



**COUNCIL OF
THE EUROPEAN UNION**

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COMIX 279**

NOTE

from : German delegation
to : SIS/Sirene Working Party/EU/Iceland, Norway and Switzerland/Liechtenstein
Mixed Committee

Subject : Improving exchange of information on violent offenders active internationally

The German delegation welcomes the fact that the Presidency is addressing this issue. At the meeting of the SIS/Sirene Working Party on 18 March 2008 the Presidency asked the Member States to indicate how "violent offenders" or "violent troublemakers" are defined in their national law.

In Germany it is permissible to enter an alert in the national detection system in order to prevent violent confrontations and other criminal offences, particularly in connection with major international political or sporting events and to avert dangers arising from gatherings of individuals prone to violence.

Alerts are entered on persons in relation to whom certain facts give reason to believe that they will in future commit significant criminal offences using violence or the threat of violence. A "significant criminal offence" is one which falls into a category higher than that of petty crime, noticeably disturbs the public peace and is likely to have a considerable effect on the public's sense of security.

There may be concrete grounds for this kind of negative prognosis if the individual concerned has been suspected, accused or convicted of a significant criminal offence.

Alerts may also be entered in relation to individuals from whom weapons or other dangerous objects have been seized or confiscated, if the individuals concerned were carrying them with the intention of committing offences at a particular event.

Significant criminal offences are, for example:

- (a) Offences involving use of force against
 - life and limb
- (b) coercion
- (c) aiding and abetting the escape of a prisoner
- (d) material damage to property
- (e) serious trespass
- (f) breach of the public peace
- (g) formation of or participation in an armed group
- (h) formation of or support for a criminal or terrorist organisation
- (i) robbery
- (j) arson
- (k) causing an explosion
- (l) breach of the laws on weapons
- (m) incitement to hatred (insofar as the nature of the act clearly shows that the perpetrator is liable to be violent)

Entering an alert:

- helps the police obtain information on which to base appropriate and effective action
- provides them with information enabling them to take organisational and tactical measures
- provides the police with information enabling them to avert danger and prosecute offenders.

Consequently, inclusion of this type of category of alert in the Schengen Information System should be exclusively for the purpose of passing on findings to the other Member States. It should be left to the Member States to take police action in accordance with their national law.

