



Co-funded by the Justice
Programme of the European Union 2014-2020

National experiences in EU Member States : exchanging information in a standardised way and the benefits of extending ECRIS to third country nationals : the case of Belgium

Vincent Cambier



Federal Public Service
Justice

.be

Outline

1. ECRIS central authority in Belgium : the Criminal Record Office
2. Input of the convictions
 - Codifications
 - offences
 - sanctions
 - Connection with the National Register of natural persons
 - Automatic input by the Courts (police courts, 70 % of our source)
3. Actual Use of ECRIS
 - 4 processus
 - Notifications out
 - Notifications in
 - Requests in
 - Requests out
 - Statistics
 - Benefits
 - Areas for improvement
4. The future



1. Central authority in BE

the Criminal Record Office

- Public Federal Service Justice
(not Police)
- Purposes :
 - Originally, to inform the judicial authorities
 - Later, to inform the government services and the citizens
- +/- 2.850.000 files regarding natural persons
- +/- 20.000 files regarding companies



2. Input of the convictions

- Nomenclatures used for the main data
 - offences
 - sanctions
 - jurisdictions
 - ...
- Connection with the National Register of Natural Persons
 - Automatic updating of the personal data registered in the Crim.Rec.
- Automatic input by the Courts
 - realized since 01/2015: police courts (70 % of our source)
 - to come: the other jurisdictions
- +/- 280.000 decisions / year



3. ECRIS in BE

- History
- Current use of ECRIS
 - 4 process:
 - Notifications out
 - Notifications in
 - Requests in
 - Requests out
- Statistics
- Benefits
- Areas of improvement



History

- NJR-project (Network of Judicial Registers)
 - 2003: France-Germany-Spain
 - 2004 : + Belgium
 - development of common nomenclatures
 - offences
 - sanctions



NJR common nomenclature

- Development of a common nomenclature on basis of the list of the the European arrest warrant (Council framework decision of 13 june 2002)



Eur. arrest warrant list

- participation in a criminal organisation,
- terrorism,
- trafficking in human beings,
- sexual exploitation of children and child pornography,
- illicit trafficking in narcotic drugs and psychotropic substances,
- illicit trafficking in weapons, munitions and explosives,
- corruption,
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
- laundering of the proceeds of crime,
- counterfeiting currency, including of the euro,
- computer-related crime,
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
- facilitation of unauthorised entry and residence,
- murder, grievous bodily injury,
- illicit trade in human organs and tissue,
- kidnapping, illegal restraint and hostage-taking,
- racism and xenophobia,
- organised or armed robbery,
- illicit trafficking in cultural goods, including antiques and works of art,
- swindling,
- racketeering and extortion,
- counterfeiting and piracy of products,
- forgery of administrative documents and trafficking therein,
- forgery of means of payment,
- illicit trafficking in hormonal substances and other growth promoters,
- illicit trafficking in nuclear or radioactive materials,
- trafficking in stolen vehicles,
- rape,
- arson,
- crimes within the jurisdiction of the International Criminal Court,
- unlawful seizure of aircraft/ships,
- sabotage



The 100 most registered offences in BE in 2005

	A	B	C	D	E
1	2.2.4.5.	Roulage (y compris les infractions graves)	77.023	1	driving (including serious offences)
2	2.2.4.3.	Intoxication / Ivresse (roulage)	19.148	2	intoxication / drunkenness (driving)
3	2.2.4.7.	Assurance obligatoire	18.996	3	compulsory insurance
4	0.1.2.2.	<i>COUPS ET BLESSURES INVOLONTAIRES (420)</i>	15.794	4	unintentional assault and battery
5	2.2.4.1.	Permis de conduire / Licence d'apprentissage	12.087	5	driving licence
6	2.2.4.6.	Immatriculation des véhicules	10.211	6	registration of vehicles
7	2.2.4.2.	Délit de fuite	8.999	7	hit and run driver
8	2.2.4.8.	Conditions techniques des véhicules	8.970	8	technical conditions of vehicles
9	0.2.1.1.A.	Vol (463)	6.685	9	theft
10	2.3.3.2.	Trafic de stupéfiants, soporifiques, psychotropes	4.409		drugs trafficking, sleeping drugs, psychotropic substances
11	2.3.3.2.	Trafic de stupéfiants, soporifiques, psychotropes - détention	3.481	10	drugs trafficking, sleeping drugs, psychotropic substances - possession
12	0.3.6.7.	<i>FAUX EN ECRITURES (154; 194 - 201; 203 - 212)</i>	2.500	11	forgery in written document
13	0.1.1.2.A.	Coups et blessures volontaires (398)	2.368	12	intentional assault and battery
14	2.2.4.4.	Infraction à une déchéance du droit de conduire	2.274	13	driving despite withdrawal of driving license
15	0.1.1.2.B.	Coups et blessures volontaires ayant causé maladie ou incapacité de travail (399,1)	2.179	14	assault and battery causing a disease or incapacity to work
16	2.3.6.1.A	Ivresse publique	2.058	15	drunk and disorderly
17	0.2.2.5.A.	Escroquerie (496)	1.712	16	swindling
18	0.2.2.7.A.	Recel de choses obtenues à l'aide d'un crime ou d'un délit (505,1)	1.687	17	concealment of things coming from a felony or a misdemeanor
19	0.2.1.2.A.	Vol avec violences ou menaces (468)	1.634	18	theft with acts of violence or threats
20	1.4.1.1.	Armes et munitions	1.619	19	weapons and ammunitions
21	0.3.2.2	<i>MENACES (327 - 330; 331 bis)</i>	1.321	20	threats
22	2.3.3.1.	Stupéfiants, soporifiques, psychotropes, toxiques, ...	1.295	21	drugs trafficking, sleeping drugs, psychotropic substances and toxics
23	0.3.5.1.	<i>REBELLIONS (271 - 272; 274)</i>	1.290	22	rebellions
24	2.2.3.6.B	Transport de personnes par tram, pré-métro, métro, autobus et autocar - défaut de titre de transport valable	1.203	23	transport of persons by tram, pre-underground, underground, bus and country bus
25	2.2.3.6.A.	Transport par route	1.176	24	road transport
26	2.3.3.2.	Trafic de stupéfiants, soporifiques, psychotropes - vente	933	25	drugs trafficking, sleeping drugs, psychotropic substances - sale
27	0.4.	4. AUTRES CONTRAVENTIONS	869		other petty offences
28	2.3.3.2.	Trafic de stupéfiants, soporifiques, psychotropes - trafic	846	26	drugs trafficking, sleeping drugs, psychotropic substances and toxics
29	0.3.5.2.	<i>OUTRAGES (275 - 277; 282)</i>	783	27	contempts
30	2.3.3.1	Stupéfiants, soporifiques, psychotropes, toxiques, ... - usage en groupe	717	28	drugs, sleeping drugs, psychotropic substances, toxics, ... group consumption
31	0.3.2.1.	<i>ASSOCIATION DE MALFAITEURS (323 - 324)</i>	711	29	conspiracy (criminal association)
32	0.2.1.2.B.	Vol surpris en flagrant délit, avec violences ou menaces (469)	702	30	theft "in flagrante delicto" with acts of violence or threats
33	1.1.3.	<i>Etrangers</i>	694	31	Aliens

BE nomenclatures

- Since 1996, the belgian C.R. uses
 - multiple nomenclatures
 - offences
 - sanctions
 - jurisdictions
 - ...
 - structured data
 - dates
- Purposes:
 - automatic extract in one of the 3 national languages (french, dutch, german)
 - automatic generation of every extract (with application of the deletion rules)

ECRIS offence codes list

Code	Categories and sub-categories of offences
0100 00 open category	Crimes within the jurisdiction of the International Criminal Court
0101 00	Genocide
0102 00	Crimes against humanity
0103 00	War crimes
0200 00 open category	Participation in a criminal organisation
0201 00	Directing a criminal organisation
0202 00	Knowingly taking part in the criminal activities of a criminal organisation
0203 00	Knowingly taking part in the non-criminal activities of a criminal organisation
0300 00 open category	Terrorism
0301 00	Directing a terrorist group
0302 00	Knowingly participating in the activities of a terrorist group
0303 00	Financing of terrorism
0304 00	Public provocation to commit a terrorist offence
0305 00	Recruitment or training for terrorism

Current use of ECRIS : 4 processes

- Notification out
 - sending of a registered conviction regarding a person from another MS, to that MS
 - fully automated processing
- Notification in
 - reception from another MS, of a conviction regarding one of our nationals
 - partially automated processing
- Request in
 - request received regarding one of our national
 - transmission of the response
 - partially automated processing
- Request out
 - request sent regarding a person from another MS
 - reception of the response
 - partially automated processing



Current use of ECRIS

Process 1 : notification 'out'

- fully automatic
 - If automated record by the court
 - directly in the belgian CR
 - directly transmitted to the MS
 - conversion of the belgian codes in the ECRIS codes
 - If not automated record by the court
 - record by the CR Office (Brussels)
 - directly transmitted to the MS

Current use of ECRIS

Process 2 : notification 'in'

- partially automated processing
 - automatic reception of the notification (via ECRIS R.I.)
 - manual record of the notification transmitted by ECRIS in the BE C.R., by the CR Office (Brussels)



Current use of ECRIS

Process 3 : request 'in'

- partially automated processing
 - automatic reception of the request (via ECRIS R.I.) regarding one of our nationals
 - the user analyses the request and searches for the person in our C.R.
 - If the person is known in our CR, the user can send the criminal record of the person by copy/paste a 'requestId' reference into our CR application. Via the batch import XML, the information is sent to the requesting MS
 - If the person is unknown in the CR, the user checks first in our National Register of natural persons, to know if the person really is a national
 - If the person is 'really' unknown, the user sends via the RI a message 'person does not exist'

Current use of ECRIS

Process 4 : request 'out'

- Request sent to the C.R. by a belgian authority for an extract of the criminal record of a MS
 - Judicial
 - Government service
 - citizen
- The user enters the request regarding a person in the RI and send it to the relevant MS
- The user waits for the response from the MS and forward it to the requester.
- Remark: here, the difficulty is the different requirements to identify a person by the MS. Some need the father's name, the province, ...
... Data not always available for us



Some issues (1)

- When we respond to an ECRIS-request containing one or several aliases, we include the message “all aliases are checked” in the remarks box at the bottom of the request response message. Some MS have not yet implemented a similar acknowledgement of the presence of aliases
- MS sometimes mix up different data-elements, for example the city of birth and the family name

When there is an **obvious** mix-up in data-elements, for example when we receive a request with the identity BRUSSELS Vincent, born in Cambier, we know what to do...

Some issues (2)

- Sometimes we struggle with incorrect or incomplete data (only a year of birth like 00/00/1968, incorrect spelling of the name, missing data-elements,...)
- Non-computerized records cause some delay in answering the requests
- Use of general codes
 - ECRIS offence code 2700 “other offence”



Some issues (3)

- Deletion of the convictions
 - Some MS send a “pardon”, but the previous conviction with the info that that can be deleted is not transmitted
 - Some MS always send a clear information where it appears that the conviction must be deleted
- Link between the facts and the sanctions not always clear
 - Ex: 1 fine 250 € and 1 fine 400 € for 1 dangerous driving, 2 driving under the influence of alcohol, 1 offence against traffic regulations : no link between the sanctions and the facts
- Sometimes legal terms not clear for the workers in the C.R. office
 - Ex: “end of penalty” : what are the consequences on the registered conviction ?
- Examples of problems

... But we are very much aware of the fact that every MS does everything within its power to ensure the best possible transfer of data...



Process of generating a notification « out »





BE C.R. computer application : screen identity data



conviction bulletin

Date de jugement : 14/04/2016

Pays de juridiction : BEL
BELGIQUE

Statut : COMPLETE
COMPLET

Juges : 1
1 JUGE

Date définitive : 05/09/2016

Juridiction : POAAO
TRIB. POLICE FLANDRE ORIENT. DIV. AALST

N° de jugement : 2016/2734

Degré : 1
1ER DEGRE

Importé de VAJA :

Type de code : M
Nomenclature M

Par défaut :

Date d'établissement : 08/09/2016

CorrelationId : VAJA-20160908120701691-79

PersonId : 672877.1

JudgmentId : 672877

N° de jugement dont opposition :

Date de jugement dont opposition :

Remarque FR :

NL :

DE :

Commentaire de gestion :

Création : 08/09/2016 VAJA

Peines (1)

Peines avec code (1) Peines texte libre [K] (0)

Peine	Année	Mois	Jour	Heures	Montant	Décimes	Sursis partiel	Remarque	Messages de validation
000250E amende	<input type="text"/>	<input type="text"/>	30	<input type="text"/>	40,00	6	Ajouter [U]	F N D. [R]	Le code est valide

Ajouter une peine avec code [G]

Faits (1)

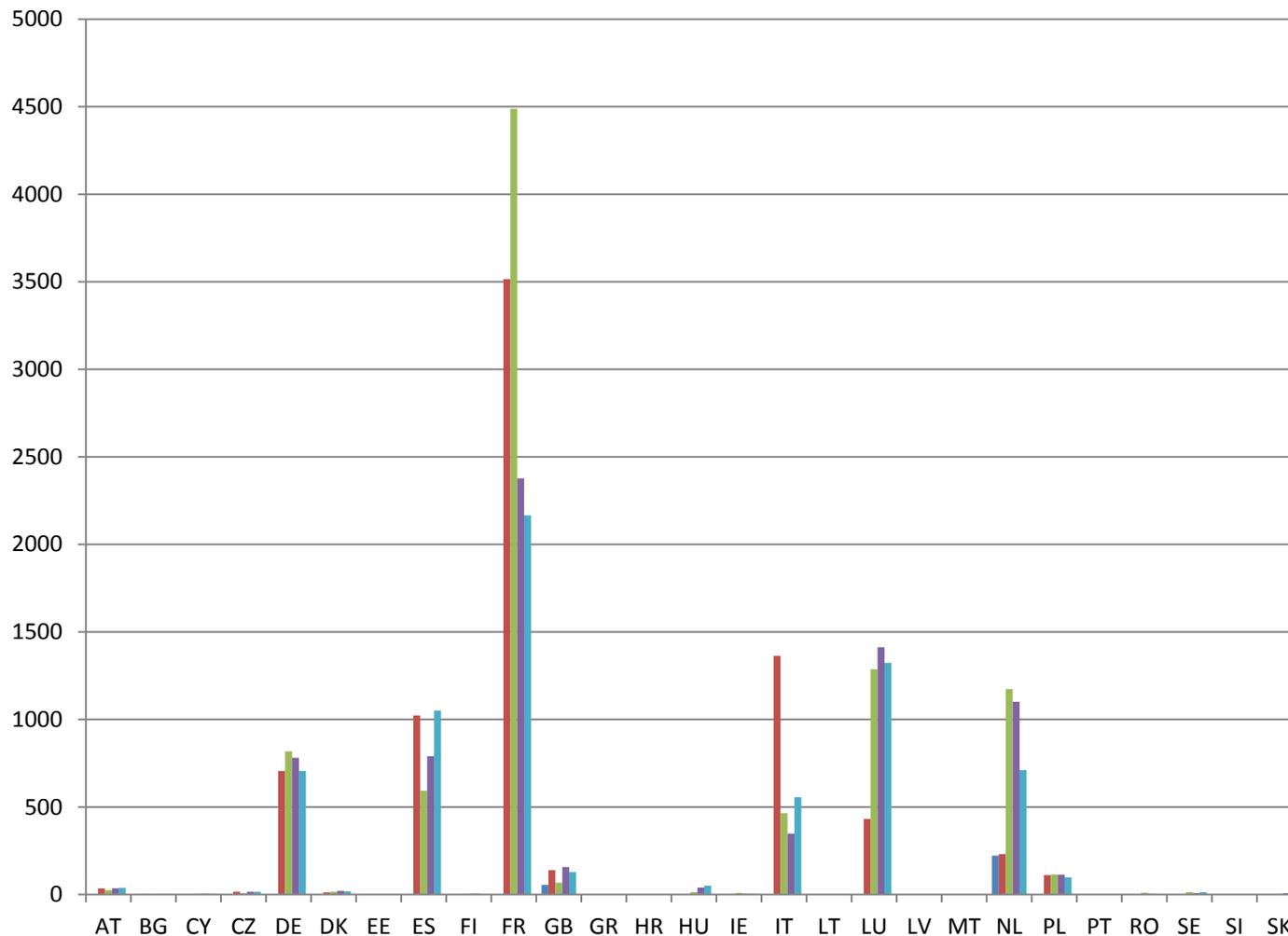
Du	Au	Code postal	Nombre	Codes	Remarque
08/03/2015	<input type="text"/>	9300 ALOST	<input type="text"/>	M0010000007- police de la circulation routière et usage de la voie publique: feu rouge ou flèche rouge	F N D.

Examples of ECRIS notifications « in »





Notifications BE 'in' 2012-2016

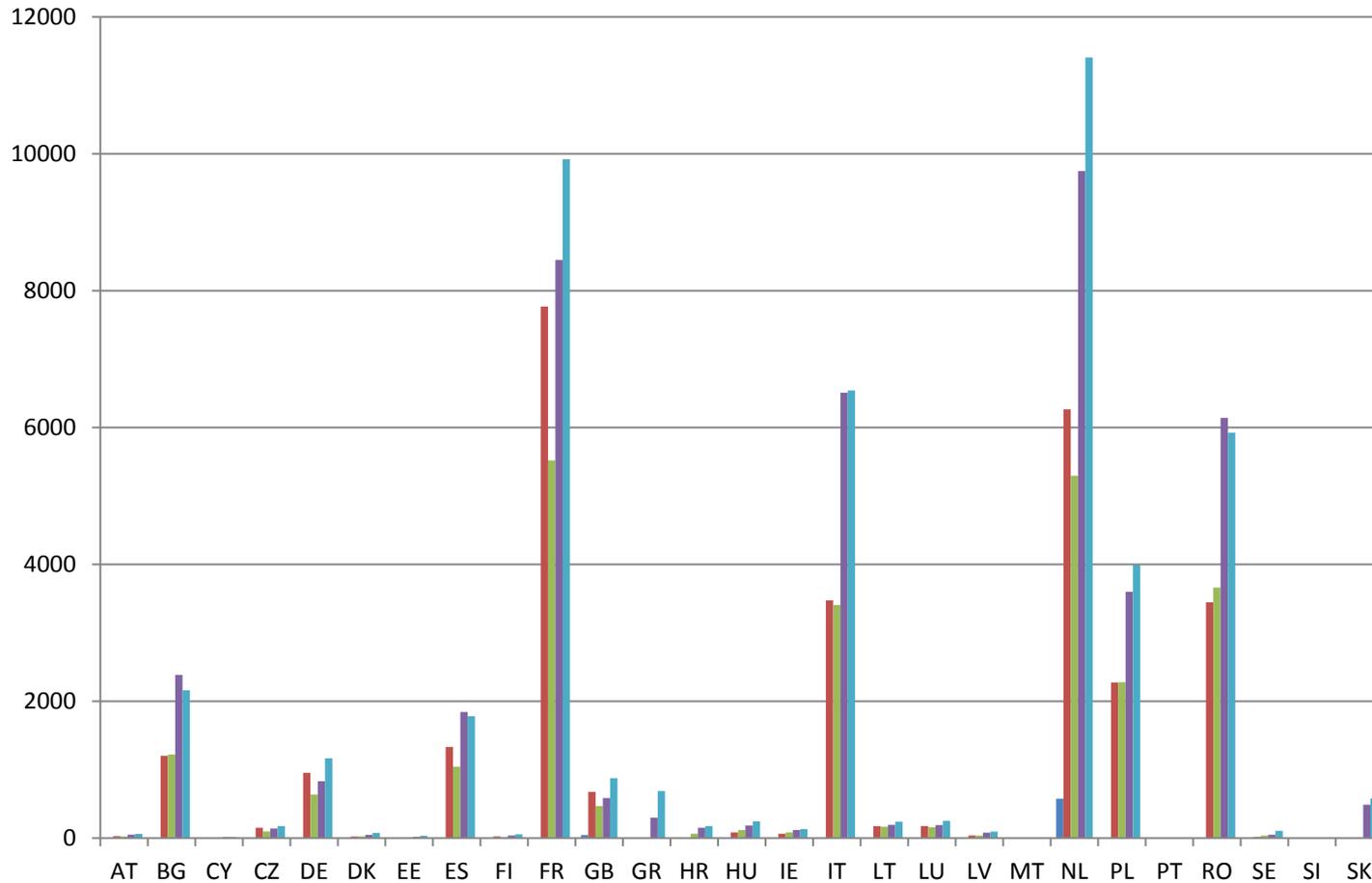


2012: 279
 2013: 7595
 2014: 9113
 2015: 7228
 2016: 6909

 Total: 31.124



Notifications BE 'out' 2012-2016

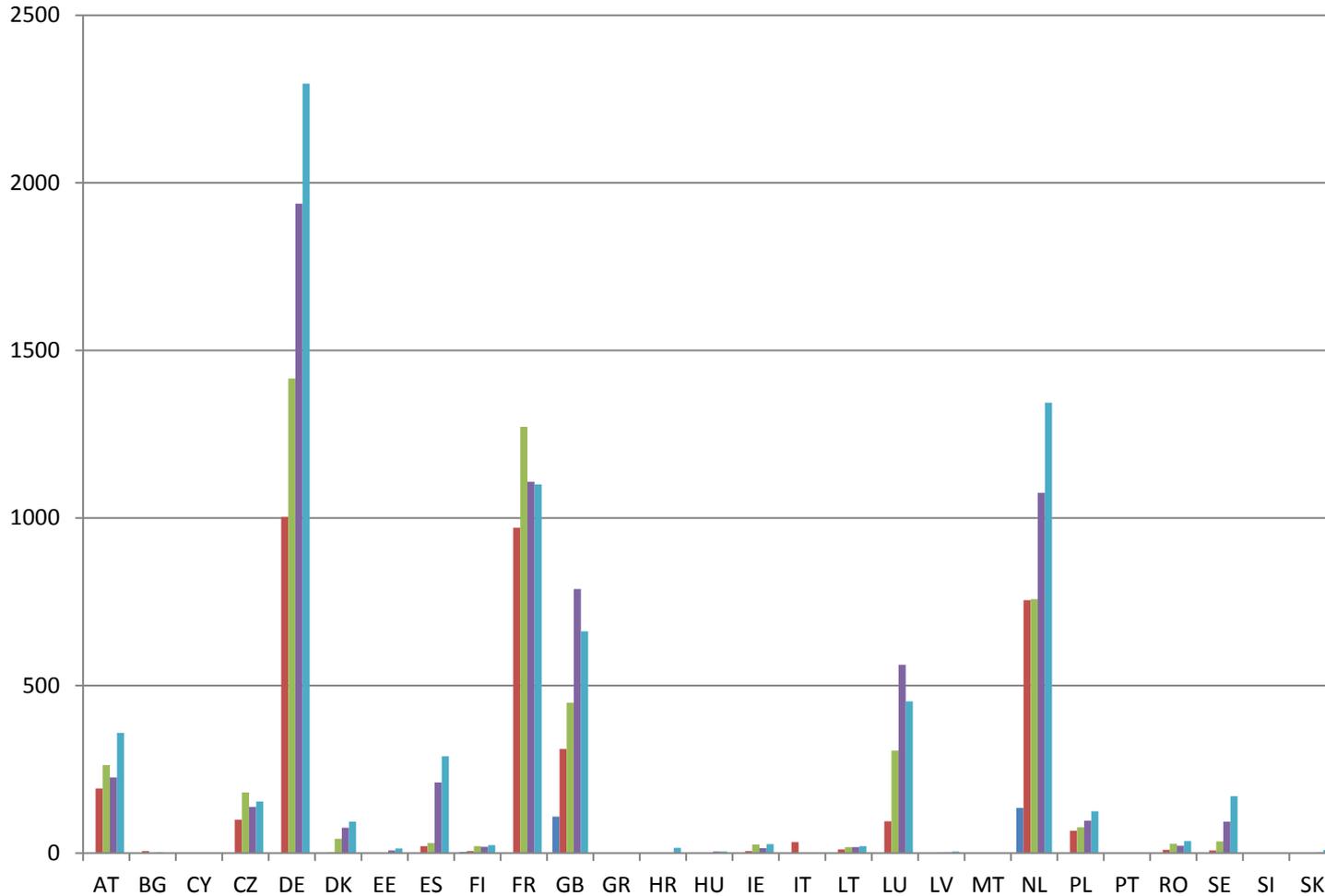


2012: 621
 2013: 28194
 2014: 24381
 2015: 42172
 2016: 46716

 Total: 142.084



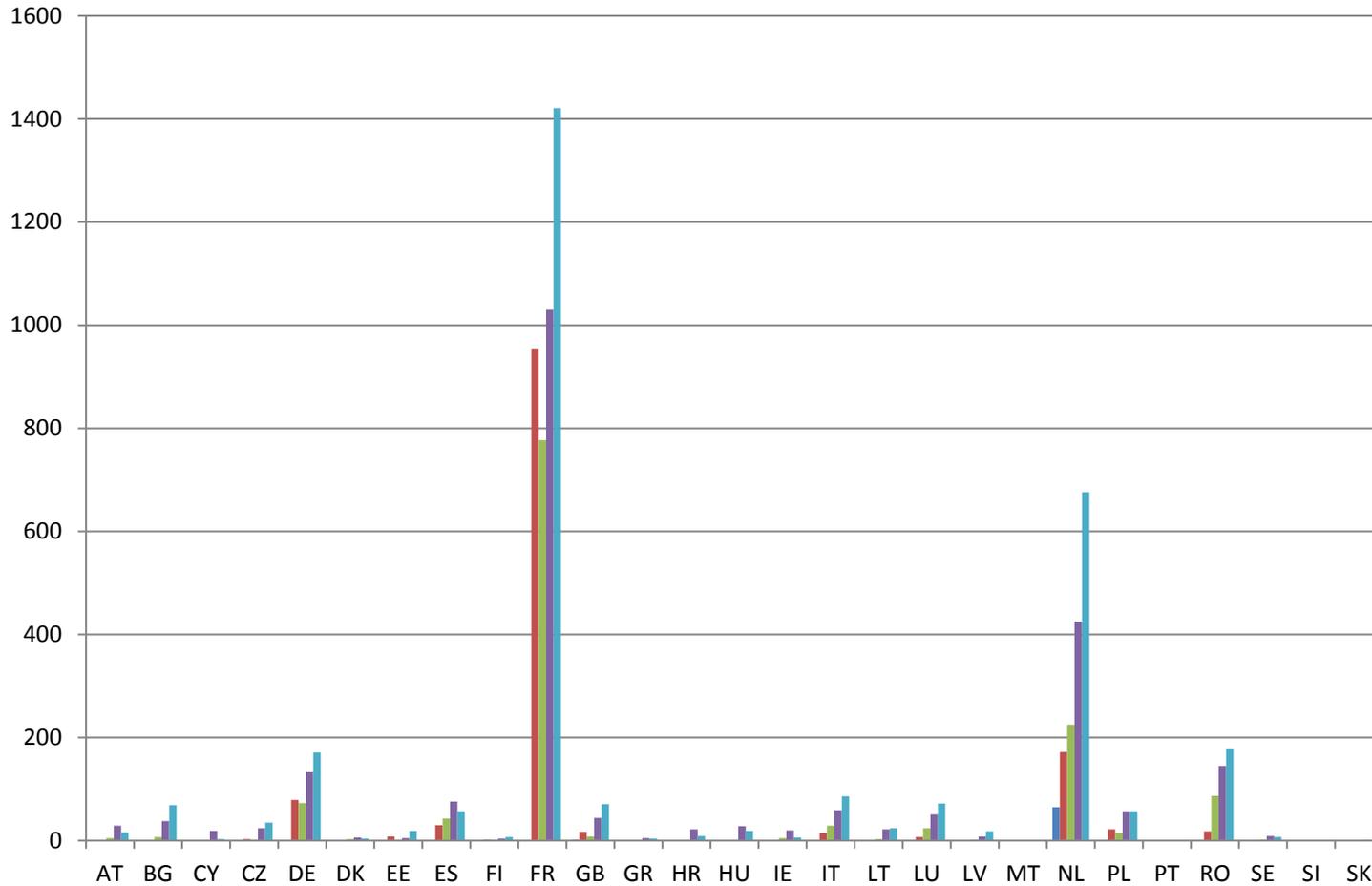
Requests BE 'in' 2012-2016



2012: 248
 2013: 3600
 2014: 4927
 2015: 6409
 2016: 7206
 Total: 22.390



Requests BE 'out' 2012-2016



2012: 67
 2013: 1326
 2014: 1311
 2015: 2260
 2016: 3030

 Total: 7.994



Notifications BE 'out' terrorism 2012-2016

offence	offence code BE	2012	2013	2014	2015	2016
Participation to an activity of a terrorist group, as leader	30209B0000-B01		1			2
Participation to an activity of a terrorist group	30209B0000			2	3	8

... The future



- Belgium pleads for the extension of ECRIS to the TCN's
 - For an equal treatment of the persons
 - For an increased efficiency of the system of exchange
 - Central index

... The future



- Belgium pleads for the generalization of the use of fingerprints
 - for the TCN's
 - for the Europeans
 - solution for the problem of the incorrect identities transmitted between the states
 - purpose: to avoid that an arrested person falls through the cracks !
 - if a person has 2 nationalities: one E.U., and one TCN,...

Thank you for your attention 😊

vincent.cambier@just.fgov.be

