

**Brussels, 15 October 2001**

**12813/01**

**LIMITE**

**SIS 91  
COMIX 676**

**NOTE**

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from :	Belgian delegation
to :	SIS Working Party (EU/Iceland and Norway Mixed Committee)
N prev. doc.	12156/01 JAI 99
Subject :	Changes for extensions on art. 96 and 99 of the Schengen Convention

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In the conclusions adopted by the Council on Justice and Home Affairs of 20 September 2001, the Council "invites those States participating in the SIS to provide more systematic input into the system of alerts under Articles 95, 96 and 99 of the Schengen Convention".

In order to make better use of the said articles in the Convention, the Belgian delegation proposes the following measures.

Article 96 (cf. sheet A in annex)

A new provision could be added to foresee that data of persons entering the Schengen area are introduced and that it is checked whether they have left the area after the expiration of their visa or permit. In case the person does not leave the area within the prescribed time frame, an alert could automatically be raised under a new paragraph of Art. 96. The data of the person should not be visible during his authorised stay and would have to be deleted after the person left the Schengen area.

Article 99 (cf. sheet B in annex)

A new paragraph could be added to the Convention to include alerts on a person who is notoriously known by the police forces for having committed recognised facts of public order disturbance, when this person is moving, alone or in group, to a specific event if there are indications that this person is doing so with the intention of organising, causing, participating of fomenting troubles with the aim of threatening public order or security. The specific event could be any sports, cultural, political or social event. Raising the alert would cause the person to be barred from entering the country during a limited period before and after the event takes place.

## ANNEX

### SHEET A

#### Check of the migration flows: Article 96 of the convention

##### **Aim:**

To allow to checks at entry and leaving the Schengen Area for citizens of third countries. Raising an automatic alert when a person does not leave the area within the limits foreseen.

##### **Operational interest:**

Allow better control of people entering the Schengen Area, resulting in increased internal security on the Schengen territory.

##### **Example:**

A person enters the Schengen Area with an official entry document. When the person does not leave the area within the prescribed time, an alert is automatically inserted in the SIS.

Legal effect: subject to modification of Article 96 of the Schengen Convention.

Technical effect: the database would have to be extended for all these data, the data flow might also increase.

Financial effect: minor when done in SIS II.

Barring potentially dangerous persons from participating in certain events.

**Aim:**

To allow countries to bar access to an individual to a specific event.

**Operational interest:**

Limit the risk of public disorder during a sports, social, cultural or political event by targeting known individuals, resulting in increased internal security in the Schengen territory.

**Example:**

A known violent football fan can be barred from attending a football match, if there are indications that the person might cause disorders before, during or after the game.

The measure could be extended to violent demonstrators as well.

Legal effect: subject to modification of Article 99 of the Schengen Convention.

Technical effect: limited

Financial effect: limited

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