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**NOTE**

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From:	Mr Dirk Wouters, Permanent Representative, Permanent Representation of Belgium to the European Union
On:	23 July 2014
To:	Mr Rafael Fernández-Pita y González, Director-General, Council of the European Union

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Subject:	Transposition into Belgian law of 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
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Sir,

Article 13 of 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 provides that Member States are to transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under the Framework Decision.

That Framework Decision has been transposed into Belgian law by the law of 25 April 2014 laying down various provisions in the field of justice. This law amends Articles 589, 590 and 597 of the Code of Criminal Procedure.

A draft circular, intended to replace Circular No 138 on the interconnection of criminal records, is also being drawn up at the FPS Justice.

Please find attached the relevant information, namely:

- the notification of transposition of Framework Decision 2009/315/JHA and the corresponding declarations;
- the relevant articles of the Code of Criminal Procedure;
- Circular No 138 - Interconnection of criminal records. Request addressed to the Central Criminal Records Department for extracts from foreign criminal records;
- the law of 8 December 1992 on the protection of privacy with regard to the processing of personal data;
- a table showing the correlation between the Framework Decision and Belgian law.

An identical letter has been sent to the European Commission today.

(Complimentary close)

(s.) Dirk Wouters

**Declarations by the Kingdom of Belgium pursuant to Articles 3 and 10 of 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**

**Competent authorities (Article 3 of the Framework Decision)**

- The Belgian authority competent to act as central authority is the Central Criminal Records Department:

Casier judiciaire central / Dienst Centraal Strafregister  
SPF Justice / FOD Justitie  
DG Organisation judiciaire / DG Rechterlijke Organisatie  
80 boulevard de Waterloo / Waterloolaan 80  
1000 Bruxelles / Brussel  
Fax : +32 2 552 27 82  
Email: cjc-csr@just.fgov.be

**Languages used (Article 10 of the Framework Decision)**

Belgium accepts any form translated into Dutch, French, German or English.

**Notification by the Kingdom of Belgium pursuant to Article 13 of 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**

In accordance with Article 13(2) of 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, I am pleased to inform you that the Kingdom of Belgium has transposed that Framework Decision into Belgian law through the following laws and regulations:

Articles 589 to 597 of the Code of Criminal Procedure, as amended by the law of 25 April 2014 laying down various provisions in the field of justice, which was published in the Belgian Official Gazette on 14 May 2014 and entered into force on 24 May 2014. The relevant articles of the Code of Criminal Procedure and the relevant extract from the explanatory memorandum to the 2014 law are attached.

A circular intended to accompany the implementation of the Framework Decision is being drawn up at the Federal Public Service Justice (FPS Justice). This circular is intended to update and replace Circular No 138, "Interconnection of criminal records – Request addressed to the Central Criminal Records Department for extracts from foreign criminal records", which is currently applicable.

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