

Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)

CHAPTER X

RIGHT TO ACCESS AND RETENTION OF ALERTS

Article 40

Authorities having a right to access alerts

- 1 Access to data entered in SIS II and the right to search such data directly or in a copy of SIS II data shall be reserved exclusively to the authorities responsible for:
 - a border control, in accordance with Regulation (EC) No 562/2006 of the European Parliament and the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁽¹⁾;
 - b other police and customs checks carried out within the Member State concerned, the coordination of such checks by designated authorities.
- 2 However, the right to access data entered in SIS II and the right to search such data directly may also be exercised by national judicial authorities, including those responsible for the initiation of public prosecutions in criminal proceedings and for judicial inquiries prior to charge, in the performance of their tasks, as provided for in national legislation, and by their coordinating authorities.
- 3 The authorities referred to in this Article shall be included in the list referred to in Article 46(8).

Status: This is the original version (as it was originally adopted).

- (1) [OJ L 105, 13.4.2006, p. 1.](#)