



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 December 2005**

**11390/1/05  
REV 1**

**ENFOCUSTOM 36**

**NOTE**

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|        |                                   |
|--------|-----------------------------------|
| from : | Presidency                        |
| to :   | Customs Cooperation Working Party |

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|                  |                                |
|------------------|--------------------------------|
| No. prev. doc. : | 13615/05 ENFOCUSTOM 61 + ADD 1 |
|                  | 5492/04 ENFOCUSTOM 2           |
|                  | 16091/03 ENFOCUSTOM 44         |
|                  | 15216/02 ENFOCUSTOM 39         |

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|-----------|--|
| Subject : | Handbook for the Naples II Convention on mutual assistance and cooperation<br>between customs administrations (OJ C 24 of 23.1.1998, p. 1) |
|           | - Part II: National fact sheets  |

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The current document sets out Part II of the Handbook for the Naples II Convention.

Part I, containing the General Provisions, is set out in document 13615/05 ENFOCUSTOM 61.

Part III, containing the annexes, is set out in document 13615/05 ENFOCUSTOM 61 ADD 1.

## NATIONAL FACT SHEETS

|  |                |
|--|----------------|
| <a href="#"><u>Belgium</u></a>         | not applicable |
| <a href="#"><u>Czech Republic</u></a>  |                |
| <a href="#"><u>Denmark</u></a>         |                |
| <a href="#"><u>Germany</u></a>         |                |
| <a href="#"><u>Estonia</u></a>         | not applicable |
| <a href="#"><u>Greece</u></a>          |                |
| <a href="#"><u>Spain</u></a>           |                |
| <a href="#"><u>France</u></a>          |                |
| <a href="#"><u>Ireland</u></a>         | not applicable |
| <a href="#"><u>Italy</u></a>           |                |
| <a href="#"><u>Cyprus</u></a>          |                |
| <a href="#"><u>Latvia</u></a>          |                |
| <a href="#"><u>Lithuania</u></a>       | not applicable |
| <a href="#"><u>Luxembourg</u></a>      |                |
| <a href="#"><u>Hungary</u></a>         |                |
| <a href="#"><u>Malta</u></a>           |                |
| <a href="#"><u>The Netherlands</u></a> | not applicable |
| <a href="#"><u>Austria</u></a>         |                |
| <a href="#"><u>Poland</u></a>          |                |
| <a href="#"><u>Portugal</u></a>        |                |
| <a href="#"><u>Slovenia</u></a>        | not applicable |
| <a href="#"><u>Slovakia</u></a>        |                |
| <a href="#"><u>Finland</u></a>         |                |
| <a href="#"><u>Sweden</u></a>          |                |
| <a href="#"><u>United Kingdom</u></a>  |                |

**BELGIUM**

1. [CENTRAL COORDINATING UNIT](#)
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6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT****Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|  |
|--|
| National Investigation Service<br>NOD/DNR<br>North Galaxy, Koning Albert II-laan/Bd Roi Albert II 33<br>Postbus/boîte postale 385<br>1000 Brussels<br><a href="mailto:nat.opsd.dir.da.brussel@minfin.fed.be">nat.opsd.dir.da.brussel@minfin.fed.be</a><br>tel 322336 55 66<br>fax 322336 17 15 |
|--|

- languages accepted for making requests for assistance :

|                                   |
|-----------------------------------|
| Dutch, English, French and German |
|-----------------------------------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| N/A |
|-----|

## 2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation :

|  |
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- emergency cases only :

|     |
|-----|
| N/A |
|-----|

- contact details of the customs units:

|  |
|--|
| <p>Customs and excise investigation inspectorates / divisions</p> <ul style="list-style-type: none"> <li>– 2000 Antwerpen, Kattendijkdok-Oostkaai 22, tel 3232-292.222, fax -335.721<br/>= mineral oils: tel -292.222, fax -292.048</li> <li>– 6700 Arlon, Centre admin.de l'Etat, pl. des Fusillés, tel 3263220-432, fax -007</li> <li>– 8000 Brugge (responsible for the ports of Zeebrugge, Ostend and Nieuwpoort), Sint-Pieterskaai 72, tel 325033-1719, fax -7188</li> <li>– 1000 Brussels, bd du Régent 36, tel 322.233.76-11, fax -53 (Airport Zaventem (Groupe Anti-Drogues, GAD), 1931 Brucargo, Gebouw 706, tel 32275-34860, fax -15399)</li> <li>– 3600 Genk, Dieplaan 12, tel 328.936-1111, fax -6218</li> <li>– 9000 Gent, Rooigemlaan 313, tel 3292-168.080, fax -273.790</li> <li>– 8500 Kortrijk, Dam 1, tel 32562-45511, fax -59705</li> <li>– 4000 Liège, Rue Rennequin Sualem 28-30, tel 3242-520.156, fax -525.556<br/>= mineral oils: tel -520.156, fax -295.265; Airport Bierset (Groupe Anti-Drogues), 4460 Grâce-Hollogne</li> <li>– 7000 Mons, Centre admin. de l'Etat, Ch. de l'Inquiétude, tel 32653-41211, fax -56274</li> </ul> |
|--|

## 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

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### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |   |
|---|---|
| <i>All infringements without exception</i>  |   |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> | All the infringements listed in Art.19(2) which are punishable under the laws of the requesting State and of the requested State by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty may give grounds for extradition. |

➤ Restriction on the right of hot pursuit on the MS territory

|                                |   |
|--------------------------------|---|
| <i>No restrictions</i>         |   |
| <i>Restricted as follows :</i> | <p>The right of pursuit on Belgian territory is restricted, it is subject to the principle of reciprocity:</p> <ul style="list-style-type: none"> <li>– <u>FR, GE, LUX, NL and SW</u>: The right is exercised without any restrict. in terms of space or time</li> <li>– <u>PT</u>: Pursuit is limited to a range of 50 km from the border and a duration of 2 hours</li> <li>– <u>AU, DK, FI, IT, SP</u>: Detailed declarations awaited</li> <li>– <u>GR, IRE, UK</u>: No right of pursuit on the territory of Belgium.</li> </ul> |

➤ Pursuing officers have the right to apprehend :

|   |
|---|
| Pursuing officers have the right to apprehend where the main penalty for the offence is imprisonment. |
|---|

➤ List of officers authorised to exercise the right of pursuit :

|                        |  |
|------------------------|--|
| <i>Officers from :</i> |  |
|------------------------|--|

➤ Definitions

|   |
|---|
| <p><i>Private home, places accessible to the public, places not accessible to the public :</i></p> <p>There is no legal definition of the concept of private home. The concept is to be understood as a place of residence and, in general, as any "place not open to the public". The inviolable nature of a private home is covered by Art.10 of the constitution and sanctioned by Art.148 Penal Code.</p> |
|---|

|  |  |
|--|--|
| <i>Service weapons</i>   |  |
| <p><i>Allowed arms :</i></p> <p>In accordance with the provisions of the Ministerial Decree of 4.11.92, sworn officers of the customs and excise administration may hold, keep and carry, according to the missions entrusted to them, the service weapons listed below as part of their regulation equipment: (a) 9 mm calibre pistols; (b) 7,65 mm calibre pistols; (c) 7,62 mm calibre semi-automatic carbines/rifles; (d) rubber truncheons not exceeding 45cm in length; (e) anti-attack aerosol sprays</p> | <p><i>use :</i></p> <p>Customs officers from another Member State may carry their service weapons during cross-border surveillance on Belgian territory. A team's armoury may be brought across the border, but may be neither carried nor used.</p> |

*Legitimate self-defence :*

1. Legitimate self-defence under ordinary law is defined in Art.416 and 417 Penal Code. For a person to be deemed to be acting in legitimate self-defence and therefore not punishable for the crime of homicide, the following conditions must coexist:
  - (a) in the event of an attack on persons (Art. 416): defence proportionate to an attack on a person's physical integrity; a response dictated by the actual need for defence; an unjustified attack on physical integrity
  - (b) in the event of an attack on property (Art. 417): resisting a person climbing over or breaking through fences, walls or entrances of a place of residence or its outbuildings; during the night, except where it is established that an attack against persons could be ruled out.
2. Under special customs law
  - (a) within a range of 10 km along land and sea borders
    - against armed attack or resistance or to counter the serious risk of injury or loss of life;
    - against persons who, without obeying an order to stop, attempt to escape following an armed attack and against drivers of motor vehicles who attempt to escape after a manoeuvre which endangers life;
    - to resist persons who, despite a summons to keep their distance, attempt to remove goods or means of transport that have been seized, attempt to dislodge them from a location from which they are exercising surveillance or attempt to release their prisoners;
    - to slaughter animals introduced fraudulently or moving illegally within the country where it is not possible to capture them alive.
  - (b) Beyond the range of 10 km along land and sea borders: Only the aforementioned rules under ordinary law are applicable; in addition, officers carrying out surveillance of the carriage of goods may not make use of armed force to constrain drivers of vehicles to stop.

*The status of customs vehicles as regards the highway code :*

- As from crossing the border, limitation in time or space to carry out the pursuit:

|              |
|--------------|
| <i>Time:</i> |
| No           |
| Yes :        |

|               |
|---------------|
| <i>Space:</i> |
| No            |
| Yes :         |

- Contact point(s) to be informed at the latest when the border is crossed :

National Investigation Service  
 NOD/DNR  
 North Galaxy, Koning Albert II-laan/Bd Roi Albert II 33  
 Postbus/boîte postale 385  
 1000 Brussels  
[nat.opsd.dir.da.brussel@minfin.fed.be](mailto:nat.opsd.dir.da.brussel@minfin.fed.be)  
 tel 322336 55 66  
 fax 322336 17 15

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

N/A

*Authority to which the reports should be made :*

## 4. CROSS-BORDER SURVEILLANCE

MS has made a declaration on the application of cross-border surveillance:

### 4.1 List of MS officers authorised to exercise the right of cross-border surveillance

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

### 4.3 Special restrictions on the right of surveillance in MS

### 4.4 Definitions

#### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*

There is no legal definition of the concept of private home. The concept is to be understood as a place of residence and, in general, as any "place not open to the public". The inviolable nature of a private home is covered by Art.10 of the constitution and sanctioned by Art.148 Penal Code.

| <i>Service weapons</i>   |  |
|--|--|
| <p><i>Allowed arms :</i></p> <p>In accordance with the provisions of the Ministerial Decree of 4.11.92, sworn officers of the customs and excise administration may hold, keep and carry, according to the missions entrusted to them, the service weapons listed below as part of their regulation equipment: (a) 9 mm calibre pistols; (b) 7,65 mm calibre pistols; (c) 7,62 mm calibre semi-automatic carbines/rifles; (d) rubber truncheons not exceeding 45cm in length; (e) anti-attack aerosol sprays</p> | <p><i>use :</i></p> <p>Customs officers from another Member State may carry their service weapons during cross-border surveillance on Belgian territory. A team's armoury may be brought across the border, but may be neither carried nor used.</p> |

|  |
|--|
| <p><i>Legitimate self-defence :</i></p> <p>1. Legitimate self-defence under ordinary law is defined in Art.416 and 417 Penal Code. For a person to be deemed to be acting in legitimate self-defence and therefore not punishable for the crime of homicide, the following conditions must coexist:</p> <p>(a) <u>in the event of an attack on persons (Art. 416):</u> defence proportionate to an attack on a person's physical integrity; a response dictated by the actual need for defence; an unjustified attack on physical integrity</p> <p>(b) <u>in the event of an attack on property (Art. 417):</u> resisting a person climbing over or breaking through fences, walls or entrances of a place of residence or its outbuildings; during the night, except where it is established that an attack against persons could be ruled out.</p> <p>2. Under special customs law</p> <p>(a) <u>within a range of 10 km along land and sea borders</u></p> <ul style="list-style-type: none"> <li>– against armed attack or resistance or to counter the serious risk of injury or loss of life;</li> <li>– against persons who, without obeying an order to stop, attempt to escape following an armed attack and against drivers of motor vehicles who attempt to escape after a manoeuvre which endangers life;</li> <li>– to resist persons who, despite a summons to keep their distance, attempt to remove goods or means of transport that have been seized, attempt to dislodge them from a location from which they are exercising surveillance or attempt to release their prisoners;</li> <li>– to slaughter animals introduced fraudulently or moving illegally within the country where it is not possible to capture them alive.</li> </ul> <p>(b) <u>Beyond the range of 10 km along land and sea borders:</u> Only the aforementioned rules under ordinary law are applicable; in addition, officers carrying out surveillance of the carriage of goods may not make use of armed force to constrain drivers of vehicles to stop.</p> |
|--|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

N/A

Authority to which the reports should be made :



**5. CONTROLLED DELIVERIES****5.1 List of officers authorised to decide on or carry out controlled deliveries**

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|--|
|  |
|--|

**5.2 Requirements for information to be included in the request**

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|  |
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**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**5.5 Service weapons**

|   |
|---|
| <i>MS imposes the following conditions on the use of service weapons:</i> |
|---|

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| N/A |
|-----|

**6. COVERT INVESTIGATIONS**

MS has made a declaration on the application of covert investigations:

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|--|
|  |
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**6.1 Restrictions on the possibility of using covert investigations**

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|--|
|  |
|--|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|  |
|--|
|  |
|--|

**6.3 Service weapons**

|  |
|--|
|  |
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**6.4 General conditions**

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

N/A

*Authority to which the reports should be made :*

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

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|--|
|  |
|--|

**7.2 General conditions**

*General conditions or provisions to organize or take part in a joint special investigation team:*

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

**CZECH REPUBLIC**

1. [CENTRAL COORDINATING UNIT](#)
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5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

- contact details of the central unit :

Czech version  
 Generální ředitelství cel  
 Sekce pátrání a dohledu  
 Národní koordinační jednotka  
 Budějovická 7  
 140 96 Praha  
 Česká republika  
 fax: (+420-2)61333800,  
 e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

General Directorate of Customs,  
 Section of Investigation and Supervision,  
 National Coordination Unit  
 Budějovická 7  
 140 96 Prague  
 Czech Republic  
 Fax: +420 261333800,  
 e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

- languages accepted for making requests for assistance :

English, German

- acceptance of electronic communication of assistance requests :

No. It's possible to accept the electronic version if the official written form follows immediately (at least by fax).

## 2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation :

Special forms of cooperation:  
 Hot pursuit (Art.20)  
 Cross-border surveillance (Art.21)  
 Controlled delivery (Art. 22)

- emergency cases only :

Yes

- contact details of the customs units:

General Directorate of Customs,  
 Section of Investigation and Supervision,  
  
 (English)  
 Phone: 00420 221412302  
           00420 604225217  
 FAX: 00420 221412300  
  
 (German)  
 Phone : 00420 221412322  
           00420 603558804  
 FAX : 00420 221412320

## 3. HOT PURSUIT

Member State has made a declaration on the application of hot pursuit:

Re: Article 20 (1)

“The Czech Republic states that authorization to proceed according to this Article in the Czech Republic will lie with the officials of the bodies of the Customs Administration of the Czech Republic, who have the position of police authorities pursuant to the national legislation, and the Police of the Czech Republic.”.

Re: Article 20 (6)

“The Czech Republic declares that, in the territory of the Czech Republic, the relevant officials of the member states will carry out transboundary hot pursuit without spatial or time limitations (Art. 20 (3) (b)) and with the right to arrest persons (Art. 20 (2) (b)). This authorization shall not apply to officials of the member states that have fully excluded implementation of this Article pursuant to paragraph 8.”

### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition:

|                                     |
|-------------------------------------|
| All infringements without exception |
|-------------------------------------|

- Restriction on the right of hot pursuit on the MS territory

|                |
|----------------|
| No restriction |
|----------------|

- Pursuing officers have the right to apprehend:

|     |
|-----|
| Yes |
|-----|

- List of officers authorized to exercise the right of pursuit:

|                       |                                     |
|-----------------------|-------------------------------------|
| <i>Officers from:</i> | Officers with special authorization |
|-----------------------|-------------------------------------|

- Definitions:

*Private homes, places accessible to the public, places not accessible to the public:*

The term dwelling means places used for living, i.e. apartments, family homes, recreational cottages and recreational peasant cottages. An apartment includes all the other spaces, the right to the use of which is provided by a lease contract or other contract or agreement or an agreement establishing the right to use (i.e., for example, cellar storage rooms, garages, etc.).

On the other hand, garden sheds, shelters, unlocked buildings or buildings under construction, separate garages and separate cellars are not dwellings. These are non-residential premises that are not accessible to the public and which also include production areas, storehouses and offices. These premises enjoy the same rights of protection as dwellings. Places accessible to the public include both public areas, which are defined by Section 34 of Act No. 128/2000 Coll., on municipalities (the municipal order) as all municipal squares, streets, market places, sidewalks, public greenery, parks and other places accessible to everyone without limitations, i.e. serving for general use, without regard to the ownership of this space. Places accessible to the public also encompass restaurants, theatres, movie houses, sports facilities, shops and professional spaces (e.g. waiting rooms in medical facilities), railways and airports that are open for the public.

|                         |                          |
|-------------------------|--------------------------|
| <i>Service weapons</i>  |                          |
| <i>Allowed arms:</i>    | <i>use :</i>             |
| small personal firearms | strictly in self-defence |

*Legitimate self-defence:*

“An act that is otherwise a criminal offence, through which someone prevents an imminent or continuing attack on an interest protected by the Criminal Code, is not a criminal offence. Legitimate self-defence is not involved if the defence was clearly disproportionate to the manner of attack” – Section 13 of Act No. 140/1961 Coll. – the Criminal Code.

- 1) Legitimate self-defence means prevention of danger to a human. It is directed against the attacker.
- 2) Attack means the action of a person (not an animal, unless incited by a person). Attack is imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack lasts until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal proceedings.
- 3) “Interests protected by this Code” include particularly human life, health, freedom and dignity, and human honor and property.
- 4) Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.
- 5) Subsidiarity is not required for legitimate self-defence.
- 6) The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit him to only passive deflection of the attack.
- 7) The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.
- 8) The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).
- 9) The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

*The status of customs vehicles as regards the highway code:*

- As from crossing the border, limitation in time or space to carry out the pursuit:

*Time:* No

*Space:* No

- Contact point(s) to be informed at the latest when the border is crossed:

General Directorate of Customs,  
 Section of Investigation and Supervision,  
 National Coordination Unit  
 Budějovická 7  
 140 96 Prague  
 Czech Republic  
 Phone: 00420 261333333  
 00420 737202836  
 Fax: +420 261333800  
 e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made:  
 General Directorate of Customs,  
 Section of Investigation and Supervision,  
 National Coordination Unit  
 Budějovická 7  
 140 96 Prague  
 Czech Republic  
 Fax: +420 261333800,  
 e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

Re: Article 21 (1)

“The Czech Republic informs that authorization to proceed according to this Article in the Czech Republic will lie with the officials of the bodies of the Customs Administration of the Czech Republic, who have the position of police authorities pursuant to the internal legal regulations, and the Police of the Czech Republic.”

Re: Article 21 (5)

“The Czech Republic declares that it accepts the provisions of Article 21 under the following conditions:

Cross-border surveillance may be carried out pursuant to Article 21 (1), (2) and (3) only if there is justified suspicion that the pursued persons participate in one of the torts set forth in Article 19 (2), if the upper limit of the criminal sentence in the requesting state for these torts is at least one year of imprisonment, and only for the purpose of evidence in criminal proceedings.”



#### 4.1 List of Member State's officers authorized to exercise the right of cross-border surveillance

|   |
|---|
| General Directorate of Customs Investigation Division Authorities with official authorization |
|---|

#### 4.2 Contact details of the competent authority empowered to grant authorization or forward requests for cross-border surveillance

|   |
|---|
| <p>General Directorate of Customs,<br/>         Section of Investigation and Supervision,<br/>         Budějovická 7<br/>         140 96 Prague<br/>         Czech Republic</p> |
|---|

(English, German)

Phone: 00420 221412301

00420 603558830

Fax: 00420 221412300

#### 4.3 Special restrictions on the right of surveillance in Member State

|                         |
|-------------------------|
| No special restrictions |
|-------------------------|

#### 4.4 Definitions

*Private homes, places accessible to the public, places not accessible to the public:*

The term dwelling means places used for living, i.e. apartments, family homes, recreational cottages and recreational peasant cottages. An apartment includes all the other spaces, the right to the use of which is provided by a lease contract or other contract or agreement or an agreement establishing the right to use (i.e., for example, cellar storage rooms, garages, etc.).

On the other hand, garden sheds, shelters, unlocked buildings or buildings under construction, separate garages and separate cellars are not dwellings. These are non-residential premises that are not accessible to the public and which also include production areas, storehouses and offices. These premises enjoy the same rights of protection as dwellings. Places accessible to the public include both public areas, which are defined by Section 34 of Act No. 128/2000 Coll., on municipalities (the municipal order) as all municipal squares, streets, market places, sidewalks, public greenery, parks and other places accessible to everyone without limitations, i.e. serving for general use, without regard to the ownership of this space. Places accessible to the public also encompass restaurants, theatres, movie houses, sports facilities, shops and professional spaces (e.g. waiting rooms in medical facilities), railways and airports that are open for the public.

|   |   |
|---|---|
| <i>Service weapons</i>                          |   |
| <i>Allowed arms:</i><br>small personal firearms | <i>use:</i><br>strictly in self-defence |

Legitimate self-defence: “An act that is otherwise a criminal offence, through which someone prevents an imminent or continuing attack on an interest protected by the Criminal Code, is not a criminal offence. Legitimate self-defence is not involved if the defence was clearly disproportionate to the manner of attack” – Section 13 of Act No. 140/1961 Coll. – the Criminal Code.

- 1) Legitimate self-defence means prevention of danger to a human. It is directed against the attacker.
- 2) Attack means the action of a person (not an animal, unless incited by a person). Attack is imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack lasts until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal proceedings.
- 3) “Interests protected by this Code” include particularly human life, health, freedom and dignity, and human honor and property.
- 4) Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.
- 5) Subsidiarity is not required for legitimate self-defence.
- 6) The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit himself to only passive deflection of the attack.
- 7) The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.
- 8) The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).
- 9) The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance:

|     |
|-----|
| Yes |
|-----|

Authority to which the reports should be made:  
 General Directorate of Customs,  
 Section of Investigation and Supervision,  
 National Coordination Unit  
 Budějovická 7  
 140 96 Prague  
 Czech Republic  
 Fax: +420 261333800  
 e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

## **5. CONTROLLED DELIVERIES**

### **5.1 List of officers authorized to decide on or carry out controlled deliveries**

General Directorate of Customs,  
 Section of Investigation and Supervision,  
 Budějovická 7  
 140 96 Prague  
 Czech Republic  
  
 (English, German)  
 Phone: 00420 221412301  
       00420 603558830  
 Fax: 00420 221412300

### **5.2 Requirements for information to be included in the request**

- name, location and contact of a Judicial Authority that issued particular permission in demanding country,
- reason for the operation,
- information on facts that provided the reason for the operation,
- kind and amount of goods (drugs, currency) that are the subject of the operation,
- place where the controlled consignment enters the requested state and the place where it leaves it,
- type and kind of means of transport, expected route,
- identity of the suspect,
- information on the body responsible for the operation,
- information on the person responsible for the operation, information on connections thereto,
- information on technical means used in the operation,
- information on the employees of the bodies responsible for the operation

### **5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

**5.5 Service weapons**

|  |
|--|
| <i>Each Member State imposes the following conditions on the use of service weapons:</i> |
|--|

*Legitimate self-defence:*

“An act that is otherwise a criminal offence, through which someone prevents an imminent or continuing attack on an interest protected by the Criminal Code, is not a criminal offence. Legitimate self-defence is not involved if the defence was clearly disproportionate to the manner of attack” – Section 13 of Act No. 140/1961 Coll. – the Criminal Code.

1. Legitimate self-defence means prevention of danger to a human. It is directed against the attacker.
2. Attack means the action of a person (not an animal, unless incited by a person). Attack is imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack lasts until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal proceedings.
3. “Interests protected by this Code” include particularly human life, health, freedom and dignity, and human honor and property.
4. Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.
5. Subsidiarity is not required for legitimate self-defence.
6. The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit himself to only passive deflection of the attack.
7. The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.
8. The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).
9. The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

General Directorate of Customs,  
Section of Investigation and Supervision,  
National Coordination Unit  
Budějovická 7  
140 96 Prague  
Czech Republic  
Fax: +420 261333800,  
e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

### 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

Yes

## 6. COVERT INVESTIGATIONS

Each Member State has made a declaration on the application of covert investigations:

No

### 6.1 Restrictions on the possibility of using covert investigations

### 6.2 List of officers authorized to decide on or carry out covert investigations

The Czech Republic Police Authorities  
Police Headquarters  
Division of International Police Cooperation  
SIRENE National Center

### 6.3 Service weapons

## 6.4 General conditions

According to the Regulation § 437, paragraph 2, Law No. 141/1961 Coll. (Penal Code), a foreign national Police Officer is allowed to act as an agent regarding the § 158e High Court in Prague.

## 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

*Authority to which the reports should be made:*

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of officers authorised to decide on or participate in joint special investigation teams

General Directorate of Customs,  
Section of Investigation and Supervision,  
Budějovická 7  
140 96 Prague  
Czech Republic

Phone: 004200261333801  
Fax: 00420 261333800

(English, German)  
Phone: 00420 221412301  
00420 603558830  
FAX: 00420 221412300

### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
According to the Regulation § 442, Law No. 141/1961 Coll (Penal Code), only the Supreme State Prosecutor's Office is authorized to conclude an agreement regarding an establishment of joint investigating team.

### 7.3 Requirement to report back

Requirement to report back after completion of a joint special investigation teams:

Yes

Authority to which the report should be made: General Directorate of Customs,  
Section of Investigation and Supervision,  
National Coordination Unit  
Budějovická 7  
140 96 Prague  
Czech Republic  
Fax: +420 261333800,  
e-mail: [operacni@cs.mfcr.cz](mailto:operacni@cs.mfcr.cz)

**DENMARK**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE  
AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)



## GERMANY

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

1. **CENTRAL COORDINATING UNIT**

- contact details of the central unit :

Zollkriminalamt (ZKA)  
Postal address:  
 Postfach 850562  
 51030 Köln  
visitor's address:  
 Bergisch Gladbacher Strasse 837  
 51069 Köln  
 Telephone: ++49.221.672-0  
 Fax: ++49.221.4500  
[poststelle@zka.bfinv.de](mailto:poststelle@zka.bfinv.de)  
[www.zollkriminalamt.de](http://www.zollkriminalamt.de)  
 Die Dienststelle ist ständig erreichbar (24 Stunden am Tag, 7 Tage die Woche)

- languages accepted for making requests for assistance :

German  
 English, French, Spanish, Italian

- acceptance of electronic communication of assistance requests :

Yes

## 2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation :

all,  
within their legal and regional competence

- emergency cases only :

Yes

- contact details of the customs units:

[http://www.zoll.de/service/dienststverz/dvz\\_oberbeh\\_zka/index.html](http://www.zoll.de/service/dienststverz/dvz_oberbeh_zka/index.html)

## 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

- MSs which have totally excluded the application of this Article may not exercise the right of pursuit on German territory.
- Officers from MSs which have accepted the application of this Article may exercise the right of pursuit without any restrictions in terms of space or time.

### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |  |
|---|--|
| <i>All infringements with the exception of infringements related to trafficking in:</i> | <p>Für <u>eingehende</u> Ersuchen:<br/>alle Zuwiderhandlungen mit Ausnahme:</p> <ul style="list-style-type: none"> <li>- offensichtliche Formalverstöße</li> <li>- offensichtliche Geringfügigkeit einer Zuwiderhandlung</li> <li>- für den Bereich gefährlicher und giftiger Abfälle:</li> </ul> <p>Es liegt nur dann eine Straftat vor, wenn der Endverbleib Mensch und Umwelt gefährden kann. (§ 326 Strafgesetzbuch)</p> |
|---|--|

## ➤ Restriction on the right of hot pursuit on the MS territory

|                                |  |
|--------------------------------|--|
| <i>No restrictions</i>         |  |
| <i>Restricted as follows :</i> | Auf dem Gebiet der Bundesrepublik Deutschland üben die zuständigen Beamten der Mitgliedstaaten das Recht der Nacheile ohne räumliche oder zeitliche Begrenzung (Artikel 20 Absatz 3 Buchstabe d) und unter Einräumung des Festhalterechtes (Artikel 20 Absatz 2) aus. Beamten der Mitgliedstaaten, die die Anwendung dieses Artikels gemäß Absatz 8 vollständig ausgeschlossen haben, steht diese Befugnis nicht zu. |

## ➤ Pursuing officers have the right to apprehend :

|     |
|-----|
| Yes |
|-----|

## ➤ List of officers authorised to exercise the right of pursuit :

|                        |   |
|------------------------|---|
| <i>Officers from :</i> | <ul style="list-style-type: none"> <li>- the Zollfahndungsdienst (Customs Investigation Service),</li> <li>- the Grenzaufsichtsdienst (border surveillance service),</li> <li>- the Wasserzolldienst (maritime and waterways customs service),</li> <li>- the Mobile Kontrollgruppe (mobile inspection squads)</li> <li>- sowie Beamte der Polizeien oder des Bundesgrenzschutzes, soweit diese hierzu nach nationalem Recht berechtigt sind (Artikel 4 Nr. 7 Neapel II)</li> </ul> |
|------------------------|---|

## ➤ Definitions

|   |
|---|
| <p><i>Private home, places accessible to the public, places not accessible to the public:</i></p> <p>In the absence of a legal definition,</p> <ul style="list-style-type: none"> <li>– "places accessible to the public" means places which may in principle be entered freely on the basis of an actual or presumed authorisation from the owner, such as restaurants, theatres, shops, commercial or professional areas which are open to the public, etc.</li> <li>– "private home" means any place actually used for residence, for work, to carry on a business or for commercial purposes, and other enclosed property (ground surrounded by a fence, for example). The concept of private home also covers moveable property used for those purposes, such as boats, caravans, tents, the sleeping compartments of lorries, etc. Entry is allowed into places which fall within the definition of private home but are open to the public.</li> </ul> |
|---|

|  |              |  |
|--|--------------|--|
| <i>Service weapons:</i> Pursuing officers may carry their service weapons  |              |  |
| <i>Allowed</i>   | <i>arms:</i> | <i>use :</i>   |
| Within the German customs administration, the following arms are allowed for service purposes: truncheons, steel telescopic truncheons, irritant sprays, flare pistols, pistols, revolvers, submachine guns, machine-guns (installed on some customs vessels in the North Sea and the Baltic Sea). |              | Their use is strictly limited to cases of legitimate self-defence. |

*Legitimate self-defence:* is the defence needed to protect oneself or others from an act of illegal aggression (Art.32(2) Penal Code – Strafgesetzbuch).

*The status of customs vehicles as regards the highway code:*

The German customs authority shall not be subject to the restrictions imposed by the Road Traffic Regulations where the performance of urgent tasks so requires. Art.38 of the Road Traffic Regulations provides that a blue light and siren may be used only:

- in extremely urgent cases
- in connection with action to save human life or prevent serious harm to health
- in connection with action to avert risks to public safety and order
- in connection with the pursuit of fugitives, or
- in connection with the safeguarding of objects of substantial value.

The combination of a blue light and a siren obliges other road-users to clear the way immediately. A blue light on its own serves merely to warn of the scene of an accident or other place of activity and as an alarm. A blue light serves merely as a warning and does not give right of way. These rights also apply, pursuant to § 35(1)(a) Road Traffic Law, to foreign customs officers who are entitled to carry out hot pursuit on the basis of agreements under internat. law such as the Naples II Convention.

➤ As from crossing the border, limitation in time or space to carry out the pursuit:

Time: *See 3.1.*

Space: *See 3.1.*

- Contact point(s) to be informed at the latest when the border is crossed :

The pursuing officers must report to the central coordination unit:

Zollkriminalamt (ZKA)

Postal address:

Postfach 850562

51030 Köln

visitor's address:

Bergisch Gladbacher Strasse 837

51069 Köln

Telephone: ++49.221.672-0

Fax: ++49.221.4500

[poststelle@zka.bfinv.de](mailto:poststelle@zka.bfinv.de)

[www.zollkriminalamt.de](http://www.zollkriminalamt.de)

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

*Authority to which the reports should be made : Zollkriminalamt*

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

None

### 4.1 List of Member State's services authorised to exercise the right of cross-border surveillance

Criminal investig. officers,  
officials of the Customs Investig. Service with direct responsibility and the corresponding officers  
of other authorities (i.e. police) with jurisdiction in a particular case for implementing the provisions  
of Naples II (Art.4(7) of Naples II)

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

Zollkriminalamt

This central coordinating unit shall be responsible for receiving all applications for mutual  
assistance under this convention, Art 4 Para 1 second sentence Naples II

### 4.3 Special restrictions on the right of surveillance in Member State

None

#### 4.4 Definitions

*Private home, places accessible to the public, places not accessible to the public:*

In the absence of a legal definition,

- "places accessible to the public" means places which may in principle be entered freely on the basis of an actual or presumed authorisation from the owner, such as restaurants, theatres, shops, commercial or professional areas which are open to the public, etc.
- "private home" means any place actually used for residence, for work, to carry on a business or for commercial purposes, and other enclosed property (ground surrounded by a fence, for example). The concept of private home also covers moveable property used for those purposes, such as boats, caravans, tents, the sleeping compartments of lorries, etc. Entry is allowed into places which fall within the definition of private home but are open to the public.

*Service weapons:* Pursuing officers may carry their service weapons

*Allowed arms:*

Within the German customs administration, the following arms are allowed for service purposes: truncheons, steel telescopic truncheons, irritant sprays, flare pistols, pistols, revolvers, submachine guns, machine-guns (installed on some customs vessels in the North Sea and the Baltic).

*use:*

Their use is strictly limited to cases of legitimate self-defence.

*Legitimate self-defence:* is the defence needed to protect oneself or others from an act of illegal aggression (Art.32(2) Penal Code – Strafgesetzbuch).

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance:

Yes

*Authority to which the reports should be made :* Zollkriminalamt

### 5. CONTROLLED DELIVERIES

#### 5.1 List of services authorised to decide on or carry out controlled deliveries

Zollkriminalamt

This central coordinating unit shall be responsible for receiving all applications for mutual assistance under this convention, Art 4 Para 1 second sentence Naples II.

In cases of controlled deliveries by air, the corresponding request may also be made directly to the Customs Investigation Unit of the relevant airport of destination. Contact details can be obtained from the above Zollkriminalamt.

## 5.2 Requirements for information to be included in the request

### (incoming controlled deliveries)

The request must include a detailed description of the facts of the case which, in addition to enabling the competent prosecuting authority to carry out a legal examination, must also contain sufficient information to allow all the operational measures technically necessary (e.g. surveillance, arrest, necessary discussions with other authorities) to be taken so that the controlled delivery can be carried out in the proper manner.

The decision to carry out a controlled delivery is obtained by the competent customs investigation unit from the prosecuting authority.

Surveillance of the onward forwarding of the controlled delivery by the authorities in the State of interception of the goods on grounds for instance of urgency is categorically prohibited since Art. 22 of Naples II provides no legal basis for the cross-border deployment of customs officials.

However, where in a particular case – as a result of a change in the hand-over point – it is exceptionally necessary for the officers involved to cross the border, the provisions and restrictions on cross-border surveillance should be applied by analogy (Art.21 Naples II).

## 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country.

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

## 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

### Requests made to Germany by other Member States (incoming controlled deliveries):

When a controlled delivery is requested, the competent prosecuting authority can give the requesting authority of the other Member State the guarantee in question.

### Requests made by Germany to other Member States (outgoing controlled deliveries):

Germany requires such a guarantee.

## 5.5 Service weapons

### *Member State imposes the following conditions on the use of service weapons:*

|   |
|---|
| The carrying of a service weapon in the exceptional circumstances described above (change in the handover point) is governed by the provisions and restrictions concerning cross-border surveillance (Art. 21, Naples II) |
|---|

## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery:

|     |
|-----|
| Yes |
|-----|

- |                     |  |
|---------------------|--|
| <p>a)</p> <p>b)</p> | <p>Requirement to report back after completion of a controlled delivery</p> <p><u>Requests made to Germany by other Member States (incoming controlled deliveries):</u><br/>Yes.</p> <p><u>Requests made by Germany to other Member States (outgoing controlled deliveries):</u><br/>In each case a report (on investigation/surveillance/outcome) must be submitted at the latest four weeks after the controlled delivery has been carried out.</p> <p>Authority to which the reports should be made</p> <p><u>Requests made to Germany by other Member States (incoming controlled deliveries):</u><br/>The report is forwarded to the Customs Investigation Office as the coordinating unit (Art.5, Naples II).</p> <p><u>Requests made by Germany to other Member States (outgoing controlled deliveries):</u><br/>The report is forwarded to the Customs Investigation Office as the coordinating unit (Art.5, Naples II).</p> |
|---------------------|--|

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

Further details:

Requests made to Germany by other Member States (incoming controlled deliveries):

Yes.

Within the framework of carrying out a controlled delivery the competent prosecuting authority can give the requesting authority of the other Member State an assurance that the goods will be subject to final seizure and legal action taken against the perpetrators. In justified individual cases, e.g. investigation of the instigators, it is possible for the goods not to be seized. This does not apply to goods which are likely to endanger public security and/or public health (e.g. goods prohibited under Art.19 (2) (a) Naples II).

Requests made by Germany to other Member States (outgoing controlled deliveries):

In principal the German prosecuting authority requires a guarantee that the goods will be seized and legal action taken against the perpetrators. In justified individual cases, e.g. for the purpose of investigating instigators, it may be assumed that the consignments cannot be seized.



## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

No

### 6.1 Restrictions on the possibility of using covert investigations

Der Einsatz verdeckter Ermittler ist nach deutschem Recht nur bei

- schwerwiegenden Straftaten (sog. Katalogstraftaten)
  - und wenn die Aufklärung auf andere Weise aussichtslos oder wesentlich erschwert wäre.
- zulässig. Die Zustimmung der Staatsanwaltschaft ist erforderlich.

Wegen des hohen Eingriffscharakters in die Grundrechte muss ein Richter über den Einsatz Verdeckter Ermittler entscheiden, wenn

- sich der Einsatz gegen einen bestimmten Beschuldigten richtet oder
- wenn der verdeckte Ermittler eine Wohnung betritt, die nicht allgemein zugänglich ist.

Verdeckte Ermittler dürfen unter Verwendung ihrer Legende eine Wohnung mit Einverständnis des Berechtigten betreten. Personen, deren nicht allgemein zugängliche Wohnung betreten werden, sind vom Einsatz zu benachrichtigen, sobald dies ohne Gefährdung des Ermittlungszwecks oder von Leib und Leben einer Person sowie deren weiterer Verwendung als verdeckter Ermittler geschehen kann.

Beim Einsatz verdeckter Ermittler ist dem Sicherheitsbedürfnis der eingesetzten Beamten Rechnung zu tragen.

### 6.2 List of services authorised to decide on or carry out covert investigations

a) to decide on: siehe Frage 6.1

b) to carry out: Beamte des Zollfahndungsdienstes; Beamte anderer zuständiger Ermittlungsbehörden, die im Auftrag der Beamten des Zollfahndungsdienstes handeln.

### 6.3 Service weapons

Foreign covert investigators may only carry and use service weapons in Germany under certain circumstances in individual cases (risk situation, cover).

The use of service weapons is limited to self-defence situations, i.e. they may not be used for law enforcement purposes

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*

The use of covert investigations. is governed by par. 110a and b Code of Crim.

Procedure:

- see answer 6.1
- Nur Beamte des Zollfahndungsdienstes und der Polizei dürfen als Verdeckte Ermittler tätig werden.
- The powers of covert investigators are otherwise governed by the provisions in force, in particular the Criminal Code. This means that the covert investigator is not allowed to commit crimes, not even "crimes to maintain his cover in criminal circles".

## 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

*Authority to which the reports should be made :*

Operations by covert investigations must be continuously documented. The senior officer (the covert investigator's superior) is responsible for this.

Authority to which the reports should be made:

Zollkriminalamt, Referat I 3,  
Referatsleiter persönlich - o.V.i.A. -  
address as above.

The competent prosecution authority may ask the department responsible for managing the covert investigation to report to it directly.

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of services authorised to decide on or participate in joint special investigation teams

Das Zollkriminalamt, zentrale Koordinierungsstelle nach Art. 5, entscheidet über die Einrichtung und/oder Teilnahme an einem „Besonderen gemeinsamen Ermittlungsteam“. Dabei werden etwaige Weisungen der Staatsanwaltschaft beachtet.

### 7.2 General conditions

General conditions or provisions to organize or take part in a joint special investigation team:

Einzelheiten werden im Einzelfall nach sachlichen Erfordernissen festgelegt. Dabei ist auf die gebotene Flexibilität zu achten.

### 7.3 Requirement to report back

Requirement to report back after completion of a joint investigation team:

Yes

Eine Berichtspflicht besteht nur, wenn im Einzelfall sachlich erforderlich ist.

Authority to which the report should be made

Zollkriminalamt,

Zollkriminalamt (ZKA)

Postal address:

Postfach 850562

51030 Köln

visitor's address:

Bergisch Gladbacher Strasse 837

51069 Köln

Telephone: ++49.221.672-0

Fax: ++49.221.4500

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www.zollkriminalamt.de

**ESTONIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
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7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

Contact details of the central coordinating units and languages accepted for making requests for assistance

- contact details of the central unit :

|   |
|---|
| <i>Tax and Customs Board<br/>Investigation Department<br/>Address:<br/>Narva road 9J<br/>15176 Tallinn<br/>ESTONIA<br/>Tel: +372 6835 999<br/>Fax: +372 6835 911<br/>E-mail: <a href="mailto:Uurimine@emta.ee">Uurimine@emta.ee</a></i> |
|---|

- languages accepted for making requests for assistance :

|                                  |
|----------------------------------|
| <i>English, Finnish, Russian</i> |
|----------------------------------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| YES |
|-----|

*Remark: Electronic communication of assistance requests must be followed by official request.*

## 2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation :

|                                     |
|-------------------------------------|
| No other units have been authorised |
|-------------------------------------|

- emergency cases only :

|  |  |
|--|--|
|  |  |
|--|--|

- contact details of the customs units:

|                                     |
|-------------------------------------|
| No other units have been authorised |
|-------------------------------------|

## 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|  |
|--|
| The pursuing officers of other Member States have no right to apprehend persons on the territory of the Republic of Estonia. |
|--|

### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |  |
|--|--|
| All infringements without exception. All the infringements listed in article 19(2) without exception give ground for extradition according to the laws of the Republic of Estonia. |  |
|--|--|

|  |  |
|--|--|
| All infringements with the exception of infringements relating to trafficking in : |  |
|--|--|

- Restriction on the right of hot pursuit on the MS territory

|  |  |
|--|--|
| No restrictions. Pursuit, which is continued after border crossing is not restricted by time or space. |  |
|--|--|

|                         |  |
|-------------------------|--|
| Restricted as follows : |  |
|-------------------------|--|

- Pursuing officers have the right to apprehend :

|    |
|----|
| NO |
|----|

- List of officers authorised to exercise the right of pursuit :

|                        |   |
|------------------------|---|
| <i>Officers from :</i> | Competent surveillance authorities in Estonia are: Security Police Board, National Police Board, Estonian Board of Border Guard, Headquarters of the Defence Forces, Prisons Department of the Ministry of Justice and prison, Tax and Customs Board. Central management unit is the Investigation Department of Tax and Customs Board. |
|------------------------|---|

- Definitions

*Private home, places accessible to the public, places not accessible to the public* Estonian legislation does not use the definition “private home”. Dwelling or living quarters is defined as a residential building or an apartment which is used for permanent residence. This definition may be extended to any other separate room that meets the requirements established for dwelling. It may be a garage, cellar, caravan, etc. as well as public institutions, offices, etc.

*Service weapons:* Pursuing officers may carry service weapons in conformity with the principles of reciprocity. Ministry of Internal Affairs shall issue a licence against the respective application.

|                                   |                          |
|-----------------------------------|--------------------------|
| Allowed arms : Not answered by MS | use : Not answered by MS |
|-----------------------------------|--------------------------|

*Legitimate self-defence:* Definition of legitimate self-defence according to Estonian laws is the following: An act is not unlawful if the person combats a direct or immediate unlawful attack against the legal rights of the person or of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence. A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive damage to the attacker.

*The status of customs vehicles as regards the highway code:* Customs vehicles registered as surveillance vehicles have the right not to follow the highway code in cases provided by law if they have a special registration card issued for surveillance vehicles. Special vehicles to be equipped with audio signals and flashing rotary lights are still under construction.

- As from crossing the border, limitation in time or space to carry out the pursuit:

|          |
|----------|
| Time: No |
|----------|

|           |
|-----------|
| Space: No |
|-----------|

- Contact point(s) to be informed at the latest when the border is crossed :

|                       |
|-----------------------|
| <i>No differences</i> |
|-----------------------|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

Yes

*Authority to which the reports should be made:* Central Coordinating Unit

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

NO

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

All the aforementioned surveillance agencies. Central management unit is the Investigation Department of Estonian Tax and Customs Board.

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

Public Prosecutor's Office grants an authorisation for covert cross-border surveillance in criminal cases, designates a responsible body for conducting cross-border surveillance and establishes the time for conclusion of the surveillance operation. In other cases the competent authority is the Investigation Department of Estonian Tax and Customs Board.

All competent surveillance authorities are empowered to send the requests for cross-border surveillance through Central management Unit.

### 4.3 Special restrictions on the right of surveillance in Member State

An authorisation issued by Public Prosecutor's Office or an authorisation of a Court of Justice in cases provided by law.

### 4.4 Definitions

#### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public:* Estonian legislation does not use the definition "private home". Dwelling or living quarters is defined as a residential building or an apartment which is used for permanent residence. This definition may be extended to any other separate room that meets the requirements established for dwelling. It may be a garage, cellar, caravan, etc. as well as public institutions, offices, etc.

*Service weapons:* Pursuing officers may carry service weapons in conformity with the principles of reciprocity. Ministry of Internal Affairs shall issue a licence against the respective application.

*Allowed arms :* Not answered by MS

*use :* Not answered by MS

*Legitimate self-defence:* Definition of legitimate self-defence according to Estonian laws is the following: An act is not unlawful if the person combats a direct or immediate unlawful attack against the legal rights of the person or of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence. A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive damage to the attacker.

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

YES

*Authority to which the reports should be made:* Central Management Unit

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

Investigation Department of Tax and Customs Board, 9j Narva Str, 15176 Tallinn, Estonia

#### 5.2 Requirements for information to be included in the request

YES

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES



**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

|     |
|-----|
| YES |
|-----|

**5.5 Service weapons**

|   |
|---|
| <i>Member State imposes the following conditions on the use of service weapons:</i> |
|---|

|                                  |
|----------------------------------|
| On the principle of reciprocity. |
|----------------------------------|

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| YES |
|-----|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

|     |
|-----|
| YES |
|-----|

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|  |
|--|
| Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia. |
|--|

**6.1 Restrictions on the possibility of using covert investigations**

|   |
|---|
| Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia |
|---|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|   |
|---|
| Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia |
|---|

### 6.3 Service weapons

Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia

### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

|   |   |
|---|---|
| Y | N |
|---|---|

*Authority to which the reports should be made:*  
Covert investigators of the other Member States are not allowed to the territory of the Republic of Estonia

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of officers authorised to decide on or participate in joint special investigation teams

Joint special investigation teams shall be established by the Public Prosecutor's Office or District Prosecutor's Office based on the application received. All the competent investigation agencies are empowered to participate in the work of the team. Prosecutor is the team leader.

### 7.2 General conditions

General conditions or provisions to organize or take part in a joint special investigation team: Not answered by MS

### 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery:

|     |
|-----|
| YES |
|-----|

*Authority to which the report should be made:*  
Investigation Department of Tax and Customs Board, the report should contain the following information:

- \*countries and persons participating in the work of a joint investigation team
- \*type of the offence
- \*time of conducting the operation
- \*persons involved

**GREECE**

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6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|   |
|---|
| 33rd Division of Customs Law Enforcement,<br>10 Karageorgi Servias,<br>10184 Athens,<br><a href="mailto:rilod33b@otenet.gr">rilod33b@otenet.gr</a><br>tel 301-7259.324, -7222.828, fax -322.5192; |
|---|

- languages accepted for making requests for assistance :

|          |
|----------|
| GR EN FR |
|----------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| YES |
|-----|

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|                                   |
|-----------------------------------|
| Direct cooperation not authorised |
|-----------------------------------|

- emergency cases only :

|                                   |
|-----------------------------------|
| Direct cooperation not authorised |
|-----------------------------------|

- contact details of the customs units:

Direct cooperation not authorised

### **3. HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

No right of pursuit on Greek territory

#### **3.1 Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

No right of pursuit on Greek territory

- Restriction on the right of hot pursuit on the MS territory

No right of pursuit on Greek territory

- Pursuing officers have the right to apprehend

No right of pursuit on Greek territory

- List of officers authorised to exercise the right of pursuit :

No right of pursuit on Greek territory

- Definitions

No right of pursuit on Greek territory

- As from crossing the border, limitation in time or space to carry out the pursuit:

No right of pursuit on Greek territory

- Contact point(s) to be informed at the latest when the border is crossed :

No right of pursuit on Greek territory

#### **3.2 Requirement to report back**

Requirement to report back after completion of a hot pursuit :

No right of pursuit on Greek territory

#### 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|     |
|-----|
| N/A |
|-----|

##### 4.1 List of Member State's services authorised to exercise the right of cross-border surveillance

|     |
|-----|
| N/A |
|-----|

##### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|     |
|-----|
| N/A |
|-----|

##### 4.3 Special restrictions on the right of surveillance in Member State

|     |
|-----|
| N/A |
|-----|

##### 4.4 Definitions

###### ➤ Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|     |
|-----|
| N/A |
|-----|

|                         |
|-------------------------|
| <i>Service weapons:</i> |
|-------------------------|

|     |
|-----|
| N/A |
|-----|

|                       |
|-----------------------|
| <i>Allowed arms :</i> |
|-----------------------|

|     |
|-----|
| N/A |
|-----|

|                                 |
|---------------------------------|
| <i>Legitimate self-defence:</i> |
|---------------------------------|

|     |
|-----|
| N/A |
|-----|

##### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

|     |
|-----|
| N/A |
|-----|

|  |
|--|
| <i>Authority to which the reports should be made :</i> N/A |
|--|

#### 5. CONTROLLED DELIVERIES

##### 5.1 List of services authorised to decide on or carry out controlled deliveries

|   |
|---|
| The Coordinating Body Drug Unit (S.O.D.N.) according to the National Law 2331/1995, article 15 has the authorisation to decide on or carry out controlled deliveries after the approval by the competent Public Prosecutor in charge. |
|---|

**5.2 Requirements for information to be included in the request**

N/A

**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

N/A

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

YES

**5.5 Service weapons**

*Member State imposes the following conditions on the use of service weapons:*

N/A

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

N/A

*Authority to which the report should be made:*

N/A

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

YES

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|     |
|-----|
| N/A |
|-----|

**6.1 Restrictions on the possibility of using covert investigations**

|     |
|-----|
| N/A |
|-----|

**6.2 List of services authorised to decide on or carry out covert investigations**

|     |
|-----|
| N/A |
|-----|

**6.3 Service weapons**

|     |
|-----|
| N/A |
|-----|

**6.4 General conditions**

|  |
|--|
| <i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i><br>N/A |
|--|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|   |
|---|
| <i>Authority to which the reports should be made</i><br>N/A |
|---|

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of services authorised to decide on or participate in joint special investigation teams**

|     |
|-----|
| N/A |
|-----|

**7.2 General conditions**

|     |
|-----|
| N/A |
|-----|

### 7.3 Requirement to report back

Requirement to report back after completion of a joint special investigation:

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

|     |
|-----|
| N/A |
|-----|



**SPAIN**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
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7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

Dep. de Aduanas e Impuestos Especiales, Dirección Adjunta de Vigilancia Aduanera, Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid, tel 3491-7289.830(24h), fax -3583.417

- languages accepted for making requests for assistance :

- acceptance of electronic communication of assistance requests :

YES

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

- emergency cases only :

N/A

- contact details of the customs units:

Units from the corresponding Customs and Excise regional Headquarters

### 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|    |
|----|
| NO |
|----|

#### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |  |
|--|--|
| All infringements without exception  |  |
| All infringements with the exception of infringements relating to trafficking in : |  |

- Restriction on the right of hot pursuit on the MS territory

|                         |  |
|-------------------------|--|
| No restrictions         |  |
| Restricted as follows : |  |

- Pursuing officers have the right to apprehend :

|     |
|-----|
| YES |
|-----|

- List of officers authorised to exercise the right of pursuit :

|                        |  |
|------------------------|--|
| <i>Officers from :</i> | Officers from the Customs and Excise Department, officers from the State Security Forces and Corps |
|------------------------|--|

- Definitions

|   |  |
|---|--|
| <p><i>Private home, places accessible to the public, places not accessible to the public :</i></p> <p><u>Private home</u> : for natural persons, the Civil Code establishes that private home is the habitual place, that is to say, any closed space in which the private and familiar lives take place, as a permanent or temporal residence. For legal persons, is the place where the legal representation is based, or where the principal activity is developed. According to the Criminal Indictment Law, the following places are considered private home : The Royal Palaces, the buildings or any closed place, or its part, destined to room any Spanish citizen, or any resident person in Spain and their family and the National trade vessels.</p> <p><u>Places accessible to the public</u>: those buildings or closed places destined for the use of any official service of the Estate, Region or Town Hall, civil or military, even if the persons in charge of the service, maintenance or security of the building live there buildings destined to meetings or leisure, being legal or not any other building or closed place with are not home of any physical person, as stated above estate vessels.</p> |  |
|---|--|

|   |              |
|---|--------------|
| <i>Service weapons</i>  |              |
| <i>Allowed arms :</i><br>the service weapons carried by Spanish Customs Officers are short guns, which are property of the Administration. Patrol vessels are armed with short guns and light machine guns for the use of the crewmembers. High sea patrols have also heavy machine guns. | <i>use :</i> |

|   |
|---|
| <i>Legitimate self-defence :</i><br>the Spanish Penal Code establishes three conditions in order to consider the action of defending the person or the personal rights, as self defence: <ul style="list-style-type: none"> <li>– There must be an illegitimate aggression. In case of defending goods, it will be considered as illegitimate aggression their attack, when it is an offence or infringement and exists serious risk of damage or being immediately ruined. In case of defending the private home, the not authorised entry will be considered as illegitimate aggression.</li> <li>– The resources used to avoid or repel the aggression must be reasonable needed.</li> <li>– Lack of provocation by the defendant</li> </ul> |
|---|

|  |
|--|
| The status of customs vehicles as regards the highway code : N/A |
|--|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|                                     |
|-------------------------------------|
| Time:                               |
| No                                  |
| Yes : in land: 2 hrs; at sea: 5 hrs |

|   |
|---|
| Space:                                  |
| No                                      |
| Yes : in land: 50 km; at sea: no limits |

- Contact point(s) to be informed at the latest when the border is crossed :

|   |
|---|
| Dep. de Aduanas e Impuestos Especiales, Dirección Adjunta de Vigilancia Aduanera, Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid, tel 3491-7289.830(24h), fax -3583.417 |
|---|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|   |
|---|
| Y |
|---|

|   |
|---|
| Authority to which the reports should be made : N/A |
|---|

#### 4. CROSS-BORDER SURVEILLANCE

MS has made a declaration on the application of cross-border surveillance:

|    |
|----|
| NO |
|----|

##### 4.1 List of MS officers authorised to exercise the right of cross-border surveillance

|   |
|---|
| Officers of Vigilancia Aduanera of the Customs and Excise Department and from the State Security Forces and Corps |
|---|

##### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|   |
|---|
| Dep. de Aduanas e Impuestos Especiales,<br>Dirección Adjunta de Vigilancia Aduanera,<br>Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid, tel (24h): 3491-728.9830, fax -358.3417 |
|---|

##### 4.3 Special restrictions on the right of surveillance in MS

|      |
|------|
| none |
|------|

##### 4.4 Definitions

###### ➤ Definitions

|   |  |
|---|--|
| <i>Private home, places accessible to the public, places not accessible to the public :</i>   |  |
| <u>Private home</u> : for natural persons, the Civil Code establishes that private home is the habitual place, that is to say, any closed space in which the private and familiar lives take place, as a permanent or temporal residence. For legal persons, is the place where the legal representation is based, or where the principal activity is developed. According to the Criminal Indictment Law, the following places are considered private home : The Royal Palaces, the buildings or any closed place, or its part, destined to room any Spanish citizen, or any resident person in Spain and their family and the National trade vessels. |  |
| <u>Places accessible to the public</u> : those buildings or closed places destined for the use of any official service of the Estate, Region or Town Hall, civil or military, even if the persons in charge of the service, maintenance or security of the building live there buildings destined to meetings or leisure, being legal or not any other building or closed place with are not home of any physical person, as stated above estate vessels.   |  |

###### *Service weapons*

###### *Allowed arms :*

|   |              |
|---|--------------|
| the service weapons carried by Spanish Customs Officers are short guns, which are property of the Administration. Patrol vessels are armed with short guns an light machine guns for the use of the crewmembers. High sea patrols have also heavy machine guns. | <i>use :</i> |
|---|--------------|

*Legitimate self-defence :*

the Spanish Penal Code establishes three conditions in order to consider the action of defending the person or the personal rights, as self defence:

- There must be an illegitimate aggression. In case of defending goods, it will be considered as illegitimate aggression their attack, when it is an offence or infringement and exists serious risk of damage or being immediately ruined. In case of defending the private home, the not authorised entry will be considered as illegitimate aggression.
- The resources used to avoid or repel the aggression must be reasonable needed.
- Lack of provocation by the defendant

**4.5 Requirement to report back**

Requirement to report back after completion of a cross-border surveillance :

Yes

*Authority to which the reports should be made :*

Dep. de Aduanas e Impuestos Especiales, Dirección Adjunta de Vigilancia Aduanera, Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid, tel 3491-7289.830(24h), fax -3583.417

**5. CONTROLLED DELIVERIES****5.1 List of officers authorised to decide on or carry out controlled deliveries**

Officers of Vigilancia Aduanera of the Customs and Excise Department and from the State Security Forces and Corps

**5.2 Requirements for information to be included in the request**

N/A

**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

Yes

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**5.5 Service weapons**

|  |
|--|
| MS imposes the following conditions on the use of service weapons: |
|--|

|     |
|-----|
| N/A |
|-----|

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

|   |
|---|
| Dep. de Aduanas e Impuestos Especiales, Dirección Adjunta de Vigilancia Aduanera, Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid, tel 3491-7289.830(24h), fax -3583.417 |
|---|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**6. COVERT INVESTIGATIONS**

MS has made a declaration on the application of covert investigations:

|     |
|-----|
| N/A |
|-----|

**6.1 Restrictions on the possibility of using covert investigations**

|     |
|-----|
| N/A |
|-----|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|   |
|---|
| Officers from Vigilancia Aduanera of the Customs and Excise Department and from the State Security Forces and Corps |
|---|

**6.3 Service weapons**

N/A

**6.4 General conditions**

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:  
N/A

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

Yes

Authority to which the reports should be made :  
N/A

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

Officers of the Customs and Excise Department and from the State Security Forces and Corps

**7.2 General conditions**

General conditions or provisions to organize or take part in a joint special investigation team:  
N/A

**7.2 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*  
Dep. de Aduanas e Impuestos Especiales, Dirección Adjunta de Vigilancia Aduanera,  
Subdirección General de Operaciones, Av. Llano Castellano 17, 28071 Madrid,  
tel 3491-7289.830(24h), fax -3583.417

**FRANCE**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

Direction Nationale du Renseignement et des Enquêtes douanières (DNRED)  
 Assistance administrative mutuelle internationale  
 (AAMI – Mutual administrative assistance unit)  
 18-22 rue de Charonne  
 F-75011 PARIS  
 Téléphone : 00 33 1 49 23 36 36  
 Fax (AAMI) : 00 33 1 49 23 39 56  
 WE and after-hours : 00 33 1 49 23 39 23

- languages accepted for making requests for assistance :

French, English, German, Spanish, Italian.

- acceptance of electronic communication of assistance requests :

YES (business hours only)

email: [div-cotations-dnred@douane.finances.gouv.fr](mailto:div-cotations-dnred@douane.finances.gouv.fr)

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

Hot pursuit only.



- emergency cases only :

YES

- contact details of the customs units:

See below.

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

YES. Not right to apprehend for foreign officers on the French territory.

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

All infringements as listed in article 19(2) (a) to (c) without exception.

- Restriction on the right of hot pursuit on the MS territory

*Restricted as follows :*

- Right of hot pursuit in France is based on reciprocity.  
For countries sharing a border with France, the conditions are as follow:
- Belgium and Germany: no restrictions
- For Luxembourg: within 10 kilometers around the border area
- For Spain (no declaration yet) and Italy (not ratified at this stage), conditions have yet to be defined. For now there is no right of hot pursuit with those countries.

- Pursuing officers have the right to apprehend :

NO

- List of officers authorised to exercise the right of pursuit :

*Officers from :*

Only entitled customs officers from customs administrations (as defined by article 4.7 of the Naples II convention).

## ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*

The right of hot pursuit in France is strictly limited to public areas, included:

- Outdoor bar terraces, with direct access to the public;
- Public markets, indoor markets included ;
- all type of fairs organised in public areas ;
- train stations and airports halls, open to public circulation.

Are excluded from the right of hot pursuit:

- bars
- night-clubs
- stores, even those located in public markets, if they can be closed
- fairs, when organised in enclosed spaces with entrance gates (with entrance fees of not)

*Service weapons*

|  |                                |
|--|--------------------------------|
| <i>Allowed arms:</i> right for pursuing officers to carry their weapon is subject to reciprocity | <i>use :</i> self-defense only |
|--|--------------------------------|

*Legitimate self-defence :* YES (article 122-5 of the criminal code)

The status of customs vehicles as regards the highway code :

## ➤ As from crossing the border, limitation in time or space to carry out the pursuit:

Time: No

Space: 10 kilometers

No

Yes : LUXEMBURG

- Contact point(s) to be informed at the latest when the border is crossed :

**Border with Belgium**

Direction interrégionale des douanes de Lille  
 Centre de liaison interrégional  
 5 rue de Courtrai  
 BP 683  
 59033 Lille cedex  
 tél: 00 33 3 28 36 36 18  
 fax: 00 33 3 20 42 17 76

**Border with Luxembourg and Germany**

Direction interrégionale de Metz  
 Centre de liaison interrégional  
 25 avenue Foch  
 BP 61074  
 57036 METZ Cedex  
 tél: 00 33 3 87 75 53 31  
 fax: 00 33 3 87 36 96 66

**Border with Italy**

Direction interrégionale de Marseille  
 Centre de liaison interrégional  
 48 avenue robert Schuman  
 13224 MARSEILLE Cedex  
 tél: 00 33 4 91 14 14 60  
 fax: 00 33 4 91 56 68 92

**Border with Spain**

Direction interrégionale de Bordeaux  
 Centre de liaison interrégional  
 1 Quai de la douane BP60  
 33 024 BORDEAUX  
 tél: 00 33 5 56 44 38 05 fax: 00 33 5 56 79 28 37

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

YES

*Authority to which the reports should be made* :DNRED ( see references above)

#### 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

NO

##### 4.1 List of Member State's services authorised to exercise the right of cross-border surveillance

|       |
|-------|
| DNRED |
|-------|

##### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|                                  |
|----------------------------------|
| DNRED (see above for references) |
|----------------------------------|

##### 4.3 Special restrictions on the right of surveillance in Member State

|  |
|--|
| No special restrictions on French territory. |
|--|

##### 4.4 Definitions

*Private home, places accessible to the public, places not accessible to the public :*

The right of hot pursuit in France is strictly limited to public areas, included:

- Outdoor bar terraces, with direct access to the public;
- Public markets, indoor markets included ;
- all type of fairs organised in public areas ;
- train stations and airports halls, open to public circulation.

Are excluded from the right of hot pursuit:

- bars
- night-clubs
- stores, even those located in public markets, if they can be closed
- fairs, when organised in enclosed spaces with entrance gates (with entrance fees of not)

|  |                                |
|--|--------------------------------|
| <i>Service weapons</i>   |                                |
| <i>Allowed arms:</i> right for pursuing officers to carry their weapon is subject to reciprocity | <i>use :</i> self-defense only |

|                                      |
|--------------------------------------|
| <i>Legitimate self-defence :</i> YES |
|--------------------------------------|

##### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

YES

|   |
|---|
| <i>Authority to which the reports should be made :</i> DNRED (see above for references) |
|---|

## 5. CONTROLLED DELIVERIES

### 5.1 List of services authorised to decide on or carry out controlled deliveries

DNRED (see above for contacts).

Controlled deliveries can only take place after informing the judicial authority and under the supervision of this very authority.

### 5.2 Requirements for information to be included in the request

*Required information to decide on the request for controlled delivery:*

- goal of the operation
- factual information justifying the operation
- nature and amount of drugs/precursors/ illicit goods (copy of forensic institute analysis proving the nature of the drug, specific information regarding the hidden location of the drug/illicit goods; copy of the reports linked to the case)
- entrance and (possibly) exit points planned in France
- means of transportation and possible itinerary
- suspects identity (name, date of birth, home, nationality, possibly description)
- authority in charge of the operation
- identity and phone number, fax, email of the person in charge of the investigation and of the operation
- detailed information on the custom, police or any other law enforcement officers involved in the operation
- information on the possible use of specific device for the operation (tracking systems, ...)

### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES

### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

YES

### 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:* see hot pursuit

*Légitime defense:* YES

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| YES |
|-----|

|   |
|---|
| <i>Authority to which the report should be made</i> : DNRED |
|---|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

YES

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.1 Restrictions on the possibility of using covert investigations**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.3 Service weapons**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.4 General conditions**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|                          |                          |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of services authorised to decide on or participate in joint special investigation teams

|   |
|---|
| DNRED agents + possibly other services involved in law enforcement activities |
|---|

### 7.2 General conditions

|   |
|---|
| <i>General conditions or provisions to organize or take part in a joint special investigation team:</i><br>Participation in a JIT in France does not bestow any power on foreign agents. The right to bear an arm must be granted by the competent French authority |
|---|

### 7.3 Requirement to report back

Requirement to report back after completion of a JIT :

YES

|   |
|---|
| <i>Authority to which the report should be made</i> :DNRED (see references above) |
|---|

**IRELAND**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Drugs &amp; Arms trafficking Only- Customs Drugs Law Enforcement, Block D, Ashtowngate , Dublin.15 Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680</li> <li>2. Fiscal Fraud and infringements other than at 1. – Customs Investigations, 5<sup>TH</sup> floor, Block D, Ashtowngate, Dublin 15. Tel. +353 1 8277756; +353 87 2554283 (24h) Fax +353 1 8277786.</li> <li>3. Policy and Legislation Only - Customs Branch, Government Offices, Nenagh, Co. Tipperary. Tel +353 67 63246; Fax +353 67 32381</li> </ol> |
|--|

- languages accepted for making requests for assistance :

|         |
|---------|
| English |
|---------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| Yes |
|-----|



**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|   |
|---|
| Mutual assistance/Controlled deliveries/Joint Investigation Teams |
|---|

- emergency cases only :

|    |
|----|
| No |
|----|

- contact details of the customs units:

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Drugs &amp; Arms trafficking Only- Customs Drugs Law Enforcement, Block D, Ashtowngate , Dublin.15. Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680</li> <li>2. Fiscal Fraud and infringements other than at 1. - Customs Investigations, 5<sup>th</sup> Floor, Block D, Ashtowngate, Dublin 15. Tel. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786.</li> </ol> |
|--|

**3. HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|     |
|-----|
| N/A |
|-----|

**3.1 Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|                                     |
|-------------------------------------|
| All infringements without exception |
|-------------------------------------|

|  |  |
|--|--|
| All infringements with the exception of infringements relating to trafficking in : |  |
|--|--|

- Restriction on the right of hot pursuit on the MS territory

|                 |
|-----------------|
| No restrictions |
|-----------------|

|                         |  |
|-------------------------|--|
| Restricted as follows : |  |
|-------------------------|--|

- Pursuing officers have the right to apprehend :

|   |   |
|---|---|
| Y | N |
|---|---|

- List of officers authorised to exercise the right of pursuit :

|                 |  |
|-----------------|--|
| Officers from : |  |
|-----------------|--|

## ➤ Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|                        |
|------------------------|
| <i>Service weapons</i> |
|------------------------|

|                       |              |
|-----------------------|--------------|
| <i>Allowed arms :</i> | <i>use :</i> |
|-----------------------|--------------|

|                                  |
|----------------------------------|
| <i>Legitimate self-defence :</i> |
|----------------------------------|

|   |
|---|
| <i>The status of customs vehicles as regards the highway code :</i> |
|---|

## ➤ As from crossing the border, limitation in time or space to carry out the pursuit:

|       |
|-------|
| Time: |
|-------|

|    |
|----|
| No |
|----|

|       |
|-------|
| Yes : |
|-------|

|        |
|--------|
| Space: |
|--------|

|    |
|----|
| No |
|----|

|       |
|-------|
| Yes : |
|-------|

## ➤ Contact point(s) to be informed at the latest when the border is crossed :

|  |
|--|
|  |
|--|

**3.2 Requirement to report back**

Requirement to report back after completion of a hot pursuit :

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| <i>Authority to which the reports should be made :</i> |
|--|

**4. CROSS-BORDER SURVEILLANCE**

Member State has made a declaration on the application of cross-border surveillance:

|     |
|-----|
| N/A |
|-----|

**4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance**

|  |
|--|
|  |
|--|

#### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|  |
|--|
|  |
|--|

#### 4.3 Special restrictions on the right of surveillance in Member State

|  |
|--|
|  |
|--|

#### 4.4 Definitions

##### ➤ Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|                        |
|------------------------|
| <i>Service weapons</i> |
|------------------------|

|                       |              |
|-----------------------|--------------|
| <i>Allowed arms :</i> | <i>use :</i> |
|-----------------------|--------------|

|                                  |
|----------------------------------|
| <i>Legitimate self-defence :</i> |
|----------------------------------|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| <i>Authority to which the reports should be made :</i> |
|--|

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Drugs &amp; Arms trafficking Only- Customs Drugs Law Enforcement, Block D, Ashtowngate Dublin.15 Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680</li> <li>2. Other Goods – Customs Investigations, 5<sup>th</sup> Floor, Block D, Ashtowngate., Dublin 15 Tel. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786.</li> </ol> |
|---|

#### 5.2 Requirements for information to be included in the request

|  |
|--|
| All available information should be provided |
|--|

**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**5.5 Service weapons**

|   |
|---|
| <i>Member State imposes the following conditions on the use of service weapons:</i> |
|---|

|               |
|---------------|
| Not permitted |
|---------------|

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. <i>Drugs &amp; Arms trafficking Only- Head of Customs Drugs Law Enforcement, Block D, Ashtowngate , Dublin.15 Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680</i></li> <li>2. <i>Other goods : Head of Customs Investigations, 5<sup>th</sup> Floor, Block D, Ashtowngate, Dublin 15. Tel. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786.</i></li> </ol> |
|---|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|     |
|-----|
| N/A |
|-----|

**6.1 Restrictions on the possibility of using covert investigations**

|  |
|--|
|  |
|--|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|  |
|--|
|  |
|--|

**6.3 Service weapons**

|  |
|--|
|  |
|--|

**6.4 General conditions**

|   |
|---|
| <i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i> |
|---|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| <i>Authority to which the reports should be made :</i> |
|--|

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Investigations involving drugs/arms trafficking: Head of Customs Drugs Law Enforcement, Block D, Ashtowngate , Dublin.15 Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680</li> <li>2. Investigations involving other infringements: Head of Customs Investigations, 5<sup>th</sup> Floor, Block D, Ashtowngate, Dublin 15. Tel. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786.</li> </ol> |
|---|

**7.2 General conditions**

|   |
|---|
| <i>General conditions to organize or take part in a joint special investigation team:</i><br>The conditions set down in Article 24 (2) of the Convention of 18 December 1997 apply. |
|---|

### 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

*Authority to which the report should be made :*

1. Investigations involving drugs/armstrafficking: Head of Customs Drugs Law Enforcement, Block D, Ashtowngate , Dublin.15 Tel: +353 1 8277512 : +353 87 2548201 (24h) Fax +353 1 8277680
2. Investigations involving other infringements: Head of Customs Investigations, 5<sup>th</sup> Floor, Block D, Ashtowngate, Dublin 15. Tel. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786.

ITALY

**CYPRUS**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

- contact details of the central unit :

Department of Customs & Excise  
 Customs Headquarters, Investigation and Intelligence Section  
 Corner M. Karaoli & Gr. Afxentiou  
 1096 Nicosia  
 tel.:00357 22601738, Fax.: 00357 22302029,  
 e-mail: nhadjjiyanni@customs.mof.gov.cy

- languages accepted for making requests for assistance :

Greek, English

- acceptance of electronic communication of assistance requests :

Yes

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

Direct cooperation not authorised

- emergency cases only :

N/A



- contact details of the customs units:

|     |
|-----|
| N/A |
|-----|

### 3. **HOT PURSUIT**

Member State has made a declaration on the application of hot pursuit:

|             |
|-------------|
| NOT ALLOWED |
|-------------|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |
|--|
| <i>All infringements without exception</i> |
|--|

|   |
|---|
| <i>All infringements with the exception of infringements relating to trafficking in :</i> |
|---|

|     |
|-----|
| N/A |
|-----|

- Restriction on the right of hot pursuit on the MS territory

|                        |
|------------------------|
| <i>No restrictions</i> |
|------------------------|

|                               |
|-------------------------------|
| <i>Restricted as follows:</i> |
|-------------------------------|

|     |
|-----|
| N/A |
|-----|

- Pursuing officers have the right to apprehend :

|     |
|-----|
| N/A |
|-----|

- List of officers authorised to exercise the right of pursuit :

|     |
|-----|
| N/A |
|-----|

|                        |
|------------------------|
| <i>Officers from :</i> |
|------------------------|

- Definitions:

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|                        |
|------------------------|
| <i>Service weapons</i> |
|------------------------|

|                       |
|-----------------------|
| <i>Allowed arms :</i> |
|-----------------------|

|              |
|--------------|
| <i>use :</i> |
|--------------|

|                                  |
|----------------------------------|
| <i>Legitimate self-defence :</i> |
|----------------------------------|

|   |
|---|
| <i>The status of customs vehicles as regards the highway code :</i> |
|---|

- As from crossing the border, limitation in time or space to carry out the pursuit:

N/A

- Contact point(s) to be informed at the latest when the border is crossed :

N/A

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit:

N/A

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

NOT ALLOWED

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

N/A

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

N/A

### 4.3 Special restrictions on the right of surveillance in Member State

N/A

#### 4.4 Definitions

##### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public* : N/A

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance:

N/A

*Authority to which the reports should be made* : N/A

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

The Director of the Department of Customs & Excise in person can only decide for control delivery. However the Director by virtue of the national legislation has to notify the Chief of the Police as well as the Attorney General of the Republic of Cyprus for his consent. The Director also designates on the basis of case by case the officer who will eventually carry out controlled delivery

#### 5.2 Requirements for information to be included in the request

All relevant particulars of the applicant Authority, type and quantity of prohibited substances or articles, particulars of the person who will carry out the controlled delivery and the particulars of the legal or physical person that they will be the recipients of the substances or articles in question.

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required:

Yes

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required:

Yes

## 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

The National Customs Legislation does not empower Customs Officers to carry arms. However in order to carry arms in Cyprus a special permit should be secured by the chief of Cyprus Police.

## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

*Authority to which the report should be made :*

Department of Customs & Excise  
Corner M. Karaoli & Gr. Afxentiou  
1096 Nicosia

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

Yes

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

NOT ALLOWED

### 6.1 Restrictions on the possibility of using covert investigations

N/A

### 6.2 List of services authorised to decide on or carry out covert investigations

N/A

### 6.3 Service weapons

N/A

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:* N/A

### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation: N/A

|  |
|--|
| <i>Authority to which the reports should be made : N/A</i> |
|--|

## **7. JOINT SPECIAL INVESTIGATION TEAMS**

### **7.1 List of officers authorised to decide on or participate in joint special investigation teams**

|   |
|---|
| Chief Investigation and Intelligence Officer of the Department of Customs & Excise Customs Headquarters<br>Corner M. Karaoli & Gr. Afxentiou<br>1096 Nicosia<br>tel.: 00357 22601738<br>fax.: 00357 22302029<br>e-mail: nhadjyanni@customs.mof.gov. |
|---|

### **7.2 General conditions**

|   |
|---|
| <i>General conditions or provisions to organize or take part in a joint special investigation team:</i><br>As specified in article 24 of the Naples II Convention |
|---|

### **7.3 Requirement to report back**

Requirement to report back after completion of a joint special investigation teams:

|     |
|-----|
| Yes |
|-----|

|  |
|--|
| <i>Authority to which the report should be made :</i><br>Department of Customs & Excise<br>Corner M. Karaoli & Gr. Afxentiou<br>1096 Nicosia |
|--|

**LATVIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

National Contact Point – Customs Criminal Board, Eksporta 6, Riga, Latvia, LV1010  
Tel.(+371)7357282; Fax. (+371)7357222; e-mail: ncp@dep.vid.gov.lv

- languages accepted for making requests for assistance :

English

- acceptance of electronic communication of assistance requests :

Yes

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

- emergency cases only :

N/A

- contact details of the customs units:

N/A

### 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|                                  |
|----------------------------------|
| Commitment is not binding for MS |
|----------------------------------|

#### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |  |
|---|--|
| <i>All infringements without exception</i>  |  |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> |  |

- Restriction on the right of hot pursuit on the MS territory

|                                |  |
|--------------------------------|--|
| <i>No restrictions</i>         |  |
| <i>Restricted as follows :</i> |  |

- Pursuing officers have the right to apprehend :

|     |
|-----|
| N/A |
|-----|

- List of officers authorised to exercise the right of pursuit :

|                        |     |
|------------------------|-----|
| <i>Officers from :</i> | N/A |
|------------------------|-----|

- Definitions

|   |     |
|---|-----|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> | N/A |
|---|-----|

|                        |     |
|------------------------|-----|
| <i>Service weapons</i> |     |
| <i>Allowed arms :</i>  | N/A |
| <i>use :</i>           | N/A |

|                                  |     |
|----------------------------------|-----|
| <i>Legitimate self-defence :</i> | N/A |
|----------------------------------|-----|

|   |     |
|---|-----|
| <i>The status of customs vehicles as regards the highway code :</i> | N/A |
|---|-----|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|              |
|--------------|
| <i>Time:</i> |
| <i>No</i>    |
| <i>Yes :</i> |

|               |
|---------------|
| <i>Space:</i> |
| <i>No</i>     |
| <i>Yes :</i>  |

- Contact point(s) to be informed at the latest when the border is crossed :

|     |
|-----|
| N/A |
|-----|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|     |
|-----|
| N/A |
|-----|

|  |
|--|
| Authority to which the reports should be made :N/A |
|--|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|                                  |
|----------------------------------|
| Commitment is not binding for MS |
|----------------------------------|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|     |
|-----|
| N/A |
|-----|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|     |
|-----|
| N/A |
|-----|

### 4.3 Special restrictions on the right of surveillance in Member State

|     |
|-----|
| N/A |
|-----|

### 4.4 Definitions

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public</i> : N/A |
|---|

|                        |
|------------------------|
| <i>Service weapons</i> |
|------------------------|

|                           |
|---------------------------|
| <i>Allowed arms</i> : N/A |
|---------------------------|

|                  |
|------------------|
| <i>use</i> : N/A |
|------------------|

|                                      |
|--------------------------------------|
| <i>Legitimate self-defence</i> : N/A |
|--------------------------------------|



**4.5 Requirement to report back**

Requirement to report back after completion of a cross-border surveillance :

N/A

Authority to which the reports should be made : N/A

**5. CONTROLLED DELIVERIES****5.1 List of officers authorised to decide on or carry out controlled deliveries**

Prosecutor General Office Republic of Latvia

**5.2 Requirements for information to be included in the request**

Essential information about object

**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

Yes

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

Yes

**5.5 Service weapons**

*Member State imposes the following conditions on the use of service weapons:* N/A

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*  
Senior responsible officer

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|                                  |
|----------------------------------|
| Commitment is not binding for MS |
|----------------------------------|

**6.1 Restrictions on the possibility of using covert investigations**

|     |
|-----|
| N/A |
|-----|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|     |
|-----|
| N/A |
|-----|

**6.3 Service weapons**

|     |
|-----|
| N/A |
|-----|

**6.4 General conditions**

|   |
|---|
| <i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i> N/A |
|---|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| Authority to which the reports should be made : N/A |
|---|

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

|                                       |
|---------------------------------------|
| Prosecutor General Republic of Latvia |
|---------------------------------------|

**7.2 General conditions**

|   |
|---|
| <i>General conditions or provisions to organize or take part in a joint special investigation team:</i> N/A |
|---|

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i><br>Senior responsible officer |
|---|

**LITHUANIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

**Temporary contact point:**

Liaison center of Customs Department under the Ministry of Finance of the Republic of Lithuania

Tel. +370 5 261 69 60,

Fax +370 5 262 44 78,

e-mail: budetmd@cust.lt

- languages accepted for making requests for assistance :

Lithuanian, Russian, English,

- acceptance of electronic communication of assistance requests :

Yes

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

To be specified.

- emergency cases only :

No

- contact details of the customs units:

|                  |
|------------------|
| To be specified. |
|------------------|

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|   |
|---|
| Whereas, the Seimas of the Republic of Lithuania states that until consultations necessary for the application of equivalent procedures have been held with other interested Member States of the European Union, the Republic of Lithuania has no possibilities to make a declaration specified in Article 20 (6) of the Convention. |
|---|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |                 |
|--|-----------------|
| All infringements without exception  | To be specified |
| All infringements with the exception of infringements relating to trafficking in : | To be specified |

- Restriction on the right of hot pursuit on the MS territory

|                         |                 |
|-------------------------|-----------------|
| No restrictions         | To be specified |
| Restricted as follows : | To be specified |

- Pursuing officers have the right to apprehend :

To be specified

- List of officers authorised to exercise the right of pursuit :

|                 |                 |
|-----------------|-----------------|
| Officers from : | To be specified |
|-----------------|-----------------|

- Definitions

|  |
|--|
| Private home, places accessible to the public, places not accessible to the public : |
| To be specified  |

|                                |                       |
|--------------------------------|-----------------------|
| Service weapons                |                       |
| Allowed arms : To be specified | use : To be specified |

|                           |
|---------------------------|
| Legitimate self-defence : |
| To be specified           |

|  |
|--|
| The status of customs vehicles as regards the highway code : |
| To be specified  |

- As from crossing the border, limitation in time or space to carry out the pursuit:

|                        |
|------------------------|
| Time : To be specified |
| No : To be specified   |
| Yes : To be specified  |

|                        |
|------------------------|
| Space: To be specified |
| No : To be specified   |
| Yes : To be specified  |

- Contact point(s) to be informed at the latest when the border is crossed :

|                 |
|-----------------|
| To be specified |
|-----------------|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

To be specified

Authority to which the reports should be made : To be specified

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|                                       |
|---------------------------------------|
| No declaration, article is applicable |
|---------------------------------------|

### 4.1 List of Member State's services authorised to exercise the right of cross-border surveillance

|                 |
|-----------------|
| To be specified |
|-----------------|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|                 |
|-----------------|
| To be specified |
|-----------------|

### 4.3 Special restrictions on the right of surveillance in Member State

|                 |
|-----------------|
| To be specified |
|-----------------|

### 4.4 Definitions

- Definitions

|   |
|---|
| Private home, places accessible to the public, places not accessible to the public :<br>To be specified |
|---|

|                                |                       |
|--------------------------------|-----------------------|
| Service weapons                |                       |
| Allowed arms : To be specified | use : To be specified |

|  |
|--|
| Legitimate self-defence :<br>To be specified |
|--|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

Y ☐ N ☐

To be specified

Authority to which the reports should be made :

To be specified

### 5. CONTROLLED DELIVERIES

#### 5.1 List of services authorised to decide on or carry out controlled deliveries

To be specified

#### 5.2 Requirements for information to be included in the request

To be specified

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

To be specified

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

Y ☐ N ☐

To be specified

#### 5.5 Service weapons

Member State imposes the following conditions on the use of service weapons:

To be specified

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

☐ Y ☐ N

To be specified

Authority to which the report should be made :

To be specified

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

☐ Y ☐ N

To be specified

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

No declaration, article is applicable

**6.1 Restrictions on the possibility of using covert investigations**

To be specified

**6.2 List of services authorised to decide on or carry out covert investigations**

To be specified

**6.3 Service weapons**

To be specified

**6.4 General conditions**

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:

To be specified

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

☐ Y ☐ N

To be specified

Authority to which the reports should be made :

To be specified



**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of services authorised to decide on or participate in joint special investigation teams**

|                 |
|-----------------|
| To be specified |
|-----------------|

**7.2 General conditions**

|  |
|--|
| General conditions or provisions to organize or take part in a joint special investigation team: |
|--|

To be specified

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|   |   |
|---|---|
| Y | N |
|---|---|

To be specified

|  |
|--|
| Authority to which the report should be made : |
|--|

To be specified

**LUXEMBOURG**

**HUNGARY**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|  |
|--|
| National Police Headquarters – International Criminal Cooperation Center (NEBEK) |
|--|

- languages accepted for making requests for assistance :

|                    |
|--------------------|
| hungarian, english |
|--------------------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| YES |
|-----|

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|   |
|---|
| Criminal Directorate of Hungarian Customs and Finance Guard (BIG) |
|---|

- emergency cases only :

|     |
|-----|
| YES |
|-----|

- contact details of the customs units:

|   |
|---|
| tel: 0036-1-4568-100, fax: 0036-1-4568-152, email: vpop.bunugy@mail.vpop.hu |
|---|

### 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|   |
|---|
| Act LIV. of 2002 on the International Cooperation of Enforcement Bodies |
|---|

#### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |  |
|---|--|
| <i>All infringements without exception</i>  |  |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> |  |

- Restriction on the right of hot pursuit on the MS territory

|                                |   |
|--------------------------------|---|
| <i>No restrictions</i>         |   |
| <i>Restricted as follows :</i> | There aren't any restrictions neither in space nor in time, but the mutual principal must be respected. |

- Pursuing officers have the right to apprehend :

|     |
|-----|
| YES |
|-----|

- List of officers authorised to exercise the right of pursuit :

|                        |     |
|------------------------|-----|
| <i>Officers from :</i> | N/A |
|------------------------|-----|

- Definitions

|   |  |
|---|--|
| <i>Private home, places accessible to the public, places not accessible to the public :</i>   |  |
| Private home: places and other enclosure used for living, working, business and trade   |  |
| Places accessible to the public: all places which could be approached free for everyone with the proprietor's direct or conditional admission, for example restaurant |  |

|  |   |
|--|---|
| <i>Service weapons: confined strictly to self-defense</i>              |   |
| <i>Allowed arms :</i> in Germany: revolver, machine-pistol, chatterbox | <i>use :</i> in Germany: revolver, machine-pistol, chatterbox |

|   |
|---|
| <i>Legitimate self-defence :</i> self protection and protection of other people against illegal violence in the necessary measures. |
|---|

|  |
|--|
| The status of customs vehicles as regards the highway code : not concern |
|--|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|                          |
|--------------------------|
| <i>Time:</i> immediately |
| No                       |
| Yes                      |

|               |
|---------------|
| <i>Space:</i> |
| No            |
| Yes           |

- Contact point(s) to be informed at the latest when the border is crossed :

|   |
|---|
| The competent Hungarian law enforcement body must be notified immediately (NEBEK or fail Criminal Directorate of Hungarian Customs and Finance Guard) |
|---|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|     |
|-----|
| N/A |
|-----|

|  |
|--|
| <i>Authority to which the reports should be made :</i> NEBEK |
|--|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|                                  |
|----------------------------------|
| Naples II. Article 20 section 6. |
|----------------------------------|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|       |
|-------|
| NEBEK |
|-------|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|   |
|---|
| NEBEK Tel: 0036-1-443-5557, fax: 0036-1-3431767, email: nebek@orfk.b-m.hu |
|---|

### 4.3 Special restrictions on the right of surveillance in Member State

|         |
|---------|
| 5 hours |
|---------|

#### 4.4 Definitions

##### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*  
 Private home: places and other enclosure used for living, working, business and trade  
 Places accessible to the public: all places which could be approached free for everyone with the proprietor's direct or conditional admission, for example restaurant

*Service weapons* confined strictly to self-defense

*Allowed arms* : in Germany: revolver, machine-pistol, chatterbox

*use* : in Germany: revolver, machine-pistol, chatterbox

*Legitimate self-defence* :self protection and protection of other people against illegal violence in the necessary measures.

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

YES

*Authority to which the reports should be made* : NEBEK

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

Naples II article 17-19. NEBEK or in exceptional case Criminal Directorate of Hungarian Customs and Finance Guard

#### 5.2 Requirements for information to be included in the request

Feature of consignment, expectative way, identify data of the vehicle, persons, type of accompaniment, number of persons, circumstances, taking measures, unexpected circumstances.

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

|     |
|-----|
| YES |
|-----|

#### 5.5 Service weapons

|   |
|---|
| <i>Member State imposes the following conditions on the use of service weapons:</i> |
|---|

|                |
|----------------|
| On mutual base |
|----------------|

#### 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| YES |
|-----|

|  |
|--|
| Authority to which the report should be made : |
|--|

#### 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| YES |
|-----|

|  |
|--|
| By: Act XIX of 1998. on the Criminal Procedure |
|--|

### 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

|   |
|---|
| Act LIV of 2002 Article 26.; Naples II. section 23. (5) |
|---|

#### 6.1 Restrictions on the possibility of using covert investigations

|  |
|--|
| NEBEK or Criminal Directorate of Hungarian Customs and Finance Guard |
|--|

#### 6.2 List of officers authorised to decide on or carry out covert investigations

|  |
|--|
| Details and information are confidential |
|--|

### 6.3 Service weapons

Possible in the case of self defence

### 6.4 General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:

### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

YES

*Authority to which the reports should be made* : court and public prosecutors' office

## 7 JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of officers authorised to decide on or participate in joint special investigation teams

NEBEK or Criminal Directorate of Hungarian Customs and Finance Guard

### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
Act LIV of 2002 Article 20-23.

### 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery :

YES

*Authority to which the report should be made* :  
NEBEK



**MALTA**

## **THE NETHERLANDS**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

### **1. CENTRAL COORDINATING UNIT**

- contact details of the central unit :

Douane Informatiecentrum  
Westzeedijk 387  
P.O. Box 70005  
3000 KG Rotterdam  
Tel: +31 10 244 20 20 outside working hours +31 10 244 20 00  
Fax: + 31 10 244 20 06

- languages accepted for making requests for assistance :

german, english, french, dutch

- acceptance of electronic communication of assistance requests :

Yes, if followed by a formal request on paper.

### **2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

The central co-ordination unit ensures direct connection with the relevant units in urgent cases. Hot pursuits within Dutch territory will be taken over by the police. In cases of surveillance, direct contact will also be made with the FIOD-ECD (Fiscal Information and Investigation Service – Economic Investigation Service) or the AID (General Inspectorate for Agriculture), depending on the circumstances.

- emergency cases only :

The central co-ordination unit ensures direct connection with the relevant units in urgent cases. Hot pursuits within Dutch territory will be taken over by the police. In cases of surveillance, direct contact will also be made with the FIOD-ECD (Fiscal Information and Investigation Service – Economic Investigation Service) or the AID (General Inspectorate for Agriculture), depending on the circumstances.

- contact details of the customs units:

The central co-ordination unit ensures direct connection with the relevant units in urgent cases. Hot pursuits within Dutch territory will be taken over by the police. In cases of surveillance, direct contact will also be made with the FIOD-ECD (Fiscal Information and Investigation Service – Economic Investigation Service) or the AID (General Inspectorate for Agriculture), depending on the circumstances.

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

YES

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition:

All infringements without exception  
~~All infringements with the exception of~~  
 infringements relating to trafficking in : **see below**

- Restriction on the right of hot pursuit on the MS territory

**No restrictions**

Restricted as follows : Declaration, within the meaning of Article 20(6), relating to the common border of the Kingdom of the Netherlands with the Kingdom of Belgium.

On Netherlands territory the competent officers of the Kingdom of Belgium will exercise the right of pursuit, as regards application of the right to apprehend, the territorial scope thereof and the events concerning which that right may be applied: with regard to the infringements referred to in Article 19(2)(a), (b) and (d) of this Convention, in accordance with the relevant provisions of Article 27 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27.6.62, as amended by the Protocol of 11.5.74; with regard to the infringements referred to in Article 19(2)(c) of this Convention, in accordance with the relevant provisions of Article 24 of the Convention on administrative and judicial cooperation in the field of regulations relating to the achievement of the objectives of the Benelux Economic Union of 29 April 1969 and of the Additional Protocol thereto containing specific provisions on taxation, insofar as these are compatible with Article 20 of this Convention.

Declaration, within the meaning of Article 20(6), relating to the common border of the Kingdom of the Netherlands with the Federal Republic of Germany.

On Netherlands territory the competent officers of the Federal Republic of Germany will exercise the right of pursuit within an area 10 kilometres wide parallel to the common border, where they may apprehend the person pursued on the public highway and in public places if he is subject to suspicion in respect of one of the infringements referred to in Article 19(2) which could give rise to extradition.

- Pursuing officers have the right to apprehend :

Yes (restriction: see previous question)

- List of officers authorised to exercise the right of pursuit :

Officers authorised are police officers and officers from the AID (General Inspectorate for Agriculture), the customs authorities and the FIOD-ECD (Fiscal Information and Investigation Service – Economic Investigation Service).  
For Belgium and Germany see previous question.

- Definitions

*Private home, places accessible to the public, places not accessible to the public :*

- "private home" means the area or place where people live, including barges, caravans, huts, sleeping compartment in a heavy goods vehicle, etc.
- "places accessible to the public" includes trains, buses, restaur., shops, sports grounds, cinemas, etc.
- "places not accessible to the public" means private plots of land, warehouses, offices, etc.

*Service weapons :*

Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.

*Allowed arms:*

weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.

*use :*

Pursuing officers may carry their service weap. Their use is strictly limited to legit. self-defence. Under the terms of the ministerial dec.of 12.12.95, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return.

*Legitimate self-defence :*

Leg. self-defence is defined in Art.416 Penal Code. The following conditions must be met for a person to claim legitimate self-defence and therefore not to be criminally liable:

- only the legitimate defence of the person may be invoked as justification. This does not therefore, extend to the defence of objects or rights to objects;
- there is a present need for defence when the attack is imminent, without it being necessary for it to be carried out;
- to be legitimate, the defence must be imperative because of the need to resist a present and unjust attack;
- the defence must be proportionate to the seriousness of the attack or the threatened danger.

*The status of customs vehicles as regards the highway code :*

Customs vehicles have no special status and are not regarded as priority vehicles in the highway code."

- As from crossing the border, limitation in time or space to carry out the pursuit:

*Time:*

No: BE, GE

Yes : AU, DK, FI, FR, GR, IRE, IT, LUX, SP, SW, PT, UK: No right of pursuit on Netherlands territory.

*Space:*

~~No~~

*Yes :*

- AU, DK, FI, FR, GR, IRE, IT, LUX, SP, SW, PT, UK: No right of pursuit on Netherlands territory.
- BE: Pursuit is without any restrictions in terms of time or space for infringements referred to in Art.19(2)(c) (illegal cross-border trade in taxable goods). As regards the infringements referred to in (a), (b) and (d) (illicit traffic in drugs and psychotropic substances, weapons, munitions, explosive materials, cultural goods, dangerous and toxic waste, nuclear material or materials or equipment intended for the manufacture of atomic, biological and/or chemical weapons (prohibited goods)), trade in substances intended for the illegal manufacture of drugs (precursor substances) and any other trade in goods prohibited by Community or national customs rules), the right of pursuit is limited to 10 km from the border. Within that area, pursuing officers have the right to apprehend.
- GE: Pursuit is limited to a range of 10 km from the border. Within that area, pursuing off. have the right to apprehend.

➤ Contact point(s) to be informed at the latest when the border is crossed :

Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam, tel + 31 10 244 2020, tel +31 10 244 2000 (outside working hours), fax +31 10 244 2006

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

Yes

*Authority to which the reports should be made :*

Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam, tel + 31 10 244 2020, tel +31 10 244 2000 (outside working hours), fax +31 10 244 2006.

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

Yes.

The central co-ordination unit ensures direct connection with the relevant units in urgent cases. In cases of surveillance, direct contact will also be made with the FIOD-ECD (Fiscal Information and Investigation Service – Economic Investigation Service) or the AID (General Inspectorate for Agriculture), depending on the circumstances.

**4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance**

Officers of the FIOD-ECD (Fiscal Inf. and Investig. Serv.- Econ. Investig. Serv.) and the AID (Gen. Inspectorate for Agr.) and police officers

**4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance**

National Coordinating Prosecutor. The central coord. unit shall ensure that requests are for-warded to the Office of the Nat. Public Prosecutor

**4.3 Special restrictions on the right of surveillance in Member State**

None

**4.4 Definitions**

➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*

- "private home" means the area or place where people live, including barges, caravans, huts, sleeping compartment in a heavy goods vehicle, etc.
- "places accessible to the public" includes trains, buses, restaur., shops, sports grounds, cinemas, etc.
- "places not accessible to the public" means private plots of land, warehouses, offices, etc.

*Service weapons:*

Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.

*Allowed arms :*

weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.

*use :*

Surveillance officers may carry their service weapon. Their use is strictly limited to legit. self-defence. Under the terms of the ministerial dec.of 12.12.95, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return.

*Legitimate self-defence :*

Leg. self-defence is defined in Art.416 Penal Code. The following conditions must be met for a person to claim legitimate self-defence and therefore not to be criminally liable:

- only the legitimate defence of the person may be invoked as justification. This does not therefore, extend to the defence of objects or rights to objects;
- there is a present need for defence when the attack is imminent, without it being necessary for it to be carried out;
- to be legitimate, the defence must be imperative because of the need to resist a present and unjust attack;
- the defence must be proportionate to the seriousness of the attack or the threatened danger.

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

Yes

*Authority to which the reports should be made :*

Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam, tel + 31 10 244 2020, tel +31 10 244 2000 (outside working hours), fax +31 10 244 2006.

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

The Public Prosecutor. The central coord. unit will ensure that requests are forwarded

#### 5.2 Requirements for information to be included in the request

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

Yes



**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

Yes

**5.5 Service weapons**

*Member State imposes the following conditions on the use of service weapons:*

Permitted (weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment. Officers may carry their service weap. Their use is strictly limited to legit. self-defence. Under the terms of the ministerial dec.of 12.12.95, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return).

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*

Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam, tel + 31 10 244 2020, tel +31 10 244 2000 (outside working hours), fax +31 10 244 2006.

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

Yes

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

Yes

## 6.1 Restrictions on the possibility of using covert investigations

Requests for infiltration shall be sent by the central coord. unit to the ANCPI special police unit, which will assess them. Infiltration is subject to the explicit consent and direct supervision of that unit.

## 6.2 List of officers authorised to decide on or carry out covert investigations

ANCPI special police unit

## 6.3 Service weapons

N/A

## 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
Requests for infiltration shall be sent by the central coord. unit to the ANCPI special police unit, which will assess them. Infiltration is subject to the explicit consent and direct supervision of that unit.

## 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

N/A

Authority to which the reports should be made :

N/A

# 7. JOINT SPECIAL INVESTIGATION TEAMS

## 7.1 List of officers authorised to decide on or participate in joint special investigation teams

Officier van Justitie

## 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
to be determined

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*

Officier van Justitie

**AUSTRIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|  |
|--|
| MINISTRY OF FINANCE<br>DIVISION IV/3<br>PHONE: +43 51433-0<br>E-MAIL: Post.iv-3@bmf.gv.at<br>HIMMELPFORTGASSE 4-8<br>1015 VIENNA |
|--|

- languages accepted for making requests for assistance :

|                 |
|-----------------|
| GERMAN, ENGLISH |
|-----------------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| YES |
|-----|

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|   |
|---|
| HOT PURSUIT, CROSS-BORDER SURVEILLANCE, CONTROLLED DELIVERIES |
|---|

- emergency cases only :

|     |
|-----|
| YES |
|-----|

- contact details of the customs units:

|                                |
|--------------------------------|
| DETAILS IN THE XLS: ATTACHMENT |
|--------------------------------|

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|     |
|-----|
| YES |
|-----|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |     |
|---|-----|
| <i>All infringements without exception</i>  | YES |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> |     |

- Restriction on the right of hot pursuit on the MS territory

|                               |                |
|-------------------------------|----------------|
| <i>No restrictions</i>        |                |
| <i>Restricted as follows:</i> | GERMANY; ITALY |

- Pursuing officers have the right to apprehend :

|         |       |
|---------|-------|
| YES     | NO    |
| GERMANY | ITALY |

- List of officers authorised to exercise the right of pursuit :

|                        |                |
|------------------------|----------------|
| <i>Officers from :</i> | CUSTOM OFFICES |
|------------------------|----------------|

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
| THE AUSTRIAN LAW RECOGNISES THESE DIFFERENCES   |

|                                       |  |
|---------------------------------------|--|
| <i>Service weapons</i>                |  |
| <i>Allowed arms:</i> GLOCK 17; 19; 26 | <i>use:</i> INVESTIGATION AND MOBILE UNITS |

|                                     |
|-------------------------------------|
| <i>Legitimate self-defence:</i> YES |
|-------------------------------------|

|  |
|--|
| <i>The status of customs vehicles as regards the highway code :</i> NO SPEED LIMIT |
|--|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|              |
|--------------|
| <i>Time:</i> |
|--------------|

|                    |
|--------------------|
| No: GERMANY; ITALY |
|--------------------|

|      |
|------|
| Yes: |
|------|

|               |
|---------------|
| <i>Space:</i> |
|---------------|

|             |
|-------------|
| No: GERMANY |
|-------------|

|   |
|---|
| Yes : ITALY (HIGHWAY 20 KM; MOTORWAY 10 KM) |
|---|

- Contact point(s) to be informed at the latest when the border is crossed :

|   |
|---|
| INFORMATION AND COMMUNICATION CENTER (24H SUPPORT) LINZ, PHONE + 43 664/6211782 AND INNSBRUCK + 43 0664/8150244 |
|---|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|     |
|-----|
| YES |
|-----|

|  |
|--|
| <i>Authority to which the reports should be made :</i> |
|--|

|                     |
|---------------------|
| MINISTRY OF FINANCE |
|---------------------|

|               |
|---------------|
| DIVISION IV/3 |
|---------------|

|                    |
|--------------------|
| PHONE: +43 51433-0 |
|--------------------|

|                             |
|-----------------------------|
| E-MAIL: Post.iv-3@bmf.gv.at |
|-----------------------------|

|                      |
|----------------------|
| HIMMELPFORTGASSE 4-8 |
|----------------------|

|             |
|-------------|
| 1015 VIENNA |
|-------------|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|     |
|-----|
| YES |
|-----|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|                   |
|-------------------|
| GERMANY AND ITALY |
|-------------------|

## 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

MINISTRY OF FINANCE  
DIVISION IV/3  
PHONE: +43 51433-0  
E-MAIL: Post.iv-3@bmf.gv.at  
HIMMELPFORTGASSE 4-8  
1015 VIENNA

## 4.3 Special restrictions on the right of surveillance in Member State

JUDICIAL AUTHORISATION IN CASES OF PROHIBITED GOODS

## 4.4 Definitions

### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public* : THE AUSTRIAN LAW RECOGNISES THESE DIFFERENCES

*Service weapons.*

*Allowed arms* : GLOCK 17; 19; 26

*use* : INVESTIGATION AND MOBILE  
UNITS

*Legitimate self-defence* : YES

## 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

YES

*Authority to which the reports should be made :*

MINISTRY OF FINANCE  
DIVISION IV/3  
PHONE: +43 51433-0  
E-MAIL: Post.iv-3@bmf.gv.at  
HIMMELPFORTGASSE 4-8  
1015 VIENNA

**5. CONTROLLED DELIVERIES****5.1 List of officers authorised to decide on or carry out controlled deliveries**

1.)  
 MINISTRY OF FINANCE  
 DIVISION IV/3  
 PHONE: +43 51433-0  
 E-MAIL: Post.iv-3@bmf.gv.at  
 HIMMELPFORTGASSE 4-8  
 1015 VIENNA  
 2.) IN CASES OF PROHIBITED GOODS POLICE AND JUSTICE

**5.2 Requirements for information to be included in the request**

ART. 19 NAPLES II

**5.3 Consent from other transit States**

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES

**5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost**

The abovementioned guarantee is required :

YES

**5.5 Service weapons**

*Member State imposes the following conditions on the use of service weapons:*

SEE NAPLES II ART: 20 AND 21; 3 d



**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

YES

*Authority to which the report should be made :*

MINISTRY OF FINANCE

DIVISION IV/3

PHONE: +43 51433-0

E-MAIL: Post.iv-3@bmf.gv.at

HIMMELPFORTGASSE 4-8

1015 VIENNA

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

YES

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

YES

**6.1 Restrictions on the possibility of using covert investigations**

IT MUST BE A CASE IN WHICH THE APPLICATION FOR EUROPEAN ARREST WARRANT WOULD BE POSSIBLE

**6.2 List of officers authorised to decide on or carry out covert investigations**

MINISTRY OF JUSTICE, DIVISION FOR LEGAL ASSISTANCE

**6.3 Service weapons**

Not answered by MS

#### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
 THE CASE CANNOT BE DETECTED WITHOUT USE OF THIS FORM OF COOPERATION

#### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

YES

*Authority to which the reports should be made :*  
 MINISTRY OF JUSTICE, DIVISION FOR LEGAL ASSISTANCE

### 7. JOINT SPECIAL INVESTIGATION TEAMS

#### 7.1 List of officers authorised to decide on or participate in joint special investigation teams

1.) MINISTRY OF FINANCE  
 DIVISION IV/3  
 PHONE: +43 51433-0  
 E-MAIL: Post.iv-3@bmf.gv.at  
 HIMMELPFORTGASSE 4-8  
 1015 VIENNA  
 2.) MINISTRY OF JUSTICE,  
 DIVISION FOR LEGAL ASSISTANCE (FOR PENAL INVESTIGATION)

#### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
 1.) THE CASE CANNOT BE DETECTED WITHOUT USE OF THIS FORM OF COOPERATION  
 2.) ONGOING INVESTIGATIONS IN MORE THAN ONE MS WHICH NEED COORDINATION

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| YES |
|-----|

|  |
|--|
| Authority to which the report should be made : |
|--|

|                         |
|-------------------------|
| 1.) MINISTRY OF FINANCE |
|-------------------------|

|               |
|---------------|
| DIVISION IV/3 |
|---------------|

|                    |
|--------------------|
| PHONE: +43 51433-0 |
|--------------------|

|                             |
|-----------------------------|
| E-MAIL: Post.iv-3@bmf.gv.at |
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| HIMMELPFORTGASSE 4-8 |
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| 1015 VIENNA |
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|                          |
|--------------------------|
| 2.) MINISTRY OF JUSTICE, |
|--------------------------|

|                               |
|-------------------------------|
| DIVISION FOR LEGAL ASSISTANCE |
|-------------------------------|

## Zollfahndungen der Österreichische Steuer- und Zollverwaltung

| Zollamt              | Wien   | Linz   | Salzburg   | Innsbruck  |
|----------------------|--|--|--|--|
| Adresse              | Schnirchgasse 9  | Zollamtstraße 7  | Weiserstrasse 22   | Innrain 30   |
| Ort                  | 1030 Wien  | 4010 Linz  | 5020 Salzburg  | 6021 Innsbruck   |
| Telefon              | +43 1 79590 3100   | + 43 7327605 6903  | ++43 (0) 662 88955 0   | +43 (0)512 505 7000  |
| Telefax              | +43 1 7967 263   | + 43 732 7605 2025   | ++43 (0) 662 88955 531   | +43 (0)512 505 7413  |
| Mobil                |  |  | _++43(0)664_4058635<br>_++43(0)664_4058636<br>_++43(0)664_4058637          | +43 (0)664 8150 309  |
| E-Mail               | <a href="mailto:sts.zawnb@bmf.gv.at">Post.100-<br/>sts.zawnb@bmf.gv.at</a> | <a href="mailto:sts.zaooe@bmf.gv.at">Post.500-<br/>sts.zaooe@bmf.gv.at</a> | <a href="mailto:sts.zasbg@bmf.gv.at">Post.600-<br/>sts.zasbg@bmf.gv.at</a> | <a href="mailto:sts.zatir@bmf.gv.at">Post.800-<br/>sts.zatir@bmf.gv.at</a> |
| Amtsstunden          | MO-FR 07.30 - 15.30  | MO-FR 07.00 - 15.00  | MO-FR 07.30 - 15.30  | MO-FR 07.30 - 15.30  |
| Rufbereitschaft (RB) | MO-FR 00:00 – 07:30<br>15:30 – 24:00<br>SA+SO 00:00 – 24:00                | MO-FR 15.00 - 22.00  | MO-FR 07:00 – 07:00<br>(24h)<br>SA 00:00 – 07:00                           | MO-FR 00:00 – 07:30<br>15:30 – 24:00<br>SA+SO 00:00 – 24:00                |
| RB Telefon           | +43 1 79590 3100   | über IKZ Linz + 43<br>664/6211782  | ++43 (0) 662 88955 530   | +43 (0)664 8150 309  |

| Zollamt              | Feldkirch  | Graz   | Klagenfurt   |
|----------------------|--|--|--|
| Adresse              | Reichsstraße 151   | Bahnhofgürtel 57   | Herrengasse 9  |
| Ort                  | 6800 Feldkirch   | 8020 Graz  | 9020 Klagenfurt  |
| Telefon              | +43 (0)5522 3491   | + 43 316/7061-0  | +43 (0)463 520 0   |
| Telefax              | +43 (0)5522 3491 66  | + 43 316/774065  | +43 (0)463 57500 450   |
| Mobil                |  |  |  |
| E-Mail               | <a href="mailto:sts.zavbg@bmf.gv.at">Post.900-<br/>sts.zavbg@bmf.gv.at</a> | <a href="mailto:sts.zastmk@bmf.gv.at">Post.700-<br/>sts.zastmk@bmf.gv.at</a> | <a href="mailto:sts.zaktn@bmf.gv.at">Post.400-<br/>sts.zaktn@bmf.gv.at</a> |
| Amtsstunden          | MO-FR 08.00 - 16.00  | MO-FR 07.00 - 15.00  | MO-FR 07.30 - 15.30  |
| Rufbereitschaft (RB) | MO-FR 00:00 – 08:00<br>16:00 – 24:00<br>SA+SO 00:00 – 24:00                | Mo. - Fr. 15.00 - 22.00<br>Sa, So, Feiertag 08.00 -<br>13.00                 | MO-FR 06:00 – 07:30<br>15:30 – 24:00<br>SA+SO 06:00 – 24:00                |
| RB Telefon           | über IKZ Ibk + 43 664<br>8150 244  | + 43 664/3088974   | über IKZ/Klagenfurt - +<br>43 463/41210-712 od. +<br>43 664/5054927        |

**POLAND**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|                 |
|-----------------|
| To be specified |
|-----------------|

- languages accepted for making requests for assistance :

|                 |
|-----------------|
| Polish, English |
|-----------------|

- acceptance of electronic communication of assistance requests :

|     |
|-----|
| Yes |
|-----|

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|                  |
|------------------|
| To be specified. |
|------------------|

- emergency cases only :

|     |
|-----|
| N/A |
|-----|

- contact details of the customs units:

|                  |
|------------------|
| To be specified. |
|------------------|

### 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|   |
|---|
| The Republic of Poland declares that Article 20 of this Convention shall not bind the Republic of Poland. |
|---|

#### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |                |
|---|----------------|
| <i>All infringements without exception</i>  |                |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> | Not applicable |

- Restriction on the right of hot pursuit on the MS territory

|                                |                |
|--------------------------------|----------------|
| <i>No restrictions</i>         |                |
| <i>Restricted as follows :</i> | Not applicable |

- Pursuing officers have the right to apprehend :

|     |
|-----|
| N/A |
|-----|

- List of officers authorised to exercise the right of pursuit :

|                        |                |
|------------------------|----------------|
| <i>Officers from :</i> | Not applicable |
|------------------------|----------------|

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
| Not applicable  |

|                                      |                             |
|--------------------------------------|-----------------------------|
| <i>Service weapons</i>               |                             |
| <i>Allowed arms :</i> Not applicable | <i>use :</i> Not applicable |

|   |
|---|
| <i>Legitimate self-defence :</i> Not applicable |
|---|

|  |
|--|
| <i>The status of customs vehicles as regards the highway code :</i> Not applicable |
|--|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|                             |
|-----------------------------|
| <i>Time:</i> Not applicable |
| <i>No</i> Not applicable    |
| <i>Yes :</i> Not applicable |

|                              |
|------------------------------|
| <i>Space:</i> Not applicable |
|------------------------------|

|                            |
|----------------------------|
| <i>No :</i> Not applicable |
|----------------------------|

|                             |
|-----------------------------|
| <i>Yes :</i> Not applicable |
|-----------------------------|

- Contact point(s) to be informed at the latest when the border is crossed :

|                |
|----------------|
| Not applicable |
|----------------|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|     |
|-----|
| N/A |
|-----|

|   |
|---|
| <i>Authority to which the reports should be made :</i> Not applicable |
|---|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|  |
|--|
| The Republic of Poland declares that Article 21 of this Convention can be applied by competent authorities of other Member States towards Republic of Poland on the principle of reciprocity. The Republic of Poland also declares that officers of competent authorities of Members States may carry into the territory of the Republic of Poland their service weapons with the right to use only in the case of the legitimate self-defense as it is laid down in Article 25 of the Law of 6 June 1997 - Penal Code (O. J. of Law of 1997, No 88, item 553, as amended). The Republic of Poland declares, that Article 21(3)(d) of this Convention can be applied by competent authorities of other Member States towards Republic of Poland on the principle of reciprocity. |
|--|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|                 |
|-----------------|
| To be specified |
|-----------------|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|                 |
|-----------------|
| To be specified |
|-----------------|

### 4.3 Special restrictions on the right of surveillance in Member State

|  |
|--|
| It can be applied by competent authorities of other Member States towards Republic of Poland on the principle of reciprocity |
|--|

#### 4.4 Definitions

##### ➤ Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public</i> : To be specified |
|---|

|  |
|--|
| <i>Service weapons</i> To be specified |
|--|

|                       |              |
|-----------------------|--------------|
| <i>Allowed arms</i> : | <i>use</i> : |
|-----------------------|--------------|

|   |
|---|
| <i>Legitimate self-defence</i> :<br>as it is laid down in Article 25 of the Law of 6 June 1997 - Penal Code (O. J. of Law of 1997, No 88, item 553, as amended) |
|---|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

|     |
|-----|
| Yes |
|-----|

|  |
|--|
| <i>Authority to which the reports should be made</i> : To be specified |
|--|

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

|                 |
|-----------------|
| To be specified |
|-----------------|

#### 5.2 Requirements for information to be included in the request

|                 |
|-----------------|
| To be specified |
|-----------------|

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|



**5.5 Service weapons**

|  |
|--|
| Member State imposes the following conditions on the use of service weapons: To be specified |
|--|

**5.6 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

|  |
|--|
| Authority to which the report should be made : To be specified |
|--|

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|  |
|--|
| The Republic of Poland declares that Article 23 of this Convention The Republic of Poland declares that Article 23 of this Convention can be applied by competent authorities of other Member States towards Republic of Poland on the principle of reciprocity. |
|--|

**6.1 Restrictions on the possibility of using covert investigations**

|   |
|---|
| It can be applied by competent authorities of other Member States towards Republic of Poland on the principle of reciprocity. |
|---|

**6.2 List of officers authorised to decide on or carry out covert investigations**

|                  |
|------------------|
| To be specified. |
|------------------|

**6.3 Service weapons**

|                  |
|------------------|
| To be specified. |
|------------------|

**6.4 General conditions**

|   |
|---|
| <i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i><br>To be specified. |
|---|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|     |
|-----|
| Yes |
|-----|

|   |
|---|
| <i>Authority to which the reports should be made</i> : To be specified. |
|---|

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

|                  |
|------------------|
| To be specified. |
|------------------|

**7.2 General conditions**

|  |
|--|
| <i>General conditions or provisions to organize or take part in a joint special investigation team:</i> To be specified. |
|--|

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery :

|     |
|-----|
| Yes |
|-----|

|  |
|--|
| <i>Authority to which the report should be made</i> : To be specified. |
|--|

## PORTUGAL

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

### 1. CENTRAL COORDINATING UNIT

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

Directorate-General for Customs and Excise - Directorate Anti-Fraude Services  
 Telf: +351 21 881 3108  
 Fax: +351 21 881 3103  
 e-mail : dsaf@dgaiec.min-financas.pt

- languages accepted for making requests for assistance :

English, French, Portuguese and Spanish

- acceptance of electronic communication of assistance requests :

Yes

### 2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation :

Within their competencies:  
 Republican National Guard (GNR) - Hot Pursuit and Cross-Border Surveillance; and  
 Criminal Police - All the forms of cooperation.

- emergency cases only :

|     |
|-----|
| Yes |
|-----|

- contact details of the customs units:

|  |
|--|
| GNR – Fiscal Brigade Operations Unit:<br>Telf. +351 21 811 2121/ 2295<br>Fax +351 21 811 2281/ 82<br>PJ – Criminal Police<br>Tel. +351 21 864 1000<br>Fax + 351 21 3575844 |
|--|

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|     |
|-----|
| Yes |
|-----|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |
|--|
| All infringements listed in the article 19 (2) a) to c) without exception may give grounds for extradition under Portuguese Law. |
|--|

- Restriction on the right of hot pursuit on the MS territory

|                                |  |
|--------------------------------|--|
| <i>No restrictions</i>         |  |
| <i>Restricted as follows :</i> | a) pursuing officers shall not have the right to apprehend; b) pursuit is restricted to a maximum of range of 50 km from the border, or to a maximum of two hours. |

- Pursuing officers have the right to apprehend :

|    |
|----|
| No |
|----|

- List of services authorised to exercise the right of pursuit :

|                        |  |
|------------------------|--|
| <i>Officers from :</i> | Directorate-General for Customs and Excise (DGAIEC); Republican National Guard (GNR) and the Criminal Police (PJ). |
|------------------------|--|

➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*

- a) Private Home – Any place where a person lives regularly or occasionally.
- b) Places accessible to the public – The public way; all the places that belongs to public or private domain open to the public, and those where the access by the public is subject to a fee, a payment or the presentation of a ticket.
- c) Places not accessible to the public – All the places not included in a) and b).

*Service weapons*

*Allowed arms :*

Any firearm of any calibre allocated and distributed by the State to officers whose function is the maintenance of security and public order.

*use :*

GNR – Defence weapons calibre 7,65 and 9 mm; PJ  
- All the allowed ones by law.

*Legitimate self-defence :*

According to the Art. 32 Penal Code means any act carried out as a necessary means to repel an illicit and present attack against a legally protected interest of the officer, or a third person.

*The status of customs vehicles as regards the highway code :*

DGAIEC - Vehicles have no special status; GNR. – Vehicles are equipped with blue emergency lights and sirens (Highway Code, Art. 64); PJ – Vehicles are authorised to use emergency lights and sirens.

➤ As from crossing the border, limitation in time or space to carry out the pursuit:

*Time:*

No

Yes : During two (2) hours.

*Space:*

No

Yes : 50 km from the border.

➤ Contact point(s) to be informed at the latest when the border is crossed :

Central Coordinating Unit

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

Yes

*Authority to which the reports should be made :*

Attorney-General's Office

#### 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

No

##### 4.1 List of Member State's offices authorised to exercise the right of cross-border surveillance

Directorate-General on Customs and Excise (DGAIEC), Republican National Guard (GNR) and Criminal Police (PJ).

##### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

Central Coordinating Unit

##### 4.3 Special restrictions on the right of surveillance in Member State

None

##### 4.4 Definitions

###### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*

- a) Private Home – Any place where a person lives regularly or occasionally.
- b) Places accessible to the public – The public way; all the places that belongs to public or private domain open to the public, and those where the access by the public is subject to a fee, a payment or the presentation of a ticket.
- c) Places not accessible to the public – All the places not included in a) and b).

###### *Service weapons*

###### *Allowed arms :*

Allowed arms : Any firearm of any calibre allocated and distributed by the State to officers whose function is the maintenance of security and public order.

###### *use :*

GNR – Defence weapons calibre 7,65 and 9 mm; PJ - All the allowed ones by law.

###### *Legitimate self-defence :*

According to the Art. 32 Penal Code means any act carried out as a necessary means to repel an illicit and present attack against a legally protected interest of the officer, or a third person

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

Yes

*Authority to which the reports should be made :*  
Attorney-General's Office.

### 5. CONTROLLED DELIVERIES

#### 5.1 List of offices authorised to decide on or carry out controlled deliveries

*Authorisation:*  
Central Investigation and Prosecution Department (DCIAP);  
*To carry out:*  
Criminal Police (PJ).

#### 5.2 Requirements for information to be included in the request

The request must include detailed description of the facts about the case (e.g. suspects, goods, means of transport, etc.) and the reasons for the operation, so that the Central Investigation and Prosecution Department can examine and authorise the controlled delivery. The request must also indicate the operational measures that can be taken in order to carry out the operation, and according to the Portuguese Law 144/1999 – Art 160-A, that action is only authorised when:

- a) the competent foreign authorities have ensured that both their legislation provides adequate criminal sanctions for the offence at stake and criminal proceedings shall be exercised; and
- b) the competent foreign authorities have ensured the security of the substances and goods at stake against the risks of flight and loss; and
- c) the competent foreign authorities have undertaken urgently to communicate detailed information about the results of the operation as well as the acts performed by each of the offenders, in particular those who acted in Portugal.

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

Yes

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

Yes

## 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

Legitimate self-defence

## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*

Public Prosecutors

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

Yes

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

No.

### 6.1 Restrictions on the possibility of using covert investigations

According to Portuguese Law nr.101/2001 covert investigations are admissible within the framework of prevention and punishment of following offences: relating to stolen vehicles forgery and trafficking; illicit trafficking in narcotic drugs and psychotropic substances; money laundering, other assets or products; economic and financial offences committed in an organised manner or by computer-related mean; economic and financial offences committed at international or trans-national level.

The covert investigations must be adequate to prevent and to punish each crime in concrete and proportionate to either such purposes or to the seriousness of the crimes under investigat.

### 6.2 List of offices authorised to decide on or carry out covert investigations

*To decide on:* Central Court for Criminal Investigation and Central Investigation and Prosecution Department;

*To carry out:* Criminal Police



### 6.3 Service weapons

Any firearm of any calibre allocated and distributed by the State.

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
In Portugal the covert investigations can be hold to prevent and to punish some specific offences typified in portuguese criminal law.

### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

Yes

*Authority to which the reports should be made :*  
Public Prosecutors

## 7. JOINT SPECIAL INVESTIGATION TEAMS

7.1 List of offices authorised to decide on or participate in joint special investigation teams

Directorate-General on Customs and Excise (DGAIEC), Republican National Guard (GNR) and Criminal Police (PJ).

### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
Joint investigation teams shall be set up by mutual agreement between the Portuguese State and a foreign State, in particular when:

- a) in the framework of a foreign State's criminal investigation, specially complex investigations having links with Portugal or with another State are required;
- b) a number of States are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the States involved.

Requests for the setting up of joint investigation teams shall include, in addition to the information referred to in the relevant provisions of Article 14 of the European Mutual Assistance Convention and Article 37 of the Benelux Treaty of 27 June 1962, as amended by Protocol of 11 May 1974, proposals for the composition of the team. (Law 144/1999 Article 145º-A).

### 7.3 Requirement to report back

Requirement to report back after completion of a joint special investigation team :

|     |
|-----|
| Yes |
|-----|

|   |
|---|
| <i>Authority to which the report should be made :</i> |
|---|

|  |
|--|
| Public Prosecutors or Directorate-General on Customs and Excise (DGAIEC) or Republican National Guard (GNR) or Criminal Police (PJ). |
|--|

**SLOVENIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

GENERAL CUSTOMS DIRECTORATE,  
Investigation Division, Šmartinska c. 55, 1523 Ljubljana, Slovenia,  
phone: +386 1 478 38 00, fax: +386 1 478 39 00,  
e-mail: piac.curs@gov.si

- languages accepted for making requests for assistance :

English, German, Slovene

- acceptance of electronic communication of assistance requests :

YES

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

Not designated yet

- emergency cases only :

|  |  |
|--|--|
|  |  |
|--|--|

- contact details of the customs units:

|                    |
|--------------------|
| Not answered by MS |
|--------------------|

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|                            |
|----------------------------|
| Hot pursuit is not allowed |
|----------------------------|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |                            |
|---|----------------------------|
| <i>All infringements without exception</i>  |                            |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> | Hot pursuit is not allowed |

- Restriction on the right of hot pursuit on the MS territory

|                                |                            |
|--------------------------------|----------------------------|
| <i>No restrictions</i>         |                            |
| <i>Restricted as follows :</i> | Hot pursuit is not allowed |

- Pursuing officers have the right to apprehend :

|                            |
|----------------------------|
| Hot pursuit is not allowed |
|----------------------------|

- List of officers authorised to exercise the right of pursuit :

|                        |                            |
|------------------------|----------------------------|
| <i>Officers from :</i> | Hot pursuit is not allowed |
|------------------------|----------------------------|

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
| Hot pursuit is not allowed  |

|                         |                            |
|-------------------------|----------------------------|
| <i>Service weapons:</i> | Hot pursuit is not allowed |
|-------------------------|----------------------------|

|                       |              |
|-----------------------|--------------|
| <i>Allowed arms :</i> | <i>use :</i> |
|-----------------------|--------------|

|                                  |                            |
|----------------------------------|----------------------------|
| <i>Legitimate self-defence :</i> | Hot pursuit is not allowed |
|----------------------------------|----------------------------|

|   |                            |
|---|----------------------------|
| <i>The status of customs vehicles as regards the highway code :</i> | Hot pursuit is not allowed |
|---|----------------------------|

- As from crossing the border, limitation in time or space to carry out the pursuit: Hot pursuit is not allowed

|       |
|-------|
| Time: |
| No    |
| Yes : |

|        |
|--------|
| Space: |
| No     |
| Yes :  |

- Contact point(s) to be informed at the latest when the border is crossed :

|                            |
|----------------------------|
| Hot pursuit is not allowed |
|----------------------------|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|  |  |
|--|--|
|  |  |
|--|--|

|  |
|--|
| Authority to which the reports should be made : Hot pursuit is not allowed |
|--|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|  |
|--|
| Cross-border surveillance is not allowed |
|--|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|  |
|--|
| Cross-border surveillance is not allowed |
|--|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|  |
|--|
| Cross-border surveillance is not allowed |
|--|

### 4.3 Special restrictions on the right of surveillance in Member State

|  |
|--|
| Cross-border surveillance is not allowed |
|--|

#### 4.4 Definitions

##### ➤ Definitions

|  |
|--|
| <i>Private home, places accessible to the public, places not accessible to the public:</i><br>Cross-border surveillance is not allowed |
|--|

|  |
|--|
| <i>Service weapons:</i> Cross-border surveillance is not allowed |
|--|

|                       |              |
|-----------------------|--------------|
| <i>Allowed arms :</i> | <i>use :</i> |
|-----------------------|--------------|

|   |
|---|
| <i>Legitimate self-defence :</i> Cross-border surveillance is not allowed |
|---|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

|  |
|--|
| Cross-border surveillance is not allowed |
|--|

|  |
|--|
| Authority to which the reports should be made : Cross-border surveillance is not allowed |
|--|

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

|   |
|---|
| Controlled deliveries are carried out by Police upon permission of public prosecutor. |
|---|

#### 5.2 Requirements for information to be included in the request

- |   |
|---|
| <ul style="list-style-type: none"> <li>- detailed explanation of suspected criminal act</li> <li>- suspected criminal act can not be detected by other measures</li> <li>- the aim of the activity is disclosure of criminal group</li> </ul> |
|---|

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

YES

## 5.5 Service weapons

Member State imposes the following conditions on the use of service weapons:

- self-defence.

## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

YES

VRHOVNO DRŽAVNO TOŽILSTVO,  
SKUPINA DRŽAVNIH TOŽILCEV ZA POSEBNE ZADEVE,  
Dunajska cesta 22, 1000 Ljubljana

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

YES

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

Covert investigations are not allowed

### 6.1 Restrictions on the possibility of using covert investigations

Covert investigations are not allowed

### 6.2 List of officers authorised to decide on or carry out covert investigations

Covert investigations are not allowed

### 6.3 Service weapons

Covert investigations are not allowed

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*

Covert investigations are not allowed

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| <i>Authority to which the reports should be made</i> : Covert investigations are not allowed |
|--|

**7. JOINT SPECIAL INVESTIGATION TEAMS****7.1 List of officers authorised to decide on or participate in joint special investigation teams**

|   |
|---|
| - officers of General Customs Directorate, Investigation Division are nominated by Director General |
|---|

**7.2 General conditions**

|  |
|--|
| General conditions or provisions to organize or take part in a joint special investigation team: |
| - agreement among participating countries or request of international organisation               |
| - tasks of our officers have to be approved by Minister of Finance                               |

**7.3 Requirement to report back**

Requirement to report back after completion of a controlled delivery:

YES

|  |
|--|
| <i>Authority to which the report should be made:</i><br>General Customs Directorate, Investigation Division,<br>Šmartinska c. 55, 1523 Ljubljana |
|--|



**SLOVAKIA**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

- Contact details of the central unit:

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office – Mr. Decky, Deputy of Customs criminal office – Mr. Kosik and Ms. Ondreakova

Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head – Mr. Vlk

Department of international cooperation of Customs criminal office, Head – Ms. Adameova – Central coordination unit for Naples II

Tel. No. + 421 2 58 251 297

+ 421 2 58 251 290

+ 421 2 58 251 253

+ 421 2 58 251 298

+ 421 2 58 251 265

Fax: + 421 2 53 413 685

- languages accepted for making requests for assistance:

English, german

- acceptance of electronic communication of assistance requests:

Yes

E-mail contacts:

2. **CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation:

cross-border surveillance, controlled delivery, covert investigation

- emergency cases only:

Yes

- contact details of the customs units:

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office – Mr. Decky, Deputy of Customs criminal office

Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –

Tel. No. : + 421 2 58 251 297

+ 421 2 58 251 290

+ 421 2 58 251 253

+ 421 2 58 251 298

Fax: + 421 2 53 413 685

3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

Slovak customs administration have no possibility to realize hot pursuit. At this time are negotiating proceedings with a special departments of Policy of Slovak Republic. The right order on Slovak territory is restricted by predetermined acceptance of the competence authority of the state, in which territory is hot pursuit realized. In other cases we are proceeded on the agreed regulations of the reciprocity.

### 3.1. Restrictions on the right of hot pursuit

- Infringements listed in article 19(2) (a) to (c) that may give grounds for extradition

|  |    |
|--|----|
| <i>All infringements without exception</i><br>According to the effective international agreements and according to the criminal rule of Slovak Republic we are compulsory for realising for extradition. |    |
| <i>All infringements with the exception of infringements relating to trafficking in:</i>   | NO |

- Restriction on the right of hot pursuit on the MS territory

|                               |   |
|-------------------------------|---|
| <i>No restrictions:</i> NO    |   |
| <i>Restricted as follows:</i> | Hot pursuit is regulated in our national criminal rules and we are also knitted with the bilateral contracts with our neighbors states. |

- Pursuing officers have the right to apprehend:

|  |
|--|
| Slovak customs officers haven't possibility to apprehend a pursuing person. In the immediately situations we are legitimate to detain a pursuing person. |
|--|

- List of officers authorised to exercise the right of pursuit:

|                       |  |
|-----------------------|--|
| <i>Officers from:</i> | Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office – Mr. Decky, Deputy of Customs criminal office – Mr. Kosik and Ms.Ondreakova<br><br>S.W.A.T., Residence Bajkalska 24, 824 97 Bratislava 26, Head of S.W.A.T. – Mr. Horvath<br><br>Special departments of Customs office |
|-----------------------|--|

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|                        |              |
|------------------------|--------------|
| <i>Service weapons</i> |              |
| <i>Allowed arms :</i>  | <i>use :</i> |

|   |
|---|
| <i>Legitimate self-defence :</i>  |
| <i>The status of customs vehicles as regards the highway code :</i> Without |

- As from crossing the border, limitation in time or space to carry out the pursuit:

|              |
|--------------|
| <i>Time:</i> |
| No           |
|              |

|               |
|---------------|
| <i>Space:</i> |
| No            |
|               |

It does it mean only for our customs officers. Officers of other member states are limited with bilateral and international agreements and we are waiting for the results of negotiations of the Naples II.

- Contact point(s) to be informed at the latest when the border is crossed:

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –

Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

*Authority to which the reports should be made:*

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –

Department of international cooperation of Customs criminal office, Head –Central coordination unit for Naples II

specialized units within police corps and Customs administration

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

The Slovak Republic ratified the Naples II at the 10 of May 2004, when the ratified list was reposit by a General Sekretar of European Council. The declaration on the application of the Naples II wasn't yet done. We haven't cross-border surveillance competences.

#### 4.1 List of Member State's officers (services) authorised to exercise the right of cross-border surveillance

|   |
|---|
| Specialized unit within police corps and Customs administration |
|---|

#### 4.2 Contact details of the competent authority empowered to grant authorization or forward requests for cross-border surveillance

|  |
|--|
| Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office – |
|--|

|   |
|---|
| Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head – |
|---|

|  |
|--|
| Department of international cooperation of Customs criminal office, Head – Mrs. Adameova - Central coordination unit for Naples II |
|--|

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| Tel. No. : + 421 2 58 251 297 |
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| + 421 2 58 251 290 |
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| + 421 2 58 251 265 |
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|-------------------------|
| Fax: + 421 2 53 413 685 |
|-------------------------|

#### 4.3 Special restrictions on the right of surveillance in Member State

|   |
|---|
| It exists no special restrictions in Slovak orders of surveillance. We are knitted with bilateral and international agreements. |
|---|

#### 4.4. Definitions

➤ Definitions:

-

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i> |
|---|

|   |
|---|
| <u>Private home</u> : For natural persons, it is established that private home is the habitual place, any closed space in which the private and familiar lives take place, as a permanent or temporal residence |
|---|

|  |
|--|
| <u>Places accessible to the public</u> : All public places unless is the entry restricted in public interest |
|--|

|  |
|--|
| <u>Places not accessible to the public</u> : All places, which are either considered public nor private home |
|--|

|  |  |
|--|--|
| <p><i>Service weapons</i></p> <p>The service weapons carried by Slovak Customs Officers are short guns, which are property of the Customs Administration</p>                                       |  |
| <p><i>Allowed arms :</i></p> <p>The Customs criminal office use also special weapons, which are special weapons with bumper tone and special weapons with the system of illumination of target</p> | <p><i>use :</i></p> <p>According to the Bill about the state administrations bodies in customs and about the change and supplementation of some acts is using of weapons strictly establish in nine situations:</p> <p>in inevitable self-defence or in extreme emergency dangerous perpetrators, who are object of the action, do not capitulate after being summoned, or do not want to leave their shelter, resistance oriented to obstruction of their service intervention</p> <p>preventing escape of dangerous perpetrators, who cannot be held otherwise</p> <p>persons do not respect the customs officer's summons even after threat using weapons and warning shot upwards was used, which is oriented to ensuring security of third persons or of themselves means of transport cannot be stopped otherwise, provided that the driver drives in an unscrupulous way, so that lives and health of persons are seriously endangered, and the driver does not stop after being summoned repeatedly or after the custom officer signals "stop" in the way as provided for in special national regulations</p> <p>to divert attacks, which endanger facilities or places, where entrance is prohibited, after the aggressor did not stop their attack even after being summoned to do so</p> <p>to the end of disposal of animals, who endanger lives or health of customs officers or of third persons to the end of enforcing means of transport in close proximity of frontiers, whose driver does not stop after being summoned repeatedly or after the customs officer signals "stop" in the way as provided for in special national regulations</p> |

*Legitimate self-defence :*

According to the Bill about the state administrations bodies in customs and about the change and supplementation of some acts we can use this kind of compulsory measures:

- a) touch, haste, swipes and kick of self-defence,
- b) equipment for repression of branch and stave off offence,
- c) nipper,
- d) official dog,
- e) technical equipment for preclusion of departure and forced setback of means of transport,
- f) blow with gun,
- g) threat wit gun,
- h) warning shoot to the air,
- i) use of the gun.

Equipment for repression of resistance and repudiation of offense are baton, lachrymatory equipment, defense linkage and electric paralysers. Up to the situation, customs officer choose what kind of compulsory measures will be use for achieving the purpose of official intervention.

The status of customs vehicles as regards the highway code :

#### 4.5. Requirement to report back

Requirement to report back after completion of a cross-border surveillance:

Yes

*Authority to which the reports should be made:*

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –

Department of international cooperation of Customs criminal office, Head – Central coordination unit for Naples II

specialized units within police corps and Customs administration

## 5. CONTROLLED DELIVERIES

### 5.1 List of officers (services) authorised to decide on or carry out controlled deliveries

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –

Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –

Department of international cooperation of Customs criminal office, Head – Central coordination unit for Naples II

Tel. No.: + 421 2 58 251 297  
 + 421 2 58 251 290  
 + 421 2 58 251 253  
 + 421 2 58 251 298  
 + 421 2 58 251 265  
 Fax: + 421 2 53 413 685

### 5.2 Requirements for information to be included in the request

All relevant information

### 5.3 Consent from other transit States

Requirements for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required:

Yes

### 5.4 Requirements for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required:

Yes

### 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

Could be used only by officers in cases of self – defence.



## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

*Authority to which the reports should be made:*

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –

Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –

Department of international cooperation of Customs criminal office, Head – Central coordination unit for Naples II

Tel. No. : + 421 2 58 251 297

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Fax: + 421 2 53 413 685

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators

The abovementioned guarantee is required:

Yes

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

The Slovak Republic ratified the Naples II at the 10 of May 2004, when the ratified list was deposited by a General Secretary of European Council. The declaration on the application of the Naples II wasn't yet done. We haven't covert investigations competences.

### 6.1 Restrictions on the possibility of using covert investigations

None

**6.2 List of officers (services) authorised to decide on or carry out covert investigations**

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –  
 Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –  
 Department of international cooperation of Customs criminal office, Head – Central coordination unit for Naples II

Tel. No. :      + 421 2 58 251 297  
                   + 421 2 58 251 290  
                   + 421 2 58 251 253  
                   + 421 2 58 251 298  
                   + 421 2 58 251 265  
 Fax:            + 421 2 53 413 685

**6.3 Service weapons****6.4 General conditions**

|  |
|--|
| General conditions (e.g. infringements, investigation) to be fulfilled before a request is made: |
|--|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation:

|     |
|-----|
| Yes |
|-----|

*Authority to which the reports should be made:*

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –  
 Operational Department of Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head –  
 Department of international cooperation of Customs criminal office, Head – Central coordination unit for Naples II

Tel. No. :      + 421 2 58 251 297  
                   + 421 2 58 251 290  
                   + 421 2 58 251 253  
                   + 421 2 58 251 298  
                   + 421 2 58 251 265  
 Fax:            + 421 2 53 413 685

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of officers (services) authorised to decide on or participate in joint special investigation teams

Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –  
 Tel. No. : + 421 2 58 251 297  
 + 421 2 58 251 290  
 + 421 2 58 251 253  
 Fax: + 421 2 53 413 685

### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
 At this time the Slovak Customs Administration is taking part in joint special investigation teams with a special departments of Policy of Slovak Republic. Creating of this teams is based on the Memorandum of Understanding making between this two authorities.

### 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

*Authority to which the reports should be made:*  
 Customs criminal office, Residence Bajkalska 24, 824 97 Bratislava 26, Head of Customs criminal office –  
  
 Tel. No. : + 421 2 58 251 297  
 + 421 2 58 251 290  
 + 421 2 58 251 253  
 Fax: + 421 2 53 413 685

**FINLAND**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

National Board of Customs/Anti-Fraud Unit/Investigation,  
P.O. Box 512, 00101 Helsinki, Finland  
Tel. +358-20-492 2787, Fax +358-20-492 2669

- languages accepted for making requests for assistance :

Finnish, Swedish, English, German, French

- acceptance of electronic communication of assistance requests :

Yes

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

All forms of cooperation in an emergency.

- emergency cases only :

Yes

- contact details of the customs units:

Anti-Fraud Unit, 24 hours: tel. +358 40 3322 020

### 3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

|   |
|---|
| Finland has not made a declaration provided for in article 20(8). |
|---|

#### 3.1 Restrictions on the right of hot pursuit

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |          |
|---|----------|
| <i>All infringements without exception</i>  | <b>x</b> |
| <i>All infringements with the exception of infringements relating to trafficking in :</i> |          |

- Restriction on the right of hot pursuit on the MS territory

|                                |          |
|--------------------------------|----------|
| <i>No restrictions</i>         | <b>x</b> |
| <i>Restricted as follows :</i> |          |

- Pursuing officers have the right to apprehend :

|     |
|-----|
| Yes |
|-----|

- List of officers authorised to exercise the right of pursuit :

|                        |                                  |
|------------------------|----------------------------------|
| <i>Officers from :</i> | Customs, Police and Border Guard |
|------------------------|----------------------------------|

- Definitions

|   |
|---|
| <i>Private home, places accessible to the public, places not accessible to the public :</i><br>In the absence of a legal definition, private home is understood as a place in which private life is conducted. In practice, this means buildings, camping vans, boats etc.<br>There is no legal definition of places which are or are not accessible to the public. |
|---|

|   |   |
|---|---|
| <i>Service weapons</i>  |   |
| <i>Allowed arms :</i><br>Magazine-loaded or self-loading single shot pistols and revolvers. | <i>use :</i><br><i>The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapon may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding official.</i> |

*Legitimate self-defence :*

Provisions on self-defence are laid down in the Penal Code. An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.

*The status of customs vehicles as regards the highway code :*

Under special provisions of the Highway Code, a vehicle on official customs business may in an emergency disregard certain rules of the Code. Whatever the circumstances, certain precautionary rules must be observed and both the acoustic and visible warning signals must be used. In cases of force majeure, use may be made of roads or portions of road normally prohibited to vehicular traffic, but caution must be exercised.

- As from crossing the border, limitation in time or space to carry out the pursuit:

|       |          |
|-------|----------|
| Time: |          |
| No    | <b>x</b> |
| Yes : |          |

|        |          |
|--------|----------|
| Space: |          |
| No     | <b>x</b> |
| Yes :  |          |

- Contact point(s) to be informed at the latest when the border is crossed :

1. Anti-Fraud Unit, 7/24: tel. +358 40 3322 020  
 2. National Board of Customs/Anti-Fraud Unit/Investigation,  
 P.O. Box 512, 00101 Helsinki, Finland  
 Tel. +358-20-492 2787, Fax +358-20-492 2669

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

|     |
|-----|
| Yes |
|-----|

*Authority to which the reports should be made :*

National Board of Customs/ Anti-Fraud Unit/Investigation,  
 P.O. Box 512, 00101 Helsinki, Finland  
 Tel. +358-20-492 2787, Fax +358-20-492 2669

#### 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

Finland has not made a declaration provided for in article 21(5).

##### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

Customs, Police and Border Guard

##### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

1. Anti Fraud, 7/24: tel. +358 40 3322 020  
 2. National Board of Customs/ Anti-Fraud Unit/Investigation,  
 P.O. Box 512, 00101 Helsinki, Finland  
 Tel. +358-20-492 2787, Fax +358-20-492 2669

##### 4.3 Special restrictions on the right of surveillance in Member State

None

##### 4.4 Definitions

###### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*  
 In the absence of a legal definition, private home is understood as a place in which private life is conducted. In practice, this means buildings, camping vans, boats etc.  
 There is no legal definition of places which are or are not accessible to the public.

###### *Service weapons*

*Allowed arms :*  
 Magazine-loaded or self-loading single shot pistols and revolvers.

###### *use :*

The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapon may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding official.

###### *Legitimate self-defence :*

Provisions on self-defence are laid down in the Penal Code. An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

|     |
|-----|
| Yes |
|-----|

*Authority to which the reports should be made :*

National Board of Customs/ Anti-Fraud Unit /Investigation,  
P.O. Box 512, 00101 Helsinki, Finland  
Tel. +358-20-492 2787, Fax +358-20-492 2669

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

|                                  |
|----------------------------------|
| Customs, Police and Border Guard |
|----------------------------------|

#### 5.2 Requirements for information to be included in the request

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Bases for Operation (type of offence, legal provision and maximum punishment)</li> <li>2. Factual information justifying the Operation (description of the act)</li> <li>3. Quality and quantity of drugs / other goods</li> <li>4. Assumed entry point, or exit point if necessary</li> <li>5. Assumed means of transport and transport route</li> <li>6. Personal data of the suspects, and description if necessary</li> <li>7. Source of authorization for the Operation (statute references)</li> <li>8. Persons operatively responsible for the action and their contact information</li> <li>9. Contact information of other involved authorities</li> <li>10. Other necessary information</li> </ol> |
|--|

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

|     |
|-----|
| Yes |
|-----|



## 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapon may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding official.

## 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*

National Board of Customs/ Anti-Fraud Unit /Investigation,  
P.O. Box 512, 00101 Helsinki, Finland  
Tel. +358-20-492 2787, Fax +358-20-492 2669

## 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

Yes

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

Finland has not made a declaration provided for in article 23(5).

### 6.1 Restrictions on the possibility of using covert investigations

Authorization for covert investigations cannot be granted unless the deed referred to in the request shall be considered, if committed under the like circumstances in Finland, such an offence the prevention and detection of which allows the use of covert investigations and pseudo purchases.

### 6.2 List of officers authorised to decide on or carry out covert investigations

Police only.

### 6.3 Service weapons

|   |  |
|---|--|
| <i>Service weapons</i>  |  |
| <i>Allowed arms :</i><br>Magazine-loaded or self-loading single shot pistols and revolvers. | <i>use :</i><br>The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapon may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding official. |

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
Preconditions for covert investigations and pseudo purchases are governed by Police Act.

### 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

Yes

*Authority to which the reports should be made :*  
National Board of Customs/ Anti-Fraud Unit /Investigation,  
P.O. Box 512, 00101 Helsinki, Finland  
Tel. +358-20-492 2787, Fax +358-20-492 2669

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of officers authorised to decide on or participate in joint special investigation teams

Customs and Police

### 7.2 General conditions

*General conditions or provisions to organize or take part in a joint special investigation team:*  
There are no specific criteria to be fulfilled.

### 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery :

Yes

*Authority to which the report should be made :*

National Board of Customs/ Anti-Fraud Unit /Investigation,

P.O. Box 512, 00101 Helsinki, Finland

Tel. +358-20-492 2787, Fax +358-20-492 2669

**SWEDEN**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit :

|   |
|---|
| Swedish Customs<br>International Mutual Assistance Office<br>P.O. Box 12854<br>S-112 98 Stockholm<br>Tel.: +46 8 405 04 47<br>Fax: +46 8 20 02 26 |
|---|

- languages accepted for making requests for assistance :

|                         |
|-------------------------|
| English, French, German |
|-------------------------|

- acceptance of electronic communication of assistance requests :

YES

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation :

|   |
|---|
| Hot pursuit, cross border surveillance, controlled delivery |
|---|

- emergency cases only :

NO

- contact details of the customs units:

Customs commander in charge through the Swedish Customs Communication Centre:  
 Swedish Customs National Communication Centre  
 Phone: +46-980-84550  
 Fax: +46-980-82089  
 E-mail: kcf.rsbc@tullverket.se

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

NO

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|  |   |
|--|---|
| All infringements without exception  | X |
| All infringements with the exception of infringements relating to trafficking in : |   |

- Restriction on the right of hot pursuit on the MS territory

|                         |   |
|-------------------------|---|
| No restrictions         | X |
| Restricted as follows : |   |

- Pursuing officers have the right to apprehend

YES

- List of officers authorised to exercise the right of pursuit :

|                        |   |
|------------------------|---|
| <i>Officers from :</i> | Customs officers, Police officers and Coast Guard officers. |
|------------------------|---|

- Definitions

*Private home, places accessible to the public, places not accessible to the public:* “Privat home” means, other than the home as such, private places such as caravans, house-boats, huts etc. “Places accessible to the public” means, other than public places, such places as trains, buses, restaurants, shops, sports grounds, cinemas etc. “Places not accessible to the public” means, other than private property, such places as private premises, warehouses and plots of land etc.

|  |   |
|--|---|
| <i>Service weapons:</i> Pursuing officers are authorised to carry their service weapons, if they are individual service weapons (no legal definition). |   |
| <i>Allowed arms :</i> Individual service weapons   | <p><i>use:</i> An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible. The report shall be sent to</p> <p><i>Swedish Customs</i><br/><i>International Mutual Assistance Office</i></p> |

|  |
|--|
| <p><i>Legitimate self-defence:</i><br/>Legitimate self-defence is described in section 24 (1) Code of Criminal Procedure. Legitimate self-defence is recognised in four cases:<br/>-to avoid an attack which is underway or is about to begin, against a person or against property;<br/>-when a person resorts to violence or threatens to resort to violence in order to recover his property or assets, where the offender is caught in the act;<br/>-when a person has entered or is about to enter a room or private home illegally;<br/>-when a person refuses to obey an order to leave a private home.<br/>In any of these cases, the means used to resist the attack must be necessary and proportionate to the seriousness of the attack or the level of danger to property.</p> |
|--|

|  |
|--|
| <p><i>The status of customs vehicles as regards the highway code:</i><br/>A customs vehicle may be used in contradiction to certain rules set out in the Road Traffic Regulation when the driver is carrying out duties as customs officer. This includes for instance, driving, stopping and parking in restricted areas and exceeding the maximum speed limit (the latter only in urgent cases).</p> |
|--|

➤ As from crossing the border, limitation in time or space to carry out the pursuit:

|             |
|-------------|
| Time: None  |
| Space: None |

- Contact point(s) to be informed at the latest when the border is crossed :

Swedish Customs National Communication Centre  
 Phone: +46-980-84550  
 Fax: +46-980-82089  
 E-mail: kcf.rsbc@tullverket.se

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

YES

*Authority to which the reports should be made :*

Swedish Customs  
 International Mutual Assistance Office  
 PO Box 12854  
 SE-112 98 Stockholm  
 Sweden  
 Tel.: +46 8 405 04 47  
 Fax: +46 8 20 02 26

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

NO

### 4.1 List of Member State's services authorised to exercise the right of cross-border surveillance

Customs officers, Police officers and Coast Guard officers.

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

Swedish Customs National Communication Centre  
 Phone: +46-980-84550  
 Fax: +46-980-82089  
 E-mail: kcf.rsbc@tullverket.se

### 4.3 Special restrictions on the right of surveillance in Member State

None

#### 4.4 Definitions

##### ➤ Definitions

*Private home, places accessible to the public, places not accessible to the public :*  
 “Privat home” means, other than the home as such, private places such as caravans, house-boats, huts etc. “Places accessible to the public” means, other than public places, such places as trains, buses, restaurants, shops, sports grounds, cinemas etc. “Places not accessible to the public” means, other than private property, such places as private premises, warehouses and plots of land etc.

##### *Service weapons:*

Pursuing officers are authorised to carry their service weapons, if they are individual service weapons (no legal definition).

*Allowed arms :* Individual service arms

*use :* An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible. The report shall be sent to  
*Swedish Customs*  
*International Mutual Assistance Office*

##### *Legitimate self-defence:*

Legitimate self-defence is described in section 24 (1) Code of Criminal Procedure.

Legitimate self-defence is recognised in four cases:

-to avoid an attack which is underway or is about to begin, against a person or against property;

-when a person resorts to violence or threatens to resort to violence in order to recover his property or assets, where the offender is caught in the act;

-when a person has entered or is about to enter a room or private home illegally;

-when a person refuses to obey an order to leave a private home.

In any of these cases, the means used to resist the attack must be necessary and proportionate to the seriousness of the attack or the level of danger to property.



## 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance :

YES

*Authority to which the reports should be made :*

Swedish Customs

International Mutual Assistance Office

PO Box 12854

SE-112 98 Stockholm

Sweden

Tel.: +46 8 405 04 47

Fax: +46 8 20 02 26

## 5. CONTROLLED DELIVERIES

### 5.1 List of services authorised to decide on or carry out controlled deliveries

The Swedish Customs: To decide on: Head of Operational matters and duty officers  
To carry out: Especially designated officers within Customs Law  
Enforcement

The Swedish Police

The Prosecutors Office

### 5.2 Requirements for information to be included in the request

The case must relate to serious crime against the Acts on Narcotic Drugs or Smuggling of goods; the place and time of entrance into the country must be known and specified; the purpose of the operation must be absolutely clear and specified; the means of transport ,the name of the driver and the receiver of the illegal goods, if known, must be identified; responsible operational officer in charge at the customs and/or the police as well as the contact officers must be specified by their names; the nature of and the quantity of the illegal goods, e.g. type of narcotic drug must be specified;

### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required :

YES

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required :

YES

#### 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible. The report shall be sent to

*Swedish Customs*

*International Mutual Assistance Office*

#### 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

YES

*Authority to which the report should be made:*

Swedish Customs

International Mutual Assistance Office

PO Box 12854

SE-112 98 Stockholm

Sweden

Tel.: +46 8 405 04 47

Fax: +46 8 20 02 26

**5.7 Seizure and legal proceedings**

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required :

YES

**6. COVERT INVESTIGATIONS**

Member State has made a declaration on the application of covert investigations:

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.1 Restrictions on the possibility of using covert investigations**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.2 List of services authorised to decide on or carry out covert investigations**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.3 Service weapons**

|                                       |
|---------------------------------------|
| Covert investigations are not allowed |
|---------------------------------------|

**6.4 General conditions**

|  |
|--|
| <i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i><br>Covert investigations are not allowed |
|--|

**6.5 Requirement to report back**

Requirement to report back after completion of a covert investigation :

|   |   |
|---|---|
| Y | N |
|---|---|

|   |
|---|
| <i>Authority to which the reports should be made:</i> Covert investigations are not allowed |
|---|

## 7. JOINT SPECIAL INVESTIGATION TEAMS

### 7.1 List of services authorised to decide on or participate in joint special investigation teams

|  |
|--|
| The Swedish Customs, the Swedish Police and the Prosecutors Office |
|--|

### 7.2 General conditions

|  |
|--|
| <p>The Swedish Act (2000:1219) on international customs co-operation regulates all international activities performed by the Swedish Customs.</p> <p>In case of an ongoing preliminary investigation in Sweden the decision is made by the public prosecutor or the Customs authority. In other cases the decision is made by the Customs authority, the National Board of Police or the General Prosecutors Office.</p> |
|--|

### 7.3 Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

|  |
|--|
| <p><i>Authority to which the report should be made :</i></p> <p>Swedish Customs<br/>         International Mutual Assistance Office<br/>         PO Box 12854<br/>         SE-112 98 Stockholm<br/>         Sweden<br/>         Tel.: +46 8 405 04 47<br/>         Fax: +46 8 20 02 26</p> |
|--|

**UNITED KINGDOM**

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
4. [CROSS-BORDER SURVEILLANCE](#)
5. [CONTROLLED DELIVERIES](#)
6. [COVERT INVESTIGATIONS](#)
7. [JOINT SPECIAL INVESTIGATION TEAMS](#)

**1. CENTRAL COORDINATING UNIT**

**Contact details of the central coordinating units and languages accepted for making requests for assistance**

- contact details of the central unit:

|   |
|---|
| International Mutual Assistance Team<br>1 <sup>st</sup> Floor Annexe<br>Custom House<br>20 Lower Thames Street<br>London<br>EC3R 6EE<br>Telephone: 00 44 870 785 2623<br>Fax: 00 44 870 785 3029<br>Email: <a href="mailto:imat@hmce.gsi.gov.uk">imat@hmce.gsi.gov.uk</a> . |
|---|

- languages accepted for making requests for assistance:

|         |
|---------|
| English |
|---------|

- acceptance of electronic communication of assistance requests:

|     |
|-----|
| Yes |
|-----|

**2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES**

- form of cooperation:

|   |
|---|
| Central Contact point to identify relevant Duty Investigation officer. Responses will be from the Duty Investigation Officer. |
|---|

- emergency cases only:

|     |
|-----|
| Yes |
|-----|

- contact details of the customs units:

|  |
|--|
| National Co-ordination Unit<br>Telephone: 00 44 208 929 0155<br>Fax: 00 44 1702 294 006<br>Email: <a href="mailto:ncu@hmce.gsi.gov.uk">ncu@hmce.gsi.gov.uk</a> |
|--|

### 3. **HOT PURSUIT**

MS has made a declaration on the application of hot pursuit:

|   |
|---|
| Not Applicable - the UK does not participate in these arrangements. |
|---|

#### 3.1 **Restrictions on the right of hot pursuit**

- Infringements listed in article 19(2)(a) to (c) that may give grounds for extradition

|   |  |
|---|--|
| All infringements without exception   |  |
| All infringements with the exception of infringements relating to trafficking in: |  |

- Restriction on the right of hot pursuit on the MS territory

|                        |  |
|------------------------|--|
| No restrictions        |  |
| Restricted as follows: |  |

- Pursuing officers have the right to apprehend:

|   |   |
|---|---|
| Y | N |
|---|---|

- List of officers authorised to exercise the right of pursuit:

|                |  |
|----------------|--|
| Officers from: |  |
|----------------|--|

- Definitions

|   |
|---|
| Private home, places accessible to the public, places not accessible to the public: |
|---|

|                 |      |
|-----------------|------|
| Service weapons |      |
| Allowed arms:   | use: |

|                          |
|--------------------------|
| Legitimate self-defence: |
|--------------------------|

|   |
|---|
| The status of customs vehicles as regards the highway code: |
|---|

- As from crossing the border, limitation in time or space to carry out the pursuit:

|       |
|-------|
| Time: |
|-------|

|    |
|----|
| No |
|----|

|      |
|------|
| Yes: |
|------|

|        |
|--------|
| Space: |
|--------|

|    |
|----|
| No |
|----|

|      |
|------|
| Yes: |
|------|

- Contact point(s) to be informed at the latest when the border is crossed:

|  |
|--|
|  |
|--|

### 3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit:

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| Authority to which the reports should be made: |
|--|

## 4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

|   |
|---|
| Requests for crossborder surveillance are dealt with by the Sirene Bureau at the National Criminal Intelligence Service – please refer to the Schengen Handbook. Note. Naples II is still a working agreement and cross border surveillance may still be carried out under this on a customs to customs basis and not necessarily under Article 40 of Schengen. |
|---|

### 4.1 List of Member State's officers authorised to exercise the right of cross-border surveillance

|  |
|--|
|  |
|--|

### 4.2 Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

|  |
|--|
|  |
|--|

### 4.3 Special restrictions on the right of surveillance in Member State

|  |
|--|
|  |
|--|

#### 4.4 Definitions

##### ➤ Definitions

|   |
|---|
| Private home, places accessible to the public, places not accessible to the public: |
|---|

|                 |
|-----------------|
| Service weapons |
|-----------------|

|               |
|---------------|
| Allowed arms: |
|---------------|

|      |
|------|
| Use: |
|------|

|                          |
|--------------------------|
| Legitimate self-defence: |
|--------------------------|

#### 4.5 Requirement to report back

Requirement to report back after completion of a cross-border surveillance:

|   |   |
|---|---|
| Y | N |
|---|---|

|  |
|--|
| Authority to which the reports should be made: |
|--|

### 5. CONTROLLED DELIVERIES

#### 5.1 List of officers authorised to decide on or carry out controlled deliveries

|  |
|--|
| Any request for a Controlled Delivery will be considered by the appropriate Investigation Regional Manager. It should currently be submitted through the Central Point of Contact see above. |
|--|

#### 5.2 Requirements for information to be included in the request

|   |
|---|
| Individual circumstances will determine the exact requirements, a comprehensive background detailing the commodity, quantity and destination will be a minimal requirement. |
|---|

#### 5.3 Consent from other transit States

Requirement for a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|

#### 5.4 Requirement for a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required:

|     |
|-----|
| Yes |
|-----|



### 5.5 Service weapons

*Member State imposes the following conditions on the use of service weapons:*

UK legislation does not permit the carrying of service weapons.

### 5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

### 5.7 Seizure and legal proceedings

Requirement for a guarantee concerning the final seizure of the consignment and that legal proceedings are taken against the perpetrators.

The abovementioned guarantee is required:

☐ Y ☐ N

## 6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

N/A

### 6.1 Restrictions on the possibility of using covert investigations

Must be legally authorised to the standard of Police Act Part III and or RIPA 2000., further information may be available dependant on the individual requests. A minimum of 16 working hours notice are required for prior approval.

### 6.2 List of officers authorised to decide on or carry out covert investigations

N/A

### 6.3 Service weapons

N/A

### 6.4 General conditions

*General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:*  
As per UK departmental procedures, information available on receipt of request..

## 6.5 Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

*Authority to which the reports should be made:*

As above contact points.

## 7. JOINT SPECIAL INVESTIGATION TEAMS

7.1 List of officers authorised to decide on or participate in joint special investigation teams

Any request for a Joint Investigation will be considered by the appropriate Investigation Regional Manager. It should currently be submitted through the Central Point of Contact see above.

## 7.2 General conditions

General conditions or provisions to organize or take part in a joint special investigation team:

- The composition of the team shall be set out in the agreement.
- The leader of the team shall be a representative of the competent authority participating in criminal investigations from the Member State in which the team operates. The leader of the team shall act within the limits of his or her competence under national law,
- The team shall carry out its operations in accordance with the law of the Member State in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team, and
- The Member State in which the team operates shall make the necessary organisational arrangements for it to do so.

## 7.3 Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

*Authority to which the report should be made:*

One authorising the request in the requested member state