

## **2.3. POLICE COOPERATION**



**DECISION OF THE EXECUTIVE COMMITTEE  
of 24 June 1997  
on the Schengen manual on police cooperation  
in the field of public order and security  
(SCH/Com-ex (97) 6 rev 2)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article 46 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

1. The Schengen manual on police cooperation in the field of public order and security (SCH/1 (97) 36 rev 5 <sup>(1)</sup>), the purpose of which is to foster cooperation between the Schengen States with regard to the maintenance of public order and security and which is geared towards averting threats to disturbances of public order and security which may concern one or more Schengen States, is hereby approved.

2. The Schengen States may incorporate the contents of the abovementioned manual into their national handbooks and manuals.

Lisbon, 24 June 1997

The Chairman  
F. SEIXAS DA COSTA

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<sup>(1)</sup> Correct version SCH/Com-ex (98) 52.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 16 September 1998  
on forwarding the common manual to EU applicant States  
(SCH/Com-ex (98) 35 rev 2)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Whereas the Schengen *acquis* is to be integrated into the framework of the European Union pursuant to the relevant protocol to the Amsterdam Treaty,

Whereas pursuant to Article 8 of the said protocol, the Schengen *acquis* must be accepted in full by all applicant States and whereas the latter must be adequately prepared to that end,

Whereas the common manual on checks at the external borders, in particular, is an important component of the Schengen *acquis* and the States with which specific accession negotiations are being conducted must be informed thereof now so that they may prepare to accept the *acquis*,

Whereas, to that end, the common manual on checks at the external borders, with the exception of certain annexes, and other documents should be forwarded to the States, despite the fact that they are confidential documents,

Whereas the forwarding of public decisions and declarations of the Executive Committee may also be necessary,

HAS DECIDED AS FOLLOWS:

1. The Presidency-in-office may forward the common manual on checks at the external borders, without Annexes 6b, 6c and 14b, to the applicant States with which specific negotiations on their accession to the European Union are being conducted.

2. The Central Group is empowered to decide on a case-by-case basis on forwarding other confidential documents to those States.
3. Upon forwarding as referred to in points 1 and 2, it must be pointed out that this document is confidential. The State receiving the common manual on checks at the external borders or any other confidential document must undertake to treat such document as confidential.
4. Moreover, the Presidency-in-office may forward public decisions and declarations of the Executive Committee and other non-confidential documents to States and other services for internal use where a warranted interest is demonstrated.

Königswinter, 16 September 1998

The Chairman  
M. KANTHER

**DECISION OF THE EXECUTIVE COMMITTEE  
of 16 December 1998  
on cross-border police cooperation in the area of crime prevention  
and detection  
(SCH/Com-ex (98) 51 rev 3)**

The Executive Committee,

Having regard to Articles 39 and 132 of the agreement implementing the Schengen Convention,

- stressing the need for the Schengen States further to improve crime prevention and detection by means of closer cooperation,
- confirming the importance of mutual police assistance pursuant to Article 39 of the Schengen Convention for the attainment of this objective,
- convinced that in certain cases in which no coercive measures are required police cooperation — under the executive authority of the judicial authorities — may be immediately necessary in order to ensure that delay in processing a request does not thwart the outcome of an investigation,
- whereas it is necessary for reasons of operational security and legal certainty to draw up a common list defining the scope of such police cooperation and to determine appropriate channels for the transmission of police requests,

HAS DECIDED AS FOLLOWS:

1. In accordance with the objectives set out in Article 39 of the Schengen Convention, the Schengen States shall endeavour to bring police cooperation in the fight against crime up to a level meeting the needs for rapid and effective action against criminals operating internationally. To this end it is particularly important to draw up a common list of activities which may be requested and undertaken under the law of the Schengen States in cases in which the prior consent of the judicial and/or administrative authorities is not mandatory and without prejudice to the control exercised in such matters by the judicial authorities. If agreement on such a list is reached, the definitive decision will be taken by the Central Group.

2. Without prejudice to the common list to be adopted pursuant to point 1 above, the Schengen States shall list, for the purpose of inclusion in the national fact sheets of the Handbook on Crossborder Police Cooperation, the activities within the meaning of Article

39(1) of the convention that may be requested and undertaken in accordance with national law by their police authorities subject to the conditions pursuant to paragraph 1.

3. National legal order permitting, the Schengen States may increase police cooperation in the area of crime prevention and detection by concluding bilateral agreements and specify what activities in addition to the measures in the list referred to in point 1 may come within the scope of mutual police assistance without the intervention of the judicial and/or administrative authorities. These bilateral agreements should also specify how police requests are to be transmitted to the competent authorities and how the use as evidence in criminal proceedings of the information transmitted can be simplified.

4. Working Group I shall, by agreement with Working Group III, submit to the Central Group an annual report based on the experiences of the Contracting Parties concerning the progress made in improving police cooperation in preventing and detecting crime.

Berlin, 16 December 1998

The Chairman  
C. H. SCHAPPER

**DECISION OF THE EXECUTIVE COMMITTEE  
of 16 December 1998  
on the handbook on cross-border police cooperation  
(SCH/Com-ex (98) 52)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,  
Having regard to Articles 2(3), 3, 7, 39, 40, 41, 46, 47 and 92 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

1. The Schengen handbook on cross-border police cooperation (document SCH/I (98) 90 <sup>(1)</sup>), annexed hereto, is hereby adopted. At the same time the Executive Committee declaration of 29 June 1995 (document SCH/Com-ex (95) decl 2) is hereby repealed.
2. The Schengen manual on police cooperation in maintaining public order and security (document SCH/I (97) 36 rev 5) has been incorporated into the handbook on cross-border police cooperation. The Executive Committee decision of 24 June 1997 (document SCH/Com-ex (97) 6 rev 2) is hereby repealed.
3. The Contracting States shall incorporate the handbook on cross-border police cooperation into their national orders and forward the handbook to their police services for implementation.
4. The Schengen Secretariat shall be responsible for constantly updating the Handbook in the form of a loose-leaf binder. To this end the Contracting States shall keep the General Secretariat abreast of any amendments to be made to their national fact sheets.
5. Every six months the Presidency-in-office shall consult the States on the need to update the General Part and shall update the handbook.
6. The Presidency will forward the handbook to the European Union for information purposes.

Berlin, 16 December 1998

The Chairman  
C. H. SCHAPPER

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<sup>(1)</sup> Restricted document.



**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the Schengen *acquis* relating to telecommunications  
(SCH/Com-ex (99) 6)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article 44 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

The tactical and operational requirements for a future cross-border digital radio system for the police and customs services in the Schengen States defined in accordance with the mandate pursuant to Article 44, the rules for manufacturing and administering uniform encryption algorithms, and other agreements established within the remit of the subgroup on telecommunications, as set out in the following nine documents, are hereby approved.

1. SCH/I-Telecom (92) 21 rev 2 <sup>(1)</sup> of 12 June 1992  
'Definition of the Telecommunications Equipment Needs of Police and Customs Services'
2. SCH/I-Telecom (95) 18 <sup>(1)</sup> of 8 June 1995 'Digital Radiocommunications Systems for Security Organisations (tactical and operational requirements)'
3. SCH/I-Telecom (96) 44 rev 5 <sup>(1)</sup> of 14 November 1997 'Requirements for terminals and their user interfaces in the Schengen States' future digital trunk radio systems'
4. SCH/I-Telecom (95) 33 rev 2 <sup>(1)</sup> of 6 December 1995  
'Request to ETSI for a study of the European norms meeting Schengen functional requirements'
5. SCH/I-Telecom (95) 35 <sup>(1)</sup> of 21 November 1995  
'Schengen communication requirements and the TETRA standard'
6. SCH/I-Telecom-Crypto (95) 37 rev 4 <sup>(1)</sup> of 8 July 1996  
'Digital Radio Communications Network for Security Organisations (Security Requirements)'

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<sup>(1)</sup> Restricted document.

7. SCH/I-Telecom-Crypto (97) 7 rev 5 <sup>(1)</sup> of 24 February 1998  
'Agreement for the use and custody of Schengen Algorithms'
8. SCH/I-Telecom-Crypto (97) 10 rev 2 <sup>(1)</sup> of 24 February 1998  
'Criteria for manufacturing Schengen specific algorithms'
9. SCH/I (98) 17 rev 4 <sup>(1)</sup> of 26 May 1998  
'Amendment to the mandate of the subgroup on telecommunications to examine the interoperability aspects of different digital radio communications systems'

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

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<sup>(1)</sup> Restricted document.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on liaison officers**

**(SCH/Com-ex (99) 7 rev 2)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Articles 7 and 47 of the abovementioned convention,

Taking account of its declaration of 16 September 1998 (doc. SCH/Com-ex (98) decl 2 rev);

HAS DECIDED AS FOLLOWS:

1. The plan for the reciprocal secondment of liaison officers to advise and assist in the performance of tasks of security and checking at the external borders (document SCH/I-Front (98) 170 rev 5) is hereby approved.

2. It is recommended that the States Parties second liaison officers to the locations of their choice included in the list in document SCH/I-Front (99) 9 rev 3 forthwith and that, where appropriate, the bilateral agreements still required be concluded. This indicative list is not binding and shall be updated in line with the situation as it develops.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

## **Reciprocal secondment of liaison officers to advise and assist in the performance of tasks of security and checking at the external borders**

### **SCH/I-Front (98) 170 rev 5**

At its meeting on 16 September 1998, the Executive Committee adopted declaration SCH/Com-ex (98) decl 2 rev 2 entrusting the Central Group with the task of examining whether advice and assistance by employees of one of the Contracting Parties whilst checks were being carried out at the external borders of the other Contracting Party could improve border security.

Following thorough discussion of the possibilities for advice and assistance by liaison officers seconded to the external borders at its meeting on 28 September 1998, the subgroup on frontiers decided unreservedly that this was the case.

To fulfil the remaining part of the mandate from the Executive Committee, the subgroup hereby submits the following plan for the reciprocal secondment of liaison officers to advise and assist in the performance of tasks of security and checking at the external borders.

#### **1. General**

##### 1.1. Legal framework

The secondment and activities of liaison officers shall be governed by Article 47(1) to (3) of the Schengen Convention and Article 7, third sentence of the Schengen Convention. These provisions allow liaison officers to be seconded permanently or temporarily with the aim of furthering and accelerating cooperation between the Contracting Parties. This also applies expressly to mutual assistance between the cross-border authorities at the external borders.

Furthermore, this secondment at operational level will always be based on the bilateral agreements between the Partner States which may, if necessary, be supplemented by more specific arrangements between the relevant administrative authorities. Arrangements that derogate from the following rules may thus be made bilaterally between the States exchanging liaison officers. However, the conclusion of bilateral agreements shall not in any way impede mutual consultation and notification.

### 1.2. Areas of operation

The liaison officers may be posted to executive border police agencies working at the maritime and land borders and corresponding airports, as well as the coast guard. They shall advise and support the regular members of the executive agencies of the Schengen States in the surveillance and checking measures at the external Schengen borders at their request and in agreement with the host authority and in accordance with their instructions. In so doing they may observe and gather evidence to establish a presumption relation to illegal immigration and cross-border crime. They should not, however, carry out any tasks relating to the sovereignty of States. These officers must be posted principally on border crossing points and stretches of the border which are of particular interest in terms of illegal immigration into the Schengen area.

The liaison officers' activities shall be without prejudice to the sovereignty of the assisted State; its domestic law and administrative regulations should not be affected by the performance of their tasks.

The liaison officers' tasks listed below by way of example shall be performed solely in the context of providing advice and support to the host State's authorities responsible for border police duties.

In each case the tasks shall be fulfilled:

- in accordance with national law;
- in strict compliance with the specific regulations contained in the various bilateral agreements which may, if necessary, be supplemented by more specific arrangements;
- in agreement with the host State authorities and in accordance with their instructions.

These tasks may include:

#### *Information exchange*

- regular collection and exchange of information on specific cases;
- forging of links between competent authorities, in particular pursuant to Articles 39 and 46 of the Schengen Convention;
- informing the authorities in the host State on matters regarding entry and exit in relation to the State of origin of the seconded officers.

*Advice and assistance to the officers of the host State*

- advice and assistance to the host State's officers in:
  - interviewing travellers,
  - verifying the authenticity of documents issued by the State of origin of the seconded officers;
- advice and assistance to the host State's officers in border police follow-ups, such as:
  - making reports,
  - recording statements,
  - conducting interviews,
  - compiling statistics;
- advice and assistance to the host State's officers in:
  - evaluating documents about which the liaison officers are knowledgeable,
  - planning border surveillance measures,
  - the evaluation of border police operations;
- advice and assistance to the host State's officers in updating the situation report;
- accompanying the host State's officers carrying out border patrols.

Moreover, the following tasks may also be performed at airports and maritime ports:

- advice/information to authorities for repatriation measures by the State of origin of the seconded officers bearing in mind existing readmission agreements;
- advice to contact persons for travellers or carriers of the State of origin of the seconded officers.

### 1.3. Profile of liaison officers

The officers to be seconded must also be suitable in professional and personal terms for possible long-term foreign assignments. They must have cross-border experience. Where possible, they should have a thorough knowledge of the host country's language and at least master the working language mostly used at the assignment location.

In principle, the secondment of highly professionally qualified officers is to be given preference.

### 1.4. Logistics

The host State shall provide the seconding State with logistical support with due regard for the sovereignty of both States and pursuant to the relevant bilateral agreement.

- The liaison officers should, in as far as local conditions so permit, be provided with their own office by the host authority or at least be able to share an office. The liaison officer should be able to share all logistical facilities in the host authority.
- The liaison officer's accommodation shall be paid for by the seconding State. The host State must assist in obtaining accommodation.
- The official involvement of liaison officers in the host State (embassy of the seconding State or Ministry/authorities of the host State) shall be defined in the bilateral agreements.
- Medical treatment  
The seconding State shall ensure that sufficient health insurance cover is available in the host State for the liaison officer in case of illness. Supplementary insurance should be taken out if necessary.

## 2. Assignment locations

The selection of locations recommended to the Schengen States for the deployment of liaison officers shall be laid down separately by the subgroup on frontiers. This indicative list will not be in any way binding and will be updated in line with the evolving situation.

## 3. Evaluation/follow-up

The Schengen States will exchange their experiences on the secondment of liaison officers where necessary in the subgroup on frontiers <sup>(1)</sup>.

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<sup>(1)</sup> After Schengen has been integrated into the European Union, the work of the subgroup on frontiers will be continued in the Council body competent for matters relating to external borders.

## **Reciprocal secondment of liaison officers to advise and assist in the performance of tasks of security and checking at the external borders**

### **SCH/I-Front (99) 9 rev 3**

#### **Indicative list of locations currently recommended to the Schengen States for the secondment of liaison officers**

Below is a list of the locations which the subgroup on frontiers currently recommends to the Schengen States for the secondment of liaison officers.

This indicative list is not in any way binding and will be updated by the subgroup on frontiers in line with the current situation <sup>(1)</sup>.

#### **1. Belgium**

- Brussels (Zaventem Airport)

#### **2. Germany**

- Frankfurt/Main Airport
- Munich (Franz-Joseph-Strauß Airport)
- Frankfurt/Oder (land border with Poland)
- Ludwigsdorf (land border with Poland)
- Zinnwald (land border with the Czech Republic)
- Waidhaus (land border with the Czech Republic)
- Hamburg (port)

#### **3. Greece**

- Athens (Airport)
- Thessaloniki (Airport)
- Kakabia (land border with Albania)
- Kastanies (land border with Turkey)
- Samos
- Corfu

<sup>(1)</sup> After Schengen has been integrated into the European Union, the work of the subgroup on frontiers will be continued in the Council body responsible for matters relating to external borders.



#### **4. Spain**

- Algeciras (port)
- Madrid (Barajas Airport)

#### **5. France**

- Marseille (port)
- Paris (Charles de Gaulle Airport)

#### **6. Italy**

- Rome – Fiumicino (Airport)
- Brindisi (maritime border)
- Trapani
- Trieste (land border with Slovenia)
- Milan (Malpensa Airport)

#### **7. The Netherlands**

- Amsterdam (Schiphol Airport)

#### **8. Austria**

- Vienna-Schwechat (Airport)
- Nickelsdorf motorway (land border with Hungary)
- Spielfeld (land border with Slovenia)
- Berg (land border with the Slovakia)
- Drasenhofen (land border with the Czech Republic)

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on general principles governing the payment of informers  
(SCH/Com-ex (99) 8 rev 2)**

The Executive Committee,

- Having regard to Article 132 of the agreement implementing the Schengen Convention,
- Having regard to Articles 70 to 76 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

The Executive Committee hereby approves the decision of the Central Group of 22 March 1999 on the general principles governing payment of informers (SCH/C (99) 25, SCH/Stup (98) 72 rev).

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

## **Subject: General principles governing payment of informers**

### **SCH/Stup (98) 72 rev 2**

#### **1. Introduction**

International drug-related crime, other forms of serious crime and organised crime are a growing phenomenon which also affects the Schengen States.

Criminals, particularly those involved in illicit trafficking in drugs, are adopting an increasingly professional approach and adapting flexibly to new geopolitical, legal, economic and technological circumstances, using entrepreneurial structures and interweaving illegal business dealings with legitimate commercial activities. They are also prepared to act ruthlessly to achieve their objectives, threatening or resorting to violence against people and property and seeking to manipulate politicians, businessmen and public officials, their main motivation being the maximisation of profits and the pursuit of power.

The modus operandi of criminal networks involved in drugs is characterised by specialisation, division of labour and compartmentalisation. Illegal profits are 'reinvested' in new criminal activities or injected into legitimate commercial activities in order to gain influence and create a criminal monopoly.

Even special investigative methods are becoming increasingly ineffective. Actively obtaining information undercover and using operational investigative methods such as systematic evaluation have therefore become an increasingly important technique for identifying and fighting organised crime in the field of drugs. In this regard particular attention should be focused on the systematic, coordinated and targeted use of informers.

Informers must gain the trust of the criminals so that they are in a position to shed light on the structure of criminal organisations and structures.

That is why the Presidency carried out a survey in the Schengen States (see document SCH/Stup (98) 25). Document SCH/Stup (98) 60 rev was subsequently distributed outlining the results. The survey showed that the law and, also in part, legal practice with regard to the payment of informers in the Schengen States differed widely. At its meeting

of 21 October 1998 the Working Group on Drugs therefore agreed to draw up common non-binding guidelines for paying informers and guaranteeing them non-material benefits.

The general principles governing payment of informers are to be used as non-mandatory guidelines within the Schengen area and are intended to contribute to the further improvement of customs and police cooperation in this sensitive sphere. They should also serve as benchmarks for those Schengen States currently engaged in drafting or amplifying similar regulations.

## 2. General

Informers' motives for cooperating with police and customs authorities are frequently financial. They should therefore be provided with financial incentives that take market realities into account and correspond to their personal circumstances, reflect the skills required for the operation and are commensurate with the risk involved and the outcome of the investigation. Economic considerations are also a factor, since using informers often works out cheaper.

Ensuring that the following guidelines are observed throughout the Schengen area would in particular permit compliance with tactical and legal requirements that apply to drugs investigations while also taking account of specific bilateral and regional features and the particular nature of the offence. This would also prevent incidentally the emergence of 'informer tourism', with police forces and customs authorities which run informers competing with each other on a bilateral level or with other services throughout Schengen.

## 3. Principles

These principles shall be without prejudice to national provisions.

Payments made to informers should be in reasonable proportion to the outcome of the investigation achieved as a result of criminal prosecution and/or the danger that is averted by the use of an informer on the one hand and the involvement of and personal risk incurred by the informer on the other. The financial incentive must not incite the informer to commit an offence.

Particular criteria are as follows:

- The quantity of information and the results it produces, e.g. the value and the importance of the drugs that are seized, the number and calibre of the criminals arrested and/or the value of the assets confiscated.
- The quality of the information, e.g. strategically or tactically useful information about methods, logistical approach used by the criminals, aims of the criminal organisation, the way in which it responds to measures taken by the criminal justice authorities.

- The personal characteristics of the informer, e.g. degree of involvement in the operation, particular difficulties, risks and dangers, trustworthiness and motivation.
  
- The importance of the criminal hierarchy/organisation, or investigating the criminal activity of the members, their influence within the criminal milieu, degree of infiltration into public life, actual or potential damage caused, social relevance of the case and the degree to which it is rooted in the local criminal environment, the information also being used for strategic purposes.

Payment for cooperating is generally case-specific. No attempt should be made to provide the informer with living expenses for an indefinite period.

Informers may also benefit from special protective or post-operation measures (so-called witness protection) and arrangements may be made to provide social protection.

Costs incurred by an informer (expenses) may be refunded in specific cases.

Payment is made after completion of the assignment. Part payments may be made after parts of the assignment have been completed. Advances should not be paid.

An informer's earnings are still subject to national tax and social security regulations.

Generally speaking, the costs of using an informer are borne by the police or customs authority. If an investigation is to be conducted jointly by several Schengen bodies, agreement should be reached at an early stage on how the costs are to be shared. Contributions from third parties should not as a rule be included in the payment made to the informer.

Non-material benefits may also be provided subject to the provisions of national law in force in the various Schengen States and counted as material contributions. The nature of the benefit, its importance to the informer and the cost to the State in providing it are the factors to be taken into account in this regard. Protecting the informer in dangerous situations, an easing of the detention regime and full or partial remission of sentence in accordance with national law also come into the category of non-material benefit.

If an informer acts improperly e.g. by not keeping to the agreement, committing a criminal offence in a particular case, knowingly or recklessly giving false information, culpably failing to follow received instructions or wilfully departing from tactical directives, payments may be reduced, withheld or recovered in their totality depending on the

seriousness of the informer's misconduct. If two or more Schengen States are affected or might be affected in such a situation, the relevant national agencies should give notification ('warning') as soon as possible.

The competent central authorities should exchange information on current criteria for payments in the different States.

**DECISION OF THE CENTRAL GROUP  
of 22 March 1999  
on general principles governing the payment of informers  
(SCH/C (99) 25)**

Informers play a valuable role in the fight against serious cross-border crime, and drug-related crime in particular, since they usually enjoy the trust of the offenders and thus use of such persons affords an opportunity to gain a general picture of the activities of clandestine criminal organisations and structures.

The Working Group on Drugs has addressed this issue under the German Presidency and examined the laws and practices relating to the payment of informers in each Schengen State. Based on the results of this analysis, the Working Group on Drugs has devised common guiding principles for the payment of informers in the form of money or non-material benefits. These general principles are to be regarded as non-binding guidelines in the Schengen area and are intended to contribute to the further enhancement of police and customs cooperation in this sensitive sphere. They are also to serve as a possible guide for those Schengen States currently engaged in drafting or amplifying similar regulations.

The Central Group acknowledges and endorses the — non-binding — ‘general principles governing the payment of informers’ (document SCH/Stup (98) 72 rev 2), subject to approval by the Executive Committee.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the improvement of police cooperation in preventing and  
detecting criminal offences  
(SCH/Com-ex (99) 18)**

The Executive Committee,

Having regard to Article 132 of the agreement implementing the Schengen Convention,

Having regard to Article 39 of the abovementioned convention,

Desiring to continue efforts to improve the conditions for cross-border police cooperation,

Taking account of the Executive Committee decision of 16 December 1998 (doc. SCH/Com-ex (98) 51 rev 3),

HAS DECIDED AS FOLLOWS:

The principles governing police cooperation in preventing and investigating criminal offences as set out in the Presidency's note (doc. SCH/1 (98) 75 rev 5) of 28 April 1999 are hereby approved.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER



**Subject: application of article 39 of the convention:  
improving police cooperation in preventing and investigating  
criminal offences**

**SCH/I (98) 75 rev 5**

The German Presidency is striving to improve police cooperation between the Contracting States in investigating criminal offences. At Group I's meeting on 14 September 1998, the Presidency submitted a note setting out the problems and possible solutions (SCH/I (98) 55 rev).

All delegations agreed that much could be done to alleviate the shortcomings in police cooperation in the area of investigating criminal offences if the provisions of the Schengen Convention were given a uniform interpretation and applied on the basis of its objectives.

The Contracting States agree that improved police cooperation in criminal investigation must not prejudice the powers of the judicial authorities.

The following solutions are feasible in the short-term:

**1. List**

For the purpose of applying Article 39 of the Schengen Convention and improving the investigation and prevention of criminal offences, the police forces of the Schengen States may exchange information provided that

- information exchange does not require the use of coercive measures
- information exchange is admissible under the domestic law of the requested Contracting State and the activities to be carried out are not solely the preserve of the judicial authorities or require their consent.

Improvements in investigating and preventing crime will be achieved by means of cooperation between the police forces of the Schengen States without the involvement of the judicial authorities when grounds for suspicion or concrete dangers arise, notably via

steps such as those listed below. This list is not exhaustive and the implementation of the steps mentioned is subject to their admissibility under the national law of the requested and requesting State:

- identification of vehicle owners and drivers;
- driver's licence enquiries;
- tracing whereabouts and residence;
- identification of telecommunications subscribers (telephone, fax and Internet), provided this information is publicly available;
- obtaining information from the persons concerned by the police on a voluntary basis <sup>(1)</sup>;
- identification of persons;
- transmission of police intelligence from police databases or files, subject to compliance with the relevant legal provisions governing data protection;
- preparation of plans and coordination of search measures and the initiation of emergency searches (independently of SIS searches);
- tracing the origins of goods, particularly weapons and vehicles (tracing sales channels);
- examination of evidence (such as vehicle damage after hit and run accidents, erasures in documents, etc.).

Schengen States may in accordance with Article 39 of the Schengen Convention agree with individual or all Contracting Parties to lay down additional areas in which the police can provide mutual assistance without involving the judicial authorities.

## **2. Application of the judicial consent proviso (Article 39(2))**

The prompt use of information as evidence in criminal proceedings is only possible if the requested Contracting State does not require formal letters rogatory in addition to the police request. The scant resources of the authorities responsible for criminal prosecution must be deployed to deal with the urgent problems of crime prevention and not unnecessarily constrained by the consent requirement.

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<sup>(1)</sup> Under the national law of Austria, Germany and the Netherlands, the principle of voluntary police interviews applies.

At no point does Article 39(2) stipulate that authorisation must be obtained from the judicial authorities in order to introduce documents as evidence. The procedure for obtaining authorisation is therefore a matter for the Contracting States to determine.

The Schengen States agree that the police forces and judicial authorities may transmit requests for authorisation and the documents resulting from dealing with such requests by any means that allow swift transmission, provided the transmission provides a written trace of the document's author (e.g. telefax, e-mail).

### **3. Simplification of procedures**

Criminal investigations, particularly in emergencies, can also be accelerated by simplifying procedures. This is exemplified in the bilateral arrangements between two Schengen States whereby, at the instigation of the judicial authorities, the police authorities cooperate directly by assisting each other with police interviews, searches and the seizure of objects when a delay would be dangerous.

The Contracting States will look at the experiences gained with this or similar agreements to determine whether appropriate Schengen-wide procedures can be devised.



## **2.4. JUDICIAL COOPERATION**



**DECISION OF THE EXECUTIVE COMMITTEE  
of 14 December 1993  
on improving practical judicial cooperation for combating drug  
trafficking**

**(SCH/Com-ex (93) 14)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement, hereinafter 'the Schengen Convention',

Having regard to Articles 48 to 53 and 70 to 76 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

So as to improve practical judicial cooperation in combating drug trafficking, the Contracting Parties undertake that should the requested party not intend to enforce a request for mutual assistance, or intend to enforce it only in part, it will inform the requesting party of the reasons for its refusal and, where possible, of the conditions to be met before such a request can be enforced.

This decision shall enter into force once all the States party to the Schengen Convention have notified that the procedures required by their legal system for these decisions to be binding on their territory have been completed.

Paris, 14 December 1993

The Chairman  
A. LAMASSOURE

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the Agreement on Cooperation in Proceedings for Road Traffic  
Offences**

**(SCH/Com-ex (99) 11 rev 2)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to the joint declaration made by the ministers and State-secretaries meeting in Schengen on 19 June 1990,

HAS DECIDED AS FOLLOWS:

The Agreement on Cooperation in Proceedings for Road Traffic Offences and the Enforcement of Financial Penalties imposed in respect thereof (SCH/III (96) 25 rev.18) is hereby adopted.

The delegations' representatives are requested to draw up an explanatory report to the agreement, dealing in particular with the points outlined in the annex to this decision.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER



**AGREEMENT ON COOPERATION IN PROCEEDINGS FOR ROAD TRAFFIC  
OFFENCES AND THE ENFORCEMENT OF FINANCIAL PENALTIES  
IMPOSED IN RESPECT THEREOF**

**SCH/III (96) 25 rev 18**

The Governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, Parties to the convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed in Schengen on 19 June 1990, hereinafter referred to as the '1990 Convention', as well as the Governments of the Italian Republic, the Kingdom of Spain and the Portuguese Republic, the Hellenic Republic, the Republic of Austria, the Kingdom of Denmark, the Kingdom of Sweden and the Republic of Finland which acceded to the 1990 Convention by the agreements signed on 27 November 1990, 25 June 1991, 6 November 1992, 28 April 1995 and 19 December 1996 respectively, and the Governments of the Kingdom of Norway and the Republic of Iceland, which signed a cooperation agreement with the former on 19 December 1996, hereinafter referred to as the 'Contracting Parties',

Whereas the free movement of persons referred to in the 1990 Convention furthers the travel of citizens across the internal borders;

Whereas it is common knowledge that citizens of the Schengen States also commit road traffic offences when staying on the territory of a Contracting Party other than that on whose territory they habitually reside;

Whereas it has been shown that it is not always possible, in spite of sustained efforts to clamp down on road traffic offences, to establish the identity of the perpetrators before they return to the territory of the Contracting Party where they habitually reside and to enforce financial penalties in respect of the offences committed;

Convinced that cooperation between the Contracting Parties in this field is necessary and that the fact that different authorities are responsible for enforcement of the Highway Code should not become an obstacle to such cooperation,

Implementing the joint declaration of the ministers and secretaries of State of 19 June 1990, which lays down that discussions should be held to improve cooperation in prosecuting road traffic offences and to examine the scope for the mutual enforcement of financial penalties,

HAVE AGREED AS FOLLOWS:

## **CHAPTER I**

### **DEFINITIONS**

#### Article 1

For the purposes of this agreement:

‘Road traffic offence’ shall mean conduct which infringes road traffic regulations and which is considered a criminal or administrative offence, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods;

‘Financial penalty’ shall mean the obligation to pay a sum of money in respect of a road traffic offence, the amount of which is assessed by the judicial or administrative authorities of the Contracting Parties;

‘Competent Authority’ shall mean the judicial or administrative authority of the Contracting Parties responsible for proceedings for road traffic offences and enforcing financial penalties in respect thereof;

‘Decision’ shall mean an act by the competent authorities of one of the Contracting Parties establishing a road traffic offence in respect of which a financial penalty has been imposed on a person, against which an appeal may be or could have been lodged;

‘Requesting Authority’ shall mean the competent authority of the Contracting Party in whose territory the road traffic offence was committed;

‘Requested Authority’ shall mean the competent authority of the Contracting Party in whose territory the person suspected of having committed a road traffic offence or upon whom a financial penalty has been imposed in respect thereof either resides or has his habitual residence;

'Requesting Contracting Party' shall mean the Contracting Party in whose territory a decision has been delivered in respect of a person who either resides or has his habitual residence in the territory of another Contracting Party;

'Requested Contracting Party' shall mean the Contracting Party in whose territory a person in respect of whom a decision has been delivered in the territory of another Contracting Party either resides or has his habitual residence.

## **CHAPTER II**

### **PRINCIPLES**

#### Article 2

1. The Contracting Parties undertake to accord each other the widest possible cooperation in proceedings for road traffic offences and the enforcement of decisions in respect thereof in accordance with the provisions of this agreement.

2. Paragraph 1 shall be without prejudice to the application of broader provisions of bilateral or multilateral agreements in force between the Contracting Parties.

3. Chapter IV of this agreement shall not apply:

(a) to the enforcement of a decision which includes a penalty involving deprivation of liberty as the main penalty;

(b) to road traffic offences which coincide with offences that are not related to road traffic only, unless the road traffic offence is prosecuted exclusively or separately.

## **CHAPTER III**

### **COOPERATION IN PROCEEDINGS FOR ROAD TRAFFIC OFFENCES**

#### Article 3

1. The competent authorities may, by communicating a vehicle registration number through their national vehicle registration authorities, request information from the national vehicle registration authorities of the other Contracting Parties concerning the type and make of the corresponding motor vehicle as well as the identity and address of the person or persons with whom the motor vehicle in question was registered when the road traffic offence was committed.

2. The vehicle registration authorities of the Contracting Parties shall directly send each other the information referred to in paragraph 1 with a view to transmission to the competent authority. They shall also send the name and address of the requested authority if it is a different authority.

3. A Contracting Party may designate another central authority for the exchange of the information referred to in paragraph 2.

4. The relevant provisions of the 1990 Convention and, in particular, Articles 126 to 128 thereof shall apply to the transmission of personal data in accordance with paragraph 1.

#### Article 4

1. The requesting authority may send all communications concerning the consequences and decisions relating to the road traffic offence directly to the persons suspected of having committed a road traffic offence. The provisions of Article 52 of the 1990 Convention shall apply by analogy.

2. The communications and decisions referred to in paragraph 1 shall contain or be accompanied by all information which the recipient requires in order to react, in particular regarding:

- (a) the nature of the road traffic offence, the place, date and time at which it was committed and the manner in which it was established;
- (b) the registration number and, where possible, the type and make of the motor vehicle with which the road traffic offence was committed or, in the absence of this information, any means of identifying the vehicle;
- (c) the amount of the financial penalty which may be imposed, or, where appropriate, the financial penalty which has been imposed, the deadline within which it has to be paid and the method of payment;
- (d) the possibility of invoking exonerating circumstances, as well as the deadlines and procedures for presenting these circumstances;
- (e) the possible channels of appeal against the decisions, the procedures and deadlines for lodging an appeal, as well as the contact details of the authority with which an appeal should be lodged.

## Article 5

1. If the addressee does not respond to communications or decisions pursuant to Article 4 within the stipulated period or if the requesting authority considers further information necessary to apply this agreement, the latter may directly seek assistance from the requested authority. A translation into the official language or one of the official languages of the requested Contracting Party shall be attached to such requests for assistance.

2. The provisions of Title III, Chapter 2 of the 1990 Convention shall apply to the requests referred to in paragraph 1.

**CHAPTER IV****ENFORCEMENT OF DECISIONS**

## Article 6

1. The transfer of the enforcement of decisions may only be requested under this agreement where:

- (a) all channels of appeal against the decision have been exhausted and the decision is enforceable in the territory of the requesting Contracting Party;
- (b) the competent authorities have, in particular in accordance with Article 4, requested the person concerned to pay the financial penalty imposed but to no avail;
- (c) the financial penalty is not statute-barred by limitation under the law of the requesting Contracting Party;
- (d) the decision concerns a person who resides or who has his habitual residence in the territory of the requested Contracting Party;
- (e) the amount of the fine or financial penalty imposed is at least EUR 40.

2. The Contracting Parties may bilaterally alter the scope of the provisions under paragraph 1(e).

## Article 7

1. The transfer of the enforcement of a decision may not be refused unless the requested Contracting Party deems that:

- (a) the road traffic offence giving rise to the decision is not provided for under the law of the requested Contracting Party;
- (b) enforcement of the request runs counter to the principle of *ne bis in idem* pursuant to Articles 54 to 58 of the 1990 Convention;

- (a) the financial penalty is statute-barred by limitation under the law of the requested Contracting Party;
  - (b) the person concerned would have been granted an amnesty or a pardon by the requested Contracting Party if the road traffic offence had been committed on the territory of the requested Contracting Party.
2. The requested Contracting Party shall inform the requesting Contracting Party as soon as possible of a refusal to execute the request, giving the reasons for the refusal.

#### Article 8

1. The decision shall be enforced without delay by the competent authorities of the requested Contracting Party.
2. The financial penalty shall be payable in the currency of the requested Contracting Party. The amount shall be calculated on the basis of the official exchange rate obtaining when the decision mentioned in paragraph 1 is taken.
3. Should it transpire upon conversion that the amount of the financial penalty imposed by the decision exceeds the maximum amount of the financial penalty prescribed in respect of the same type of road traffic offence by the law of the requested Contracting Party, the enforcement of the decision shall not exceed this maximum amount.
4. At the time of depositing its instrument of ratification, acceptance or approval, each State may, for reasons of a constitutional order or of equal importance, declare that it intends to derogate from the application of paragraph 1 by making a declaration defining the cases in which the financial penalty to be enforced must be declared enforceable by a judicial decision of the requested Contracting Party before enforcement. This judicial decision shall not, however, concern the contents and the amount of the decision of the requesting Contracting Party which is to be enforced.

#### Article 9

1. The enforcement of the decision shall be governed by the law of the requested Contracting Party.
2. Any part of the financial penalty already enforced in the requesting Contracting Party shall be deducted in full from the penalty to be enforced in the requested Contracting Party.
3. Where a financial penalty cannot be enforced, either totally or in part, an alternative penalty involving deprivation of liberty or coercive detention may be applied by the requested Contracting Party if provided for in both Contracting States, unless expressly excluded by the requesting Contracting Party.

## Article 10

The requesting Contracting Party may no longer proceed with the enforcement of the decision once it has requested the transfer of enforcement. The right of enforcement shall revert to the requesting Contracting Party upon its being informed by the requested Contracting Party of the latter's refusal or inability to enforce.

## Article 11

The requested Contracting Party shall terminate enforcement of the decision as soon as it (the requested Contracting Party) is informed by the requesting Contracting Party of any decision, measure or any other circumstance as a result of which enforcement of the decision is suspended or the decision ceases to be enforceable.

## Article 12

1. Requests for the transfer of the enforcement of a decision and all communications relating thereto shall be made in writing. They may be transmitted through any appropriate channels leaving a written record, including a fax.

2. Documents shall be transmitted directly between the competent authorities of the Contracting Parties, the contact details of which shall be furnished by the vehicle registration authorities (Article 3(2)). These documents shall be transmitted via the designated central authorities of the Contracting Party if the contact details of the competent authority cannot be inferred from the information referred to in the first sentence.

## Article 13

1. The request for the transfer of enforcement of a decision shall be accompanied by a copy of the decision and a declaration by the competent authority of the requesting Contracting Party certifying that the conditions laid down in subparagraphs a, b and c of Article 6(1) have been fulfilled.

2. Where appropriate, the requesting Contracting Party shall accompany its request by other information relevant to the transfer of the enforcement of a decision, in particular information regarding the special circumstances of the offence which were taken into consideration when assessing the financial penalty and, where possible, the text of the legal provisions applied.

3. If the requested Contracting Party considers that the information supplied by the requesting Contracting Party is inadequate to enable it to apply this agreement, it shall ask for the additional information required.

4. The translation of the relevant documents into the official language or one of the official languages of the requested Contracting Party shall be attached.

## Article 14

The competent authorities of the requested Contracting Party shall inform the competent authorities of the requesting Contracting Party of the enforcement of the financial penalty or, where appropriate, of inability to enforce the decision.

## Article 15

The financial penalty and the cost of proceedings incurred by the requesting Contracting Party shall be enforced. Monies obtained from the enforcement of decisions shall accrue to the requested Contracting Party.

## Article 16

Contracting Parties shall not claim from each other the refund of costs resulting from application of this agreement.

**CHAPTER V****FINAL PROVISIONS**

## Article 17

1. The Executive Committee established by the 1990 Convention shall have the general task of monitoring the proper application of this agreement. The provisions of Article 132 of the 1990 Convention shall apply.
2. The Joint Supervisory Authority established by the 1990 Convention shall be responsible, in matters relating to the protection of personal data, for delivering an opinion on the common aspects resulting from the implementation of this agreement.
3. At the proposal of a Contracting Party, the Executive Committee may decide to alter the amount provided for under paragraph (e) of Article 6(1).

## Article 18

This Agreement shall apply to the territory of the Contracting Parties. However, pursuant to Article 138 of the 1990 Convention, as regards the French Republic this agreement shall apply only to the European territory of the French Republic, and as regards the Kingdom of the Netherlands this agreement shall apply only to the European territory of the Kingdom of the Netherlands. Pursuant to Article 5(1) of the agreement on the accession of the Kingdom of Denmark to the 1990 Convention, this agreement shall not apply to the Faeroe Islands and Greenland.

## Article 19

1. This agreement shall also be applicable to traffic offences committed before its entry into force.



2. When depositing its instrument of ratification, acceptance or approval, each State may declare that, as far as it is concerned and in its relations with those Contracting Parties which have made a similar declaration, this agreement shall only apply to road traffic offences committed after its entry into force or after it has become applicable.

#### Article 20

1. This agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the Grand Duchy of Luxembourg, which shall notify all the Contracting Parties thereof.

2. This agreement shall enter into force on the first day of the second month following the date of deposit of the last instrument of ratification, acceptance or approval by the States for which the 1990 Convention has been brought into force as pursuant to paragraph 1, second subparagraph, of the final act of the abovementioned convention.

The Government of the Grand Duchy of Luxembourg shall notify all the Contracting Parties of the date of entry into force.

In respect of the other States, this agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification, acceptance or approval, at the earliest, however, on the date of bringing into force an accession agreement for these States to the 1990 Convention or to the 1996 Cooperation Agreement.

3. Pending the entry into force of this agreement, each State in which the 1990 Convention has been brought into force at the time of deposit of its instrument of ratification, acceptance or approval may, when depositing this instrument or at any later stage, declare this agreement applicable in its relations with those States which make a similar declaration. This declaration shall take effect as of the first day of the second month following the date of deposit.

#### Article 21

1. Each Contracting Party may submit a proposal for an amendment to this agreement to the depositary. The depositary shall inform the other Contracting Parties of this proposal.

2. The Contracting Parties shall adopt any amendments to this agreement by common assent.

3. The amendments shall enter into force on the first day of the second month following the date of deposit of the last instrument of ratification, acceptance or approval.

## Article 22

1. At the latest when depositing its instrument of ratification, acceptance or approval, each State shall notify the depositary of the names and addresses of the authorities within the meaning of Articles 1, 3 and 11(2).
2. The lists of authorities pursuant to paragraph 1 may, by way of derogation from Article 19(1), be subsequently changed at any time by notification to the depositary.
3. The depositary shall inform each Contracting Party of the designated authorities and subsequent changes.

## Article 23

This agreement shall be open to accession by all States which become Parties to the 1990 Convention.

In witness whereof, the undersigned, duly authorised to that end, have signed this agreement.

Done at Luxembourg, on 28 April 1999, in a single original in the Dutch, English, French, German, Greek Italian, Portuguese and Spanish languages, all eight texts being equally authentic. The texts in the Danish, Finnish, Icelandic, Norwegian and Swedish languages, to be submitted at a date after the signing, shall be equally authentic.

**DECLARATION OF THE EXECUTIVE COMMITTEE  
of 26 June 1996  
on extradition**

**(SCH/Com-ex (96) decl 6 rev 2)**

Whereas the free movement of persons provided for in the Schengen Agreement and the convention implementing the Schengen Agreement is accompanied by compensatory measures aiming to guarantee security within the territory of the Schengen States;

Whereas judicial cooperation in criminal matters is an important aspect of these measures;

Whereas the convention implementing the Schengen Agreement contains provisions aiming to simplify judicial cooperation in criminal matters, in particular extradition;

Having regard to the experience gained in the field of extradition, in particular for terrorist offences, since the convention was brought into force;

Taking into account the importance that the Contracting Parties attach to effectively combating terrorism within their common territory;

Taking into account the declaration on the fight against terrorism adopted by the Executive Committee at The Hague on 21 February 1996;

Welcoming the agreement reached on 26 June 1996 between the Member States of the European Union on a convention on the improvement of extradition, which represents a positive step forward in cooperation between the Member States;

The Contracting Parties hereby declare that:

1. When examining a request for extradition, each requested State shall take into account the need to safeguard the Schengen area of free movement and security;
2. Each requested State shall take the necessary steps to ensure that when a decision is taken to suspend detention pending extradition, appropriate measures may be adopted so that the person sought does not have the opportunity to escape extradition following the decision, and where the law of the requested State does not provide a sufficient legal

basis for the measures in question, the requested State shall undertake to initiate, in accordance with constitutional requirements, the legal measures to achieve the aforementioned objective;

3. Each requested State shall inform the requesting State without delay when detention of the person sought pending extradition is suspended;

4. Pending agreement on a legal basis as provided for under point 2, the parties concerned shall take all necessary measures bilaterally to prevent any act which might jeopardise law and order in a Schengen Member State.

**DECLARATION OF THE EXECUTIVE COMMITTEE  
of 9 February 1998  
on the abduction of minors**

**(SCH/Com-ex (97) decl. 13 rev 2)**

The Executive Committee

Whereas the abduction of minors or the unlawful removal of a minor by one of the parents from the person to whom the right of custody has been attributed is a matter of real concern for the Contracting Parties to the convention implementing the Schengen Agreement,

Taking into account Article 93 of the abovementioned convention, which declares that the purpose of the Schengen information system shall be to maintain public policy and public security and to apply the provisions of this convention relating to the movement of persons,

Whereas it is up to the State concerned to decide in accordance with national provisions whether an alert may be entered into the Schengen information system on the abductor or the parent unlawfully removing the minor from the person awarded legal custody;

Whereas it is not possible to include the necessary information in the alert on the minor pursuant to Article 97 of the said convention;

Whereas a uniform solution should be found so that a minor who has been abducted or unlawfully removed by one of the parents from the person awarded legal custody can be located and returned to that person as quickly as possible;

RECOMMENDS AS FOLLOWS:

1. Where a minor is unlawfully removed by one of the parents or by a third party from the care of the persons awarded custody it is advisable, in any event, to enter an alert on the minor pursuant to Article 97.

2. This alert shall be accompanied by an M form which shall be sent to all Sirene bureaux and shall contain full details of the circumstances surrounding the disappearance as well as information for the identification of the abductor and the person(s) or institution legally accorded the right of education or the right of custody.

3. In the event that this information, for reasons appertaining to national procedures, cannot be sent as provided for under point 2, in the event of a hit it should be forwarded as soon as possible to the Sirene bureau of the State which obtained the hit.
4. That the authorities entering the alerts into the Schengen information system follow this procedure and send the relevant Sirene bureau all the necessary information so that this may then be diffused via an M form.
5. That it is equally imperative that the authorities responsible for border control at the external borders systematically check the identity papers and the travel documents of minors. This is particularly important if minors are travelling in the company of just one adult.
6. That, as far as possible, documents should also be checked in the course of controls or similar procedures within the territory.

## **2.5. SIS**





**DECISION OF THE EXECUTIVE COMMITTEE  
of 14 December 1993  
on the financial regulation on the costs of installing and operating  
the Schengen information system (C.SIS)  
(SCH/Com-ex (93) 16)**

The Executive Committee,

- Having regard to Article 132 of the convention implementing the Schengen Agreement,
- Having regard to Articles 92 and 119 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

The financial regulation on the installation costs and the technical support function costs of the Schengen information system (C.SIS), attached hereto is hereby adopted <sup>(1)</sup>.

Paris, 14 December 1993

The Chairman  
A. LAMASSOURE

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<sup>(1)</sup> Updated version: see SCH/Com-ex (97) 35.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 25 April 1997  
on awarding the contract for the SIS II Preliminary Study  
(SCH/Com-ex (97) 2 rev 2)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to the decision adopted at the meeting held in Luxembourg on 19 December 1996 to create a second generation SIS, SIS II, which should not just permit the integration of all Schengen States but should also comprise new functions,

Whereas the creation of SIS II involves conducting a preliminary study to define the architecture of the new system and whereas, to this end, a procedure must be initiated in accordance with Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts,

HAS DECIDED AS FOLLOWS:

1. Portugal is hereby instructed to work closely with the other Schengen States to award the contract for the preliminary study for SIS II by initiating a procedure in accordance with Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts and in accordance with applicable Portuguese law.
2. Portugal is hereby entrusted with the coordination and budgetary management of this project, whilst working closely with the other Schengen States.
3. A financial regulation shall be drawn up to regulate all the budgetary questions related to the preliminary study for SIS II; this regulation should provide Portugal with all the legal and financial guarantees.
4. An administrative regulation shall also be drawn up to define clearly the powers and obligations of all parties involved, namely the contracting authority, the Schengen States and the Schengen Secretariat.

5. The Schengen Secretariat shall coordinate the project, including administrative management and coordination between the various Schengen working groups, in close collaboration with the project manager and the head of budgetary management.

6. The Executive Committee hereby awards a mandate to the Central Group to supervise the procedure, more specifically with regard to:

- (a) the specifications for the preliminary study for SIS II and the notice of call for tenders;
- (b) the financial regulation and the administrative regulation.

Lisbon, 25 April 1997

The Chairman  
F. SEIXAS DA COSTA

**DECISION OF THE EXECUTIVE COMMITTEE  
of 7 October 1997  
on contributions from Iceland and Norway to the costs of installing  
and operating of the C.SIS  
(SCH/Com-ex (97) 18)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Articles 92 and 119 of the abovementioned convention,

Having regard to Articles 2 and 3 of the Cooperation Agreement between the Contracting Parties to the Schengen Agreement and the Schengen Convention and the Republic of Iceland and the Kingdom of Norway,

HAS DECIDED AS FOLLOWS:

1. The contributions of Iceland and Norway, hereinafter referred to as the States of the Cooperation Agreement, to the costs of installing and operating the C.SIS:

- The contributions of the States of the Cooperation Agreement shall correspond to their share in the total of the gross domestic products of the Contracting Parties and the States of the Cooperation Agreement.
- The contributions of the Contracting Parties shall be calculated pursuant to Article 119(1) of the Schengen Convention.

2. Method of calculation:

- The contributions from Iceland and Norway shall be calculated by means of a comparison of the gross domestic products of all Contracting Parties and the States of the Cooperation Agreement.
- The contributions from the Contracting Parties which are Member States of the EU shall be calculated on the basis of the value-added tax assessment base pursuant to Article 119(1), sentence 2, of the Schengen Convention after deducting the contributions from Iceland and Norway.

3. The deadline for payment of contributions by the Nordic States shall be fixed for 1 January 1997.

Vienna, 7 October 1997

The Chairman  
K. SCHLÖGL

**DECISION OF THE EXECUTIVE COMMITTEE  
of 7 October 1997  
on the development of the SIS  
(SCH/Com-ex (97) 24)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article 92(3) of the abovementioned convention,

Whereas the SIS Steering Committee has conducted an analysis (doc. SCH/OR.SIS (97) 146 rev. 2),

HAS DECIDED AS FOLLOWS:

Work carried out on SIS II will run concurrently with measures to renew the current C.SIS for 10 States. However, preparations will be made to run it for 15 States to enable the Nordic States to be integrated immediately after the SIS has been stabilised for 10 States on the new platform.

The Nordic States should be integrated as quickly as possible during the year 2000.

During implementation the following guidelines should be observed:

1. The parallel development of SIS I and SIS II will in no way affect the development of SIS II as a strategic goal. Only the SIS II will be able to meet a certain number of essential operational demands.
2. This objective should be achieved by a restricted tender procedure organised by France, as the contracting authority.
3. The parallel development of SIS I and SIS II entails all the States deciding to provide the necessary resources in terms of funding and manpower.

Vienna, 7 October 1997

The Chairman  
K. SCHLÖGL

## **SCH/OR.SIS (97) 146 rev 2**

### **Subject: Development of the SIS**

1. The note drafted by the PWP and the Steering Committee regarding the further development of the SIS (SCH/OR.SIS (97) 105 rev.) was presented at the meeting of the Central Group on 23 June 1997. No consensus as to how to proceed was reached at this meeting.

2. At the meeting on 8 July 1997, the Steering Committee granted the PWP a mandate to analyse the preferred scenarios again from a technical point of view and to prepare an overview of the requirements and costs.

3. Intensive work by the PWP over the summer months has resulted in note SCH/OR.SIS-SIS (97) 425 rev., attached as annex, on the possibility for further technical development of the existing system, taking into account the participation of the Nordic States in the SIS (SCH/OR.SIS (97) 425 rev.).

During this work, and particularly during discussions with the consortium, it transpired that a decision on the further development of the SIS must be taken quickly. Unless the system is upgraded by exchanging the hardware and software, it will probably not be able to cope with the change of date for the millennium.

According to official statements by the consortium, no guarantee can be given that the problems in the current system can be solved. Moreover, the consortium is of the opinion that the modifications would not be covered by the existing maintenance contracts.

4. Technical factors make it impossible to integrate the Nordic States into the SIS before the new millennium.

**After studying the PWP's research, the Steering Committee recommends that the Central Group proceed as follows:**

Take a decision immediately on the procedure outlined below and — in the light of the prevailing situation regarding decisions at Executive Committee level — submit this matter to the Executive Committee with a view to taking a further decision.

**Work carried out on SIS II will run concurrently with measures to renew the current C.SIS for 10 States. However, preparations will be made to run it for 15 States to enable the Nordic States to be integrated immediately after the stabilisation of the 10-State SIS on the new platform.**

The Nordic States should be integrated as quickly as possible during the year 2000. The project aimed at renewing and extending the SIS will therefore consist of two phases. The first phase will involve preparation of the hardware and the technical specifications for a system that operates with 15 States and implementation for 10 States. The second phase comprises the integration of the Nordic States.

During implementation account should be taken of the following guidelines:

1. The parallel development of SIS.I and SIS.II will in no way affect the development of SIS.II as a strategic goal. Only the SIS.II will be able to meet essential operational demands placed on the SIS. (The functional scope for SIS I will remain the same after renewal).
2. The Steering Committee considers that the only way of ensuring that this scenario is realised is via a restricted procedure for calls for tender. The procedure must be undertaken by France in accordance with Article 92, paragraph 3 of the Schengen Convention.
3. The parallel development of SIS.I and SIS.II requires all States to demonstrate the readiness and the will to provide the necessary resources in terms of funding and manpower. The cost of updating SIS.I is estimated at approximately FRF 16 million (excluding the cost of adapting the national Schengen information systems).

**The Steering Committee emphasises that any delay in decision-making will jeopardise the operation of the system after 1 January 2000.**

**DECISION OF THE EXECUTIVE COMMITTEE  
of 15 December 1997  
amending the Financial Regulation on C.SIS  
(SCH/Com-ex (97) 35)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Articles 92 and 119 of the abovementioned convention,

Having regard to Articles 2 and 3 of the Cooperation Agreement between the Contracting Parties to the Schengen Agreement and the Schengen Convention of the one part and the Republic of Iceland and the Kingdom of Norway of the other,

HAS DECIDED AS FOLLOWS:

The version of the financial regulation on the costs of installing and operating the Schengen C.SIS (SCH/Com-ex (93) 16 rev), dated 20 December 1996, is hereby amended as follows.

Vienna, 15 December 1997

The Chairman  
K. SCHLÖGL



## **SCH/Com-ex (93) 16 rev 2**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Articles 92 and 119 of the abovementioned convention,

Having regard to Articles 2 and 3 of the Cooperation Agreement between the Contracting Parties to the Schengen Agreement and the Schengen Convention of the one part and the Republic of Iceland and the Kingdom of Norway of the other,

HAS DECIDED AS FOLLOWS:

The financial regulation for the costs of installing and operating for the technical support function for the Schengen information system (C.SIS), attached hereto, is hereby adopted.

### **FINANCIAL REGULATION FOR THE INSTALLATION AND OPERATION OF THE SCHENGEN C.SIS**

#### **TITLE I**

#### **GENERAL PROVISIONS**

The budget for the technical support function of the Schengen information system in Strasbourg provided for in Articles 92 and 119 of the Schengen Agreement of 14 June 1985, hereinafter 'the C.SIS', shall be made up of:

- the installation budget for the central information system, for which expenditure shall be approved by the Executive Committee, after receiving the Central Group's opinion;

- the operating budget, for which the annual amount of expenditure shall be approved by the Executive Committee, after receiving the Central Group's opinion;

The installation and operating budgets for the C.SIS shall as far as possible take into account the multiannual table for the SIS installation and operating budgets.

The multiannual table for the SIS installation and operating budgets, covering at least three years, shall contain an estimate of predicted expenditure.

The multiannual table for the SIS installation and operating budgets shall be updated each year by the SIS Steering Committee and approved by the Central Group during the first quarter of the calendar year.

### **1. C.SIS own resources**

C.SIS own resources for both the installation and operating budgets shall be composed of the contributions of the Contracting Parties and the States of the Cooperation Agreement, hereinafter 'the Cooperating States'. The Cooperating States' contributions shall be determined on the basis of their share in the GDP aggregate of all the Contracting Parties and Cooperating States. The Contracting Parties' contributions shall be determined on the basis of each Contracting Party's share in the uniform VAT assessment base within the meaning of Article 2(1)(c) of the Council decision of 24 June 1988 on the system of the Communities' own resources.

The breakdown of contributions among the Contracting Parties of the one part and the Cooperating States of the other shall be determined on the basis of the share of each Contracting Party and Cooperating State in the GDP aggregate of all the Contracting Parties and Cooperating States for the preceding year. The breakdown of contributions among the Contracting Parties shall be determined each year, taking into account the Cooperating States' contributions, on the basis of each Contracting Party's share of own resources in the European Communities' VAT resources, as established by the last amendment to the Community budget for the preceding financial year.

The contributions of the Contracting Parties and Cooperating States to each budget shall be calculated and laid down in French francs by the French Contracting Party.

## **2. Payment of contributions**

Each Contracting Party and Cooperating State shall transfer its contributions to the following account:

COMPTES TRESOR PUBLIC  
Banque de France  
No 9000-3  
(agence centrale comptable du trésor)

Each payment shall be lodged in a support fund set up under the French Republic's budget (*fonds de concours* No 09.1.4.782) with the Ministry of the Interior as beneficiary.

## **3. Accession of new States**

If a new Contracting Party accedes, the following shall apply as of the date of accession:

- the contributions of the Contracting Parties and the Cooperating States shall be adjusted pursuant to Title I.1 of this financial regulation;
- the contributions of the Contracting Parties and the Cooperating States shall be adjusted with a view to fixing the new Contracting Party's contribution to C.SIS operating costs as of the year of accession;
- the contributions of the Contracting Parties and the Cooperating States shall be adjusted with a view to allocating to the new Contracting Party a proportion of the costs previously incurred for the installation of the C.SIS. This amount shall be calculated according to the share of the new Contracting Party's VAT resources in the total European Communities' VAT resources for the years in which costs were incurred for the installation of the C.SIS prior to the new Contracting Party's accession. This amount shall be reimbursed to the other States in proportion to their contribution, calculated pursuant to Title I.1 of this regulation.

## **TITLE II**

### **INSTALLATION BUDGET**

The French Republic shall bear all the advance costs of C.SIS installation in accordance with the rules of law governing French public finances. The amounts fixed as the contribution of each Member State and Cooperating State shall be calculated and laid down in French francs by the French Contracting Party pursuant to Title I.1 of this financial regulation.

### **1. Forecast expenditure**

During the year before the budget is due to be implemented, the French Contracting Party shall draw up an annual draft budget for C.SIS installation expenditure taking into account as far as possible the provisional multiannual table for SIS installation and operations. This draft budget shall be submitted to the Central Group for its opinion and to the Executive Committee for adoption at least six months before the beginning of the financial year.

If the draft budget is rejected, the French Contracting Party shall prepare a new draft within one month which, following the Central Group's opinion, shall be submitted immediately to the Executive Committee for adoption.

At the end of each quarter of the financial year, the Central Group shall, after receiving the SIS Steering Committee's opinion, authorise C.SIS installation expenditure as well as any unforeseen expenditure, which shall be justified in a supporting document.

In the six months following the closure of the financial year, the French Contracting Party shall draw up a multiannual table of the C.SIS installation expenditure that is authorised by the Central Group until the end of the financial year.

This table shall be submitted to the Executive Committee for approval at the same time as the annual draft budget for C.SIS installation expenditure.

The contributions of the respective States shall fall due for payment upon the Executive Committee's approval of expenditure and shall be paid pursuant to the procedure laid down in Title II.2.

The Contracting Parties and Cooperating States undertake to cover all installation expenditure up to the amount approved by the Executive Committee.

The Contracting Parties and Cooperating States may choose to pay their contributions for C.SIS installation in the form of an advance covering part or all of their forecast contribution.

### **2. Method of payment**

As a rule, the contributions of the Contracting Parties and the Cooperating States shall fall due on the date on which the French Contracting Party makes the payments.

Nevertheless, and with a view to restricting the number of calls for payment, the French Contracting Party shall send calls for payment to the States twice a year, on 30 April and 31 October, to take into account the States' deadlines for operating expenditure commitments.

The French Contracting Party shall send a letter containing a call for payment to the States via the designated administrative authorities, details of which have been given to it.

This letter shall state:

- the legal bases for the call for payment;
- the amount of the C.SIS installation budget approved;
- the amount to be paid for the period in question;
- the necessary information for payment of the contribution, as stipulated under Title I.2 of this financial regulation.

The following documents shall be attached to this letter:

- a table showing the shares of the Cooperating States, calculated on the basis of GDP, and a table showing each State's share of the C.SIS operating budget for the expenditure incurred during the given period, calculated on the basis of its VAT share in the SIS;
- copies of documents warranting the amount to be transferred.

To ensure the smooth transfer of payments, each State should attach to its transfer a note containing the following information:

**OBJET:** versement de la quote-part 199... de l'Etat... au budget d'installation du système informatique SCHENGEN

**MONTANT:** ..... francs

**BENEFICIAIRE:** Ministère de l'Intérieur, Direction des transmissions et de l'informatique

**(SUBJECT:** payment of the 199... contribution from..... (State) to the installation budget of the Schengen information system

**AMOUNT:** ... francs

**BENEFICIARY:** Ministry of the Interior, Department of data transmission and informatics)

### 3. Financing by a State other than the French Republic

If, in agreement with the other Contracting Parties and the Cooperating States, a Contracting Party or Cooperating State directly bears part of the C.SIS installation costs, this expenditure shall be apportioned to the Contracting States in accordance with the distribution key laid down by the French Contracting Party for the financial year in which the expenditure is made.

The Contracting Party or Cooperating State having directly borne this expenditure shall inform the French Contracting Party, which shall call in the contributions of the Contracting Parties and the Cooperating States, calculated pursuant to this financial regulation.

The French Contracting Party shall reimburse the payment made as soon as the contributions owing have been received from the other Contracting Parties and Cooperating States.

### **TITLE III**

## **OPERATING BUDGET**

The French Republic shall bear the advance costs of C.SIS operations in accordance with the rules of law governing French public finances. The amounts fixed as the contribution of each Contracting Party and Cooperating State shall be calculated and laid down in French francs by the French Contracting Party pursuant to Title I.1 of this financial regulation.

### **1. Draft operating budget**

During the year before the budget is due to be implemented, the French Contracting Party shall draw up the draft budget for C.SIS operating expenditure. The draft budget shall be submitted to the Central Group for its opinion and to the Executive Committee for adoption at least six months before the beginning of the financial year.

This draft budget shall take into account as far as possible the multiannual table on SIS installation and operations.

Documents on forecast expenditure shall be annexed to the draft budget.

The budget shall be adopted unanimously by the Contracting Parties.

If the draft budget is rejected, the French Contracting Party shall prepare a new draft within one month which, following the Central Group's opinion, shall be immediately submitted to the Executive Committee for adoption.

During the period between the two consultations or failing adoption of the draft budget, the French Contracting Party may call in the contributions of the Contracting Parties and

the Cooperating States and initiate the implementation of the budget by provisional twelfths until such time as the budget for the current financial year is adopted.

The French Contracting Party may submit an amending draft budget to the Executive Committee. This shall be submitted to the latter for adoption following the Central Group's opinion.

Any deficit or surplus arising during the financial year must be cleared the following year in the course of the budget's implementation.

## 2. Method of payment

The Executive Committee decision adopting the budget shall be duly notified to all the Contracting Parties and Cooperating States by the Presidency-in-office; the contributions of the Contracting Parties and Cooperating States shall fall due for payment immediately thereafter.

To this end, the French Contracting Party shall send each Contracting Party and Cooperating State a call for payment of contributions owing and shall forward the Presidency a copy thereof.

The Contracting Parties and the Cooperating States shall pay their contributions in full by 30 April of the current financial year.

If a Contracting Party does not honour its financial obligations by that date, the Community regulations in force governing the interest to be paid in default in payment of contributions to the Community budget shall apply. These regulations shall apply *mutatis mutandis* in cases where a Cooperating State does not honour its financial obligations in due time.

The French Contracting Party shall send a letter containing a call for payment to the States via the designated administrative authorities, details of which have been given to it, at the beginning of the financial year in which the adopted operating budget is to be implemented.

The letter shall state:

- the legal bases for the call for payment;
- the amount of the operating budget adopted by the Executive Committee for the year in question.

A table showing the contributions of the Cooperating States, calculated on the basis of GDP, and a table showing each Contracting Party's contribution to the C.SIS operating budget calculated on the basis of its VAT share in the SIS, shall be attached to this letter. A table showing the calculation of the GDP share and the VAT share in the SIS for the year in which the expenditure is to be made shall also be annexed.

To ensure the smooth transfer of payments, each State should attach to its transfer a note containing the following information:

**OBJET:** versement de la quote-part 199... de l'Etat... au budget de fonctionnement du système informatique SCHENGEN

**MONTANT:** ..... francs

**BENEFICIAIRE:** Ministère de l'Intérieur, Direction des transmissions et de l'informatique

(**SUBJECT:** payment of the 199... contribution from... (State) to the operating budget of the Schengen information system

**AMOUNT:** ... francs

**BENEFICIARY:** Ministry of the Interior, Department of data transmission and informatics)

The Contracting Parties and Cooperating States may choose to advance an amount to cover their estimated contributions for a number of financial years.

## TITLE IV

### APPROVAL OF ACCOUNTS

At the beginning of each financial year, the French Contracting Party shall send the States a document, drawn up on the basis of the provisions of this financial regulation, required for the Executive Committee to give final discharge for the preceding financial year following the Central Group's opinion.

The document shall contain:

#### 1. For the installation budget

- a statement of the expenditure made by the French Contracting Party and, where appropriate, by the other Contracting Parties or the Cooperating States pursuant to the provisions of Title II.3 of this financial regulation;



- the amount and breakdown of the contributions paid into the support fund (*fonds de concours*) by each State and, where appropriate, any outstanding amounts to be recovered.

## 2. For the operating budget

- a statement of expenditure made during the preceding financial year. This table shall indicate the deficit or surplus as compared with the adopted budget pursuant to Title III.1 of this financial regulation, so that the States may be charged or reimbursed the appropriate amounts;
- the amount and breakdown of the contributions paid into the support fund and, where appropriate, any amounts owing by the States.

The document shall be certified by a financial controller of the French Ministry of the Interior and sent to all the Contracting Parties and Cooperating States by the Presidency-in-office.

The Executive Committee's approval of the said document shall constitute the final discharge of the accounts presented by the French Republic for the financial year in question. Approval shall be given during the first quarter of the year following the budgetary year in question.

A table showing the contributions of each State for the following financial year, calculated pursuant to Title I.1 of this financial regulation, shall be attached to the document.

If a State decides to pay its contributions partly or wholly in the form of an advance, the document shall indicate the outstanding balance following deduction of amounts owing for the budgetary year in question.

This decision shall enter into force once all the Contracting Parties to the Schengen Convention have given notification that the procedures required by their legal system for these decisions to be binding on their territory have been completed.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 21 April 1998  
on C.SIS with 15/18 connections  
(SCH/Com-ex (98) 11)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article (92)3 of the abovementioned convention,

Having regard to the decision of the Executive Committee on the revision and extension of the C.SIS (SCH/Com-ex (97) 24),

Having regard to the opinions of the technical groups, approved by the Central Group at its meeting on 30 March 1998,

HAS DECIDED AS FOLLOWS:

The revised C.SIS shall provide 18 connections — 15 connections for the Signatory States and 3 reserve technical connections.

Brussels, 21 April 1998

The Chairman  
J. VANDE LANOTTE

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the Help Desk budget for 1999  
(SCH/Com-ex (99) 3)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement, hereinafter 'the Schengen Convention'

Having regard to Article 119 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

1. The draft budget for 1999 for the Help Desk shall be fixed at BEF 1 880 000 for 1999.
2. The contributions from the Parties shall be calculated according to the distribution key laid down in Article 119 of the Schengen Convention and pursuant to the Executive Committee decision of 7 October 1997 (document SCH/Com-ex (97) 18).
3. This decision shall constitute as a mandate for the Benelux Economic Union, which is a party to this contract, to launch the call for contributions from the Parties.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on C.SIS installation expenditure  
(SCH/Com-ex (99) 4)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Articles 92 and 119 of the abovementioned convention,

Taking note of and approving document SCH/OR.SIS (99) 3 rev,

HAS DECIDED AS FOLLOWS:

The new expenditure added to the C.SIS installation budget is hereby approved and the share attributable to each of the Schengen States shall thus fall due in accordance with the written procedure under Title II, No 2 of the financial regulation for the costs of installing and operating the Schengen information system (C.SIS) (SCH/Com-ex (93) 16 rev 2 of 15 December 1997).

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

**Subject: Multiannual table of authorised C.SIS installation expenditure.**

**SCH/OR.SIS (99) 3 rev**

Situation as of 31 December 1998.

In accordance with the financial regulations on the costs of installing and operating the C.SIS (SCH/Com-ex (93) 16 rev 2), the French delegation presents overleaf the table summarising the new C.SIS installation expenditure authorised at the end of the 1998 financial year.

As requested by the Steering Committee meeting of 14 January 1999, the figure quoted in this document for the second quarter is not the same as the figure given in the second quarterly report (doc. SCH/OR.SIS (98) 118) as approved by the Central Group on 8 September 1998.

In fact, that document quoted the amount earmarked for the C.SIS revision contract, namely of 41 million French francs. After the contract was signed with Atos, the actual amount turned out to be less than the estimate, ie FRF 38 577 191.

The Steering Committee has been able to charge the difference to the third and fourth quarters for C.SIS revision expenses under the same budgetary heading, without overshooting the amount initially authorised (FRF 41 million).

This substantial difference called for the table of authorised expenditure for 1998 to be amended, without waiting for the C.SIS management report for 1998 to be published, which will give the details of actual expenditure.

This table should be submitted to the Executive Committee for approval.

**MULTIANNUAL TABLE OF AUTHORISED INSTALLATION EXPENDITURE  
for the technical support function of the C.SIS as at 31 December 1998**

<b>Breakdown of expenditure</b>	<b>Amount in FRF</b>	<b>Total</b>
<b>C.SIS I</b>		
Budget approved from 18.12.1991 (first budget) to 31.12.1997	54 828 609	
<b>Sub-total</b>		<b>54 828 609</b>
New expenditure approved:		
Expenditure approved during the first quarter of 1998	662 094	
Expenditure approved during the second quarter of 1998	39 520 727	
Expenditure approved during the third quarter of 1998	1 705 332	
Expenditure approved during the fourth quarter of 1998	1 734 221	
<b>Sub-total</b>		<b>43 622 374</b>
<b>Total C.SIS I</b>		<b>98 450 983</b>
<b>SIS II</b>		
Budget approved up to 31.12.1997	2 400 000	
<b>I. Sub-total</b>		<b>2 400 000</b>
New expenditure approved:		
Expenditure approved during the first quarter of 1998	600 000	
Expenditure approved during the second quarter of 1998	0	
Expenditure approved during the third quarter of 1998	13 000	
Expenditure approved during the fourth quarter of 1998	0	
<b>Sub-total</b>		<b>613 000</b>
<b>Total SIS II</b>		<b>3 301 300</b>
<b>Overall total</b>		<b>101 463 983</b>

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on updating the Sirene manual  
(SCH/Com-ex (99) 5)**

The Executive Committee,

- Having regard to Article 132 of the convention implementing the Schengen Agreement,
- Having regard to Article 108 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

The Sirene manual has been updated; the new version (SCH/OR.SIS-SIRENE (99) 64) is attached to this decision <sup>(1)</sup>.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

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<sup>(1)</sup> See SCH/Com-ex (98) 17.

**DECLARATION OF THE EXECUTIVE COMMITTEE  
of 18 April 1996  
defining the concept of alien  
(SCH/Com-ex (96) decl 5)**

Having regard to the Schengen Convention of 19 June 1990, in particular Article 134 thereof,

Having regard to the progress made within the European Union on placing persons, who are covered by Community law, on the joint list,

In the context of Article 96 of the aforementioned convention,

Persons who are covered by Community law should not in principle be placed on the joint list of persons to be refused entry.

However, the following categories of persons who are covered by Community law may be placed on the joint list if the conditions governing such placing are compatible with Community law:

- (a) family members of European Union citizens who have third-country nationality and are entitled to enter and reside in a Member State, pursuant to a decision made in accordance with the Treaty establishing the European Community;
- (b) nationals of Iceland, Liechtenstein and Norway and members of their families who fall within the scope of the provisions of Community law on entry and residence.

If it emerges that Community law covers a person included on the joint list of persons to be refused entry, that person may only remain on the list if it is compatible with Community law. If this is not the case, the Member State which placed the person on the list shall take the necessary steps to delete his or her name from the list.



**DECLARATION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the structure of SIS**

**(SCH/Com-ex (99) decl. 2 rev)**

Pursuant to Article 108(1) of the convention implementing the Schengen Agreement, each Contracting Party shall designate an authority which shall have central responsibility for the national section of the Schengen information system.

The Executive Committee takes note of the lists submitted which have already been incorporated into the joint list (see annex, document SCH/OR.SIS (99) 1 rev.3 <sup>(1)</sup>).

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

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<sup>(1)</sup> Restricted documents.



## **2.6. DIVERS**



**DECISION OF THE EXECUTIVE COMMITTEE  
of 22 December 1994  
on the certificate provided for in Article 75 to carry narcotic drugs  
and psychotropic substances  
(SCH/Com-ex (94) 28 rev)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article 75 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

Document SCH/Stup (94) 21 rev 2 annexed hereto, setting out the certificate to carry narcotic drugs and/or psychotropic substances for the purposes of medical treatment, is hereby approved.

Bonn, 22 December 1994

The Chairman  
B. SCHMIDBAUER

**Certificate to carry narcotic drugs and/or psychotropic substances for the purpose of medical treatment pursuant to Article 75 of the implementing convention**

**(SCH/Stup (94) 21 rev 2)**

1. The Schengen States have adopted the certificate set out in Annex 1, in accordance with Article 75 of the implementing convention. The form shall be used uniformly in all the Schengen States and shall be drawn up in the respective national languages. English and French translations of the form's preprinted headings are provided on the reverse side of the certificate.
2. The competent authorities of the Schengen State shall issue this certificate to persons resident on their territory who want to travel to another Schengen State and who, owing to a medical prescription, need to take narcotic drugs and/or psychotropic substances during this period. The certificate shall be valid for a maximum period of 30 days.
3. The certificate shall be issued or authenticated by the competent authorities on the basis of a medical prescription. A separate certificate shall be required for each narcotic drug/psychotropic substance prescribed. The competent authorities shall keep a copy of the certificate.
4. Doctors may prescribe narcotic drugs for travel needs of up to 30 days. The travel period may be shorter than this.
5. Each Member State has designated a central office responsible for answering any questions that arise in this connection (see Annex 2). The designated central office is also the authority with responsibility for issuing or authenticating certificates in Belgium, Luxembourg and the Netherlands only.

## Annex 1

_____		_____		_____		Annex 1
(Country)		(Town)		(Date)		(1)
<b>A. Prescribing doctor</b>						
_____		_____		_____		(2)
(Name)		(First name)		(Tel.)		(3)
_____						
(Address)						
where issued by a doctor:						
_____		_____		_____		(4)
(Doctor's stamp)		(Doctor's signature)				
<b>B. Patient</b>						
_____		_____		_____		(5)
(Name)		(First name)		(No of passport or other identity document)		(6)
_____						
(Place of birth)		(Date of birth)				(8)
_____						
(Nationality)		(Sex)				(10)
_____						
(Address)						(11)
_____						
(No of travel days)		(Validity of authorisation — max. 30 days)				(13)
<b>C. Prescribed drug</b>						
_____		_____		_____		(14)
(Trade name or special preparation)		(Dosage form)				(15)
_____						
(International name of active substance)		(Concentration of active substance)				(17)
_____						
(Instructions for use)		(Total quantity of active substance)				(19)
_____						
(Duration of prescription in days — max. 30 days)						(20)
_____						
(Remarks)						(21)
<b>D. Issuing/accrediting authority (Delete where not applicable)</b>						
_____						
(Name)						(22)
_____						
(Address)		(Tel.)				(23)
_____						
(Authority's stamp)		(Authority's signature)				(24)

## Reverse side of the certificate

<p>Certificate to carry drugs and/or psychotropic substances for the purpose of medical treatment — Article 75 of the Schengen Convention</p> <p>(1) country, town, date</p> <p><b>A Prescribing doctor</b></p> <p>(2) name, first name, tel.</p> <p>(3) address</p> <p>(4) where issued by a doctor: doctor's stamp and signature</p> <p><b>B Patient</b></p> <p>(5) name, first name</p> <p>(6) No of passport or other identity document</p> <p>(7) place of birth</p> <p>(8) date of birth</p> <p>(9) nationality</p> <p>(10) sex</p> <p>(11) address</p> <p>(12) duration of travel in days</p> <p>(13) validity of authorisation from/to — max. 30 days</p> <p><b>C Prescribed drug</b></p> <p>(14) trade name or special preparation</p> <p>(15) dosage form</p> <p>(16) international name of active substance</p> <p>(17) concentration of active substance</p> <p>(18) instructions for use</p> <p>(19) total quantity of active substance</p> <p>(20) duration of prescription in days — max. 30 days</p> <p>(21) remarks</p> <p><b>D Issuing/accrediting authority (delete where not applicable)</b></p> <p>(22) name</p> <p>(23) address, tel.</p> <p>(24) authority's stamp and signature</p>	<p>Certificat pour le transport de stupéfiants et/ou de substances psychotropes à des fins thérapeutiques — Article 75 de la Convention d'application de l'Accord de Schengen</p> <p>pays, délivré à, date</p> <p><b>Médecin prescripteur</b></p> <p>nom, prénom, téléphone</p> <p>adresse</p> <p>en cas de délivrance par un médecin: cachet, signature du médecin</p> <p><b>Patient</b></p> <p>nom, prénom</p> <p>n° du passeport ou du document d'identité</p> <p>lieu de naissance</p> <p>date de naissance</p> <p>nationalité</p> <p>sexe</p> <p>adresse</p> <p>durée du voyage en jours</p> <p>durée de validité de l'autorisation du/au — max. 30 jours</p> <p><b>Médicament prescrit</b></p> <p>nom commercial ou préparation spéciale</p> <p>forme pharmaceutique</p> <p>dénomination internationale de la substance active</p> <p>concentration de la substance active</p> <p>mode d'emploi</p> <p>quantité totale de la substance active</p> <p>durée de la prescription, en jours — max. 30 jours</p> <p>remarques</p> <p><b>Autorité qui délivre/authentifie (biffer ce qui ne convient pas)</b></p> <p>désignation</p> <p>adresse, téléphone</p> <p>sceau, signature de l'autorité</p>
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## **Annex 2**

### **CENTRAL AUTHORITY TO BE CONTACTED IN THE EVENT OF PROBLEMS (Article 75 of the convention)**

#### ***Belgium***

Ministère de la Santé Publique  
Inspection générale de la Pharmacie  
Quartier Vésale — Cité administrative de l'Etat  
B-1010 Bruxelles  
Tel. (32-2) 210 49 28  
Fax (32-2) 210 63 70

#### ***Germany***

Ministerium für Arbeit, Gesundheit und Soziales des Landes  
Nordrhein-Westfalen  
Pharmaziedezernat  
Horionplatz 1 — Landeshaus  
D-40213 Düsseldorf  
Tel. (49-211) 837 35 91  
Fax (49-211) 837 36 62

#### ***Spain***

Servicio de Restricción de Estupefacientes  
Dirección Gral. de Farmacia y Productos Sanitarios  
Ministerio de Sanidad y Consumo  
Calle Principe de Vergara, 54  
E-28006 Madrid  
Chef du service: D. Luis Dominguez Arques  
Tel. (34) 15 75 27 63  
Fax (34) 15 78 12 31

**France**

Ministère de la Santé  
Direction Générale de la Santé  
1, place de Fontenoy  
F-75350 Paris Cedex 07 SP  
Tel. (33) 140 56 47 16 or 40 56 43 41  
Fax (33) 140 56 40 54

**Greece**

Ministry of Health  
Medicines Department  
Narcotic Drugs Division  
Aristotelous Street 17  
GR-10433 Athens  
Tel. (30-1) 522 53 01

**Italy**

Ministero della Sanità  
Direzione Generale Servizio Farmaceutico  
Ufficio centrale Stupefacenti  
Via della Civiltà Romana 7  
I-00144 Roma  
Tel. (39) 06 59 94 31 77  
Fax. (39) 06 59 94 33 65

**Luxembourg**

Ministère de la Santé  
Direction de la Santé  
L-2935 Luxembourg  
Tel. (352) 478 55 50  
Fax (352) 48 49 03

***The Netherlands***

Hoofdinspectie voor de geneesmiddelen  
van het Staatstoezicht op de Volksgezondheid  
PO Box 5406  
NL-2280 HK Rijswijk  
Tel. (31-70) 340 64 23

***Portugal***

Instituto Nacional da Farmacia e do Medicamento (Infarmed)  
Parque de Saúde  
Av. do Brazil, 53  
P-1700 Lisboa  
Fax (351-1) 795 91 16 (1)

***Austria***

Bundesministerium für Gesundheit, Sport und Konsumentenschutz  
Abteilung II/C/18  
Radetzkysstraße 2  
A-1030 Wien  
Tel. (43-1) 711 72 47 34  
Fax (43-1) 713 86 14

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(1) Subject to approval by a higher authority.

**DECISION OF THE EXECUTIVE COMMITTEE  
of 28 April 1999  
on the illegal trade in firearms  
(SCH/Com-ex (99) 10)**

The Executive Committee,

Having regard to Article 132 of the convention implementing the Schengen Agreement,

Having regard to Article 9 of the abovementioned convention,

HAS DECIDED AS FOLLOWS:

Henceforth, the Contracting Parties shall submit each year by 31 July their national annual data for the preceding year on illegal trade in firearms, on the basis of the joint table for compiling statistics annexed to document SCH/I-ar (98) 32.

Luxembourg, 28 April 1999

The Chairman  
C. H. SCHAPPER

## SCH/I-Ar (98) 32

### 1. Total number of firearms seized <sup>(1)</sup> during the period <sup>(2)</sup> from ... to (\*)

		Reference period	Comparative period
<b>Category <sup>(3)</sup> A</b>			
<b>Category B</b>	B 1 Handguns <sup>(4)</sup>		
	B 2 Long firearms <sup>(5)</sup>		
	Total		
<b>Category C</b>			
<b>Category D</b>			
<b>Total</b>			
<b>Category X <sup>(6)</sup></b>			

<sup>(1)</sup> Includes the illegal trade, possession, illegal import and illegal carrying of firearms.

<sup>(2)</sup> If possible, should be defined on the basis of a calendar year — e.g. 1996.

<sup>(3)</sup> Firearms category pursuant to Directive 91/477/EEC.

<sup>(4)</sup> Handguns up to 60 cm total length.

<sup>(5)</sup> Long firearms.

<sup>(6)</sup> Includes firearms which cannot be subsumed under categories A-C, such as arms used as a warning, arms containing irritants or self-defence sprays.

(\*) Noteworthy factors effecting the data should be given separately, not in the table (such as 1 000 firearms seized in one single operation, particularly frequent seizures of one specific type of firearm).

## 2. Country of origin <sup>(1)</sup> of the firearms seized during the period from ... to ... (\*)

		Schengen States	Non-Schengen States
Category A			
Category B	B 1 Handguns		
	B 2 Long firearms		
	Total		
Category C			
Category D			
Total			
Category X			

<sup>(1)</sup> County of origin = Country of manufacture

(\*) Noteworthy factors effecting the data should be given separately, not in the table (such as 1 000 firearms seized in one single operation, particularly frequent seizures of one specific type of firearm).

## 3. Means of transport used for the firearms seized during the period from ... to ... (\*) (expressed in %)

		Train	Bus	HGV	Car	Aero- plane	Ship	Parcel post
Category A								
Category B	B 1 Hand- guns							
	B 2 Long firearms							
Category C								
Category D								
Category X								

(\*) Noteworthy factors effecting the data should be given separately, not in the table (such as 1 000 firearms seized in one single operation, particularly frequent seizures of one specific type of firearm).

**4. Main smuggling routes for firearms seized during the period  
from ... to ... (\*)**  
(please indicate the three most frequently used routes per category)

		Country of origin <sup>(1)</sup>	Country of transit	Country of seizure
<b>Category A</b>		1		
		2		
		3		
<b>Category B</b>	B 1 Hand-guns	1		
		2		
		3		
	B 2 Long firearms	1		
		2		
		3		
<b>Category C</b>		1		
		2		
		3		
<b>Category D</b>		1		
		2		
		3		
<b>Category X</b>		1		
		2		
		3		

<sup>(1)</sup> Country of origin = Country of manufacture.

<sup>(\*)</sup> Noteworthy factors effecting the data should be given separately, not in the table (such as 1 000 firearms seized in one single operation, particularly frequent seizures of one specific type of firearm).





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