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NOTE

from:	Presidency
to:	Article 36 Committee (CATS)
Subject:	Implementation of ECRIS - Procedural aspects

I. INTRODUCTION

1. On 6 April 2009 the JHA Council adopted Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS),¹ which has to be implemented by the Member States by 7 April 2012.
2. This Decision aims to implement Council Framework Decision 2009/315/JHA² in order to build and develop a computerised system of exchange of information on convictions between Member States.

¹ OJ L 93, 7.4.2009, p. 33

² OJ L 93 7.4.2009, p. 23

II. IMPLEMENTATION OF ECRIS

3. Article 6 of the ECRIS Decision foresees that certain measures concerning the implementation of the ECRIS Decision need to be taken in the framework of the Council.
The text of Article 6 of the ECRIS Decision is set out in an Annex to this note.

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Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS)¹

Article 6

Implementing measures

1. The Council, acting by a qualified majority and after consulting the European Parliament, shall adopt any modifications of Annexes A and B as may be necessary.
2. The representatives of the relevant departments of the administrations of the Member States and the Commission shall inform and consult one another within the Council with a view to:
 - (a) drawing up a non-binding manual for practitioners setting out the procedure for the exchange of information through ECRIS, addressing in particular the modalities of identification of offenders, as well as recording the common understanding of the categories of offences and penalties and measures listed respectively in Annexes A and B;
 - (b) coordinating their action for the development and operation of ECRIS, concerning in particular:
 - (i) the establishment of logging systems and procedures making it possible to monitor the functioning of ECRIS and the establishment of non-personal statistics relating to the exchange through ECRIS of information extracted from criminal records;
 - (ii) the adoption of technical specifications of the exchange, including security requirements, in particular the common set of protocols;
 - (iii) the establishment of procedures verifying the conformity of the national software applications with the technical specifications.

¹ OJ L 93, 7.4.2009, p. 33