



**COUNCIL OF  
THE EUROPEAN UNION**

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**COPEN 144**

**OUTCOME OF PROCEEDINGS**

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of:	Working Party on Cooperation in Criminal Matters
on:	11 July 2008 and 16-17 July 2008
No prev. doc.:	10122/08 COPEN 110
Subject:	Proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA

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I. INTRODUCTION

On 28 May 2008 the Commission submitted a proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA<sup>1</sup>.

By a letter dated 9 June 2007 the European Parliament was requested to give its opinion on the proposal during its plenary session of 8-9 October 2008.

The proposal is subject to parliamentary scrutiny reservations entered by DK/FI/IE/UK and a general scrutiny reservation entered by EL.

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<sup>1</sup> COM(2008) 332 final, 10122/08 COPEN 110.

The Working Party on Cooperation in Criminal Matter has had a first reading examination of the proposal during its meetings on 11 July 2008 and on 16-17 July 2008.

The main issues raised by the delegations are set out under II below.

The revised text of the proposal resulting from this discussion is set out in the Annex to this note.

In addition, in order to facilitate the discussions on the tables which are annexed to the proposal, the presidency invited delegations to submit written observations in this respect. The contributions should be sent at the latest by **25 August 2008, 17.00 hrs**, to the General Secretariat of the Council ([secretariat.criminal-law@consilium.europa.eu](mailto:secretariat.criminal-law@consilium.europa.eu)) as well as to the Presidency to the attention of Mrs Claire Rocheteau ([claire.rocheteau@diplomatie.gouv.fr](mailto:claire.rocheteau@diplomatie.gouv.fr)).

## II. GENERAL OBSERVATIONS MADE BY THE DELEGATIONS.

The delegations expressed general support to the proposal. The draft is considered as an important step in the process of establishing in the European Union an efficient mechanism of exchange of information extracted from criminal records. It has been underlined that the proposal is a necessary supplement in order to complete work on the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States.<sup>1</sup>

It was also stated that the expected increase in the volume of information exchange as a result of implementation of the Framework Decision is a strong argument in favour of commitment and rapid conclusion of work on this Decision. It will also facilitate the implementation of the Framework Decision on taking into account of convictions in the Member States of the European Union in the course of new criminal proceedings<sup>2</sup>.

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<sup>1</sup> 5968/08 COPEN 21.

<sup>2</sup> Adopted at the JHA Council on 24 July 2008.

The instrument presented by the Commission proposes to develop a decentralized information technology system for the exchange of information extracted from criminal records between Member States (the European Criminal records information System (ECRIS)). The proposal sets out the elements of a standardised format for an envisaged electronic exchange as well as general and technical implementing aspects of the information exchange.

The proposal widely takes account of the pilot project (Network of Judicial Registers (NJR)) launched by several Member States. The participating Member States have developed a system of secure electronic communication allowing for the exchange of information extracted from their criminal records.

Certain specific solutions envisaged by the proposal have also been welcomed, such as the decentralized architecture of the system (based on national criminal records databases and an interconnection software, both operated under the responsibility of the Member State concerned) as well as the use of the annexed tables of categories of offences and sanctions when transmitting the information extracted from criminal records.

As far as the common communication infrastructure is concerned, the majority of delegations were of the opinion that in order to ensure the continuation of the project and its financing at EU level, it is necessary to maintain the responsibility of the Commission for its operation. The proposal to use S-TESTA for the launch of ECRIS has also been generally welcomed.

A number of questions have been raised in relation to the collection and preparation of statistics related to ECRIS. This point may need to be further clarified during the discussions. Some concerns have also been raised in relation to Article 5 and the amount of information which would have to be notified (and updated) by Member States, which could be burdensome.

Among the other major points of discussion is the establishment of the mechanisms of implementation of the present decision. The need for implementing measures – in order to ensure a proper functioning of the ECRIS - has been generally acknowledged by Member States. But several delegations expressed doubts about the advisability of the Comitology procedure proposed by the Commission, in the context of this instrument. The presidency stated it will further reflect on this issue in cooperation with the legal services of the Council and the Commission, in particular in light of the decision of the European Court of Justice of 6 May 2008<sup>1</sup>. This element of the proposal will need to be further examined.

Some further observations made by the delegations are indicated in the footnotes to specific provisions.

## II. OTHER ISSUES

During the meeting of the Working Party on 11 July 2008, the opinion of the European Parliament concerning the proposal for a Council Framework Decision on the organisation and the content of the exchange of information extracted from criminal records between Member States<sup>2</sup>, delivered in the renewed consultation procedure, has also been discussed. The delegations express great interest in the opinion of the European Parliament. However, it has been indicated that as far as the modification to the text of Articles is concerned, agreeing on them could impede the already finalised process of examination of this proposal, on which the general approach has been reached by the Council in June 2007. As far as suggestions made by the European Parliament to the Preamble are concerned, it was recognised that they are indeed already reflected to a great extent in the present text of the Preamble.

Thus, the examination of the proposal has been concluded. The draft Framework Decision will be transmitted to the Jurist Linguist Group in order to prepare the text for adoption.

The proposal for the Council Framework Decision is still subject to parliamentary scrutiny reservations entered by: DK/NL/SE.

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<sup>1</sup> Case 133/08.

<sup>2</sup> P6-TA PROV(2008)0279.

Proposal for a

**COUNCIL DECISION**

**on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 31 and 34(2) (c) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to Article 11 (3) of the Council Framework Decision 2008/XX/JHA on the organisation and content of the exchange of information extracted from criminal records between Member States<sup>3</sup>,

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety in the area of freedom, security and justice. This objective presupposes the systematic exchange between the competent authorities of the Member States of information extracted from national criminal records in a way that would guarantee their common understanding and efficiency of such exchange.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ L [...], [...], p. [...].

- (2) The need to improve the exchange of information on criminal convictions was prioritised in the European Council Declaration on Combating Terrorism of 25 and 26 March 2004 and was subsequently reiterated in the Hague Programme<sup>1</sup> and in the Action Plan<sup>2</sup> on its implementation. Furthermore, computerised interconnection of criminal records at EU level was recognised as a political priority by the European Council in its Conclusions of 21 and 22 June 2007.
- (3) The electronic interconnection of criminal records is part of the E-Justice project, which was acknowledged as a priority by the European Council several times in 2007.
- (4) Information on convictions imposed on nationals by other Member States does not circulate efficiently on the current basis of the Council of Europe Convention on mutual legal assistance in criminal matters of 1959. Therefore, there is a need for more efficient and accessible procedures of exchange of such information at EU level.
- (5) A pilot project is currently being developed with a view to interconnecting the criminal records. Its achievements constitute a valuable basis for the further work on computerised exchange of information at the European level.
- (6) This Decision aims to implement Article 11 of Framework Decision 2008/XX/JHA in order to build and develop a computerised conviction-information exchange system between Member States. Such system should allow the Member State receiving information on conviction to understand it easily. Therefore, a standardised format allowing information to be exchanged in a uniform, electronic and easily computer-translatable way and any other ways of organising and facilitating electronic exchanges of information on convictions between national authorities of Member States should be set up.
- (6a) Nothing in this decision should be understood as preventing Member States or the Commission to turn to private parties' services for the purpose of implementation of this decision and the technical operation of the ECRIS at national level or European level respectively

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<sup>1</sup> OJ C 53, 03.03.2005, p.1.

<sup>2</sup> OJ C 198, 12.8.2005, p. 1.

- (7) The categories of data to be entered into the system, the purposes for which the data is to be entered, the criteria for its entry, the authorities permitted to access the data, and some specific rules on protection of personal data are defined in the Framework Decision 2008/XX/JHA.
- (8) The reference tables of categories of offences and categories of sanctions provided for in the Annexes should facilitate the automatic translation and should enable the mutual understanding of the information transmitted by using a system of codes. The content of the tables is the result of the analysis of the needs of all 27 Member States. That analysis took into account the Pilot Project categorisation and the results of the clustering exercise of various national offences and sanctions. Moreover, in case of the table of offences, it also took into consideration the existing harmonised common definitions on the European and international level as well as the Eurojust and Europol data models. The categories of offences should be interpreted in the light of existing harmonised common definitions, both on the European and international level.
- (9) In order to ensure the mutual understanding and transparency of the common categorisation, each Member State should submit the list of national offences and sanctions falling in each category referred to in the respective table, as well as the list of national criminal courts. Such information should be accessible to national judicial authorities in particular through any available electronic channels.

(9 a) The reference tables of categories of offences and categories of sanctions provided for in Annex are not designed to set up legal equivalences between offences and sanctions existing at national level. They are a tool aimed at helping the recipient to gain better understanding of the facts (s) and type of sanction(s) contained in the information transmitted. It shall not preclude the interpretation of the information by competent authorities.

- (10) The European Criminal Records Information System (ECRIS) is a system based on decentralised information technology architecture. The criminal records data should be stored solely in databases operated by Member States, and there should be no direct online access to criminal records databases of other Member States. Member States should bear the responsibility for the operation of national criminal records databases and for the efficient exchanges of information with their participation. The common communication infrastructure should be initially the S-TESTA network. All the expenditure concerning the common communication infrastructure should be covered by the general budget of the European Union. A common set of protocols allowing the exchange of information between various criminal records databases should be determined in accordance with the Comitology procedure, taking into consideration the achievements of the Pilot Project.
- (11) In order to accelerate the development of ECRIS, the Commission intends to undertake a number of technical measures to assist Member States in preparing the technical infrastructure for connecting their criminal records databases. The Commission may provide appropriate software allowing Member States for this connection, which they may choose to apply instead of their own interconnection software implementing the common set of protocols.
- (12) Since the objective of this Decision is not to harmonise national systems of criminal records there is no obligation for a Member State of conviction to change its internal system of criminal records as regards the use of information for domestic purposes.
- (13) Both reference tables of categories of offences and sanctions, as well the technical standards used for the exchange of information should require constant revision and regular updates. Implementing powers in this respect were therefore delegated to the Commission assisted by a Committee. The regulatory procedure under Community law should apply *mutatis mutandis* for the adoption of measures necessary for the implementation of this Decision.

- (14) Framework Decision 2008/XX/JHA on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters<sup>1</sup> should apply in the context the computerised exchange of information extracted from criminal records of Member States.
- (15) Since the objective of the proposed action, namely the development of a system for the computerised transmission of information on convictions between Member States, cannot be adequately achieved by the Member States unilaterally, and can therefore, by reason of a necessity for a coordinated action in the European Union, be better achieved at the level of the European Union, the Council may adopt measures in accordance with the principle of subsidiarity referred to in Article 2 of the EU Treaty and set out in Article 5 of the EC Treaty . In accordance with the principle of proportionality, as set out in the latter Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (16) This Decision respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

*Subject-matter*

This Decision establishes the European Criminal Records Information System (ECRIS). It also sets up the elements of a standardised format for the electronic exchange of information extracted from national criminal records, in particular as regards information on the offence giving rise to the conviction and information on the content of the conviction, as well as other general and technical implementation aspects related to the organising and facilitating exchanges of information.

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<sup>1</sup> OJ L [...], [...], p. [...].

*Article 2*  
*Definitions*

For the purpose of this Decision, the definitions laid down in Framework Decision 2008/XX/JHA shall apply.

*Article 3*  
*European Criminal Records Information System (ECRIS)*

1. ECRIS is a decentralized information technology (...) system, based on the criminal records databases in each Member State, and also composed of the following elements:
  - (a) (...)
  - (b) an interconnection software built in compliance with the common set of protocols allowing the exchange of information between Member States' criminal records databases;
  - (c) a common communication infrastructure that provides an encrypted network.
2. This decision is not aimed at establishing any centralized criminal records database. (...). All criminal records data shall be solely stored in databases operated by the Member States.
  - 2a The interconnection software and databases storing, sending and receiving information extracted from criminal records shall operate under the responsibility of the Member State concerned.
3. Central authorities of the Member States referred to in Article 3 of Framework Decision 2008/XXX/JHA shall not have direct online access to criminal records databases of other Member States. Best available techniques identified together by Member States with the support of the Commission shall be taken to ensure the confidentiality and integrity of criminal records data sent to other Member States.

- 4<sup>1</sup>. Common communication infrastructure shall be operated under the responsibility of the Commission, and shall fulfill the security prerequisites and thoroughly respond to the needs of the mechanisms of the exchange of information established by this decision. The common communication infrastructure shall be (...) the Trans European Services for Telematics between Administrations (S-TESTA) communications network. Any further developments thereof or any alternative secure network (...) may be made applicable insofar as it ensures that the common communication infrastructure in place responds to the conditions set out in this paragraph.
5. In order to ensure efficient operation of ECRIS, the Commission shall provide general support and technical assistance, including the collection and drawing up of statistics referred to in Article 6(c) and the reference implementation<sup>2</sup>.
6. Notwithstanding the possibility of using the EU financial programmes in accordance with the applicable rules, each Member State (...) shall bear its own costs arising from the implementation, administration, use and maintenance of the national criminal records database and the interconnection software referred to in paragraph 1. The Commission shall bear the costs arising from the implementation, administration, use, maintenance and future developments of the common communication infrastructure of ECRIS, and the implementation and future developments of the reference implementation.

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<sup>1</sup> Scrutiny reservation entered by SE and DE.

<sup>2</sup> What is understood by “reference implementation” may need to be defined further. In the Preamble the following wording is used: "software (the Commission) may undertake in order to assist Member States in preparing the technical infrastructure for connecting their criminal records databases to the common communication infrastructure."

*Article 4<sup>1</sup>*

*Format of transmission of information*

1. When transmitting the information under Article 4(2)-(4) and Article 7 of Framework Decision 2008/XXX/JHA, relating to the name or legal classification of the offence and to the applicable legal provision, Member States shall refer to the code of the sub-category to which each of the offences subject of the transmission corresponds, as provided for in the table of offences in Annex A. (...) By way of exception, where the offence does not correspond to any specific code of sub-category, the code "open category" of the relevant or closest category of offences or, in the absence of the latter, the code "other offences", shall be mentioned.
  
- 1a.<sup>2</sup> Member States may also provide available information relating to the degree of completion and level of participation in the offence and, where applicable, the existence of total or partial exemption from criminal liability.

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<sup>1</sup> In the opinion of some delegations the link which is made in this provision between the two tables annexed to this proposal and the form set out in the annex to the framework decision on the exchange of information extracted from criminal records between the Member States is not sufficiently clear. The modification introduced into this article by the Presidency aims at clarifying this issue.

<sup>2</sup> Some delegations expressed further concerns as to the scope of obligatory information to be provided on the basis of this provision. These delegations considered that the Commission proposal goes beyond the obligation of Article 11 of the Framework decision in respect of the details of information which needs to be provided. In this respect the presidency proposes the amendment which is reflected in paragraph 1a. Accordingly the additional information, which may prove significantly useful to the receiving authority will only need to be transmitted, if available.

2. When transmitting the information under Article 4(2)-(4) and Article 7 of Framework Decision 2008/XXX/JHA, relating to the contents of the conviction, including the sentence as well as any supplementary penalties, security measures and subsequent decisions modifying the enforcement of the sentence, Member States shall refer to the code of the sub-category to which each of the sanctions subject of the transmission corresponds, as provided for in the table of sanctions and measures in Annex B (...). By way of exception, where the sanction does not correspond to any specific code of sub-category, the code "open category" of the relevant or closest category of sanctions or, in the absence of the latter, the code "other sanctions", shall be mentioned.

#### *Article 5*

##### *Information on national convictions, sanctions and measures*

1. The notification referred to in Article 11(5) of Framework Decision 2008/XXX/JHA shall be accompanied by:
  - (a) the list of national offences in each of the categories referred to in the table of offences in Annex A. The list shall include the name or legal classification of the offence and reference to the applicable legal provision. It may also include a short description of the constitutive elements of the offence<sup>1</sup>;
  - (b) the list and description of types of sentences, possible supplementary penalties, security measures and possible subsequent decisions modifying the enforcement of the sentence as defined in national law, in each of the categories referred to in the table of sanctions and measures in Annex B;
  - (c) the list of national criminal courts.

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<sup>1</sup> Some delegations considered that this point exceeds the scope of obligations stemming out from Article 11 of the Framework Decision on the exchange of information from criminal records between the Member States. Some concerns have been raised in relation to the amount of information that would have to be notified (and updated) by Member States, which could be burdensome.

2. Such notifications accompanied by the information referred to in paragraph 1 shall be also transmitted to the Commission.
3. The lists and descriptions referred to in paragraph 1 shall be regularly updated by Member States. Updated information shall be sent to the Commission.
4. The Commission shall make the information referred to in paragraph 1 accessible to national (...) competent<sup>1</sup> authorities, in particular by using any available electronic channels.

### *Article 6*

#### *Implementing measures*

The following implementing measures shall be adopted in accordance with the procedure referred to in Article 7:

- (a) any measures necessary for the technical development and operation of ECRIS, concerning in particular:
  - (i) technical specifications of the exchange, including security requirements, in particular the common set of protocols;
  - (ii) procedures verifying the conformity of the software applications with the technical specifications;
  - (iii) issues related to the common communication infrastructure;
- (b) a manual setting out the procedure for the exchange of information, addressing in particular the modalities of identification of offenders, as well as the common understanding of the categories of offences and sanctions listed in Annexes A and B;

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<sup>1</sup> Modification following the remarks made by IE.

- (c) rules on statistics required for the monitoring of ECRIS and, where necessary, any other statistics relating to the exchange of information extracted from criminal records, and in particular their type and frequency;
- (d) any modifications of Annexes A and B.

## *Article 7*

### *Committee procedure*

1. Where reference is made to this Article, the Commission shall be assisted by a regulatory committee composed of representatives of the Member States and chaired by a representative of the Commission (the "Committee").
2. The Committee shall adopt its rules of procedure.
3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) and (4) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.
4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
5. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament thereof.

6. The Council may act by qualified majority on the proposal, within three months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal on the basis of the Treaty.

If, on the expiry of that period, the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

#### *Article 8*

##### *Report*

1. The Commission services shall regularly publish a report concerning the exchange of information extracted from criminal records between Member States based in particular on the statistics collected by the system, and for the first time, a year after submitting the report referred to in Article 15 (3) of Framework Decision 2008/XX/JHA.
2. The Member States shall provide the Commission with the information necessary to draft the report referred to in paragraph 1.

#### *Article 9*

##### *Implementation and time limits*

1. Member States shall adopt the measures necessary to comply with the provisions of this Decision within the time limit specified in Article 11 (6) of Framework Decision 2008/XX/JHA.
2. Member States shall use the format specified in Article 4 and comply with the ways of organising and facilitating exchanges of information laid down in this Decision from the date referred to in Article 11(5) of Framework Decision 2008/XX/JHA.

*Article 10*

*Date of effect*

This decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

*For the Council*

*The President*

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[...]

**ANNEX A**  
**Common table of offences categories**

<b>Parameters</b>		
<b>Level of completion:</b>	Completed act	Ø
	Attempt	A
<b>Level of participation:</b>	Main perpetrator	Ø
	Aider and abettor	H
	Instigator	I
<b>Exemption from criminal liability:</b>	Insanity or diminished accountability	S

<b>Code</b>	<b>CATEGORIES AND SUB-CATEGORIES OF OFFENCES</b>
<b>0100 00</b> open category	<b>CRIMES WITHIN THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT</b>
0101 00	Genocide
0102 00	Crimes against humanity
0103 00	War crimes
<b>0200 00</b> open category	<b>PARTICIPATION IN A CRIMINAL ORGANISATION</b>
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

<b>0300 00</b> open category	<b>TERRORISM</b>
0301 00	Directing a terrorist group
0302 00	Knowingly participating in the activities of a terrorist group
0303 00	Offences linked to terrorist activities <sup>1</sup>
0304 00	Financing of terrorism
0305 00	Terrorist offences <sup>2</sup>
<b>0400 00</b> open category	<b>TRAFFICKING IN HUMAN BEINGS</b>
0401 00	For the purposes of labour or services exploitation
040200	For the purposes of the exploitation of the prostitution of others or other forms of sexual exploitation
0403 00	For the purposes of organ or human tissue removal
0404 00	For the purpose of slavery, practices similar to slavery or servitude
0405 00	For other purposes
0406 00	For the purposes of labor or services exploitation of a minor
0407 00	For the purposes of the exploitation of the prostitution of minors or other forms of their sexual exploitation
0408 00	For the purposes of organ or human tissue removal of a minor
0409 00	For the purpose of slavery, practices similar to slavery or servitude of a minor

<sup>1</sup> See the proposal for a Council Framework Decision amending Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA).

<sup>2</sup> See the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) and Council of Europe Convention on the Prevention of Terrorism of 16 May 2005.

<b>0500 00</b> open category	<b>FIREARMS, THEIR PARTS AND COMPONENTS, AMMUNITION AND EXPLOSIVES</b>
0501 00	Illicit manufacturing
0502 00	Illicit trafficking at national level
0503 00	Illicit exportation or importation
0504 00	Unauthorised possession or use
<b>0600 00</b> open category	<b>HARM TO THE ENVIRONMENT</b>
0601 00	Destroying or damaging protected fauna and flora species
0602 00	Unlawful discharges of polluting substances or ionising radiation into air, soil or water
0603 00	Offences related to waste, including hazardous waste
0604 00	Offences related to illicit trafficking in protected fauna and flora species or parts thereof
0605 00	Offences related to illicit trafficking in hormonal substances and other growth promoters
0606 00	Offences related to illicit trafficking in nuclear materials or other hazardous radioactive substances
0607 00	Unlawful trading in ozone-depleting substances
0608 00	Unintentional environmental offences
<b>0700 00</b> open category	<b>OFFENCES RELATED TO DRUGS OR PRECURSORS, AND OTHER OFFENCES AGAINST PUBLIC HEALTH</b>
0701 00	Offences related to illicit trafficking in narcotic drugs, psychotropic substances and precursors not exclusively for own personal consumption
0702 00	Illicit consumption of drugs and their acquisition, possession, manufacture or production exclusively for own personal consumption
0703 00	Aiding or inciting others to use narcotic drugs or psychotropic substances illicitly
0704 00	Non- drug related offences against public health other than environmental offences

<b>0800 00</b> open category	<b>CRIMES AGAINST THE PERSON</b>
0801 00	Intentional killing
0802 00	Aggravated cases of intentional killing
0803 00	Unintentional killing (manslaughter )
0804 00	Infanticide
0805 00	Illegal abortion
0806 00	Causing death at the request of a victim
0807 00	Offences related to committing suicide
0808 00	Violence causing death
0809 00	Causing grievous bodily injury, disfigurement or permanent disability
0810 00	Unintentionally causing grievous bodily injury, disfigurement or permanent disability
0811 00	Causing minor bodily injury
0812 00	Unintentionally causing minor bodily injury
0813 00	Exposing to danger of loss of life or grievous bodily injury
0814 00	Torture
0815 00	Failure to offer aid or assistance
0816 00	Offences related to organ or tissue removal without authorisation or consent
0817 00	Offences related to illicit trading in human organs and tissue

<b>0900 00</b> open category	<b>OFFENCES AGAINST PERSONAL LIBERTY , DIGNITY AND OTHER PROTECTED INTERESTS, INCLUDING RACISM AND XENOPHOBIA</b>
0901 00	Kidnapping, illegal restraint
0902 00	Unlawful arrest or detention by public authority
0903 00	Hostage-taking
0904 00	Unlawful seizure of an aircraft or ship
0905 00	Insults, slander, defamation
0906 00	Threats
0907 00	Duress, pressure, harassment or aggression of a psychological or emotional nature
0908 00	Extortion
0909 00	Aggravated extortion
0910 00	Invasion of privacy and offences against protection of personal data
0911 00	Illegal interception of data or communication
0912 00	Discrimination on grounds of gender, race, sexual orientation, religion or ethnic origin
0913 00	Incitement to public racial discrimination
0914 00	Incitement to racial hatred

<b>1000 00</b> open category	<b>SEXUAL OFFENCES</b>
1001 00	Rape
1002 00	Aggravated rape <sup>1</sup> other than rape of a minor
1003 00	Sexual assault
1004 00	Procuring for prostitution or sexual act
1005 00	Indecent exposure
1006 00	Sexual harassment
1007 00	Soliciting by a prostitute
1008 00	Incest
1009 00	Sexual exploitation of children <sup>2</sup>
1010 00	Offences related to indecent images of minors
1011 00	Rape of a minor <sup>3</sup>
1012 00	Sexual assault of a minor <sup>4</sup>
<b>1100 00</b> open category	<b>OFFENCES AGAINST THE FAMILY LAW</b>
1101 00	Domestic violence
1102 00	Bigamy

<sup>1</sup> For example rape with particular cruelty.

<sup>2</sup> Other than incestuous.

<sup>3</sup> Other than incestuous.

<sup>4</sup> Other than incestuous.

1103 00	Evading the alimony or maintenance obligation
1104 00	Neglect or desertion of a minor or a disabled person
1105 00	Failure to comply with an order to produce a minor or removal of a minor
<b>1200 00</b> open category	<b>OFFENCES AGAINST THE STATE, PUBLIC ORDER, COURSE OF JUSTICE OR PUBLIC OFFICIALS</b>
1201 00	Espionage
1202 00	High treason
1203 00	Offences related to elections and referendum
1204 00	Attempt against life or health of the head of State
1205 00	Insult of the State, nation or State symbols
1206 00	Insult or resistance to a representative of public authority
1207 00	Extortion, duress, pressure towards a representative of public authority
1208 00	Assault on a representative of public authority
1209 00	Public order offences, breach of the public peace
1210 00	Violence during sports events
1211 00	Abuse of alcohol or drugs
1212 00	Obstructing or perverting the course of justice, making false allegations, perjury
1213 00	Unlawful impersonation of a person or an authority

<b>1300 00</b> open category	<b>OFFENCES AGAINST PUBLIC PROPERTY OR PUBLIC INTERESTS</b>
1301 00	Tax offences
1302 00	Customs offences
1303 00	Public, social security or family benefit fraud
1304 00	Fraud affecting European benefits or allowances
1305 00	Offences related to illegal gambling
1306 00	Obstructing of public tender procedures
1307 00	Active or passive corruption of a civil servant, a person holding public office
1308 00	Embezzlement, misappropriation or other diversion of property by a public official
1309 00	Abuse of a function
<b>1400 00</b> open category	<b>ECONOMIC AND TRADE RELATED OFFENCES</b>
1401 00	Bankruptcy
1402 00	Embezzlement, concealment of assets or unlawful increase in a company's liabilities
1403 00	Fraudulent insolvency
1404 00	Violation of competition rules
1405 00	Abuse of trust
1406 00	Laundering of the proceeds from crime

1407 00	Active or passive corruption in the private sector
1408 00	Fraud in the private sector <sup>1</sup>
1409 00	Counterfeiting and piracy of industrial or intellectual property products
1410 00	Revealing a secret or breaching an obligation of secrecy
1411 00	'Insider trading'
<b>1500 00</b> open category	<b>OFFENCES AGAINST PROPERTY</b>
1501 00	Theft
1502 00	Aggravated theft
1503 00	Theft after breaking into premises
1504 00	Theft with violence
1505 00	Armed robbery
1506 00	Theft committed by an organised gang
1507 00	Shoplifting
1508 00	Unlawful appropriation
1509 00	Unlawful appropriation or diversion of energy
1510 00	Fraud including swindling
1511 00	Trafficking in stolen vehicles
1512 00	Dealing in stolen goods, other than vehicles
1513 00	Illicit trafficking in cultural goods including antiques and works of art

<sup>1</sup> For example: credit or insurance fraud.

<b>1600 00</b> open category	<b>CAUSING DAMAGE TO GOODS</b>
1601 00	Criminal damage
1602 00	Unlawful destruction of property
1603 00	Sabotage
1604 00	Arson
1605 00	Aggravated arson
1606 00	Intentional destruction of property by fire raising
1607 00	Unintentional destruction of property by fire-raising
<b>1700 00</b> open category	<b>OFFENCES AGAINST INFORMATION SYSTEMS</b>
1701 00	Illegal access to information systems
1702 00	Illegal system interference
1703 00	Illegal data interference
1704 00	Production, possession or trafficking in computer devices or data enabling commitment of computer related offences
<b>1800 00</b> open category	<b>FORGERY OF MEANS OF PAYMENT</b>
1801 00	Counterfeiting or forging currency including the Euro
1802 00	Counterfeiting of non cash means of payment
1803 00	Counterfeiting or forging public fiduciary documents
1804 00	Putting into circulation/ using counterfeited or forged currency, non-cash means of payment or public fiduciary documents
1805 00	Possession of a device for the counterfeiting or forgery of currency or public fiduciary documents

<b>1900 00</b> open category	<b>FALSIFICATION OF PUBLIC OR ADMINISTRATIVE DOCUMENTS OR FALSIFICATION OF A DOCUMENT BY A CIVIL SERVANT OR PUBLIC AUTHORITY</b>
1901 00	Falsification of a public or administrative document by a private individual
1902 00	Falsification of a document by a civil servant or a public authority
1903 00	Supply or acquisition of a forged public or administrative document; supply or acquisition of a forged document by a civil servant or a public authority
1904 00	Using forged public or administrative documents
1905 00	Possession of a device for the falsification of public or administrative documents
<b>2000 00</b> open category	<b>OFFENCES AGAINST TRAFFIC REGULATIONS</b>
2001 00	Dangerous driving
2002 00	Driving over the speed limit
2003 00	Driving under the influence of alcohol or narcotic drugs
2004 00	Driving without a licence or while disqualified
2005 00	Driving without seat belts or child seat
2006 00	Failure to stop after a road accident
2007 00	Avoiding a road check
2008 00	Offences related to road transport, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods
<b>2100 00</b> open category	<b>OFFENCES AGAINST LABOUR LAW</b>
2101 00	Unlawful employment of an EU national
2102 00	Unlawful employment of a third country national

2103 00	Offences relating to remuneration including social security contributions
2104 00	Offences relating to working conditions, health and safety at work
2105 00	Offences relating to access to or exercise of a professional activity
2106 00	Offences relating to working hours and rest time
2107 00	Other offences against rights of the employees, including the right to form and join trade unions
<b>2200 00</b> open category	<b>OFFENCES AGAINST THE MIGRATION LAW</b>
2201 00	Unauthorised entry or residence
2202 00	Facilitation of unauthorised entry and residence
<b>2300 00</b> open category	<b>OFFENCES AGAINST MILITARY OBLIGATIONS</b>
<b>2400 00</b> open category	<b>OTHER OFFENCES</b>

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**ANNEX B**  
**Common table of sanctions categories**

<b>Code</b>	<b>CATEGORIES AND SUB-CATEGORIES OF SANCTIONS</b>
<b>1000</b> open category	<b>DEPRIVATION OF FREEDOM</b>
1001	Imprisonment for adults
1002	Imprisonment for minors
1003	Life imprisonment
<b>2000</b> open category	<b>RESTRICTION OF PERSONAL FREEDOM</b>
2001	Prohibition to frequent some places
2002	Restriction to travel abroad
2003	Prohibition to stay in some places
2004	Prohibition from entry to a mass event
2005	Prohibition to enter in contact with certain persons through whatever means
2006	Placement under electronic surveillance <sup>1</sup>
2007	Obligation to stay in a place
<b>3000</b> open category	<b>PROHIBITION OF A SPECIFIC RIGHT OR CAPACITY</b>
3001	Disqualification from function
3002	Loss / suspension of capacity to hold or to be appointed to public office
3003	Loss / suspension of the right to vote or to be elected

<sup>1</sup> Fixed or mobile placement.

3004	Incapacity to contract with public administration
3005	Ineligibility to obtain public subsidies
3006	Cancellation of the driving licence <sup>1</sup>
3007	Suspension of driving licence
3008	Prohibition to drive certain vehicles
3009	Loss / suspension of the parental authority
3010	Loss / suspension of right to be an expert in court proceedings / witness under oath / juror
3011	Loss / suspension of right to be a legal guardian <sup>2</sup>
3012	Loss / suspension of right of decoration or title
3013	Prohibition to exercise professional, commercial or social activity
3014	Prohibition from working or activity with minors
3015	Obligation to close an establishment
3016	Prohibition to hold or to carry weapons
3017	Withdrawal of a hunting / fishing license
3018	Prohibition to issue cheques or to use payment / credit cards
3019	Prohibition to keep animals
<b>4000</b> open category	<b>PROHIBITION OR EXPULSION FROM TERRITORY</b>
4001	Prohibition from national territory
4002	Expulsion from national territory

<sup>1</sup> Reapplication in order to obtain a new driving licence is necessary.

<sup>2</sup> Legal guardian for a person who is legally incompetent or for a minor.

<b>5000</b> open category	<b>PERSONAL OBLIGATION</b>
5001	Submission to medical treatment
5002	Submission to a social-educational program
5003	Obligation to be under the care / control of the family
5004	Educational measures for minors
5005	Socio-judicial probation
5006	Obligation of training/working
5007	Obligation to provide judicial authorities with specific information
5008	Obligation to publish the judgment
<b>6000</b> open category	<b>PENALTY ON PERSONAL PROPERTY</b>
6001	Confiscation
6002	Demolition
6003	Restoration
<b>7000</b> open category	<b>PLACING IN AN INSTITUTION</b>
7001	Placing in a psychiatric institution
7002	Placing in a detoxification institution
7003	Placing in an educational institution for adults
7004	Placing in an educational institution for minors

<b>8000</b> open category	<b>FINANCIAL PENALTY</b>
8001	Fine
8002	Day-fine <sup>1</sup>
8003	Fine for the benefit of a special recipient <sup>2</sup>
<b>9000</b> open category	<b>WORKING PENALTY</b>
9001	Community service or work
<b>1000</b> open category	<b>MILITARY PENALTY</b>
1001	Loss of military rank <sup>3</sup>
1002	Expulsion from professional military service
1003	Military imprisonment
<b>1100</b> open category	<b>EXEMPTION/ DEFERMENT OF SENTENCE/ PENALTY, WARNING</b>
<b>1200</b> open category	<b>OTHER SANCTIONS</b>

<sup>1</sup> Fine expressed in daily-units.

<sup>2</sup> E.g.: for an institution, association, foundation or a victim.

<sup>3</sup> Military demotion.

<b>Parameters</b>	
<b>ø</b>	Penalty
<b>m</b>	Measure
<b>a</b>	Suspended penalty/ measure <sup>1</sup>
<b>b</b>	Partially suspended penalty/ measure <sup>2</sup>
<b>c</b>	Suspended penalty/ measure with probation/ supervision <sup>3</sup>
<b>d</b>	Partially suspended penalty/ measure with probation/ supervision <sup>4</sup>
<b>e</b>	Conversion of penalty/ measure
<b>f</b>	Alternative penalty/ measure imposed initially in case of non-respect of the principal penalty
<b>g</b>	Revocation of suspended penalty/ measure
<b>h</b>	Subsequent formation of an overall penalty <sup>5</sup>
<b>i</b>	Interruption of enforcement/ postponement of the penalty/ measure <sup>6</sup>
<b>j</b>	Remission of the penalty
<b>k</b>	Remission of the suspended penalty
<b>l</b>	End of penalty

<sup>1</sup> The enforcement of penalty can be avoided.

<sup>2</sup> The enforcement of penalty can be avoided.

<sup>3</sup> The enforcement of penalty can be avoided.

<sup>4</sup> The enforcement of penalty can be avoided.

<sup>5</sup> Situation where a single aggregated penalty covers several criminal acts which have given rise to one or several previous judicial decisions.

<sup>6</sup> The enforcement of penalty cannot be avoided.

<b>n</b>	Pardon
<b>o</b>	Amnesty
<b>p</b>	Release on parole (liberation of a person before end of the sentence under certain conditions)
<b>q</b>	Rehabilitation (deletion of penalty in the criminal record for purposes other than judicial proceedings)

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