

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 XII

### *Specific rules for biometric data*

#### *Article 43*

#### **Specific rules for verification or search with photographs, facial images, dactyloscopic data and DNA profiles**

1 Where photographs, facial images, dactyloscopic data and DNA profiles are available in an alert in SIS, such photographs, facial images, dactyloscopic data and DNA profiles shall be used to confirm the identity of a person who has been located as a result of an alphanumeric search made in SIS.

2 Dactyloscopic data may be searched in all cases to identify a person. However, dactyloscopic data shall be searched to identify a person where the identity of the person cannot be ascertained by other means. For that purpose, the Central SIS shall contain an Automated Fingerprint Identification System (AFIS).

3 Dactyloscopic data in SIS in relation to alerts entered in accordance with Articles 26, 32, 36 and 40 may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases.

4 As soon as it becomes technically possible, and while ensuring a high degree of reliability of identification, photographs and facial images may be used to identify a person in the context of regular border crossing points.

Before this functionality is implemented in SIS, the Commission shall present a report on the availability, readiness and reliability of the required technology. The European Parliament shall be consulted on the report.

After the start of the use of the functionality at regular border crossing points, the Commission shall be empowered to adopt delegated acts in accordance with Article 75 to supplement this Regulation concerning the determination of other circumstances in which photographs and facial images may be used to identify persons.

**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\(b\)](#)