



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 March 2004

**6936/1/04
REV 1**

LIMITE

**COPEN 25
SIRIS 32**

NOTE

From :	Presidency
To :	Delegations
Subject :	Integration of the EAW in the SIS II

I. Introduction

In accordance with Council Decision 2001/886/JHA and Council Regulation (EC) No 2424/2001, the Commission has been given responsibility for the creation and design of the second generation Schengen Information System (SIS II). One of the new functions that are to be integrated in SIS II is the direct transmission of European arrest warrants as requested by the Framework Decision of 13 June 2002 on the European arrest warrant and surrender procedures. According to Art. 9 of the Framework decision, the SIS must be technically capable to transmit all the information as described in Art. 8 of the Framework Decision after a transitional period.

During this transitional period (*i.e.* until SIS II becomes available), the transmission of European arrest warrants through the SIS is only partial. Currently there is a two-phase transmission system :

1. when a person is requested by the judicial authority on the basis of a European arrest warrant, an alert is inserted in the system according to Art. 95 CAAS, and A+M forms are exchanged between SIRENE bureaux.

2. once the person is arrested, the European arrest warrant, accompanied by a translation of the warrant in the language accepted by the executing State, can be sent by the issuing judicial authority to the executing judicial authority. Some Member States nevertheless consider that the surrender can be made simply on the basis of the information contained in the A+M forms.

This document sets out the way in which a technical implementation of the EAW in the SIS II may be made.

II. How will the EAW information be handled by the SIS II

While the issuing judicial authority will determine the details to be included in the EAW, it is expected that the current practice by which the SIRENE bureaux enter these details on to the SIS will continue. The EAW information will, in so far as possible, be entered in the system in a structured way. However, certain information (e.g. on the circumstances of the case) will be available in free text. Additionally, the system will allow storing a scanned copy of the document. This scanned copy could be used, for example, for a quick consistency check of the structured data or in order to provide the executing country with a printed version of the original document. If the executing country requests a translation, then this could also be stored in the system after the hit next to the existing data. This would drastically increase the speed of the executing process and provide additional value for completeness.

The EAW information stored in the SIS II (character data and image file(s)) will have to be kept and protected in an appropriate way, and to be printed only once the person is arrested.

At any rate, this leaves the additional option available to request the original EAW document on a bilateral basis, if needed.

This technical implementation of the EAW in the SIS II will provide for the following functionalities and added value:

- **Uniformity** - The exchange of data among the Member States will be identical which would otherwise entail the risk of having documents circulating via fax, postal mail, couriers, unsecured e-mail, etc.
- **Access control** – The system will allow implementing any access control mechanism to the EAW data stored in the SIS II (see chapter 3 of this document for additional information).
- **Translation** – Introducing the EAW data in the system in a structured way allows for a certain immediate automatic translation (via name fields and code tables) and allows the issuing country to provide a courtesy translation (e.g. to English) of the contents of the fields that cannot be codified.
- **Security** – The SIS already provides for a high level of security and SIS II will also provide for, at least, the same high level of security for the transmission of the EAW data. It is important to bear in mind that the EAW is currently often transmitted by fax, from one judicial authority to the other, a method which offers a particularly low level of security. **The above mentioned high level of security is covered by the SIS II, available by default,** and has no additional implications regarding costs, nor a specific impact on national or central side.

III. Who should have access to which information?

The access to information shall be considered both from the point of view of the issuing State (who has the right to introduce information in the system), and from the executing State. The only question dealt with in this document is related to the possible users. At least two types of users shall have access to the information contained in the European arrest warrant:

- law enforcement officers, airport security officers, etc. They do not need access to all the background information that an EAW contains but only need to know whether the person concerned has to be arrested or stopped, and whether this person is dangerous or not. This basically corresponds to the information listed in the current Art. 94 CAAS. [...]

- as soon as the person is arrested, the European arrest warrant information will be transmitted to the judicial authority competent for taking the decision. Of course Member States could choose to give the judicial authority direct access to the SIS, so that information is available to the judicial authority as soon as the person is arrested. Alternatively, or in addition, Member States could designate another competent authority (e.g. SIRENE) to carry out certain specified tasks and appropriate access rights will be required to be assigned accordingly.

The appropriate levels of access will be determined by each Member State, taking into account national procedures, in accordance with the Schengen Convention. Access to the full EAW data in the SIS II will be given on a need to know basis.

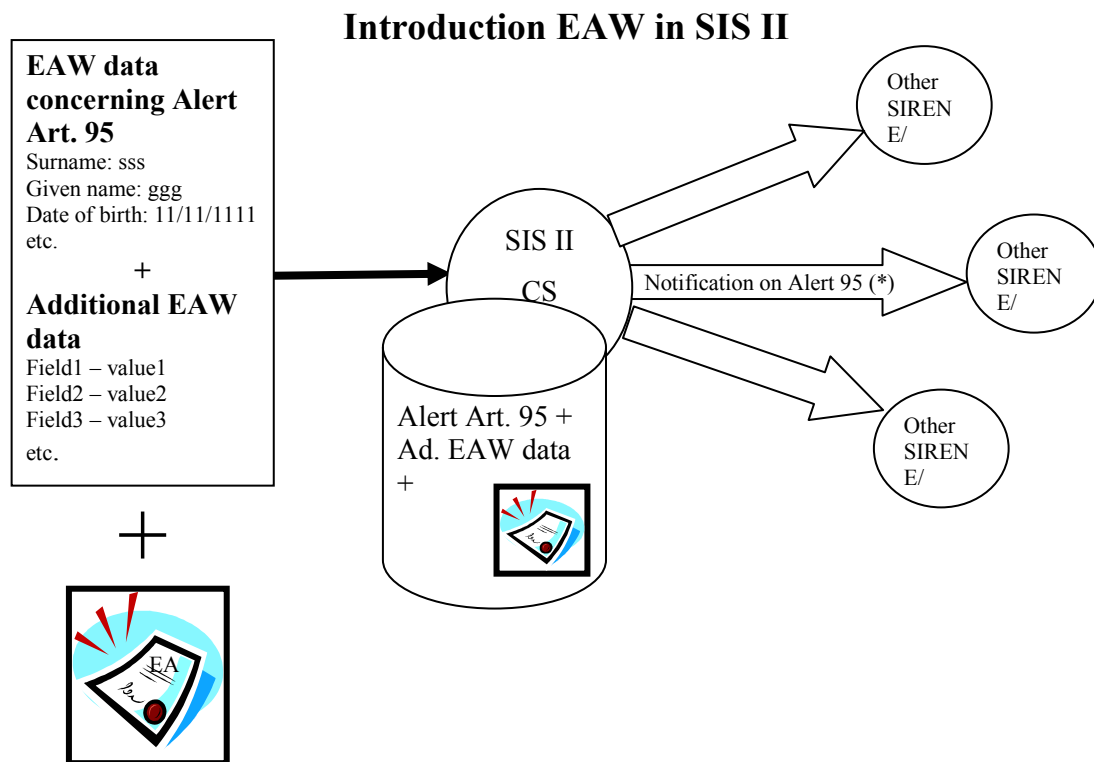
IV. Translation

A translation into the language accepted by the executing state might be needed. According to the Framework Decision (Art. 8(2)) this translation has, in principle, to be provided by the issuing State. It means that a second transmission (of the translation) will have to take place, which brings us again to a two-phased procedure. This could be avoided if Member States agreed that, in such a case, it is up to the executing Member State to provide for the translation into its own language from the original or from an intermediate language.



Translation should be examined in view of the different levels of information which shall be transmitted. The information necessary to arrest the person (basically information listed in Art. 94 CAAS) could be codified (*i.e.* the information should be identified by means of codes).

Concerning the rest of the data, the information which now circulates in A+M form will also be in possession of the judicial authority in the original language, most of the time accompanied by an English or French translation, which could also be hosted by the SIS II. In addition, the executing authority would be in possession of a copy of the original European arrest warrant in the original language in order to start its proceedings. This option does not discard the possibility that a translated copy of the European arrest warrant be sent at a later stage and, if desirable, be scanned and stored in the system.

V. EAW implementation in SIS II - Graphics



EAW data to be stored in SIS II

EAW data concerning Alert		Additional EAW data		English/French (unofficial) translation of	Scanned copy of the original EAW document	Scanned copy official translation EAW
Surname	Sssssss					
Given name	Ggggggg	Field1	value1	value1'		
Date of birth	11/11/1111	Field2	value2	value2'		
etc.	etc.	Field3	value3	value3'		
		Field n	value n	value n'		
(Optional)					(Optional)	

The system will allow for storing the data under these formats and conditions. (Optional) means that it will not be mandatory for the user to supply this information.