

SCHENGEN

SIS Steering group Brussels, 28 March 1994

SIRENE Working Party SCH/OR.SIS-SIRENE (92) 26

9. Rev. 7. Corr.

CONFIDENTIAL

SIRENE HANDBOOK

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S.I.R.E.N.E.

SUPPLEMENTARY INFORMATION REQUEST AT THE NATIONAL ENTRY

TITLE I: GENERAL PROVISIONS

PREAMBLE

On 14 June 1985, five States – the Kingdom of Belgium, the German Federal Republic, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands – signed an Agreement in Schengen, a village in Luxembourg. The aim of the Agreement was to make “free movement across borders for all nationals of those Member States and for goods and services” a reality.

One of the requirements for implementing this Agreement was that removing border controls should not endanger the security of the Contracting Parties. This requirement went hand in hand with the need to guarantee protection of the sovereign territory of the Contracting Parties.

A number of expert committees were set up to work on concrete measures which would avoid the dangers of a security deficit when the Agreement came into force.

From this work, two documents were produced, one technical one (the feasibility study) and one legally binding one (the Implementing Convention).

The feasibility study which was presented to ministers and secretaries of state of the five signatory States sets out the main technical guidelines to be followed in setting up the Schengen Information System.

In addition to the basic structure of the Information System, the feasibility study sets out important features of an organisation indispensable for it to function properly. This organisation is known as “SIRENE” – an acronym for : Supplementary Information Request at the National Entry.

This refers to a procedure where the end user, having sought information in the SIS, discovers a data match, which means he requires additional information before taking action.

The Convention, concluded on 19 June 1990 by the five original signatory States, the Implementing Convention, contains all the legally binding requirements for all Contracting Parties. Italy acceded on 27 November 1990, Spain and Portugal on 25 June 1991 and Greece on 6 November 1992.

All procedures and rules on cooperation between the Contracting Parties are set out in this Convention. Section IV is devoted entirely to the Schengen Information System.

The authorities responsible for:

(a) border controls;

(b) other police and customs checks carried out within the country, and the coordination of such checks.

(c) the issue of visa and residence documents as well as for immigration

must have access to details of people, vehicles and goods through the Schengen Information System ("SIS") by using an automatic query procedure.

The SIS consists of two parts: a central system and the national sections (one in each country). It is based on a system whereby the national systems cannot exchange information with each other, but exclusively through the central office (C.SIS). It should be possible for States, on a bilateral or multilateral level, to exchange additional information required by the provisions of the Implementing Convention and required for the proper functioning of the SIS.

Each national section of the Schengen Information System (N.SIS) must, to comply with the requirements of the feasibility study and the Implementing Agreement set up an additional system necessary for its computer-assisted operations: the SIRENE.

All applications for additional information at the point of entry to the country pass through this supporting technical system.

The following has been agreed:

Each Contracting Party will set up a “national SIRENE bureau” which will serve as a single, permanent accessible point of contact between the Contracting Parties.

Legal and other requirements, procedures to be followed and the general organisational structure of the SIRENE have been established by the Contracting Parties in a set of common regulations.

The regulations agreed at international level have for this purpose been included in the SIRENE HANDBOOK.

Amendments to and updating of the handbook may be carried out if the Contracting Parties consider it necessary and come to a decision on the matter.

1.LEGAL BASIS

Article 108 (paragraphs 1 to 4) forms the legal basis for the existence and activities of the SIRENE.

As a minimum, the SIRENE bureaux must exchange the information relating to the SIS reports. In addition, on the basis of specific national decisions, they may also, under Articles 39 and 46 of the Implementing Convention, exchange any further information with the competent authorities of the other Contracting Parties designated by the Contracting Parties as having permission to exchange information of this nature.

This exchange of information is carried out as stipulated under Title VI of the Implementing Convention (Article 126-130).

For instance, no information on asylum seekers will be passed on.

A statement of this general framework of the duties of the SIRENE is set out in the following Articles of the Implementing Convention which affect its work in some respect.

- Article 5:

"(1) For visits not exceeding three months, entry into the territories of the Contracting Parties may be granted to an alien who fulfils the following conditions:

[...]

a).....

d) has not been reported as a person not to be permitted entry."

- Article 25:

"(1) Where a Contracting Party considers issuing a residence permit to an alien who has been reported as a person not to be permitted entry it shall first consult the reporting Contracting Party and shall take account of its interests. The residence permit shall be issued only on serious grounds, in particular those of a humanitarian nature or pursuant to international obligations.

If a residence permit is issued the reporting Contracting Party shall withdraw the report but may put the alien concerned on its national reporting list of persons not to be permitted entry.

(2) Where it emerges that an alien holding a valid residence permit issued by one of the Contracting Parties has been reported as a person not to be permitted entry the reporting Contracting Party shall consult the Party which issued the residence permit in order to determine whether there are sufficient grounds for the withdrawal of the residence permit.

If the residence permit is not withdrawn the reporting Contracting Party shall withdraw the report but may put the alien in question on its national reporting list."

- Article 39:

"(1) The Contracting Parties undertake to ensure that their police authorities shall, in compliance with national legislation and within the limits of their responsibilities, assist each other for the purposes of preventing and detecting criminal offences, insofar as national law does not stipulate that the request is to be made to the legal authorities and provided that the request or the implementation thereof does not involve the application of coercive measures by the requested Contracting Party. Where the requested police authorities do not have Jurisdiction to implement a request, they shall forward it to the competent authorities."

- Article 46:

"(1) In particular cases, each Contracting Party may, in compliance with its national legislation and without being asked, send the Contracting Party concerned any information which may be of interest to it in helping prevent future crime and to prevent offences against or threats to public order and security.

(2) Information shall be exchanged, without prejudice to the arrangements for cooperation in border areas referred to in Article 39(4), through a central body to be designated. In particularly urgent cases, the exchange of information within the meaning of this Article may take place directly between the police authorities concerned, save where national provisions provide otherwise. The central body shall be informed of this as soon as possible."

- Article 94:

“(1) [...] The Contracting Party providing a report shall determine whether the importance of the case warrants the inclusion of the report in the Schengen Information System.

[...]

(4) Insofar as a Contracting Party considers that a report in accordance with Articles 95, 97 or 99 is incompatible with its national law, its international obligations or essential national interests, it may subsequently add to the report in the data file of the national section of the Schengen Information System a note to the effect that the action referred to will not be taken in its territory in connection with the report. Consultations must be held in this connection with the other Contracting Parties. [...]

- Article 95:

“(2) Prior to making a report, the reporting Contracting Party shall check whether the arrest is authorised by the national law of the requested Contracting Parties. If the reporting Contracting Party has doubts it must consult the other Contracting Parties concerned.

The reporting Contracting Party shall send the requested Contracting Parties together with the report, by the swiftest means, the following essential information relating to the case [...].

(3) A requested Contracting Party may add to the report in the file of the national section of the Schengen Information System a note prohibiting arrest in connection with the report [...]. The note shall be deleted no later than 24 hours after the report is included, unless the Contracting Party refuses to make the requested arrest on legal grounds or for special reasons of expediency. [...] the above time limit may be extended to one week. [...]

(4) If, for particularly urgent reasons, a Contracting Party requests an immediate search, the Party requested shall examine whether it is able to withdraw its note. The Contracting Party requested shall take the necessary steps to ensure that the action to be taken can be carried out without delay if the report is validated.

- Article 96:

- (1) Data relating to aliens who are reported for the purposes of being refused entry shall be included on the basis of a national report resulting from decisions taken, in compliance with the rules of procedure laid down by national legislation, by the administrative authorities or courts responsible. [...].

- Article 97

Data relating to persons who have disappeared or to persons who, in the interests of their own protection or in order to prevent threats, need to be placed provisionally in a place of safety at the request of the competent authority or the competent Judicial authority of the reporting Party, shall be included in order that the police authorities can communicate their whereabouts to the reporting Party or can remove the person to a place of safety for the purposes of preventing him from continuing his journey, if so authorised by national legislation. This shall apply in particular to minors and to persons who must be interned by decision of a competent authority. Communication of the information shall be subject to the consent of the person who has disappeared, if of full age.

- Article 98

- (1) Data relating to witnesses, to persons summoned to appear before the judicial authorities in connection with criminal proceedings in order to account for acts for which they are being prosecuted, or to persons who are to be notified of a criminal judgment or of a summons to appear in order to serve a custodial sentence, shall be included, at the request of the competent judicial authorities, for the purposes of communicating their place of residence or domicile.

- (2) Information requested shall be communicated to the requesting Party in accordance with national legislation and with the Conventions in force concerning mutual Judicial assistance in criminal matters.

- Article 99:

“(3) [...] a report may be made [...] at the request of the authorities responsible for state security [...]. The reporting Contracting Party shall be required to consult the other Contracting Parties beforehand.

{...}

(6) A requested Contracting Party may add to the report in the file of the national section of the Schengen Information System a note prohibiting, until the note is deleted, performance of the action to be taken pursuant to the report for the purposes of discreet surveillance or specific checks. The note must be deleted no later than 24 hours after the report has been included unless the Contracting Party refuses to take the action requested on legal grounds or for special reasons of expediency. [...]”

- Article 100:

“(2) If a search brings to light the existence of a report on an item which has been found, the authority noticing the report shall contact the reporting authority in order to agree on the requisite measures. [...]”

- Article 101

(1) Access to data included in the Schengen Information System and the right to search such data directly shall be reserved exclusively for the authorities responsible for

(a) border checks

(b) other police and customs checks carried out within the country, and the coordination of such checks.

(3) In addition, access to data included in accordance with Article 96 and the right to search such data is granted to those responsible for issuing visas, the central authorities responsible for examining visa applications and the authorities responsible for issuing residence permits and the administration of aliens within the framework of the application of the provisions on the movement of persons under this Convention. Access to data shall be governed by the national law of each Contracting Party.

(4) Users may only search the data which are necessary for the performance of their tasks.

- (5) Each of the Contracting Parties shall communicate to the Executive Committee a list of the competent authorities which are authorised to search the data included in the Schengen Information System directly. That list shall indicate for each authority the data which it may search, and for what purposes.

- Article 102:

“(3) In connection with the types of report provided for in Articles 95 to 100 of this Convention, any derogation [...] in order to change from one type of report to another must be justified by the need to prevent an imminent serious threat to public order and safety, for serious reasons of State security or for the purposes of preventing a serious offence. The prior authorisation of the reporting Contracting Party must be obtained for this purpose.”

- Article 104

“(3) Insofar as this Convention does not lay down specific provisions concerning performance of the action requested in the report, the national law of the Contracting Party requested which carried out the action shall apply. Insofar as this Convention lays down specific provisions concerning performance of the action requested in the report, responsibility for the action to be taken shall be governed by the national law of the requested Contracting Party. If the action requested cannot be performed, the requested Contracting Party shall inform the reporting Contracting Party without delay.”

- Article 105

The reporting Contracting Party shall be responsible for the accuracy, up-to-date nature and lawfulness of the inclusion of data in the Schengen Information System.”

- Article 106

- (10) If one of the Contracting Parties which has not made the report has evidence to suggest that an item of data is legally or factually inaccurate, it shall advise the reporting Contracting Party thereof as soon as possible; the latter must check the communication and if necessary, correct or delete the item in question without delay.
- (11) If the Contracting Parties are unable to reach agreement, the Contracting Party which did not generate the report shall submit the case to the joint supervisory authority [...] for its opinion.”

- Article 107:

"Where a person has already been the subject of a report in the Schengen Information System, a Contracting Party which introduces a further report shall come to an agreement on the inclusion of the reports with the Contracting Party which introduced the first report. The Contracting Parties may also adopt general provisions to this end."

- Article 108

"(1) Each of the Contracting Parties shall designate an authority which shall have central responsibility for the national section of the Schengen Information System.

(14) Each of the Contracting Parties shall make its reports via the authority.

(15) The said Authority shall be responsible for the correct operation of the national section of the Schengen Information System and shall take the measures necessary to ensure compliance with the provisions of this Convention.

(16) The Contracting Parties shall inform one another, via the Depositary, of the authority referred to in paragraph 1."

- Article 109

"(1) The right of any person to have access to data relating to him which are included in the Schengen Information System shall be exercised in accordance with the national law of the requested Contracting Party. If that national law so provides, the national supervisory authority provided for in Article 114(1) shall decide whether information shall be communicated and by what procedures. A Contracting Party which has not made the report may communicate information concerning such data only if it has previously given the reporting Contracting Party an opportunity to state its position.

(2) Communication of information to the person concerned shall be refused if it would undermine the performance of the legal task specified in the report, or in order to protect the rights and freedoms of others. It shall be refused in any event during the period of reporting for the purposes of discreet surveillance."

Any person may have factually inaccurate data relating to him corrected or have legally inaccurate data relating to him deleted.”

An analysis of these articles of the Implementing Convention allowed the most important responsibilities of the SIRENE to be defined. These responsibilities were compiled on the basis of the technical requirements of the computer system and the general efficiency expected of the SIRENE.

19.ORGANISATION OF THE SIRENE

The national SIRENE bureaux are the only point of contact between the Contracting Parties for any questions regarding the Schengen Information System.

In most cases, however, they act only as mediators, passing information on to the competent national authorities. They fulfil a technical, formal role only in this capacity. In other areas, the powers of the SIRENE must be defined at national level.

Those responsible for the national databases and setting up user services have a duty to check on whether the data is correct, up-to-date and lawful and are responsible for the data communicated by the SIRENE. These duties arise from both Articles 105 and 108 of the Implementing Convention.

The SIRENE is no more than an administrative department, which operates as a judicial and/or functional body for international contacts on behalf of its State and in compliance with national legislation.

Each Contracting Party is responsible for the organisation of its SIRENE and for setting up national procedures in accordance with the rules in this handbook.

Information on these national structures must, however, be passed on to all Contracting Parties; these structures must be based on common, specified, technical systems and official regulations.

The SIRENE authorities should meet at least twice a year to assess cooperation between the departments, to decide on any measures necessary for remedying deficiencies, and to evaluate procedures.

19.1 Technical Systems

These are mainly concerned with how information is transmitted between the SIRENE bureaux. Oral and written means of transmission should be considered as well as the transfer of pictures.

Each SIRENE operates its own part of the communication system defined by the Contracting Parties.

In **Appendix 1** of this handbook, there is a list of cases where a written message is required and where an oral message is sufficient.

1.0.1. Methods of information transmission

The following measures have been agreed:

- a) The most appropriate means of communication is defined according to the particular case, taking into account technical feasibility and specific requirements. As far as possible, communications should be sent encoded.
- b) Most communications will be carried out by telephone. To keep the number of written communications to a minimum, not all telephone conversations will be recorded in writing. The criteria for how communications are transmitted are attached in **Appendix 1**.
- c) There are two kinds of written communications: free text and standard forms which must adhere to the requirements in **Appendix 5**. If necessary the SIRENE officers will apply the SIS Transliteration rules (see **Appendix 2**). Oral communication between SIRENE officers directly involved with each other in a particular case is considered desirable to simplify and speed up the processing of information.

3.0.1. Means of communication

The following measures have been agreed:

- a) Texts and pictures will preferably be transmitted by means of the special information communication system as defined by the Contracting Parties, or failing that by telex, teletext, or fax.

1.0.1. Storage of the information

The following measures have been agreed:

- a) It is the responsibility of each Contracting Party to define how the information is to be stored.

The SIRENE of the reporting Contracting Party has a duty to store all information on its reports and to make it available to the other Contracting Parties.

The storage system for each SIRENE must ensure easy access to relevant information so that tight deadlines for communication of information can be adhered to.

- b) The storage of accompanying documents and special communications from other Contracting Parties must be carried out in accordance with the Data Protection Laws of the receiving State. The provisions of Title VI of the Implementing Convention should be applied here. When the corresponding SIS report is deleted, this additional information should not be kept by the SIRENE.

2.1 User regulations

Users of the Schengen Information System may need additional information at any time in order to implement certain measures. For this reason, common user regulations are necessary for all the SIRENE bureaux.

1.1.1. Time limits for dealing with accompanying documents

The following measures have been agreed:

- a) The SIRENE should respond to requests for information from the other Contracting Parties as quickly as possible. Requests should be responded to within twelve hours at the most.

1.0.1. Availability of the SIRENE

The following measures have been agreed:

- a) The SIRENE must be operational all year round, 24 hours a day.
- b) Means of international communication must always be operational.

2.1 Structure of the SIRENE

1.2.1. Central offices

In accordance with Article 108 of the Implementing Convention, each Contracting Party will provide an office to serve as the central body for the national section of the Schengen Information System.

The following information has been provided in this respect:

Belgium: Bureau Sirene Belge – Belgische Sirene – Bureau B.S.B.

Germany: Bundeskriminalamt – SIRENE 65173 Wiesbaden.

France: Ministry of the Interior. Responsibility will be assigned to the general directorate of the national police. In practice, it will be taken over by the central directorate of the Criminal Investigation Police.

Luxembourg: Service de Traitement et de Transmission de l'Information (S.T.T.I). This is a joint service involving the *Gendarmerie* and the national police force.

Netherlands: Centrale Recherche – en Informatiedienst (C.R.I).

Italy:

Spain:

Portugal: Serviço de Estrangeiros e Fronteiras (Service dealing with foreigners and border matters), Rua Conselheiro José Silvestre Ribeiro, 4 – P – 1600 Lisboa.

Greece: Ministry for Public Order.

1.2.2. Location of the SIRENE

The location of the SIRENE and its relationship with the central authority must be clear.

The following statements have been provided with regard to the above:

Belgium: Bureau Sirene Belge – Commissariat Général de la Police Judiciaire. 13, Rue des Quatre Bras, B – 1000 Brussels.

Germany: Bundeskriminalamt – SIRENE, Thaerstr. 11, 65193 Wiesbaden.

France: Ministry of the Interior – Direction Générale de la Police Nationale – Direction Centrale de la Police Judiciaire – Sous-direction des ressources et liaisons – Division des Relations Internationales – SIRENE France, 101, rue des trois Fontanot, F-92000 Nanterre.

Luxembourg: Service de Traitement et de Transmission de l'Information (S.T.T.I) SIRENE LUXEMBURG, 3-19, rue Auguste Lumière, B.P. 1202, L – 1012 Luxembourg.

Netherlands: Centrale Recherche- en Informatiedienst. Information Department, Raamweg 47, The Hague.

Italy:

Spain: General Directorate of Police
General Operations Subdivision
SIRENE-Bureau, c/Boix y Morer 1, 28003 Madrid.

Portugal: Ministério da Administração Interna – Serviço de Estrangeiros e Fronteiras – Rua Conselheiro José Silvestre Ribeiro, 4 – P – 1600 Lisbon.

Greece: Ministry for Public Order
Greek SIRENE Bureau
Y.D.T/D.D.A.S/Schengen
Kannellopouloustr. 10177 Athens.

1.2.3. National Structure of the SIRENE

A detailed description of the organisation, structure, modalities of operation as well as names and addresses of the particular SIRENE must be communicated to each Contracting Party.

This information on each of the SIRENE can be found in **Appendix 3** of this handbook.

The following statements have been provided with regard to the above:

Belgium: The Belgian SIRENE bureau comes under the auspices of the Ministry of Justice. The Ministry of the Interior is also competent for any police affairs that fall within its remit. The Organisation of the Belgian SIRENE bureau (B.S.B.) has not yet been finalised. The B.S.B. will involve police officers, legal representatives and, given its varied duties, non-specialist professionals.

Germany: The German SIRENE bureau is part of the Federal Criminal Police Office. It works in cooperation with authorities at national and regional level.

France: The central directorate of the Criminal Investigation Police is responsible for running the SIRENE.

It brings together representatives of the national police, the *Gendarmerie*, the central customs directorate and the indirect taxation directorate as well as the Ministry of Justice.

The duties of its officers are based on instructions from and on the rules of access regarding their superiors in the SIS.

Luxembourg: The SIRENE bureau falls under the jurisdiction of the Commander of the Luxembourg *Gendarmerie* and the head of police. It is made up of representatives of the Luxembourg *Gendarmerie* and the police.

Netherlands: The SIRENE bureau is part of the larger department of "International Cooperation" of the C.R.I. (Central Service for Research and Information). The Detective Office (C.R.I.) falls under the jurisdiction of the national police, which in turn falls under the jurisdiction of the Ministry of Justice.

Italy:

Spain:

Portugal: The SIRENE bureau comes under the immediate jurisdiction of the Service dealing with foreigners and border controls (Serviço de Estrangeiros e Fronteiras) within the Ministry of the Interior.

It is planned to employ officials from across the Portuguese Security Services in this bureau. The structure of the SIRENE has not yet been finalised.

Greece: The Greek SIRENE bureau (GSB) comes under the jurisdiction of the Ministry for Public Order.

The structure of the GSB has not yet been finalised.

The SIRENE bureau will be made up of representatives of the Greek police, the Ministries for Foreign Affairs and Justice, and coastguard and customs officials.

S.I.R.E.N.E.

“SUPPLEMENTARY INFORMATION REQUEST AT THE NATIONAL ENTRY”

TITLE II – ACTIVITIES

2.AREAS OF ACTIVITY

It is the duty of the SIRENE to guarantee,

- the exchange of information regarding reports held in the Schengen Information System,
- adherence to the appropriate stipulations of the 1990 Schengen Implementing Convention,
- contact between national and international authorities responsible for public security within the framework of powers granted by the State in question.

Further details on these three general areas of activity can be found below;

2.1 Areas of prime importance

2.0.1 Exchange of information before entering a report – Article 95 (2.1) and Article 99 (3)

This affects two categories of reports: reports under Article 95 (2.2) on arrests for extradition purposes and in accordance with Article 99(3) on discreet surveillance or specific checks in the context of state security.

To guarantee observance of Article 99(3), each Contracting Party will take appropriate technical or organisational measures to ensure that no report in this category can be entered into the Schengen Information System without the SIRENE of the reporting Contracting Party being informed.

2.0.2. Exchange of information when entering a report – Article 95 (2)

The second part of the procedure under Article 95 (2) concerns sending an accompanying document with additional information to that held in the SIS. This accompanying document should be sent to the other Contracting Parties on a standardised form.

3.1.3. Exchange of information regarding overlapping reports – Article 107

The existence of more than one report on the same person entered by different Contracting Parties can lead to complications.

The police in the place where the end user of the Schengen Information System is located must not be faced with several contradictory measures to be implemented. They must be able to establish clearly which measures to enforce.

There must be a procedure for locating multiple reports and rules on rank ordering when entering them in the SIS.

This means,

- before entering a report, there must be a check on whether the person has already been entered in the SIS;
- where there are contradictory overlapping reports, consultation with the other Contracting Parties must ensue.

2.2. Additional areas of activity

2.2.1. Exchange of information in the field of police cooperation – Articles 39 and 46

Police cooperation between the Contracting Parties should not be restricted to the data stored in the Schengen Information System.

A data match may lead to the detection of a criminal offence or of serious danger to public order or security; it may be necessary to be able to identify precisely a person or an object.

It may be necessary to exchange information, for example photographs or finger prints. Articles 39 and 46 make provision for this.

This exchange of information is carried out in accordance with the provisions of Title VI of the Implementing Convention.

The following recommendations have been agreed:

- a) The SIRENE of the Contracting Parties may, in compliance with national legislation, exchange any useful information in order to implement Articles 39 and 46.
- b) The SIRENE will inform each other of regulations agreed by each Contracting Party at national level and of any changes made.

- **Exchange of information when a note is added – Articles 94, 95 and 99**

Under Articles 94 (4), 95 (3) and 99 (6), a requested Contracting Party has the option of refusing on a temporary or permanent basis to carry out an action on its territory. This option is applicable to reports under Articles 95, 97 or 99.

If a State is to have recourse to this option, an immediate and thorough examination of the reports as well as swift procedure are required.

2.0.3. Exchange of Information in the case of a data match – Articles 95, 96, 97, 98, 99 and 100

If an end user in the course of a search of the Schengen Information System establishes that a report deals with a particular person, vehicle or object, this will be termed a data match.

He may need additional information to deal with these reports in order to implement the requirements set out in the SIS tables 4, 10 or 16 (see **Appendix 4**).

Despite certain exceptions, the reporting Contracting Party must report the results of this data match.

This is mainly a supporting measure, but also a technical one, as it regards how the report is dealt with; that is, it may be necessary to delete a report, so that a further report may then be entered which, before that, could not be entered.

This area of activity is of particular importance for the smooth functioning of the SIS.

2.0.4. **Exchange of information on reported aliens not to be permitted entry – Articles 5, 25 and 96**

Information on reported aliens not to be permitted entry in accordance with Article 96 can be divided into two categories:

- In the first, entry to the Schengen area is refused to aliens. In these cases, the consular service must not issue the persons with a visa, and the border control officials at the external borders must refuse entry to the territory of the Contracting Parties.
- In the second, where the authorities find the alien already on the territory of the Contracting Parties, they shall not issue them with a residence permit and must effect his deportation.

The requirement to inform under Article 5 (2) and to consult under Article 25 is the responsibility of the authorities who issue residence permits and visas.

The SIRENE may only be involved in communicating additional information, in accordance with specific procedures under both Articles, which is directly linked with the reports (e.g. communications regarding the locating of a person, details of identity) or their deletion.

Furthermore, the SIRENE bureaux are permitted to communicate additional information with regard to expelling aliens or refusing their entry.

3.1.7 Exchange of information in the case of a data match where it is not possible to implement the measures stipulated in a report – Article 104 (3)

Article 104 (3) provides for cases where a Contracting Party is unable to carry out an action requested for legal or practical reasons.

2.0.8 Exchange of information regarding changing the purpose of a report – Article 102 (3)

Where there is a data match, Article 102 (3) provides for the option of changing the purpose of the original report when using the data.

This is only justified by the need to prevent an imminent, serious threat to public order and safety, for reasons of State security or for the purposes of preventing a serious offence.

The prior authorisation of the reporting Contracting Party must be obtained for this purpose.

3.1.9 Exchange of information in the case of legally or factually inaccurate data – Article 106

The legal basis for holding data shall not, according to Article 106 be used as justification for failure to correct legally or factually inaccurate data. Paragraphs 2 and 3 of this Article clearly provide for this.

2.0.10. Exchange of information regarding right of access to data and right to correction of data – Articles 109 and 110

Every person has the right to have access to data relating to him and, if necessary, to have factually or legally inaccurate information relating to him corrected.

This right is exercised in compliance with the national legislation of the State to which the person wishes to have access.

A Contracting Party shall only grant the right of access to information relating to a report made by another Contracting Party if it has previously given the reporting Contracting Party an opportunity to state its position.

2.1.2 Specific Powers granted in the field of Police and Security – Title III

Title III of the Schengen Implementing Convention includes many new provisions in the field of police cooperation and mutual legal assistance. The SIRENE is a support unit which can be very useful in certain cases as it can avoid having to set up a number of agencies within a single Contracting Party.

The following recommendation has been agreed:

- a) Each Contracting Party may set out the specific competences of its SIRENE in the area of policing and security in accordance with Title III of the Implementing Convention.
- b) The Contracting Parties shall inform each other about the agreed national provisions for their own SIRENE as well as about any changes made.

2.1.3. Relationship between Interpol and SIRENE responsibilities.

The Schengen Information System shall neither supersede Interpol nor duplicate it. If their duties overlap, the system of operating and cooperation between the Contracting Parties will be clearly separated from the work of the international criminal investigation police organisations.

Rules on cooperation between the SIRENE and the Interpol central bureaux should be established by individual Contracting Parties.

The following recommendations have been agreed:

- a) Exchange of information relating to reports in the SIS must have priority over reports and exchange of information with Interpol. This priority stands particularly in the case of conflict between a planned report either within the framework of the SIS but also within the framework of Interpol.
- b) Reports and exchange of information within the framework of the SIS do not rule out reports and exchange of information on the same person and subject in the context of Interpol. If possible, duplicate reports – between the SIS and Interpol – that cover the area of the Schengen Contracting Parties should be avoided.
- c) Each Contracting Party shall adopt suitable measures to provide for information exchange between the SIRENE and the national Interpol central bureau at national level.

4.REQUIRED PROCEDURES

The smooth functioning of the Schengen Information System requires coordination of the different national systems. It is important to establish procedures to be followed by all Contracting Parties.

Each area of responsibility has been set out with the object of providing as precise an account as possible of the duties of the SIRENE bureaux:

3.1. Exchange of information before entering a report

3.1.1. Checking whether an arrest is authorised by the national law of the requested Contracting Parties – Article 95 (2)

The reporting Contracting Party checks whether the provisional arrest requested is authorised by the national law of the requested Contracting Parties.

The following procedure has been agreed:

- a) Checks to establish whether all Contracting Parties of the intended report can cooperate.
- b) If there are any doubts: consultation of the SIRENE affected and communication or exchange of the information required for the checks.
- c) The information will be prepared in accordance with Article 95 (2.2) before the report is entered.
It shall be established whether the accompanying documents are complete and whether they correspond to formal requirements. In each case, the following information should be communicated:
 - Surname, forename, date and place of birth
 - Sex, nationality
 - Reference number of warrant or conviction
 - Date of warrant or conviction
 - Authorities issuing the warrant and name of judge or court of law which pronounced the judgment
 - Details of penalty imposed
 - Details of authorities searching for person
 - Details of penalty still to be served
 - Reference to applicable legal articles
 - Maximum penalty for perpetration of the offence
 - Date and place of the offence
 - Short description of the offence, any damages.

Further information may be communicated, by arrangement and/or on the request of a different Contracting Party, by the SIRENE of the reporting Contracting Party, if this is necessary to establish a person's identity. This affects in particular:

- origin of the passport or papers held by the person
- reference, date and place of issue and issuing authorities of the passport or papers, in particular the expiry date
- description of the relevant person
- surname and forename of the father and the mother
- existence of photographs and finger prints
- last known address.

This information, including photographs and fingerprints should if possible always be immediately available in the SIRENE bureaux, so they can be forwarded as quickly as possible for the purposes of identification.

In such a sensitive area, it should be a common objective to avoid having a person with the same details as the reported person detained unnecessarily.

d) The report may be held by all Contracting Parties: for preparation before passing the report to the SIS.

e) The report may not be held by all Contracting Parties:

- either if the reporting Contracting Party decides not to enter the report
- or further developments mean that the Contracting Party(ies) affected are required to make a request for a note to be added immediately.

If a note is added, the Contracting Party affected must observe the alternative provision.

3.0.2 Consultation of Contracting Parties regarding reports for reasons of State security –
Article 99 (3)

If a report is to be made for purposes of discreet surveillance or controls related to State security, the reporting Contracting Party must first consult the other Contracting Parties.

This is an extremely sensitive area and requires special procedures to guarantee the confidentiality of particular information. For this reason it is advisable to separate contact between the authorities responsible for State security from contact between the SIRENE bureaux.

In this specific instance, the SIRENE bureaux should arrange the consultation procedure and take stock of procedures where the results are successful. The actual exchange of information should take place directly between the relevant bureaux.

The following procedure has been agreed:

- a) Before entering a report, the intelligence service in question must contact the intelligence services of the other Schengen Contracting Parties.
- b) The intelligence services shall exchange information and, finally, communicate the results to the national SIRENE bureau of the reporting intelligence service. If there are any objections to the planned report, these must be mentioned.
- c) The national SIRENE bureau of the intelligence service requesting the report informs the other SIRENE bureaux. Thus, the latter may raise objections after consultation with their intelligence services.
- d) The SIRENE bureau of the reporting Contracting Party will approve the entry of the report once it has established that proper consultation has taken place.

- e) In the case of any difficulties, the SIRENE bureau affected shall inform the SIRENE bureau of the Contracting Party which wishes to enter the report.
- f) If the Contracting Party retains the report, the report may be held with a note for 24 hours on the order of the requested Contracting Party.
- g) After this time, a note of no fixed duration may be added to the report on the request of one of the Contracting Parties, in the case where, because of the report, the Contracting Party is implementing the necessary provisions.

7.1 **Exchange of information simultaneous with entry of a report**

3.1.1 **Transferring accompanying document in connection with a provisional arrest for the purposes of extradition – Article 95 (2)**

This accompanying document contains obligatory information, the communication of which is provided for in the Implementing Convention. Furthermore, if necessary to establish a person's identity, additional information may be exchanged in order to facilitate the handling of the case.

An example of a standard form to be used by all Contracting Parties appears in this Handbook in **Appendix 5**.

The following procedure has been agreed:

- a) The reporting Contracting Party supplies the requested Contracting Parties, along with the report, with the basic information required as quickly as possible.
- b) Any additional information required for establishing the identity of a person shall be communicated following an arrangement with and/or request to another Contracting Party.

2.1 Exchange of information in the case of overlapping reports

The following general rules have been agreed in accordance with Article 107:

- a) A person may only be entered once in the Schengen Information System by a Contracting Party.
- b) A person may be reported in the Schengen Information System by more than once Contracting Party if these reports are compatible or can stand alongside each other.
- c) Reports under Article 95 are compatible with those under Articles 97 and 98. Furthermore, they may stand alongside those under Article 96. If need be, a provision under Article 95 will take precedence over one under Article 96.
- d) Regardless of the simultaneous existence of reports under Articles 95 and 96, reports under Article 96 and 99 are incompatible; reports under these articles are not compatible with reports under Articles 95, 97 and 98.

For reports under Article 99, measures for the purposes of “discreet surveillance” are not compatible with those for the purposes of “specific checks”.

- e) The following are ranked as grounds for the entering a report:
 - Provisional arrest for the purposes of extradition (Article 95)
 - Refusal of entry into the territory of the Schengen Contracting Parties (Article 96)
 - Placing persons in a place of safety (Article 97)
 - Discreet surveillance (Article 99)
 - Specific checks (Article 99)
 - Communication of certain persons permitted entry (Articles 97 and 98)

In special cases and following consultation between the Contracting Parties, exceptions can be made to the above list, if this is necessary because of important national interests.

- l) Until the report is deleted, the SIRENE bureau registers any request to report by the reporting Contracting Party which has been refused following consultation and in accordance with the conditions stated above.

TABLE OF REPORTS

COMPATIBLE

CAN CO-EXIST

Priority in descending
order of importance

Compatible grounds for reporting

Article 95

Articles 95 – 97 -98

Article 96

Article 96

Article 96

Article 95

Article 97

Articles 95 – 97 – 98

Placing persons in a place of safety
(Table 4, Grounds 3, Condition 4 and
Grounds 4, Condition 5)

Article 99

Article 99

discreet surveillance

discreet surveillance

Article 99

Article 99

specific checks

specific checks

Articles 97 – 98

Articles 95 – 97 – 98

communication of person
permitted entry

Special circumstances surrounding reports under Article 96

According to Article 101 (2), the authorities responsible for issuing visas, for examining visa applications and the authorities responsible for issuing residence permits have the right to access to data in accordance with Article 96.

In practice it is necessary to allow all the Schengen Contracting Parties access to all reports under Article 96 to avoid issuing a residence document or visa to an unwanted alien.

This requirement should be integrated with the provisions stated above.

The following general conditions have been agreed:

- a) A Contracting Party must always be able to enter a report in accordance with Article 96 so as to allow the authorities to decide not to issue a residency document or visa.
- b) In the case of conflict of a report with Article 95, each Contracting Party may retain its report. The rules on compatibility apply to all other reports.
- c) The rules applied with regard to reports are ranked in order of importance, that is, provisional arrest is ranked first.
- d) The Contracting Parties shall enact the requisite national provisions to inform users of these procedures.

Special circumstances surrounding the reporting of vehicles

The following general recommendations have been agreed:

- a) A vehicle may be reported by a Contracting Party only once in the Schengen Information System.
- b) A vehicle may be reported in the Schengen Information System by more than one Contracting Party if the reports are consistent with each other.
- c) Reports on vehicles under Article 99 are not compatible with the provisions on “discreet surveillance” and “specific checks”.
- d) Reports on vehicles under Article 99 are not compatible with reports on vehicles under Article 100.
- e) Until a report entered has been deleted, the SIRENE bureau of the Contracting Party registers any application to report which is refused following consultation and on the basis of the provisions set out above.

TABLE OF COMPATIBLE REPORTS

Priority in descending	compatible grounds
rank order	for reporting
Article 99	Article 99
discreet surveillance	discreet surveillance
Article 99	Article 99
specific checks	specific checks
Article 100	Article 100

In exceptional cases, after consulting the Contracting Parties, the above rank order may be overridden, if this is necessary for reasons of national importance.

3.2.1 Checking on the existence of overlapping reports on a person

Overlapping reports are without doubt exceptional. The major difficulty lies in the precise identification of different people with the same names.

In order to overcome this problem, it is recommended that consultation procedures are carried out between the SIRENE bureaux in the case of similar reports, in view of the cooperation between the Schengen Contracting Parties and for technical/police purposes.

Each Contracting Party shall take appropriate technical measures in order to establish any possible SIS double identities before entering a report.

The technical criteria used to determine whether two persons are identical are listed in **Appendix 6** to this handbook.

The following procedure has been agreed:

- a) If, when a request for a report is made, it is found that a person has already been entered in the SIS with the same identification criteria (name, forename and date of birth), a check is undertaken before the report is confirmed.
- b) The SIRENE arranges with the requesting authorities to check whether it is the same person;
- c) If it is established that it is the same person, the SIRENE bureau follows the procedure under point 4.3.3. for entering an overlapping report. If it is established that the two people are different, the SIRENE approves the request for a report.

3.2.2. Checking on the existence of overlapping reports on a vehicle

The criteria for reporting a vehicle are:

- either the number plate
- or the serial number.

Both registrations may be included in the same report.

To check for an overlapping report, there should be a search for the same registration. Two identical registrations show that there may be an overlapping report.

There are technical difficulties associated with this kind of check as it is not always possible to make a comparison on the basis of the prescribed criteria.

Reports on vehicles held in the SIS include the serial number and/or the number plate. If, when entering a new report, it is established that the serial number and/or the number plate is/are already held in the SIS, there may be a multiple report.

The SIRENE should encourage national authorities to be vigilant to those, without doubt, rare cases where two corresponding registrations are found. A data match immediately suggests a multiple report; failure to match does not mean that the vehicle has not been reported. It may have been reported under a registration which has not been used for the search.

The technical criteria for establishing whether two vehicles are identical may be found in **Appendix 6** of this Handbook.

The same procedure applies here between SIRENE as for reports of persons.

5.0.1. Consultation regarding the entry of a report in the case of incompatibility

If a request for a report overlaps with a report of the same Contracting Party, the national SIRENE bureau checks that only one report is entered in the SIS. The completion of this procedure is the national responsibility of the Contracting Parties.

If the intended report is not compatible with the report of one or more of the Contracting Parties, agreement must be reached on the matter.

The following procedure has been agreed:

- a) No consultation between the SIRENE bureaux are necessary if the reports are compatible; if the reports can stand alongside each other, the Contracting Party which wishes to enter a new report decides whether consultation is necessary.
- b) Consultation between the SIRENE bureaux is necessary if the reports are incompatible or if there is any doubt surrounding the entry of a report or a group of compatible reports in the Schengen Information System.
- c) If, following consultations, priority is given to a report which is incompatible with reports already in the SIS, when this report is entered, the other reports are deleted by the Contracting Parties who have entered the most recent report.
- d) Any dispute must be resolved by consultation between the SIRENE. If, using the rank order given, no agreement can be reached, the report entered first takes priority.

4.1. Exchange of information regarding addition of a note to a report

The SIRENE bureaux will exchange information so that the Contracting Parties may consider whether it is necessary to add a note to a report, and also, request the addition of a note if necessary.

The addition of a note is possible in the following three cases:

- a) According to Article 94 (4), a note of “undefined duration” may be entered (or deleted) in the case of reports under Articles 95, 97 and 99.
There is provision for an alternative measure when this note refers to a report under Article 95. There are no further alternative measures for reports under both other Articles, and the report will not appear on screen on the request of the end user.
- b) Under Article 95 (3), a “provisional note” may be entered for 24 hours, which can be extended by up to 7 days for reports under Article 95. This temporary note may be changed into a note of undefined duration. Under Article 95 (5), one of the alternative measures must be implemented.
- c) According to Article 99 (6), reports under Article 99 are held for checking for a maximum of 24 hours with a provisional note. This temporary note may be changed into a note of undefined duration. There is no provision for any alternative measure here.

The Contracting Parties note the following:

- The procedure for adding a note may only be used in exceptional cases.
- There may be a time lapse between entering a report in the Schengen Information System and adding a note. During this time,

the implementing measures must be enforced as provided for. It is desirable to keep this period of time to a minimum.

- Each Contracting Party has the responsibility of locating swiftly the reports which may require a note to be attached.

3.3.1. Consultation between the Contracting Parties regarding addition of a note

The following procedure has been agreed:

- a) The requested Contracting Party, which wishes to add a note to a report, informs the reporting Contracting Party of the matter.

In the case of a provisional note in accordance with Article 95 (3) and Article 99 (6), no consultation is necessary. In the case of adding a note of undefined duration in accordance with Article 94 (4), there must be consultation with all Contracting Parties.

- b) When information is exchanged to fulfil obligations between Contracting Parties, this may mean that the Contracting Parties affected neither amend/withdraw the report of the requesting Contracting Party nor comply with the request to add a note.

2.0.1. Request to add a note

The following procedure has been agreed:

- a) The requested Contracting Party requests the reporting Contracting Party to add a note to a report in accordance with Articles 95, 97 or 99.

This request must be made in writing. If it is made by telephone, it requires written confirmation.

- b) The reporting Contracting Party must enter this note as quickly as possible.
- c) The same procedure applies for a request to extend a provisional note in accordance with Article 95 (3), and for deleting a temporary note or one of undefined duration.
- d) A reporting Contracting Party may, for reasons of urgency, ask the requested Contracting Party not to add a provisional note to reports under Article 95.

4.0.1. Requests for systematic addition of notes for certain nationals

The following procedure has been agreed:

- a) A Contracting Party may request the SIRENE bureaux of the other Contracting Parties systematically to add a note to reports in accordance with Article 95 if the person in question is the national of a particular State.
- b) Any Contracting Party which wishes to take up this option, communicates its decision in writing to the Contracting Parties with which it wishes to enforce this option.
- c) Any Contracting Party(ies) who receive(s) such a request is/are obliged to add a note to the report for the requesting Contracting Party immediately after it is entered.
- d) This procedure applies until the request is withdrawn in writing.

4.1. Exchange of information in the case of a data match

4.1.1. Communication of data match to Schengen Partner States

The following procedure has been agreed:

- a) If there is a data match during checks on a reported person, vehicle or object, this must in all instances be reported to the SIRENE of the reporting Contracting Party.

On the basis of this information, the SIRENE of the reporting Contracting Party informs the SIRENE of the Contracting Party which made the data match of any relevant information and provisions to be implemented.

- b) Data matches with regard to reports under Article 96 are not systematically reported to the SIRENE bureaux of the reporting Contracting Parties. In exceptional circumstances, a report may be made on the initiative of the requested Contracting Party, which confirms the location of the data.
- c) It is desirable for all Contracting Parties who have reported a wish to enter a report on the same person or vehicle to be informed of all cases of data matches so that they are able to object. The reporting Contracting Party is responsible for this transfer of information.
- d) Automatic reporting via the C.SIS regarding deletion of a report enables any other report to be entered which was incompatible with the first and for that reason could not be entered.

4.0.1. Reporting additional information

The following procedure has been agreed:

- a) Additional information on reports under Articles 95, 97 and 98 and 100 can be communicated via the SIRENE bureaux; the latter may pass on this information on the request of the competent authorities in the context of mutual judicial assistance.

The SIRENE bureaux are not responsible for extraditing a person. If data is located relating to a report under Article 95, their role is confined to reporting additional information necessary for the Contracting Parties to determine whether the procedure to extradite a person can be undertaken.

Transmission of any warrant for extradition and special judicial information by diplomatic or other means is the responsibility of the competent authorities of the respective Contracting Parties and not of the SIRENE bureaux.

- b) The SIRENE bureaux must, as far as possible, report appropriate medical information regarding reported persons under Article 97 if protective measures need to be taken for these persons.

The information must only be kept as long as it is strictly needed by the SIRENE and may be used exclusively for the purposes of medical treatment of the person concerned.

- c) If a particular action is required following a data match (confirmation of a criminal offence or danger to public order and security, need to identify an object, vehicle or person etc.), there follows an exchange of information under Title IV of the

Implementing Convention, particularly with regard to Articles 99 and 100, on the basis of Articles 39 and 46 of this Convention.

3.1. Exchange of information regarding reported aliens to be refused entry

If an alien applying for a residence permit or a visa falls into the category mentioned in Articles 5 or 25 of the Implementing Convention, the authorities issuing this document will apply particular regulations.

In exceptional circumstances, it may be necessary to inform the Schengen Contracting Parties of a data match. In view of the fact of the large number, and geographical distribution of consular and diplomatic missions, mentioned under Article 96 in connection with these reports, it is not desirable systematically to report such cases.

3.1.1. Issue of residency permits or visas

The following procedure has been agreed:

- a) Each instance of a data match regarding a report under Article 96 may on the initiative of the requested Contracting Party be reported to the reporting Contracting Party. If the latter so wishes, it may inform the other Contracting Parties.
- b) If requested, the SIRENE bureaux of the Contracting Parties affected, in compliance with national legislation, may communicate necessary information to the authorities responsible for issuing residence documents and visas.
- c) If the procedure, under Article 25 of the Implementing Convention, leads to the deletion of a report undertaken in accordance with Article 96, the SIRENE bureaux will cooperate as requested in compliance with their national legislation.

3.0.1. Refusal to grant entry to or deportation from the Schengen area

The following procedure has been agreed:

- a) A Contracting Party may ask to be informed of all data matches on the basis of its own reports entered under Article 96.

Any Contracting Party which wishes to take up this option must inform the other Contracting Parties of its request in writing.

- b) The reporting Contracting Party may, on the initiative of the requested Contracting Party, be informed of the locating of a reported alien and of refusal to allow entry or deportation from the Schengen area under Article 96.

- c) If a reported person is found within the country, the reporting Contracting Party, following an application from the requested Contracting Party, must transmit all necessary information through its SIRENE bureau on the expulsion of the alien from the Schengen Area

If a reported person is found on the border, the necessary provisions must be implemented in accordance with the report of the reporting Contracting Party.

In exceptional cases regarding Articles 5 or 25 of the Implementing Convention, the necessary consultations between the Contracting Parties affected should be conducted through the SIRENE.

The exchange of further information through the SIRENE may be required in individual cases to enable clear identification of a person.

3.1. Exchange of information in the case of a data match when it is not possible to implement measures as provided for in a report

3.1.1. Informing the reporting Contracting Party when it is not possible to implement a measure

The following procedure has been agreed:

- a) The requested Contracting Party immediately informs the reporting Contracting Party through its SIRENE that it is not in a position to implement the required measure; it will provide an explanation.
- b) The Contracting Parties in question will agree if need be on how to carry out a procedure in such a way that is compatible with their national legislation and the requirements of the Implementing Convention.

2.1. **Exchange of information where purpose for which data will be used is changed**

Application of this exceptional procedure requires the agreement of the reporting Contracting Party.

The latter must be in a position to evaluate the relevance of the request.

The purpose for which the data will be used must correspond to reports under Articles 95 to 100 of the Implementing Convention.

On no account may the data be used for purposes other than those provided for in the Implementing Convention.

2.1.1. **Informing the Contracting Party of change of purpose for which data will be used**

The following procedure has been agreed:

- a) The requested Contracting Party informs the reporting Contracting Party through its SIRENE why it is seeking to change the purpose for which the data will be used.
- b) The reporting Contracting Party ascertains as quickly as possible whether it can accede to the request and informs the requested Contracting Party of its decision through its SIRENE.

In certain cases, the reporting Contracting Party may attach further conditions to the use of these data.

2.0.1. **Changing purpose for which data will be used**

The following procedure has been agreed:

- a) With the agreement of the reporting Contracting Party, the requested Contracting Party uses the data for its agreed purpose. Thus, it takes into account any conditions stipulated.

1.1. Exchange of information in the case of data stored which is legally or factually inaccurate

1.1.1. Informing the reporting Contracting Party of legally or factually inaccurate data

The following procedure has been agreed:

- a) Any Contracting Party which finds an error in the data will inform the reporting Contracting Party of the fact through its SIRENE.
- b) There will be an exchange of information to reach agreement on the deletion or amending of this data.

2.0.1. Amendment procedure

The following procedure has been agreed:

- a) Once agreement has been reached, the reporting Contracting Party implements its national procedure to amend the error.
- b) If no agreement is reached, the SIRENE of the Contracting Party which discovered the data error asks the competent authority of its own country to bring the case before the Joint Supervisory Authority.

2.1. Exchange of information on the right of access to data and deletion of data

2.1.1. Informing national authorities with regard to a request for access or for deletion of data

The following procedure has been agreed:

- a) Each SIRENE enforces the national right of access. According to the case, the SIRENE informs the competent national authorities of requests for access to or deletion of information so that a decision can be made as to whether they are able to grant this request.
- b) If asked to do so by the national competent authorities, the SIRENE may communicate the information on exercising this right of access to the relevant Contracting Party.

3.9.2 Reporting requests for access regarding reports of other Contracting Parties

The exchange of information on a request for access relating to a report entered in the SIS by another Contracting Party may take place following contact between the national SIRENE bureau.

The following procedure has been agreed:

- a) The request for information is referred immediately to the Contracting Party so that it can consider it.
- b) The reporting Contracting Party communicates its position to the Contracting Party to which the request was made.

This allows time to respect the deadlines stipulated in the provisions in order to carry out the request.

- c) The reporting Contracting Party states its view to the SIRENE of the Contracting Party to whom the request was made; in this way, the SIRENE ensures that the view of the reporting Contracting Party is reported as soon as possible to the competent national authorities so that they can make a decision on the request.

3.0.1 Communication regarding the access and amendment procedures

The following procedure has been agreed:

The SIRENE will inform each other of conditions decided at national level regarding access and amendments to data on persons as well as any changes made.

4. **MEASURES TO BE IMPLEMENTED FOR ALL CATEGORIES OF
REPORT**

When entering a report in the Schengen Information System, the SIRENE must resolve a whole series of issues. They must check the technical quality of the data and establish whether the requirements of the Implementing Convention have been met.

The rank order of priorities must be scrupulously adhered to for each report category to guarantee the reliability of the data communicated through the SIS.

Any data match must be immediately reported. If necessary, further information which may be needed for additional measures will be exchanged between Contracting Parties.

4.1. Generating a report

4.1.1. Measures to be implemented for all categories of report

Before enforcing any specific measures in relation to a particular category of report, the following must be carried out.

- a) Checks on whether there are overlapping reports:
 - at national level: the same person (or the same vehicle) may only be reported once by a country. If there are overlapping reports, a national procedure must be applied to reduce this to a single report;
 - at Schengen level: the same person (or the same vehicle) may be the subject of more than one report.
- d) Checks on compatibility in the case of overlapping reports (person or vehicle):
 - if incompatible: agreement on entering a single report (person or vehicle). If agreement is not reached: end of the procedure;
 - if compatible or if reporting priority agreed: continuation of the procedure.

NOTE: The reporting Contracting Party registers the request for which no agreement was reached in order to be able to report any data matches it identifies.

Any Contracting Party which has been unable to enter its report, carries out the required technical procedures and rechecks its request in order to establish whether it has been taken over by an automatic system for deleting the report, due to which its report could not be entered.

6.0.1. Procedures for respective categories of report

6.0.1.1. Reports under Article 95

- a) Checks on whether an arrest for the purposes of extradition are permissible according to the national laws of the Contracting Party.
- b) Checks on whether the accompanying document with the required information is available.
- c) Entry of the report in the SIS, and simultaneous transmission of other accompanying documents to the other SIRENE.
- d) On the request of a Contracting Party: addition of a note to the report.

4.0.0.1. Reports under Article 96

- a) Entry of the report in the SIS

1.0.0.1. Reports under Article 97

- a) Entry of the report in the SIS
- b) On the request of a Contracting Party: addition of a note to the report

2.0.0.1. Reports under Article 98

- a) Entry of the report in the SIS

1.0.0.1. Reports under Article 99 (2)

- a) Entry of the report in the SIS
- b) On the request of a Contracting Party: addition of a note to the report

2.0.0.1. Reports under Article 99 (3)

- a) Checks with the authorities responsible for State security on whether the corresponding services of the other Contracting Parties have been informed.
- b) Reporting to the SIRENE of the other Contracting Parties on the intended report and confirmation of completion of the consultation provided for.
- c) Entry of the report in the SIS.
- d) On the request of a Contracting Party: addition of a note to the report.

4.0.0.1. Reports under Article 100

- a) Exclusively in connection with vehicles: checks on whether there is an overlapping report, and if this is so, checks on the compatibility of the reports.
- b) Entry of the report in the SIS.

2.1. Amending a report

2.1.1. Entry of an alias name

- a) Checks on whether the alias name to be entered does not correspond with another entry. In case of doubt or of overlapping reports: application of the prescribed procedure.

The owner of a report is responsible for entering an alias name. If another Contracting Party confirms the alias name, it forwards it to the owner of the reports as long as it is not generating its own report.

- b) The other Contracting Parties should be informed if the alias name refers to a report under Article 95 or Article 99 (3). If necessary, the SIRENE reports this information to the authorities responsible for the relevant report category.
- c) Amendment recorded in SIS.

3.0.1. Amendment of the purpose of a report or procedure relating to a report

Even if there is a data match, this procedure is applied.

- a) Deletion of the report whose category is to be changed.
- b) Adoption of procedure for entering a report for the new category.

4.3 Deletion of a report

4.2.1. Deletion following a data match

- a) The Contracting Party which was unable to enter its report should be informed of the data match as well as the deletion of the report.

1.0.1. Deletion when the requirements for holding the report are no longer met.

Apart from data matches, a report may either be directly deleted from the C.SIS (if no longer valid) or indirectly by the authority which entered the report (if the requirements for holding it in the SIS are no longer met.)

In both cases, the information in the C.SIS will be automatically deleted by deleting it from the N.SIS sections and will allow the entry of a report which could not previously be entered.

- a) The SIRENE will automatically be informed by means of a message from the N.SIS of the possibility that a report which could not previously be stored can be entered.
- b) The SIRENE will carry out the procedure for entering a report according to the report category.

Appendix 1

Criteria for transmission of messages

The transmission of a written message is only necessary to confirm the results of consultations or of procedures – and not to record previous discussions and objections made by a Contracting Party.

Appendix 2

Transliteration rules

Appendix 3

SIRENE bureaux: names and addresses

Appendix 4

SIS tables.

Appendix 5

Forms

Appendix 6

Technical criteria regarding similar identity in two different reports.

a – persons

b – vehicles