

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 XIV*

#### ***Deletion of alerts***

#### *Article 55*

#### **Deletion of alerts**

1 Alerts for arrest for surrender or extradition purposes pursuant to Article 26 shall be deleted when the person has been surrendered or extradited to the competent authorities of the issuing Member State. They shall also be deleted when the judicial decision on which the alert was based has been revoked by the competent judicial authority in accordance with national law. They shall also be deleted upon the expiry of the alert in accordance with Article 53.

2 Alerts on missing persons or vulnerable persons who need to be prevented from travelling pursuant to Article 32 shall be deleted in accordance with the following rules:

- a concerning missing children and children at risk of abduction, an alert shall be deleted upon:
  - (i) the resolution of the case, such as when the child has been located or repatriated or the competent authorities in the executing Member State have taken a decision on the care of the child;
  - (ii) the expiry of the alert in accordance with Article 53; or
  - (iii) a decision by the competent authority of the issuing Member State;
- b concerning missing adults, where no protective measures are requested, an alert shall be deleted upon:
  - (i) the execution of the action to be taken, where their whereabouts are ascertained by the executing Member State;
  - (ii) the expiry of the alert in accordance with Article 53; or
  - (iii) a decision by the competent authority of the issuing Member State;
- c concerning missing adults where protective measures are requested, an alert shall be deleted upon:
  - (i) the carrying out of the action to be taken, where the person is placed under protection;
  - (ii) the expiry of the alert in accordance with Article 53; or
  - (iii) a decision by the competent authority of the issuing Member State;

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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. (See end of Document for details) View outstanding changes*

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- d concerning vulnerable persons who are of age who need to be prevented from travelling for their own protection and children who need to be prevented from travelling, an alert shall be deleted upon:
- (i) the carrying out of the action to be taken such as the person's placement under protection;
  - (ii) the expiry of the alert in accordance with Article 53; or
  - (iii) a decision by the competent authority of the issuing Member State.

Without prejudice to the national law, where a person has been institutionalised following a decision by a competent authority an alert may be retained until that person has been repatriated.

- 3 Alerts on persons sought for a judicial procedure pursuant to Article 34 shall be deleted upon:
- a the communication of the whereabouts of the person to the competent authority of the issuing Member State;
  - b the expiry of the alert in accordance with Article 53; or
  - c a decision by the competent authority of the issuing Member State.

Where the information in the communication referred to in point (a) cannot be acted upon, the SIRENE Bureau of the issuing Member State shall inform the SIRENE Bureau of the executing Member State in order to resolve the problem.

In the event of a hit where the address details were forwarded to the issuing Member State and a subsequent hit in the same executing Member State reveals the same address details, the hit shall be recorded in the executing Member State but neither the address details nor supplementary information shall be resent to the issuing Member State. In such cases the executing Member State shall inform the issuing Member State of the repeated hits and the issuing Member State shall carry out a comprehensive individual assessment of the need to retain the alert.

- 4 Alerts for discreet, inquiry and specific checks pursuant to Article 36, shall be deleted upon:
- a the expiry of the alert in accordance with Article 53; or
  - b a decision to delete them by the competent authority of the issuing Member State.

- 5 Alerts on objects for seizure or use as evidence in criminal proceedings pursuant to Article 38, shall be deleted upon:
- a the seizure of the object or equivalent measure once the necessary follow-up exchange of supplementary information has taken place between the SIRENE Bureaux concerned or the object becomes the subject of another judicial or administrative procedure;
  - b the expiry of the alert in accordance with Article 53; or
  - c a decision to delete them by the competent authority of the issuing Member State.

- 6 Alerts on unknown wanted persons pursuant to Article 40 shall be deleted upon:
- a the identification of the person;
  - b the expiry of the alert in accordance with Article 53; or
  - c a decision to delete them by the competent authority of the issuing Member State.

7 Where it is linked to an alert on a person, an alert on an object entered in accordance with Articles 26, 32, 34 and 36 shall be deleted when the alert on the person is deleted in accordance with this Article.

**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.

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**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\(b\)](#)