



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 May 2007

**8253/1/07
REV 1**

ENFOCUSTOM 39

NOTE

from:	Presidency
to:	Customs Cooperation Working Party

No prev. docs:	15142/06 ENFOCUSTOM 82 11390/1/05 REV 1 ENFOCUSTOM 36 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 between customs administrations (OJ C 24 of 23.1.1998, p. 1) – Part II: National fact sheets
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The current document contains the revised Part II of the Handbook for the Naples II Convention. Compared to the previous version (8253/07 ENFOCUSTOM 39), it includes amendments sent in by BU, DK, DE, IE, LV, LT, HU, AT, SK and FI.

Changes to this handbook should be sent to ccwp@consilium.europa.eu.

Part I, containing the General Provisions, is set out in document 13615/05 ENFOCUSTOM 61.
Part III, containing the Annexes, is set out in 13615/05 ENFOCUSTOM 61 ADD 1.

NATIONAL FACT SHEETS

Belgium	
Bulgaria	
Czech Republic	
Denmark	
Germany	
Estonia	
Greece	not applicable
Spain	
France	
Ireland	
Italy	not applicable
Cyprus	
Latvia	not applicable
Lithuania	
Luxembourg	
Hungary	
Malta	not applicable
The Netherlands	
Austria	
Poland	
Portugal	
Romania	
Slovenia	
Slovakia	
Finland	
Sweden	
United Kingdom	

BELGIUM

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
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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 NOD/DNR North Galaxy, Koning Albert II-laan/Bd Roi Albert II 33 Postbus/boîte postale 385 1000 Brussels nat.opsp.dir.da.brussel@minfin.fed.be Phone. 322336 55 66 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:

Customs and excise investigation inspectorates/divisions – 2000 Antwerpen, Kattendijkdok-Oostkaai 22, Phone. 3232-292.222, fax -335.721 = mineral oils: Phone -292.222, fax -292.048 – 6700 Arlon, Centre admin.de l'Etat, pl. des Fusillés, Phone. 3263220-432, fax -007 – 8000 Brugge (responsible for the ports of Zeebrugge, Ostend and Nieuwpoort), Sint-Pieterskaai 72, Phone 325044-1980, fax -7188 – 1000 Brussels, bd du Régent 36, Phone. 322.233.76-11, fax -53 (Airport Zaventem (Groupe Anti-Drogues, GAD), 1931 Brucargo, Gebouw 706, Phone. 32275-34860, fax 15399) – 3600 Genk, Dieplaan 12, Phone. 328.936-1111, fax -6218 – 9000 Gent, Rooigemlaan 313, Phone. 3292-168.080, fax -273.790 – 8500 Kortrijk, Dam 1, Phone. 32562-45511, fax -59705 – 4000 Liège, Rue Rennequin Sualem 28-30, Phone. 3242-520.156, fax -525.556 = mineral oils: Phone. -520.156, fax -295.265; Airport Bierset (Groupe Anti-Drogues) – 4460 Grâce-Hollogne, Aéroport de Bierset, Bâtiment 56, rue de l'aéroport, Phone 3242 358 940 à 944, fax 358 945 – 7000 Mons, Centre admin. de l'Etat, Ch. de l'Inquiétude, Phone. 32653-41211, fax -56274

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 Article 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>	The right of pursuit on Belgian territory is restricted, it is subject to the principle of reciprocity: – <u>FR, DE, LU, NL and SE</u>: The right is exercised without any restrict. in terms of space or time – <u>PT</u>: Pursuit is limited to a range of 50 km from the border and a duration of 2 hours – <u>AT, DK, FI, IT, ES</u>: Detailed declarations awaited – <u>GR, IE, UK</u>: No right of pursuit on the territory of Belgium.

➤ 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>	
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➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i> 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 Article 10 of the constitution and sanctioned by Article 148 Penal Code.
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<i>Service weapons</i>	
<i>Allowed arms:</i> 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	<i>use:</i> 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.

Legitimate self-defence:

1. Legitimate self-defence under ordinary law is defined in Article 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 (Article 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 (Article 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 Phone. 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 Article 10 of the constitution and sanctioned by Article 148 Penal Code.

<i>Service weapons</i>	
<i>Allowed arms:</i> 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	<i>use:</i> 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.

<i>Legitimate self-defence:</i> 1. Legitimate self-defence under ordinary law is defined in Articles 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) <u>in the event of an attack on persons (Article 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 (b) <u>in the event of an attack on property (Article 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. 2. Under special customs law (a) <u>within a range of 10 km along land and sea borders</u> – 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) <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.
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4.5. Requirement to report back

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

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 regarding information to be included in the request

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5.3. Consent from other transit States

Requirement to provide 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 to give 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:

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:

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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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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

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6.3. Service weapons

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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:

N/A

<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

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7.2. General conditions

<i>General conditions or provisions regarding the organisation of or participation in a joint special investigation team:</i>

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>
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BULGARIA

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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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:

Customs Intelligence and Investigation Directorate
 Central Customs Directorate
 National Customs Agency
 47 G.S.Rakovski st.
 1202 Sofia
 e-mail :Roumen.Danev@customs.bg
 Phone: +359 2 9859 4241
 Fax: +359 2 9859 4081

- languages accepted for making requests for assistance:

Bulgarian, English, French and German

- 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:

No other units have been authorised

- 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:

Yes. The Republic of Bulgaria declares that it is not bound by the provisions of Article 20.
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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>	
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<i>All infringements with the exception of infringements relating to trafficking in:</i>	
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- Restriction on the right of hot pursuit on the MS territory

<i>No restrictions</i>	
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<i>Restricted as follows:</i>	
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- Pursuing officers have the right to apprehend:

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

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

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<i>Service weapons use:</i>

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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:

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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:

Yes. The Republic of Bulgaria declares that it is not bound by the provisions of Article 21.

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

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

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4.3. Special restrictions on the right of surveillance in MS

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4.4. Definitions

➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i>
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<i>Service weapons</i>

<i>Allowed arms:</i>	<i>use:</i>
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4.5. Requirement to report back

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

N/A

Authority to which the reports should be made:
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5. CONTROLLED DELIVERIES**5.1. List of officers authorised to decide on or carry out controlled deliveries**

To decide: Supreme Cassation Prosecutors' Office
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To carry out: National Customs Agency and Organised Crime Directorate at the National Police Service
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The Central Coordinating Unit (CCU) within the National Customs Agency will ensure that the request is forwarded to the relevant authorities.

CCU: Customs Intelligence and Investigation Directorate

Central Customs Directorate

National Customs Agency

47 G.S.Rakovski st.

1202 Sofia

E-mail : Roumen.Danev@customs.bg

Phone: +359 2 9859 4241

Fax: +359 2 9859 4081

In urgent cases: mobile: +359 888 226366 (drugs, precursors and arms)
+359 887 370768 (other goods)

5.2. Requirements regarding information to be included in the request

Official written request of the initiating country has to be sent to the National Customs Agency containing detailed description of the case facts:

- | |
|--|
| <ul style="list-style-type: none"> - reason for the operation; - kind and amount of goods to be the subject of the operation (A CD is only possible if there |
|--|

is an offence with a threat of punishment of more than five years of imprisonment, for example: drugs, precursors, arms, counterfeit means of payment, etc.)

- expected timing and route
- type and characteristics of the means of transport;
- identity of the suspects,
- competent authority and contact persons responsible for the implementation of the operation;
- information on technical means used in the operation

The decision to carry out a controlled delivery is taken by Supreme Cassation Prosecutors' Office of the Republic of Bulgaria. The CD is implemented jointly by the competent Customs and Police authorities.

If Bulgaria is the final destination of a CD, total substitution of the goods is not allowed but there is a legal provision for partial substitution. If the CD starts in Bulgaria total or partial substitution of the goods is not allowed. In case of transit total substitution of the goods is allowed.

Foreign law enforcement officers are allowed to participate as observers during a CD.

The deployment of foreign confidential informants and undercover agents is permissible. They are allowed to use false identities.

Foreign technical support is allowed subject to certain pre-conditions.

Information obtained by technical support may be used as evidence in court proceedings as long it follows the provisions of the Bulgarian Penal Procedure Code.

5.3. Consent from other transit States

Requirement to provide 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 to give 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:

Bulgarian Customs and Police authorities are allowed to use service weapons according to the general provisions of the Customs Act and the Ministry of the Interior Act.

The Customs and Police officials could use service weapons only in cases of inevitable defence or in a situation of emergency. The legal definitions of the above terms are given in the Penal Code as follows:

Art. 12 (1) *inevitable defence* - defence against immediate unlawful attack on state or public

interests, on the person or the rights of the person defending himself or of another person, by inflicting harm on the attacker within the framework of the necessary limits.

Art.13 (1) *situation of emergency* – the person acts in order to save state or public interests, as well as personal or property rights belonging to him or to others, from immediate danger which the acting person could not possibly avert in another way, provided the damages caused by the act are less significant than those averted.

The Customs officials' service weapons are property of the National Customs Agency and are kept on record at the Customs office where the officer serves. These are mainly small firearms, calibre 9x19, 9x18 and 7,65 mm.

Foreign law enforcement officers could carry service weapons under certain pre-conditions.

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes. The feedback report should be submitted at the latest 4 weeks after the end of the operation

Customs Intelligence and Investigation Directorate
Central Customs Directorate
National Customs Agency

The CCU will arrange forwarding the report to the relevant bodies.

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

Yes. The Republic of Bulgaria declares that it is not bound by the provisions of Article 23.

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

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**

In case the investigation concerns an offence of the Customs, currency and excise legislation, where the Customs authorities have legal powers to investigate, the officers from the Customs Intelligence and Investigation Directorate at Central Customs Directorate or the Customs intelligence and investigation structures in the local Customs offices will be authorised to participate. In such cases the Director General of the National Customs Agency is authorised to take decision and issue the relevant order.

In case of criminal investigations, only specially assigned police investigators have legal powers to investigate, after the permission of the competent Prosecutors' office.

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team:

The conditions set out in Art. 24(2) of the Naples II Convention apply.

7.3. Requirement to report back

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

Yes

Customs Intelligence and Investigation Directorate at the National Customs Agency HQ. The CCU will arrange forwarding the report to the relevant authorities when necessary.

CZECH REPUBLIC

1. [CENTRAL COORDINATING UNIT](#)
2. [CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES](#)
3. [HOT PURSUIT](#)
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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

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

- languages accepted for making requests for assistance:

English, German

- acceptance of electronic communication of assistance requests:

No. But it is 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 (Article 20)
 Cross-border surveillance (Article 21)
 Controlled delivery (Article 22)

- emergency cases only:

Yes

- contact details of the customs units:

General Directorate of Customs,
 Section of Investigation and Supervision,

Phone: 00420 261333333
 00420 261333853
 00420 261333854
 Fax: 00420 261333800
 e-mail: operacni@cs.mfcr.cz

3. HOT PURSUIT

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

Re: Article 20(1)

"The Czech Republic states that authorisation 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 cross-border hot pursuit without spatial or time limitations (Article 20(3)(b)) and with the right to arrest persons (Article 20(2)(b)). This authorisation 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 authorised to exercise the right of pursuit:

<i>Officers from:</i>	Officers with special authorisation
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- 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 or other contract or agreement or an agreement establishing the right to use (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; they 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 to 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 being. 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 honour 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 defensive action (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 is judged by other persons evaluating it 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 261333853
 00420 261333854
Fax: 00420 261333800
e-mail: 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

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 authorisation 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 persons pursued are participating in one of the offences set forth in Article 19(2), if the upper limit of the criminal sentence in the requesting state for these offences 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 authorised to exercise the right of cross-border surveillance

General Directorate of Customs Investigation Division Authorities with official authorisation

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

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

Phone.: 00420 261333333 00420 261333853 00420 261333854 Fax: 00420 261333800 e-mail: operacni@cs.mfer.cz
--

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

No special restrictions

The powers to allow cross-border surveillance and carry out tasks related to the surveillance of people and property in the Czech Republic lie with the Regional Prosecutor's Office in Prague according to the § 436, par. 3 of Law No. 141/1961 Coll. (Penal Code).

4.4. Definitions

<i>Private homes, places accessible to the public, places not accessible to the public:</i>

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 or other contract or agreement or an agreement establishing the right to use (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; they 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 to the public.
--

<i>Service weapons</i>	
<i>Allowed arms:</i> small personal firearms	<i>use:</i> 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 being. 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 honour 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 defensive action (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 is judged by other persons evaluating it later.

4.5. Requirement to report back

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

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

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

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

Phone.: 00420 261333333 00420 261333853 00420 261333854 Fax: 00420 261333800 e-mail: operacni@cs.mfcr.cz
--

5.2. Requirements regarding information to be included in the request

- | |
|---|
| <ul style="list-style-type: none"> – name, location and contact of the Judicial Authority that issued the particular permission in the requesting country, – reason for the operation, – information regarding the 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 characteristics of the 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 to provide 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 to give 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

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

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 honour 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 is judged 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

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 authorised 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 § 437, paragraph 2, Law No. 141/1961 Coll. (Code of criminal procedure), a foreign national Police Officer is allowed to act as an agent regarding the § 158e Code of criminal procedure. The permission to this procedure has to be issued by 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.: 00420 261333333

00420 261333853

00420 261333854

Fax: 00420 261333800

e-mail: operacni@cs.mfer.cz

7.2. General conditions

General conditions or provisions regarding the organisation of or participation 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 authorised to conclude an agreement regarding the establishment of joint investigating teams.

7.3. Requirement to report back

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

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

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](#)

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:

Danish Tax and Customs Administration Kontrol Informations Center (KIC) 135-137 Tagensvej Copenhagen DK 2200 N Denmark Phone: +45-72 37 74 00 Fax: +45-72 37 7410 E-mail: KIC@Skat.dk
--

- languages accepted for making requests for assistance:

Danish, English, Swedish

- 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:

None.

- emergency cases only:

None.

- contact details of the customs units:

None.

3. HOT PURSUIT

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

Re: Article 20(8)

"Denmark declares that it accepts the provisions of Article 20, subject to the following conditions: in case of a hot pursuit exercised by the customs authorities of another Member State at sea or through the air, such pursuit may be extended to Danish territory, including Danish territorial waters and the airspace above Danish territory and territorial waters, only if the competent Danish authorities have received prior notice thereof."

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 may give grounds for extradition under Danish law.

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

Restricted as follows:

DE and SE: the right of pursuit is restricted to a range of 25 km from the border.
DE and SE authorities may not apprehend persons on Danish territory.

- Pursuing officers have the right to apprehend:

No.

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

Officers from: None.

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
Danish legislation does not contain any definition of "private home". The concept is defined by case law. The inviolability of private property is ensured by § 72 of the Danish Constitution.

Service weapons

Allowed arms:

During cross-border pursuit German and Swedish police are allowed to carry service weapons.
Danish customs officers are not authorised to carry service weapons.

Use:

German and Swedish police are only allowed to use the weapons in case of self-defence. The use of service weapons is allowed under the national Police Act, section 17, subsection 1, no. 1.

Legitimate self-defence:

The concept of legitimate self-defence is defined in § 13 of the Danish Criminal Code. Under Danish law, for a person to be considered as acting in legitimate self-defence and not criminally liable, the response must be necessary in order to resist or avert an actual threat. The response must not manifestly exceed what is necessary with regard to the danger inherent in the attack, the aggressor and the importance of the interests endangered by the attack.

The status of customs vehicles as regards the highway code:

No special status.

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

Time: No limitations in time.

Space: Yes, there is a limitation in space of 25 km from the border.

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

On land:

Border between Germany and Denmark:

Syd- og Sønderjyllands Police : Phone: +45 74 52 25 25, extension 2100

Border between Sweden and Denmark :

Københavns Police : Phone: +45 33 14 14 48, extension 2130

At sea or in the air:

Rigpolitiet, Politiafdelingen, NEC

Kommunikationscentret

Phone: +45-33 14 88 88, extension 6402

Phone: +45 33 24 71

E-mail: Interpol@interpol.dk

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:

Border between Germany and Denmark:

Syd- og Sønderjyllands Police : Phone: +45 74 52 25 25, extension 2100.

Furthermore there is a direct telephone line between the German police at the Bürogemeinschaft in Padborg, Germany and the police department in the Danish border towns of Gråsten and Tønder : +45 73 67 14 48.

In the case of cross-border activities between Sweden and Denmark, the police in Copenhagen should be contacted: Københavns Politi, Radiotjenesten, phone +45 33 14 14 48, extension 2130. There is a direct telephone line between the Swedish police in Malmö and the police in Copenhagen.

4. CROSS-BORDER SURVEILLANCE

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

Re: Article 21(5)

"Denmark declares that it accepts the provisions of Article 21, subject to the following conditions:

Cross-border surveillance without prior authorisation may be carried out only in accordance with Article 21(2) and (3) if there are serious grounds for believing that the persons under observation are involved in one of the infringements referred to in Article 19(2) which may give grounds for extradition."

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

Such a list does not exist.

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

Rigspolitiet, Politiafdelingen, NEC

Kommunikationscenteret

Phone: +45 3314 88 88, extension 6402

Phone: +45 33 32 27 71

Mail: Interpol@interpol.dk

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

The right of surveillance without prior authorisation may not be exercised unless there are substantial grounds for believing that the person under surveillance is involved in one of the infringements referred to in Article 19(2) which may give grounds for extradition in accordance with Denmark's declaration under Article 21(5)

4.4. Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
Danish legislation does not contain any definition of "private home". The concept is defined by case law. The inviolability of private property is ensured by § 72 of the Danish constitution.

<i>Service weapons</i>	
<i>Allowed arms:</i> During cross-border observation in Denmark foreign police are allowed to carry service weapons. Danish customs officers are not authorised to carry service weapons.	<i>use:</i> Foreign police are allowed to use weapons in self-defence. The use of service weapons is allowed under the national Police Act, section 17, subsection 1, no. 1.

Legitimate self-defence:
The concept of legitimate self-defence is defined in § 13 of the Danish Criminal Code. Under Danish law, for a person to be considered as acting in legitimate self-defence and not criminally liable, the response must be necessary in order to resist or avert an actual threat. The response must not manifestly exceed what is necessary with regard to the danger inherent in the attack, the aggressor and the importance of the interests endangered by the attack.

4.5. Requirement to report back

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

Yes.

Authority to which the reports should be made:

Rigspolitiet, Politiafdelingen, NEC
Kommunikationscenteret
Phone: +45 3314 88 88, extension 6402
Phone: +45 33 32 27 71
Mail: Interpol@interpol.dk

5. CONTROLLED DELIVERIES

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

to decide: Danish Central Tax and Customs Administration
 to decide: Commissioner of the Danish Police
 to carry out: Tax and Customs
 to carry out: Police

5.2. Requirements regarding information to be included in the request

The request must include all available information such as type of commodity, means of transport, as many details as possible about the person(s) who is/are the subject of a controlled delivery, exact routing of the means of transport, including expected border crossing points in and out of Denmark, etc.

5.3. Consent from other transit States

Requirement to provide 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 to give 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:

Danish customs officers are not authorised to carry 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:

Rigspolitiet, Politiafdelingen, NEC

Kommunikationscenteret

Phone: +45 3314 88 88, extension 6402

Phone: +45 33 32 27 71

Mail: Interpol@interpol.dk

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Yes.

6. COVERT INVESTIGATIONS

MS 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:

Covert investigations are not allowed.

Authority to which the reports should be made: 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

The Danish Central Tax and Customs Administration The Commissioner of the Danish Police
--

7.2. General conditions

<i>General conditions or provisions regarding the organisation of or participation in a joint special investigation team:</i>

The Danish Customs Act allows the Danish customs and tax authorities to organise or take part in a joint special investigation team.

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 joint special investigation

Yes.

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

The Danish Central Tax and Customs Administration

The Commissioner of the Danish Police

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)
 Referat III 1
 Bergisch-Gladbacher-Strasse 837
 D-51069 Köln
 Phone: ++49.221.672-4818
 Fax: ++49.221.672-4852
 AFIS DEZKAAM
 amts-und-rechtshilfe@zollkriminalamt.de

At weekends and after working hours:

Phone: ++49.221.672-0
 Fax: ++49.221.672-4500
zlid@zollkriminalamt.de

- 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

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

All infringements with the exception of infringements related to trafficking in:

For incoming requests

All infringements except:

- infringements of a clearly technical nature
- clearly minor offences
- those relating to dangerous and toxic waste: the act is not punishable unless the its outcome is capable of endangering human beings and the environment (§ 326 Criminal Code – *Strafgesetzbuch*)

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

<i>No restrictions</i>	
<i>Restricted as follows:</i>	The competent officers of the Member States have the right of pursuit on the territory of the Federal Republic of Germany without limit in space or time (Article 20(3)(b)) and with the right to apprehend (Article 20(2)). Officers of Member States which have excluded the applicability of this Article pursuant to paragraph 8 do not have such a right.

➤ Pursuing officers have the right to apprehend:

Yes

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

<i>Officers from:</i>	the Zollfahndungsdienst (Customs Investigation Service), – the Grenzaufwachtdienst (Border Surveillance Service), – the Wasserzollendienst (Maritime and Waterways Customs Service), – the Mobile Kontrollgruppe (Mobile Inspection Squads), – and Regional (<i>Land</i>) and Federal police officers insofar as they have jurisdiction under national law (Article 4(7) of Naples II).
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➤ Definitions

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

<i>Service weapons:</i> Pursuing officers may carry their service weapons	
<i>Allowed arms:</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).	<i>Use:</i> 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 imminent unlawful attack (Article 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. Article 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 alert road-users to 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)(1a) StVO, § 70 (4) StVZO (Road Traffic Regulations), to foreign customs officers who are entitled to carry out hot pursuit on the basis of agreements under international 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.*

Space: *See 3.*

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

Zollkriminalamt (ZKA)
Referat I 1
Bergisch Gladbacher Strasse 837
D-51069 Köln
Phone: +49.221.672-0
Fax: +49.221.672-4500
zlid@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: See No. 3.1

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 investigation officers, officials of the Customs Investigation 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 (Article 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: See No. 3.1

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.

<i>Service weapons:</i> Pursuing officers may carry their service weapons	
<i>Allowed arms:</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).	<i>Use:</i> 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 imminent unlawful attack (Article 32(2) Penal Code – *Strafgesetzbuch*).

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made: See No. 3.1

5. CONTROLLED DELIVERIES

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

Zollkriminalamt: See No. 3.1

5.2 Requirements regarding 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 Article 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 handover 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 (Article 21 Naples II).

5.3. Consent from other transit States

Requirement to provide 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 to give 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

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

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 (Article 21, Naples II)
--

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

- | |
|--|
| <p>(a) Requirement to report back after completion of a controlled delivery
 <u>Requests made to Germany by other Member States (incoming controlled deliveries):</u>
 Yes.
 <u>Requests made by Germany to other Member States (outgoing controlled deliveries):</u>
 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>(b) Authority to which the reports should be made
 <u>Requests made to Germany by other Member States (incoming controlled deliveries):</u>
 The report is forwarded to the <i>Zollkriminalamt</i> as the coordinating unit (Article 5, Naples II).
 <u>Requests made by Germany to other Member States (outgoing controlled deliveries):</u>
 The report is forwarded to the <i>Zollkriminalamt</i> as the coordinating unit (Article 5, Naples II).</p> |
|--|

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 Article 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

Under German law, covert investigators may be deployed only in cases of:

- serious crimes ("listed crimes")
- and if it would be impossible or significantly more difficult to solve the case by other methods.

The Public Prosecutor's approval is required.

Since covert investigation infringes fundamental rights, its use must be decided by a judge where:

- the target is a specific suspect;
- the covert investigator enters a private home which is not accessible to the public.

Covert investigators may enter a private home under their assumed identity with the agreement of the owner or occupier. Entry to a private home that is not accessible to the public must be notified to its owner or occupier as soon as this can be done without jeopardising the purpose of the investigation, the physical safety of the investigator, or the latter's further covert deployment.

The safety of the officials involved must be taken into account when deploying covert investigators.

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

- | |
|---|
| <p>(a) to decide on: see 6.1</p> <p>(b) to carry out: officials of the Customs Investigation Service (<i>Zollfahndungsdienst</i>); Officials of other competent investigation departments operating on behalf of Customs Investigation Service officials.</p> |
|---|

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 strictly limited to self-defence situations, i.e. they may not be used for law enforcement purposes

6.4. General conditions

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

The use of covert investigations. Is governed by paragraph 110a and b of the Code of Criminal Procedure:

- | |
|---|
| <ul style="list-style-type: none"> ➤ see answer 6.1. ➤ Only Customs Investigation Service (<i>Zollfahndungsdienst</i>) officials and police officers may operate as covert investigators. ➤ 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

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

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: see under No. 1 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

The *Zollkriminalamt* (the Central Coordinating Unit under Article 5) decides on whether to set up or participate in a joint special investigation team. When doing so, it must comply with the Public Prosecutor's instructions.

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team:

The specific arrangements are decided on the basis of the requirements of each case; the necessary flexibility must be maintained.

7.3. Requirement to report back

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

Yes

Only in cases where it is actually required.

Authority to which the report should be made
Zollkriminalamt: see No. 1

ESTONIA

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:

Tax and Customs Board Investigation Department Address: Narva road 9J 15176 Tallinn ESTONIA Phone: +372 6835 999 Fax: +372 6835 911 E-mail: Uurimine@emta.ee
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- languages accepted for making requests for assistance:

English, Finnish, Russian

- acceptance of electronic communication of assistance requests:

YES

Remark: Electronic communication of assistance requests must be followed by an 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:

☐	☐
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- 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 grounds for extradition according to the laws of the Republic of Estonia.	
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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 the crossing of the border is not restricted in time or space.	
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Restricted as follows:	
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- Pursuing officers have the right to apprehend:

NO

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

<i>Officers from:</i>	The 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 Prisons, Tax and Customs Board. The central management unit is the Investigation Department of the Tax and Customs Board.
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public</i>
Estonian legislation does not use the definition "private home". A "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.

<i>Service weapons:</i> Pursuing officers may carry service weapons in conformity with the principles of reciprocity. The Ministry of Internal Affairs shall issue a licence against the respective application.	
Allowed arms: Not answered by MS	use: Not answered by MS

<i>Legitimate self-defence:</i>	The definition of legitimate self-defence according to Estonian laws is the following: an act is not unlawful if a person combats a direct or immediate unlawful attack against that person's legal rights of those 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 harm to the attacker.
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<i>The status of customs vehicles as regards the highway code:</i>	Customs vehicles registered as surveillance vehicles have the right not to follow the highway code in cases provided for 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.
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- As from crossing the border, limitation in time or space to carry out the pursuit:

Time:	No
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Space:	No
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- Contact point(s) to be informed at the latest when the border is crossed:

<i>As above</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 the Estonian Tax and Customs Board.

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

The 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 the 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". A "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. The 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: The definition of legitimate self-defence according to Estonian law is the following: an act is not unlawful if a person combats a direct or immediate unlawful attack against that person's legal rights of or those 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 harm to the attacker.

4.5. Requirement to report back

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

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 the Tax and Customs Board, 9j Narva Str, 15176 Tallinn, Estonia

5.2. Requirements regarding information to be included in the request

YES

5.3. Consent from other transit States

Requirement to provide 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 to give 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 basis 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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 on 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 on 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 on the territory of the Republic of Estonia

6.3. Service weapons

Covert investigators of the other Member States are not allowed on 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 on 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
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Authority to which the reports should be made:
Covert investigators of the other Member States are not allowed on 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 are established by the Public Prosecutor's Office or District Prosecutor's Office on the basis of the application received. All the competent investigation agencies are empowered to participate in the work of the team. The Prosecutor is the team leader.

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team: Not answered by MS

7.3. Requirement to report back

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

YES

Authority to which the report should be made:
Investigation Department of the 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 offence
- *time of conducting the operation
- *persons involved

GREECE

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:

33rd Division of Customs Law Enforcement,
10 Karageorgi Servias,
10184 Athens,
rilod33b@otenet.gr
Phone 301-7259.324, -7222.828, Fax -322.5192

- languages accepted for making requests for assistance:

Greek, English, 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:

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>
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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 operation:

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 National Law 2331/1995, Article 15 is authorised to decide on or carry out controlled deliveries after approval by the competent Public Prosecutor in charge.

5.2. Requirements regarding information to be included in the request

N/A

5.3. Consent from other transit States

Requirement to provide 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 to give 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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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> 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> 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>
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N/A

SPAIN

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:

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

[Customs and Excise Department, Customs Surveillance Directorate, Operations Unit]

- languages accepted for making requests for assistance:

English, French, 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:

Cross-border cooperation

- emergency cases only:

Yes

- 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:

Yes: to apprehend/limits/weapons

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 of Customs Surveillance [<i>Vigilancia Aduanera</i>] of the Customs and Excise Department, and officers from the State Security Forces and Corps
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➤ Definitions

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

Private home: for natural persons, the Civil Code establishes that a private home is the habitual place, i.e. any enclosed space, in which a person's private life and family life are carried on, whether as a permanent or temporary residence. For legal entities, it is the place where their legal representation is based or where their principal activity is conducted. According to the Criminal Indictment Law, the following places are considered private homes: Royal Palaces, buildings, or any closed place, or any part thereof intended to accommodate any Spanish citizen or Spanish resident and their family, and national merchant vessels.

Places accessible to the public: buildings or closed places intended for use by official State, Regional or Municipal services, whether civil or military, even if the building's service, maintenance or security staff live there; buildings intended for meetings or for leisure purposes, legal or not; any other building or closed place which is not a natural person's home, as defined above, and State vessels.

<i>Service weapons</i>	
<i>Allowed arms:</i> Pursuing officers in Spanish territory can carry their service small arms. Patrol vessels can carry their habitual service armament	<i>use:</i> Legitimate self-defence only

<i>Legitimate self-defence:</i> Under the Spanish Penal Code three conditions must be fulfilled in order for the action of defending the person or personal rights to qualify as self-defence	
– there must be illegitimate assault. In the case of the defence of property, an attack on property constituting an offence or an infringement, which places the property at serious, imminent risk of damage or loss, is considered illegitimate assault. In the case of the defence of a private home, unauthorised entry is considered illegitimate assault; – the means used to avoid or repel the assault must be reasonably necessary; – lack of provocation by the self-defender	

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: on land: 2 hours; at sea: 5 hours

Space:
No
Yes: on land: 50 km; at sea: no limits

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

The 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: the Central Coordinating Unit

4. CROSS-BORDER SURVEILLANCE

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

YES

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

Officers of Customs Surveillance [*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

Departamento de Aduanas e Impuestos Especiales,
Dirección Adjunta de Vigilancia Aduanera,
Subdirección General de Operaciones,
Av. Llano Castellano 17, 28071 Madrid
phone (24h): 3491-728. 9830
fax -358.3417

[Customs and Excise Department, Customs Surveillance Directorate, Operations Unit]

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> Private home: for natural persons, the Civil Code establishes that a private home is the habitual place (i.e. any enclosed space) in which a person's private life and family life are carried on, whether as a permanent or temporal residence. For legal entities, it is the place where their legal representation is based or where their principal activity is conducted. According to the Criminal Indictment Law, the following places are considered private homes: Royal Palaces, buildings or any closed place, or any part thereof intended to accommodate any Spanish citizen or Spanish resident and their family, and national merchant vessels. Places accessible to the public: buildings or closed places intended for use by official State, Regional or Municipal services, whether civil or military, even if the building's service, maintenance or security staff live there; buildings intended for meetings or for leisure purposes, legal or not, any other building or closed place which is not a natural person's home, as referred to above, and State vessels.
--

<i>Service weapons</i>	
<i>Allowed arms:</i> Pursuing officers in Spanish territory can carry their service small arms. Patrol vessels can carry their habitual service armament	<i>use:</i> Legitimate self-defence only

<i>Legitimate self-defence:</i> Under the Spanish Penal Code three conditions must be fulfilled in order for the action of defending the person or personal rights to qualify as self defence: – there must be illegitimate assault. In the case of the defence of property, an attack on property constituting an offence or an infringement, which places the property at serious, imminent risk of damage or loss, is considered illegitimate assault. In the case of the defence of a private home, unauthorised entry is considered illegitimate assault; – the means used to avoid or repel the assault must be reasonably necessary; – lack of provocation by the self-defender
--

4.5. Requirement to report back

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

Yes
<i>Authority to which the reports 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, phone 3491-7289.830(24h) fax -3583.417 [Customs and Excise Department, Customs Surveillance Directorate, Operations Unit]

5. CONTROLLED DELIVERIES

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

Officers of Customs Surveillance [Vigilancia Aduanera] of the Customs and Excise Department and from the State Security Forces and Corps
--

5.2. Requirements regarding information to be included in the request

N/A

5.3. Consent from other transit States

Requirement to provide 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 to give 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:
--

Officers in Spanish territory can carry their service small arms. Use in legitimate self-defence only

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>
--

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

[Customs and Excise Department, Customs Surveillance Directorate, Operations Unit]
--

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

NO

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 Customs Surveillance [<i>Vigilancia Aduanera</i>] 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: Central Coordinating Unit

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

Officers of Customs Surveillance [<i>Vigilancia Aduanera</i>] of the Customs and Excise Department, and officers from the State Security Forces and Corps

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team: N/A

7.2. Requirement to report back

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

Yes

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

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

[Customs and Excise Department, Customs Surveillance Directorate, Operations Unit]
--

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)
 [National Directorate for Customs Intelligence and Investigations]
 Assistance administrative mutuelle internationale
 (AAMI – Mutual administrative assistance unit)
 18-22 rue de Charonne
 F-75011 PARIS
 Phone: 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: drd-dcle-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. No right to apprehend for foreign officers on 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 follows:

- Belgium and Germany: no restrictions
- Luxembourg: within 10 kilometers around the border area
- Spain (no declaration yet) and Italy (not ratified at this stage), conditions have yet to be defined. For the time being 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, including:

- Outdoor bar terraces, directly accessible 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.

The following are excluded from the right of hot pursuit:

- bars;
- night-clubs;
- stores, including those located in public markets, if they can be closed;
- fairs, when organised in enclosed spaces with entrance gates (with or without entrance fees).

Service weapons

<i>Allowed arms:</i> pursuing officers' right to carry their weapons is subject to reciprocity	<i>use:</i> self-defence 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: Luxembourg

- 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
 Phone: 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
 Phone: 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
 Phone: 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
 Phone: 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 above for references)

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

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

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

- outdoor bar terraces, directly accessible 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.

The following are excluded from the right of hot pursuit:

- bars;
- night-clubs;
- stores, including those located in public markets, if they can be closed;
- fairs, when organised in enclosed spaces with entrance gates (with or without entrance fees)

<i>Service weapons</i>

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

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

4.5. Requirement to report back

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

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 that authority's supervision.

5.2. Requirements regarding information to be included in the request

Information required in order 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, phone number, fax number and email address of the person in charge of the investigation and of the operation
- detailed information on the customs, police or any other law enforcement officers involved in the operation
- information on the possible use of specific devices for the operation (tracking systems, etc.)

5.3. Consent from other transit States

Requirement to provide 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 to give 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

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

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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

<i>Covert investigations may be carried out to detect the following customs infringements:</i>

- | |
|---|
| <ul style="list-style-type: none"> – <i>import, export and possession of narcotic drugs;</i> – <i>smuggling of tobacco products, alcohol and spirits;</i> – <i>counterfeiting;</i> – <i>money laundering.</i> |
|---|

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

<i>The DNRED is the national contact point for foreign authorities for the implementation of Article 23. The final decision lies with the judicial authority (see 6.4).</i>
--

<i>French customs officers involved in covert investigations, in France or abroad, are trained and hold a special qualification to carry out such investigations.</i>
--

<i>Specially qualified French customs agents may carry out covert investigations in another Member State, subject to the agreement of that Member State and under the conditions laid down by its national law.</i>
--

6.3. Service weapons

The possession of weapons by foreign covert investigators is only allowable under certain conditions.

6.4. General conditions

The deployment of foreign covert investigators on the territory of the French Republic territory must be agreed in advance by the Minister for Justice acting on a request for mutual assistance in criminal matters.

That agreement may only be given if the the foreign officials belong to a specialised service in their own country and their duties are similar to those of French customs officials specially qualified to carry out covert investigations.

Covert investigations by foreign officials on the territory of the French Republic are led by French customs officials.

The actions that may be carried out by foreign covert investigators on the territory of the French Republic are specified in the French Customs Code.

On a request from French Customs, a customs official from another Member State may be allowed to take part in an undercover operation carried out by French Customs in France provided the agreement of judicial authorities of the MS concerned has been obtained.

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes	☐
-----	--------------------------

Foreign covert investigators must keep French customs officials leading the operation informed of their activities.

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

DNRED officials + possibly other law enforcement agencies

7.2. General conditions

<i>General conditions or provisions regarding the organisation of or participation in a joint special investigation team:</i>

Participation in a JIT in France does not bestow any power on foreign officials. 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 joint special investigation:

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:

1. Drugs & arms trafficking only- Customs Drugs Law Enforcement, Block D, Ashtowngate, Dublin.15 Phone: +353 1 8277512; +353 87 2548201 (24h)
Fax +353 1 8277680
2. Fiscal fraud and infringements other than at 1. – Customs Investigations, 5th floor, Block D, Ashtowngate, Dublin 15. Phone +353 1 8277756; +353 87 2554283 (24h)
Fax +353 1 8277786, e-mail: ceib@revenue.ie.
3. Policy and legislation only – International & Trade Security Branch, Government Offices, Nenagh, Co. Tipperary. Phone +353 67 63180; Fax +353 67 63331

- 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"> 1. Drugs & arms trafficking only- Customs Drugs Law Enforcement, Block D, Ashtowngate, Dublin.15. Phone: +353 1 8277512; +353 87 2548201 (24h)
Fax +353 1 8277680 2. Fiscal fraud and infringements other than at 1. – Customs Investigations, 5th Floor, Block D, Ashtowngate, Dublin 15. Phone. +353 1 8277756; +353 87 2554283 (24h);
Fax +353 1 8277786, e-mail: ceib@revenue.ie |
|--|

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>
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<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 operation:

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"> 1. Drugs & arms trafficking only- Customs Drugs Law Enforcement, Block D, Ashtowngate Dublin.15 Phone: +353 1 8277512; +353 87 2548201 (24h) Fax +353 1 8277680 2. Head of Customs Investigations, 5th Floor, Block D, Ashtowngate, Dublin 15. Phone+353 1 8277756; +353 87 2554283 (24h); Fax+3531 8277786, e-mail: ceib@revenue.ie |
|---|

5.2. Requirements regarding information to be included in the request

All available information should be provided
--

5.3. Consent from other transit States

Requirement to provide 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 to give 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

Authority to which the report should be made:

- | |
|---|
| <ol style="list-style-type: none"> 1. Drugs & arms trafficking only- Head of Customs Drugs Law Enforcement, Block D, Ashtowngate, Dublin.15 Phone: +353 1 8277512; +353 87 2548201 (24h) Fax +353 1 8277680 2. Other goods: Head of Customs Investigations, 5th Floor, Block D, Ashtowngate, Dublin 15. Phone. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786, e-mail: ceib@revenue.ie. |
|---|

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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**

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:

☐ Y ☐ N

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**

1. Investigations involving drugs/arms trafficking: Head of Customs Drugs Law Enforcement, Block D, Ashtowngate, Dublin 15. Phone: +353 1 8277512; +353 87 2548201 (24h)
Fax +353 1 8277680
2. Investigations involving other infringements: Head of Customs Investigations, 5th Floor, Block D, Ashtowngate, Dublin 15. Phone. +353 1 8277756; +353 87 2554283 (24h);
Fax +353 1 8277786, e-mail: ceib@revenue.ie.

7.2. General conditions

General conditions regarding the organisation of or participation in a joint special investigation team:

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 joint special investigation:

Yes

Authority to which the report should be made:

1. Investigations involving drugs/arms trafficking: Head of Customs Drugs Law Enforcement, Block D, Ashtowngate, Dublin 15. Phone: +353 1 8277512; +353 87 2548201 (24h) Fax +353 1 8277680
2. Investigations involving other infringements: Head of Customs Investigations, 5th Floor, Block D, Ashtowngate, Dublin 15. Phone. +353 1 8277756; +353 87 2554283 (24h); Fax +353 1 8277786, e-mail: ceib@revenue.ie.

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
 Phone: 00357 22601738, Fax.: 00357 22302029,
 e-mail: headquarters@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 operation:

N/A

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

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

Only the Director of the Department of Customs & Excise in person can take decisions regarding controlled deliveries. However, national law requires the Director to notify the Chief of the Cyprus Police and to obtain the consent of the Attorney General of the Republic of Cyprus. The Director also designates on a case-by-case basis any officers who will carry out the controlled deliveries
--

5.2. Requirements regarding 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 particulars of the legal or physical person that will be the recipients of the substances or articles in question.
--

5.3. Consent from other transit States

Requirement to provide 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 to give 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>

National Customs legislation does not empower customs officers to carry arms. In order to carry arms in Cyprus a special permit should be obtained from the Chief of the Cyprus Police
--

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>
--

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

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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

<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

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

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
 Corner M. Karaoli & Gr. Afxentiou
 1096 Nicosia
 Phone: 00357 22601738
 Fax: 00357 22302029
 e-mail: nhadjjyanni@customs.mof.gov.

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team:
 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:

Yes

Authority to which the report should be made:
 Department of Customs & Excise
 Corner M. Karaoli & Gr. Afxentiou
 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
Phone (+371)7357282; Fax. (+371)7357222; e-mail: ncp@ccb.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 on 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
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i>	N/A
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<i>Service weapons</i>	
<i>Allowed arms:</i>	N/A
<i>use:</i>	N/A

<i>Legitimate self-defence:</i>	N/A
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<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 on 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 operation:

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**

Office of the Prosecutor General of the Republic of Latvia

5.2. Requirements regarding information to be included in the request

Essential information about the controlled delivery

5.3. Consent from other transit States

Requirement to provide 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 to give 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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 on 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 of the Republic of Latvia
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7.2. General conditions

<i>General conditions or provisions regarding the organisation of or participation in a joint special investigation team:</i> N/A

7.3. Requirement to report back

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

Yes

<i>Authority to which the report should be made:</i> 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](#)
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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:

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

Phone +370 5 261 6960, +370 5 266 6113, +370 5 212 4977

Fax +370 5 262 44 78

E-mail: budetmd@cust.lt

AFIS mail: LTCDVPD

- 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 the 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 the 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

<i>All infringements without exception</i>	To be specified
<i>All infringements with the exception of infringements relating to trafficking in:</i>	To be specified

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

<i>No restrictions</i>	To be specified
<i>Restricted as follows:</i>	To be specified

- Pursuing officers have the right to apprehend:

To be specified

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

<i>Officers from:</i>	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

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

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

<i>Service weapons</i>

Allowed arms: To be specified	use: To be specified
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<i>Legitimate self-defence:</i> <i>To be specified</i>

4.5. Requirement to report back

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

Y	N
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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

General Prosecutors Office of the Republic of Lithuania and regional prosecutors offices.

5.2. Requirements regarding information to be included in the request

- | |
|--|
| 1) Data about applicant authority (institution), name and position of the officer in charge;
2) Data justifying execution of controlled delivery;
3) Data about natural or legal person (-s) suspected in transporting controlled goods;
4) Names of the countries from/to controlled delivery will be executed;
5) Expected period of time of the controlled delivery;
6) Expected result, interim and final objectives and other relevant information of the controlled delivery. |
|--|

5.3. Consent from other transit States

Requirement to provide 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 to give 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
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To be specified

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

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Y	N
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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

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
---	---

To be specified

<i>Authority to which the reports should be made:</i> To be specified

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

Decision on the establishment of Joint investigation team is signed by General prosecutor or his deputy.
--

7.2. General conditions

General conditions or provisions <i>regarding the organisation of or participation</i> in a joint special investigation team:

Joint investigation team can be established if:

- 1) In the Republic of Lithuania is carried pre-trial investigation which is sophisticated, requires lots of efforts and time and which is related to other countries where necessary common coordinated criminal procedure activities have to be performed.
- 2) Several countries are performing investigation of criminal activities that require common coordinated actions and the request for signing agreement establishing joint investigation team is received from these countries or Eurojust or Lithuanian national bureau at Eurojust;
- 3) Group is established in the country where main pre-trial investigation activities are expected to be performed.
- 4) Requests on establishment of joint investigation teams can be refused if there is a reason to believe that activities of such group can involve damage to the state's sovereignty, security, public order, investigation of specific crimes or other vital interests of the state.

7.3. Requirement to report back

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

Y	N
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To be specified

<i>Authority to which the report should be made:</i> To be specified
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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 Centre (NEBEK)
 Address: H-1139 Budapest, Teve u. 4-6.
 Phone: (00-36-1) 443-5596 /7.30 – 4.pm./; (00-36-1) 443-5557, 443-5584 (non-stop)
 Fax: (00-36-1) 443-5815
 E-mail: nebek@orfk.police.hu

- languages accepted for making requests for assistance:

Hungarian, English, 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:

Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG)

- emergency cases only:

YES

- contact details of the customs units:

Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG)
 Address: H-1095 Budapest, Vaskapu u. 9.
 Postal address: H-1450 Budapest, Pf. 109.
 Phone: (00-36-1) 4568-107 or 4568-110
 Fax: (00-36-1) 4568-156
 E-mail: vpop.bunugy@mail.vpop.hu

3. HOT PURSUIT

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

Hot Pursuit is only applicable in compliance with Articles 31-33 of the Hungarian Act LIV of 2002 on the International Cooperation of Enforcement Bodies, which creates the domestic legal framework for international cooperation between enforcement authorities.

Furthermore, pursuant to the “Hungarian” Act LXXXIX of 2006 (ratifying the Naples II Convention), with reference to Hungary’s declaration regarding the application of hot pursuit: during this form of cooperation the member of the foreign customs (enforcement) authority - specified in Section 1 of Article 20 - is only entitled to apprehend (intercept) the person concerned on the territory of Hungary according to Section 2 Point (b) of Article 20 of the Naples II Convention. Any other action (taking into custody) is strictly forbidden.

Regarding Section 3 of Article 20, there are no restrictions neither in space nor in time on the territory of the Hungarian Republic but the principle of reciprocity must be respected.

Regarding Section 4 of Article 20, the detailed provisions of this special form of cooperation (hot pursuit) with other Member States of the European Union should be regulated in bilateral agreements on preventing and tackling cross-border criminality.

Regarding 8 of Article 20, Hungary’s declarations that have been announced on the grounds of Section 6 of Article 20 shall apply to Member States fully or partially not excluding the application of Article 20 of this 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

*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:

There are no restrictions either in space or in time, but the principle of reciprocity 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
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i> Private home: places and other enclosed spaces used for living, working, business and trade Places accessible to the public: all places which may be freely approached by everyone, with the proprietor's expressed or conditional consent, for example a restaurant
--

<i>Service weapons:</i> confined strictly to self-defence	
<i>Allowed arms:</i> revolver, machine pistol	<i>use:</i> revolver, machine pistol

1. <i>LEGITIMATE SELF-DEFENCE:</i> SELF-PROTECTION AND PROTECTION OF OTHER PEOPLE AGAINST ILLEGAL VIOLENCE IN THE NECESSARY MEASURE. To be more specific, according to Act IV of 1978 on the “Hungarian” Criminal Code the provisions on Justified Defense are as follows: <i>Section 29:</i> 2. SUBSECTION (1): NO PUNISHMENT SHALL BE IMPOSED UPON A PERSON FOR ANY ACTION THAT IS NECESSARY TO PREVENT AN UNLAWFUL ATTACK AGAINST HIS PERSON OR HIS PROPERTY OR AGAINST THE PERSON OR PROPERTY OF OTHERS, AGAINST THE PUBLIC INTEREST, OR AN UNLAWFUL ATTACK POSING A DIRECT THREAT IN RESPECT OF THE ABOVE. 3. SUBSECTION (2): ANY PERSON WHO EXCEEDS THE NECESSARY MEASURE OF PREVENTION BECAUSE HE IS UNABLE TO RECOGNIZE IT DUE TO SHOCK OR JUSTIFIABLE AGGRAVATION SHALL NOT BE LIABLE FOR PROSECUTION. 4. SUBSECTION (3): THE PUNISHMENT MAY BE REDUCED WITHOUT LIMITATION IF THE PERPETRATOR IS DEPRIVED OF THE CAPACITY TO RECOGNIZE THE NECESSARY DEGREE OF PREVENTION DUE TO SHOCK OR JUSTIFIABLE AGGRAVATION.

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 limitation
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 (National Police Headquarters – International Criminal Cooperation Centre /NEBEK/, or failing that, the Criminal Directorate of the Hungarian Customs and Finance Guard /HC&FG BIG/)

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: National Police Headquarters – International Criminal Cooperation Centre (NEBEK)

4. CROSS-BORDER SURVEILLANCE

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

With reference to the “Hungarian” Act LXXXIX of 2006 (ratifying the Naples II Convention), there is no declaration regarding this Article.

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

Central Criminal Investigation Bureau of the Hungarian Customs and Finance Guard (HC&FG KBP)

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

Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG)
 Address: H-1095 Budapest, Vaskapu u. 9.
 Postal address: H-1450 Budapest, Pf. 109.
 Phone: (00-36-1) 4568-107 or 4568-110
 Fax: (00-36-1) 4568-156
 E-mail: vpop.bunugy@mail.vpop.hu

Central Criminal Investigation Bureau of the Hungarian Customs and Finance Guard (HC&FG KBP)
 Address: H-1084 Budapest, Auróra u. 29-31.
 Postal address: H-1446 Budapest, Pf. 456
 Phone: (00-36-1) 4595-100 or 4568-107
 Fax: (00-36-1) 4595-190
 E-mail: vpkbp@mail.vpop.hu

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

With reference to the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies:

Article 27:

Subsection (1): Cross-border Surveillance could be carried out if the National Police Headquarters - International Criminal Cooperation Centre (NEBEK) gives its preliminary permission by determining a certain deadline to execute.

Article 28:

Subsection (1): If the delay could cause any danger or jeopardize the interests of the criminal proceedings, the member of the foreign authority conducting cross-border surveillance could continue the action without the preliminary permission of the National Police Headquarters - International Criminal Cooperation Centre (NEBEK) if, simultaneously with crossing the Hungarian border:

He/she informs the competent Hungarian authority appointed in the relevant International Treaty that he/she has crossed the Hungarian border, and

- also informs the National Police Headquarters - International Criminal Cooperation Centre (NEBEK) on the reasons supporting the necessity of the Hungarian border crossing without the preliminary permission.

Subsection 2: Cross-border Surveillance should be stopped immediately, if - after the information has been forwarded - the competent Hungarian authority requests it, or if the National Police Headquarters - International Criminal Cooperation Centre (NEBEK) does not provide the necessary permission within 5 hours after the request of the foreign authority has been forwarded towards NEBEK.

4.4. Definitions

➤ Definitions

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

Private home: places and other enclosed spaces used for living, working, business and trade

Places accessible to the public: all places which may be freely approached by everyone, with the proprietor's expressed or conditional consent, for example a restaurant

Service weapons confined strictly to self-defence

Allowed arms: revolver, machine pistol *use:* revolver, machine pistol

Legitimate self-defence: self- protection and protection of other people against illegal violence in the necessary measure. (For precise information see the answer regarding *Legitimate self-defence* defined in Point 3.1.; Definitions.)

4.5. Requirement to report back

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

YES

Authority to which the reports should be made: National Police Headquarters – International Criminal Cooperation Centre (NEBEK)

5. CONTROLLED DELIVERIES

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

Pursuant to Articles 17-19 of the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies:

By sending a request of assistance to the National Police Headquarters – International Criminal Cooperation Centre (NEBEK), on the grounds of an occasional agreement between the competent Hungarian central enforcement body (in this relation the Central Criminal Investigation Bureau of the Hungarian Customs and Finance Guard /HC&FG KBP/) and the requesting foreign authority, controlled delivery could be carried out in territory of the Hungarian Republic.

If the delay could jeopardize the interests of the proceedings related to crime fighting, the request for assistance presented by the competent foreign authority could be submitted directly to the competent Hungarian enforcement agency.

If such a case occurs, the National Police Headquarters – International Criminal Cooperation Centre (NEBEK) should immediately be informed about this.

The following information should be included in the Occasional Agreement on controlled delivery:

- feature of consignment, expectative way and time, method of transport, identifying data on the vehicle of transport;
- identifying data on the person supervising the controlled delivery;
- the method of keeping contact between participants;
- method of escorting;
- number of persons participating in an escort;
- circumstances relating to the delivering and receiving of the consignment;
- measures to be taken when apprehending;
- measures to be taken when experiencing unexpected circumstances.

5.2. Requirements regarding information to be included in the request

Nature of the consignment, expected route, identification data of the vehicle used, persons, type of accompaniment, number of persons, circumstances, measures taken and to be taken, unexpected circumstances. Verification that all the necessary foreign certificates were obtained; particulars of the contact person in case of need.

5.3. Consent from other transit States

Requirement to provide 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 to give 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:

On the basis of reciprocity

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 Police Headquarters – International Criminal Cooperation Centre (NEBEK)

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

YES

By the “Hungarian” Act XIX of 1998 on the Criminal Procedure (Criminal Procedure Code)

6. COVERT INVESTIGATIONS

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

Pursuant to the “Hungarian” Act LXXXIX of 2006 (ratifying the Naples II Convention), with reference to Hungary’s declaration related to the application of covert investigations, regarding Section 5 of Article 23 of the Naples II Convention: in respect of executing a covert investigation, besides the regulations of the Naples II Convention, the detailed provisions of (existing and future) bilateral agreements on preventing and tackling cross-border criminality, as well as occasional agreements related to a specific case, which are to be applied.

The following information should be included in the Occasional Agreement on covert investigation:

- the time period in which the secret gathering of information is possible;
- criteria of application;
- the rights and responsibilities of the covert investigator;
- measures to be taken when the identity of the covert investigator is revealed;
- information on the provisions applicable when damage is caused by the covert investigator during his/her operation.

6.1. Restrictions on the possibility of using covert investigations

The Central Criminal Investigation Bureau of the Hungarian Customs and Finance Guard (HC&FG KBP) is authorized to apply covert investigations, under the supervision of the Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG).
Another restriction: with reference to the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies, in a controlled delivery the deployment of a covert investigator is only possible, if obtaining the proper permission of the Prosecutor’s Office.

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

The Central Criminal Investigation Bureau of the Hungarian Customs and Finance Guard (HC&FG KBP) and the heads of the Regional Criminal Investigation Offices

6.3. Service weapons

Possible in the case of legitimate 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: The Public Prosecutor's Office if a criminal investigation has been initiated, otherwise to the National Police Headquarters – International Criminal Cooperation Centre (NEBEK)

7 JOINT SPECIAL INVESTIGATION TEAMS

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

If it involves infringements (criminal offences) being in the competence of the Hungarian Customs and Finance Guard, the Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG), otherwise the competent Hungarian authority.

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team:
According to Articles 20-23 of the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies:
The National Police Headquarters – International Criminal Cooperation Centre (NEBEK) together with the foreign authority are entitled to initiate the setting up of a joint special investigation team,

if:

- a.) the procedure relating to the detection of the criminal offence (infringement) which concerns several (Member) States is considered to be significantly difficult;
- b.) the procedure relating to the detection of a criminal offence is conducted by several (Member) States and for this reason coordination and aligned control is necessary.

The use of a joint special investigation team between the competent Hungarian central or regional enforcement body (in this relation the HC&FG) and the relevant foreign authority can only be applied when regulated by an Occasional Agreement.

The following information should be included in the Occasional Agreement on the use of a joint special investigation team:

- description of the criminal offence (infringement);
- field (territory) of operation;
- participants of the joint special investigation team;
- head of the joint special investigation team;
- time-frame of the operation, the criteria for extension;
- rights and responsibilities of the member of the joint special investigation team placed out;
- criteria for operation;
- sponsorship of the incurred expenses;
- information on the provisions applicable when damage is caused by the out-placed member of the joint special investigation team during his/her operation.

When a joint special investigation team operates in the territory of Hungary, the appointed member of the competent Hungarian enforcement body is entitled to control and supervise it's operation.

7.3. Requirement to report back

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

YES

Authority to which the report should be made:

The National Police Headquarters – International Criminal Cooperation Centre (NEBEK); the Criminal Directorate of the Hungarian Customs and Finance Guard (HC&FG BIG); and the Central Criminal Investigation Bureau if the Hungarian Customs and Finance Guard (HC&FG KBP)

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
 Phone: +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 coordination unit ensures direct contact 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 coordination unit ensures direct contact 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 coordination unit ensures direct contact 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:

Infringements relating to trafficking in: see below

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

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, with the application of the right to apprehend, the territorial scope thereof and the events concerning which that right may be applied being established – 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 27.6.1962, as amended by the Protocol of 11.5.1974; and being established – 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 compartments in heavy goods vehicles, etc.
- "places accessible to the public" includes trains, buses, restaurants, shops, sports grounds, cinemas, etc.
- "places not accessible to the public" means private plots of land, warehouses, offices, etc.

<i>Service weapons:</i> Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.	
<i>Allowed arms:</i> Weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.	<i>use:</i> Pursuing officers may carry their service weapons. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree of 12.12.1995, 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.

<i>Legitimate self-defence:</i> Legitimate self-defence is defined in Article 416 of the 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.
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<i>The status of customs vehicles as regards the highway code:</i> Customs vehicles have no special status and are not regarded as priority vehicles in the highway code.
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- As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i> No: BE, DE Yes: <u>AT, DK, FI, FR, EL, IE, IT, LU, ES, SE, PT, UK</u> : No right of pursuit on Netherlands territory.
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<i>Space:</i> Yes: – <u>AT, DK, FI, FR, EL, IE, IT, LU, ES, SE, PT, UK</u>: No right of pursuit on Netherlands territory. – <u>BE</u>: Pursuit is without any restrictions in terms of time or space for infringements referred to in Article 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. – <u>DE</u>: Pursuit is limited to a range of 10 km from the border. Within that area, pursuing officers have the right to apprehend.
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- Contact point(s) to be informed at the latest when the border is crossed:

Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam,
phone + 31 10 244 2020, phone +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,
phone +31 10 244 2020, phone +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 coordination unit ensures direct contact 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 Information and Investigation Service – Economic Investigation Service) and the AID (General Inspectorate for Agriculture) 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 coordination unit shall ensure that requests are forwarded to the Office of the National Public Prosecutor

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

None

4.4. Definitions

➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i>	
– "private home" means the area or place where people live, including barges, caravans, huts, sleeping compartments in heavy goods vehicles, etc. – "places accessible to the public" includes trains, buses, restaurants, shops, sports grounds, cinemas, etc. – "places not accessible to the public" means private plots of land, warehouses, offices, etc.	

<i>Service weapons:</i>	
Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.	
<i>Allowed arms:</i>	<i>use:</i>
Weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.	Surveillance officers may carry their service weapon. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree of 12.12.1995, 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.

<i>Legitimate self-defence:</i>	
Legitimate self-defence is defined in Article 416 of the 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 operation:

Yes

<i>Authority to which the reports should be made:</i>
Douane Informatie Centrum, Westzeedijk 387, Postbus 70005, 3000 KG Rotterdam, phone +31 10 244 2020, phone +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 coordinating unit will ensure that requests are forwarded

5.2. Requirements regarding information to be included in the request

5.3. Consent from other transit States

Requirement to provide 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 to give 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 weapons. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree 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, phone +31 10 244 2020, phone +31 10 244 2000 (outside working hours), fax +31 10 244 2006.

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 coordination 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

<i>General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:</i> Requests for infiltration shall be sent by the central coordinating unit to the ANCPI special police unit, which will assess them. Infiltration is subject to the explicit consent and direct supervision of that unit.
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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 (Public Prosecutor)

7.2. General conditions

General conditions or provisions regarding the organisation of or participation in a joint special investigation team:
to be determined

7.3. Requirement to report back

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

Yes

Authority to which the report should be made:
Officier van Justitie (Public Prosecutor)

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 Division IV/3 Phone: +43 1 51433-0 E-mail: post.iv-3@bmf.gv.at Himmelpfortgasse 4-8 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:

see attached table

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
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<i>All infringements with the exception of infringements relating to trafficking in:</i>	
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- Restriction on the right of hot pursuit on the MS territory

<i>No restrictions</i>

<i>Restricted as follows:</i>	Germany; Italy
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- Pursuing officers have the right to apprehend:

Yes	No
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Germany	Italy
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- List of officers authorised to exercise the right of pursuit:

<i>Officers from:</i>	Custom Offices
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i> Austrian Law recognises these differences

<i>Service weapons</i>

<i>Allowed arms:</i> Glock 17; 19; 26	<i>use:</i> Investigation and mobile units
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<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)
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- Contact point(s) to be informed at the latest when the border is crossed:

Data- Information- and Preparation Center (24h support) Phone +43 664 6125529
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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 1 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 1 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: 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 operation:

Yes

Authority to which the reports should be made:

Ministry of Finance
 Division IV/3
 Phone: +43 1 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 1 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 regarding information to be included in the request

Article 19 Naples II

5.3. Consent from other transit States

Requirement to provide 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 to give 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>

See Naples II, Article 20 and Article 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 1 51433-0

e-mail: Post.iv-3@bmf.gv.at

Himmelpfortgasse 4-8

1015 Vienna

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 it would be possible to apply for the European Arrest Warrant

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

Ministry of justice, Legal Assistance Division

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 investigated without 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, Legal Assistance Division

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 1 51433-0
e-mail: Post.iv-3@bmf.gv.at
Himmelpfortgasse 4-8
1015 Vienna

2. Ministry of Justice,
Legal Assistance Division (for criminal investigation)

7.2. General conditions

- General conditions or provisions regarding the organisation of or participation in a joint special investigation team:*
1. The case cannot be investigated without 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 joint special investigation:

YES

Authority to which the report should be made:

1. Ministry of Finance

Division IV/3

Phone: +43 1 51433-0

e-mail: Post.iv-3@bmf.gv.at
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Himmelpfortgasse 4-8

1015 Vienna

2. Ministry of Justice,

Legal Assistance Division

Customs investigations units of the Austrian Tax and Customs Administration

Customs office	Vienna	Linz/Wels	Salzburg	Innsbruck
Address	Brehmstraße 14	Zollamtstraße 7	Weiserstrasse 22	Innrain 30
Place	1110 Wien	4010 Linz	5020 Salzburg	6021 Innsbruck
Phone	+43 (0)1 79590-2251	+ 43 (0)732/7605-6903	+43 (0)662/88955-0	+43 (0)512/505-7000
Fax	+43 (0)1 79590-2152	+ 43 (0)732/7605-2025	+43 (0)662/88955-531	+43 (0)512/505-7413
Mobile phone				+43 (0)664 8150309
E-mail	Post.100- sts.zawnb@bmf.gv.at	Post.ZA5- AFA@bmf.gv.at	Post.ZA6- AFA@bmf.gv.at	Post.ZA8- AFA@bmf.gv.at
Office hours	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30
Out of hours support (OHS)	Mon-Fri 00:00 – 07:30 15:30 – 24:00 Sat+Sun 00:00 – 24:00	Mon-Fri 07.30 - 07.30 (24h) Sat 00.00 - 07.30	Mon-Fri 07:00 – 07:00 (24h) Sat 00:00 – 07:00	Mon-Fri 00:00 – 07:30 15:30 – 24:00 SA+Sun 00:00 – 24:00
OHS phone number	+43 (0)1 79590-2251	+43 (0)732/7605-6903	+43 (0)662/88955-530	+43 (0)664 8150309

Customs office	Feldkirch/Wolfurt	Graz	Klagenfurt	St. Pölten/Krems/Wr. Neustadt
Address	Brielgasse 19	Bahnhofgürtel 57	Herrengasse 9	Friedrich-Ludwig-Jahn-Straße 12-14
Place	6900 Bregenz	8020 Graz	9020 Klagenfurt	3425 Langenlebarn
Phone		+43 (0)316/7061-0	+43 (0)463 520 0	+43(0)2272/62550-0
Fax	+43 (0)5574/4981-9009	+43 (0)316/774065	+43 (0)463 57500 450	+43 (0)2272/63394
Mobile phone				
E-mail	Post.ZA9-AFA@bmf.gv.at	Post.700- sts.zastmk@bmf.gv.at	Post.400- sts.zaktn@bmf.gv.at	Post.ZA2- AFA@bmf.gv.at
Office hours	Mon-Fri 08.00 - 16.00	Mon-Fri 07.00 - 15.00 Mon-Fri 15.00 - 22.00	Mon-Fri 07.30 - 15.30 Mon-Fri 06.00.-.07.30 15:30.-.24.00	Mon-Fri 07.30 - 15.30 Data- Information- and Preparation Center (24h support)
Out of hours support (OHS)	Mon-Fri 00:00 – 08:00 16:00 – 24:00 Sat+Sun 00:00 – 24:00	Sat,-Sun 08.00 - 13.00	Sat+Sun 06.00.-.24.00	
OHS phone number	+43 (0)664/8433671	+43 (0)664/3088974	+43 (0)664/5054927	+43(0)664/6125529

Customs office	St. Pölten/Krems/Wr. Neustadt	Eisenstadt/Airport Vienna
Address	IZ NÖ-Süd, Straße 7	Flughafen-Wien
Place	2351 Wr. Neudorf	1300 Wien
Phone	+43 (0)2236/61661	+43 (1)7007 0
Fax	+43 (0)2236/61834	+43 (1)7007-33095
Mobile phone		
E-mail	Post.ZA2-AFB@bmf.gv.at	Post.ZA3-AFA@bmf.gv.at
Office hours	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30
Out of hours support (OHS)	Data- Information- and Preparation Center (24h support)	Data- Information- and Preparation Center (24h support)
OHS phone number	+43(0)664/6125529	+43(0)664/6125529

POLAND

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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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
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- 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
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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 may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity. The Republic of Poland also declares that officers of the competent authorities of the Member States may carry their service weapons into the territory of the Republic of Poland, but are entitled to use them only in the case of legitimate self-defence as 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 may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity.
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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 may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity
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4.4. Definitions

➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i> To be specified
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<i>Service weapons</i> To be specified
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<i>Allowed arms:</i>	<i>use:</i>
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<i>Legitimate self-defence:</i> as 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)
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4.5. Requirement to report back

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

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 regarding information to be included in the request

To be specified

5.3. Consent from other transit States

Requirement to provide 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 to give 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
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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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity.

6.1. Restrictions on the possibility of using covert investigations

May be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of 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> 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 regarding the organisation of or participation in a joint special investigation team:</i> to be specified.
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7.3. Requirement to report back

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

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-Fraud Services
 Tel: +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 forms of cooperation.

- emergency cases only:

Yes

- contact details of the customs units:

GNR – Fiscal Brigade Operations Unit:
Tel. +351 21 811 2121/2295
Fax +351 21 811 2281/82
PJ – Criminal Police
Tel. +351 21 864 1000
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 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

No restrictions

Restricted as follows:

(a) pursuing officers shall not have the right to apprehend; (b) pursuit is restricted to a maximum 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).
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➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i>	
(a)	Private home – Any place where a person lives regularly or occasionally.
(b)	Places accessible to the public – Public roads; all places belonging to the public or private domain which are open to the public, and those where 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).

<i>Service weapons</i>	
<i>Allowed arms:</i> Any firearm of any calibre allocated and distributed by the State to officers whose function is the maintenance of security and public order.	<i>use:</i> GNR – Defence weapons calibre 7,65 and 9 mm; PJ – All the weapons allowed by law.

<i>Legitimate self-defence:</i> According to Article 32 of the Penal Code, this means any act carried out as a necessary means of repelling an illicit and ongoing attack against the legally protected interests of the officer, or a third person.

<i>The status of customs vehicles as regards the highway code:</i> DGAIEC – Vehicles have no special status; GNR. – Vehicles are equipped with blue emergency lights and sirens (Highway Code, Article 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:

<i>Time:</i>
No
Yes: During two (2) hours.

<i>Space:</i>
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

<i>Authority to which the reports should be made:</i> Attorney-General's Office
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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 – Public roads; all places belonging to the public or private domain which are open to the public, and those where 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 weapons allowed by law.

Legitimate self-defence:

According to Article 32 of the Penal Code this means any act carried out as a necessary means of repelling an illicit and ongoing attack against the legally protected interests of the officer, or a third person

4.5. Requirement to report back

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

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 regarding information to be included in the request

The request must include a detailed description of the facts of 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 – Article 160-A, that action is only authorised when:

- (a) the competent foreign authorities have ensured both that their legislation provides adequate criminal sanctions for the offence at stake and that criminal proceedings will be brought; 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 committed by each of the offenders, in particular those who acted in Portugal.

5.3. Consent from other transit States

Requirement to provide 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 to give 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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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 No. 101/2001, covert investigations are admissible within the framework of the prevention and punishment of the following offences: forgery and trafficking relating to stolen vehicles; illicit trafficking in narcotic drugs and psychotropic substances; the laundering of money, other assets or products; economic and financial offences committed in an organised manner or by computer-related means; 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 practice, and must be proportionate to such purposes or to the seriousness of the crimes under investigation.

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 covert investigations may take place to prevent and to punish some specific offences laid down 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 regarding the organisation of or participation 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, especially 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:

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).
--

ROMANIA

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 yet designated

- emergency cases only:

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- 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
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- 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
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<i>Allowed arms:</i>	<i>use:</i>
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<i>Legitimate self-defence:</i>	Hot pursuit is not allowed
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<i>The status of customs vehicles as regards the highway code:</i>	Hot pursuit is not allowed
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- 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:

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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> Cross-border surveillance is not allowed
--

<i>Service weapons:</i> Cross-border surveillance is not allowed
--

<i>Allowed arms:</i>	<i>use:</i>
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<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 operation:

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 the Police with the permission of the Public Prosecutor.

5.2. Requirements regarding information to be included in the request

- | |
|--|
| <ul style="list-style-type: none"> – detailed explanation of suspected criminal act – suspected criminal act cannot be detected by other measures – the aim of the activity is disclosure of the criminal group |
|--|

5.3. Consent from other transit States

Requirement to provide 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 to give 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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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
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<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 <i>regarding the organisation of or participation</i> 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 joint special investigation:

Yes

<i>Authority to which the report should be made:</i> General Customs Directorate, Investigation Division, Šmartinska c. 55, 1523 Ljubljana
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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 Central Coordinating Unit Bajkalská 24 824 97 Bratislava 26 Slovak Republic Phone: (+421-2) 58 25 12 47 (+421-2) 58 25 13 13 (+421-2) 58 25 13 12 (+421-2) 58 25 11 87 Fax: (+421-2) 53 41 10 51 e-mail: ooocku@colnasprava.sk

- languages accepted for making requests for assistance:

Slovak, Czech, English, German

- acceptance of electronic communication of assistance requests:

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

E-mail contacts:

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

- form of cooperation:

no authorization for other than central customs units

- emergency cases only:

- contact details of the customs units:

3. HOT PURSUIT

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

Re: Article 20(1)

“The Slovak Republic states that authorization to proceed according this Article in the Slovak Republic will lie with officials of the Customs Administration”

Re: Article 20 (6)

“The Slovak Republic announces that, as there has not been carried out consultations yet with relevant member states with aim to agree on reciprocity measures in these states, it has not been possible to carry out such declaration according to the Article 20 (6) related to the procedures for performance of Hot pursuit at its territory.

Slovak Republic will make such declaration after performance of consultations with relevant member states.”

Re: Article 20 (8)

“Slovak Republic states that it accept provisions of Article 20 subject to the following conditions: in case of hot pursuit exercised by the customs authorities of another Member State across the border or in the airspace, such pursuit may be extended to the Slovak territory, only if the competent Slovak authorities have received prior notice thereof and relevant Member States apply measures of reciprocity against customs authorities of the Slovak Republic.”

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 may give grounds for extradition under Slovak legislation in force.
--

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

Will be subject of negotiations – see declaration of the Slovak Republic to Article 20 (6)
--

- Pursuing officers have the right to apprehend:

Yes

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

<i>Officers from:</i>	• Customs Criminal Office officers • other Customs or Police officers with authorization according to the legislation in force
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public :</i> - <u>Private home</u>: For natural persons, their private home is the habitual place, in which private and family life takes place, as a permanent or temporary residence, and may be any enclosed space. - <u>Places accessible to the public</u>: All public places unless entry is restricted in the public interest - <u>Places not accessible to the public</u>: All places, - which are neither considered public nor considered to be private home

<i>Service weapons:</i>	
Allowed arms : Allowed arms according to the Act No. 652/2004 Coll. on State Administration Authorities in the customs: - small personal firearms The Customs Criminal Office use also special weapons (Section 42 on the Act. No. 652/2004 Coll.) a) a gun with a silencer, b) a gun with a device for illumination of the target	<i>use :</i> 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 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 25 of Act No. 300/2005 Coll.. – 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 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 last 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 processing.

3) “Interest protected by this Code” include particularly human life, health, freedom and dignity, and human honour 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.

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:

Will be agreed after performance of consultations with Member States concerned with aim to agree on reciprocity measures in these states - see declaration of the Slovak Republic to Article 20 (6)

Space:

Will be agreed after performance of consultations with Member States concerned with aim to agree on reciprocity measures in these states - see declaration of the Slovak Republic to Article 20 (6)

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

Customs Criminal Office
Central Coordinating Unit
Bajkalská 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2) 58 25 12 47
(+421-2) 58 25 13 13
(+421-2) 58 25 13 12
(+421-2) 58 25 11 87
Fax: (+421-2) 53 41 10 51
e-mail: ooocku@colnasprava.sk

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
Central coordinating unit
Bajkalská 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2)58 25 12 47
(+421-2)58 25 13 13
(+421-2)58 25 13 12
(+421-2)58 25 11 87
Fax: (+421-2) 53 41 10 51
e-mail: ooocku@colnasprava.sk

4. CROSS-BORDER SURVEILLANCE

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

Re: Article 21 (1)

Officials , to who relates this provision, are in the Slovak Republic officials of the Police Special Corp or officials of the Customs Administration of the Slovak Republic.

The competent authority to grant authorization is , according to this Convention , Customs Directorate of the Slovak Republic, Customs Criminal Office – Central Coordinating Unit.

Re. Article 21 (5)

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

Cross-border surveillance without prior authorisation may be carried out only in accordance with Article 21 (2) and (3) if there are serious grounds for believing that the persons under observation are involved in one of the infringements referred to in Article 19(2) which could give reason to extradition and also relevant Member States apply the measures of reciprocity against customs authorities of the Slovak Republic.

4.1. List of Member State's officers (services) authorised to exercise the right of cross-border surveillance

Special Police and Customs Administration Units

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

Customs Criminal Office
Central coordinating unit
Bajkalská 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2)58 25 12 47
(+421-2)58 25 13 13
(+421-2)58 25 13 12
(+421-2)58 25 11 87
Fax: (+421-2) 53 41 10 51
e-mail: oocku@colnasprava.sk

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

“Cross-border surveillance without prior authorisation may be carried out only in accordance with Article 21 (2) and (3) if there are serious grounds for believing that the persons under observation are involved in one of the infringements referred to in Article 19(2) which could give reason to extradition.”

4.4. Definitions

➤ Definitions:

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

- **Private home**: For natural persons, their private home is the habitual place, in which private and family life takes place, as a permanent or temporary residence, and may be any enclosed space.
- **Places accessible to the public**: All public places unless entry is restricted in the public interest
- **Places not accessible to the public**: All places, - which are neither considered public nor considered to be private home

Service weapons

Allowed arms :

Allowed arms according to the Act No. 652/2004 Coll. on State Administration Authorities in the customs:

- small personal firearms
- The Customs Criminal Office use also special weapons (Section 42 on the Act. No. 652/2004 Coll.)
- a) a gun with a silencer,
 - b) a gun with a device for illumination of the target

use :

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 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 25 of Act No. 300/2005 Coll.. – 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 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 last 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 processing.
- 3) “Interest protected by this Code” include particularly human life, health, freedom and dignity, and human honour 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 operation:

Yes

Authority to which the reports should be made:

Customs Criminal Office

Central Coordinating Unit

Bajkalská 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2)58 25 12 47

(+421-2)58 25 13 13

(+421-2)58 25 13 12

(+421-2)58 25 11 87

Fax: (+421-2) 53 41 10 51

e-mail: ooocku@colnasprava.sk

5. CONTROLLED DELIVERIES

5.1. List of officers (services) authorised to decide on or carry out controlled deliveries

Only the Regional Prosecutor 's Office or Presiding Judge according to the § 111 par. 2 Act No. 301/2005 Coll. (Code of Criminal Procedure) is authorized to decide. Central Coordinating Unit will arrange forwarding of the request for controlled delivery to the relevant above mentioned body.

5.2. Requirements regarding 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

Note: Provided that requested information are known

5.3. Consent from other transit States

Requirement to provide 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 to give 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 - according to the §111, par. 6 Act No. 301/2005 Coll. (Code of Criminal Procedure)

5.5. Service weapons

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

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 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 25 of Act No. 300/2005 Coll.. – 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 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 last 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 processing.

3) “Interest protected by this Code” include particularly human life, health, freedom and dignity, and human honour 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.

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

Central Coordinating Unit

Bajkalská 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2)58 25 12 47

(+421-2)58 25 13 13

(+421-2)58 25 13 12

(+421-2)58 25 11 87

Fax: (+421-2)53 41 10 51

e-mail: oocku@colnasprava.sk

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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**6.2. List of officers (services) authorised to decide on or carry out covert investigations**

Only the Regional Prosecutor 's Office or Presiding Judge according to the § 117 par. 5 Act No. 301/2005 Coll. (Code of Criminal Procedure) is authorized to decide.

Central Coordinating Unit will arrange forwarding of the request for covert investigations to the relevant above mentioned body.

6.3. Service weapons**6.4. General conditions**

According to the Regulation § 117, par. 14, Act No. 301/2005 Coll. (Code of Criminal Procedure), a foreign Police official is allowed to act as an agent of other State at the territory of the Slovak Republic. Decision is made by the Police President on the basis executable statement (order) of the Regional Prosecutor 's Office or Presiding Judge.

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

Central Coordinating Unit

Bajkalská 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2)58 25 12 47

(+421-2)58 25 13 13

(+421-2)58 25 13 12

(+421-2)58 25 11 87

Fax: (+421-2)53 41 10 51

e-mail: oocku@colnasprava.sk

Note: Central Coordinating Unit will arrange forwarding of the report to the relevant authorized Police body.

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
Central Coordinating Unit
Bajkalská 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2)58 25 12 47
(+421-2)58 25 13 13
(+421-2)58 25 13 12
(+421-2)58 25 11 87
Fax: (+421-2)53 41 10 51
e-mail: ooocku@colnasprava.sk

Note: Central Coordinating Unit

7.2. General conditions

General conditions or provisions to organize or take part in a joint special investigation team:
According to the Regulation § 10 (9), Act. No. 301/2005 Coll. (Code on Criminal Procedure) only the General Prosecutor is authorized to conclude, with prior approval of Minister of Justice of the Slovak Republic, an agreement regarding an establishment of joint investigation teams.
The current Penal Code does not contain provisions or references for the establishment of joint investigation teams according to Naples II Convention.

7.3. Requirement to report back

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

Yes

Authority to which the reports should be made:

Customs Criminal Office
Central Coordinating Unit
Bajkalská 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2)58 25 12 47
(+421-2)58 25 13 13
(+421-2)58 25 13 12
(+421-2)58 25 11 87
Fax: (+421-2)53 41 10 51
e-mail: ooocku@colnasprava.sk

Note: central Coordination Unit will arrange forwarding the report to the relevant body

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
Tel. +358 40 332 2020 (24h/7)
Fax +358-20-492 2669
E-mail : virko@tulli.fi

- languages accepted for making requests for assistance:

Finnish, Swedish, English, German, French

- acceptance of electronic communication of assistance requests:

Yes : virko@tulli.fi

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>
--

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

<i>No restrictions</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
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public:</i> In the absence of a legal definition, a private home is understood to be 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.
--

<i>Service weapons</i>	
<i>Allowed arms:</i> Magazine-loaded or self-loading single shot pistols and revolvers.	<i>use:</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 weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

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 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	x
Yes:	

Space:	
No	x
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

<i>Private home, places accessible to the public, places not accessible to the public:</i> In the absence of a legal definition, a private home is understood to be 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.

<i>Service weapons</i>	
<i>Allowed arms:</i> Magazine-loaded or self-loading single shot pistols and revolvers.	<i>use:</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 weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

<i>Legitimate self-defence:</i> 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.
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4.5. Requirement to report back

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

Yes

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

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
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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 regarding information to be included in the request

- | |
|--|
| <ol style="list-style-type: none"> 1. Bases for the operation (type of offence, legal provision and maximum punishment) 2. Factual information justifying the operation (description of the act) 3. Quality and quantity of drugs/other goods 4. Assumed entry point, or exit point if necessary 5. Assumed means of transport and transport route 6. Personal data of the suspects, and description if necessary 7. Source of authorisation for the operation (statute references) 8. Persons operatively responsible for the action and their contact information 9. Contact information of other involved authorities 10. Other necessary information |
|--|

5.3. Consent from other transit States

Requirement to provide 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 to give 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 weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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

Authorisation for covert investigations cannot be granted unless the deed referred to in the request would, if committed under similar circumstances in Finland, be considered as an offence the prevention and detection of which would allow 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> Magazine-loaded or self-loading single shot pistols and revolvers.	<i>use:</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 weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

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 the 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 regarding the organisation of or participation 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 joint special investigation:

Yes

<i>Authority to which the report should be made:</i>
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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 International Mutual Assistance Office P.O. Box 12854 S-112 98 Stockholm Tel.: +46 8 405 04 47 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: 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:

Officers from: Customs officers, Police officers and Coast Guard officers.

- Definitions

Private home, places accessible to the public, places not accessible to the public: "Private 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	<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 <i>Swedish Customs</i> <i>International Mutual Assistance Office</i>

<i>Legitimate self-defence:</i> Legitimate self-defence is described in section 24(1) of the Code of Criminal Procedure. Legitimate self-defence is recognised in four cases: – to avoid an attack which is under way 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.

<i>The status of customs vehicles as regards the highway code:</i> A customs vehicle may contravene certain rules set out in the Road Traffic Regulations when the driver is carrying out duties as a 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).

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

<i>Time:</i> None

<i>Space:</i> 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: 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
 Phone: +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: 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:
 "Private 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) of the Code of Criminal Procedure.

Legitimate self-defence is recognised in four cases:

- to avoid an attack which is under way 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 operation:

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: To carry out:	Head and Deputy Heads of Customs Criminal Investigation Divisions and Duty Officers. The request should be submitted through the Swedish Customs National Communication Centre, Phone: +46-980-84550 Fax: +46-980-82089 E-mail: rsbc@tullverket.se Especially designated officers within Customs Law Enforcement The Swedish Police The Prosecutors Office
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5.2. Requirements regarding 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; the responsible operational officer in charge at the customs and/or the police as well as the contact officers must be specified by name; 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 to provide 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 to give 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> 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 <i>Swedish Customs</i> <i>International Mutual Assistance Office</i>

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> Swedish Customs International Mutual Assistance Office PO Box 12854 SE-112 98 Stockholm Sweden Phone: +46 8 405 04 47 Fax: +46 8 20 02 26
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5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought 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> Covert investigations are not allowed
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6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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<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 Prosecutor's Office

7.2. General conditions

The Swedish Act (2000:1219) on international customs cooperation regulates all international activities performed by the Swedish Customs.

In the 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 Prosecutor's Office.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Swedish Customs

International Mutual Assistance Office

PO Box 12854

SE-112 98 Stockholm

Sweden

Phone: +46 8 405 04 47

Fax: +46 8 20 02 26

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
 1st Floor Annexe
 Custom House
 20 Lower Thames Street
 London
 EC3R 6EE
 Telephone: 00 44 870 785 2623
 Fax: 00 44 870 785 3029
 Email: imat@hmrc.gsi.gov.uk

- 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 Telephone: 00 44 208 929 0155 Fax: 00 44 1702 294 006 Email: ncu@hmrc.gsi.gov.uk
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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

<i>All infringements without exception</i>
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<i>All infringements with the exception of infringements relating to trafficking in:</i>	
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- Restriction on the right of hot pursuit on the MS territory

<i>No restrictions</i>

<i>Restricted as follows:</i>	
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- Pursuing officers have the right to apprehend:

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

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

<i>Private home, places accessible to the public, places not accessible to the public:</i>
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<i>Service weapons</i>

<i>Allowed arms:</i>	<i>use:</i>
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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 cross-border surveillance are dealt with by the Sirene Bureau at the National Serious Organised Crime Agency – 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

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

Y	N
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<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**

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 regarding 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 to provide 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 to give 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>

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 to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Y	N
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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 (Regulation of Investigatory Powers Act).; 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 *regarding the organisation of or participation* 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 in the second bullet, 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 joint special investigation:

Yes

<i>Authority to which the report should be made:</i>
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The one authorising the request in the requested Member State
