

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 VII

### *Alerts on missing persons or vulnerable persons who need to be prevented from travelling*

#### *Article 32*

#### **Objectives and conditions for entering alerts**

1 Alerts on the following categories of persons shall be entered in SIS at the request of the competent authority of the issuing Member State:

- a missing persons who need to be placed under protection:
  - (i) for their own protection;
  - (ii) in order to prevent a threat to public order or public security;
- b missing persons who do not need to be placed under protection;
- c children at risk of abduction by a parent, a family member or a guardian, who need to be prevented from travelling;
- d children who need to be prevented from travelling owing to a concrete and apparent risk of them being removed from or leaving the territory of a Member State and:
  - (i) becoming victims of trafficking in human beings, or of forced marriage, female genital mutilation or other forms of gender-based violence;
  - (ii) becoming victims of or involved in terrorist offences; or
  - (iii) becoming conscripted or enlisted into armed groups or being made to participate actively in hostilities;
- e vulnerable persons who are of age and who need to be prevented from travelling for their own protection owing to a concrete and apparent risk of them being removed from or leaving the territory of a Member State and becoming victims of trafficking in human beings or gender-based violence.

2 Point (a) of paragraph 1 shall apply in particular to children and to persons who have to be institutionalised following a decision by a competent authority.

3 An alert on a child referred to in point (c) of paragraph 1 shall be entered following a decision by the competent authorities, including judicial authorities of the Member States having jurisdiction in matters of parental responsibility, where a concrete and apparent risk exists that the child may be unlawfully and imminently removed from the Member State where the competent authorities are situated.

4 An alert on persons referred to in points (d) and (e) of paragraph 1 shall be entered following a decision by the competent authorities, including judicial authorities.

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5 The issuing Member State shall regularly review the need to maintain the alerts referred to in points (c), (d) and (e) of paragraph 1 of this Article in accordance with Article 53(4).

6 The issuing Member State shall ensure all of the following:

- a that the data it enters in SIS indicate which of the categories referred to in paragraph 1 the person concerned by the alert falls into;
- b that the data it enters in SIS indicate which type of case is involved, wherever the type of case is known; and
- c that, in relation to alerts entered in accordance with points (c), (d) and (e) of paragraph 1, its SIRENE Bureau has all relevant information at its disposal at the time of the creation of the alert.

7 Four months before a child who is the subject of an alert under this Article reaches the age of majority in accordance with the national law of the issuing Member State, CS-SIS shall automatically notify the issuing Member State that either the reason for the alert and the action to be taken have to be updated or the alert has to be deleted.

8 Where there is a clear indication that the objects referred to in points (a), (b), (c), (e), (g), (h), and (k) of Article 38(2) are connected with a person who is the subject of an alert pursuant to paragraph 1 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.

9 The Commission shall adopt implementing acts to lay down and develop rules on the categorisation of the types of cases and the entering of data referred to in paragraph 6. The types of cases of missing persons who are children shall include, but not be limited to, runaways, unaccompanied children in the context of migration and children at risk of parental abduction.

The Commission shall also adopt implementing acts to lay down and develop technical rules necessary for entering, updating, deleting and searching the data referred to in paragraph 8.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

### *Article 33*

#### **Execution of action based on an alert**

1 Where a person referred to in Article 32 is located, the competent authorities of the executing Member State shall, subject to the requirements in paragraph 4, communicate his or her whereabouts to the issuing Member State.

2 In the case of persons who need to be placed under protection referred to in points (a), (c), (d) and (e) of Article 32(1), the executing Member State shall immediately consult its own competent authorities and those of the issuing Member State through the exchange of supplementary information in order to agree without delay the measures to be taken. The competent authorities in the executing Member State may, in accordance with national law, move such persons to a safe place in order to prevent them from continuing their journey.

3 In the case of children, any decision on the measures to be taken or any decision to move the child to a safe place as referred to in paragraph 2 shall be made in accordance with the best interests of the child. Such decisions shall be made immediately and not later than 12

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hours after the child was located, in consultation with relevant child protection authorities, as appropriate.

4 The communication, other than between the competent authorities, of data on a missing person who has been located and who is of age shall be subject to that person's consent. The competent authorities may, however, communicate the fact that the alert has been deleted because the missing person has been located to the person who reported the person missing.

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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\(b\)](#)