

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 XI

Alerts on unknown wanted persons for the purposes of identification under national law

Article 40

Alerts on unknown wanted persons for the purposes of identification under national law

Member States may enter into SIS alerts on unknown wanted persons containing only dactyloscopic data. Those dactyloscopic data shall be either complete or incomplete sets of fingerprints or palm prints discovered at the scenes of terrorist offences or other serious crimes under investigation. They shall only be entered into SIS where it can be established to a very high degree of probability that they belong to a perpetrator of the offence.

If the competent authority of the issuing Member State cannot establish the identity of the suspect on the basis of data from any other relevant national, Union or international database, the dactyloscopic data referred to in the first subparagraph may only be entered in this category of alerts as ‘unknown wanted person’ for the purpose of identifying such a person.

Article 41

Execution of the action based on an alert

In the event of a hit with the data entered pursuant to Article 40, the identity of the person shall be established in accordance with national law, together with expert verification that the dactyloscopic data in SIS belong to the person. The executing Member States shall communicate information on the identity and the whereabouts of the person to the issuing Member State through the exchange of supplementary information in order to facilitate timely investigation of the case.

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.

[View outstanding changes](#)

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\(b\)](#)