

Report from the Commission to the European Parliament and the Council concerning the exchange through the European Criminal Records Information System (ECRIS) of information extracted from criminal records between the Member States COM (2017) 341.

Final document approved by the Committee on Justice of Italy's Chamber of Deputies

The Committee on Justice of Italy's Chamber of Deputies,

Having examined, pursuant to Rule 127 of the Rules of Procedure of the Chamber of Deputies, the report from the Commission to the European Parliament and the Council concerning the exchange through the European Criminal Records Information System (ECRIS) of information extracted from criminal records between the Member States COM (2017) 341;

Considering that:

The ECRIS system, the purpose of which is to enable EU Member States to share information contained in criminal records, has the potential to become an essential tool for the prevention and control of criminal activity, with particular regard to transnational organised crime and terrorism;

If ECRIS is to express its full potential, however, its operations need to be activated and expanded;

The European Commission is to be commended for complying with the current ECRIS legal framework and providing an up-to-date and precise report on the operations and failings of the system;

The report disclosed that even though all 28 Member States are now connected to ECRIS, just 76% of country-to-country interconnections were established in its first five years of operation. The goal of connecting all Member States and getting them to share information through ECRIS has therefore still not been achieved;

The report notes the rapid increase in the yearly volume of messages exchanged between connected Member States, and further notes that Member States differ considerably in their ECRIS activities and workload, as well as in the type of information they transmit;

We therefore share the European Commission's concern that the failure of some Member States to comply with their commitment under the ECRIS agreement to notify convictions and transmit updates on offenders to the Member State of provenance will enable the offenders to take advantage of the situation and evade the consequences of their criminal past;

Observing that:

As the European Commission points out, the system is underused for the exchange of information on third-country nationals (in 2016 only 10% of all requests were of this type);

This underperformance must be corrected as soon as possible because an efficient mechanism for the exchange of information on criminal offenses relating to third-country nationals active in several Member States can serve as a powerful tool for combating crime and terrorism;

Expresses a favourable opinion, with the following remarks:

- a) Europe must take every initiative to encourage Member States that have not yet established ECRIS interconnections with every other Member State so as to give full rein to the potential of the system;
- b) There must be no delay in the adoption of the European Commission's proposal for a Regulation, submitted along with the report here under consideration, establishing a European Criminal Records Information System on third-party nationals (ECRIS-TCN) for the effective and systematic sharing of information;
- c) European institutions must take all appropriate measures to exhort Member States, including Italy, to use ECRIS more intensely by sending a greater number of requests for information or by systematically responding to all requests from other States.