



*Brussels, 21.11.2017
C(2017) 7763 final*

*Mr Michael MÜLLER
President of the Bundesrat
Leipziger Straße 3 - 4
D – 10117 BERLIN*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011, {COM(2015) 344 final}.

This proposal forms part of a broader package of ambitious measures designed to improve the Union's security architecture as set out in the European Agenda on Security and the Commission's Communication of 6 April 2016 on Stronger and Smarter Information Systems for Borders and Security¹. It is also part of the legislative priorities for 2017 as agreed by the European Parliament, the Council and the Commission in December 2016 in their joint declaration of 13 December 2016².

The proposal strives to close loopholes in the exchange of information regarding convicted third country nationals. It will establish a centralised system located at the European Agency for the operational management of Large-Scale IT Systems in the area of freedom, security and justice (eu-LISA), providing a search mechanism to identify Member State(s) holding information on a particular convicted third country national. Information on former convictions of persons will lead to better informed and adequate decisions in criminal proceedings and other security relevant fields of decision making.

The Commission welcomes the Bundesrat's broad support for the aims of the proposal. Due note has been taken of the Bundesrat's explanations with regard to the need to not only include pseudonyms and alias names into the system, but also other deviating identity information, such as different transcripts of a third country national's name and surname. Variations in name spelling can indeed lead to misleading responses by the system.

¹ COM 2016) 205 final

² https://ec.europa.eu/priorities/publications/joint-declaration-eus-legislative-priorities-2017_en

Discussions between the Commission and the co-legislators, the European Parliament and the Council, concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future. The Bundesrat's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*