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Annex to the

WHITE PAPER

**on exchanges of information on convictions and the effect of such convictions in the European
Union**

{COM(2005)10 final}

ANNEX I

Organisation and content of criminal records in the Member States¹

Table 1: Functioning and access to national criminal records

Table 2: General content of national criminal records

Table 3: Detailed content of national criminal records

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¹ These tables are based on Member State's answers to a questionnaire which was sent to them in April 2004. They have been sent to them for verification and the following have provided comments which are integrated in the final version: Austria, Belgium, Czech Republic, Denmark, Germany, Greece, Spain, Finland, France, Hungary, Ireland, Italy, Malta, Netherlands, Sweden, United Kingdom, Slovakia, Slovenia Latvia, Poland and Portugal.

TABLE 1: FUNCTIONING OF AND ACCESS TO NATIONAL CRIMINAL RECORDS

| | FUNCTIONING | | ACCESS | | | | | | |
|---------|----------------------------------|---|--------|----------------------|---|--|-----------------|---|--|
| | computerised | centralised | police | judicial authorities | public authorities | person concerned | private bodies. | foreign authorities | extract ² /types ³ |
| Austria | Yes: there is a service on-line | Yes: by the police + local registers of some administrative sanctions | Yes | Yes | Ministries/ local administrations Army/ security bodies Customs office/ passport off Prosecutor Financial administration | Yes: right to request some information/ extract to prove a lack of data for employment purposes (need to specify it) | No | Yes, on the basis of a bilateral or multilateral agreement or if there is reciprocity | Yes 2 types; the information can be total/ partial depending on the case |
| Belgium | Yes: information only since 1992 | Yes: by Ministry of justice + local registers | Yes | Yes | <u>If authorized by law:</u> Penitentiary administration/ intelligent services/ public administrations | Yes: consultation/ request an extract/ extract to prove a lack of data for employment purposes | No | Yes, on the basis of a bilateral or multilateral agreement or if there is reciprocity | Yes Different types: the information can be total/ partial depending on the case |
| Cyprus | Yes | Yes: by the police | Yes | No | | Yes: consultation/ request a certification/ extract to prove a lack of data except some offences | | | Yes |
| Czech | Yes | Yes: by Ministry of Justice | Yes | Yes | Right to obtain <u>a copy</u> : Ministry of justice/ president's office in some cases/ other authorities if special regulation Right to obtain <u>an extract</u> : public administration in proceedings on misdemeanours/ for other purposes if special regulation | Yes: right to obtain an extract/ right to inspect a copy from the evidence of the evidence of the CR register concerning him/herself | No | Foreign judicial authorities if agreement applicable | Yes Different types: extract from the register/ copy of the register (see answer: access of subject concerned) |

² Is the content of the extract from the criminal record that an individual may request limited to certain types of information contained in the NCR?

³ How many types of extract do you have?

| | FUNCTIONING | | ACCESS | | | | | | |
|---------|---|--|---|----------------------------|---|--|---|--|---|
| | computerised | centralised | police | judicial authorities | public authorities | person concerned | private bodies. | foreign authorities | extract ² /types ³ |
| Denmark | Yes | Yes: by the police | Yes | Yes | Prosecutors Ministry of justice/ defence Criminal department <u>In some cases:</u> Foreign department Parliament | Yes: right to obtain a copy and an extract/ extract to prove a lack of data for employment purposes | In some cases | Foreign judicial authorities if agreement Nordic countries | |
| Estonia | Yes | Yes: in the Estonian Police Board by the chief processor in the Ministry of interior | Yes | Yes | <u>If provided by law:</u> Prosecutors Government/ local government agencies President's office Defences Forces Probation officer Other extra judicial bodies | Yes: right to request an extract | No | Foreign official if (ECC or international treaties) | Yes/1 |
| Finland | Yes | Yes: by an administrative authority depending of Ministry of justice | Yes only in some cases | Yes | Prosecutors Criminal Sanctions Agency Probation service Prison service <u>In some cases:</u> Ministry of justice Chancellor of justice of Government Parliamentary Ombudsman | Yes: right to make inquiries/ extract to prove a lack of data/ other extract only in some cases (security and children jobs) | Yes: in accordance with the relevant international treaties (EC on MLA 1959...) | | Yes |
| France | Yes | Yes: by Ministry of justice | No | Yes | <u>Not to all information:</u> Public administrations Commercial courts Some professional bodies | Yes: partial extract provided/ oral communication of all the information | No | Yes: in accordance with the relevant international treaties (EC on MLA 1959, bilateral treaties) | Yes 3 types of extracts: bulletin 1, 2, 3 |
| Germany | Yes+ automatic system of notification to the judicial authorities | Yes: by an authority of the Ministry of Justice (Attorney General) | Yes: not to all and no direct access. Restriction if juvenile | Yes: Restriction if minors | <u>According to law and indirect access:</u> Prosecutors Security bodies of Foreign offices Other public authorities | Yes: right to request a certificate/ extract to prove a lack of data for employment purposes | No | Foreign authorities (penal jurisdiction) if international treaties | Yes Different types of extracts: for particulars/ judicial authorities |

| | FUNCTIONING | | ACCESS | | | | | | |
|-----------|--|--|---|----------------------|---|---|---|---|--|
| | computerised | centralised | police | judicial authorities | public authorities | person concerned | private bodies. | foreign authorities | extract ² /types ³ |
| Greece | Yes+ new system of interlinking is being made | The Department of Penal Registration of the Central Service of the Ministry of Justice functions as central authority where all information concerning the NCR will be collected | Yes | Yes | <u>If provided by law:</u> public administrations <u>Indirect access for:</u> Public prosecutor prison/ correctional directors and public, political, military services Ecclesiastical authorities | Yes: right to be informed by publication (legal use) or extract (other cases)/ extract to prove a lack of data to employment purposes | <u>Indirect access and if provided by law:</u> Institutes Enterprises Banks | Foreign authorities (criminal jurisdiction) if international treaties Foreign embassies or consulates in some cases | Yes |
| Hungary | Yes | Yes: by Ministry of interior | Yes | Yes | Prosecutors <u>If authorised by law/ special license:</u> other agencies and authorities | Yes: right to request information/ extract to prove a lack of data to employment purposes | No | Yes: in accordance with the relevant international treaties (EC on MLA 1959, bilateral treaties) | Yes |
| Ireland | Not all, only the District Court (lower Court) | No | Yes | No | No | Yes: right to request a copy/ the police also provide a vetting check for certain employment purposes | No | In certain circumstances and for certain authorities | Yes No specific extracts |
| Italy | Yes the system is being changed | Yes: by the Ministry of justice | Yes, by order of Public Prosecutor or directly, but in another form, more limited | Yes | Prosecutors Some public administration and management of public service | Yes: right to request a certificate (only partial information; it will be total with new system)/ Extract to prove a lack of data for employment purposes | No | Yes, on the same conditions as equivalent Italian authority | Yes |
| Latvia | No | Yes: by Ministry of interior | Yes | Yes | <u>If provided by law:</u> law enforcement, other state and regional authorities | Yes: right to request information/ extract to prove a lack or existence of data for employment and other legal purposes | No | On the basis of international agreements | No To individuals those records that are requested |
| Lithuania | Yes | Yes: by Ministry of interior | Yes | Yes | | Yes: right to request/ extract to prove a lack of data to employment purposes | | | Yes 4 types of extracts: started investigation/ preventive measures/ convictions/ penalties |

| | FUNCTIONING | | ACCESS | | | | | | |
|-------------|---|--|---|---|---|---|--|---|---|
| | computerised | centralised | police | judicial authorities | public authorities | person concerned | private bodies. | foreign authorities | extract ² /types ³ |
| Luxembourg | Yes | Yes: by General prosecution office (kept in 2 places) | Yes | Yes | <u>In some cases:</u> State and local administration Almost every Ministry Public commissions, centres, services, societies, military authorities | Yes: right to request/ extract to prove a lack of data to employment purposes | No | | Yes 3 types of extracts: bulletin 1, 2, 3 |
| Malta | No: studying viability for a new system | Yes: by police | Yes | Yes Attorney general's office | Attorney general's office – general prosecutor/ state lawyer- Financial services authority | Yes: right to request/ extract to prove a lack of data to employment purposes | | | No No specific extracts |
| Netherlands | Yes | Yes: by a public service which comes under the Ministry of Justice | Yes: all info only when needed for law enforcement purposes | Yes, for a good administration of justice | Sometimes (public authorities must be appointed by royal decree, based on a legal obligation to verify the integrity of the person concerned), Minister of justice when the person concerned asks him for a declaration of good conduct for employment purposes | Yes: right to request oral information to verify the correctness of data | <u>In some cases:</u> Some natural persons/ employers appointed by royal decree | | Yes Various types: -all information of conduct (info of past 4 or 8 years) -selected information |
| Poland | Yes | Yes: by Ministry of justice | Yes | Yes | President Prosecutors <u>In some cases:</u> Security agency/Military Intelligence service/ Government, local Administration bodies if it is justified by need to perform their activity prescribed by law | Yes | <u>In some cases:</u> employers | Foreign states if international treaty/ reciprocity | Yes Only one type of form |

| | FUNCTIONING | | ACCESS | | | | | | |
|----------|--------------|--|---|---|---|--|--|--|--|
| | computerised | centralised | police | judicial authorities | public authorities | person concerned | private bodies. | foreign authorities | extract ² /types ³ |
| Portugal | No | Yes: by Ministry of justice | Yes: in case of criminal proceedings | Yes: in case of criminal proceedings | Prosecutors <u>In some cases:</u> Internal security bodies Reinsertion/ Crime prevention services Public authorities | Yes: right to request/ extract to prove a lack of data to employment purposes | Authorized bodies for statistics purpose | In some cases: Foreign embassies or consulates/ Public authorities of EC MS | Yes 1 extract with different content depending on the requesting person and the purpose |
| Slovakia | Yes | Yes: by General prosecution office | Yes | Yes | Prosecutors <u>In some cases:</u> President's office Some Ministries Intelligence, security, military services Post/ communications Other authorities | Yes: right to request a copy or an extract/ extract to prove a lack of data to employment purposes | | Foreign judicial authorities if international treaty | Yes 2 types of extracts: copy of the register/ extract of the register |
| Slovenia | Yes | Yes: by Ministry of justice | No | No | Only the Ministry of justice has access | Yes: right to access/ extract to prove a lack of data to employment purposes | No | No | No No specific extracts |
| Spain | Yes | Yes: by Ministry of justice | Yes: in some cases under judicial request | Yes | Prosecutors | Yes: right to request/ extract to prove a lack of data to employment purposes | No | Yes: in accordance with the relevant international treaties (EC on MLA 1959, bilateral treaties) | Yes 2 types of extracts: for judicial authorities/ individuals |
| Sweden | Yes | Yes: by the National Police Board | Yes, in certain prescribed cases | Yes, in certain prescribed cases | Prosecutors Tax authorities and customs authorities Other authorities in certain prescribed cases and under certain conditions limited information | Yes | | Yes, in certain prescribed cases | No Several types of extracts with various content depending on requesting authority/ person concerned and purpose |
| UK | Yes | No: there are 3 NCR (in England and Wales, Scotland and Northern Ireland) They are kept by the police | Yes | Yes, provided by the police and in some cases directly. | Some government departments/ criminal justice institutions for prosecution and security | Yes: right to request/ extract to prove a lack of data to employment purposes | Yes: registered bodies may apply to CRB for vetting in child access/ vulnerable adult caring roles | Yes: with other data sharing protocols between criminal justice authorities | Yes No special criminal division extracts |

TABLE 2: GENERAL CONTENT OF NATIONAL CRIMINAL RECORDS

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|---------|---|--|--|--|--------------------------------------|--|---|
| | responsibility | recorded | | | | | |
| Austria | Not yet | Not yet applicable | Registered in the same way as national | Judicial authorities in criminal matters | Definitive sentences | Convictions and penalties Execution measures Preventive measures | <u>Life prison</u> is not erased <u>Period of retention</u> of 3,5,10,15 years depending on the gravity <u>Special rules</u> for several convictions/ some older conviction <u>Calculated</u> since the completion of penalty Erasion takes place 2 years after the period of retention has expired |
| Belgium | Yes: since 1999 | A new central record registry is being made | Registered in the same way as national | Judicial authorities Not administrative and financial authorities | Definitive sentences | Convictions (criminal, correction)/ penalties Accessory or subsidiary sanctions Preventive measures Execution: suspended/ probation Revocation Financial sanctions of traffic Disqualifications (parents) Minors' decision Amnesty | <u>Period of retention</u> : less serious offences (<i>peines police</i>) 3 years since definitive decision except if disqualifications are longer Principle of "non mention" for some penalties after 3 years. |
| Cyprus | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive and provisional sentences | Convictions: prison/ pecuniary sanctions Remuneration Suspension sentences Judicial supervision and guarantee Disqualifications | <u>Period of retention</u> : convictions (custodial or not) are rehabilitated depending on the gravity. <u>Life prison/ more 4 years</u> are not rehabilitated Some cases never are erased <u>Calculated</u> since moment of sentencing |
| Czech | Not. A draft act introducing the criminal liability of legal persons was | Not applicable | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | Convictions: prison/ suspension sentences/ pecuniary sanctions Disqualification/ forfeiture of a thing/ forfeiture of propriety/ publicly beneficial work Loss of honorary titles/ rank | <u>Period of retention</u> : prison convictions 10,5,3 years after + orderly way of life Beneficial work, prohibitions, pecuniary penalty for negligence offences, forfeiture of a thing: after |

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|---------|----------------------------|---|---|---|---|---|---|
| | responsibility | recorded | | | | | |
| | rejected by the Parliament | | | | | Expulsion/ prohibition of residence Protective therapy/ reformatory training | accomplishment <u>Loss honorary/ ranks</u> : depends on the length of the imprisonment 3 years- forfeiture of property, expulsion, prohibition of residence, pecuniary penalties pour intentional offences |
| Denmark | Yes | | Registered in the same way as national | Judicial authorities in criminal / military Not administrative and financial authorities | Definitive sentences | Convictions and penalties Suspension of sentences Disqualifications Clemency/ Release/ supervision | |
| Estonia | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | Convictions: prison/ pecuniary penalty/ fine Dissolution of legal persons Substitutions of sanctions Coercitive psychiatrique traitement Minor's sanctions Disqualifications | <u>Period of retention</u> : from 1 to 10 years depending on the gravity <u>Death person/ legal person activities are terminated</u> <u>Calculated</u> since moment of enforcing |
| Finland | Yes | Recorded in the same registry as natural persons but manually | Registered in the same way as national | Judicial authorities Not administrative and financial authorities | Definitive, not definitive (revocable) and provisional sentences | Prison: conditional/ unconditional Community service Juvenile sentences Fine against legal person | <u>Period of retention</u> : depending on the penalty (5, 10, 20 years) <u>Death person/ 90 years old</u> Some cases are never erased <u>Calculated</u> since the final sentence was passed |
| France | Yes, since 1994 | Recorded in a special registry | Registered in the same way as national | Judicial and some administrative authorities (depending on the nature of the measures) | Definitive sentences (sentence issue from a process: contradictory or in absentia) | Convictions: prison/ pecuniary penalty Suspension of sentences Expulsion/ other disciplinary sanctions Disqualifications Minors' sanctions Other complementary sentences pronounced | <u>Total</u> : death/ 100 years old/ 40 years after last conviction/ expiration period of rehabilitation/ judicial rehabilitation/expiration/ special rules for minors <u>Partial</u> : judicial exempt/ other rules depending of the "bulletin"-3 types |
| Germany | No | Not applicable | Registered in the same way as national Nationality of the person is included | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | Criminal convictions: prison/ pecuniary Additional penalty Treatment measures/ special institutions Suspended sentences/ Joined convictions Disqualifications/ Interdictions Circumstances of not ability to be judged | <u>Period of retention</u> : depending on the gravity/ severity of the offence/ penalty Not erased: life long prison/ treatment in hospitals/ dangerous person |

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|-----------|----------------|--|--|--|------------------------------|--|--|
| | responsibility | recorded | | | | | |
| | | | | | | | <u>Calculated</u> since the judgement of first instance |
| Greece | No | Not applicable | Registered in the same way as national | Judicial authorities exclusively Not administrative or financial authorities | Final (definitive) sentences | Convictions/ Financial penalties Main/ additional sentences Reformed measures Suspension/ changes of sentences | <u>Period of retention:</u> depending on the gravity (after 5, 8,10,30 years) <u>Death/</u> 80 years old/ minor over 18 years old Cancelled decision <u>Clemency measures</u> Others specifics rules |
| Hungary | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities in criminal matters Not administrative/ financial authorities | Definitive sentences | Convictions: prison/ labour in the public interest/ financial penalties Disqualifications and prohibitions Expulsion Medical forced treatments Probation/ supervision by probation Measures against legal persons | <u>Period of retention:</u> depending on the gravity (after 3, 5, 10, 15 years) |
| Ireland | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities Not administrative and financial authorities | Definitive sentences | Convictions/ Fines/ Community services Suspension of sentences Disqualifications Probation | The Court Service does not erase |
| Italy | Yes | Not registered New system is being made | Registered in the same way as national | Judicial authorities Foreign judicial authorities if recognized by Italian Court Appeal Administrative authorities and not financial authorities | Definitive sentences | Convictions Accessory penalties Disqualifications/Interdictions Suspension sentences Safety measures Prevention measures | <u>Period of retention:</u> depending on the sanction <u>Death/</u> 80 years old Revocation/ revision Non execution Special rules for minors |
| Latvia | No | No applicable | Registered in the same way as national | Judicial authorities | Definitive sentences | Basic sentence: prison, forced labor, fine Additional sentence: confiscation of property, deportation, fine, rights limitation, police control | Information is maintained 10 years death of person |
| Lithuania | Yes | No registration | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | <i>Convictions</i> <i>Preventive measures</i> | <u>Period of retention:</u> depending on the gravity (3,5, 8, 10 years)/ on suspended penalty/ on careless crime. Common period: 75 years Clemency measures: 5 years |

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|-------------|----------------|--|--|--|---|---|--|
| | responsibility | recorded | | | | | |
| | | | | | | | Investigation suspended: 2 years <u>Calculated</u> since the completion of penalty |
| Luxembourg | Yes | Recorded in another registry | Registered in the same way as national | Judicial authorities Administrative authorities | Definitive sentences | Convictions (criminal, correctional, infringement) Convictions in military matters | <u>Legal rehabilitation</u> : Time elapsed depending on the gravity (after 10, 15, 20 years) + not recidivism <u>Judicial rehabilitation</u> : asked by the condemned after 3/ 5 years depending on the severity of penalty. <u>Special rules</u> for recidivism/ in absentia judgements <u>Calculated</u> since the completion of the penalty |
| Malta | Yes | No info | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive and provisional sentences | Convictions: prison/ fines Verbal admonitions Other obligations/ community services Disqualifications Suspension of sentences Probation | <u>For judicial purpose</u> : never erased <u>For particulars</u> : time elapsed depending on the penalty. <u>Calculated</u> since the execution of the penalty/ serving sentences for the cases of suspended |
| Netherlands | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities Not administrative and financial authorities | All decisions taken by public prosecution or judge, including definitive convictions | Amongst others: Convictions: prison/ alternative sanction/ fines Clemency measures Transactions Detention in hospitals Acquittals | <u>General rule</u> : 20 years/ death <u>Special rules</u> to extend the time limit: imprisonment/ detention in hospital <u>Calculated</u> from moment the conviction has become final |
| Poland | Yes | Recorded in the same registry as natural persons but different systems of registration | Registered in the same way as national | Judicial authorities Not administrative and financial authorities | Definitive sentences and decision on pre-trial detention and search for person warrants | Convictions: prison/limitation/ fines Disqualifications and prohibitions Forfeiture Obligation to compensate Money consideration Public pronouncement Educational, corrective, therapeutic measures | Period depends on the type of sanction and length of deprivation of liberty imposed is between 5 and 10 years with the possibility of shortening it upon specific judicial decision. The period starts running d of the execution of the sanction imposed. |

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|----------|---|--|--|---|--|---|---|
| | responsibility | recorded | | | | | |
| Portugal | Only in some cases | Eventually in the commercial register | Registered in the same way as national | Judicial authorities in criminal matters | Definitive sentences | Convictions Safety measures Suspension Probation Revocation Clemency measures Extradition | <u>Period of retention:</u> depending on the severity of the penalty (5, 7, 10 years) <u>Recidivism:</u> interruption of counting time <u>Calculated</u> since the completion of the penalty |
| Slovakia | Not yet: new Criminal Code will entry into force in 2005. | No info about the new Code. | Registered in the same way as national | Judicial authorities in criminal matters Prosecutors Not administrative and financial authorities | Definitive sentences | Convictions : prison/ financial penalty Deprivation of honours/ranks Prohibitions Forfeiture of property Expulsion/prohibition of residence Suspension sentence | <u>Period of retention:</u> depending on the length and the type of the penalty/ <u>Age:</u> 100 years old |
| Slovenia | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | All definitive measures | <u>Period of retention:</u> Time elapsed depending on the gravity/ severity of the penalty <u>Calculated</u> since the completion of the penalty |
| Spain | No | Not applicable | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities | Definitive sentences | Convictions: penalties Preventive measures Decision of suspension/ in absentia | <u>Period of retention:</u> depending on the gravity of the penalty/ suspended execution <u>Calculated</u> since the completion of the penalty + remuneration/ for the prohibitions, since the starting of the privation |
| Sweden | No info | <i>No registration</i> | Registered in the same way as national | Judicial authorities <u>In some cases:</u> police authorities/ prosecutor Not administrative and financial authorities | Definitive, not definitive (revocable) sentences | Convictions: penalties/ fines Free of sanction Prohibition to visit Extradition Execution (imprisonment/custody/fine) Decision of mercy/ hearing case Personal case studies | <u>Period of retention:</u> depending on the severity of the penalty: 5, 10 years. <u>Calculated</u> since the sentencing/ completion of the penalty |

| | Legal person | | convictions pronounced by national courts against foreigners | authority who pronounces convictions | type of decision | content of decision | period of time that files are maintained |
|----|----------------|--|--|--|--------------------------------------|--|--|
| | responsibility | recorded | | | | | |
| UK | Yes | Recorded in the same registry as natural persons | Registered in the same way as national | Judicial authorities in criminal matters Not administrative and financial authorities Police forces dispose by way of cautions and penalty notices | Definitive and provisional sentences | Convictions: Penalties/ Fines Custodial sentences Orders in consequence of conviction (disqualifications) Others: cautions, reprimands, final warnings, acquittals, not guilty decisions, cases ordered to lie in file... | <u>Weeding rules:</u> -after 10 years if 1-2 convictions+ no recidivism - in some cases (severity penalty/ type victim/ type offence/ + 3 convictions...) - others: death/ 100 years <u>Rehabilitation rules:</u> conviction becomes spent after a qualifying period <u>Calculated</u> since the date of conviction |

TABLE 3: DETAILED CONTENT OF NATIONAL CRIMINAL RECORDS

SUBTABLE 3.1

| | name surname nickname | name of parents | domicile residence | nationality | date/ place birth | occupation | sex | ID or Passport number | fingerprints | court (name, degree) | type judgement (first instance/ appeal) | of | file identification number | date of decision |
|---------|-----------------------------|--------------------|-----------------------|-------------|-------------------------|------------|-----|-----------------------------|--------------|----------------------------|--|----|----------------------------------|---------------------|
| Austria | X | X | X | X | X | | X | | | X | | | X | X |
| Belgium | X | | X | X | X | X | X | | | X | X | | X | X |
| Cyprus | X | X | X | X | X | X | X | X | X | X | | | X | |
| Czech | X | X | X | X | X | | X | X (ID number) | | X | X | | X | X |
| Denmark | X | X | X | X | X | | | X | | X | X | | | X |
| Estonia | X No nickname | | X | X | X Not always | | X | X | | X | | | X | X |
| Finland | X | | | X | | | | X | | X | | | | X |
| France | X | X | | X | X | | X | | | X | X | | | X |
| Germany | X | | X | X | X | | X | | | X | | | X | X |
| Greece | X | X | | | X | X | | X | | X | | | X | X |
| Hungary | X | X | X | X | X | | X | | | X | X | | X | X |

| | name surname nickname | name of parents | domicile residence | nationality | date/ place birth | occupation | sex | ID or Passport number | fingerprints | court (name, degree) | type judgement (first instance/ appeal) | of | file identification number | date of decision |
|----------------------|-----------------------------|--------------------|-----------------------|-------------|-------------------------|------------|-----|-----------------------------|------------------|----------------------------|--|----|----------------------------------|---------------------|
| Ireland ⁴ | X | | X | | X | | | | | X | | | X | X |
| Italy | X | | | X | X | | X | | | X | X | | X | X |
| Latvia | X | | X | X | X | | | X | | X | | | X | X |
| Lithuania | X | X | X | X | X | | | X | | X | | | | X |
| Luxembourg | X | X | X | | X | X | | X | | X | | | | |
| Malta | X | X | X | | X | | X | X | | X | X | | | X |
| Nederland | X | | X | | X | | | X | | X | X | | X | X |
| Poland | X | X | X | X | X | X | | X | | X | | | X | X |
| Portugal | X | X | X | X | X | | | X | X If possible | X | | | X | X |
| Slovakia | X | X | | X | X | | | | | X | | | X | X |
| Slovenia | X | X | X | X | X | | X | X | | X | X | | X | X |
| Spain | X | X | X | X | X | | | X | | X | | | X | X |
| Sweden | X | | | X | X | | | X | | X | | | X | X |
| UK | X | | X | X | X | | X | X | X | X | | | X | X |

⁴ The Courts Service does not feed into a national register. The data vary from one Jurisdiction Court to another.

SUBTABLE 3.2

| | nature of decision (in absentia/contradict) | date/place of facts | legal type of offence | type of sanction | duration of sanction/quantity of financial penalty | time spent in pre-trial detention | provisional measures before trial | protective/educational/treatment measures (after trial) | specific mention that the person is wanted | date of definitive sentence | file number for the execution. | date of final execution/date payment of financial penalty | suspension of conviction |
|---------|---|---------------------|-----------------------|------------------|--|-----------------------------------|-----------------------------------|---|--|-----------------------------|--------------------------------|---|--------------------------|
| Austria | | X | X | X | X | | | X | | X | | X | X |
| Belgium | X | X | X | X | X | X | X | | | X | | | X |
| Cyprus | | X | | X | | | | | X | | | | |
| Czech | | | | X | | | | X | | | | X | |
| Denmark | | | X | X | X | | | X | | | | X | X |
| Estonia | | X Not always | | X | X | X | | X | | X | | X | |
| Finland | | X | X | X | | X | | | | X | | | X |
| France | X | X (only date) | X | X | X | X | | X | X | | | X | X (in certain cases) |
| Germany | | | X | X | X | | | X | | X | | X | |
| Greece | X | X | X | X | X | | | | | | | | X |
| Hungary | | X | X | X | X | | | X | | X | | | X |
| Ireland | | | X | X | X | | | | | | | | |

| | nature of decision (in absentia/contradict) | date/ place of facts | legal type of offence | type of sanction | duration of sanction/ quantity of financial penalty | time spent in pre-trial detention | provisional measures before trial | protective/ educational/ treatment measures (after trial) | specific mention that the person is wanted | date of definitive sentence | file number for the execution. | date of final execution/ date payment of financial penalty | suspension of conviction |
|------------|---|----------------------|-----------------------|------------------|---|-----------------------------------|-----------------------------------|---|--|-----------------------------|--------------------------------|--|--------------------------|
| Italy | X | X | X | X | X | | | X | X | X | | | X |
| Latvia | | | | X | | | | X | X | X | | X | |
| Lithuania | | | X | X | X | X | | | | X | | X | |
| Luxembourg | X | | X | X | X | | | | | X | | | X |
| Malta | | X | X | X | X | | | | | X | | X | X |
| Nederland | X | | X | X | X | X | X | X | X | X | X | X | X |
| Poland | | X | X | X | X | X | X | X | X | X | | | |
| Portugal | X | X | X | X | X | | | X | | X | X | X | X |
| Slovakia | X | | X | X | X | | | X | | X | | X | |
| Slovenia | | | X | X | X | | | X | | X | | X | X |
| Spain | X | | X | X | X | | | X | X | X | X | X | X |
| Sweden | | X | X | X | X | | | X | | X | | X | X |
| UK | X | X | X | X | X | X | | | X | X | | | X |

SUBTABLE 3.3

| | conditional release/ parole/ probation | substitution/ reduction sanction | clemency measures | date of rehabilitation | period during which files are maintained | disqualifications prohibitions | others | date of transmission to CR | Legal persons |
|---------|--|----------------------------------|----------------------------------|------------------------|--|--------------------------------|---|----------------------------|--|
| Austria | X | X | X | | | | Offences committed under the influence Road traffic offences Special mention if recidivism | | |
| Belgium | X | | X | ? | ? | X (provided by the sentence) | Number of judges in Court | X | |
| Cyprus | | | | X | | X | Telephone number/ <i>previous convictions</i> / Military record number/ Election book number/ number social insurances Reference to "modus operandi" | | |
| Czech | X | | X | | X | | | | |
| Denmark | X | X | X | | | X | | | |
| Estonia | X | X | X | | | | Data of decisions of punishments in a misdemeanour matter Foreign convictions against nationals Not disciplinary penalties | X | Name/ address/ registration/ court/ offence/ conviction/ date payment/ enforcement/ substitution |
| Finland | X | X | X | | | | Impunity if the person is mentally ill/ forfeiture of parole | | |
| France | X | X | X (in some cases such as pardon) | | | X | | | Name/ address/ registration/ court/ offence/ conviction/ date payment |

| | conditional release/ parole/ probation | substitution/ reduction sanction | clemency measures | date of rehabilitation | period during which files are maintained | disqualifications prohibitions | others | date of transmission to CR | Legal persons |
|------------|--|----------------------------------|-------------------|------------------------|--|--------------------------------|---|----------------------------|--|
| Germany | X | | | | | | Special register for youth educational measures | | |
| Greece | | X | | | | | Reformatory measures | X | |
| Hungary | | X | X | | | X | Recidivism/ name of prosecutor's office/date of death of person | | |
| Ireland | | | | | | | | | X |
| Italy | X | X | X | X | | X | Recidivism Military offences Impunity if person is mentally ill Minor offender | | |
| Latvia | | X | X | | | | Pre-trial investigations/ trial's decision/ civil suit claim, community which the person will go after, info about changes in personal data | | |
| Lithuania | | | | | X | | Information about all the investigation | | |
| Luxembourg | X | | | | | | Foreign convictions against nationals Road penalties Not disciplinary penalties | | |
| Malta | X | X | X | | | X | | | |
| Nederland | X | X | X | X | | | | Not possible | Entities: name, legal form, register number, address |
| Poland | X | X | X | X | | X | Foreign convictions executed in Poland Information about juveniles' houses | X | |

| | conditional release/ parole/ probation | substitution/ reduction sanction | clemency measures | date of rehabilitation | period during which files are maintained | disqualifications prohibitions | others | date of transmission to CR | Legal persons |
|----------|--|----------------------------------|-------------------|------------------------|--|--------------------------------|--|----------------------------|---------------|
| Portugal | X | X | X | | | X (if pronounced by Court) | | X | |
| Slovakia | X | X | X | X | | X | Birth registration number | X | |
| Slovenia | X | | X | | | | | | X |
| Spain | | | | | | | | | Not possible |
| Sweden | X | X | X | X | | X | Extradition Personal case studies Foreign authorities convictions Sentence appealed | | |
| UK | | | X | | X | X | Personal physique (facial characteristics, hair/eyes colour...) | | |

TABLE 4: EXCHANGE OF INFORMATION BETWEEN MEMBER STATES

| | Article 22 ⁵ | | | | Article 13 ⁶ | | Other agreements |
|---------|--------------------------------------|--|--|--|---|--|--|
| | send | receive | register | problems/solutions | requests received | requesting authority | |
| Austria | Yes (four times/year) | Nationals/ residents: yes, but not sure that all is received | National/ residents: yes if the offence is also punishable under national law. In 2003: +/- 4500 | The examination of the double criminality requirement may sometimes cause problems | 937 in 2003, but it's not possible to specify if EU/ non EU countries | | No other agreements |
| Belgium | Don't use art 22, only under request | Nationals/ residents Driving disqualification/ Pple of nationality | Only nationals: nationality is the fact of reference. 2064 in 2002 1702 in 2003 | Only register offences existing in national law | +/- 1000 | Judicial authorities | No other agreements |
| Cyprus | Yes | Yes | Nationals: yes but not automatically +/- 200 Residents: not | Conversion from foreign sentences to national decision (in enforcement cases) | +/- 150 | Interpol | Yes |
| Czech | Yes | Nationals: yes Residents: not | Nationals: yes in some cases and after decision of the Supreme Court Residents: not | No problems | No data | Judicial authorities/ National criminal register | Bilateral agreements with surroundings countries Convention on MLA with non EU countries |

⁵ European Convention on Mutual Assistance in Criminal Matters of 1959, Council of Europe, European Treaties Series, N 30.

Warning: The answers correspond to the following questions (figures are included when available in Member States' answers):

- 1- Do you send convictions pronounced by national courts against other members states' nationalities on the basis of art. 22?
- 2- Do you receive convictions pronounced by foreign courts against your nationals/ residents?
- 3- Do you register foreign convictions against nationals/ residents?
- 4- Which problems do you find and how do you face them?

⁶ European Convention on Mutual Assistance in Criminal Matters of 1959, Council of Europe, European Treaties Series, N 30.

Warning: The answers correspond to the following questions (figures are included when available in Member States' answers):

- 1- How many requests have you received on the basis of article 13 in 2003?
- 2- From which authorities have you received requests?

| | Article 22 ⁵ | | | | Article 13 ⁶ | | Other agreements |
|---------|----------------------------|--|--|--|--|---|---|
| | send | receive | register | problems/solutions | requests received | requesting authority | |
| Denmark | Yes | Nationals/ residents: yes | Nationals/ residents: yes No statistics | Only register offences if accord to national law | No statistics | | Nordic agreement No other agreements |
| Estonia | No | Nationals/residents: partial information | Nationals: but not automatically Residents: if they are in the "Estonian national records" | Languages Some of different procedural tules | 20 Finland, 1 Germany No more data | Interpol | <i>ILA- Division Justice</i> |
| Finland | Yes | Nationals/ Residents: Yes | Nationals/ Residents: Yes | Languages | +/- 250 | Judicial authorities/ prosecutors | Convention between the Nordic Countries |
| France | Yes | Yes: Nationals | Nationals +/- 4500 | Reliability Languages Specific law's systems/ Conversion Offences are registered only when corresponding to offences in French law | 1456 in 2001 1392 in 2002 1305 in 2003 | Judicial and administrative authorities | No other agreements within the EU 29 Bilateral Conventions |
| Germany | Yes, numbers not available | Only nationals: principle of nationality It's not sure that all is received | Nationals: Yes if the offence is also criminalised by national law and the sentence is definitive Residents: basically not, some exceptions | No problems related to article 22 Difficulties: date birth/ conversion to national law; if it's not possible, not registration | 2643 in 2003 | | No other agreements Foreign sentences must be registered if the comply national conditions |
| Greece | Yes | Nationals: yes Residents: yes if there is a collaboration in criminal matters with the origin country | Nationals/ residents: yes +/- 3000 | Some of different procedural rules Identification Equivalence of illegal action | +/- 200 | No data | Bilateral conventions |
| Hungary | No, only under request | No data | <i>Nationals: yes: 100 Residents: yes: 1500/2000</i> | Identification | No data | No data | No other agreements |

| | Article 22 ⁵ | | | | Article 13 ⁶ | | Other agreements |
|------------|--|--|--|--|--|---|--|
| | send | receive | register | problems/solutions | requests received | requesting authority | |
| Ireland | No, a reservation was made | Nationals: only send France notifications Residents: not | No registration of foreign convictions | X | Not possible because there is not a national record However, it is possible that information is exchanged, on request, by the Gardai (police authorities) with other police authorities | If the Gardai exchange information with other police authorities, the Gardai would be the sending authority | No info available |
| Italy | Yes | Nationals/ Residents: yes | Nationals: not automatically 56 in 2003 Residents: yes | Identification Language | 1578 in 2003 | No data | Several multilateral and bilateral agreements Ratification of the Additional Protocol to Strasbourg Convention of 1978 |
| Latvia | No: system between ministries of justice | Nationals: yes 426 in 2003 Residents: yes | Nationals/ Residents: yes | Not effective | 1 | Judicial authorities/ prosecutors | International Convention for the suppression of terrorist bombings, NY, 1998 International Convention for the suppression of the financing terrorism, UN, 1999 International Convention against the taking hostages, NY, 1979 Bilateral Conventions |
| Lithuania | Yes | Nationals/ Residents: yes | Nationals/ residents: not registered, only stored +/- 2300 | Residents from non-EU countries Languages | 3 | No data | No other agreements |
| Luxembourg | Yes | Nationals/ Residents: yes | Nationals: yes if dual criminality Residents: yes | If there is not equivalence, there is not registration | No data | No data | No other agreements |
| Malta | Yes | Nationals: some Residents: not | Nationals: yes Residents: not | No data | No data but there must be few request: +/- 36 | No data | No other agreements |
| Nederland | Yes: but only from Court of appeal | Nationals: not all +/- 2400 Residents: not | Nationals: yes if dual criminality Residents: no (as they are not received) | Conversion | +/- 500 | Ministry of justice | Other conventions but not obligation of register |

| | Article 22 ⁵ | | | | Article 13 ⁶ | | Other agreements |
|----------|----------------------------------|--|---|---|----------------------------------|---|---------------------|
| | send (under change) +/-240 | receive | register | problems/solutions | requests received | requesting authority | |
| Poland | Yes | No data | Nationals: yes after conversion into national law by national Court Residents: no data | No problems | No data | Judicial authorities/ prosecutors | No other agreements |
| Portugal | Yes | Nationals/ Residents: yes | Nationals/ Residents: yes | No problems | +/- 15 | Judicial authorities | No data |
| Slovakia | Yes | Nationals: yes but only "penal sheets" Residents: yes | <i>Nationals/ Residents: yes</i> | Language Conversion identification | No data | Judicial authorities Prosecutors police | No other agreements |
| Slovenia | Yes | Nationals/ residents: yes | Nationals: yes +/- 100 Residents: yes +/- 30 | No problems | No data | No data | No other agreements |
| Spain | Yes | Nationals/ residents: yes | Nat: yes but not automatically +/- 10000 Residents: no data | Language If problem of conversion: analogy/ judicial points of contact | +/- 300 | Judicial authorities Prosecutors Interpol | No data |
| Sweden | Yes | Nationals: yes 14 Residents: no | Nationals: yes | Identification of residents Language | +/- 15 | Ministry of justice | Yes |
| UK | Yes | Nationals: not at all Residents: yes | Nationals/ residents: yes but received by different channels; not comprehensive information | Conversion If problem: contact the other country | +/- 1500 (80% from EU countries) | Interpol | No other agreements |

TABLE 5: RECIDIVISM

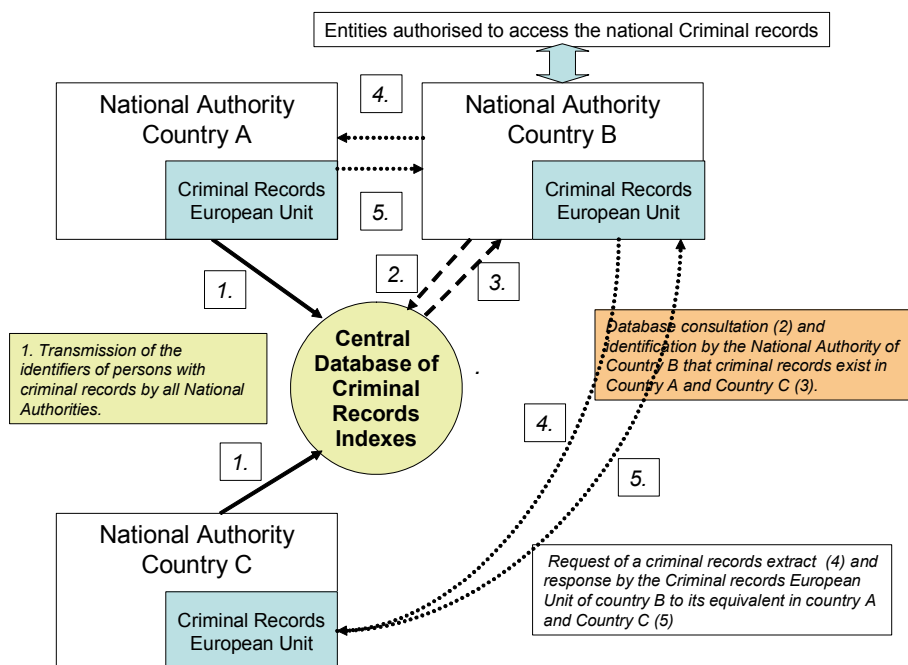
| | EFFECTS OF CONVICTIONS | |
|---------|---|---|
| | Do you know “recidivism” in your system? | Can foreign convictions be taken in account? |
| Austria | Large discretionary power of judges: when sentencing they can aggravate but it’s not a special qualification Special rules for some cases where judges are obliged to take into account recidivism | Principle of “equal treatment” of foreign convictions. Nevertheless, the offence have to be also punishable under national law and the conviction must have been rendered following proceedings that respect article 6 of the ECHR |
| Belgium | Yes, as an aggravation of the penalty | No. Only as a fact element. |
| Cyprus | Not during the trial, yes when sentencing | Yes, according to the Convention on the Enforcement of Foreign Sentences and under certain conditions. Same consequences as a national conviction |
| Czech | Yes, previous conviction ranks among the aggravation circumstances taken into account when sentencing. However, the court is entitled with respect to the character of previous conviction and other aspects not to consider this circumstance as aggravating. Special rules for dangerous recidivist (upper limit of the sentence increases by 1/3) | Yes |
| Denmark | Large discretionary power of judges: they can aggravate | Yes |
| Estonia | Yes, in some cases: aggravation of the penalty | No. Only as a fact element |
| Finland | Large discretionary power of the Court: when sentencing as a aggravation of the penalty | Yes, if foreign conviction has been entered into the criminal records. |
| France | Yes, depending of different parameters and as an aggravation of the penalty (double) | Yes but only as an element fact |
| Germany | Large discretionary power of judges, they are not obliged | Yes, except if according to national law the conviction would be delete |

| EFFECTS OF CONVICTIONS | | |
|------------------------|--|--|
| | Do you know “recidivism” in your system? | Can foreign convictions be taken in account? |
| Greece | Yes, when calculating the sanction as a mitigating/ aggravating and when issuing or not the suspension of the execution | Yes, EU citizens/ non EU if other agreement. |
| Hungary | Different rules relating 3 types of recidivism: recidivist/ qualified/ habitual Qualified/ habitual: as a aggravating (increasing by ½, not exceed 15 years)/ not possibility of probation/ more severe rules of the imprisonment | Yes, if the proceeding conducted/ sentenced imposed are in conformity with national law (recognized by a national court) |
| Ireland | No during the trial, yes when sentencing Rarely as an aggravation but large discretionary power of judges | No, but some exceptions |
| Italy | Yes, as an aggravating of the penalty (increasing 1/6, 1/3, ½) | Yes, it can be recognized |
| Latvia | Definition of “Multiplicity of criminal law” which contains different concepts and rules: repetition/ aggregation/ recidivism It could be considered as an constituent element/ aggravating | Yes, if the foreign conviction is enforced in Latvia. |
| Lithuania | Yes, when sentencing/ deciding execution and commutation of the penalty/ recognising as a dangerous recidivist No imposed any heavier punishment | No |
| Luxembourg | Yes, as aggravating of the penalty. Different rules depending of gravity offence | Yes For sentences executed abroad, if the offence is also punished in the national law |
| Malta | Yes, during the trial/ when sentencing as an aggravation | Unclear legislative framework |
| Nederland | Large discretionary power of judges when sentencing: can take into account when determining the penalty Obliged to consider penalties imposed after the currently prosecuted offence. Recidivism can also be an aggravating circumstance for and an element of certain criminal offences in our Penal Code If felony: increasing 1/3 penalty | Obliged to take in account convictions pronounced for the same offence for which the suspected is prosecuted (ne bis in idem) No special conditions for other offences; they can be taken into consideration in the same way as national convictions. It is not clear whether or not a foreign conviction can prove the element of recidivism in the certain criminal offences mentioned in the other box |

| EFFECTS OF CONVICTIONS | | |
|------------------------|--|--|
| | Do you know “recidivism” in your system? | Can foreign convictions be taken in account? |
| Poland | Yes, as a constituent element/ aggravation of the penalty | No answer |
| Portugal | Yes, different situations and as an aggravation (fixing the minimum increased in 1/3) | Yes, if the offence is also punished in the national law |
| Slovakia | Yes: when sentencing as an aggravation of the penalty. Special rules for dangerous recidivists. | Yes |
| Slovenia | Yes | Yes |
| Spain | Yes, as an aggravation of the penalty When “habitually” as a constituent element | |
| Sweden | Yes, when sentencing/ deciding the execution of the penalty (can influence on the choice of sanctions, number of fines imposed, period of imprisonment, forfeiture of conditional liberty) | Yes |
| UK | Exceptionally, during trial proceedings Yes, when sentencing as an aggravation | Yes |

ANNEX 2

Organisation of a European computerised system for exchanging information on criminal convictions



Note: in this plan, the term "National Authority" designates the authority responsible for the management of national criminal records.

Description

- (1) National authorities "feed" a central database with elements enabling the identification of convicted persons (flow 1 in the above plan). Only the elements enabling the identification of the convicted person (surname, first name, place and date of birth, nationality, and if possible, fingerprints) are communicated, not the content of the criminal record itself. These identifiers are simply alphanumeric. An update mechanism will be foreseen to enable the deletion of obsolete information. Only the Member State which has passed the sentence will "feed" the index. In order to keep the Member State of nationality informed of the sentences passed against one of its nationals in another Member State and to ensure that Member States are still able to obtain the information which is sent to them under the current system, the index could send a specific notification to the Member State of nationality each time a national of this Member State is introduced in the index by another Member State. It will then be up to this Member State to request the appropriate information from the "sentencing" Member State.
- (2) An authority which wishes to know whether a person has a criminal history will consult the database on the basis of the person's name (flow 2 in the above plan). The database will

answer with a simple "hit" and identify in which countries the person has a criminal history (flow 3 in the above plan). The effective operation of this system requires that a conviction be transmitted from one national register only, i.e. the register of the Member State which has passed the sentence.

- (3) Requests for extracts of criminal records are made bilaterally between the authority responsible for criminal records and its counterpart from another Member State, which has been identified as holding information (flow 4 in the above plan). Technically, this request could be generated automatically as soon as a "hit" is identified. These exchanges are structured by creating, within each national authority in charge of the European criminal record, a Criminal Records European Unit (CREU) responsible for these exchanges. Each CREU is dependent on the authority responsible for the management of the national criminal record. In this example, the CREU from country B asks for the extract of the criminal record from the CREU of countries A and C (flow 4 in the above plan), which comply with this request (flow 5 in the above plan). The exchanges between CREUs are supported by the electronic exchange of documents (electronic transmission of scanned documents). In a first phase, the information is transmitted in its national format as is the case currently within the framework of mutual assistance, in accordance with the future Council decision on the exchange of information extracted from the criminal record.⁷
- (4) As soon as a standardised European format, accepted by all the Member States, is established, the CREU of country C will use structured forms (for example by using numerical codes to avoid translation problems), which will enable the CREU of country A to obtain information that it can understand and use with ease.

Advantages

The proposal which has just been described makes it possible to achieve previously identified objectives and constitutes a workable solution both from a legal and technical point of view.

1. **Reliable identification of a person having a criminal record.** The identification of Member States in which a person has a criminal history is based on a simple and tested mechanism. This mechanism will allow the same degree of reliability for all EU citizens and for third country nationals.
2. **Fast and secure exchanges of information.** As from the first phase, it will be possible to obtain within a very short time-frame, exhaustive information on the convictions pronounced against a person on EU territory.
3. **Exchange of information which is comprehensible and can be used.** The creation of a standardised European format, described in the second phase of the proposed solution, will enable end-users to obtain quickly comprehensive information in a European format recognised everywhere. It will moreover reduce considerably the need for translation.
4. **Simplicity and system effectiveness.** The solution makes it possible on the one hand to avoid interrogating each and every national record at each request (it is the central system which is interrogated instead of the national systems) and, moreover, to limit exchanges to

⁷ Once the Commission's proposal for a Council decision on the exchange of information extracted from the criminal record of 13 October 2004 (COM(2004)664) is adopted.

those Member States which have information to communicate by eliminating routine and superfluous requests.

5. **Taking into account the need to protect personal data.** Most of the data protection issues will remain at national level as each national authority will keep control of its criminal record:
 - only the national authority in charge of the criminal record will be able to add information in the central index;
 - only national authorities will be entitled to send requests for information to the index, after verification that the requesting person or authority has the right to have access to this information.
 - national authorities will transmit the information obtained to the requesting person or authority in accordance with their national legislation. This implies for example that they will not transmit the information obtained if they would not have been able, under their national law, to transmit similar national information to the person or authority (e.g. because the retention period in the criminal record has expired, because it is covered by an amnesty or because this information would not have been given to the requesting person or authority under national law).
6. **Limited impact on national legislations.** The first phase will not impact radically on national competences and consequently does not require any heavy mechanism to be implemented. The definition of a "standardised European format" raises more complex legal issues which will need to be addressed in a second phase.
7. **Limited investments.** The re-use of existing infrastructures for information exchanges should limit the necessary investments. It will be enough for each Member State to be connected to the central database (the necessary networks already exist) and to ensure that the central index is updated regularly, in accordance with national law.