

ANNEX

SIRENE Manual and other implementing measures⁽¹⁾

2. GENERAL PROCEDURES

2.14. Overlapping roles of SIRENE and Interpol⁽²⁾

The role of the SIS II is neither to replace nor to replicate the role of Interpol. Although tasks may overlap, the governing principles for action and cooperation between the Member States under Schengen differ substantially from those under Interpol. It is therefore necessary to establish rules for cooperation between the SIRENE Bureaux and the NCBs (National Central Bureaux) at the national level.

The following principles shall apply:

2.14.1. Priority of SIS II alerts over Interpol alerts

In case of alerts issued by Member States, SIS II alerts and the exchange of all information on these alerts shall always have priority over alerts and information exchanged via Interpol. This is of particular importance if the alerts conflict.

2.14.2. Choice of communication channel

The principle of Schengen alerts taking precedence over Interpol alerts issued by Member States shall be respected and it shall be ensured that the NCBs of Member States comply with this. Once the SIS II alert is created, all communication related to the alert and the purpose for its creation and execution of action to be taken shall be provided by SIRENE Bureaux. If a Member State wants to change channels of communication, the other parties have to be consulted in advance. Such a change of channel is possible only in specific cases.

2.14.3. Use and distribution of Interpol diffusions in Schengen States

Given the priority of SIS II alerts over Interpol alerts, the use of Interpol alerts shall be restricted to exceptional cases (i.e. where there is no provision, either in the Convention or in technical terms, to enter the alert in the SIS II, or where not all the necessary information is available to form a SIS II alert). Parallel alerts in the SIS II and via Interpol within the Schengen area should be avoided. Alerts which are distributed via Interpol channels and which also cover the Schengen area or parts thereof shall bear the following indication: **‘except for the Schengen States’**.

2.14.4. Hit and deletion of an alert

In order to ensure the SIRENE Bureau's role as a coordinator of the verification of the quality of the information entered in the SIS II Member States shall ensure that the SIRENE Bureaux and the NCBs inform each other of hits and deletion of alerts.

2.14.5. Improvement of cooperation between the SIRENE Bureaux and the Interpol NCBs

In accordance with national law, each Member State shall take all appropriate measures to provide for the effective exchange of information at the national level between its SIRENE Bureau and the NCBs.

2.14.6. Sending information to third States

(a) Data processed in the SIS II.

According to Article 39 of the SIS II Regulation and 54 of the SIS II Decision, data processed in the SIS II in application of these two legal instruments shall not be transferred or made available to third countries or to international organisations. Article 55 of the SIS II Decision foresees derogation from this general rule regarding the exchange of data on stolen, misappropriated, lost or invalidated passports with Interpol, subject to the conditions laid down in this article.

(b) Supplementary information

In accordance with the ‘data ownership principle’ contained in Article 4(2) of the SIS II legal instruments, transmission of supplementary information to third States shall be performed by the Member State ‘owner’ of the data. If a request for supplementary information related to a particular alert is received by the SIRENE Bureau of a State other than that issuing the alert, the former shall inform the latter of the request for information in order to allow the issuing Member State to take decision in full compliance with the applicable rules, including the rules on data protection. Use of the Interpol channel will depend on national provisions or procedures.

- (1) This text is identical to the text in the Annex to Commission Decision 2008/333/EC (see page 4 of this Official Journal).
- (2) See also EU Schengen Catalogue, vol. 2: Schengen Information System, SIRENE: recommendations and best practices, December 2002.