

Subsidiary Legislation made under s. 697.

**EXCHANGE OF CRIMINAL RECORDS REGULATIONS  
2014**

**(LN. 2014/226)**

*Commencement*      **1.12.2014**

Amending  
enactments

Relevant current  
provisions

Commencement  
date

**Transposing:**

Framework Decision 2009/315/JHA

Council Decision 2009/316/JHA

**EU Legislation/International Agreements involved:**

European Criminal Records Information System (ECRIS)

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**ARRANGEMENT OF REGULATIONS.**

Regulation

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## **Criminal Procedure and Evidence**

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### **EXCHANGE OF CRIMINAL RECORDS REGULATIONS 2014**

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17. Relationship to other legal instruments.

#### **SCHEDULE 1**

This Schedule reproduces the Annex to the Framework Decision

#### **SCHEDULE 2**

This Schedule reproduces Annex A to the Council Decision

#### **SCHEDULE 3**

This Schedule reproduces Annex B to the Council Decision

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*In exercise of the powers conferred upon him by section 697 of the Criminal Procedure and Evidence Act 2011 and all other enabling powers, and in order to transpose Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States and, in part, Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of article 11 of the Framework Decision 2009/315/JHA, the Minister has made the following Regulations—*

**Title and commencement.**

1. These Regulations may be cited as the Exchange of Criminal Records Regulations 2014 and come into operation on the day of publication.

**Interpretation.**

2. In these Regulations—

“Annex” means the Annex to the Framework Decision, which is set out in Schedule 1 for information purposes only;

“Annex A” means Annex A to the decision, which is set out in Schedule 2 for information purposes only;

“Annex B” means Annex B to the decision, which is set out in Schedule 3 for information purposes only;

“central authority” means the authority or authorities designated by a Member State for the purposes of complying with the Framework Decision, and in the case of Gibraltar shall be construed in accordance with regulation 3;

“conviction” means—

- (a) any final decision of a criminal court against a natural person in respect of a criminal offence, to the extent these decisions are entered in the criminal record of the convicting Member State, and
- (b) in the case of Gibraltar means a conviction which is entered in the conviction register and includes a spent conviction within the meaning of the Criminal Procedure and Evidence Act if it is entered in the conviction register;

“conviction register” means the record of criminal convictions maintained by the Royal Gibraltar Police;

“Council Decision” means Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of article 11 of the Framework Decision 2009/315/JHA, as amended from time to time;

“criminal proceedings” means the pre-trial stage, the trial stage itself and the execution of the conviction;

“criminal record” means the national register or registers recording convictions in accordance with national law, and as regards Gibraltar means the conviction register;

“Framework Decision” means Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States, as amended from time to time; and

“Gibraltarian” means a person registered as such under the Gibraltarian Status Act;

“Member State” means a Member State of the European Union to which the Council Decision and the Framework Decision applies;

“third country” means a State which is not a Member State;

“working day” means a day other than a day which is a Saturday, Sunday, or a bank holiday or public holiday as respectively defined in the Banking and Financial Dealings Act and the Interpretation and General Clauses Act.

**Central Authority in Gibraltar.**

3.(1) The Commissioner of Police is designated as the Central Authority for the purposes of implementing the Framework Decision in Gibraltar.

(2) The Commissioner of Police may discharge his responsibilities under these Regulations through any officer under his command.

**Process upon conviction of a European national.**

4.(1) When entering the details of a conviction handed down by a court in Gibraltar in the conviction register the Commissioner shall ensure that the nationality or nationalities of the convicted person are entered if that person is a national of a Member State.

(2) As soon as possible after a person to whom subregulation (1) applies is convicted, the Commissioner must inform the central authority of another Member State of a conviction and of the details of the conviction handed down in Gibraltar against a national of that Member State.

(3) Where a convicted person has more than one nationality the Commissioner, when acting in accordance with subregulation (2), must inform all the central authorities of the Member States of which the convicted person is known to be a national.

(4) Subregulation (3) applies where the convicted person is a Gibraltarian if he is also a national of a Member State.

(5) Where information on the conviction register is altered or deleted and that information relates to a national of a Member State, the Commissioner shall immediately transmit information on such alteration or deletion to the central authority of that State.

(6) Where information has been provided under subregulations (2) to (5) to another central authority and that central authority, for the purpose of ascertaining whether there is a need to take any measures in that State, requests a copy of the conviction and subsequent measures and any other relevant information relating to the conviction, the Commissioner must provide that information to it.

## **Information to be transmitted by the Central Authority.**

5.(1) Information transmitted pursuant to regulation 4(2) to (5) shall comprise such obligatory, optional and additional information as is further provided for in this regulation.

(2) Transmission of the information set out in this subregulation is obligatory and must be transmitted, unless in any particular case such information is not known to the Commissioner—

- (a) information on the convicted person, including his—
  - (i) full name,
  - (ii) date of birth,
  - (iii) place of birth (town and State),
  - (iv) gender,
  - (v) nationality,

- (vi) previous names (where applicable);
- (b) information on the nature of the conviction, including the-
  - (i) date of conviction,
  - (ii) name of the convicting court,
  - (iii) date on which the decision became final;
- (c) information on the offence giving rise to the conviction, including the-
  - (i) date of the offence underlying the conviction,
  - (ii) name or legal classification of the offence and reference to the applicable legal provision relating to the offence; and
- (d) information on the contents of the conviction, including-
  - (i) the sentence and any supplementary penalties,
  - (ii) security measures,
  - (iii) any subsequent decisions modifying the enforcement of the sentence.

(3) Transmission of the information set out in this subregulation (optional information) must be transmitted only if such information has been entered in the conviction register-

- (a) the convicted person's parents' names;
- (b) the reference number of the conviction;
- (c) the place of the offence; and
- (d) disqualifications arising from the conviction.

(4) Transmission of the information set out in this subregulation (additional information) must be transmitted if available to the Commissioner-

- (a) the convicted person's identity number or type and number of the convicted person's identity document;

- (b) fingerprints which have been taken from the convicted person;
- (c) where applicable the convicted person's use of any pseudonym or alias.

(5) Nothing in subregulations (3) to (5) shall prevent the Commissioner from transmitting any other information relating to a conviction entered in the conviction register.

### **Obligations on storage and accuracy of information.**

6.(1) The Commissioner must, in the case of a Gibraltarian, store the information—

- (a) referred to in regulation 5;
- (b) transmitted pursuant to regulation 4(2) to (5);
- (c) of the type listed in article 11(1)(a) and (b) of the Framework Decision, which it has received from a central authority,

to enable it to be retransmitted in accordance with regulations 8, 9 10 or 11.

(2) The Commissioner may store the information of the type listed in article 11(1)(c) which it has received from a central authority, to enable it to be retransmitted in accordance with regulations 8, 9 10 or 11.

(3) Information stored under subregulation (1) and which relates to a Gibraltarian shall be amended on identical terms to the notification of alteration or deletion which the Commissioner receives pursuant to article 4(3) of the Framework Decision.

(4) Retransmission of information to which subregulation (1) applies is not permitted if that information has not been amended in the manner provided for in subregulation (3).

### **Requests for information on convictions.**

7.(1) The Commissioner may submit a request to a central authority for information and related data to be extracted from the criminal record of that State, for the purposes of—

- (a) criminal proceedings; or
- (b) any purposes other than criminal proceedings.

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(2) The Commissioner may, subject to any provision made in any other enactment, make a request under subregulation (1) if he receives a request from a person who is or was—

- (a) a Gibraltarian or a resident of Gibraltar; or
- (b) a national or a resident of the Member State to which the request is to be made,

and that person seeks information on his own criminal record.

(3) If a person, who is not a Gibraltarian, requests information on his own criminal record, the Commissioner shall submit a request to the central authority of the Member State of the person's nationality for information and related data to be extracted from the criminal record in order to be able to include such information and related data in the extract to be provided to the person concerned, and subregulation (2) shall not apply to such a person.

(4) Requests under this regulation shall be made using the form set out in the Annex.

**Replies to requests for information - criminal.**

8.(1) When the Commissioner receives a request pursuant to article 6 of the Framework Decision from a central authority of the Member State of the person's nationality for the purposes of criminal proceedings, the Commissioner shall transmit to the requesting central authority information on—

- (a)
  - (i) convictions handed down in Gibraltar and entered in the conviction register, if the person is a Gibraltarian, or
  - (ii) convictions handed down in the Member State of the person's nationality and entered in the criminal record;
- (b) any conviction handed down against the person in a Member State and transmitted to the Commissioner after 1 December 2014 in accordance with the article 4 of the Framework Decision and stored in accordance with regulation 6;
- (c) any convictions handed down in third countries and transmitted to the Commissioner and entered in the conviction register.

(2) The reply to a request made pursuant to article 6 of the Framework Decision shall be made using the form set out in the Annex and shall be accompanied by a list of convictions.



**Replies to requests for information - non-criminal.**

9.(1) When information relating to a Gibraltar and contained in the conviction register is requested from the Commissioner under article 6 of the Framework Decision for any purposes other than that of criminal proceedings, the Commissioner shall in respect of convictions handed down in Gibraltar and of convictions handed down in countries which are not Member States, which have been subsequently transmitted to him and entered in the conviction register, reply in accordance with any applicable law.

(2) Information on convictions handed down in a Member State which have been transmitted to the Commissioner shall in accordance with the law of Gibraltar be transmitted to the requesting Member State where the information has been stored in accordance with regulation 6(1) and (3) and has been entered in the conviction register.

(3) Where the central authority of the Member State transmitted information to the Commissioner in respect of which it has stated that such information may not be retransmitted for any purposes other than that of criminal proceedings, the Commissioner shall, in respect of such information, inform the requesting Member State which Member State had transmitted such information, so as to enable the requesting Member State to submit a request directly to the convicting Member State in order to receive information on these convictions.

(4) The reply to a request made pursuant to article 6 of the Framework Decision shall be made using the form set out in the Annex and shall be accompanied by a list of convictions.

**Replies to requests for information - non-EU countries.**

10.(1) Where a country which is not a Member State requests information on convictions from the conviction register, Commissioner may, in respect of convictions transmitted to him by a central authority, reply only within the limitations applicable to the transmission of information to other Member States and set out in regulations 8 and 9.

(2) The reply to a request made pursuant subregulation (1) shall be made using the form set out in the Annex and shall be accompanied by a list of convictions.

**Replies to requests for information - EU country, but not the country of the person's nationality.**

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11.(1) Where a central authority requests information on the convictions of a person who is not a Gibraltarian, the Commissioner must transmit information on—

- (a) convictions handed down against the person in Gibraltar;
- (b) convictions handed down against non-European nationals; and
- (c) convictions handed down against stateless persons,

contained in the register of convictions to the same extent as provided for in article 13 of the European Convention on Mutual Assistance in Criminal Matters.

(2) The reply to a request made pursuant subregulation (1) shall be made using the form set out in the Annex and shall be accompanied by a list of convictions.

**Deadlines for replies.**

12.(1) Subject to subregulation (2), replies to the requests referred to in article 6(1) of the Framework Decision shall be transmitted by the Commissioner to the central authority of the requesting Member State immediately and in any event within a period not exceeding 10 working days from the date the request was received.

(2) If the Commissioner requires further information to identify the person involved in the request, it shall immediately consult the requesting Member State with a view to providing a reply within 10 working days from the date the additional information is received.

(3) Replies to the request referred to in article 6(2) of the Framework Decision shall be transmitted to the central authority of the requesting Member State within 20 working days from the date the request was received.

**Conditions for the use of personal data.**

13.(1) Subject to subregulation (3), personal data provided to the Commissioner under article 7(1) and (4) of the Framework Decision for the purposes of criminal proceedings may be used by him and by any person or body in Gibraltar only for the purposes of the criminal proceedings for which it was requested, as specified in the form set out in the Annex to the Framework Decision, which is set out in Schedule 1 for information purposes.

(2) Subject to subregulation (3), personal data provided to the Commission under article 7(2) and (4) of the Framework Decision for any purposes other than that of criminal proceedings may be used by him and any person or body within Gibraltar only for the purposes for which it was requested and within the limits specified by the requested Member State in the form set out in the Annex.

(3) Notwithstanding subregulations (1) and (2), personal data provided under article 7(1), (2) and (4) may be used by the Commissioner and any person or body in Gibraltar for preventing an immediate and serious threat to public security.

(4) In relation to personal data received from a Member State under article 4 of the Framework Decision, if transmitted to a third country in accordance with regulation 10, the Commissioner shall—

- (a) take the necessary measures to ensure that such personal data is subject to the same usage limitations as those applicable in a requesting Member State in accordance with subregulation (2); and
- (b) specify that personal data, if transmitted to a third country in accordance with regulation 10 for the purposes of criminal proceedings, may be further used by that third country only for the purposes of criminal proceedings.

(5) This regulation does not apply to personal data obtained by the Commissioner under the Framework Decision and originating from within Gibraltar.

## **Language.**

14. The Commissioner shall accept requests under article 6(1) of the Framework Decision if they are in English.

## **Further rules relating to the format of transmission of information – legal classification.**

15.(1) Subject to subsection (2), when transmitting information in accordance with regulations 4(2), (3), (4), (5), 8, 9, 10 or 11, relating to the name or legal classification of the offence and to the applicable legal provisions, the Commissioner must refer to the corresponding code for each offence referred to in the transmission, as provided for in the table of offences in Annex A.

(2) By way of exception to subregulation (1), where the offence does not correspond to a specific subcategory, the Commissioner must use the ‘open

category' code of the relevant or closest category of offence, or in absence of the latter, the 'other offences' code for the particular offence.

(3) The Commissioner may also provide available information relating to the level of completion and level of participation in the offence, and where applicable, to the existence of total or partial exemption from criminal responsibility or to recidivism.

**Further rules relating to the format of transmission of information – content of the conviction.**

16.(1) Subject to subsection (2), when transmitting information in accordance with regulations 4(2), (3), (4), (5), 8, 9, 10 or 11, relating to the contents of the conviction (sentence and supplementary provisions), security measures and subsequent decisions modifying the enforcement of the sentence, the Commissioner must refer to the corresponding code for each penalty and measure referred to in the transmission, as provided for in Annex B.

(2) By way of exception to subregulation (1), when the penalty or measure does not correspond to a specific subcategory the Commissioner must use the 'open category' code of the relevant or closest category of penalty, or in absence of the latter, the 'other penalties and measures' code for the particular penalty or measure, as provided for in Annex B.

(3) The Commissioner shall also provide, where applicable, available information relating to the nature and conditions of execution of the penalty or measure imposed as provided for in the parameters of Annex B.

(4) In complying with subregulation (3), the parameter 'non-criminal ruling' must only be indicated in cases where information on such a ruling is provided on a voluntary basis by the central authority of the Member State of nationality of the convicted person, and in the case of a Gibraltarian by the Commissioner, when replying to a request for information on convictions.

**Relationship to other legal instruments.**

17.(1) In relations as between Gibraltar and Member States the Framework Decision supplements the provisions of article 13 of the European Convention on Mutual Assistance in Criminal Matters, its additional Protocols of 17 March 1978 and 8 November 2001, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and its Protocol of 16 October 2001.

(2) In relations as between Gibraltar and the Member States the Framework Decision replaces article 22 of the European Convention on

Mutual Assistance in Criminal Matters, as supplemented by article 4 of the additional Protocol of 17 March 1978.

(3) These regulations shall not affect the application of more favourable provisions provided in any bilateral or multilateral agreements which are extended to or which apply to Gibraltar and any Member States.

**SCHEDULE 1**

This Schedule reproduces the Annex to the Framework Decision

Form referred to in articles 6, 7, 8, 9 and 10 of the Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States

**Request for information extracted from the criminal record**

**Members States are to consult the Manual of Procedures for assistance in filling in this form correctly**

(a) Information on the requesting Member State:

Member State:

Central authority(ies):

Contact person:

Telephone (with STD code):

Fax (with STD code):

E-mail address:

Correspondence address:

File reference, if known:

(b) Information on the identity of the person concerned by the request (\*):

Full name (forenames and all surnames)

Previous names:

Pseudonym and/or alias, if any: Gender: M  F

Nationality:

Date of birth (in figures: dd/mm/yyyy):

Place of birth (town and State):

Father's name:

Mother's name:

Residence or known address:

Person's identity number or type and number of the person's identification document:

Fingerprints:

Other available identification information:

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(\*) To facilitate the identification of the person as much information as possible is to be provided.

(c) Purpose of the request:

Please tick the appropriate box

(1)  criminal proceedings (please identify the authority before which the proceedings are pending and, if available, the case reference number).....  
.....  
.....

(2)  request outside the context of criminal proceedings (please identify the authority before which the proceedings are pending and, if available, the case reference number, while ticking the relevant box):

(i)  from a judicial authority .....  
.....  
.....

(ii)  from a competent administrative authority .....  
.....  
.....

(iii)  from the person concerned for information on own criminal record  
.....  
.....

Purpose for which the information is requested:

Requesting authority:

the person concerned does not consent for this information to be divulged (if the person concerned was asked for its consent in accordance with the law of the requesting Member State).

Contact person for any further information needed:

Name:

Telephone:

E-mail address:

Other information (e.g. urgency of the request):

**Reply to the request**

Information relating to the person concerned

Please tick the appropriate box

The undersigned authority confirms that:

there is no information on convictions in the criminal record of the person concerned

there is information on convictions entered in the criminal record of the person concerned; a list of convictions is attached

there is other information entered in the criminal record of the person concerned; such information is attached(optional)

there is information on convictions entered in the criminal record of the person concerned but the convicting Member State intimated that the information about these convictions may not be retransmitted for any purposes other than that of criminal proceedings. The request for more information may be sent directly to ..... (please indicate the convicting Member State)

in accordance with the national law of the requested Member State, requests made for any purposes other than that of criminal proceedings may not be dealt with.



Contact person for any further information needed:

Name:

Telephone:

E-mail address:

Other information (limitations of use of the data concerning requests outside the context of criminal proceedings):

Please indicate the number of pages attached to the reply form:

\_\_\_\_\_

Done at

On

Signature and official stamp (if appropriate):

Name and position/organisation:

If appropriate, please attach a list of convictions and send the complete package to the requesting Member State. It is not necessary to translate the form or the list into the language of the requesting Member State.

\_\_\_\_\_

## SCHEDULE 2

This Schedule reproduces Annex A to the Council Decision

**Common table of offences categories referred to in article 4**

<b>Parameters</b>		
Level of completion:	Completed act	C
	Attempt or preparation	A
	Non-transmitted element	∅
Level of participation:	Perpetrator	M
	Aider and abettor or instigator/organiser, conspirator	H
	Non-transmitted element	∅
Exemption from criminal responsibility:	Insanity or diminished responsibility	S
<b>Recidivism</b>		R
Code	Categories and sub-categories of offences	
0100 00open category	<b>Crimes within the jurisdiction of the International Criminal Court</b>	
0101 00	Genocide	
0102 00	Crimes against humanity	
0103 00	War crimes	
0200 00open 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	
0300 00open category	<b>Terrorism</b>	

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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
0400 00open category	<b>Trafficking in human beings</b>
0401 00	Trafficking in human beings for the purposes of labour or services exploitation
0402 00	Trafficking in human beings for the purposes of the exploitation of the prostitution of others or other forms of sexual exploitation
0403 00	Trafficking in human beings for the purposes of organ or human tissue removal
0404 00	Trafficking in human beings for the purpose of slavery, practices similar to slavery or servitude
0405 00	Trafficking in human beings for the purposes of labour or services exploitation of a minor
0406 00	Trafficking in human beings for the purposes of the exploitation of the prostitution of minors or other forms of their sexual exploitation
0407 00	Trafficking in human beings for the purposes of organ or human tissue removal of a minor
0408 00	Trafficking in human beings for the purpose of slavery, practices similar to slavery or servitude of a minor
0500 00open category	<b>Illicit trafficking <sup>(1)</sup> and other offences related to weapons, firearms, their parts and components, ammunition and explosives</b>
0501 00	Illicit manufacturing of weapons, firearms, their parts and components, ammunition and explosives

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0502 00	Illicit trafficking of weapons, firearms, their parts and components ammunition and explosives at national level <sup>(2)</sup>
0503 00	Illicit exportation or importation of weapons, firearms, their parts and components, ammunition and explosives
0504 00	Unauthorised possession or use of weapons, firearms, their parts and components, ammunition and explosives
0600 00open category	<b>Environmental crime</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 <sup>(1)</sup> in protected fauna and flora species or parts thereof
0605 00	Unintentional environmental offences
0700 00open category	<b>Offences related to drugs or precursors, and other offences against public health</b>
0701 00	Offences related to illicit trafficking <sup>(3)</sup> 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	Manufacture or production of narcotic drugs not exclusively for personal consumption
0800 00open category	<b>Crimes against the person</b>
0801 00	Intentional killing

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0802 00	Aggravated cases of intentional killing (4)
0803 00	Unintentional killing
0804 00	Intentional killing of a new-born by his/her mother
0805 00	Illegal abortion
0806 00	Illegal euthanasia
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 trafficking (3) in human organs and tissue
0818 00	Domestic violence or threat
0900 00open category	<b>Offences against personal liberty, dignity and other protected interests, including racism and xenophobia</b>
0901 00	Kidnapping, kidnapping for ransom, illegal restraint
0902 00	Unlawful arrest or deprivation of liberty by public authority
0903 00	Hostage-taking
0904 00	Unlawful seizure of an aircraft or ship

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0905 00	Insults, slander, defamation, contempt
0906 00	Threats
0907 00	Duress, pressure, stalking, harassment or aggression of a psychological or emotional nature
0908 00	Extortion
0909 00	Aggravated extortion
0910 00	Illegal entry into private property
0911 00	Invasion of privacy other than illegal entry into private property
0912 00	Offences against protection of personal data
0913 00	Illegal interception of data or communication
0914 00	Discrimination on grounds of gender, race, sexual orientation, religion or ethnic origin
0915 00	Public incitement to racial discrimination
0916 00	Public incitement to racial hatred
0917 00	Blackmail
1000 00open category	<b>Sexual offences</b>
1001 00	Rape
1002 00	Aggravated rape <sup>(5)</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	Sexual exploitation of children
1009 00	Offences related to child pornography or indecent images of minors
1010 00	Rape of a minor

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1011 00	Sexual assault of a minor
1100 00open category	<b>Offences against family law</b>
1101 00	Illicit sexual relations between close family members
1102 00	Polygamy
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
1200 00open 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 or threat on a representative of public authority
1209 00	Public order offences, breach of the public peace
1210 00	Violence during sports events
1211 00	Theft of public or administrative documents
1212 00	Obstructing or perverting the course of justice, making false allegations in the course of criminal or judicial proceedings, perjury
1213 00	Unlawful impersonation of a person or an authority
1214 00	Escape from lawful custody

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1300 00open category	<b>Offences against public property or public interests</b>
1301 00	Public, social security or family benefit fraud
1302 00	Fraud affecting European benefits or allowances
1303 00	Offences related to illegal gambling
1304 00	Obstructing of public tender procedures
1305 00	Active or passive corruption of a civil servant, a person holding public office or public authority
1306 00	Embezzlement, misappropriation or other diversion of property by a public official
1307 00	Abuse of a function by a public official
1400 00open category	<b>Tax and customs offences</b>
1401 00	Tax offences
1402 00	Customs offences
1500 00open category	<b>Economic and trade related offences</b>
1501 00	Bankruptcy or fraudulent insolvency
1502 00	Breach of accounting regulation, embezzlement, concealment of assets or unlawful increase in a company's liabilities
1503 00	Violation of competition rules
1504 00	Laundering of proceeds from crime
1505 00	Active or passive corruption in the private sector
1506 00	Revealing a secret or breaching an obligation of secrecy
1507 00	'Insider trading'
1600 00open category	<b>Offences against property or causing damage to goods</b>
1601 00	Unlawful appropriation
1602 00	Unlawful appropriation or diversion of energy



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1603 00	Fraud, including swindling
1604 00	Dealing in stolen goods
1605 00	Illicit trafficking <sup>(6)</sup> in cultural goods, including antiques and works of art
1606 00	Intentional damage or destruction of property
1607 00	Unintentional damage or destruction of property
1608 00	Sabotage
1609 00	Offences against industrial or intellectual property
1610 00	Arson
1611 00	Arson causing death or injury to persons
1612 00	Forest arson
1700 00open category	<b>Theft offences</b>
1701 00	Theft
1702 00	Theft after unlawful entry into property
1703 00	Theft, using violence or weapons, or using threat of violence or weapons against person
1704 00	Forms of aggravated theft which do not involve use of violence or weapons, or use of threat of violence or weapons, against persons.
1800 00open category	<b>Offences against information systems and other computer-related crime</b>
1801 00	Illegal access to information systems
1802 00	Illegal system interference
1803 00	Illegal data interference
1804 00	Production, possession, dissemination of or trafficking in computer devices or data enabling commission of computer-related offences
1900 00open category	<b>Forgery of means of payment</b>
1901 00	Counterfeiting or forging currency, including the euro

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1902 00	Counterfeiting of non-cash means of payment
1903 00	Counterfeiting or forging public fiduciary documents
1904 00	Putting into circulation/using counterfeited or forged currency, non-cash means of payment or public fiduciary documents
1905 00	Possession of a device for the counterfeiting or forgery of currency or public fiduciary documents
2000 00open category	<b>Falsification of documents</b>
2001 00	Falsification of a public or administrative document by a private individual
2002 00	Falsification of a document by a civil servant or a public authority
2003 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
2004 00	Using forged public or administrative documents
2005 00	Possession of a device for the falsification of public or administrative documents
2006 00	Forgery of private documents by a private individual
2100 00open category	<b>Offences against traffic regulations</b>
2101 00	Dangerous driving
2102 00	Driving under the influence of alcohol or narcotic drugs
2103 00	Driving without a licence or while disqualified
2104 00	Failure to stop after a road accident
2105 00	Avoiding a road check
2106 00	Offences related to road transport
2200 00open category	<b>Offences against labour law</b>
2201 00	Unlawful employment

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2202 00	Offences relating to remuneration, including social security contributions
2203 00	Offences relating to working conditions, health and safety at work
2204 00	Offences relating to access to or exercise of a professional activity
2205 00	Offences relating to working hours and rest time
2300 00open category	<b>Offences against migration law</b>
2301 00	Unauthorised entry or residence
2302 00	Facilitation of unauthorised entry and residence
2400 00open category	<b>Offences against military obligations</b>
2500 00open category	<b>Offences related to hormonal substances and other growth promoters</b>
2501 00	Illicit importation, exportation or supply of hormonal substances and other grown promoters
2600 00open category	<b>Offences related to nuclear materials or other hazardous radioactive substances</b>
2601 00	Illicit importation, exportation, supply or acquisition of nuclear or radioactive materials
2700 00open category	<b>Other offences</b>
2701 00	Other intentional offences
2702 00	Other unintentional offences

(1) Unless otherwise specified in this category, 'trafficking' means import, export, acquisition, sale, delivery, movement or transfer.

(2) For the purpose of this sub-category trafficking includes acquisition, sale, delivery, movement or transfer.

(3) For the purpose of this sub-category trafficking includes import, export, acquisition, sale, delivery, movement or transfer.

(4) For example: particularly grave circumstances.

(5) For example rape with particular cruelty.

(6) Trafficking includes import, export, acquisition, sale, delivery, movement or transfer.

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## SCHEDULE 3

This Schedule reproduces Annex B to the Council Decision

**Common table of penalties and measures categories referred to in article 4**

Code	Categories and sub-categories of offences
1000 open category	<b>Deprivation of freedom</b>
1001	Imprisonment
1002	Life imprisonment
2000 open category	<b>Restriction of personal freedom</b>
2001	Prohibition from frequenting 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 report at specified times to a specific authority
2008	Obligation to stay/reside in a certain place
2009	Obligation to be at the place of residence on the set time
2010	Obligation to comply with the probation measures ordered by the court, including the obligation to remain under supervision
3000 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
3004	Incapacity to contract with public administration
3005	Ineligibility to obtain public subsidies
3006	Cancellation of the driving licence <sup>(2)</sup>
3007	Suspension of driving licence
3008	Prohibition to drive certain vehicles

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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>(3)</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
3020	Prohibition to possess or use certain items other than weapons
3021	Prohibition to play certain games/sports
4000 open category	<b>Prohibition or expulsion from territory</b>
4001	Prohibition from national territory
4002	Expulsion from national territory
5000 open category	<b>Personal obligation</b>
5001	Submission to medical treatment or other forms of therapy
5002	Submission to a social-educational programme
5003	Obligation to be under the care/control of the family
5004	Educational measures
5005	Socio-judicial probation
5006	Obligation of training/working
5007	Obligation to provide judicial authorities with specific information
5008	Obligation to publish the judgment
5009	Obligation to compensate for the prejudice caused by the offence
6000 open category	<b>Penalty on personal property</b>
6001	Confiscation

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6002	Demolition
6003	Restoration
7000 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
8000 open category	<b>Financial penalty</b>
8001	Fine
8002	Day-fine (4)
8003	Fine for the benefit of a special recipient (5)
9000 open category	<b>Working penalty</b>
9001	Community service or work
9002	Community service or work accompanied with other restrictive measures
10000 open category	<b>Military penalty</b>
10001	Loss of military rank (6)
10002	Expulsion from professional military service
10003	Military imprisonment
11000 open category	<b>Exemption/deferment of sentence/penalty, warning</b>
12000 open category	<b>Other penalties and measures</b>

(1) Fixed or mobile placement.

(2) Reapplication in order to obtain a new driving licence is necessary.

(3) Legal guardian for a person who is legally incompetent or for a minor.

(4) Fine expressed in daily units.

(5) E.g.:for an institution, association, foundation or a victim.

(6) Military demotion.

Parameters (to be specified where applicable)

∅	Penalty
m	Measure
a	Suspended penalty/measure
b	Partially suspended penalty/measure

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c	Suspended penalty/measure with probation/supervision
d	Partially suspended penalty/measure with probation/supervision
e	Conversion of penalty/measure
f	Alternative penalty/measure imposed as principal penalty
g	Alternative penalty/measure imposed initially in case of non-respect of the principal penalty
h	Revocation of suspended penalty/measure
i	Subsequent formation of an overall penalty
j	Interruption of enforcement/postponement of the penalty/measure (1)
k	Remission of the penalty
l	Remission of the suspended penalty
n	End of penalty
o	Pardon
p	Amnesty
q	Release on parole (liberation of a person before end of the sentence under certain conditions)
r	Rehabilitation (with or without the deletion of penalty from criminal records)
s	Penalty or measure specific to minors
t	Non-criminal ruling (2)

(1) Does not lead to avoidance of enforcement of penalty.

(2) This parameter will be indicated only when such information is provided in reply to the request received by the Member State of nationality of the person concerned.