



**COUNCIL OF
THE EUROPEAN UNION**

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SEMDOC

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LIMITE

**SIRENE 14
COMIX 116**

NOTE

from :	German delegation
to :	SIRENE Working Party (European Union, Iceland and Norway Mixed Committee)
Subject :	Introduction of urgent searches in connection with alerts issued pursuant to Article 95 of the Schengen Convention

At the SIRENE Heads meeting in Copenhagen on 11 June 1999 the delegations agreed to draft rules governing the introduction of urgent searches similar to the "Nordic Alarms" procedure already applied by the Nordic States. To this end the German delegation would make the following proposals:

1. Definition

An urgent search is an alert issued pursuant to Article 95 of the Schengen Convention (arrest for the purpose of extradition). It means that in urgent cases the alert may, under certain conditions (see below), be entered into the SIS pursuant to Article 95 without simultaneous transmission of the mandatory accompanying document. That document must be supplied within a few hours (24, 12 or 6) of the alert being issued.

2. Applicability

This procedure may be used only if the offence in question poses a significant threat to public security in one or more Schengen States.

Urgent searches are therefore applicable only in the case of serious crimes. This category includes homicide, hostage-taking, sexual offences (rape, sexual coercion and sexual abuse of children), robbery and extortion. It may also be used in cases where a dangerous criminal or a criminal who has been convicted of one these offences has escaped while serving a custodial sentence.

An urgent search may only be undertaken if the crime was committed in the area adjacent to the border with one or more Schengen States or if there are grounds for suspecting that the offender intends to flee abroad immediately.

The crime must have been committed within the preceding 24 hours.

3. Procedure

The Contracting State which initiates an urgent search must notify all SIRENE Bureaux at once using an M form. The M form must state the reasons for instituting the search and contain all useful information for the Contracting State that is the offender's suspected destination. Where possible, it should also specify the judicial authorities that will request the offender's extradition once he or she has been arrested.

This enables each SIRENE Bureau to check whether the conditions for issuing this type of alert have been fulfilled and, where necessary, to add a flag. The reasons for inserting the flag should be given in the F form.

The Contracting Partner which initiates the search is obliged to supply the mandatory accompanying document within a few hours (24, 12 or 6). If this time limit is exceeded, each Partner is entitled to request that a flag be added for its country.

We consider the above restrictions advisable in order to prevent the SIS from being “inundated” with urgent searches. This option must as a matter of principle be limited to exceptional cases in which its use is justified; it must not become the rule. This also gives each State the opportunity to enter its reservations by adding a flag to the data file.

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