case by case basis and upon request by the formerly convicted person before the end of the retention period.

Depending on the Member States, the rehabilitation **can** have as result the deletion of the conviction from the person’s criminal record. Independently of this deletion from the person’s criminal record, when the rehabilitation is pronounced in the convicting Member State and once it has been notified to the Member State of nationality, the Member State of nationality may no longer retransmit this conviction to other Member States.

3.14 Judicial Annulment

The “judicial annulment” refers to the discharge of a convicted person from the effects of a conviction that has been previously sentenced and possibly already inscribed in the criminal records register. Such annulment usually occurs at the initiative of the convicted person which, ~~in a specific timeframe and~~ based on specific conditions foreseen by the national legislation, applies for a procedure for vacating the judgement and obtains a relief from the conviction from a competent judicial authority. As a consequence, the initial conviction is annulled and it sets back the convicted person in the same legal state as if the conviction had never occurred.

Depending on the Member States, this can be the result for example of a default judgement being annulled on explicit request of the convicted person, a judgment being annulled by a supreme court, a judgment being annulled as a consequence of new evidence, etc.

Depending on the Member States, this judicial annulment can have as result the deletion of the conviction from the person’s criminal record. Independently of this deletion from the person’s criminal record, when the legal annulment is pronounced in the convicting Member State and once it has been notified to the Member State of nationality, the Member State of nationality may no longer retransmit this conviction to other Member States.

3.15 Obligatory versus Mandatory Information

Article 11 of the Council Framework Decision 2009/315/JHA defines explicitly a set of information elements that are “obligatory”, meaning that these information elements **must always** be transmitted in notifications, unless, in individual cases, such information is not known to the central authority of the convicting Member State.

In addition to the legal obligation, there is however also a need to define in this analysis information elements that must always be provided in order to fulfil technical and operational necessities.

The words “obligatory” and “mandatory” are synonyms from a purely linguistic point of view, but they are redefined for the specific needs of this analysis document as follows:

- “**Obligatory**” means that the Member States have a **legal obligation** to provide the information unless not available in individual. As defined above, this applies only to a specific and well-defined set of information elements transmitted in notifications.
- “**Mandatory**” means that there is an **operational necessity** to provide the information and that a value must be provided from a technical stand-point, **but this does not imply a legal obligation or duty**.

Please note that in any case, this analysis foresees that dummy values can be used for all mandatory fields so as to indicate that the information is unknown.

4 PRINCIPLES OF DATA EXCHANGES

4.1 Notifications

As defined in article 4 of the Council Framework Decision 2009/315/JHA, the convicting Member State must inform the central authority of the Member State of the convicted person's nationality of the convictions that have been handed down within its territory against this person, as well as of any subsequent alterations or removal of information affecting the information on these convictions.

In order to perform this task from an operational point of view, and since ECRIS is to be viewed as an automated messaging system, "notification" messages are to be used in order to convey such information from the central authority of the convicting Member State to the central authority of the Member State of nationality.

4.1.1 General Content of Notification Messages

In order to ease the process of the Member State of nationality, the notification message needs to **provide all information** that is **relevant to the event** being notified. This implies also that in the case of subsequent notifications informing the Member State of the person's nationality of subsequent alterations or deletions of information relating to the same conviction, it is assumed that all available information relating to this conviction is sent again in each notification message, together with the information relating to the latest change.

It is **not** the aim of such notification messages to each time carry the **whole history** of a convicted person. In particular, if the person has been convicted multiple times, not all convictions contained in the national register are notified each time. Only the information on the conviction that relates to the change being notified is included in the notification message.

This approach follows closely the "snapshot" approach that was already agreed upon in the NJR pilot project. The main advantages are:

- The latest notification message simply replaces the previous ones that were relating to the same conviction, since it provides the most up-to-date situation.
- The receiver of the notification does not need to first find back and collect the previous notifications sent by the same convicting Member State for recomposing the information. Indeed, each time the notification message carries complete and coherent information as extracted from the criminal records register of the convicting Member State.
- Technical implementation considerations such as versioning, changes of message structure over time, etc. are not adding complexity since the latest notification replaces the previous ones.
- Errors can easily be corrected by sending a new notification message, since it contains again all up-to-date information and simply replaces the previous ones.

More concretely, this is the expected behaviour in ECRIS:

- When a person of nationality "A" is convicted in Member State "B", when this conviction is entered in the criminal records register, then Member State "B" sends a notification message to the central authority of Member State "A" containing the information on this new conviction. In particular, if older convictions exist in the register for the same person, these are **not** included in the notification message.
- When a change occurs in the register of the convicting Member State "B" to the conviction information of the person of nationality "A", then "B" sends a notification message to "A" which contains (1) the information relating to the conviction being affected, (2) the result of the previous changes that have already affected this same conviction earlier as well as (3) information relating to the latest change itself. Here again, if other convictions exist in the register for the same person, these are **not** included in the notification message.

In practice, this means that a notification message contains the most up-to-date information about **one** conviction, including the results of all the subsequent alterations and deletions of information that have occurred previously.

4.1.2 Conviction Information

As explained above, a notification message contains always information on **one single** conviction. However the level of granularity of the information available about this conviction can differ between Member States and can evolve in time.

The domain model in this analysis document offers thus the possibility to provide in a notification message the "history" of the respective conviction, meaning the original conviction information as well as all the subsequent changes applied to it. To this end, a "Decision" entity is defined which is used for providing information on the decision in the original conviction but also in the subsequent changes affecting the conviction. In order to provide the "history" of a conviction, several instances of the "Decision" information entities can be piled up in a notification message. This "Decision" entity may therefore also provide information on a sanction that replaces one or more sanctions previously indicated in the conviction. This domain model also allows Member States to not send the complete history of a conviction but to simply transmit the current state of the conviction, after changes have been pronounced and applied. In this case, only one block of conviction and decision related information is provided in the notification message, which represents the current state of the conviction.

There is no ambiguity about which set of information provides the current state of the conviction. Indeed, in the case where a Member State does not include the history, then the conviction information provided is to be considered as representing the current state. In the case that a Member State does provide the history of the conviction, it must also clearly mark which "sanction" information is actually replacing one or more previous "sanction" information entities in the notification message. In this way, the current state is retrieved from the message by discarding the sanctions that have been replaced by more up-to-date sanction information.

Please note that it is **not** the aim of this approach to force the national registers to keep the history of all decisions relating to convictions. It is not implied that the national registers must keep the original conviction information unmodified and store all changes that occur in time next to it, in separate technical records. The approach outlined in this section should rather be followed **to the best capabilities of each national register**. As a concrete example, if a change occurs in a national register that modifies the duration of a sanction, it is not implied that the convicting Member State must send the original duration of the sanction and the new duration of the sanction. The convicting Member State must send the latest applicable information, meaning in this case the new duration of the sanction, together with the remaining information on the convicted person and on the conviction itself. It can send the duration of the sanction that was originally pronounced if it still has the information in its national register, but this is only an option.

Please note that the same domain model is also used for requests. While a response to a request can contain any number of convictions, this allows for each conviction to provide the history of all subsequent changes that have been applied since the original conviction was declared by piling up instances of the "Decision" information entity in the message.

4.1.3 Notifying Subsequent Changes

A notification message can provide information on a new conviction but also information on a change that is applied on a conviction that has already been notified to the Member State of the nationality.

In order to facilitate the processing of such notifications that update previously transmitted convictions, a technical identifier is introduced for uniquely identifying a conviction. This identifier is unique per Member State. When a notification message then provides an update of a conviction previously notified, this unique identifier is used within the notification message for referring to the conviction that is actually being modified.

Considering the fact that an update may occur on convictions that have been notified to the Member State of nationality before ECRIS or even before the NJR pilot project, the notification message can relate to a previously notified conviction by using one of the following:

- for convictions that have already been notified using ECRIS: the unique ECRIS technical identifier of the conviction
- for convictions that have been notified using NJR: the unique NJR identifier of the conviction (called "decision id")
- for convictions that have been notified by other means of communication: the code and name of the convicting authority, the file number of the conviction and the final date of the conviction

4.1.4 Notifying the Formation of Overall Sanction

According to the previous definition of the formation of an overall sanction, this specific change is grouping multiple sanctions and replacing them by a single sanction, relating thus possibly to several convictions. In order not to complicate the implementation of the ECRIS software, the multiple convictions are not to be grouped into a single notification message but instead several distinct notification messages are to be sent:

- Firstly, a notification message on this new conviction is sent (with or without offences) indicating the formation of the overall sanction. This notification message indicates that this conviction affects other convictions previously notified by referring to them as explained previously, either using a unique technical identifier for convictions notified in NJR or ECRIS or the main decision information for other convictions.
- Then, each conviction being referred to by the formation of the overall sanction is also notified by sending one separate notification message for each such conviction. These notification messages indicate clearly for each such conviction which sanctions are being replaced by the overall one, if applicable. This is necessary so as to make sure that the Member State of nationality has the up-to-date information of each conviction, also in the case where such older convictions were not previously notified or registered. Please note that, depending on the provisions of the national legislation, the initial convictions to which the formation of an overall sanction is referring are not necessarily modified from a legal standpoint. In any case, the information on these initial convictions must still be transmitted through separate notification messages so as to make sure that the receiving Member State has the complete information.

Please note that this approach also covers situations where the convictions modified by the formation of the overall sanction are not necessarily all modified at the same time in the national criminal records registers.

4.1.5 Notifying the End of the Retention Period

As an option, when the end of the retention period has arrived for a given conviction, it is proposed that the convicting Member State sends a notification message to the Member State of nationality for informing it of this event. To this end, a new parameter "erp – End of retention period" is defined in this analysis. In addition, this notification message informing of the end of the retention period can optionally indicate whether the particular conviction should be deleted from the criminal records register or not.

4.2 Storage for Retransmission

The Council Framework Decision 2009/315/JHA, articles 5, 7(1)b and 11, define in detail the obligation of the Member States to store information notified by the convicting Member States on convictions, subsequent alterations and deletions, for the purpose of retransmitting this same information when responding to requests.

Please note however that the legal instruments do not impose to the Member States where and how such information is to be stored. Therefore this analysis does **not** make the assumption that

the information contained in notifications received by the Member State of the person's nationality is necessarily to be stored into the national criminal records register of that State. Any Member State could very well decide to store this information elsewhere, depending on the information received, due to national legal and/or technical constraints. Member States could for example decide that specific types of convictions, such as convictions relating to minors, convictions relating to non-criminal rulings, convictions relating to parking fines, etc. are to be stored outside of the national register and only for the purpose of retransmission to other Member States while not using it on the national level.

This implies also that Member States having decided to store part of the conviction information outside of their national register also need to look up information on convictions in several places when responding to requests from other Member States, so as to make sure that the responses are complete and in particular include the convictions received from other Member States and that are to be retransmitted according to the provisions of the legal instruments.

According to the explanation above, the business processes that are depicted later in this analysis are therefore **logically separating** the storage of notifications from the registration of information in the national register.

4.3 Translation of Information Exchanged

According to the Council Framework Decision 2009/315/JHA, article 10, requests are to be sent in one of the official languages of the requested Member State. The requested Member State may reply either in one of its official languages or in any other language accepted by both Member States. Furthermore, according to the Council Framework Decision 2009/315/JHA, recital 17, notifications containing the information on convictions are to be transmitted in the official language or one of the official languages of the convicting Member State.

From an operational point of view, this implies the following:

- A request needs to be translated by the requesting Member State before sending it to the requested Member State.
- Notifications received from the convicting Member State in a language that is not one of the official languages of the Member State of nationality may need to be translated by the latter before its central authority can actually use it on the national level, such as for example before registering the information in the national criminal records register.
- A response to a request can be constituted of convictions extracted from the national criminal records register (thus available in one of the official languages of the requested Member State) but also of convictions that have been received through notifications by other Member States (thus in different languages). At the latest when answering to a request with such convictions, the requested Member State may need to translate the information contained in foreign notifications first to one of its official languages before actually sending the response to the requester.

While the translation of requests and notifications remain the responsibility of the Member States, this analysis aims at facilitating and reducing the need for translation through the principles described in the following sections.

4.3.1 Standardised Information Elements

Whenever possible, this analysis defines standardised, codified and structured formats for the information elements defined in the domain model. Technically speaking, the standardised elements are to be transmitted using technical codes that can then automatically be processed by the software of the receiving Member State and automatically transcoded into a form that is natively understood by this Member State, thus avoiding the need for translation or transliteration.

This applies to information elements such as:

- All information elements carrying dates and times

- All information elements carrying numbers
- All information elements carrying a yes/no information (i.e. Boolean information elements)
- All information elements that allow defining pre-determined lists of possible values. The lists of predefined values which are common to all Member States are provided in the common reference tables (please refer to the domain model for further details).

4.3.2 Nominal Identity Information

Requests, responses to requests and notifications can carry personal identification information.

The nominal identity information can contain the following information elements: fore- and surnames of the person, former names of the person, names of the parents of the person, birth date and place, sex, nationalities, identity number, identification document information, addresses, aliases, fingerprints and other remarks.

All person names and parts of addresses that cannot be standardised (such as street names and non-standardised towns and places) are to be transmitted as known to the **sending** Member State, using its alphabet and character set.

In order to fulfil however the obligation defined by article 10 of the Council Framework Decision 2009/315/JHA, for requests, these information elements are to be sent in two versions: in the alphabet and character set of the requesting Member State and additionally transliterated into the alphabet and character set of the requested Member State. It is recommended to fully automate this transliteration if possible so as to diminish the manual workload of the Member States' central authorities.

4.3.3 Requests

The request message is constituted of the following elements:

- Information on the requesting authority
- Identification information of the person for which convictions are to be extracted from the criminal records register, if any
- The purpose of the request
- Additional information such as the case number, the consent of the person referred to in the request, the urgency of the request, miscellaneous remarks.

The main elements used by the requested Member State in order to process the request are the identification information and the purpose of the request. In addition to the principle described above for the nominal identity information, this analysis foresees the standardisation of the purposes of requests, using a common reference table. Other information elements such as the case number, the consent of the person or the urgency of the request are standardised.

At the exception of the information on the requesting authority and of additional remarks, the main information elements of the request message are thus made available in a form that does not require additional translation or transliteration by the requested Member State.

4.3.4 Notifications

The notification messages can contain, in addition to the personal identification data, a substantial amount of information on convictions. While most of the information elements are standardised and codified in the domain model (e.g. common offence and sanction codes, dates, durations, offence and sanction parameters, etc.), several information elements remain as free text information elements that need to be translated at some point in time in order to be used.

It remains the responsibility of the Member State of nationality to translate the convictions received, more specifically the parts that have not been transcoded by the ECRIS software automatically, but it may do so at any time that is deemed most suitable and at the latest before sending these convictions in a response to requests.

4.4 Requests on Third Country Nationals

As defined in article 6(4) of the Council Framework Decision 2009/315/JHA, the requests are not limited to persons being nationals of one of the EU Member States. Indeed, this article also includes the possibility for a Member State to issue requests relating to a third country national or to a stateless person to another Member State.

As a consequence, this analysis does not limit the information exchange processes or the domain model definitions to EU nationals. In particular, the process "Request Criminal Record Information" defined later in this document is not limited in any way by the person's nationality and applies also to requests relating to third country nationals and stateless persons. Also, the common reference table listing the pre-defined values for countries includes all known countries and a special value that can be used for stateless persons.

However, it is assumed that the requesting authorities of Member States will only issue such requests towards other Member States in the case that they can **reasonably expect** the requested Member State to have information on the given person.

4.5 Copies of Convictions

Article 4(4) of the Council Framework Decision foresees the possibility to provide copies of the original convictions in **individual cases**.

It is assumed in this analysis that the Member States request and receive such copies through other means of communication such as fax, e-mail, post, etc. rather than using the ECRIS software. Member States which need to systematically ask for copies of convictions may directly contact the judicial authorities of the convicting Member State without passing through the central authority of the convicting Member State, in accordance with article 6(8)(b) of Council Act 197/1.

Indeed, in many cases the central authority of the convicting Member State does not possess the copy of the original conviction. It would thus require significant changes on the national level in order for the central authorities to (1) get systematic access of the copies of the original convictions and (2) systematically keep a digital copy of the original convictions.

5 INFORMATION EXCHANGE PROCESSES

This chapter describes, from a business perspective (and not from a technical point of view) the exchanges workflows of criminal records information between Member States, as described in the Council Framework Decision 2009/315/JHA and in the Council Decision 2009/316/JHA defining ECRIS.

As depicted in the following diagrams, ECRIS aims at supporting in a structured and formalised manner, fully or partially, **some** of the stages of the criminal record information exchange processes between the Member States.


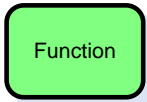

For the sake of coherence and completion, and in order to ensure that the information exchanges are perceived and understood in the same manner by all the stakeholders, the workflows being depicted also include steps that are not necessarily automated, thus including also stages which are not necessarily supported by the ECRIS software. This is indeed necessary in order to place the automated computerised parts of these exchanges of information into their context.

The workflows however focus on the information exchange between the central authorities of the Member States and do not provide descriptions of the internal workings and of the internal processing of the conviction information being exchanged.

5.1 Legend

5.1.1 Diagrams

The information exchanges workflows are depicted using the **Event-driven Process Chain** (EPC) formalism for describing business processes. This formalism has been chosen for its simplicity and does not require any specific background knowledge for being understood. The following legend applies to all the subsequent diagrams and should allow for an easy reading and understanding of the represented business processes:

SYMBOL	NAME	DESCRIPTION
	Event	Events are passive elements in EPC. They describe under what circumstances a function or a process works or which state a function or a process results in. Examples of events are "requirement captured", "material on stock", etc. In the EPC graph an event is represented as hexagon. In general, an EPC diagram must start with an event and end with an event.
	Function	Functions are active elements in EPC. They model the tasks or activities within the company/organisation. Functions describe transformations from an initial state to a resulting state. In case different resulting states can occur, the selection of the respective resulting state can be modelled explicitly as a decision function using logical connectors. Functions can be refined into another EPC. In this case it is called hierarchical function. Examples of functions are "capture requirement", "check material on stock", etc. In the EPC graph a function is represented as rounded rectangle.
	Organisational Unit	Organisation units determine which person or organisation within the structure of an enterprise is responsible for a specific function. Examples are "sales department", "sales manager", "procurement manager", etc. It is represented as an ellipse with a vertical line.







	Information Material	Represents the information, material, or resource objects in the real world, for example business objects, entities, etc., which can be input data serving as the basis for a function, or output data produced by a function. Examples are "material", "order", etc. In the EPC graph such an object is represented as rectangle.	
	IT Systems / Tools	IT application or tool used by the persons within the organisational unit to support the function being performed.	
LOGICAL OPERATORS			
		When Path Splits	When Path Joins
	XOR	Exactly and only one of the possible process paths must be chosen.	Exactly one of the preceding process paths triggers the succeeding process.
	OR	At least one of the possible paths must be chosen (allows several paths to proceed in parallel).	At least one of the preceding paths triggers the succeeding process.
	AND	All process paths must be pursued.	All incoming process paths have to terminate before the succeeding process is started.

Table 1 – Legend for EPC diagrams

Please note that in the subsequent business flow diagrams, the functions and events have been numbered so that the specific explanatory textual descriptions can refer back to the corresponding functions and events using these numbers.

	<p>Please note that in all the workflows analysed in this chapter, several possibilities/paths are presented and described, leaving exclusively to each Member State the decision to opt for the best course of action to be followed.</p> <p>Indeed, the workflows need to explore all possible alternate paths than can be followed by the Member States' central authorities and for which ECRIS needs to provide adequate support.</p>
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5.1.2 Descriptions

The EPC diagrams that are provided in this chapter describe the functions that are to be performed by the central authorities of the Member States during the ECRIS information exchanges. However not all the functions described are to be supported by corresponding functionality in the ECRIS software. Some of the functions are manually performed by the personnel of the central authority or supported by functionality of other IT tools used in the central authorities.

Therefore, the textual descriptions of the functions indicate whether a given function is to be supported by functionality in the ECRIS software, as follows:

- "This function is **supported** by the ECRIS software": this indicates that the ECRIS software provides the functionality for performing this task. In this analysis, this refers to cases where a message needs to be sent from a central authority to the central authority of another Member State.

- “This function is **partially supported** by the ECRIS software”: this indicates that the ECRIS software provides functionality providing some assistance to the human operators that perform this task.
- “This function **may be supported** by the ECRIS software”: this indicates that the ECRIS software could provide assistance for performing this task, completely or in part, depending on how it has been implemented by each Member State.
- “This function is **not supported** by the ECRIS software”: this indicates that the ECRIS software is not providing assistance to the human operators for performing this task. Either other IT tools are used, or the task is performed manually.

5.2 Process: Notify Convictions and Subsequent Changes

This process is initiated by the central authority of a convicting Member State, after registering into its national criminal records register the conviction of a national of another Member State(s), or after modifying or deleting previous conviction information relating to a national of another Member State.

The notification concerns **only one** natural person, who may however be associated with possible variations of names, aliases and other identification data as further explained in the domain model chapters.

According to the Council Framework Decision 2009/315/JHA, article 4 (2), each Member State “shall, as soon as possible, inform the central authorities of the other Member States of any convictions handed down within its territory against the nationals of such other Member States, as entered in the criminal record”. In addition, according to the Council Framework Decision 2009/315/JHA, article 4 (3), information on subsequent alterations or removal of information contained in the criminal record of the *convicting Member State* must be immediately transmitted to the Member States of nationality of the convicted person.

The business process “Notify Convictions and Subsequent Changes” models the workflow implied and resulting from these notifications, without detailing the internal national processing of the notified conviction information. In particular, the registration of the convictions in the national criminal records register is not depicted. The diagram only depicts the process up to the storage of the conviction information for the purpose of retransmission, as defined in the ECRIS legal basis, and shows the subsequent response message to be sent to the convicting Member State.

Please note also that this business process illustrates the dialogues between **two** Member States’ central authorities. If the conviction information relates to a person having multiple nationalities, several instances of this process are triggered in parallel (actually as many instances as the number of the person’s foreign EU nationalities).

Please note also that the appreciation of the time required between the registration of the information into the national criminal records register and the start of this process is to be decided individually by each Member State.

The following diagram illustrates the business flow that occurs when new conviction information or a change or deletion of conviction information is notified to another Member State:

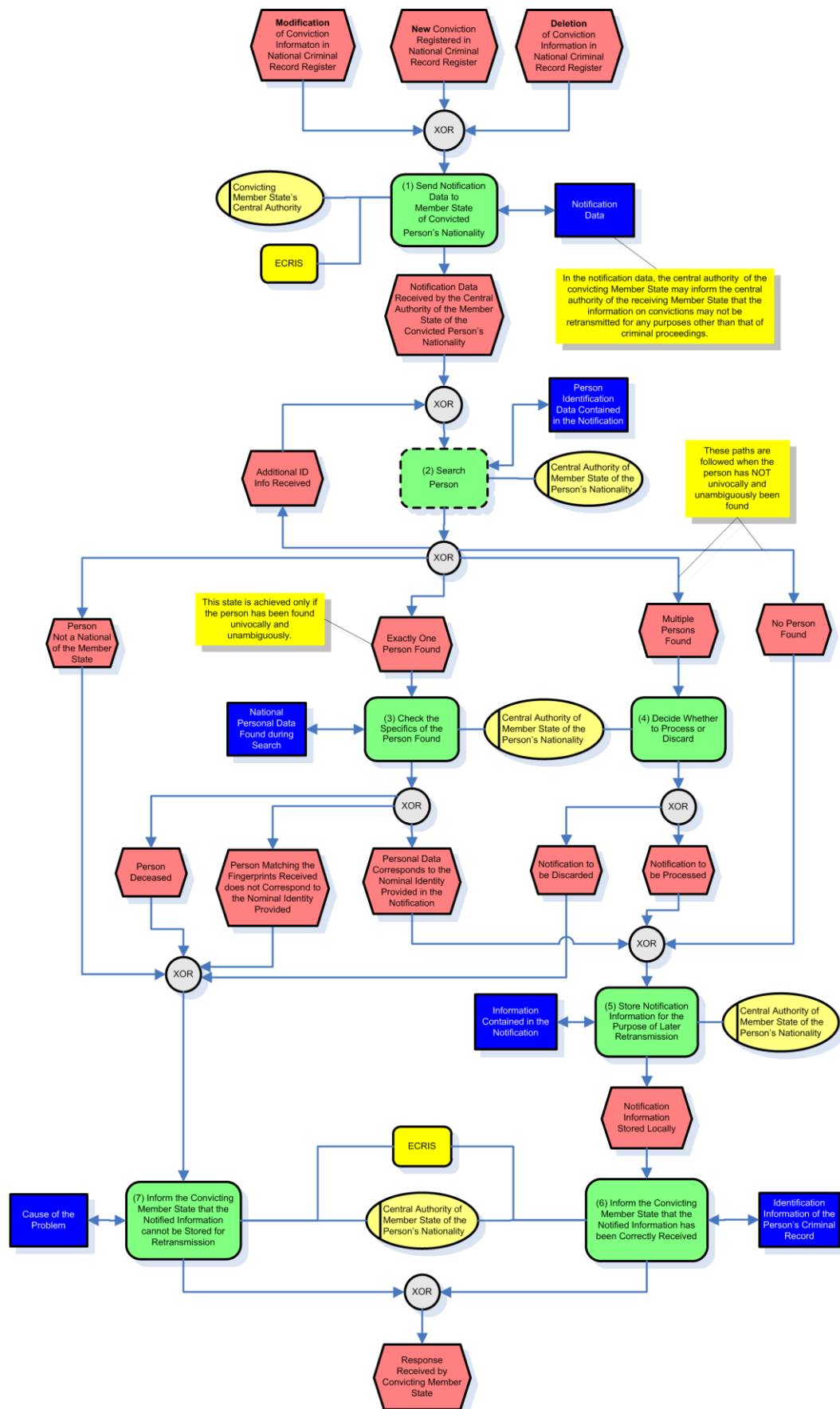


Figure 1 – “Notify Conviction” Process

5.2.1 Process Start

The starting event triggering this “Notify Conviction and Subsequent Changes” business workflow can take 3 different forms, occurring:

- Each time a conviction is entered in the criminal records register of a convicting Member State and concerns a person being a national of one or more other Member States;
- Each time information contained in the criminal records register of the convicting Member State is subject to subsequent modifications (e.g. amnesty, conversion, revocation of a suspension, remission, etc.) and this conviction information concerns a person being a national of one or more other Member States;
- Each time information contained in the criminal records register of the convicting Member State is being removed (i.e. rehabilitation, end of retention period, etc.) and this conviction information concerns a person being a national of one or more other Member States

Please note here that **all** changes performed in the national criminal records register related to a national of another Member State are to be notified, without exceptions.

Please note also that offences that are not of criminal nature, as well as convictions stored in other registers such as juvenile registers, are out of scope of ECRIS and are not to be notified.

5.2.2 Function (1) – Send Notification Data to the Member State of the Convicted Person’s Nationality

Performed by:	The central authority of the convicting Member State
Information used:	Notification data It contains all information relating to the event that is being notified. In case of a new conviction, it contains only the information relating to this new conviction. In case of a change or removal of conviction information, it contains the information on the convictions being affected, information on the previous changes that have also affected these convictions as well as the information on the change or removal itself. The information is provided in one of the official languages of the convicting Member State.
Resulting event:	The notification data has been received successfully by the central authority of the Member State of the convicted person’s nationality
This function is supported by the ECRIS software.	

As a result of any of the initiating three events aforementioned, the central authority of the convicting Member State transmits via the ECRIS software the information on convictions to the central authority of the Member State of the person's nationality.

The content of the notification message is defined in details in the domain model later in this document. The information is to be transmitted by the convicting Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete and accurate as possible so as to allow the receiving Member State to properly process the information.

Please note at this stage that, according to the Council Framework Decision 2009/315/JHA, article 7(2), paragraph 3, the notification message in particular also contains the information whether the notified information may be retransmitted by the receiving Member State to other Member States for **purposes other than criminal proceedings**.

5.2.3 Function (2) – Search Person

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The person identification data that is contained in the notification data transmitted by the central authority of the convicting Member State
Resulting events:	This sub-process can have only one of the following outcomes: a) Exactly one person found b) Person is not a national of the Member State c) Additional identification information received d) No person found e) Multiple persons found

This complex search function is modelled as a sub-process and is explained in more details later in this document.

In this sub-process, the central authority of the Member State of the person's nationality attempts to **univocally and unambiguously** find the person that is referred to as convict in the notification transmitted by the central authority of the convicting Member State. This look-up is performed based on **all** the initial person identification data that is contained in the notification data. In particular, regarding fingerprints, the Member State of the person's nationality may decide whether or not to use them if they are made available by the convicting Member State.

Depending on the outcome of this search process, the business flow can take different paths:

- Exactly one person found
Exactly one person matching the identification data provided in the notification message could be found univocally and without ambiguity by the receiving Member State; it allows to proceed to the evaluation of the personal information found.
- Person is not a national of the Member State
This event occurs when no match has been found during the search and the Member State receiving the notification information has the **absolute certainty** that the convicted person either does not exist or is not a national of the country. In this case the receiving Member State decides not to store the notified conviction information for the purpose of retransmission and informs the convicting Member State of the problem.
- Additional identification information received
This event occurs when, during the searching process, the Member State of the person's nationality requests additional identification data from the convicting Member State and receives updated identification information. In this case the search process needs to be performed again, using the updated person identification data. Please note that although this may create a loop in the business flow, in practice, the Member State performing the search is deciding on the outcome of the search sub-process and can in any of the iterations decide to use one of the other resulting events rather than performing another attempt.
Please note that this additional dialogue between the Member State of nationality and the convicting Member State should however be encouraged so as to increase the probability of finding the person.
- No person found
This event occurs when the search process fails to find persons matching the identification data that has been provided. In this case however the Member State receiving the notification information does not know whether the person is a national of the country or if the person even exists. In doubt, the receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Multiple persons found
This event occurs when several persons match the identification data that has been provided and the central authority does not manage to narrow down univocally and without ambiguity

the list of matches to one single person. In this case, the receiving Member State takes a decision on what to do with the notification received.

5.2.4 Function (3) – Check Specifics of Person Found

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The national personal data held by the Member State of the person's nationality and found during the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Personal Data Corresponds to the Nominal Identity Provided in the Notification b) Person Deceased c) Person Matching the Fingerprints Received does not Correspond to the Nominal Identity Provided
This function is not supported by the ECRIS software.	

This function is performed when a single person matches the identification data provided in the notification. The central authority of the Member State of the person's nationality verifies the specific personal data known on national level. Depending on the outcome of this check, the business flow can take different paths:

- Personal data corresponds to the nominal identity provided in the notification
The Member State of the person's nationality has verified that the personal data held on national level and found during the search process corresponds to the identification data provided in the notification message. The receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Person deceased
The Member State of the person's nationality has the **absolute certainty** that the nominal identity used in the notification corresponds to a deceased person. In this case the receiving Member State decides not to store the notified conviction information for the purpose of retransmission and informs the convicting Member State of the problem.
- Person matching the fingerprints received does not correspond to the nominal identity provided
This event occurs when the Member State of the person's nationality has found a unique match during the previous search, using the fingerprints provided, but detected that the person found does not correspond to the nominal identification data that has been provided by the convicting Member State. In this case the receiving Member State **can** decide not to store the notified conviction information for the purpose of retransmission and then informs the convicting Member State of the problem.
Please note that the receiving Member State may also decide in this case to still store the notified conviction either under the identity corresponding to the fingerprints or even under the identity corresponding to the nominal identity. In this case, the process continues as if the receiving Member State had not raised this discrepancy.

5.2.5 Function (4) – Decide Whether to Process or Discard

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The multiple results of personal data held by the Member State of the person's nationality and found during the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Notification to be processed: the central authority of the Member State of the person's nationality decides to further process and store the notification received although multiple matching persons have been found b) Notification to be discarded: the central authority of the Member State of the person's nationality decides to discard the notification because multiple matching persons have been found
This function is not supported by the ECRIS software.	

This function is performed when multiple persons match the identification data provided in the notification.

The central authority of the Member State of the person's nationality takes a decision on what to do with the notification received. Depending on the outcome of this decision, the business flow can take different paths:

- Notification to be processed
The Member State of the person's nationality decides to proceed with the processing of this notification. In this case, the receiving Member State stores the notified conviction information for the purpose of retransmission and informs the convicting Member State that the notification has been correctly received.
- Notification to be discarded
The Member State of the person's nationality decides not to proceed with the processing of this notification. In this case, the receiving Member State discards the notified conviction information without storing it for the purpose of retransmission and informs the convicting Member State of the problem.

5.2.6 Function (5) – Store Notification Information for the Purpose of Later Retransmission

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The notification data transmitted by the central authority of the convicting Member State, to be stored for later retransmission
Resulting event:	The information contained in the notification has been successfully stored locally for the purpose of later retransmission
This function may be supported by the ECRIS software.	

According to the Council Framework Decision 2009/315/JHA, article 5(1), the central authority of the Member State of the person's nationality **must store**, for later retransmission, the **obligatory** and **optional information** on convictions handed down against its nationals on the territory of other Member States and that has been notified to it. As explained earlier, how and where this information is actually stored is to be decided individually by each Member State's central authority.

Depending on how each Member State is implementing its ECRIS software tool, this system could be used for the purpose of storing the information contained in the notifications. Please note however that, as explained in the "Technical Architecture" document, special care needs to be taken if this implementation is chosen so as to remain compliant with the versioning rules that are defined for the ECRIS software and the detailed technical specifications.

Please note that while the obligatory and optional information data must be stored by the receiving Member State for retransmission, additional information **may** be stored for retransmission, in accordance with article 11(2) of the Council Framework Decision 2009/315/JHA.

5.2.7 Function (6) – Inform Convicting Member State that Notification Information has been Correctly Received


Performed by:	The central authority of the Member State of the person's nationality
Information used:	Personal identification data held by Member State of nationality
Resulting event:	The response issued by the Member State of the person's nationality has been received by the convicting Member State
This function is supported by the ECRIS software.	

This function is one of the **final operations** of this business workflow which occurs in the case that the normal course of operations took place and that the information on convictions has been stored on the national level by the Member State of the convicted person's nationality for the purpose of retransmission.

In this case the central authority of the Member State of the person's nationality informs via ECRIS the convicting Member State that the notification information has been received successfully.

Optionally, the personal identification information under which the convictions were stored by the Member State of the person's nationality can also be transmitted to the convicting Member State. This allows in particular informing the convicting Member State of the nominal identification that is being used in the Member State of nationality. (Indeed, it could for example be the case that the convicting Member State knows only an alias of the person, has a misspelling in names, an inaccuracy in other personal information such as the birth place, etc.)

This function leads to the **final state** of this workflow in which the convicting Member State has received the receipt of the notification from the Member State of the person's nationality.



Please note that at the latest from this moment onwards, if a request is sent to the Member State of the person's nationality, referring to the same person as the one in the notification that has just been processed, it is expected that the Member State of the person's nationality will be able to retransmit the information contained in these notifications to the requester.

However if the notification has been stored although the search on the person yielded several matches, the retransmission may not be possible.

5.2.8 Function (7) – Inform Convicting Member State that Notification Information Cannot be Stored for Retransmission

Performed by:	The central authority of the Member State of the person's nationality
Information used:	The cause of the problem that prevents the central authority from storing the convictions information for the purpose of retransmission.
Resulting event:	The response message issued by the Member State of the person's nationality has been received by the convicting Member State.
This function is supported by the ECRIS software.	

This function is one of the **final operations** of this business workflow which occurs in the case that an issue previously raised prevents the central authority from actually storing the convictions information for the purpose of retransmission.

The Member State of the person's nationality informs via ECRIS the convicting Member State of this fact, including in the response message one of the following causes:

- The person is not a national of the Member State

- The person has deceased
- Person matching the fingerprints received does not correspond to the nominal identity provided
- Multiple persons have been found

This function leads to the **final state** of this workflow in which the convicting Member State has received the response from the Member State of the person's nationality.

5.3 Process: Request Criminal Record Information

According to the Council Framework Decision 2009/315/JHA, article 6, paragraphs 1 and 2, for purposes of criminal proceedings against a person of a nationality of a different Member State, but also for any other purposes (such as administrative purposes or an individual persons' request for obtaining his own criminal records), the central authority of a Member State may, in accordance with its national legislation, **issue a request** to the central authority of this other Member State for information and related data to be extracted from the criminal records of the person.

According to the Council Framework Decision 2009/315/JHA, article 7 (1), in response to the request issued by the central authority of the requesting Member State for **purposes of criminal proceedings**, the requested Member State's central authority must transmit, using a standardised format, all the person's convictions stored in its criminal records register to the requesting Member State. This response is containing:

- convictions handed down in the Member State of the person's nationality and entered in the criminal records;
- any convictions handed down in other Member States which were transmitted to it after 27 April 2012 (and were necessarily stored by the Member State of the person's nationality according to the ECRIS legal basis for the purpose of retransmission);
- any convictions handed down in other Member States which were transmitted to it by 27 April 2012, and registered in the criminal records register;
- any convictions handed down in third countries and subsequently transmitted to it and entered in the national criminal records register

According to the Council Framework Decision 2009/315/JHA article 7(2), paragraph 1, when the information extracted from the criminal records register is requested from the central authority of the Member State of the person's nationality for **purposes other than criminal proceedings**, "that central authority shall in respect of convictions handed down in the Member State of the person's nationality and of convictions handed down in third countries, which have been subsequently transmitted to it and entered in its criminal record, reply in accordance with its national law". Please note also that, as defined in the Council Framework Decision 2009/315/JHA article 7(2), paragraphs 2 and 3, the requested Member State can in its response to the requester either transmit information on convictions previously received from other Member States and stored for the purpose of the retransmission or transmit a list of Member States to which the request can be redirected.

Since the two information exchanges processes are very similar, they are modelled as one business process named "Request Criminal Record Information".

The following diagram illustrates the business flow that occurs when a Member State's central authority requests information on convictions related to a foreign person to the Member State of the person's nationality. It includes the response process from the Member State of the person's nationality to the requesting Member State.

For facilitating the reading, the diagram has been cut in parts:

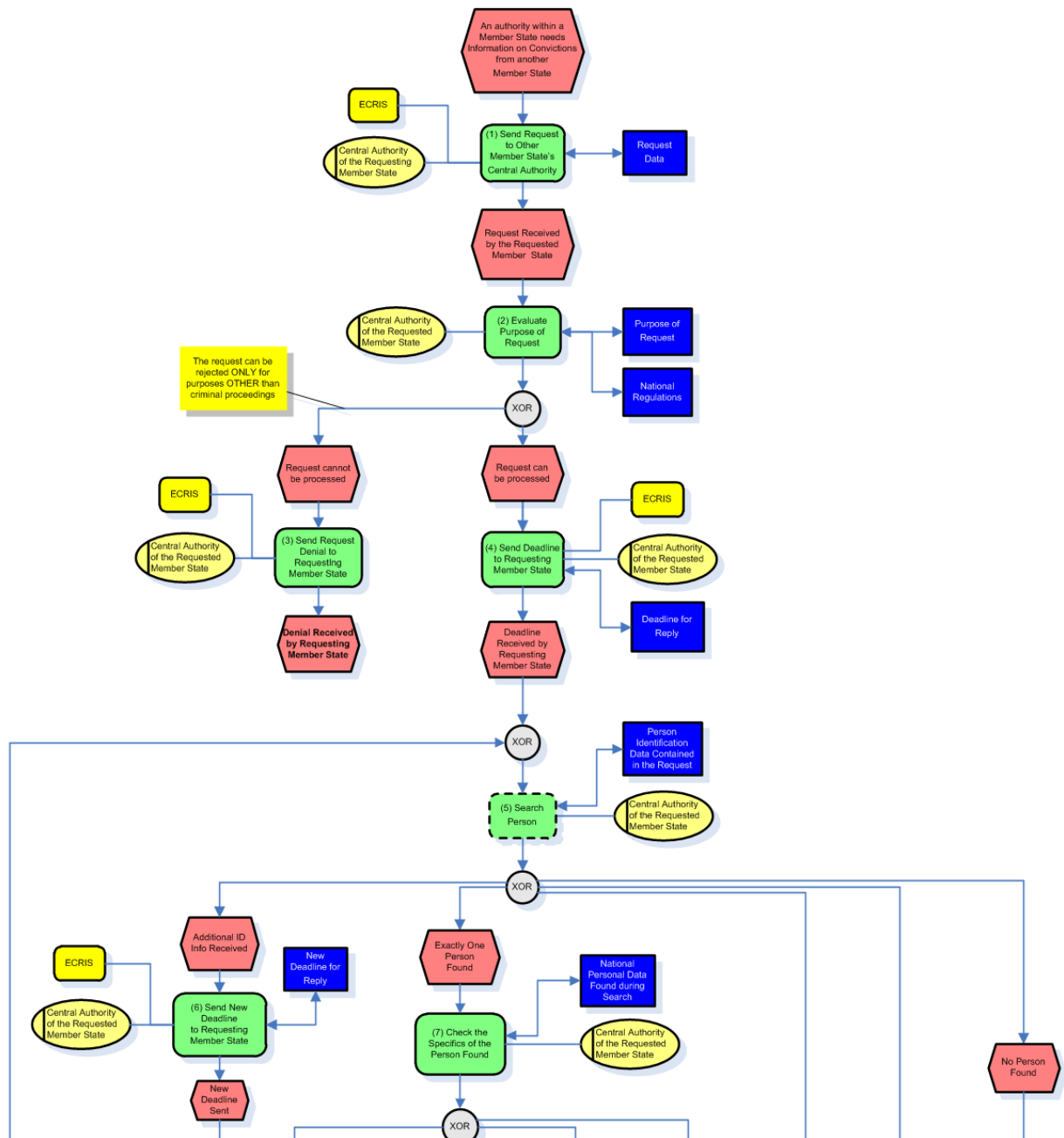


Figure 2 – Request Criminal Record Information (part 1)

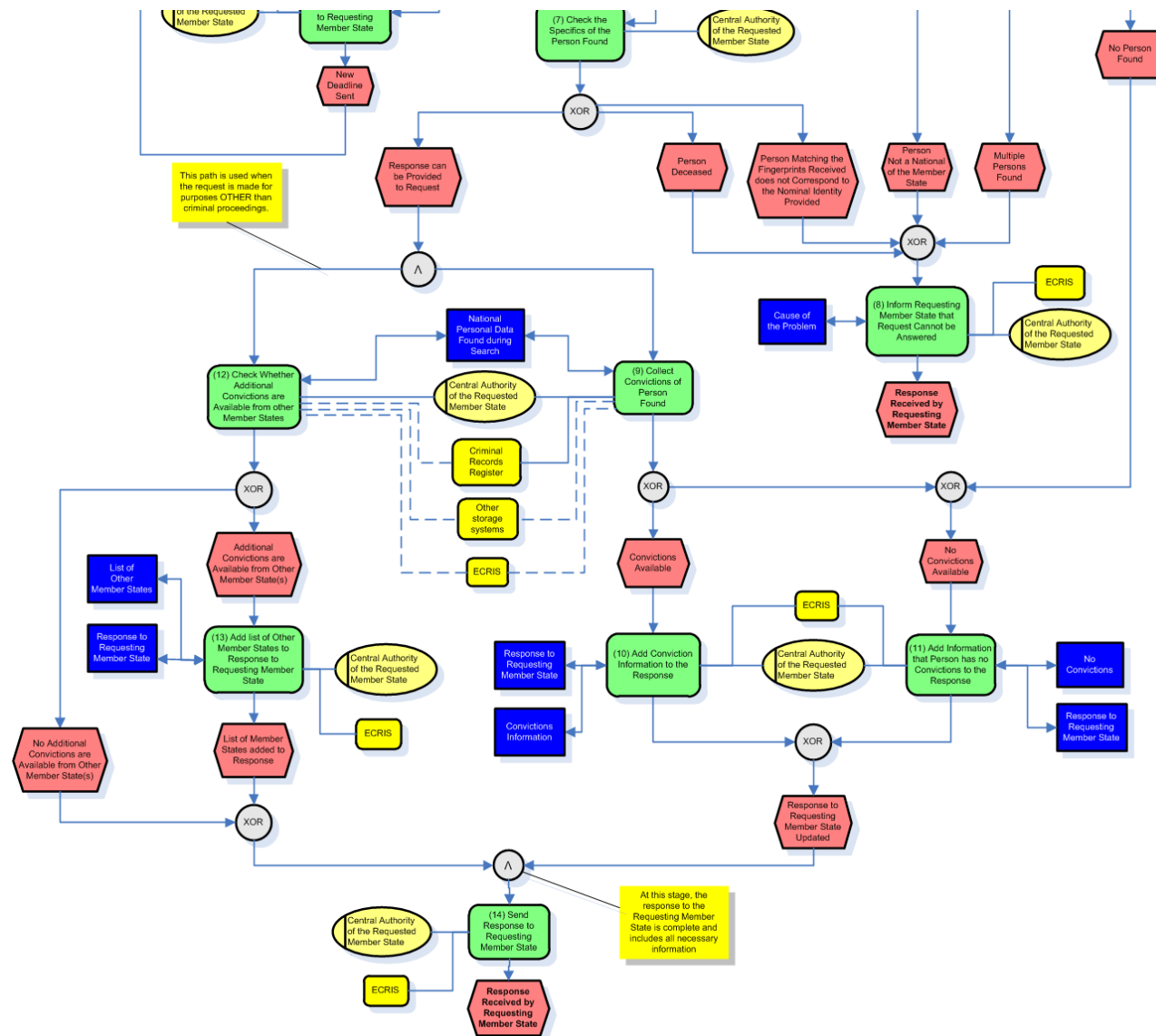


Figure 3 – Request Criminal Record Information (part 2)



5.3.1 Process Start

As mentioned earlier, the starting event that triggers this process is the need identified by a competent authority within a Member State for receiving information on the criminal records of a foreign person.

This need may be raised by criminal proceedings as well as non-criminal proceedings, such as for example employment vetting, an individual's request to receive an extract of his/her own criminal records, a procedure for obtaining a licence for carrying firearms, etc. This is expressed by the **purpose of the request**, which is taken into account in the business flow.

Please note that although the need is identified by a competent authority within a Member State, such as for example a court, a prosecutor or a specific administration, the first function of this process is handled by the central authority of that Member State. The process depicting how the request is actually transmitted within this Member State from the competent authority to the central authority is not considered in this analysis and is internal to each Member State.


5.3.2 Function (1) – Send Request to Other Member State's Central Authority

Performed by:	The central authority of the requesting Member State
Information used:	Request data The information is provided in the language of the requested Member State.
Resulting event:	The request issued by the requesting Member State has been received by the other Member State's central authority
This function is supported by the ECRIS software.	

As a result of the starting event aforementioned, the central authority of the requesting Member State issues via ECRIS an official request to the central authority of the requested Member State, which may be either:

- The Member State of one of the person's nationalities.
- A different Member State than the Member State of the person's nationality. This situation can occur in the two following cases:
 - When notifying convictions, the central authority of a *convicting Member State* informed the Member State of the person's nationality that the conviction information may not be retransmitted to other Member States for purposes other than criminal proceedings. When the Member State of the person's nationality receives a request for purposes other than criminal proceedings relating to the same person, it must answer to the requester that convictions are available in another Member State. The requester may thus send its request to the convicting Member State, which is not the Member State of the person's nationality.
 - The ECRIS software may be used for sending requests to other Member States relating to third country nationals, in cases where the requester reasonably suspects that the requested Member State may have information on convictions about this person.

Please note that the content of the request message is defined in details in the domain model later in this document. The information is to be transmitted by the requesting Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete as possible so as to allow the requested Member State to properly process the request.



Please note that the major part of the request data is standardised and codified, limiting thus the need for the **requesting** Member State to translate information before transmitting it to the requested Member State.

5.3.3 Function (2) – Evaluate Purpose of Request

Performed by:	The central authority of the requested Member State
Information used:	The purpose of the request (contained in the request data)
Resulting event:	This function can have only one of the following outcomes: a) The request can be processed b) The request cannot be answered (due to national legislation)
This function is not supported by the ECRIS software.	

According to the Council Framework Decision 2009/315/JHA article 6(1), a requested Member State **must provide an answer** when the request was issued for **purposes of criminal proceedings**. According to article 6(2), a requested Member State **can reply in accordance with its national laws** when the request was issued for **purposes other than criminal proceedings**.

The central authority of the requested Member State evaluates thus first the purpose of the request. In particular, in the case of non-criminal proceedings, the requested Member State verifies if its own national legal provisions allow disclosing information on convictions extracted from the national criminal record to an authority of a different Member State for the specific purpose that has been indicated in the request.

Please note that to this end, and in order to ensure a minimum common understanding between the central authorities of the Member States, the domain model defines a **common categorisation of the purposes of requests** for facilitating this evaluation.

According to the outcomes of this evaluation, the possible results are:

- The request is **considered as valid from a legal perspective** by the central authority of the requested Member State. This result is the only possible output if the request was issued for criminal proceedings. This result is also achieved when only a limited set of specific convictions can be provided according to the national laws in the case where the request was issued for purposes other than criminal proceedings.
- The central authority **cannot provide an answer to the received request** because the **request is not considered valid** according to the national regulations. In this case, a **request denial** is sent back to the central authority of the requesting Member State (see next step in the process). This can only occur if the request was issued for purposes other than criminal proceedings.

Please note that it is recommended that the central authority of the requesting Member State verifies that the requesting authority is actually authorised to issue a request for the purpose being indicated **before** sending out the request to another Member State.

5.3.4 Function (3) – Send Request Denial to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	Request denial message
Resulting event:	The request denial has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	

This function is one of the possible **final operations** of this process and occurs when the central authority of the requested Member State informs via ECRIS the central authority of the requesting Member State the fact that, **in accordance with its national laws, the request is not considered valid** for the purpose that has been indicated in the request.

It leads to the **final state** of this workflow in which the requesting Member State has received as response from the requested Member State that **the request is rejected**.


 The request denial can only be sent if the request was issued for **purposes other than criminal proceedings**.

5.3.5 Function (4) – Send Deadline to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	The deadline for the response to the request, in accordance with the ECRIS legal basis
Resulting event:	The deadline issued by the requested Member State has been received by the requesting Member State’s central authority
This function is supported by the ECRIS software.	

According to article 8 of the Council Framework Decision 2009/315/JHA, replies to the requests 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 no later than **ten working days** from the date the request is received. If the request is issued on demand of the person itself wishing to receive information on his/her own criminal records, then the deadline is set to **twenty working days** from the date the request is received.

Thus, the central authority of the requested Member State should inform the requesting Member State of the deadline (either ten or twenty days, depending on why the request has been issued) and based on the **its own calendar** (considering the latter’s public holidays, office closing days, etc.).

 Please note that, although it is not the aim of this analysis to impose specific implementation details of the national ECRIS software, it is highly recommended that this calculation and transmission of deadline be performed fully automatically by the national ECRIS implementation so as to guarantee that the requesting Member State is always immediately notified of the legal response deadline.

5.3.6 Function (5) – Search Person

Performed by:	The central authority of the requested Member State
Information used:	The person identification data that is contained in the request transmitted by the central authority of the requesting Member State
Resulting events:	This sub-process can have only one of the following outcomes: a) Exactly one person found b) Additional identification information received c) Person is not a national of the Member State d) Multiple persons found e) No person found

This complex search function is modelled as a sub-process and is explained in more details later in this document.

In this sub-process, the central authority of the requested Member State attempts to **univocally and unambiguously** find the person that is referred to in the request transmitted by the central authority of the requesting Member State. This look-up is performed based on **all** the initial person identification data that is contained in the request

message. In particular, regarding fingerprints, the requested Member State may decide whether or not to use them if they are made available by the requesting Member State.

Depending on the outcome of this search process, the business flow can take different paths:

- Exactly one person found
Exactly one person matching the identification data provided in the request message could be found univocally and without ambiguity by the requested Member State; it allows to proceed to the evaluation of the personal information found.
- Additional identification information received
This event occurs when, during the searching process, the requested Member State asks for additional identification data from the requesting Member State and receives updated identification information. In this case the search process needs to be performed again, using the updated person identification data. Please note that although this may create a loop in the business flow, in practice, the Member State performing the search is deciding on the outcome of the search sub-process and can in any of the iterations decide to use one of the other resulting events rather than performing another attempt.
Please note that this additional dialogue between the requested Member State and the requesting Member State should however be encouraged so as to increase the probability of finding the person.
- Person is not a national of the Member State
This event occurs when no match has been found during the search and the Member State receiving the request has the **absolute certainty** that the person either does not exist or is not a national of the country. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- Multiple persons found
This event occurs when several persons match the identification data that has been provided and the central authority does not manage to narrow down univocally and without ambiguity the list of matches to one single person. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- No person found
This event occurs when the search process fails to find persons matching the identification data that has been provided. In this case however the requested Member State does not know whether the person is a national of the country or if the person even exists. In doubt, the requested Member State informs the requesting Member State that no convictions are available.

5.3.7 Function (6) – Send New Deadline to Requesting Member State


Performed by:	The central authority of the requested Member State
Information used:	The new deadline for the response to the request, in accordance with the ECRIS legal basis
Resulting event:	The new deadline issued by the requested Member State has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	

According to article 8 of the Council Framework Decision 2009/315/JHA, when the requested Member State requires additional information for identifying the person concerned, and it has received this additional identification information from the requesting Member State, replies to requests shall be provided immediately and in any event no later than **ten working days** from the date the **additional information is received**.

In this case, the central authority of the requested Member State calculates the new deadline based on its calendar (taking into account national public holidays and office closing days)

and transmits the new date via ECRIS to the central authority of the requesting Member State.

Since additional identification data is now available, the central authority of the requested Member State performs a new attempt for identifying the person.

	<p>Please note that, although it is not the aim of this analysis to impose specific implementation details of the national ECRIS software, it is highly recommended that this calculation and transmission of deadline be performed fully automatically by the national ECRIS implementation so as to guarantee that the requesting Member State is always immediately notified of the new legal deadline.</p>
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5.3.8 Function (7) – Check Specifics of Person Found

Performed by:	The central authority of the requested Member State
Information used:	The personal data held by the requested Member State and found during the previous identification process.
Resulting event:	<p>This function can have only one of the following outcomes:</p> <ul style="list-style-type: none"> a) Response can be Provided to Request b) Person Deceased c) Person Matching the Fingerprints Received does not Correspond to the Nominal Identity Provided
This function is not supported by the ECRIS software.	

This function is performed when a single person matches the identification data provided in the request. The central authority of the requested Member State verifies the specific personal data known on national level. Depending on the outcome of this check, the business flow can take different paths:

- Response can be provided to the request
 The requested Member State has verified that the personal data held on national level and found during the search process corresponds to the identification data provided in the request message. The requested Member State can proceed with the collection of the convictions (if any) and provide a response to the request.
- Person deceased
 The requested Member State has the **absolute certainty** that the nominal identity used in the request corresponds to a deceased person. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.
- Person matching the fingerprints received does not correspond to the nominal identity provided
 This event occurs when the requested Member State has found a unique match during the previous search, using the fingerprints provided, but detected that the person found does not correspond to the nominal identification data that has been provided by the requesting Member State. In this case the requested Member State informs the requesting Member State that the request cannot be answered and why.

5.3.9 Function (8) – Inform Requesting Member State that Request cannot be answered

Performed by:	The central authority of the requested Member State
Information used:	The reason why the request cannot be answered by the requested Member State
Resulting event:	The response issued by the requested Member State has been received by the requesting Member State’s central authority
This function is supported by the ECRIS software.	

This step occurs in the case that the requested Member State cannot reasonably provide an answer to the requesting Member State. The following cases described earlier lead to this step:

- The person is not a national of the Member State (i.e. the requested Member State has the absolute certainty that the person is not one of its nationals or that he/she does not exist)
- Multiple persons have been found
- The person has deceased
- The person matching the fingerprints received does not correspond to the nominal identity provided in the request message

This step is one of the **final operations** of this process. It leads to the **final state** of this workflow in which the requesting Member State has received as response from the requested Member State that **the request cannot be answered and why**.

5.3.10 Function (9) – Collect Convictions of Person Found

Performed by:	The central authority of the requested Member State
Information used:	The personal data held by the requested Member State and found during the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Convictions are available b) No convictions are available
This function is not supported by the ECRIS software.	

This step is reached when the search process yielded exactly one person matching the identification data provided in the request and the first evaluation of the specific information of the persons allowed further processing the request.

The central authority of the requested Member State **collects all conviction information** relating to the person found earlier. The primary source for collecting this information is the national criminal records register. Please note however that each Member State can also use other sources of information, depending on its national regulations and on how it implemented the legal provisions of ECRIS:

- Other conviction storage systems, for cases such as:
 - when the convictions are spread in several physically separated registers
 - when the conviction information is stored in different systems depending on the age at which the offence was perpetrated
 - when convictions transmitted by other Member States could not be entered in the national register due to constraints imposed by the national legislation but were stored in another specific database for the purpose of retransmission

This collection of information can result in one of the following situations:

- Convictions that can be included in the response have been found
- No convictions that can be included in the response have been found. This covers cases where the person has never been convicted before, cases where the person has been

convicted but the convictions are no longer to be taken into account as a result of the end of the retention period or of rehabilitation, as well as cases where convictions are available but are not deemed relevant for the specific purpose for which the request was issued. This latter case only applies to requests issued for purposes other than criminal proceedings.

5.3.11 Function (10) – Add Conviction Information to Response

Performed by:	The central authority of the requested Member State
Information used:	Available convictions The response message to be sent to the requesting Member State.
Resulting event:	All information on the convictions that can be disclosed has been added to the response message that will be sent to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs when convictions that can be included in the response have been found during the previous step by the central authority of the requested Member State. Thus, the central authority of the requested Member State adds to the ECRIS response **the complete information available on these convictions**.

Please note that the content of the response message is defined in details in the domain model later in this document. The information is to be transmitted by the requested Member State in accordance with the structures, rules and standardised formats described later in this document and must be as complete as possible so as to allow the requesting Member State to properly understand and process the response.

5.3.12 Function (11) – Add Information that Person has no Convictions to Response

Performed by:	The central authority of the requested Member State
Information used:	Information that no convictions have been found The response message to be sent to the requesting Member State.
Resulting event:	The information that no convictions are available for the person referred to in the request has been added to the response message that will be sent to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs in two different situations:

- During the search process no person matching the identification data provided in the request has been found. The requested Member State does not know for sure whether the person actually exists or whether he/she is a national of the country. The only conclusion that can be drawn in this case is that no convictions are available.
- The search process resulted in exactly one matching person but there are no convictions available that can be transmitted as a response to the request. As described previously, this can happen either because (1) the person has never been convicted before, (2) the person has been convicted but the convictions are no longer to be taken into account as a result of the end of the retention period or of rehabilitation, or (3) convictions are available but are not deemed relevant for the specific purpose for which the request was issued.

Thus, the central authority of the requested Member State adds to the ECRIS response the information that **no convictions are available** for the person referred to in the request.

5.3.13 Function (12) – Check Whether Additional Convictions are Available from Other Member States

Performed by:	The central authority of the requested Member State
Information	The personal data held by the requested Member State and found during

used:	the previous search process.
Resulting event:	This function can have only one of the following outcomes: a) Additional convictions are available from other Member States b) No additional convictions are available from other Member States
This function may be partially supported by the ECRIS software.	

As defined by article 7, paragraph 2, of the Council Framework Decision 2009/315/JHA, the requested Member State may have received notifications from other Member States relating to the person referred to in the request and for which the convicting Member State may have indicated that the information cannot be retransmitted for purposes other than criminal proceedings.

Thus, in cases where the request has been issued for **purposes other than criminal proceedings**, the central authority of the requested Member State also checks whether additional convictions are available from other Member States for the person referred to in the request. For performing this task, the same sources of information can be used by the requested Member State as for the collection of the criminal records information.

This check can result in one of the following situations:

- To the knowledge of the central authority of the requested Member State, no additional convictions are available in other Member States for the person referred to in the request.
- Additional convictions are available in other Member States; the list of Member States is to be provided in the response to the requester.

This task is **not performed** when the request has been issued in the context of **criminal proceedings**.

5.3.14 Function (13) – Add List of Other Member States to Response

Performed by:	The central authority of the requested Member State
Information used:	The list of other Member States found during the previous step. The response message to be sent to the requesting Member State.
Resulting event:	The list of Member States has been added to the response message that will be sent later to the requesting Member State.
This function is supported by the ECRIS software.	

This step occurs when the request has been issued for **purposes other than criminal proceedings** and the central authority of the requested Member State has detected that it has previously received notifications from other Member States containing information on convictions that may not be retransmitted for such purposes.

The central authority of the requested Member State adds the list of these other Member States to the ECRIS response in order to inform the requester that it can issue additional requests to these Member States' central authorities.

5.3.15 Function (14) – Send Response to Requesting Member State

Performed by:	The central authority of the requested Member State
Information used:	The response message produced and enriched during the previous steps
Resulting event:	The response issued by the requesting Member State has been received by the requesting Member State's central authority
This function is supported by the ECRIS software.	

This function is one of the **final operations** of this business workflow which occurs in the case that a proper response can be provided by the central authority of the requested Member State to the requester.

In this case the central authority of the requested Member State transmits via ECRIS the response that has been completed during the previous steps to the central authority of the requesting Member State.

This response contains thus:

- The personal identification information as found in the criminal records register of the requested Member State, **if available**. This allows in particular informing the requesting Member State of the nominal identification that is being used in the requested Member State. (Indeed, it could for example be the case that the requesting Member State knows only an alias of the person, has a misspelling in names, an inaccuracy in other personal information such as the birth place, etc.)
- A list of conviction information, **if any**.
- **Optionally**, a list of Member States that can be contacted for receiving additional convictions

This function leads to the **final state** of this workflow in which the requesting Member State has received the response from the requested Member State.



Please note that the case where the requesting Member State receives a response that it considers not correct, for example because it does not correspond to the person that the request was referring to, is not considered in the process.

It is assumed that such error cases will be handled manually through ad-hoc contacts between the Member States' central authorities, not using ECRIS.

5.4 Sub-Process: Search Person

This sub-process describes how a central authority attempts to uniquely and unambiguously find on the national level the person that corresponds to the identification data that has been provided by another Member State as input of the notification or request process described earlier.

It actually covers the cases of Member States that perform the search using the national criminal records register only, the cases of Member States that perform in-depth identification using population registers and other sources of information as well as cases where Member States combine the two approaches.

This searching process is used in the notification and in the request process but it is identical in both scenarios, as depicted below. This process is further detailed in this analysis document because it also can imply additional dialogues between the central authorities of the Member States, as shown in the next sections, as well as specific output states depending on how this search is performed.

Please note finally that this flow actually defines a sub-process that cannot be triggered and executed on its own between the central authorities of two Member States but that occurs within and as part of the processes defined earlier.

The following diagram illustrates the business flow that occurs when attempting to find a person on a national level based on the identification data provided by another Member State's central authority:

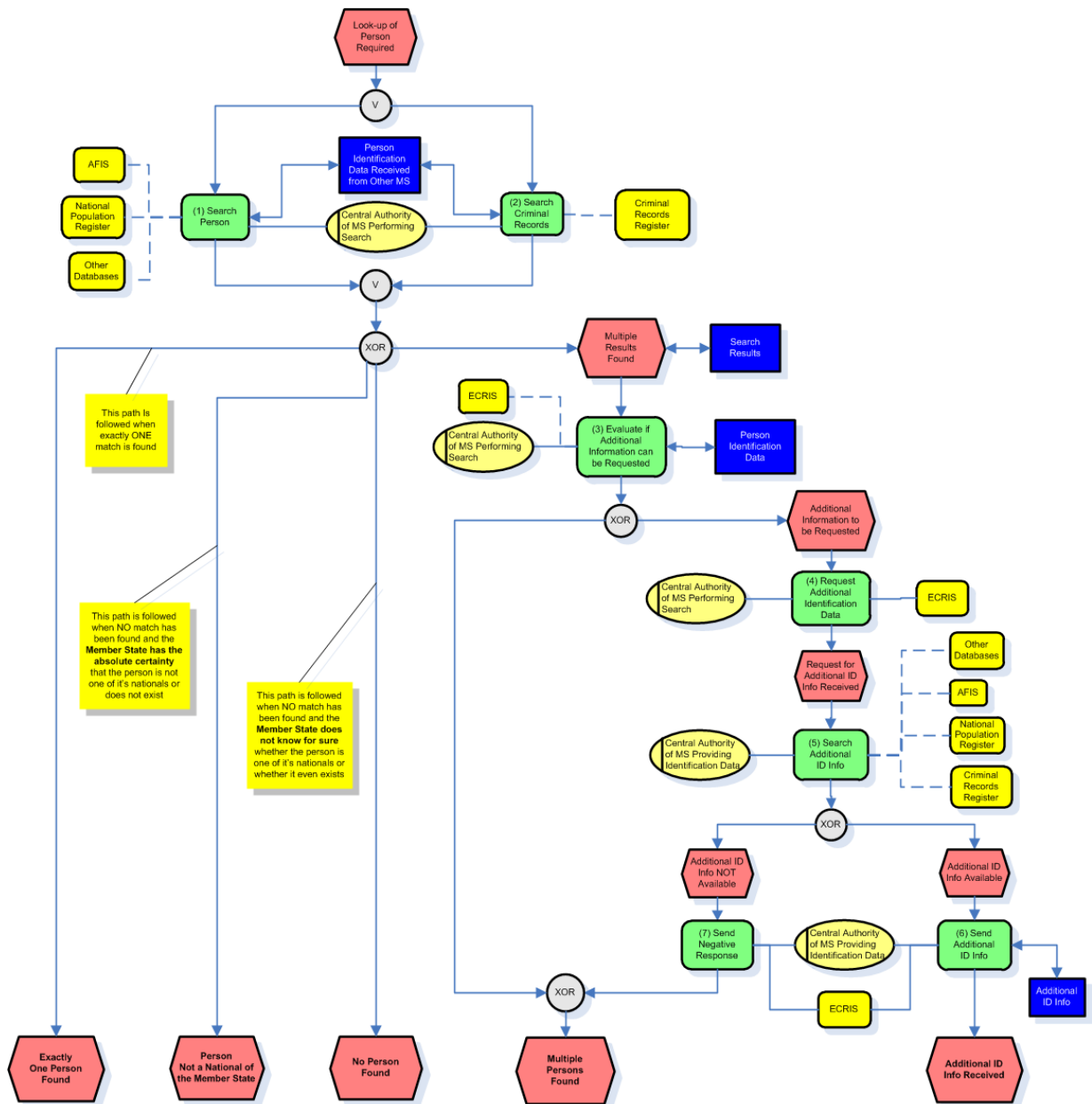


Figure 4 – Search Person

5.4.1 Process Start

This process starts when identification data has been provided by another Member State’s central authority and that the Member State processing the information needs to uniquely and unambiguously find the person in order to perform its work.

5.4.2 Function (1) – Search Person

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from another Member State
Resulting event:	This function can have only one of the following outcomes: a) Exactly One Person Found b) Person is not a national of the Member State c) No Person Found d) Multiple Results Found
This function is not supported by the ECRIS software.	

This look-up of the person, using the identification data that has been provided by the convicting/requesting Member State, is performed by the central authority through in-depth identification on the national level, using sources of information such as:

- National population or civil registers
- The national AFIS (automated fingerprint identification system) in the case that the Member State uses fingerprints for performing the identification
- Any other national or regional databases or systems usually used by the central authority of the Member State

Since fingerprints are optional in ECRIS, and many Member States' central authorities cannot yet make use of them, the nominal information contained in the identification data (i.e. the person's names, parent's names, aliases, etc.) is the primary information used for searching. The list of matches is narrowed down using primarily the date and place of birth. If this still yields several results, then additional information such as the parent's names, aliases, addresses, etc. may be used in order to attempt to further narrow down the number of matches to **one**.

This operation can only have one of the following results:

- Exactly one person matches the identification data that has been provided by the convicting/requesting Member State; **the person has been uniquely and unambiguously identified.**
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information on the person that has been found.
- When no match has been found and the Member State performing the identification has the **absolute certainty** that the person is not one of its nationals, the conclusion of this sub-process is that the person is not a national of the Member State.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that the person is not a national of the Member State.
- When no match has been found and the Member State performing the identification has doubts whether the person is one of its nationals or whether the person exists, the only conclusion that can be drawn to this sub-process is that no match has been found.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that no person has been found.
- Multiple results match the identification data that has been provided by the convicting/requesting Member State, despite all the efforts made by the central authority to narrow down the possibilities. In this case, additional steps can be taken in order to attempt to succeed in the unique identification of the person.

5.4.3 Function (2) – Search Criminal Records

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from another Member State
Resulting event:	This function can have only one of the following outcomes: a) Exactly One Person Found b) No Person Found c) Multiple Results Found
This function is not supported by the ECRIS software.	

The look-up, using the identification data that has been provided by the convicting/requesting Member State, is performed in this function by the central authority by searching for persons matching the transmitted identification data in the national criminal records register.

Here also, the nominal information contained in the identification data is the primary information used for searching.

This operation can only have one of the following results:

- Entries have been found and relate to exactly one person; **the person has been uniquely and unambiguously found.**
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information on the person that has been found.
- When no entries have been found, the only conclusion that can be drawn to this sub-process is that the person is not known to the central authority. No conclusions can be drawn on the real existence of the person.
This is a final state of this sub-process and the parent process (notification or request) continues its course of operations using the information that no person has been found.
- Multiple results match the identification data that has been provided by the convicting/requesting Member State, despite all the efforts made by the central authority to narrow down the possibilities. In this case, additional steps can be taken in order to attempt to succeed in the unique matching of the person.

5.4.4 Function (3) – Evaluate if Additional Information can be requested

Performed by:	The central authority of the Member State performing the search
Information used:	Identification data received from the initial Member State
Resulting event:	This function can have only one of the following outcomes: a) Additional identification data can be requested from the Member State that initially provided the identification data b) No additional identification data can be requested from the Member State that initially provided the identification data; the end result of the identification process is that multiple matches remain
This function may be supported by the ECRIS software.	

This operation occurs when the previous look-up of the person returned several matches. The central authority that performs the search process decides, based on the identification data previously received from the convicting/requesting Member State, whether it will request additional identification data from the convicting/requesting Member State.

This operation can only have one of the following results:

- Additional identification information will be requested from the convicting/requesting Member State; this is typically done when the central authority performing the search estimates that there is a high probability that the matches can be narrowed down to a single match if the convicting/requesting Member State provides additional clarifications.
- No additional identification information will be requested. This leads directly to a final state of this sub-process, with the result that several persons matching the identification criteria have been found. The parent process (notification or request) continues its course of operations using the information that multiple persons have been found.

5.4.5 Function (4) – Request Additional Identification Data

Performed by:	The central authority of the Member State performing the search
Information used:	The list of additional data elements that would allow the Member State performing the search to succeed
Resulting event:	The message issued by the Member State performing the search has been received by the central authority of the Member State that initially provided the identification data
This function is supported by the ECRIS software.	

The central authority that performs the search process sends via the ECRIS software a request for additional identification information to be provided by the convicting/requesting Member State. In particular, the central authority indicates in this request the list of identification elements that would be useful for uniquely and unambiguously finding the person.

5.4.6 Function (5) – Search Additional Identification Information

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	The list of additional data elements requested by the Member State performing the search
Resulting event:	This function can have only one of the following outcomes: a) Additional identification data is available b) No additional identification data is available
This function is not supported by the ECRIS software.	

Upon receipt of the request for additional identification information, the convicting/requesting Member State looks up in various sources whether it can provide the requested additional data elements.

The central authority of the convicting/requesting Member State may use various systems such as:

- the national criminal records register
- the national population or civil registers
- the national AFIS (automated fingerprint identification system)
- any other systems

It may also contact the competent authority that initially issued the request or that performed criminal investigation in order to get more information.

This operation can only have one of the following results:

- Additional identification information has been found by the central authority of the convicting/requesting Member State and will be transmitted to the central authority performing the search.
- No additional identification information has been found by the central authority of the convicting/requesting Member State.

5.4.7 Function (6) – Send Additional Identification Information

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	Updated identification information
Resulting event:	The message issued by the Member State that initially provided the identification data has been received by the central authority of the Member State performing the search
This function is supported by the ECRIS software.	

The central authority of the convicting/requesting Member State has found additional identification information and transmits it to the central authority performing the search, using the ECRIS software.

This operation leads to a final state of this sub-process in which the central authority performing the search has received updated identification information. The parent process (notification or request) continues its course of operations using the updated personal identification data received. In this case, the parent processes (i.e. notification and request) foresee that the identification process is performed again using this updated identification information.

Please note that this function allows not only sending additional identification information but it also allows sending the complete updated identification information. This also allows correcting an error that may have slipped into the identification information initially sent.

5.4.8 Function (7) – Send Negative Response

Performed by:	The central authority of the Member State that initially provided the identification data
Information used:	Message indicating that no additional identification data is available
Resulting event:	The message issued by the Member State that initially provided the identification data has been received by the central authority of the Member State performing the search. The end result of the search process is that multiple matches remain.
This function is supported by the ECRIS software.	

The central authority of the convicting/requesting Member State has not found additional identification information and informs the central authority performing the search of this fact, using the ECRIS software.

This leads to a final state of this sub-process, with the result that several persons matching the identification criteria have been found. The parent process (notification or request) continues its course of operations using the information that multiple persons have been found.

6 GENERAL RULES

6.1 Managing Deadlines

There is a clear difference regarding the requirements for meeting deadlines between the current manner of exchanging criminal records information between the Member States through the NJR pilot project and the ones explicitly defined in the ECRIS legal basis:

Deadlines for exchanges of criminal records information	Reply to notification	Reply to request	
		(criminal and non-criminal proceedings)	(request initiated by individual person on his/her own criminal records)
ECRIS	N/A	10 working days + 10 working days once additional identification information is received	20 working days
NJR	21 calendar days (*)	7 calendar days (*) (criminal proceedings only)	N/A

(*) The NJR deadlines are technical deadlines after which a reply message will normally be ignored. The reply to a request or notification message is to be sent as soon as possible.

6.1.1 Requests

The ECRIS legal basis clearly defines the aforementioned deadlines for requests, but it does not explicitly specify the expected behaviour to be adopted if replies to requests do not meet these deadlines.

However, as with any regulation and any other part of the ECRIS legal basis, it is implicit that not meeting the defined deadlines is to be considered as non-compliance with the legal basis. The only way to actually detect without ambiguity that a legal deadline is not being respected is to perform appropriate **monitoring** of the moments in time when

- a request is received by the requested Member State
- when additional identification information is received by the requested Member State
- when a final response to the request is received by the requesting Member State

The solution to be adopted in ECRIS, in accordance with the ECRIS legal basis and with the processes described earlier, **applies only to requests** and is the following:

- For each request, the deadline calculated during the request process is used by both requesting and requested Member State for monitoring the compliance.
- All reply messages transmitted by the requested Member State after the set deadlines **must not be technically rejected** by the requesting Member State's ECRIS software so that the non-compliance can be monitored and logged appropriately on both sides. The requesting Member State may however decide to discard the reply without further processing and without further notice.
- As described in the process "Request Criminal Record Information", the requested Member State's central authority transmits the legal deadline to the requesting central authority, calculated on the basis of its national calendar, taking into account only the working days and thus leaving out public holidays and office closing days.
- As long as the legal deadline has not been received by the requesting Member State, the requesting Member State uses a provisional deadline calculated in the same way as foreseen by the ECRIS legal basis, but based on its own national calendar, for the

monitoring. The case where the legal deadline is transmitted after the provisional deadline has elapsed is to be considered as non-compliance with the ECRIS legal basis and logged.

- As described in the process “Request Criminal Record Information”, when the requested Member State **receives** additional identification information and needs to perform the identification process again with updated information, the requested Member State calculates and sends the new deadline to the requesting Member State (function (6)). Please note that when the requested Member State asks the requester for additional identification information, the initially calculated legal deadline is not suspended and keeps running until the requested Member State actually receives the additional identification information. If the additional information is not provided on due time, the requested Member State may reply that the matching process was not successful and that no further response can be provided so as to respect the legal deadline.
- The reception by the requesting Member State of the messages issued during the following operations by the requested Member State are to be considered as final responses; the date of reception of these messages is compared with the set deadline in order to verify the compliance with the legal basis:
 - Process “Request Criminal Record Information” - Function (3) : Send Request Denial to Requesting Member State
 - Process “Request Criminal Record Information” - Function (8) : Inform Requesting Member State that Request cannot be Answered
 - Process “Request Criminal Record Information” - Function (14) : Send Response to Requesting Member State
- All occurrences of non-compliance with the set deadlines are logged by both requesting and requested Member State.

This solution allows both requesting and requested Member State to monitor the compliance with the ECRIS legal basis in the same way and to log the cases where deadlines are not met. These cases are to be collected in the statistics to be consolidated and published to the ECRIS stakeholders on a regular basis with the aim of verifying the effectiveness and efficiency of ECRIS.

6.1.2 Notifications

As indicated earlier, the ECRIS legal basis does not define legal deadlines for responding to notifications.

However, since the information exchange processes are performed as computerised dialogues between two Member States’ central authorities, it is necessary to define a maximum time limit until which the convicting Member State will wait for a response to the notification. Indeed, a technical deadline needs to be defined so as to allow technical house-keeping and in order not to block the versioning of the ECRIS software.

For the process “Notify Convictions” concerning notifications of new or modified information on convictions, since no legal deadline is defined in the legal basis, the following rule is set:

- The maximum time, from the moment when the notification is received by the Member State of the person’s nationality, and until the end response is received by the convicting Member State, is set to **30 calendar days**. After this time span, the convicting Member State’s ECRIS software can consider that the dialogue is finished, even if the instance of the business process has not yet reached one of its final states (i.e. even if the Member State of the person’s nationality has not yet transmitted a final response to this dialogue).

This rule is defined so as to avoid dialogues remaining without responses indefinitely. This rule also allows monitoring the effectiveness of the ECRIS exchanges and collecting statistics in the cases of notifications of new or modified information on convictions.

6.2 Obligatory Data Elements

Council Framework Decision 2009/315/JHA, article 11, paragraph 1(a), defines obligatory information as follows:

Obligatory information: the following information **must always** be transmitted, unless, in **individual cases** such information is not known to the central authority of the *convicting Member State*:

- i. Information of the convicted person: full name, date of birth, place of birth (town and State), gender, nationalities 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 decision became final.
- iii. Information on the offence giving rise to the conviction: date of offence, name or legal classification of the offence, references to the applicable legal provisions.
- iv. Information on the contents of the conviction: the sentence, any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence.

Following the same principle as for deadlines, the solution foreseen by this analysis is to perform proper monitoring and logging of the occurrences of non-compliance with this article of the legal basis. This is achieved as follows:

- Each data element in the ECRIS messages that correspond to the information elements defined in the legal basis as **obligatory** are made **mandatory from a technical point of view** in the ECRIS detailed technical specifications. This obliges the ECRIS implementations to always fill in a value for these data elements; if no value is provided, the transmission of the messages is rendered technically impossible for the sender of the message.
- However, in order not to block the ECRIS exchanges in the **individual cases** where the information is not known to the central authority of the convicting Member State, for each such data element a **dummy value** is pre-defined and is to be used when the information is not available.
- The Member State's ECRIS software receiving a message from another ECRIS application verifies for each mandatory data element whether a dummy value has been used and logs for each such data element the number of occurrences of the dummy values.

The total number of occurrences of dummy value per data element is to be collected in the statistics to be consolidated and published to the ECRIS stakeholders on a regular basis with the aim of verifying the effectiveness and efficiency of ECRIS.

This allows the ECRIS stakeholders verifying if indeed the dummy values are only provided in individual cases or if it is systematic for some elements. By providing this visibility on the quality of the information exchanged, it allows the Member States to take focused corrective actions when necessary.

7 DOMAIN MODEL

As mentioned before, the “Business Analysis” document presents the ECRIS data exchanges between the Member States’ central authorities from a non-technical point of view. It focuses on the functional aspects of the ECRIS systems and aims at determining the various steps of the processes to be fully or partly automated, how these automations are to be realised and the tasks that remain to be performed within the Member States’ administrations.

The “Domain Model” chapter defines exactly the specific types of messages and the data elements to be contained in each such message. It defines the common business and validation rules to be applied to each data element. It also identifies the data elements that can be standardised and be codified into common reference tables.

7.1 General Information

7.1.1 Understanding the Domain Model

The following sections describe the messages and the blocks of information elements to be contained in each such message. Each entity described below defines such a block and its properties. For each property it is defined whether the property is mandatory or not and the possible number of occurrences of the property within the block.

The number of occurrences is to be understood as follows:

- 1 = the property must occur exactly once within the block (mandatory element)
- 0...1 = the property can occur at most once (i.e. it can occur 0 or 1 times) within the block
- 0...N = the property can occur any number of times within the block
- 1...N = the property must occur at least once but may occur more than once within the block (mandatory element)

Please note that some messages and information entities refer to other structured information entities rather than to simple properties. In each entity, only the simple properties are described in more details. For the detailed description of an entity, please refer to the appropriate section defining the information entity.

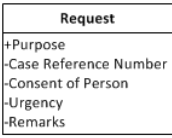
For facilitating the reading of the domain model, the following convention is used in the tables:

- when the name of a property is not surrounded by square brackets, it refers to a simple information element (e.g. [Person] means that the “Person” property is an entity)
- when the name of the property is surrounded by square brackets, it refers to a structured entity that in turn may contain other entities and simple information elements

7.1.2 UML Class Diagrams

The diagrams in the next chapters use the UML formalism but have been simplified in order to facilitate the reading. In particular, the properties of the information blocks are not always displayed in each diagram.

The following legend applies to the diagrams below:

SYMBOL	DESCRIPTION
	<p>This symbol represents an information block, or entity. Within the box, the simple properties contained in the entity are listed. The “+” sign indicates the mandatory properties while the “-” sign indicates the optional properties.</p>


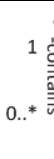
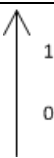
	<p>This type of arrow indicates that an entity extends or specialises another entity. The arrow head points to the general or abstract entity that is being extended.</p>
	<p>This type of arrow indicates that an entity is composed of/contains another entity. The arrow head points to the entity being the container of the entity at the other end.</p>
	<p>This type of arrow indicates that there is a relation between two entities. Such relations are not extensions or compositions; these are modelled using the arrows listed above.</p>

Table 2 – Legend for UML class diagrams

7.1.3 Recurring Information Elements and Property Types

“Names”

Various information entities described below contain person names as properties (first and/or last names). Names are simple free text elements.

Regarding the content of the name elements to be provided, **all** the available names belonging together **must** be provided in the appropriate order. More specifically, when providing a person’s “first name”, all first names known must be provided in the same order as specified on the identity documents; when providing a person’s “last name” composed of several names, all last names must be provided in the same order as specified on the identity documents.

This general rule applies to the following information elements that are defined in the ECRIS legal basis: full name (i.e. fore- and surnames), previous names and parent’s names of the person subject of the notification or request as well as all names indicated as possible aliases and pseudonyms.

As already indicated earlier, the names are to be provided in the form in which they have been captured, using the original alphabet, character set, special characters and diacritics of the sending Member State. In requests, additionally the name elements are also to be provided in a transliterated form, using the alphabet and character set of the requested Member State, so as to comply with the provisions of article 10 of the Council Framework Decision 2009/315/JHA.

Example of valid values for forenames: María Concepción; Γεώργιος; João; Måns

Example of valid values for surnames: Papadopoulou; de Góngora y Argote; Ryz-Śmigły; Müller; Giscard d'Estaing; Petófi-Szendrey

“Remarks”

All messages and several entities described below contain the “remarks” information element. It is a simple free text element that allows carrying any additional miscellaneous information that the sending central authority wishes to transmit to the receiving central authority about the message or entity and that could not be entered in any of the other information elements.

“Boolean” information elements

“Boolean” information elements are properties that allow only values “yes” or “no”. If a “Boolean” property has been defined as mandatory, then it also allows a technical dummy value that has the meaning “unknown”.

For the sake of clarity, all “Boolean” elements are defined as mandatory. In this way, the provider of the information must explicitly assign one of the values to the element and there is no ambiguity for the receiver of the information.

“Date” information elements

Information elements that carry dates are transmitted in a technical form that allows structuring the date into year, month and day.

As a general rule, partial values for dates are not accepted and are to be considered as invalid. Typically, it must be avoided to send combinations such as for example the day and the month with an unknown year, the day and the year without the month, etc. Only the following combinations are to be considered as valid dates:

- The year only (without month and day)
- The year and the month (without day)
- The year, the month and the day

If a date property has been defined as mandatory, then it also allows a technical dummy value that has the meaning "unknown".

Please note also that most dates that are issued in a judicial context, such as the dates of the convictions, the dates relating to the execution of a sanction, to a suspension, etc. are normally either completely available (i.e. year, month and day are known) or completely unavailable. For such dates, it is highly unlikely to receive other combinations.

7.1.4 Reference Tables

As already described earlier, some of the information elements described in the domain model have been codified and only allow using one of a list of predefined values.

The **common reference tables** define lists of values that are common for all Member States. The definitions and detailed content of these common reference tables can be found in the joined spread-sheet "Common Reference Tables".

In addition to the common reference tables, the domain model foresees that for some fields **national reference tables** may be used. These tables are not common but are specific to the sending Member State. Each Member State may decide to share its national reference table with one or more other Member States so as to facilitate the information exchanges, as it is currently also done in the NJR pilot project.

From a technical point of view, the information for such standardised elements is transmitted by the sending Member State using a technical code so that the receiving Member State's ECRIS software can automatically transcode the information, reducing the need for translation or transliteration.

The following basic rules must be applied to all reference tables:

- Each entry in a reference table contains a unique technical identification code as well as "valid from" and "valid to" dates.
- The **technical identification code is always unique** within the reference table and can never be reused for defining new entries in the table. Please note that these technical identifiers are structured and in particular contain 2 digits (i.e. a "-00-" part) that can be used for versioning each record, thus allowing to reuse the same functional/business code with a different or modified meaning by inserting a new record in the common reference table and incrementing this 2-digit part of the technical identifier. This is based on the NJR experience and proved helpful also in particular when ISO codes are modified and reused.
- If a value within a reference table becomes obsolete, the **"valid to" date of the entry is modified** so as to indicate the date after which this reference value is to be deemed as obsolete.

Please note here that a value is deemed as obsolete depending on the context in which it is used. As an example, a notification sent in 2012 indicating an old currency such as "Belgian Francs" can be correct and must not be discarded if the conviction was handed down when this currency was still in use (before 2002). In the same way, if the currency "Belgian Francs" is indicated in a conviction handed down in 2006, it is to be considered as an error.

- An **entry** in a reference table **cannot be modified or deleted** (at the exception of the "valid to" date that can be modified as explained above). If a change needs to be

performed in one reference value, then the existing value is to be marked as obsolete using the appropriate “valid to” date and a new entry with a different technical identification code is to be added for defining the new value.

7.2 Messages

Based on the business processes defined earlier, it appears that the following business messages need to be supported by the ECRIS software:

- Process “Notify Convictions”:
 - “Notification” message
 - “Notification Problem” message
 - “Notification Receipt” message
- Process “Request Criminal Records Information”
 - “Request” message
 - “Request Deadline” message
 - “Request Denial” message
 - “Request Problem” message
 - “Request Response” message
- Sub-process “Search Person”:
 - “Request Additional Identification Information” message
 - “Additional Identification Information” message
 - “Additional Identification Information Unavailable” message

Each message carries a **technical code** that allows **uniquely identifying an instance of a message** across all ECRIS message exchanges. Each message contains also sufficient technical meta-data so that the ECRIS software can **correlate** the messages appropriately, allowing the software to know to which previous message a message is actually responding to. This correlation is achieved using the unique technical identifier. Please note that this unique technical identifier only needs to be unique at the level of a Member State. Indeed, the combination of the code of the Member State and of this technical identifier provides then an identifier that is across all over the ECRIS exchanges.



Please note that these business messages are not necessarily translated exactly into the same number of technical XML messages to be sent by the ECRIS applications. The detailed technical specifications may generalise some common messages or add technical messages depending on the implementation needs.

However all business messages and their content need to be supported by the detailed technical specifications.

“Notify Convictions” Process Messages

The following diagram illustrates the messages used in the “Notify Convictions” process:

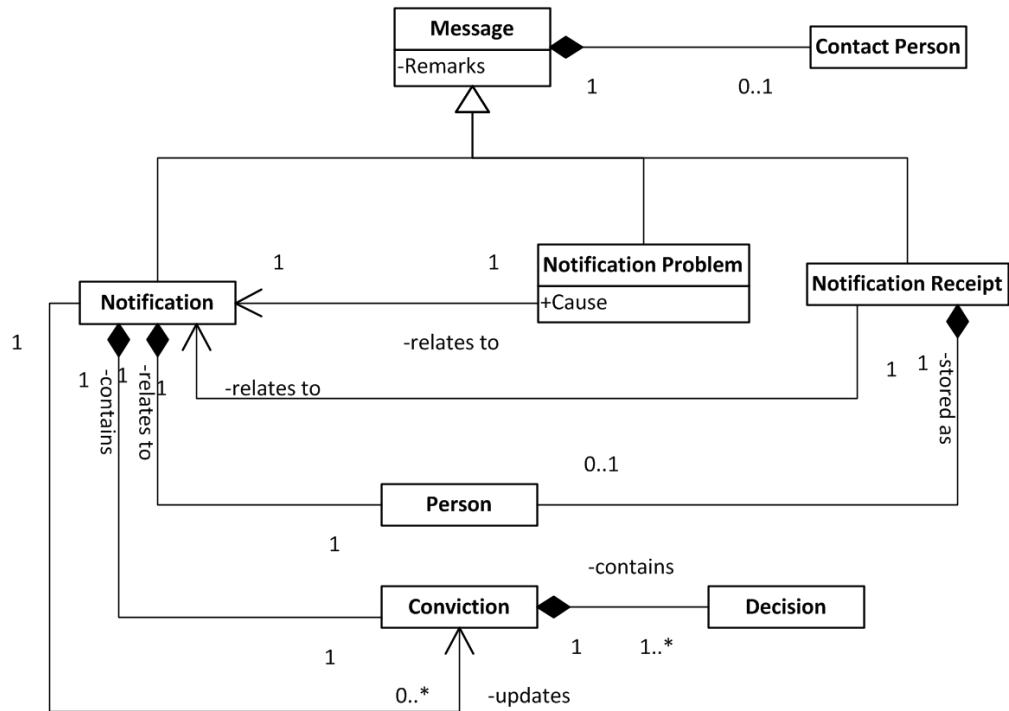


Figure 5 – “Notify Convictions” process messages

“Request Criminal Records Information” Process Messages

The following diagram illustrates the messages used in the "Request Criminal Records Information" process:

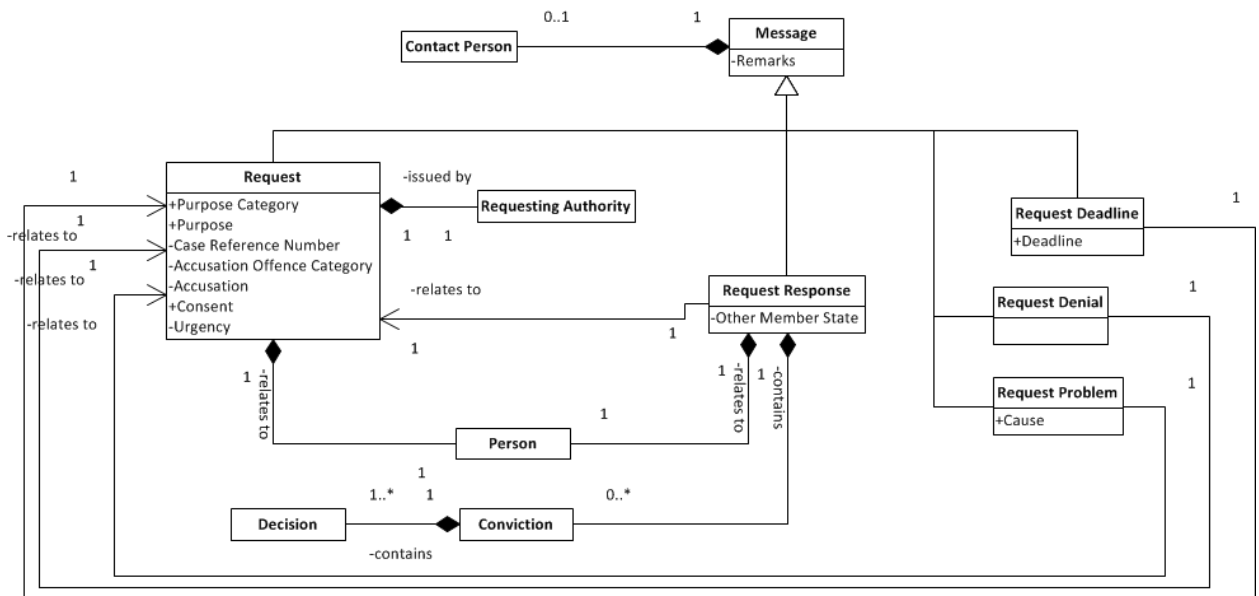


Figure 6 – "Request Criminal Records Information" process messages

"Search Person" Sub-Process Messages

The following diagram illustrates the messages used in the "Search Person" sub-process:

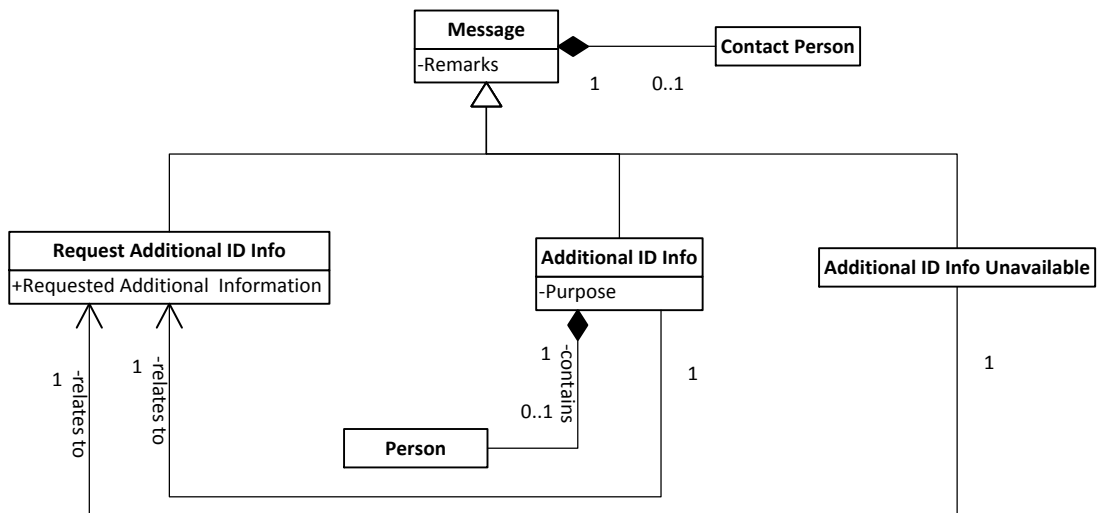


Figure 7 – "Search Person" sub-process messages

7.2.1 “Notification” Message

The “Notification” message carries information on convictions as well as information on subsequent alterations and deletions. It is sent by the convicting Member State to the Member State of the convicted person’s nationality.

The “Notification” message relates **to one single person** being convicted and contains information **on one single conviction**.

The “Notification” message contains the following information elements:

NOTIFICATION			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the convicting Member State that can be contacted by the central authority of the Member State of nationality in case of questions or problems with this message.	No	0...1
[Person]	Identification information of the convicted person	Yes	1
[Conviction]	The conviction information handed down within the convicting Member State’s territory and being notified	Yes	1
Affected Conviction	A reference to the existing conviction that has already been previously notified and that is being modified by this notification message.	No	0...N
Remarks	Any additional information available regarding this message	No	0...1

Table 3 – “Notification” message content

- The “Affected Conviction” property provides a reference to an existing conviction that has already been notified previously and that is being modified by the current notification message. It contains one of the following:
 - The unique ECRIS technical identifier of the conviction (please note that in this case, this property contains the same identifier as the one provided in the “Conviction” entity that is also contained in the notification message)
 - The unique NJR technical identifier of the conviction (please note that in this case, this property contains a different identifier than the one provided in the “Conviction” entity that is also contained in the notification message)
 - A structure providing the code and name of the convicting authority, the file number of the conviction and the final date of the conviction. The code of the convicting authority in this structure is defined as optional due to the fact that not all Member States assign such codes.

7.2.2 “Notification Problem” Message

The “Notification Problem” message is used by the Member State of the person’s nationality in order to inform the convicting Member State that the information notified previously cannot be processed, and in particular that it cannot be stored for the purpose of retransmission due to a problem.

The "Notification Problem" message contains the following information elements:

NOTIFICATION PROBLEM			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the Member State of nationality that can be contacted by the central authority of the convicting Member State in case of questions or problems with this message.	No	0...1
Cause	The reason for not storing the notified conviction information.	Yes	1
Remarks	Any additional information available regarding this message	No	0...1

Table 4 - "Notification Problem" message content

- The "Cause" information can have only one of the following pre-defined values:
 - Person is not a national of the Member State
 - Person deceased
 - Fingerprints do not match the nominal identity information
 - Multiple persons found

7.2.3 "Notification Receipt" Message

The "Notification Receipt" message is used by the Member State of the person's nationality in order to inform the convicting Member State that the information notified previously has been successfully received. Optionally it can also carry the personal identification data to which the Member State of nationality has related the notified convictions.

The "Notification Receipt" message contains the following information elements:

NOTIFICATION RECEIPT			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the Member State of nationality that can be contacted by the central authority of the convicting Member State in case of questions or problems with this message.	No	0...1
[Person]	Personal identification information under which the notified conviction information has been stored.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 5 - "Notification Receipt" message content

7.2.4 "Request" Message

The "Request" message carries information on the request transmitted by a Member State to another Member State for information and related data to be extracted from the criminal record of a person.

The "Request" message relates **to one single person** for which the information on convictions is required by the requesting Member State.

The "Request" message contains the following information elements:

REQUEST			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requesting Member State that can be contacted by the central authority of the requested Member State in case of questions or problems with this message.	No	0...1
[Requesting Authority]	Information on the authority that has issued the request within the requesting Member State and before which the proceedings are pending.	Yes	1
Purpose Category	Category of the purpose of this request (contains a predefined value from the common reference table "Purposes of Requests - Common Categories")	Yes	1
Purpose	Textual description of the purpose of this request.	Yes	1
[Person]	Identification information of the person for which the information on convictions is requested	Yes	1
Case Reference Number	Information on the case reference number identifying the proceedings for which the request is issued	No	0...1
Accusation Offence Category	The category of the offence of which the person is accused, as defined by Annex A of the Council Decision 2009/316/JHA	No	0...N
Accusation	Free text element that provides information on the accusation that this request refers to.	No	0...1
Consent	Specifies whether the concerned person has given its consent for the full disclosure of its criminal records information	Yes	1
Urgency	Information on the degree of urgency of the current request	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 6 – "Request" message content

- The "Purpose Category" information can only have one of the values defined in the common reference table "Request Purposes".
- The "Purpose" information is a free text element that provides a detailed textual description of the purpose of this request.
- The "Case Reference Number" contains the textual representation of the reference number of the proceedings for which the request is being issued.

- The “Accusation Offence Category” property indicates the common ECRIS category of the offence, as defined by Annex A of the Council Decision 2009/316/JHA, of which the person in the request is being accused of. It can contain any number of values defined in the common reference table “Offences”.
- The “Accusation” property is a textual description of the charges brought against the person to which the request relates.
- The “Consent” information is a Boolean element indicating whether the concerned person has given its consent for the full disclosure of its criminal records. This information is not relevant when the request has been issued for criminal proceedings but may be required by some Member States for processing requests issued for purposes other than criminal proceedings.
- The “Urgency” information provides an indication of how urgently the response is needed by the requesting authority. It can only have one of the following values:
 - Normal
 - High

Please note that this urgency has only an informative value. The requested Member State may process the requests as deemed suitable and in accordance with the applicable provisions of the ECRIS legal basis and of its national regulations.

7.2.5 “Request Denial” Message

The “Request Denial” message is sent by the requested Member State to the requesting Member State when it cannot provide an answer because the request is not considered receivable according to the national regulations. This **can only occur** for requests that have been issued for **purposes other than criminal proceedings**.

The “Request Denial” message contains the following information elements:

REQUEST DENIAL			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 7 – “Request Denial” message content

7.2.6 “Request Deadline” Message

The “Request Deadline” message allows the requested Member State to transmit the legal deadline for the response to the requesting Member State. The same type of message is used for sending the initial legal deadline as well as for sending the new deadline that is calculated by the requested Member State upon reception of additional identification information.

The “Request Deadline” message contains the following information elements:

REQUEST DEADLINE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Deadline	The date by which the response to the	Yes	1

	request must be sent according to the legal obligations defined by article 8 of the Council Framework Decision 2009/315/JHA.		
Remarks	Any additional information available regarding this message.	No	0...1

Table 8 – “Request Deadline” message content

7.2.7 “Request Problem” Message

The “Request Problem” message is used by the requested Member State in order to inform the requesting Member State that the request cannot be answered due to a specific circumstance.

The “Request Problem” message contains the following information elements:

REQUEST PROBLEM			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
Cause	The reason that prevents the requested Member State from providing an answer to the request.	Yes	1
Remarks	Any additional information available regarding this message.	No	0...1

Table 9 – “Request Problem” message content

- The “Cause” information can have only one of the following pre-defined values:
 - Person is not a national of the Member State
 - Person deceased
 - Fingerprints do not match the nominal identity information
 - Multiple persons found

7.2.8 “Request Response” Message

The “Request Response” message is sent by the requested Member State to the requesting Member State for providing the information on convictions extracted from the national criminal records register (if any) in the case that the request could be processed and that a single person matching the identification data has been found.

The “Request Response” message contains the following information elements:

REQUEST RESPONSE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the requested Member State that can be contacted by the central authority of the requesting Member State in case of questions or problems with this message.	No	0...1
[Person]	Identification information of the person for which the information on convictions is provided	Yes	1
[Conviction]	The conviction information found for the person referred to in the request (empty if no	No	0...N

	convictions are available)		
Other Member State	The code of the central authority of another Member State to which additional requests referring to the same person can be sent for obtaining additional information on convictions.	No	0...N
Remarks	Any additional information available regarding this message.	No	0...1

Table 10 – “Request Response” message content

- The “Other Member State” information is a list of Member States’ central authorities to which the requesting Member State can send the same request in order to obtain additional information on convictions. This is only relevant for requests that are issued for purposes other than criminal proceedings. This information is to be provided in the case where the requested Member State has previously received foreign notifications from convicting Member States relating to the same person than the one referred to in the request, with the explicit information that these notifications may not be retransmitted for purposes other than criminal proceedings.

This list can only contain values defined in the common reference table “Central Authorities”.

7.2.9 “Request Additional ID Info” Message

The “Request Additional ID Info” message is sent by the Member State performing the search of a person to the requesting/convicting Member State when additional identification information is required in order to uniquely find the person that is referred to in the request/notification message previously received. It can also be used in order to ask for more information on the purpose for which the request was issued.

The “Request Additional ID Info” message contains the following information elements:

REQUEST ADDITIONAL ID INFO			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
Requested Additional Information	The additional information that is required in order to uniquely find the person that was previously referred to in the request/notification message and/or to clarify the purpose of the request.	Yes	1...N
Remarks	Any additional information available regarding this message.	No	0...1

Table 11 – “Request Additional ID Info” message content

- The “Requested Additional Information” information can only contain a combination of the following pre-defined values:
 - Forename
 - Surname
 - Second Surname
 - Sex
 - Birth Date
 - Birth Place

- Nationality
- Previous name
- Mother's name
- Father's name
- Identity number
- Identification document
- Address
- Alias
- Fingerprints
- Purpose

7.2.10 "Additional ID Info" Message

The "Additional ID Info" message is sent by the requesting/convicting Member State in response to the previous "Request Additional ID Info" message when additional identification information is available. This message allows sending the updated personal identification data to the Member State that is performing the search of the person.

The "Additional ID Info" message contains the following information elements:

ADDITIONAL ID INFO			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
[Person]	The updated identification information of the person that was initially referred to in the request/notification message.	No	0...1
Purpose	The updated textual description of the purpose of the request.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 12 – "Additional ID Info" message content

- The "Purpose" property is a free text element that provides an updated detailed textual description of the purpose of the request.

7.2.11 “Additional ID Info Unavailable” Message

The “Additional ID Info Unavailable” message is sent by the requesting/convicting Member State in response to the previous “Request Additional ID Info” message for informing that **no** additional identification information is available.

The “Additional ID Info Unavailable” message contains the following information elements:

ADDITIONAL ID INFO UNAVAILABLE			
Property	Summary	Mandatory	Occurrence
[Contact Person]	Information of the person within the central authority of the sending Member State that can be contacted by the central authority of the receiving Member State in case of questions or problems with this message.	No	0...1
Remarks	Any additional information available regarding this message.	No	0...1

Table 13 – “Additional ID Info Unavailable” message content

7.3 Information Entities

The following sections define in more details the structured information entities that are used in several of the messages described previously.

7.3.1 Main Information Entities

The main information entities that are used in the notification, request and request response messages are the following:

- The “Person” entity carries the personal identification information of the person that is the subject of the notification or request.
- The “Conviction” entity carries overall information on one conviction and it is composed of one or more “Decision” entities. This entity is used in notification and request response messages.
- The “Decision” entity carries specific information on one decision, which can be the decision of the original conviction or subsequent decisions modifying the conviction. It may relate to several offences and several sanctions. By piling up several instances of this information entity in a notification message, the domain model allows providing the history of the conviction, as explained earlier in this document.
- The “Offence” entity carries all information relating to one offence.
- The “Sanction” entity carries all information relating to a sanction, including the results of decisions that modify the enforcement of the sentence.

“Person” Entity

The following diagram illustrates the “Person” entity:

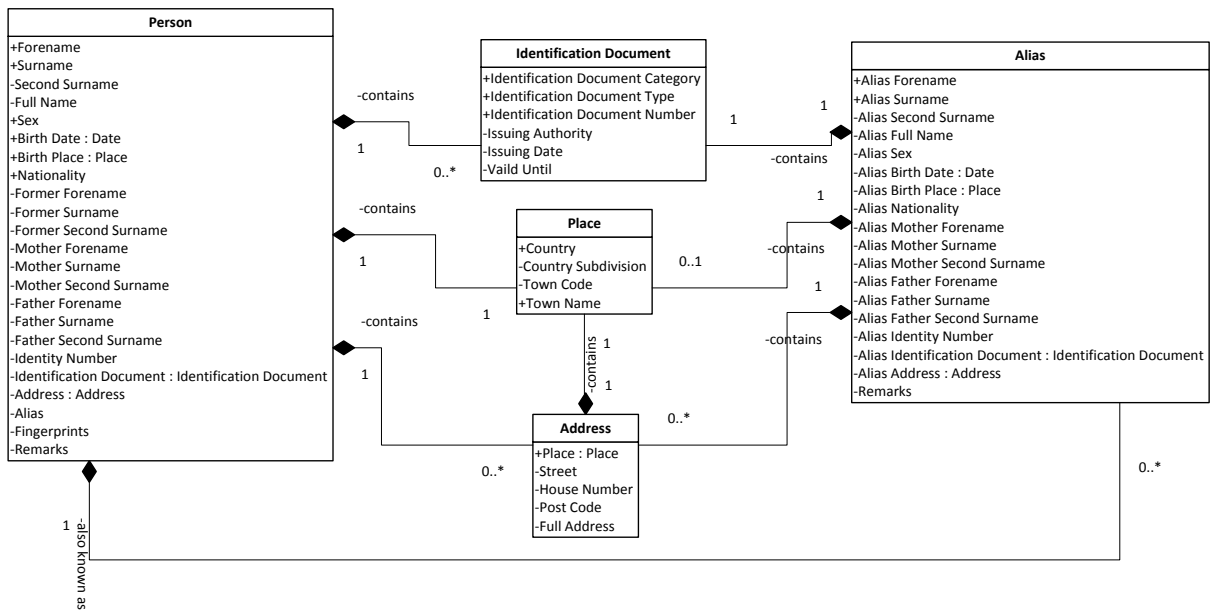


Figure 8 – “Person” entity

"Conviction" Entity

The following diagram illustrates the "Conviction", "Decision", "Offence" and "Sanction" entities:

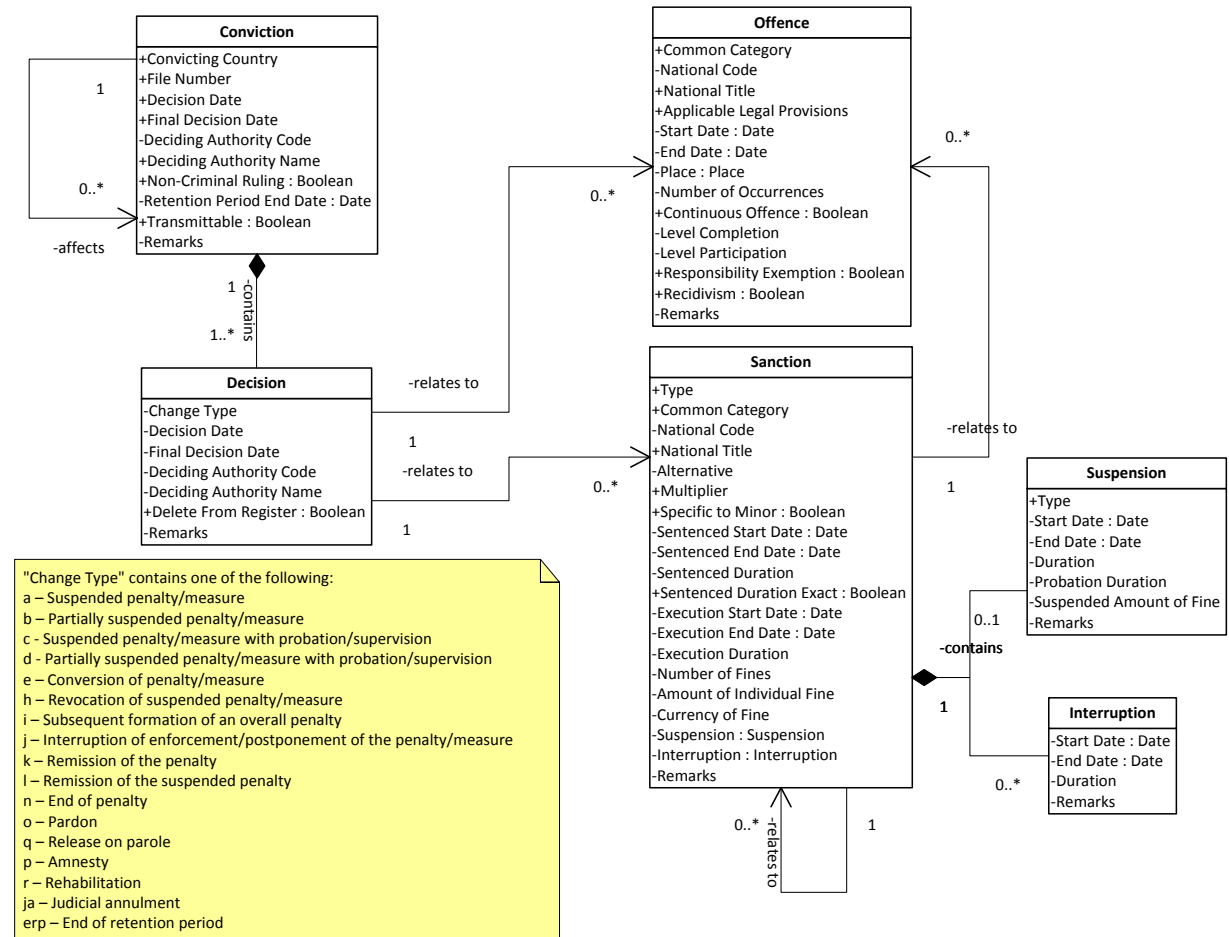


Figure 9 – "Conviction"-related entities

Please note that the main information entities listed above can carry a **technical code** that allows **uniquely identifying an instance of such an entity within a given message**. This allows the ECRIS software to properly **correlate** the information entities appropriately, allowing for example the software to know to which offences a sanction relates, or to which sanctions a decision relates.

7.3.2 "Contact Person" Entity

The "Contact Person" entity contains all necessary information of the person within the central authority that can be further contacted for in case of questions or problems relating to a specific message.

The "Contact Person" entity contains the following properties:

CONTACT PERSON			
Property	Summary	Mandatory	Occurrence
Forename	The first name of the contact person	No	0..1

Surname	The last name of the contact person	No	0...1
Second Surname	The second last name of the contact person	No	0...1
Phone	The phone number of the contact person, including the standard country calling prefix number (as text element)	No	0...1
Fax	The fax number of the contact person, including the standard country calling prefix number (as text element)	No	0...1
E-mail	The e-mail address of the contact person (as text element)	Yes	1

Table 14 – “Contact Person” entity content

7.3.3 “Requesting Authority” Entity

The “Requesting Authority” entity represents the competent authority within a Member State that is at the origin of a request and for which the response is intended; it also provides an indication to the context that generated the request and the proceedings that are on-going.

The “Requesting Authority” entity contains the following properties:

REQUESTING AUTHORITY			
Property	Summary	Mandatory	Occurrence
Type	The type of the competent authority	Yes	1
Code	A code representing the competent authority	No	0...1
Name	The official name of the competent authority	Yes	1

Table 15 – “Requesting Authority” entity content

- The “Type” information indicates the category for this requesting authority. It can only have one of the following pre-defined values:
 - J - Judicial authority
 - A - Competent administrative authority
 - P - Person concerned for information on own criminal records
 - E - Employer
 (see common reference table “Type of Requesting Authorities”)
- The “Code” information contains a textual representation of the code corresponding to the authority before which the proceedings generating the request are pending. It **can** originate from a national reference table.
- The “Name” information contains the textual representation of the official name of the authority before which the proceedings generating the request are pending. It **can** originate from a national reference table.

7.3.4 “Person” Entity

The “Person” entity represents the identity information of a person being the subject of the various ECRIS messages.

The “Person” entity consists of the following properties:

PERSON			
Property	Summary	Mandatory	Occurrence
Forename	The first name of the person	Yes	1
Surname	The last name of the person	Yes	1
Second	The second last name of the person	No	0...1

Surname			
Full Name	The unstructured form of the complete person's name (grouping first and last names)	No	0...1
Sex	The gender of the person	Yes	1
Birth Date	The date of birth of the person	Yes	1
[Birth Place]	The location of birth of the person	Yes	1
Nationality	The nationality of the person, expressed as a country (can be multiple)	Yes	1...N
Former Forename	The former known first name of the person	No	0...N
Former Surname	The former known last name of the person	No	0...N
Former Second Surname	The former known second last name of the person	No	0...N
Mother Forename	The first name of the person's mother	No	0...1
Mother Surname	The last name of the person's mother	No	0...1
Mother Second Surname	The second last name of the person's mother	No	0...1
Father Forename	The first name of the person's father	No	0...1
Father Surname	The last name of the person's father	No	0...1
Father Second Surname	The second last name of the person's father	No	0...1
Identity Number	The national identification number of the person	No	0...1
[Identification Document]	The information of the person's identification document	No	0...N
[Address]	Address of the person	No	0...N
[Alias]	Alternative nominal identity under which the same person is also known	No	0...N
Fingerprints	The electronic fingerprints of the person	No	0...1
Remarks	Any additional valuable remarks related to the person	No	0...1

Table 16 - "Person" entity content

- Regarding all "forename" properties (i.e. forename, former forename, mother forename, father forename):
The property contains all the forenames of the concerned person. If the person in question has multiple first names, **all** the available first names **must** be inserted in the **in the exact order** as recorded in their personal ID document (if available).
- Regarding all "surname" properties (i.e. surname, second surname, former surname, former second surname, mother surname, mother second surname, father surname, father second surname):
The property contains all the surnames of the concerned person.
If the person in question has multiple last names, **all** the available last names **must** be inserted **in the exact order** as recorded in their personal ID document (if available).

If, according to national rules, the person in question has 2 distinct surnames (first surname and second surname), these **must** be transmitted using the distinct "surname" and "second surname" properties and in the exact order as recorded in their personal ID document (if available). This applies for example for Spanish nationals but not necessarily for other Member States' nationals where multiple last names form one single surname. Please note that additional guidelines for filling in person's last names in the appropriate properties should be provided in the future non-binding manual for practitioners and is out of scope of this document.

- The "Full Name" information contains the complete name of the person in a non-standardised and unstructured format, in order to allow the transmission of all the special instances of the person's name that might occur. **All** the content of the person's name is to be included **in the exact order** as inscribed in the person's ID card (or any other identification document - if available).

Example of value: Alejandro Rodríguez de la Peña y de Ybarra

- The "Sex" property indicates the gender of the person in question. It is based on the ISO 5218 standard and can only have one of the following values:
 - 0 = not known
 - 1 = male
 - 2 = female
- The "Birth Date" property indicates the date of birth of the person.
- The "Birth Place" property indicates the location where the person was born. It is a "Place" entity described in a later section of this document.
- The "Nationality" property indicates the codes of the countries of which the person has the nationality. It is based on the ISO 3166-1 standard and can only contain values defined in the common reference table "Countries and Nationalities".
- The "Identity Number" represents the person's national unique identity number. Considering that the format of unique national identity numbers used in the Member States of the European Union is not necessarily homogenous in layout and content, the format of this property is plain text, allowing thus different forms and variations.

Example of a Romanian identity number: 1850132163216

- The "Identification Document" property allows providing information on a list of identification documents of the concerned person. It is a complete entity in its own and is described in a later section of this document.
- The "Address" property allows providing information on a series of addresses for the concerned person. It is a complete entity in its own and is described in a later section of this document.
- The "Alias" property allows providing information on a series of aliases under which the concerned person is also known. It is a complete entity in its own and is described in a later section of this document.
- The "Fingerprints" property provides the electronic fingerprints of the person in question.

These are provided in the form of a NIST binary file, as an optional attachment to the personal identification information. The NIST file should primarily contain the ten-print fingerprint image and optionally the palm-print images (if available), as grey-scale images of a resolution of 500 dpi, encoded and compressed with the "Wavelet Scalar Quantization" algorithm (WSQ).

Please note that the definition of the detailed content of the NIST file is out of scope of the *ECRIS Technical Specifications* project. It is therefore recommended to apply the same standard for NIST files as the one that has been defined for the PRÜM project. The detailed definition of this standard can be found in the Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, more specifically in "CHAPTER 2: Exchange of dactyloscopic data (interface control document)" of the annex.

7.3.5 "Place" Entity

The "Place" entity represents a physical location and is used for transmitting information such as the birth place of a person or the place of an address.

The "Place" entity contains the following properties:

BIRTH PLACE			
Property	Summary	Mandatory	Occurrence
Country	The country in which the place is located	Yes	1
Country Subdivision	The subdivision of the country in which the place is located	No	0...1
Town Code	The code of the town (value from the common reference table if available)	No	0...1
Town Name	The name of the town, as a free text element	Yes	1

Table 17 - "Place" entity content

- The "Country" property indicates the code of the country where the place is located. It is based on the ISO 3166-1 standard and can only contain one of the values defined in the common reference table "Countries and Nationalities".
- The "Country Subdivision" property indicates any type of country subdivision such as provinces, counties, departments, districts, etc. It is based on the ISO 3166-2 standard and can only contain one of the values defined in the common reference table "Country Subdivisions".
- The "Town Code" property indicates the code of the city. It can only contain one of the values defined in the common reference table "Cities".

Please note that the common reference table "Cities" defines the **most common values** for the cities in the EU Member States. If the place that is being transmitted in a message has a corresponding value in this common reference table, then this code can be used for transmitting the town in a language-neutral way.

- The "Town Name" property indicates the name of the city in a textual representation. If the "Town Code" has been provided, the codified form takes precedence over the "Town Name" information element since it is more reliable. The "Town Name" provides however always the name of the place, also when no value is available in the common reference table.

7.3.6 "Address" Entity

The "Address" entity represents the detailed description of a location.

The "Address" entity contains the following properties:

ADDRESS			
Property	Summary	Mandatory	Occurrence
[Place]	The country, country subdivision and town in which the address is located	Yes	1
Street	The name of the street of location	No	0...1
House Number	The number of the house/flat of location	No	0...1
Post Code	The post code of location	No	0...1
Full Address	The unstructured full textual representation of this address	No	0...1

Table 18 - "Address" entity content

- The “Place” property indicates the country, country subdivision and town where the address is located. It is a “Place” entity described earlier in this document.
- The “Street” property is a textual representation of the street name.
- The “House Number” is a textual representation of the number of the house or flat.
Example of valid value: 42b
- The “Post Code” is a textual representation of the post code of the address.
Example of valid value: 2597 GV 75
- The “Full Address” is a full textual and unstructured representation of the complete address. It allows the transmission of all the special instances of a person’s address that might be countered and that cannot be inserted in the structured and standardised properties defined above.
Example of valid value: 170, rue de la Loi B-1049 Brussels (Belgium)

7.3.7 “Identification Document” Entity

The “Identification Document” entity represents an identity document of a natural person.

The “Identification Document” entity contains the following properties:

IDENTIFICATION DOCUMENT			
Property	Summary	Mandatory	Occurrence
Identification Document Category	The category of the person’s identification document (value from the common reference table)	Yes	1
Identification Document Type	The type of the person’s identification document	Yes	1
Identification Document Number	The number of the person’s identification document	Yes	1
Issuing Authority	The name of the competent authority that has issued the identification document	No	0...1
Issuing Date	The date at which the identification document was issued	No	0...1
Valid Until	The date until which the identification document is valid	No	0...1

Table 19 – “Identification Document” entity content

- The “Identification Document Category” property indicates the category to which the type of this identification document belongs. It can only contain one of the values defined in the common reference table “ID Document Categories”.
- The “Identification Document Type” property is the textual representation of the type of this identification document.
- The “Identification Document Number” property is the textual representation of the number of this identification document.
Example of a Belgian identity card number: 000-5902762-01
- The “Issuing Authority” property is the textual representation of the name of the competent authority that has issued this identification document.
- The “Issuing Date” property is a date element representing the date at which the competent authority has delivered this identification document.
- The “Valid Until” property is a date element representing the date at which the identification document expires.

7.3.8 "Alias" Entity

The "Alias" entity represents a **complete different nominal identity** of the person subject to a notification, request or response to request.

It can be used for transmitting pseudonyms only but also for transmitting a complete alternative identity indicating a different sex, different birth date and place, different parent's names, different identity documents, etc.

As an example, a person known as John Smith could have as aliases: Alan Doe (completely different forename and surname), William Smith (completely different forename) or John Doe (completely different surname). The "Alias" entity is however not intended for carrying name variations derived from the names used in the primary nominal identity, such as Johnny Smith.

The "Alias" entity contains properties that are very similar to the "Person" entity:

ALIAS			
Property	Summary	Mandatory	Occurrence
Alias Forename	The first name of the alias of the person	Yes	1
Alias Surname	The last name of the alias of the person	Yes	1
Alias Second Surname	The second last name of the alias of the person	No	0...1
Alias Full Name	The unstructured form of the complete person's alias name (grouping first and last names)	No	0...1
Alias Sex	The gender of the alias of the person	No	0...1
Alias Birth Date	The date of birth of the alias of the person	No	0...1
[Alias Birth Place]	The location of birth of the alias of the person	No	0...1
Alias Nationality	The nationality of the alias of the person, expressed as a country (can be multiple)	No	0...N
Alias Mother Forename	The first name of the alias' mother	No	0...1
Alias Mother Surname	The last name of the alias' mother	No	0...1
Alias Mother Second Surname	The second last name of the alias' mother	No	0...1
Alias Father Forename	The first name of the alias' father	No	0...1
Alias Father Surname	The last name of the alias' father	No	0...1
Alias Father Second Surname	The second last name of the alias' father	No	0...1
Alias Identity Number	The national identification number of the alias of the person	No	0...1
[Alias Identification Document]	The information of the alias' identification document	No	0...N
[Alias Address]	Address of the alias of the person	No	0...N
Remarks	Any additional valuable remarks related to the alias of the person	No	0...1

Table 20 – “Alias” entity content

Please note that apart from the fact that most properties are defined as optional, the rules, formats and structures of the properties of the “Alias” entity are identical to their counterparts in the “Person” entity.

7.3.9 “Conviction” Entity

The “Conviction” entity contains the overall information on the decision of a competent authority relative to the conviction of a natural person.

The “Conviction” entity contains the following properties:

CONVICTION			
Property	Summary	Mandatory	Occurrence
Convicting Country	The country in which the conviction has been handed down	No -Yes	0...1 1
File Number	The reference number of the conviction in the national judicial system.	Yes	1
Decision Date	The date when the conviction was issued	Yes	1
Final Decision Date	The date when the conviction becomes final and legally applicable	Yes	1
Deciding Authority Code	The code of the competent authority that took the decision	No	0...1
Deciding Authority Name	The name of the competent authority that took the decision	Yes	1
Non-Criminal Ruling	Boolean element that specifies whether the conviction represents a non-criminal ruling	Yes	1
Retention Period End Date	The end date of the retention period for this conviction	No	0...1
Transmittable	Boolean element indicating whether this conviction can be retransmitted when replying to requests for purposes other than criminal proceedings	Yes	1
Remarks	Any additional valuable remarks related to this conviction	No	0...1

Table 21 – “Conviction” entity content

- The “Convicting Country” property indicates which country has handed down the conviction. In a notification message, this information is actually redundant because it is the convicting Member State that sends the notification. In this case the “Convicting Country” property carries the country code of the Member State that actually sends the notification. However in a response to a request, and since the response can carry convictions handed down in other Member States but also in third countries, it can be relevant to inform the requester in which country the conviction has been handed down. This element is based on the ISO 3166-1 standard and can only contain one of the values defined in the common reference table “Countries and Nationalities”.
- The “File Number” property is the textual representation of the reference number of this conviction in the national judicial system. Considering that such reference numbers are different in form and content from one national judicial system to another, this element is provided in free text format.
 Example of a valid file number: 0043212/2007
- The “Decision Date” property indicates the date when the conviction was issued.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Final Decision Date” property indicates the date when the conviction becomes final and legally applicable. This date can be on the same date as the “Decision Date” or later but not earlier.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Deciding Authority Code” property is the textual representation of the code identifying the competent authority that took the decision. It **can** originate from a national reference table.
- The “Deciding Authority Name” property is the textual representation of the full name of the competent authority that took the decision. It **can** originate from a national reference table.
- The “Non-Criminal Ruling” property is a Boolean element that indicates whether this conviction is a non-criminal ruling, meaning that the conviction has not been issued by a penal court. This information element is only relevant in responses to requests for purposes other than criminal proceedings.

Since the non-criminal rulings are decisions issued by courts other than penal courts, the sanctions indicated in such a non-criminal ruling **cannot be pertaining** to the following sanction categories and their sub-categories:

- 1000 - Deprivation of freedom
- 4000 - Prohibition or expulsion from territory
- 10000 - Military penalty

This rule is not implied by the legal provisions of ECRIS but is a valid logical rule that can be applied for operational reasons.

- The “Retention Period End Date” property indicates the date at which the retention period of this conviction has expired. It must be after the “Final Decision Date”.
- The “Transmittable” property is a Boolean element indicating whether this conviction can be retransmitted by the central authority when replying to requests for purposes other than criminal proceedings.
 - yes → the notified conviction **can** be retransmitted to the central authority of another Member State when requested for purposes other than criminal proceedings
 - no → the notified conviction **cannot** be retransmitted to the central authority of another Member State when requested for purposes other than criminal proceedings

7.3.10 “Decision” Entity

The “Decision” entity contains the specific information on a decision of a competent authority relative to the conviction of a natural person, which can be the decision of the original conviction itself or subsequent decisions modifying the conviction. It may relate to several offences and several sanctions.

The “Decision” entity contains the following properties:

DECISION			
Property	Summary	Mandatory	Occurrence
Change Type	Indicates the type of change that is applied to the conviction (can be multiple)	No	0...N
Decision Date	The date when the decision was issued	No	0...1
Final Decision Date	The date when the decision becomes final and legally applicable	No	0...1
Deciding	The code of the competent authority that	No	0...1

Authority Code	took the decision		
Deciding Authority Name	The name of the competent authority that took the decision	No	0...1
Delete From Register	Boolean element indicating whether the conviction should be removed from the criminal records register of the convicted person or not	Yes	1
Remarks	Any additional valuable remarks related to this decision	No	0...1

Table 22 – “Decision” entity content

- The “Change Type” indicates the type of the change that has affected the conviction as a whole or one of the sanctions within the conviction, as defined by the parameters in Annex B of the Council Decision 2009/316/JHA. This property is optional and should not be filled in for the decision that indicates the initial conviction.

It can thus only have one of the following values:

- a - Suspended penalty/measure
- b - Partially suspended penalty/measure
- c - Suspended penalty/measure with probation/supervision
- d - Partially suspended penalty/measure with probation/supervision
- e - Conversion of penalty/measure
- h - Revocation of suspended penalty/measure
- i - Subsequent formation of an overall penalty
- j - Interruption of enforcement/postponement of the penalty/measure
- k - Remission of the penalty
- l - Remission of the suspended penalty
- n - End of penalty
- o - Pardon
- q - Release on parole
- p - Amnesty
- r - Rehabilitation
- ja - Judicial annulment
- erp - End of retention period

- The “Decision Date” property indicates the date when the decision bringing changes to the initial conviction was issued.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Final Decision Date” property indicates the date when the decision bringing changes to the initial conviction becomes final and legally applicable. This date can be on the same date as the “Decision Date” or later but not earlier.

Please note that this date **may not be transmitted only partially**. Either all three values for the year, month and day are available and are transmitted or the dummy value meaning “unknown” is to be used.

- The “Deciding Authority Code” property is the textual representation of the code identifying the competent authority that took the decision bringing changes to the initial conviction. It **can** originate from a national reference table.
- The “Deciding Authority Name” property is the textual representation of the full name of the competent authority that took the decision bringing changes to the initial conviction. It **can** originate from a national reference table.

- The “Delete From Register” property is a Boolean element indicating whether this conviction should be deleted from the criminal records of the convicted person once the retention period is over.

7.3.11 “Offence” Entity

The “Offence” entity contains all the information on the offence that has been committed by the convicted person.

The “Offence” entity contains the following properties:

OFFENCE			
Property	Summary	Mandatory	Occurrence
Common Category	The category of the offence as defined by Annex A of the Council Decision 2009/316/JHA	Yes	1
National Code	The code of the offence as known on the national level of the convicting Member State	No	0...1
National Title	The title of the offence as known on the national level of the convicting Member State	Yes	1
Applicable Legal Provisions	The references to the articles of the national laws of the convicting Member State that have been breached	Yes	1
Start Date	The date when the convicted person started committing the offence	No	0...1
End Date	The date when the convicted person ceased committing the offence	No	0...1
[Place]	The place where the offence happened	No	0...1
Number of Occurrences	The number of times that the offence has been perpetrated by the convicted person during the elapsed time	No	0...1
Continuous Offence	A Boolean element indicating whether the offence was perpetrated continuously during the given period of time instead of a well-defined number of times.	Yes	1
Level of Completion	A code describing the level of completion of the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	No	0...1
Level of Participation	A code describing the level of participation of the convicted person in the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	No	0...1
Responsibility Exemption	A Boolean element describing whether the convicted person has been exempted from criminal responsibility, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA	Yes	1
Recidivism	A Boolean element indicating whether the convicted person has performed the same or similar offences in the past	Yes	1
Remarks	Any additional valuable remarks related to this offence	No	0...1

Table 23 – “Offence” entity content

- The "Common Category" property indicates the common ECRIS category of the offence, as defined by Annex A of the Council Decision 2009/316/JHA. It can only contain one of the values defined in the common reference table "Offences".
- The "National Code" property is the code under which the type of offence is identified in the national judicial system of the convicting Member State. It **can** originate from a national reference table.

As an example, the offence « Conduite d'un véhicule malgré l'invalidation du permis de conduire » is known in the French national judicial system as having the national code 02287302.

- The "National Title" property is the name of the offence as known in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
Example of a French national title for an offence: « Emploi irrégulier du dispositif destiné au contrôle des conditions de travail - transport routier »
- The "Applicable Legal Provisions" property is the textual description of the references to the articles of the national laws of the convicting Member State that have been breached.
Example from the French judicial system: ART.L.234-1 §I, §V C.ROUTE.
- The "Start Date" property represents the date when the convicted person started committing the offence. It must necessarily be before the "Decision Date" of the "Conviction" entity in which the offence is contained.
- The "End Date" property represents the date when the convicted person ceased committing the offence. It can be on the same date as the "Start Date" or later but not earlier.
- The "Place" property represents the location where the offence has been committed. It is a "Place" entity described earlier in this document.
- The "Number of Occurrences" property is a numeric value indicating how many times the offence has been committed by the convicted person during the elapsed time.
- The "Continuous Offence" property is a Boolean element indicating whether the offence was perpetrated continuously during the given period of time instead of a well-defined number of times.
- The "Level of Completion" property is a code describing the level of completion of the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA. It can only contain one of the following values:
 - C - Completed act
 - A - Attempt or preparation
- The "Level of Participation" property is a code describing the level of participation of the convicted person in the offence, as defined by the parameters in Annex A of the Council Decision 2009/316/JHA. It can only contain one of the following values:
 - M - Perpetrator
 - A - Aider and abettor, instigator, organiser, conspirator
- The "Responsibility Exemption" property is a Boolean element describing whether the convicted person has been exempted from criminal responsibility. The value "yes" corresponds to the parameter "S – Insanity or diminished responsibility" as defined in Annex A of the Council Decision 2009/316/JHA.
- The "Recidivism" property is a Boolean element indicating whether the convicted person has performed the same or similar offences in the past. The value "yes" corresponds to the parameter "R – Recidivism" as defined in Annex A of the Council Decision 2009/316/JHA.

7.3.12 "Sanction" Entity

The "Sanction" entity contains all the information on the sanction to which the convicted person has been sentenced. In particular, it contains the specific terms of the sanction but carries also information about the enforcement of its execution.

The "Sanction" entity contains the following properties:

SANCTION			
Property	Summary	Mandatory	Occurrence
Type	The specific type of the sanction (i.e. penalty or measure)	Yes	1
Common Category	The category of the sanction as defined by Annex B of the Council Decision 2009/316/JHA	Yes	1
National Code	The code of the sanction as known on the national level of the convicting Member State	No	0...1
National Title	The title of the sanction as known on the national level of the convicting Member State	Yes	1
Alternative	An indication of whether the sanction represents an alternative to another sanction	No	0...1
Multiplier	The number of times that this sanction is being applied	Yes	1
Specific to Minor	A Boolean element indicating whether this sanction is specific to minors	Yes	1
Sentenced Start Date	The date when the execution of the sanction is supposed to start, as sentenced by the deciding authority	No	0...1
Sentenced End Date	The date at which the execution of the sanction is supposed to stop, as sentenced by the deciding authority	No	0...1
Sentenced Duration	The duration of execution of the sanction, as sentenced by the deciding authority	No	0...1
Sentenced Duration Exact	A Boolean element indicating whether the sentenced duration is defined exactly or not.	Yes	1
Execution Start Date	The date when the execution of the sanction really starts	No	0...1
Execution End Date	The date at which the execution of the sanction really stopped	No	0...1
Execution Duration	The real duration of execution of the sanction, as performed by the convicted person	No	0...1
Number of Fines	The number of fines to be paid by the convicted person	No	0...1
Amount of Individual Fine	The monetary amount of one fine	No	0...1
Currency of Fine	The currency of the fine	No	0...1
[Suspension]	The terms of the suspended parts of this sanction	No	0...1
[Interruption]	The terms of the interruption/postponement of this sanction	No	0...N
Remarks	Any additional valuable remarks related to this sanction	No	0...1

Table 24 – "Sanction" entity content

- The “Type” property indicates the type of the sanction. It corresponds to the parameters “ø – Penalty” and “m – Measure” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:
 - ø – Penalty
 - m – Measure
- The “Common Category” property indicates the common ECRIS category of the sanction, as defined by Annex B of the Council Decision 2009/316/JHA. It can only contain one of the values defined in the common reference table “Sanctions”.
- The “National Code” property is the code under which the type of sanction is identified in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
- The “National Title” property is the name of the sanction as known in the national judicial system of the convicting Member State. It **can** originate from a national reference table.
Example of a French national title for a sanction: « obligation d’accomplir un stage de sensibilisation à la sécurité routière »
- The “Alternative” property indicates whether this sanction represents an alternative to another sanction that would normally have been sentenced. It corresponds to the parameters “f – Alternative penalty/measure imposed as principal penalty” and “g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:
 - f – Alternative penalty/measure imposed as principal penalty
 - g – Alternative penalty/measure imposed initially in case of non-respect of the principal penalty
- The “Multiplier” property indicates the number of times that the particular sanction applies for the given offence(s). By default its value is set to 1.
The “Multiplier” property cannot contain the value 0; it must be a strictly positive number.
- The “Specific to Minor” property is a Boolean element indicating whether this type of sanction is specific to minors. The value “yes” corresponds to the parameter “s – Penalty or measure specific to minors” as defined in Annex B of the Council Decision 2009/316/JHA.
- The “Sentenced Start Date” property indicates the date when the execution of the sanction starts, as declared by the deciding authority. It represents the expected start date of the sanction.
- The “Sentenced End Date” property indicates the date at which the execution of the sanction stops, as declared by the deciding authority. It represents the expected end date of the sanction.
- The “Sentenced Duration” property provides the duration of execution of the sanction in years, months, days and hours, as declared by the deciding authority. It represents the expected duration of the sanction.
- The “Sentenced Duration Exact” property is a Boolean element indicating whether the sentenced duration declared by the deciding authority is defined exactly or not.
 - yes → the sentenced duration is exactly defined as the duration of the sanction
 - no → the sentenced duration is not exactly defined but represents a minimum to be served; it indicates that the convict must execute the sanction “at least” for the duration that has been sentenced
 - unknown → this value is to be used when the sanction is not expressed in duration and thus this property is not applicable
- The “Execution Start Date” property indicates the date when the execution of the sanction actually started. It must necessarily be after the latest “End Date” of the “Offence” entities to which this sanction relates to.

- The "Execution End Date" property indicates the date at which the execution of the sanction actually stopped. It can be on the same date as the "Execution Start Date" or later but not earlier.
- The "Execution Duration" property provides the duration of execution of the sanction in years, months, days and hours, as actually really performed.
- The "Number of Fines" property is a numeric element indicating the number of fines to be paid by the convicted person.
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories. The "Number of Fines" property cannot contain the value 0; it must be a strictly positive number.
- The "Amount of Individual Fine" property is a numeric element indicating the amount of money to be paid per fine.
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories. The "~~Number of Fines~~ Amount of Individual Fine" property cannot contain the value 0; it must be a strictly positive number.
- The "Currency of Fine" property indicates in which currency the fine is to be paid. It is based on the ISO 4217 standard and can only contain one of the values defined in the common reference table "Currencies ISO4217".
This property is relevant only when the "Common Category" of this sanction has the value "8000 – Financial Penalty" or one of its sub-categories and only when the "Amount of Fine" property is also specified.
- The "Suspension" property provides information on the suspension of all or part of the execution of this sanction. It is an entity in its own that is described later in this document.
- The "Interruption" property provides information on the interruption/postponement of the execution of this sanction. It is an entity in its own that is described later in this document.

7.3.13 "Suspension" Entity

The "Suspension" entity provides information on the suspension of all or part of a sanction.

The "Suspension" entity contains the following properties:

SUSPENSION			
Property	Summary	Mandatory	Occurrence
Type	The type of the suspension	Yes	1
Start Date	The date when the suspension of the sanction starts	No	0...1
End Date	The date when the suspension of the sanction ends	No	0...1
Duration	The duration of the suspension of the sanction.	No	0...1
Duration of Suspended Part	The duration of the suspended part of the sanction.	No	0...1
Probation Duration	The duration of the probation/supervision period	No	0...1
Suspended Amount of Fine	The amount of the fine for which the payment is being suspended	No	0...1
Remarks	Any additional valuable remarks related to this suspension	No	0...1

Table 25 – "Suspension" entity content

- The "Type" property indicates the type of the suspension. It corresponds to the parameters "a – Suspended penalty/measure", "b – Partially suspended penalty/measure", "c – Suspended penalty/measure with probation/supervision" and "d – Partially suspended

penalty/measure with probation/supervision” as defined in Annex B of the Council Decision 2009/316/JHA and can thus only have one of the following values:

- a - Suspended penalty/measure
 - b - Partially suspended penalty/measure
 - c - Suspended penalty/measure with probation/supervision
 - d - Partially suspended penalty/measure with probation/supervision
- The “Start Date” property indicates the date when the suspension of the sanction starts.
 - The “End Date” property indicates the date at which the suspension of the sanction stops. It must be later than the “Start Date”.
 - The “Duration” property provides the duration of the suspension of the sanction in years, months, days and hours. It provides the period during which the suspension is running and during which it may be revoked if the convict behaves badly.
 - The “Duration of Suspended Part” provides the duration of the **part of the sanction being suspended**, expressed in years, months, days and hours.

If the “Type” indicates that the suspension of the sanction is partial (i.e. types “b” or “d”), then the “Duration of Suspended Part” of the suspended part of the sanction must be shorter than the “Execution Duration” of the sanction to which the suspension applies.

If the “Type” indicates that the suspension of the sanction is complete (i.e. types “a” or “c”), then the “Duration of Suspended Part” of the suspended part of the sanction must be equal or longer than the “Execution Duration” of the sanction to which the suspension applies.

- The “Probation Duration” property provides the duration of the probation/supervision period in years, months, days and hours.
- The “Suspended Amount of Fine” property indicates the amount of the fine for which the payment is being partially suspended. It can only refer to a sanction which defines **one unique** fine. The “Suspended Amount of Fine” property cannot contain the value 0; it must be a strictly positive number.

The suspended amount of fine is expressed in the same currency as the one indicated by the “Currency of Fine” property of the related sanction.

As an example:

A person is being sentenced to 1 year of prison with a partial suspension of 6 months. This means that the person will actually only go to jail for 6 months. This suspension lasts for 10 years, meaning that during these 10 years, the suspension may be revoked in case the person behaves badly. In this specific example, the properties of the suspension would allow indicating the following information:

Duration = 10 years

Duration of Suspended Part = 6 months

If in addition to this, the person must perform a specific probation and for example report to a probation officer during 2 years, then the property “Probation Duration” can be used for indicating this specific probation period.

This example is fictive but outlines how the properties above are to be used for transmitting the information that is relevant according to the provisions of the national legislations.

7.3.14 “Interruption” Entity

The “Interruption” entity provides information on the interruption/postponement of the execution of a sanction.

The "Interruption" entity contains the following properties:

INTERRUPTION			
Property	Summary	Mandatory	Occurrence
Start Date	The date when the interruption/postponement of execution of the sanction starts	No	0...1
End Date	The date when the interruption/postponement of execution of the sanction stops	No	0...1
Duration	The duration of the interruption/postponement of execution of the sanction	No	0...1
Remarks	Any additional valuable remarks related to this interruption/postponement of execution of the sanction	No	0...1

Table 26 – "Interruption" entity content

- The "Start Date" property indicates the date when the interruption/postponement of execution of the sanction starts.
- The "End Date" property indicates the date at which the interruption/postponement of execution of the sanction stops. It must be later than the "Start Date".
- The "Duration" property provides the duration of the interruption/postponement of execution of the sanction in years, months, days and hours.

7.3.15 Relations between Information Entities

As depicted in the class diagrams, various relations are established between the information elements that are transmitted in messages:

- Relation from conviction to conviction so as to indicate that a conviction affects one or more other convictions (i.e. case of formation of overall sanction);
- Relations from decisions to offences and sanctions, indicating which offences and sanctions were pronounced during the decision;
- Relation from sanctions to offences;
- Relation from sanctions to sanctions, occurring when:
 - a sanction replaces one or more previous sanctions (i.e. when notifying subsequent changes and the sanction information is replaced by modified sanction information, as a result of the formation of the overall sanction, as a result of a conversion of sanction, etc.);
 - a sanction is marked as being an alternative for another sanction, without actually replacing or overriding the sanction; in this case the sanctions are complementing each other

In terms of technical implementation, the "Conviction", "Decision", "Sanction" and "Offence" information elements are to be provided as flat information entities and relationship entities are to be used for linking the various information elements together within the various ECRIS messages. These relationship entities are to be strongly typed in the detailed technical specifications so as to indicate clearly how and why an information element relates to another one, as well as to avoid linking just any information elements together. The technical implementation of such relationships needs however to be designed in such a way that the mechanism remains flexible and easy to extend.

8 NOTIFICATION EXAMPLES

The following sections illustrate the principles above and the usage of the domain model with various concrete examples of notifications. In particular, the examples show how the domain model is to be used depending on whether the Member State is including the history of the conviction in the notification message (by piling up several instances of the “Decision” entity) or not.

Please note that not all examples provide each time the full detailed content of the notification message. Only the relevant parts are shown so as to facilitate the understanding of the principles.

Also, the examples illustrate the usage of the domain model as defined in this analysis document. In particular, the technical implementation in the XML form may differ in terms of format and structure but must respect the principles described and how to combine the various information entities so as to compose meaningful messages.

8.1 Original Conviction

The following illustrates a notification of a new conviction.

8.1.1 Scenario

Person: Mr XY of French nationality, born on 20 May 1980 in Lyon, male

12 March 2014

The person is convicted in Belgium by the court ANP in a case identified by the file number 102212/M02 for the following offences:

- Offence O.1: Unlawful discharges of polluting substances soil and water
This offence has been committed 4 times.
- Offence O.2: Unintentional killing
- Offence O.3: Insult and resistance to a representative of public authority.

In relation to all three offences, person XY acted as main perpetrator for the entire length of the offences.

The court sentences the person to the execution of the following sanctions:

- Sanction S.1: 20 years imprisonment partially suspended for 2 years with a probation period of 1 year (in this example the suspension can be revoked during 40 years).
- Sanction S.2: 4 fines of 5.000 EURO (to be paid by 12 March 2015)

8.1.2 Notification Message

Notification message sent on 28/04/2014 to France:

Person	Forename:		X
	Surname:		Y
	Full Name:		X Y
	Birth Date:		20/05/1980
	Birth Place	Birth Country:	FRA
		Birth Town:	Lyon
	Sex:		1 (= male)
	Nationality:		FRA
Conviction C.1	Convicting Country:		BE
	File Number:		102212/M02

Decision Date:		12/03/2014
Final Decision Date:		12/03/2014
Deciding Authority Code:		BE-TRIB-P-0265-ANP
Deciding Authority Name:		Court ANP
Non-Criminal Ruling:		No
Retention Period End Date:		22/09/2049
Transmittable:		Yes
Remarks:		Nothing special here
Decisions		
Decision D.1	Delete From Register:	No
	Remarks:	Nothing special here
Offences		
Offence O.1	Common Category:	0601 00
	National Title:	Décharge non autorisée de substances polluantes
	Applicable Legal Provisions:	CP ART. 156.4 (1)a
	Start Date:	05/2013
	Level of Completion:	C
	Level of Participation:	M
	Number of Occurrence:	4
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Offence O.2	Common Category:	0803 00
	National Title:	Meurtre accidentel
	Applicable Legal Provisions:	CP ART. 2.18 (7)
	Start Date:	05/2013
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Offence O.3	Common Category:	1206 00
	National Title:	Insulte et opposition aux forces de l'ordre public
	Applicable Legal Provisions:	CP ART. 5.169
	Start Date:	16/07/2013
	Continuous Offence:	No
	Responsibility Exemption:	No
	Recidivism:	No
Sanctions		
Sanction S.1	Type:	ø – Penalty
	Common Category:	1001
	National Title:	Emprisonnement avec sursis partiel
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	20 years
	Sentenced Duration Exact:	Yes
	Suspension	Type:	d – Partially suspended penalty/measure with

			probation/supervision	
		Duration:	40 years	
		Duration of Suspended Part:	2 years	
		Probation Duration:	1 year	
		Remarks:	(FR) During the probation period the convict must report twice per month to a probation officer.	
	Sanction S.2	Type:	ø – Penalty	
		Common Category:	8001	
		National Title:	Amende	
		Multiplier:	1	
		Specific to Minor:	No	
		Sentenced Duration Exact:	Unknown	
		Number of Fines:	4	
		Amount of Individual Fine:	5.000	
Currency of Fine:	EUR			
Relations				
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3				
Sanction S.1 relates to offences O.1, O.2				
Sanction S.2 relates to offence O.3				

8.2 Revocation of Suspension

The following illustrates a notification of a decision that revokes the suspension of a sanction previously notified.

8.2.1 Scenario

Let's take the previous scenario of Mr XY. Since Mr XY has not reported to the probation officer on a regular basis as required, it is decided on 23 October 2014 to revoke the suspension.

8.2.2 Notification Message

Case 1: Member State sending history of decisions

In this case, the Member State has kept the original conviction information and is capable of notifying separately the revocation of suspension. The notification message sent on 15/11/2014 to France is as follows:

- Same person information
- Same conviction information
- Same decision information
- Same offences information
- Same sanctions information for **S.1** and S.2

In this notification, the unmodified S.1 sanction is still present, including the suspension information in S.1, and the result of the revocation is provided as sanction S.1*. A new "Decision" entity is added.

The "Conviction" block contains now the following information:

Conviction C.1	...	...	...
Decisions			

Decision D.1	Delete From Register:	No
	Remarks:	Nothing special here
Decision D.2	Change Type:	h – Revocation of suspended penalty/measure
	Decision Date:	23/10/2014
	Final Decision Date:	23/10/2014
	Deciding Authority Name:	Court of execution control ECONP
	Delete From Register:	No
Offences		
...
Sanctions		
Sanction S.1	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Emprisonnement avec sursis partiel

Sanction S.2	Type:	∅ – Penalty
	Common Category:	8001
	National Title:	Amende

Sanction S.1*	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Prison ferme
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	20 years
	Sentenced Duration Exact:	Yes
	Sentenced Start Date:	30/10/2014
Execution Start Date:	30/10/2014	
Relations		
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3		
Decision D.2 relates to sanction S.1*		
Sanction S.1* relates to offences O.1, O.2		
Sanction S.1* replaces sanction S.1		

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original conviction information but has updated it in its national register as a result of the decision. The notification message sent on 15/11/2014 to France is as follows:

- Same person information
- Same conviction information
- Same offences information
- Same sanction information for S.2

The decision information indicates the type of change applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction).

In this notification, the original S.1 sanction information is replaced by the updated S.1 sanction information. The original information relating to the suspension is not present anymore in this notification message.

Please note that the Member State that has received the previous notification and this one can analyse the previous notification and this notification and reconstruct the history if it requires it. Doing such processing is left at the discretion of each Member State.

Conviction C.1	...	...
	Decisions		
	Decision D.1	Change Type:	h – Revocation of suspended penalty/measure
		Delete From Register:	No
		Remarks:	Nothing special here
	Offences		

	Sanctions		
	Sanction S.1	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	20 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Execution Start Date:	30/10/2014
	Sanction S.2	Type:	∅ – Penalty
		Common Category:	8001
		National Title:	Amende
	
	Relations		
	Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2			
Sanction S.2 relates to offence O.3			

8.3 Remission of Sanction

The following illustrates a notification of a decision of a remission of a sanction previously notified. As a reminder, this has the effect of diminishing the penalty.

8.3.1 Scenario

Let's take the previous scenario of Mr XY and let's suppose now that the court BE-TRI-159/AF decides of the remission of the sanction, reducing the imprisonment of Mr XY from 20 to 15 years, which has as effect of ending the date of execution of the sanction on 30/10/2029 instead of 30/10/2034. Let's also suppose that the notification is sent on 05/11/2029, after the end of real execution of the sanction.

8.3.2 Notification Message

Case 1: Member State sending history of decisions

Logging, Monitoring and Statistics Analysis

In this case, the Member State has kept the original conviction information, all subsequent changes and is capable of notifying separately also the remission of the imprisonment. The notification message sent on 05/11/2029 to France is as follows:

- Same person information
- Same conviction information
- Same decision information for D.1 and D.2
- Same offences information
- Same sanctions information for S.1 and S.2
- The previous change of revocation of suspension is still provided as decision D.2 and modified sanction S.1*

In this notification, the initial S.1 sanction is still present, including the suspension information in S.1, as well as the decision D.2 of the revocation of the suspension and its result provided as the modified sanction S.1*.

In addition, a new decision D.3 is added as well as the updated sanction information S.1**. It is important to note here that in the relations, the message indicates that sanction S.1** replaces sanction S.1* which already replaced sanction S.1. In this manner, the message clearly provides the current state of the conviction, the applicable sanctions being now S.1** and S.2.

The "Conviction" block contains now the following information:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Nothing special here	
	Decision D.2	Change Type:	h – Revocation of suspended penalty/measure	
		Decision Date:	23/10/2014	
		Final Decision Date:	23/10/2014	
		Deciding Authority Name:	Court of execution control ECONP	
		Delete From Register:	No	
	Decision D.3	Change Type:	k – Remission of the penalty	
		Decision Date:	12/10/2029	
		Final Decision Date:	25/10/2029	
		Deciding Authority Name:	BE-TRI-159/AF	
		Delete From Register:	No	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Emprisonnement avec sursis partiel	
...		...		
Sanction S.2	Type:	ø – Penalty		
	Common Category:	8001		
	National Title:	Amende		
		
Sanction S.1*	Type:	ø – Penalty		
	Common Category:	1001		
	National Title:	Prison ferme		

		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	20 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Execution Start Date:	30/10/2014
	Sanction S.1**	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	15 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Sentenced End Date:	30/10/2029
		Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029	
	Relations		
	Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
	Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3			
Decision D.2 relates to sanction S.1*			
Sanction S.1* relates to offences O.1, O.2			
Sanction S.1* replaces sanction S.1			
Decision D.3 relates to sanction S.1**			
Sanction S.1** relates to offences O.1, O.2			
Sanction S.1** replaces sanction S.1*			

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original conviction information but has updated it in its national register as a result of the subsequent decisions. The notification message sent on 22/04/2018 to France is as follows:

- Same person information
- Same conviction information
- Same offences information
- Same sanction information for S.2

In this notification, the previously modified S.1 sanction information is replaced again by the updated S.1 sanction information. The original information relating to the suspension and the original duration of the imprisonment is not present anymore in this notification message.

The decision information indicates the types of changes applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction). Please note that the "Change Type" allows multiple values to be provided. Indeed, this allows the convicting Member State to indicate that the updated information actually is the result of multiple changes that occurred in the past, even if no further details are available on the past states of the sanction. The convicting Member State should at least provide here the indication of the latest change that brought this update and can, if available, indicate all past changes that occurred.

Conviction C.1	...	...
	Decisions		
	Decision D.1	Change Type:	h – Revocation of suspended penalty/measure k – Remission of the penalty
		Delete From Register:	No
		Remarks:	- Initial partial suspension of imprisonment of sanction S.1 has been revoked - Now imprisonment is reduced from 20 years to 15 years
	Offences		

	Sanctions		
	Sanction S.1	Type:	ø – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	15 years
		Sentenced Duration Exact:	Yes
		Sentenced Start Date:	30/10/2014
		Sentenced End Date:	30/10/2029
		Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029	
	Sanction S.2	Type:	ø – Penalty
		Common Category:	8001
		National Title:	Amende
	
Relations			
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3			
Sanction S.1 relates to offences O.1, O.2			
Sanction S.2 relates to offence O.3			

8.4 Interruption/Postponement of Sanction

For this type of change, the same logic as for the previous examples applies.

If the Member State intends sending the history of the changes, it can create a notification message that still contains the initial sanction S.n without interruption. Then it includes a new decision D.x as well as a new sanction S.n* which provides the information on the interruption/postponement.

If the Member State does not intend sending the history of changes, it creates a notification message containing only the updated sanction information for S.n with the information on the interruption/postponement.

The change of information in this case is provided by using the appropriate fields in the "Interruption" entity, which are to be included in the corresponding "Sanction" entity.

8.5 End of Sanction

The "end of sanction" is not to be confused with the end of **execution** of the sanction, although in some situations both events can occur at the same time. The "end of sanction"

indicates the date at which the sanction is considered as terminated from a judicial point of view, which can happen also if the sanction has not been executed.

The “end of sanction” information is to be notified using the appropriate parameter “n – End of penalty” whereas the “end of execution of the sanction” is to be indicated by sending updated sanction information and using the “execution end date” property.

For the “end of sanction”, the same logic for constructing the content of the notification message as for the previous examples applies.

For the end of execution of the sanction, it is proposed **not to use** new “Decision” and “Sanction” entities in the notification message but rather to simply update the previous “Sanction” entity. Let’s again illustrate this case with the previous example of Mr XY who has been to jail for 15 years and is released on 30/10/2029. Let’s also assume that the previous notification message informed the Member State of nationality of the remission of the imprisonment but that the execution was still on-going and that thus the previous notification message did not yet contain information about the end of execution. The Member State that intends to send the whole history of the conviction can now transmit the following notification message:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Nothing special here	
	Decision D.2	Change Type:	h – Revocation of suspended penalty/measure	
		Decision Date:	23/10/2014	
		Final Decision Date:	23/10/2014	
		Deciding Authority Name:	Court of execution control ECONP	
		Delete From Register:	No	
	Decision D.3	Change Type:	k – Remission of the penalty	
		Decision Date:	12/10/2029	
		Final Decision Date:	25/10/2029	
		Deciding Authority Name:	BE-TRI-159/AF	
		Delete From Register:	No	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Emprisonnement avec sursis partiel	
		
	Sanction S.2	Type:	ø – Penalty	
		Common Category:	8001	
		National Title:	Amende	
		
	Sanction S.1*	Type:	ø – Penalty	
		Common Category:	1001	
National Title:		Prison ferme		
Multiplier:		1		
Specific to Minor:		No		
Sentenced Duration:		20 years		
	Sentenced Duration Exact:	Yes		

Sanction S.1**	Sentenced Start Date:	30/10/2014
	Execution Start Date:	30/10/2014
	Type:	∅ – Penalty
	Common Category:	1001
	National Title:	Prison ferme
	Multiplier:	1
	Specific to Minor:	No
	Sentenced Duration:	15 years
	Sentenced Duration Exact:	Yes
	Sentenced Start Date:	30/10/2014
	Sentenced End Date:	30/10/2029
	Execution Start Date:	30/10/2014
	Execution End Date:	30/10/2029
Relations		
Decision D.1 relates to sanctions S.1, S.2 and to offences O.1, O.2, O.3		
Sanction S.1 relates to offences O.1, O.2		
Sanction S.2 relates to offence O.3		
Decision D.2 relates to sanction S.1*		
Sanction S.1* relates to offences O.1, O.2		
Sanction S.1* replaces sanction S.1		
Decision D.3 relates to sanction S.1**		
Sanction S.1** relates to offences O.1, O.2		
Sanction S.1** replaces sanction S.1*		

Because the definition of the sanction S.1** was not modified but it simply was executed, no new "Decision" entity or "Sanction" entity is added. The sanction S.1** is updated with the information of the end date of the execution of the sanction.

8.6 Release on Parole

For this type of change, the same logic as for the previous examples applies.

If the Member State intends on sending the history of the changes, it can create a notification message that still contains the initial sanction S.n and includes a new "Decision" entity D.x that relates to a new sanction S.n* with the information on the release on parole.

If the Member State does not intend to send the history of changes, it creates a notification message containing only the updated sanction information for S.n with the information on the release on parole.

In both cases, in addition to the parameter "q – Release on parole", the various date properties indicating for instance the execution start and end date and the execution duration can also be modified so as to reflect the result of the release on parole.

8.7 Conversion of Sanction

8.7.1 Scenario

Let's take a new example where Ms WZ has been sentenced to the suspension of her driving licence on 16 June 2012. A first notification message has been sent to the Member State of nationality on 28 June 2012.

Due to special circumstances, it is decided on 20 July 2012 that this sanction is converted into a fine of 3.000 EUR instead.

8.7.2 Notification Message

Case 1: Member State sending history of decisions

In this case, the Member State has kept the original sanction information and is capable of notifying separately the new sanction into which the initial one has been converted. The notification message sent on 05/08/2012 is as follows:

- Same person information as in the first notification
- Same general conviction information as in the first notification
- Same offence information as in the first notification

In this notification message, the initial decision D.1 and initial sanction S.1 are still present and the result of the conversion is provided as a new decision D.2 and new sanction S.1*:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the decision concerning the suspension of the driving licence.	
	Decision D.2	Change Type:	e – Conversion of penalty/measure	
		Decision Date:	20/07/2012	
		Final Decision Date:	20/07/2012	
		Deciding Authority Name:	Court FTR	
		Delete From Register:	No	
		Remarks:	Ms WZ has proved that the suspension of her driving licence will cause her not to get a job she applied for. Therefore the court accepted to convert this suspension into a fine.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	∅ – Penalty	
		Common Category:	3007	
		National Title:	Suspension du permis de conduire	
		
	Sanction S.1*	Type:	∅ – Penalty	
		Common Category:	8001	
		National Title:	Amende	
		Multiplier:	1	
		Specific to Minor:	No	
		Number of Fines:	1	
Amount of Individual Fine:		3.000		
Currency of Fine:		EUR		
Sentenced Duration Exact:	Unknown			
Relations				
Decision D.1 relates to sanctions S.1 and to offence O.1				
Sanction S.1 relates to offence O.1				
Decision D.2 relates to sanction S.1*				
Sanction S.1* relates to offence O.1				
Sanction S.1* replaces sanction S.1				

Case 2: Member State not sending history of decisions

In this case, the Member State has not kept the original sanction information but has updated it in its national register as a result of the conversion. The notification message sent on 05/08/2012 is as follows:

- Same person information as in the first notification
- Same conviction information as in the first notification
- Same offence information as in the first notification

The decision information indicates the type of change applied but the other information remains identical to the initial conviction (please note that in particular the decision and final decision dates correspond still to the ones of the original conviction).

In this notification, the initial S.1 sanction information is replaced by the updated S.1 sanction information. The original information relating to the suspension of the driving licence is not present anymore in this notification message.

Conviction C.1	...	...
	Sanction S.1	Type:	ø – Penalty
		Common Category:	8001
		National Title:	Amende
		Multiplier:	1
		Specific to Minor:	No
		Number of Fines:	1
		Amount of Individual Fine:	3.000
		Currency of Fine:	EUR
Sentenced Duration Exact:	Unknown		
...	...		

8.8 Amnesty and Rehabilitation

Both events of amnesty and rehabilitation affect the conviction as a whole and do not specifically apply to one or more sanctions, as defined earlier in this document.

The following example illustrates how the domain model and notification messages are to be used for transmitting information on such events.

The example illustrates the principle using the amnesty, but the mechanism is identical when notifying of the rehabilitation.

8.8.1 Scenario

Let's take the example of Ms TT who has been sentenced to the loss of right to vote or to be elected. A legislative act is voted on national level that annuls the illicit nature of the offence, and thus the complete conviction, as from 01 February 2015 onwards. In addition, the conviction is also to be removed from the criminal records of the convicted persons.

8.8.2 Notification Message

Such an event does not affect sanctions but the conviction as a whole. In all cases, the notification message sent on 16 February 2015 contains the following information:

- Same person information as in the first notification
- Same conviction information as in the first notification
- Same decision information as in the first notification
- Same offence information as in the first notification

- Same sanction information as in the first notification

In this notification, the initial conviction information is provided, as well as the information of the amnesty. Since the change applies to the whole conviction, no additional "Sanction" information is provided. A new "Decision" entity is added for indicating the amnesty:

Conviction C.1	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the initial decision sentencing the loss of right to vote or to be elected.	
	Decision D.2	Change Type:	p – Amnesty	
		Decision Date:	15/12/2014	
		Final Decision Date:	01/02/2015	
		Deciding Authority Name:	National Parliament	
		Delete From Register:	Yes	
		Remarks:	Following the occurrence of several specific cases, the National Parliament adopted the decision to annul the illicit character of this type of offence for all persons convicted between 01/01/1956 and 15/12/2014.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	3003	
		National Title:	Perte du droit d'élire ou d'être élu	
		
	Relations			
Decision D.1 relates to sanctions S.1 and to offence O.1				
Sanction S.1 relates to offence O.1				

8.9 Pardon

The notion of pardon, as defined earlier in this document, can either be partial and have similar effects on sanctions than the remission, or can be complete and apply to the whole conviction. The event of pardon can be notified using the mechanisms illustrated earlier:

- When it applies to one or more specific sanctions, it can be notified using a similar mechanism than the remission, where the modified sanction information is provided either directly in the conviction information if no history is provided or using new separate "Decision" and "Sanction" entities if the history is provided.
- When it applies to the conviction as a whole, then it can be notified using the same mechanism as for amnesty or rehabilitation using a new separate "Decision" entity, without modifying any of the sanctions.

8.10 End of Retention Period

The end date of the retention period can already be indicated in the first notification message informing of a new conviction using the property "Retention Period End Date". It is however recommended that when the retention period has effectively expired, the convicting Member State informs the Member State of nationality of this fact using the new parameter "erp – End of retention period".

Example: a conviction C.1 decided on 04 April 2013 is to be kept in the criminal records until 10 July 2025. On 10 July 2025, the convicting Member State sends a change notification message to the Member State of nationality using the "Decision" entity with this new parameter. It can also include the information whether the conviction should be removed from the register by using appropriately the property "Delete From Register".

8.11 Formation of Overall Sanction

The formation of overall sanction works in a manner that is similar to the conversion example provided previously.

In nature, the formation of overall sanction can replace multiple sanctions related to **different** convictions. However, as already defined earlier in this document, each notification only carries information about **one single** conviction and its subsequent changes so as to simplify the implementation of the ECRIS software. Therefore, when the formation of an overall sanction affects several convictions, **several** notification messages are to be sent.

Please note that the scenario below illustrates the case where the initial convictions are being affected, and thus modified, by the formation of the overall sanction. As mentioned earlier in this document, for the specific cases where the initial convictions are not modified due to the provisions of the national legislations, these original convictions are still transmitted in individual notification messages but do not carry any changes.

8.11.1 Scenario

Let's take the example of Mr X Y who has perpetrated theft at various degrees and at various occasions in time. He has been judged and sentenced in total 5 times to various fines and once for imprisonment with suspension.

Each conviction has been notified previously to the Member State of nationality separately, each time that it was recorded in the national register. Let's assume that convictions C1 (fine), C2 (fine) were notified by fax, that conviction C3 (fine) was notified through NJR and that convictions C4 (fine) and C5 (imprisonment with suspension) were notified through ECRIS.

On 16 February 2015, the court decides in a new conviction C6 to replace the remaining sanctions, more specifically the 2 unpaid fines of convictions C2 and C3 and the imprisonment with suspension of conviction C5, by an imprisonment of 6 months without suspension. Let's also assume that the 2 fines sentenced in convictions C1 and C4 have been paid earlier and are therefore not replaced by the overall sanction.

8.11.2 Notification Messages

In all cases, on 03/03/2015, the convicting Member State sends 4 notification messages as follows:

- 1 notification for conviction C6 containing the decision of the formation of the overall sanction; this notification message includes references indicating that it affects also the convictions C2, C3 and C5
- 1 notification for conviction C2 in which the fine is replaced by the overall sanction
- 1 notification for conviction C3 in which the fine is replaced by the overall sanction
- 1 notification for conviction C5 in which the imprisonment with suspension is replaced by the overall sanction

Please note that it is important at this stage to also send the notifications for the affected convictions C2, C3 and C5 because the Member State of nationality needs to know in more details which sanctions in these convictions are being replaced by the overall sanction. It also makes sure that the Member State of nationality receives the up-to-date and current judicial state of these past convictions (especially also since they might have been sent using other means than ECRIS or NJR in the past).

Logging, Monitoring and Statistics Analysis

Below is an example of the notification message for the new conviction in which the formation of the overall sanction was decided. Please note that the list of affected convictions previously notified is included in the message:

Person	Forename:		X	
	Surname:		Y	
	Full Name:		X Y	
	Birth Date:		29/04/1973	
	Birth Place	Birth Country:	BEL	
		Birth Town:	Brussels	
	Sex:		1 (= male)	
	Nationality:		BEL	
Conviction C.6	Convicting Country:		ES	
	File Number:		ETR/2015-02-16/481566	
	Decision Date:		16/02/2015	
	Final Decision Date:		01/03/2015	
	Deciding Authority Code:		ES-PEN-A065	
	Deciding Authority Name:		Spanish Penal Court of Madrid	
	Non-Criminal Ruling:		No	
	Retention Period End Date:		22/09/2049	
	Transmittable:		Yes	
	Remarks:		Nothing special here	
	Decisions			
	Decision D.1	Change Type:	i – Subsequent formation of an overall penalty	
		Delete From Register:	No	
		Remarks:	Overall sanction was declared by court after written notification from execution control that payment of past fines was not done by the convicted person.	
	Offences			
	(empty)			
	Sanctions			
	Sanction S.1	Type:	ø – Penalty	
		Common Category:	1001	
		National Title:	Prison ferme	
		Multiplier:	1	
Specific to Minor:		No		
Sentenced Duration:		6 months		
Sentenced Duration Exact:	Yes			
Relations				
Decision D.1 relates to sanction S.1				
Affected	Conviction C.5	ECRIS technical identifier:	C-05614	

	Conviction C.3	NJR technical identifier:	ES2010000003100
	Conviction C.2	File Number:	ETR/1996-08-11/74106
		Final Decision Date:	01/09/1996
		Deciding Authority Code:	ES-PEN-A065
		Deciding Authority Name:	Spanish Penal Court of Madrid

Case 1: Member State sending history of decisions

In this case, the convicting Member State has kept the original convictions and sanctions information for the convictions C2, C3 and C5. At the exception of the notification of C6, which is the new conviction containing the overall sanction, each notification message for C2, C3 and C5 contains the history of the conviction and indicates the new overall sanction as well as which past sanction within the conviction is being replaced.

Example of notification message on the modified conviction C2:

Conviction C.2	...	...	...
	Decisions			
	Decision D.1	Delete From Register:	No	
		Remarks:	Here are some additional remarks about the decision relating to the fine sentenced back in 1996.	
	Decision D.2	Change Type:	i – Subsequent formation of an overall penalty	
		Decision Date:	16/02/2015	
		Final Decision Date:	01/03/2015	
		Deciding Authority Name:	Spanish Penal Court of Madrid	
		Delete From Register:	No	
		Remarks:	Overall sanction was declared by court after written notification from execution control that payment of past fines was not done by the convicted person.	
	Offences			
	
	Sanctions			
	Sanction S.1	Type:	∅ – Penalty	
		Common Category:	8001	
		National Title:	Fine	
		
	Sanction S.1*	Type:	∅ – Penalty	
		Common Category:	1001	
		National Title:	Prison ferme	
		Multiplier:	1	
		Specific to Minor:	No	
		Sentenced Duration:	6 months	
	Sentenced Duration Exact:	Yes		
	Relations			
	Decision D.1 relates to sanctions S.1 and to offence O.1			
	Sanction S.1 relates to offence O.1			
	Decision D.2 relates to sanction S.1*			
Sanction S.1* replaces sanction S.1				

Case 2: Member State not sending history of decisions

In this case, each notification message for C2, C3 and C5 does not contain the history of the conviction and indicates simply the new overall sanction instead of the past sanction.

Example of notification message on the modified conviction C2:

Conviction C.2	...	...
	Decisions		
	Decision D.1	Change Type:	i – Subsequent formation of an overall penalty
		Delete From Register:	No
		Remarks:	<ul style="list-style-type: none"> - Here are some additional remarks about the decision relating to the fine sentenced back in 1996. - Overall sanction applicable as from 01/03/2015 on, declared by court on 16/02/2015 after written notification from execution control that payment of past fines was not done by the convicted person.
	Offences		

	Sanctions		
	Sanction S.1	Type:	∅ – Penalty
		Common Category:	1001
		National Title:	Prison ferme
		Multiplier:	1
		Specific to Minor:	No
		Sentenced Duration:	6 months
	Sentenced Duration Exact:	Yes	
Relations			
Decision D.1 relates to sanction S.1 and to offences O.1, O.2			
Sanction S.1 relates to offences O.1, O.2			