

Commission Decision of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document number C(2008) 774) (Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic) (2008/333/EC)

COMMISSION DECISION

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(2008/333/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)⁽¹⁾, and in particular Articles 8(4), 9(1), 20(3), 22(a), 36(4) and 37(7) thereof,

Whereas:

- (1) Regulation (EC) No 1987/2006 shall apply to Member States participating in the SIS 1+ from dates to be fixed by the Council, acting by unanimity of its Members representing the governments of the Member States participating in SIS 1+. These dates shall be fixed after, amongst others, the necessary implementing measures have been adopted by the Commission.
- (2) These implementing measures cover SIS II aspects which, due to their technical nature, level of detail and need for regular updating, are not covered exhaustively by Regulation (EC) No 1987/2006.
- (3) These implementing measures include the SIRENE Manual which contains detailed rules for the exchange of supplementary information. Supplementary information is information not stored in SIS II but connected to SIS II alerts, which is to be exchanged: in order to allow Member States to consult or inform each other when entering an alert; following a hit in order to allow the appropriate action to be taken; when the required action cannot be taken; when dealing with the quality of SIS II data; when dealing with the compatibility and priority of alerts; when dealing with rights of access.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document number C(2008) 774) (Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic) (2008/333/EC), Introductory Text. (See end of Document for details)

- (4) Other implementing measures are protocols and technical procedures ensuring the compatibility of N.SIS II with CS-SIS; technical rules necessary for entering, updating, deleting and searching data; the specification of the special quality check to ascertain the fulfilment of a minimum data quality standard by photographs and fingerprints entered into the SIS II; technical rules on entering and further processing additional data for the purpose of dealing with misused identity and technical rules on the linking of alerts.
- (5) The SIRENE Manual should be an important tool for SIRENE operators in their daily work with SIS II. It should have a form of a practical handbook and serve the purpose of facilitating the work of the SIRENE Bureau in its entirety.
- (6) Since certain rules of a technical nature have a direct impact on the work of end-users in the Member States it is appropriate to combine them in one document.
- (7) This Decision constitutes the necessary basis for adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) in respect of matters falling within the scope of the Treaty establishing the European Community (EC Treaty). Commission Decision 2008/334/JHA⁽²⁾ adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) constitutes the necessary basis in respect of matters falling within the scope of the Treaty on European Union (EU Treaty). The fact that the basis necessary for adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) consists of two separate instruments shall not affect the principle that these implementing measures constitute one single document. Nevertheless, for the sake of clarity the Annex should be reproduced in the Annexes to both Decisions.
- (8) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark did not take part in the adoption of Regulation (EC) No 1987/2006 and is not bound by it nor subject to its application. However, given that Regulation (EC) No 1987/2006 builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the EC Treaty, Denmark, in accordance with Article 5 of the said Protocol, notified by letter of 15 June 2007 the transposition of this *acquis* in its national law. It is therefore bound under international law to implement this Decision. Consequently, Denmark should receive a copy of this Decision.
- (9) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽³⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.
- (10) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions

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of the Schengen *acquis*⁽⁴⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.

- (11) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2005 Act of Accession.
- (12) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽⁵⁾, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement⁽⁶⁾.
- (13) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which falls within the area referred to in Article 1, point G of Council Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/860/EC on the signing, on behalf of the European Community, and on the provisional application of certain provisions of that Agreement⁽⁷⁾.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 51 of Regulation (EC) No 1987/2006,

HAS ADOPTED THIS DECISION:

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- (1) [OJ L 381, 28.12.2006, p. 4.](#)
- (2) See page 39 of this Official Journal.
- (3) [OJ L 131, 1.6.2000, p. 43.](#)
- (4) [OJ L 64, 7.3.2002, p. 20.](#)
- (5) [OJ L 176, 10.7.1999, p. 36](#)
- (6) [OJ L 176, 10.7.1999, p. 31.](#)
- (7) [OJ L 370, 17.12.2004, p. 78.](#)

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