Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU

CHAPTER VI

Alerts on persons wanted for arrest for surrender or extradition purposes

Article 26

Objectives and conditions for entering alerts

1   Alerts on persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant, or alerts on persons wanted for arrest for extradition purposes, shall be entered at the request of the judicial authority of the issuing Member State.

2   Alerts for arrest for surrender purposes shall also be entered on the basis of arrest warrants issued, in accordance with agreements concluded between the Union and third countries on the basis of the Treaties, for the purpose of surrender of persons on the basis of an arrest warrant, which provide for the transmission of such an arrest warrant through SIS.

3   Any reference in this Regulation to provisions of Framework Decision 2002/584/JHA shall be construed as including the corresponding provisions of agreements concluded between the Union and third countries on the basis of the Treaties, for the purpose of surrender of persons on the basis of an arrest warrant which provide for the transmission of such an arrest warrant through SIS.

4   In the case of an ongoing operation, the issuing Member State may temporarily make an existing alert for arrest entered in accordance with this Article unavailable for searching by the end-users in the Member States involved in the operation. In such cases the alert shall only be accessible to the SIRENE Bureaux. Member States shall only make an alert unavailable if:
   a   the purpose of the operation cannot be achieved by other measures;
   b   a prior authorisation has been granted by the competent judicial authority of the issuing Member State; and
   c   all Member States involved in the operation have been informed through the exchange of supplementary information.

The functionality provided for in the first subparagraph shall only be used for a period not exceeding 48 hours. However, if operationally necessary, it may be extended by further periods of 48 hours. Member States shall keep statistics on the number of alerts in relation to which this functionality has been used.

5   Where there is a clear indication that the objects referred to in points (a), (b), (c), (e), (g), (h), (j) and (k) of Article 38(2) are connected with a person who is the subject of an alert pursuant to paragraph 1 and 2 of this Article, alerts on those objects may be entered in order to locate the person. In such cases, the alert on the person and the alert on the object shall be linked in accordance with Article 63.

6   The Commission shall adopt implementing acts to lay down and develop rules necessary for entering, updating, deleting and searching the data referred to in paragraph 5 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

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Changes to legislation:
There are outstanding changes not yet made to Regulation (EU) 2018/1862 of the European
Parliament and of the Council. Any changes that have already been made to the legislation
appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

–   Regulation revoked in part by S.I. 2019/742, reg. 119(2)(h) (as inserted) by S.I.
     2020/1408 reg. 35(b)