

ECJ Clarifies Scope of SIS Rules on Surrender of Seized Objects

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News

On 4 June 2026, the ECJ ruled in [Case C-326/25 \(CY v 03 Rayonno upravlenie na SDVR\)](#) on the scope of [Regulation 2018/1862](#) concerning alerts in the Schengen Information System (SIS) for objects sought for seizure or use as evidence in criminal proceedings. For the new legal framework on the SIS → [eucrim 4/2018, 192-193](#).

Background of the case

The case concerned a vehicle registered in Bulgaria that was stopped during a police check. The Bulgarian authorities found that the vehicle's chassis number matched an alert entered in the SIS by Germany and the temporary Head of the 3rd District Police Department at the Sofia Directorate for Internal Affairs, Bulgaria. The alert concerned a vehicle sought for use as evidence in criminal proceedings.

Following the hit, the Bulgarian authorities seized the vehicle and contacted the German SIRENE Bureau. The German authorities stated that the vehicle had been reported in connection with an offence of unlawful appropriation and that the company identified as the rightful owner wished to have it returned. The Bulgarian authorities then ordered the vehicle to be surrendered to a representative of that company.

The person registered as the owner of the vehicle in Bulgaria challenged the surrender order before the Bulgarian courts. He argued, in substance, that he had been excluded from the administrative and judicial procedure concerning the return of the vehicle, even though the measure affected his rights and interests.

The referring *Varhoven administrativen sad* (Supreme Administrative Court, Bulgaria) is uncertain as to whether the Bulgarian legislation complies with the SIS Regulation when right holders have no participatory rights in the return proceedings.

The ECJ's ruling

The ECJ held that Art. 39 of Regulation 2018/1862 lays down the steps to be taken following a hit on an object alert: the executing Member State must seize the object in accordance with national law and contact the issuing Member State in order to agree on the measures to be taken. However, the Regulation does not determine the procedural rules governing a subsequent national decision to surrender or repatriate the object in response to the issuing Member State's request.

Therefore, national rules on the adoption of such a surrender decision do not fall within the scope of Regulation 2018/1862. The definition of procedural rules is entirely up to the national law. Since that national

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procedure was not considered to constitute the implementation of EU law within the meaning of Art. 51(1) of the Charter, the Charter was not applicable either. Consequently, the ECJ did not answer the separate question concerning effective judicial protection under Art. 47 of the Charter.

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