



EUROPEAN COMMISSION

*Brussels, 16.6.2016  
C(2016) 3748 final*

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the Commission's proposal for a Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records System (ECRIS), and replacing Council Decision 200/316/JHA, {COM(2016) 7 final}.*

*ECRIS is an efficient electronic system connecting Member States and enabling them to efficiently and rapidly exchange criminal record information on persons convicted in the EU.*

*The Commission's proposal aims at improving ECRIS' efficiency with regard to third country nationals. It introduces a mechanism to efficiently identify Member States holding criminal record information on convicted third country nationals. This will lead to Member States using ECRIS more systematically with regard to third country nationals and thus to better informed decisions in court proceedings and other decisions according to national law.*

*The Commission would like to thank the Senat for its support for the proposal. The Commission welcomes the emphasis placed by the Senat on the protection of fundamental rights and the Member States' obligations under their national law.*

*Under the Commission's proposal, data of convicted third country nationals are protected in the same way as data of EU nationals. ECRIS today already contains fundamental rights safeguards applying both to third country nationals and EU nationals. ECRIS facilitates the exchange of criminal record information between Member States. Member States' national law applies also with regard to the points listed under III. b. and c. of the Senat's Opinion.*

*The proposal is currently in the legislative process involving both the European Parliament and the Council.*

*Mr Călin POPESCU-TĂRICEANU  
President of the Senat  
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*The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Věra Jourová  
Member of the Commission*