

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 VIII

ALERTS ON PERSONS AND OBJECTS FOR DISCREET CHECKS OR SPECIFIC CHECKS

Article 36

Objectives and conditions for issuing alerts

- 1 Data on persons or vehicles, boats, aircrafts and containers shall be entered in accordance with the national law of the Member State issuing the alert, for the purposes of discreet checks or specific checks in accordance with Article 37(4).
- 2 Such an alert may be issued for the purposes of prosecuting criminal offences and for the prevention of threats to public security:
 - a where there is clear indication that a person intends to commit or is committing a serious criminal offence, such as the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA; or
 - b where an overall assessment of a person, in particular on the basis of past criminal offences, gives reason to suppose that that person will also commit serious criminal offences in the future, such as the offences referred to in Article 2(2) of the Framework Decision 2002/584/JHA.
- 3 In addition, an alert may be issued in accordance with national law, at the request of the authorities responsible for national security, where there is concrete indication that the information referred to in Article 37(1) is necessary in order to prevent a serious threat by the person concerned or other serious threats to internal or external national security. The Member State issuing the alert pursuant to this paragraph shall inform the other Member States thereof. Each Member State shall determine to which authorities this information shall be transmitted.
- 4 Alerts on vehicles, boats, aircrafts and containers may be issued where there is a clear indication that they are connected with the serious criminal offences referred to in paragraph 2 or the serious threats referred to in paragraph 3.

Article 37

Execution of the action based on an alert

- 1 For the purposes of discreet checks or specific checks, all or some of the following information shall be collected and communicated to the authority issuing the alert when border control or other police and customs checks are carried out within a Member State:
 - a the fact that the person for whom, or the vehicle, boat, aircraft or container, for which an alert has been issued, has been located;
 - b the place, time or reason for the check;
 - c the route and destination of the journey;

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Decision 2007/533/JHA, CHAPTER VIII. (See end of Document for details)

- d the persons accompanying the persons concerned or the occupants of the vehicle, boat or aircraft who can reasonably be expected to be associated to the persons concerned;
- e the vehicle, boat, aircraft or container used;
- f objects carried;
- g the circumstances under which the person or the vehicle, boat, aircraft or container was located.

2 The information referred to in paragraph 1 shall be communicated through the exchange of supplementary information.

3 For the collection of the information referred to in paragraph 1, Member States shall take the necessary steps not to jeopardise the discreet nature of the check.

4 During specific checks, persons, vehicles, boats, aircraft, containers and objects carried, may be searched in accordance with national law for the purposes referred to in Article 36. If specific checks are not authorised under the law of a Member State, they shall automatically be replaced, in that Member State, by discreet checks.

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