



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 July 2010**

**11286/10**

**LIMITE**

**COPEN 139  
JURINFO 38  
EJUSTICE 66**

**NOTE**

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| from: | Presidency  |
| to:   | delegations |

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| Subject: | Exchange of information extracted from criminal records (ECRIS)<br>- Implementation of the Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) and the Council Framework Decision 2009/315/JHA on the exchange of information extracted from criminal records |
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**I. INTRODUCTION**

The Council Decision 2009/316/JHA<sup>1</sup> on the establishment of the European Criminal Records Information System (ECRIS) was adopted by the Council in April 2009. This decision aims at implementing the Council Framework Decision 2009/315/JHA<sup>2</sup> on the exchange of information extracted from criminal records. By 7 April 2012 Member States shall take the necessary steps to comply with the ECRIS Decision. The implementation of both instruments will result in the setting up of a computerised system of exchange of information on convictions between the Member States of the EU. The system should be based on an electronic interconnection of the Member State's criminal records by the means of which the information will be exchanged in a standardised way.

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<sup>1</sup> OJ L 93, 7.4.2009, p. 33

<sup>2</sup> OJ L 93, 7.4.2009, p. 23

The Working Party on cooperation in criminal matters and CATS examined the issues related to the organisation of the preparatory works and division of tasks in respect of preparation of the technical specifications for the implementation of ECRIS. The offer put forward by the COM to employ an external contractor and coordinate his works before their results are being presented to the Member States' experts, has been endorsed<sup>1</sup>. Accordingly, following the signature of the contract the preparatory works may be launched.

In the present document the Presidency intends to present to the Member States a working method and a tentative agenda for the activities foreseen for the second semester of 2010. The intention of the Presidency is to focus on the preparation of the technical specifications during this period of time, keeping in mind that other implementing measures, such as the drafting of a non-binding manual for practitioners, will still need to be adopted before April 2012. The attention of the delegations is drawn, in particular, to the foreseen intensity of the meetings bound with the obligation on the Member States experts to submit their input into the process at its particular stages.

## **II. WORKING METHOD**

Involvement of the Member States is envisaged through all the project. In the course of earlier discussions, delegations were in agreement that the meeting structure should allow for the sufficient flexibility and expertise when specific issues are discussed. A preference was indicated to a combination of knowledge in a so called business workgroup which could be sought by including both legal and technical experts participation.

It was understood that, in accordance with Article 6 of the Council decision 2009/316/JHA, COPEN Working Party is a relevant forum for consultation and that it could be complemented by meetings of the Commission's Experts Group on criminal records in which all the Member States are represented (hereafter "the Expert Group").

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<sup>1</sup> Under the conditions set out in 8755/10 COPEN 103 JURINFO 12 EJUSTICE 43

Accordingly the Presidency envisages to carry out discussions within the above two formats of experts gathering. In addition to the COPEN working party, given the short timescale available for completion, where appropriate the Expert Group will adopt lighter, practical and effective working methods for the review tasks at hand such as the use of CIRCA, commenting tool, e-mail, conference call, circulation of written documents, bilateral meetings in Brussels, etc. However, the adoption of the final document concluding each of the stages of preparatory works as well as the adoption of the technical specifications shall take place within the COPEN Working Party.

The Expert Group is expected to:

- Review the deliverable published by the Commission's Contractor on CIRCA
- Provide comments on the deliverables
- Discuss and agree on the implementation of the comments
- If necessary, its experts will participate in conference calls and/or bi lateral clarification meeting with the Commission's and the Commission's Contractor
- Review the minutes of the review meeting
- Review the updated deliverable on the basis of the implementation agreed at the Review meeting

The Commission will report back to the COPEN Working Party the findings, issues and conclusions of the Experts Group meeting.

The meeting reports will be finalised by the Commission's Contractor, so that they can serve as a basis for an implementation agreement and can be dispatched after the meeting to the COPEN Working Party.

All Member States are expected to appoint a delegate to participate in the Expert Group as well as be granted access to the CIRCA system. Accordingly, the experts are expected to subscribe to CIRCA, if not yet done. A subscription web page will be communicated by the Commission in due time. In case the member does have an active account, he/she will be invited to provide the current CIRCA user name and/or email address to the Commission.

The experts nominated to participate in the "Expert Group" are also expected to participate in the meeting of the COPEN Working Party, in order to ensure the continuity of the work.

In view of a rather tight time lines for the envisaged delivery and examination of the subsequent documents the working method will be based on the combination of submission of written comments and experts meeting. Therefore the following review cycle steps and time table is proposed:

| <b>Event</b>  | <b>Schedule</b>                | <b>Elapsed time</b> |
|---|--------------------------------|---------------------|
| The project artefact is published on CIRCA for Review   | T0                             |                     |
| All comments are available  | T1 = T0 + 7 working days       | 7 working days      |
| Contractor's Authors Position are published on CIRCA  | T2 = T1 + 6 working days       | 13 working days     |
| Review Meeting  | T3 = T2 + 3 working days       | 16 working days     |
| Minutes of review meeting are published on CIRCA for Review   | T4 = T3 + 3 working days       | 19 working days     |
| Comments on the Minutes of review meeting   | T5 = T4 + 2 working days       | 21 working days     |
| Minutes of review meeting are published for Acceptance  | T6 = T5 + 2 working days       | 23 working days     |
| Minutes of review meeting are accepted  | T7 = T6 + 1 working days       | 24 working days     |
| Updated Technical document is published on CIRCA on the basis of the comments implementation agreed at the Review meeting | T8 = T3 + 10 working days      | 26 working days     |
| The Updated Technical document is approved  | T9 = T8 + 5 working days       | 31 working days     |
| The document is approved by the Council Working Party   | T10 = T9 + MAX 20 working days | 51 working days     |

### **III. TENTATIVE AGENDA**

The tentative agenda of the meetings is based on the indication of the dates within which the elements of the preparatory works be presented by the contractor. It is noted that the entire process is divided into three principal stages, as set out in the table below.

Firstly, an inception report shall be delivered. It will contain the specific working methodology and the presentation and analysis of the individual reports from the Member States which were visited by the contractor.

Secondly, and on the basis of the information collected during the visits and input from the experts following stage one, the document containing business analysis, security analysis and draft technical architecture shall be delivered.

Thirdly, the contractor will present the draft complete version of the technical specifications.

| <b>Deliverable</b>   | <b>Date</b>              |
|--|--------------------------|
| Inception report   | 30 Aug 2010              |
| Business analysis, Security analysis, Technical architecture | 27 Sep 2010 <sup>1</sup> |
| Technical specifications, Fit gap analysis                   | 05 Nov 2010 <sup>1</sup> |
| Conformity measures  | 07 Feb 2011              |

Each of the "deliverables" shall be analysed by the experts within the COPEN Working Party and at the Experts Group meetings. (c.f. point II above).

In view of the above planning the Presidency would tentatively envisage to following meeting date of the COPEN Working Party. The Expert Group review meetings dates are also already provisionally scheduled.

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<sup>1</sup> Some deliverables could be delivered earlier.

| <b>Event</b>  | <b>Agenda</b>                                   | <b>Date</b>              |
|---|---|--------------------------|
| Inception report delivery   |   | 30 Aug 2010              |
| COPEN meeting   | Discussion and adoption of the inception report | poss. 27 Sep 2010        |
| Business analysis, Security analysis, Technical architecture delivery |   | 27 Sep 2010 <sup>5</sup> |
| Expert Group review meeting   | Business cases, security and architecture       | poss. 19 Oct 2010        |
| COPEN meeting   | Adoption of agreed documents                    | poss. 20 Oct 2010        |
| Technical specifications, Fit gap analysis                            |   | 05 Nov 2010 <sup>1</sup> |
| Expert Group review meeting   | Technical Specifications                        | poss. 24 Nov 2010        |
| COPEN meeting   | Adoption of the Technical Specifications        | poss. 09 Dec 2010        |

<sup>5</sup> Some deliverables could be delivered earlier.

#### IV. CONCLUSIONS

The Presidency would like to invite delegations to take note of the above presented working method and tentative agenda.

As mentioned under point II delegations are invited to inform the Presidency and the Commission about their nomination of the delegates (both legal and technical) to participate in the Expert Group and to have access to CIRCA. This information should be provided by 1st September 2010 at the latest. (please notify by email to the attention of: [Jaime.lopez-loosvelt@ec.europa.eu](mailto:Jaime.lopez-loosvelt@ec.europa.eu) and of [anna.lipska@consilium.europa.eu](mailto:anna.lipska@consilium.europa.eu)).

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