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SECOND ROUND OF MUTUAL EVALUATIONS  
"LAW ENFORCEMENT AND ITS ROLE  
IN THE FIGHT AGAINST DRUG TRAFFICKING"  
REPORT ON SWEDEN

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THE EUROPEAN UNION**

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**RESTREINT**

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**EVALUATION REPORT ON**  
**SECOND ROUND OF MUTUAL EVALUATIONS**  
**"LAW ENFORCEMENT AND ITS ROLE**  
**IN THE FIGHT AGAINST DRUG TRAFFICKING"**  
**REPORT ON SWEDEN**

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## PART 1

### 1. INTRODUCTION

1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.

1.2. Sweden was the second Member State to be evaluated as part of the second round of mutual evaluations concerning law enforcement and its role in the fight against drug trafficking.

1.3. The examiners for the evaluation were Mrs. Maria Fernandes (Portugal), Mr. Robin Lardot (Finland) and Mr. Noel White (Ireland). This team accompanied by two members of the General Secretariat and one member of the Commission visited Sweden for five days from 3 July 2000 to 7 July 2000.

1.4. The programme of the evaluation team and the list of the persons seen during the evaluation visit, and from whom information was received, is at Annex A.

1.5. Following these meetings, the evaluation team prepared this report, with the assistance of the Council Secretariat, based on the observations and conclusions of the experts in the team together with the answers to the Questionnaire (doc. 12972/99 CRIMORG 171) which the Swedish authorities had provided. The principle purpose of this report is to evaluate the application and implementation at national level of instruments dealing with law enforcement and drug trafficking, of the resulting legislation and practices at national level and of international cooperation in the fight against drug trafficking. The evaluation seeks in particular to assess cooperation and coordination between different law enforcement structures and operational practices in them. The main focus of the evaluation is the practical day to day cooperation between different units both at national and international level.

**1.6.** The report first describes the organisational structures, intelligence systems, special investigation techniques and methods of coordination and cooperation utilised in Sweden in the fight against drug trafficking. The report then evaluates the effectiveness of these systems and finally, the experts draw conclusions and make recommendations.

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## PART 2

### 2. GENERAL INFORMATION AND STRUCTURES<sup>1</sup>

#### 2.1. Competent Authorities - General Comments

**2.1.1.** Sweden does not have a specifically appointed central coordinating body for the coordination of law enforcement efforts in the fight against drug trafficking. Responsibility for exercising an overview and for decision making lies within the single authority of the Government.

**2.1.2.** Preparatory work for decision making by the Government is undertaken by the Ministries. Issues relating to police and prosecutors are dealt with by the Ministry of Justice, issues relating to customs by the Ministry of Finance and issues relating to the Coast Guard by the Ministry of Defence. The Ministry for Health and Social Affairs is responsible in a wider context for the coordination of drug policy.

**2.1.3.** To help facilitate cooperation between Ministries, the Government Office includes a special coordinating group for drugs policy called SAMNARK. This group consists of high level officials from the relevant Ministries who report back to their respective Ministers.

**2.1.4.** When the Government makes a decision, it does so corporately in the presence of all Ministers.

**2.1.5.** Ultimately, the Government is responsible for allocating funding to the relevant law enforcement authorities and for producing legislative proposals. Moreover, on an annual basis, the Government specifies the priority areas for law enforcement activity and the respective law enforcement authorities are obliged to organise their plans and objectives accordingly. However, according to the Constitution, the Government may not issue directions in specific operational work or interfere in the authorities' day to day decision making.

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<sup>1</sup> This part of the report is essentially based on the answers Sweden has provided to the Questionnaire.

**2.1.6.** Mechanisms, in the form of Memorandums of Understanding (MOU's) are in place to ensure that there is coordination between law enforcement authorities and non—governmental organisations. The most important MOU work in Sweden is deemed to be undertaken by the regional customs authorities. Each region has a contact officer who is responsible for the appropriate MOU's and keeping them up to date. MOU's are principally undertaken with shipping companies and transport associations. Furthermore, MOU's are currently being concluded with organisations from the chemical industry with regard to the control of narcotic precursors.

**2.1.7.** The underpinning aim of the drug strategy in Sweden is to achieve a drug free society. Emphasis is given equally to reducing demand , treatment to abusers and to reducing supply. The law provides for no tolerance and all drug offences are prosecuted but sentences allow for rehabilitation schemes as opposed to imprisonment where appropriate.

**2.1.8.** In Sweden the legal framework for drug investigations is provided by the Narcotic Drugs Act (Punishments) Act and the Smuggling of Goods (Punishments) Act. Internally, the different law enforcement authorities have number of specific guidelines with regard to their working practices. Prosecutors for instance , have 'unofficial' lists detailing scales of punishment, based largely on judicial practice. These lists also categorise and draw distinctions between 'petty offences', crimes of 'normal latitude' and 'aggravated crimes'. The police are issued with guidelines from the National Police Board which are called 'Regulations and Instructions for the Police' or 'FAP's' . The FAP's are based on legislation and case law. Similar guidelines are available to the Customs and Coastguard authorities.

## **2.2. Prosecution Services and Judges**

**2.2.** The Prosecutor General is the highest prosecution authority in the country and has the responsibility for and the direction of the public prosecution system. There are six regional prosecution authorities. There is also a special organisation dealing with economic crimes. All regional prosecution authorities employ prosecutors who deal full time or part time with drug cases. Out of a total of about 700 prosecutors there are currently about 30 who work mainly on these cases. This approach helps to build experience and put it to practical use. The introduction of a nation wide duty system for such prosecutors for working outside normal office hours, is currently being discussed. However, such Prosecutors and judges do not have special jurisdiction or powers. Indeed, all prosecutors are duty bound to process drug related case work.

**2.2.2.** In drug related cases, where there can be difficulties in gathering evidence, it is common practice for a prosecutor to head the preliminary investigation and draw up guidelines at an early stage for how a case is to proceed. Throughout this time, the prosecutor maintains close, informal contact with the police/customs, issues directives to the investigators and receives both oral and written reports on an ongoing basis. Prosecutors are personally involved in investigations to the extent that they are occasionally present at planned seizures, at searches of premises and during interrogations, which they conduct. Furthermore, it is the prosecutor who decides what coercive measures may be needed and it is the prosecutor who must authorise such measures except where court authorisation is required. The prosecutors authority is also required for certain specialist investigation techniques such as the use of controlled deliveries.

**2.2.3.** Prosecutors practice within specific areas of jurisdiction. The police and customs have access to registers, which show whether or not, certain individuals are under investigation in more than one location. Where such individuals are under investigation in more than one jurisdiction, prosecutors from the appropriate regions can decide between them how best to proceed. The Prosecutor General's Office has the authority to decide which jurisdiction has overall responsibility on the rare occasions that there is conflict and prosecutors cannot agree.

### **2.3. Police Authorities**

**2.3.1.** The Swedish National Police Board (SNPB) is the central administrative body of the police service. It is the prime responsibility of the SNPB to allocate funding to the regional police authorities and to carry out inspections of their work, as well as to develop and implement objectives and guidelines set by the Government and to communicate those guidelines to the police authorities.

**2.3.2.** There are 21 police districts in Sweden, each managed their own separate police authorities. No authority has the general autonomy to set its own priorities without giving due consideration to legislation, Governmental and SNBP directives and guidelines (FAP's) and to the directives given by regional politically appointed boards.

**2.3.3.** Overall, the police authorities in Sweden employ about 16,200 officers and 5,800 civilian staff.

**2.3.4.** In each of the 21 separate police authorities there is a special unit responsible for the investigation of major drug offences as well as a criminal intelligence unit. During 1999 the expenditure for investigation of drug offences accounted for SEK 421 million, corresponding to 6 per cent of the expenditure for the police force as a whole.

**2.3.5.** At national level, the National Criminal Investigation Department (NCID), conducts criminal investigations and inquiries relating to organised crime or to other serious drug offences on a nationwide scale or with international ramifications.

**2.3.6.** The NCID also has a drugs unit within the National Criminal Intelligence Service (NCIS), which collects and analyses information and provides operational or strategic intelligence on drug trafficking. Necessary contacts with criminal intelligence services and drug enforcement agencies in other countries are also maintained through this intelligence service.

## **2.4. Customs Authorities**

**2.4.1.** Swedish Customs, subordinate to the Ministry of Finance, are responsible for the collection of customs duty, value added tax and other charges on importation of goods from countries outside the European Union, as well as the protection along the borders against the importation of dangerous goods, primarily drugs.

**2.4.2.** The central management is run from the Swedish Customs Head Office in Stockholm. The country is divided into six customs regions. In each region there is one main customs office and several customs offices for clearance of goods, not all of them situated at the borders.

**2.4.3.** Overall, Swedish customs employs about 2,500 people of which about 990 are engaged in the fight against drug trafficking in terms of intelligence gathering, border control duties and criminal investigation duties.

**2.4.4.** The fight against smuggling, especially the smuggling of narcotic drugs is the prime task for the customs regional anti-smuggling teams. They are supported by an Anti-smuggling Division at the Customs Head Office. Additional support is provided by a Customs Investigation Service and an Intelligence Service.

**2.4.5.** Under the Smuggling of Goods Act and the Swedish Code of Judicial Procedure, the Swedish customs may initiate and carry out preliminary investigations relating to crimes against the Smuggling of Goods Act. If the crime is of a petty nature the customs authorities themselves may institute legal proceedings, but normally the preliminary investigations are conducted by a public prosecutor.

**2.4.6.** If the Customs detect a crime, which involves aggravated drug smuggling, the police authorities are, according to the tripartite agreement, responsible for the investigation while the customs may take an active part in ensuring its completion.

**2.4.7.** Under the Swedish Code of Judicial Procedure, the customs have a number of specific powers which include the authority to interrogate and interview suspects, seize documents, place embargoes on postal communications, conduct search of persons and to conduct search of premises. All of these powers are subject to stringent safeguards and controls.

## **2.5. Coastguard**

**2.5.1.** The coastguard is responsible for combating smuggling at sea and in coastal waters, including the smuggling of drugs. When combating smuggling, a coastguard officer has the same authority as a customs officer.

**2.5.2.** The Swedish Coastguard is a civilian authority subordinate to the Ministry of Defence. Under the national coastguard command are four regional operative command centres, which are manned 24 hours a day. These centres are co-located in either the regional police and naval command centres or in the regional air and sea rescue command centres.

**2.5.3.** Overall, there are 25 naval coastguard stations and one air coastguard station. The total number of coastguard employees is about 575.

## **2.6. Training**

**2.6.1.** Both the police and customs have drugs awareness issues built into to their respective technical training programmes for new personnel. Such drugs training covers the appropriate

legislation, analysis methods, search methods, investigation techniques, import and export regulations and awareness of Memorandums of Understanding.

**2.6.2.** Training Seminars are also available for longer serving officers. One example is the annual training seminar for heads of drugs units from all the national police authorities. The seminar discussed new drug trends and the incidence of new drugs. This seminar also facilitated exchanges of information between central CID officers.

**2.6.3.** Specialist training is available within both the customs and the police authorities for crime analysts. In customs there are (when needed) separate courses for training in 'operational analysis', 'analysts notebook' and 'methods of analysis'. Police analysis training is centred on their own national training and skills programme. Under this programme analysts are required to attend a number of training courses over a three-year period. These courses include : a three-week course in operative analysis, a two-week course in strategic analysis, two six-day data courses for analysts and training in computer programmes such as 'iBase' and 'analysts notebook'. Additional computer courses and courses in criminology, project management, behaviour sciences and languages are also available.

**2.6.4.** Other training courses are organised for the benefit of personnel from a variety of different law enforcement authorities and some examples are as follows:

\* **Precursors**

This training is provided jointly by the customs, the police and the Medical Products Agency. The programme includes legislation and supervision, information on drugs and precursors. During 1999 the police also organised a separate drug precursor-training event for national precursor liaison officers from a number of regional police authorities and customs regions.

\* **Regional contacts on drug-related issues**

This is a joint training programme organised by the customs, police and prosecution authorities, the social welfare service and the National Prisons and Probation Administration. The training is provided twice a year and covers forms of cooperation between the different authorities as well as presenting new developments in the drug field.

\* **The investigation of drug-related crime**

This training is organised by the police and covers drug policy and the drug market, new developments in the drug field and advanced interrogation techniques.

\* **The investigation of economic crime**

This training is organised by the police and is provided in the form of a seminar at which a range of different topics and questions are discussed every year, in addition to the above training courses, a number of days are devoted to a particular customs-related theme or topic. Recently, a full day was devoted to discussing legislation and the official view of controlled deliveries.

**2.6.5.** Internationally, Sweden also contributes to drugs related training. In June 1999 Sweden provided a national forensic expert at the European Union Training Course for Trainers regarding the Combating of Illicit Synthetic Drugs Laboratories, organised by Europol. This was the first training session in a series of national training seminars to be held in all the Member States. Furthermore, Swedish experts delivered training and information on the subject of heroin smuggled along the Balkan Route to a number of customs and police districts situated at borders in Sweden, Norway and Denmark. This training and information was also provided to a number of other training seminars and meetings in the Nordic countries and elsewhere in Europe. Other training events are planned and will include the exchange of law enforcement officers with the Baltic States and Poland. It is also planned to host a number of seminars focusing on international intelligence work on amphetamine in the Eastern Baltic Sea region.

**2.6.6.** Training for prosecutors is undergoing changes. Until recently, the national training programme in the fight against drugs has consisted of a one-week course for all prosecutors coming into contact with this type of crime. In addition, specialised prosecutors attended shorter training courses and took part in seminars dealing more detailed drugs awareness issues.

**2.6.7.** A new training programme for prosecutors has now been developed. This training is intended for prosecutors who will or already do, specialise in combating drug trafficking. The programme will also be available to specialist prosecutors working in other prioritised areas such as racially motivated crime and crimes against the environment.

**2.6.8.** The new drugs training programme for prosecutors is based on a two week module and covers the gathering evidence types of offences, controlled deliveries, informants and telephone intercepts.

**2.6.9.** Prosecutors can also participate in the courses and in-service training conferences provided for judges by the National Courts Administration.

## **2.7. Monitoring**

**2.7.1.** All law enforcement authorities review their own progress annually and produce reports showing results achieved and expenditure made.

**2.7.2.** The work of the different law enforcement authorities is subject to further review by several external bodies. One of the most important of these bodies is the National Audit Office, which conducts an annual examination of the way in which the organisation in question manages its budget.

**2.7.3.** Parliamentary auditors also keep a close eye on law enforcement work. In addition, the authorities are subject to continual scrutiny and monitoring by their National Boards/Head Offices, the Standing Committee of Justice, the Ministry of Justice and the Ministry of Finance.

**2.7.4.** Another important form of monitoring or evaluation is represented by the work of the Commission on Narcotic Drugs which was appointed by the Swedish Government in May 1998. The Commission is due to report its findings by the end of the year 2000. The Commission's work is to evaluate the effectiveness of Swedish drug policies since the mid-1980s and propose measures to increase efficiency in efforts to combat illicit drugs. The evaluation covers legislation, prevention, rehabilitation of drug abusers and measures to limit the supply of narcotic drugs.

**2.7.5.** Ultimately, the Parliamentary Ombudsman is tasked with ensuring that all mandatory procedures are respected by law enforcement authorities whilst undertaking their work.

## PART 3

### 3. INTELLIGENCE

#### 3.1. Data Banks

**3.1.1.** Swedish Law enforcement agencies have access to a number of data banks, such as the surveillance and criminal registers maintained by the police, computer files maintained by prosecutors, computer files maintained by tax authorities and public records. Law enforcement authorities have the legal right to access information from airlines and ferry lines about arriving passengers and cargo information.

**3.1.2.** SPADI is the customs data bank used both for intelligence work and for registering and making available operational and strategic information relating to smuggling. The police and the coastguard also have access to SPADI. Customs recently started a project aimed at developing a new computerised system for intelligence purposes.

**3.1.3.** Information about ongoing drug trafficking cases is passed to the drugs unit at the NCIS by both Swedish and foreign police and customs authorities. Information from foreign partners is channelled primarily through the Nordic liaison officers, but also through Europol and Interpol. For obtaining the data needed for future intelligence work, several police registers as well as other computer registers are used. The processed intelligence is passed on to the operative police or customs authorities for further action.

**3.1.4.** Trends relating to drug trafficking are circulated by customs to their officers and published in newsletters. For the collection of data needed for strategic intelligence work, the Drug Seizure and Analysis Register is used along with results from the forensic examinations carried out by the National Forensic Laboratory.

**3.1.5.** Other data banks containing information on crime and criminals that can be accessed by a number of law enforcement units, (subject to Swedish legislation) are listed as follows:

\* Suspected Persons Index (MR); contains data on crime suspects, maintained and administered by the National Police Board.

- \* Criminal Records Index (BR); index recording criminal convictions, maintained and administered by the National Police Board.
- \* General Investigation/Intelligence Index (ASP); local indices containing criminal intelligence/investigative information, etc, maintained and administered by the National Police Board.
- \* National Criminal Intelligence Record (KUR); currently in the final stages of preparation - not yet operational.

### **3.2. Use of Data by police and customs**

**3.2.1.** Over the last few years, Swedish Customs have developed regional and national threat analyses in order to improve and facilitate decisions such as the effective deployment of resources. Customs Intelligence Units use the following 'ground rules ' when formulating a threat assessment:

- \* Regional threat analyses are to be developed by the regional analysis department in cooperation with other departments in the same region.
- \* A national threat analysis document is to be developed on the basis of the regional ones. This is to be produced by the central analysis department in cooperation with other customs departments.
- \* After being given details of the national threat analysis, customs management decides on strategies, priorities and directives regarding both operational and analytical activities.
- \* The above should include the management's decisions concerning information requirements for the following year.
- \* Follow-up and evaluation through active information gathering should be continuous.

**3.2.2.** In the police, operative analysis is mostly used in investigations containing large volumes of information. It is used both in intelligence work and to support preliminary investigations. Strategic analysis is used as a support for management decisions. A system for following up the use of analyses in operative matters will be in place shortly.

### **3.3. National & International Sharing of Data**

**3.3.1.** The Police Data Act contains provisions restricting the exchange of information. Law enforcement authorities may provide crime data and intelligence to other law enforcement agencies (customs, tax authorities) only if such information can be assumed to be of specific importance for criminal investigation purposes. Data concerning a person's health, sexual inclinations, political views, etc, must not be stored for law enforcement or judicial purposes. Subject to guidelines, law enforcement information can be shared between the agencies involved, both spontaneously and on request. Work aimed at improving inter-agency information exchange is constantly in progress, mainly in the form of regular meetings held between representatives of all levels in the various Swedish law enforcement agencies. Additionally, representatives from the customs, police and other law enforcement agencies often participate in joint training programmes and seminars. The customs and the coastguard have also stationed a liaison officer at the NCIS in order to promote the exchange of information.

**3.3.2.** Internationally, the National Police Board is assigned to examine requests for information. The Government or a government agency may issue regulations to the effect that a (local) police authority is entitled to examine the request for information. Swedish law does not distinguish between 'hard' and 'soft' information as such. However, pursuant to an international treaty to which Sweden is a party, crime data pertaining to the Suspected Persons Index and the Criminal Records Index may be provided to a foreign authority or an intergovernmental organisation. On request, information may also be passed on to a court or a police or prosecution authority in a country which is a member of Interpol when this is required for the prevention, detection, investigation or prosecution of crimes or for an aliens case. Subject to legislative safeguards, crime data and intelligence including uncertified information may where applicable be shared with law enforcement authorities abroad in the context of bilateral or multilateral agreements, Europol, Interpol or via liaison officers.

## PART 4

### 4. SPECIAL INVESTIGATION TECHNIQUES

#### 4.1. Financial Investigations - Legislation and Guidelines

**4.1.1.** Financial investigations are regulated by the Act on Measures against Money Laundering. The Swedish Financial Intelligence Unit (FIU), which is part of the National Criminal Intelligence Service, produces financial intelligence on learning of a suspicious money laundering transaction (STR) from one or other of the institutions that are obliged to report such matters. The FIU is the exclusive recipient of STR information from reporting companies.

**4.1.2.** The Swedish FIU can also initiate financial investigations based on substantiated information that indicates a reasonable suspicion of crime. There is nothing to prevent a financial investigation being launched prior to conviction in a drug trafficking case. The prosecutor decides on seizure of assets.

**4.1.3.** The Swedish Code of Judicial Procedure contains provisions regarding temporary attachment and seizure that are also applicable in drug offence investigations. It is principally the Narcotic Drugs (Punishments) Act that is applicable where forfeiture occurs.

**4.1.4.** Section 6 of the Narcotic Drugs (Punishments) Act states that the proceeds and gains from drug offences covered by this law are generally to be forfeited. The above provision states that any narcotic drugs used in the commission of an offence under this Act, or the value thereof, and also other gains accruing from such offences, are to be declared forfeit if this is not manifestly unjust. This is also to apply to the payment received for any such offence, or the corresponding value, if the payment has been received and the act of receiving it constitutes an offence under the Act.

**4.1.5.** Forfeiture of the gain deriving from narcotic offences can be ordered under the Narcotic Drugs (Punishments) Act.

**4.1.6.** In Sweden there is no procedure for 'freezing' in suspected money laundering cases where credit and financial institutions are enjoined to apprise authorities in accordance with Article 7 of the Council Directive of 10 June 1991.

**4.1.7.** The Swedish Secrecy Act regulates the conditions under which the fiscal authorities may exchange fiscal information with competent law enforcement authorities. If the tax authorities suspect a crime they may pass on information to the police and prosecutors. They can also provide information if requested by the police or prosecutors where these agencies suspect a criminal offence. Tax authorities may not, however, provide information in other cases, for instance to facilitate more generalised forms of criminal investigation.

**4.1.8.** The customs and fiscal authorities cooperate jointly in areas of indirect taxation such as VAT.

**4.1.9.** FIU's may exchange money-laundering information direct with the tax authorities once an investigation has begun.

**4.1.10.** Proposals have been produced by a Government appointed Commission to alleviate the burden of proof if a person is found guilty of certain offences such as drug related crime and that the conditions for forfeiture be examined by a special economic investigation.

## **4.2 Financial Investigations - Competent Authorities**

**4.2.1.** Only the police are responsible for carrying out financial investigations. Prosecutors may request a specific investigative action but it is then up to the police to decide who will carry it out. The task usually falls to the person or persons investigating the actual drug case. Police from units investigating economic crime are also brought in on occasion. Usually, they are given a specific investigative task but are not brought onto the investigation team. Tax authority staffs are never brought into preliminary investigations but may on request provide certain particulars or investigative assistance within the framework of their duties.

**4.2.2.** The task of the Swedish Financial Intelligence Unit (FIU) is to collect, process and analyse information that at an early stage indicates new forms of economic crime, forgery or fraud, and also to support investigative activities. In addition, the FIU can assist the police with investigations if they are connected to money laundering. Furthermore, the FIU can undertake its own financial investigations in connection with suspicious money laundering transactions (STR). Ten police officers on the Swedish FIU staff have received training in economics at the National Police Academy and have also received training in banking operations in cooperation with Swedish banks.

### **4.3. Controlled Deliveries**

**4.3.1.** The Europol Manual on Controlled Deliveries gives a full description of Sweden's commitment to and implementation of policies in this specialist area.

**4.3.2.** Controlled deliveries are not subject to specific legislative regulation. However, there is a manual drawn up jointly by the Prosecutor General's Office, the National Police Board and the Swedish Customs Head Office in which various aspects of usage are discussed.

**4.3.3.** This investigative practice is used at the preliminary investigation stage and decisions on controlled deliveries are usually made by chief prosecutors or high-ranking specialists after consultation with police and customs. If any of the three agencies involved do not wish to take part in a controlled delivery, it is not proceeded with. A preliminary investigation must have been launched for a controlled delivery to be allowed to pass through Sweden. This investigation is concluded as soon as the delivery leaves the country.

**4.4.4.** For Sweden to agree to act as a transit country, the recipient country must be prepared to accept the delivery and to take subsequent responsibility for it as well as for any legal proceedings that may ensue. If such confirmation is not forthcoming, the delivery has to be stopped before it leaves Sweden. Controlled deliveries are also aborted in cases where police and customs consider that they no longer have full control over them.

**4.4.5.** Requests for controlled deliveries may be turned down if the benefits of taking part in such an action are disproportionate to the effort involved and/or the anticipated result. Requests can also be refused if it is feared that the practice would violate Swedish law in that it amounted to provocation of a criminal act and if the offence is not indictable in all the countries involved or if the safety of those involved in the operation cannot be guaranteed. A further prerequisite is the actual existence of a recipient so that the person transporting the illicit substance does not do so on his own account.

**4.4.6.** Requests for controlled deliveries are dealt with on a priority basis and decisions taken as quickly as possible.

**4.4.7.** At present, a response to an authority requesting a controlled delivery can be provided within a few hours, or sometimes slightly longer at night. Depending on the location in Sweden, a surveillance team can be in place within one to ten hours to meet the transport.

**4.4.8.** Controlled deliveries may not be effected where a courier is a foreign law enforcement officer.

**4.4.9.** Controlled deliveries are often facilitated through bilateral agreements. Coordination in these cases is not formalised but provided on a case by case basis. When several countries are involved in a controlled delivery, Europol is informed and/or called in to assist. When controlled deliveries take place in the EU, Europol is called on to act as co-ordinator. Otherwise liaison officers are used as bilateral contacts or, if such are not available, the central authorities in the countries concerned.

**4.4.10.** Sweden has no direct experience of controlled money deliveries.

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## PART 5

### 5. COORDINATION AND COOPERATION

#### 5.1. Cooperation at national level

5.1.1. At a high level there are several key law enforcement co-ordination agencies which are listed as follows:

- \* the Drug Council, which includes representatives of the police and prosecution authorities in Stockholm, Göteborg and Malmö and representatives of the National Laboratory of Forensic Science and the National Criminal Investigation Department.
- \* the Joint Consultation Group composed of representatives of the National Police Academy, the National Laboratory of Forensic Science, the Office of the Prosecutor-General, the Institute of Forensic Chemistry, the National Institute of Public Health, the Medical Products Agency, the Swedish Customs Head Office and the National Criminal Investigation Department.
- \* the national Joint Programme for the control of narcotic precursors with participants representing the Medical Products Agency, the Swedish Customs Head Office and the National Criminal Investigation Department . These agencies act together with contact officers from regional police and customs authorities for the purpose of co-operating with Sweden's legal traders in chemical products.

5.1.2. Liaison and cooperation at a more operational level takes place between the main three law enforcement authorities of the police, customs and prosecutors in accordance with the 'Tripartite Agreement'. More formally, the Tripartite Agreement is an undertaking between the National Police Board, the Board of Customs (now the Swedish Customs Head Office) and the Office of the Prosecutor-General.

**5.1.3.** The effect of the Tripartite Agreement is to regulate procedures with regard to investigations involving drug smuggling. The customs and police authorities both perform investigations. However, if it becomes evident during an investigation that the case has links to other types of crime, then the investigation becomes the main responsibility of the police who can be assisted as appropriate by the customs authority.

**5.1.4.** Exchanges of information with the prosecution authorities take place in accordance with normal preliminary investigation procedures.

**5.1.5.** There is a current initiative to extend the tripartite agreement to a four-way partnership including the coastguard. Until that happens, local customs and police authorities and the coastguard have special agreements on cooperation. These require staff to cooperate as closely as possible within the framework of their ordinary duties. Some local agreements between the police and the customs provide for the sharing of office premises, patrol vehicles and other equipment. In the case of specific targeted measures, duty roster and planning are also coordinated.

**5.1.6.** Where internal training and information programmes are deemed to be of mutual interest, representatives from customs, police and coastguard participate.

**5.1.7.** Police and customs have shared access to a number of different data banks and intelligence systems.

**5.1.8.** The Swedish coastguard has one liaison officer at the customs head office 'analysis division' and the customs and coastguard each have a liaison officer at the NCIS Office where information to and from the central national contact point passes through. The international liaison office at NCIS is the Swedish central national contact point in accordance with Recommendation 19 of the Action Plan to Combat Organised Crime of 28 April 19997.

**5.1.9.** In Sweden there are multidisciplinary groups comprising representatives from different authorities. One example of this is the OBiS group (Organised Crime in Sweden) consisting of police and customs representatives. There are also regional 'SAMEB' groups (Cooperation Against Economic Crime).

**5.1.10.** The Swedish police and customs authorities both cooperate, insofar as national legislation permits, with their counterparts in other countries through their international contacts. Both authorities allow such counterparts access to information that is considered to be of importance for an investigation.

## **5.2. Cooperation at International Level**

**5.2.1.** Sweden has concluded bilateral agreements and mutual agreements for customs purposes with a number of States to improve the exchange of information (see Annex B)

**5.2.2.** Sweden is a member of the Nordic Police Co-operation. Since 1972, the Nordic States have established a system of police cooperation based on an agreement between the national police commissioners. Virtually identical service regulations have been issued in each country for the implementation of this agreement. Cooperation is based on the principle of direct contact between the respective police authorities and prosecutors without the involvement of central bodies. These are involved only when necessary for judicial or language reasons or when central coordination is required. As it is a framework agreement, the accord may also be applied to cooperation in drug matters. This means in practice that local police authorities in the Nordic States are able to cooperate directly with one another in drug cases, for instance in joint investigations or exchanges of information.

**5.2.3.** Sweden is also a member of the Nordic Police and Customs Cooperation (PTN). Police and customs cooperation in the Nordic Countries (PTN) is an advisory mechanism for police and customs cooperation between the Nordic countries. Initially an informal forum for cooperation between the Nordic law enforcement agencies, it was formalised in 1985 by means of a treaty so as to make drug enforcement more effective. PTN cooperation is concentrated into two main areas: the deployment of Nordic liaison officers and the preparation of joint programmes for combating crime, particularly drug trafficking. This cooperative venture has proved very successful.

**5.2.4.** For exchanges of information, Customs mainly use liaison officers. However, this is often dependent on whether any customs or police liaison officers or NLOs (Nordic Liaison Officers) are stationed at the location concerned. Information to or from Swedish Customs is mainly directed through the Swedish liaison officer at Europol and almost never with Interpol.

**5.2.5.** For exchanges of information, the police use Interpol, Europol and Nordic Liaison Officers (NLO's) but also employ direct contacts with various law enforcement agencies for the exchange of police/customs information. The contact channel selected in each case depends on where the initiative was taken and also on which country is involved.

**5.2.6.** Operational teams in Sweden make use of the support provided by the analytical department of Europol via the Europol Liaison Officer, both in operational cases and in connection with regular information exchange. Sweden has not yet seen any reason to ask for technical assistance or advice from Europol but is actively supplying all relevant data to a number of the current analytical work files (AWF) at Europol, including data from ongoing intelligence operations and projects. Sweden is also utilising the Europol Liaison Officers as an additional channel for the exchange of information with other Member States.

### **5.3. Drugs Liaison Officers**

**5.3.1.** No Member States have Drug Liaison Officers posted in Sweden at present. However, pursuant to an agreement between the Swedish Government and the Russian Government, the latter has seconded a liaison officer to its embassy in Stockholm for the purpose of co-operating with the Swedish National Police Board on such matters as illegal trafficking in drugs and psychotropic substances.

**5.3.2.** Within the PTN framework, the Nordic countries currently have a total of 34 police and customs officers posted as liaison officers in 18 countries. Each PTN officer carries diplomatic accreditation for all five Nordic governments.

**5.3.3.** Swedish police officers are currently stationed in Athens, Bangkok, Budapest, The Hague, Moscow, St Petersburg, Tallinn and Warsaw. The officer in Athens is also responsible for Sofia, whereas the officer in Bangkok is responsible for the Far East. An officer in Stockholm is responsible for the Balkan Peninsula. In addition, Sweden has seconded staff to Interpol's headquarters in Lyon and to Europol in The Hague.

**5.3.4.** Swedish customs has deployed liaison officers to the United Kingdom, Germany, Poland, Latvia and Russia. The Customs liaison officers are responsible only for the countries in which they are based, except for the liaison officer in Latvia who is also responsible for contacts with Estonia and Lithuania.

**5.3.5.** Swedish Liaison Officers communicate with the central desk of the NCIS. However direct contacts are allowed between the liaison officer and the authority making or answering a request in Sweden or another Nordic country. The central desk coordinates the provision of national and international information to the law enforcement bodies concerned.

**5.3.6.** Liaison officers always write monthly reports on the cases they have dealt with, which means that law enforcement authorities at central level are constantly updated on all cases concerning Sweden and the other Nordic countries

**5.3.7.** None of the Nordic liaison officers deal with drug-related crime alone. They also handle information concerning any other types of serious crime they come across, gather any strategic information that may be of interest and provide general information about criminal activities in the host country.

**5.3.8.** Europol Liaison Officers are involved in 5-6 cases a year during which special investigation techniques are been used. None of these cases have presented difficulties in cooperation.

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## PART 6

### **6. EVALUATION OF THE EFFECTIVENESS OF SYSTEMS IN SWEDEN RELATING TO THE FIGHT AGAINST DRUG TRAFFICKING: STRUCTURE, INTELLIGENCE, SPECIAL INVESTIGATION TECHNIQUES AND COORDINATION AND COOPERATION**

#### **6.1. General Comments**

**6.1.1.** It was evident to the evaluation team that the Swedish Government affords a high priority to the drugs problem and that the responsible law enforcement authorities carry out their tasks with a great deal of commitment and professionalism.

**6.1.2.** A comprehensive drug policy is in force which embraces the international perspective as well focusing on strategies dealing with both prevention, treatment and repression.

**6.1.3.** Internally, central government communicates its strategies clearly and effectively and all relevant Ministries have related annual business plans with specific objectives and precise performance indicators. . Under the Constitution neither the Swedish Government nor the Riksdag are entitled to give direct orders to regional authorities in specific operative or administrative matters. However, regional authorities must of course adhere to legislation, Governmental and SNBP directives and guidelines (FAP's) and to the directives given by regional politically appointed boards.

**6.1.4.** In a wider context, the Swedish authorities ensure that the public is kept informed of policies relating to the drug problem. Indeed, the evaluation team was told that any ordinary person in the street would be able to explain that the central strategy in Sweden is to aim for a drug free society.

**6.1.5.** Although Sweden undoubtedly has effective drugs strategies extremely well, it does not have a specifically appointed central coordinating body for the co-ordination of law enforcement efforts in the fight against drug trafficking, as mentioned in Recommendation 1 of the Action Plan

to combat Organised Crime of 28 April 1997. The evaluation team received mixed opinions on this matter. Some key stakeholders believed that there was a need for the creation of a central co-ordinating body whilst others considered that the functions of such a body were already adequately performed by other organs of government.

**6.1.6.** Another impressive feature of the approach to combating drugs in Sweden is that there is a conscious effort to avoid complacency and attempts are constantly made to evaluate and improve through discussion and research with various sections of society. Moreover, there is currently a Government Commission tasked with reviewing all key issues relating to the drugs problem and it is due to report by the end of the year 2000.

**6.1.7.** The law provides for no tolerance and all drug offences are prosecuted but sentences allow for rehabilitation schemes as opposed to imprisonment where appropriate.

**6.1.8.** One view expressed to the evaluation team was that current Prosecution and Police structures lack sufficient resources to cope with the volume of case work.. In this connection it was said that many cases in Stockholm were not being progressed.

**6.1.9.** A Tripartite Agreement regulating procedures with regard to drug investigations operates between the customs, police authorities and the Prosecutor - Generals Office. The majority of practitioners believe that co-operation operates extremely effectively between these agencies. Certainly, there is strong collaboration on training programmes and the evaluation team were told of the excellent system data sharing between the police and customs.

**6.1.10.** The Tripartite Agreement is currently being reviewed to include the coastguard, which has a policing role at sea. In spite of its prominent role, the evaluation team was surprised to learn that the coast guard has no direct access to the police register or other police intelligence data and has to rely for information on contacts with customs.

**6.1.11.** The Tripartite Agreement does not include budgeting or resource matters. The fact that there is no formal link between operational work and resource allocation gives rise to a potential conflict. For example, although Prosecutors are responsible for the progress of investigations they

do not have direct responsibility for the budgets or resources of the investigators. However, it must be stressed that the evaluation team found no evidence to suggest that this potential has led to any significant problems.

**6.1.12.** On a more specific detail of structure, it is noticeable in Sweden that there are no specialised teams (on a national basis) of prosecutors or police tasked with combating organised crime involvement in drug trafficking. It was said to the evaluation team at one meeting that the current structures of the prosecutors and police were not good enough to deal with the bigger cases. However, this was not a universally held view and others argued that the creation of specialised teams could spread other resources too thinly and take attention away from the lower level but important area of drug related crime in urban areas.

**6.1.13.** All law enforcement authorities in Sweden enjoy well-structured training events centred on their technical needs.

**6.1.14.** There is a current proposal in Sweden to re-organise the police intelligence structure currently subsumed within the 21 regional police commands. The proposal calls for the creation of a nationally run system with a number of key outlets to serve existing intelligence 'customers'. The new system envisages police and customs intelligence staff co-located and working together. Such a system has the potential benefits of ensuring faster communication to a wider audience.

**6.1.15.** Two very good examples of how information technology has assisted the provision of intelligence are the 'Electronic Bulletin Board' and the 'KUR' system. Both systems have the potential for wider application. The Electronic Bulletin Board is operated from a national central point and can be accessed by all police and customs personnel within the Nordic Group to assess drug trafficking trends. The KUR system is more formally known, as the National Criminal Intelligence Record and although it is not yet operational, it is in the final stages of preparation. When completed, KUR will have the potential to share so called "soft" (uncertified) information with foreign law enforcement authorities in the context of bilateral or multilateral agreements, Europol, Interpol or via liaison officers.

**6.1.16.** An improvement to the delivery of intelligence would be to enable customs to have access to the customs computer system (TDS) in order to help detect criminal activity. Currently, the system is used for control purposes only.

**6.1.17.** Sweden does not have legislation to protect the identity of informants when challenged in court or to enable the evidence of protected informants to be used. Moreover, neither the police nor customs have dedicated informant recruitment teams (also known as 'source handling units').

**6.1.18.** With regard to specialist investigation techniques and financial investigations, it is worth noting that Sweden has not yet fully implemented the Joint Action of 3.12.98 (on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime) but it expects to do so in the near future. It is also worth noting that Sweden has no procedure for 'freezing' in suspected cases of money laundering where credit and financial institutions are enjoined to apprise authorities in accordance with Article 7 of the Council Directive of 10 June 1991. These points aside, and perhaps more fundamentally, investigators currently have a difficult task to prove criminality in drugs financial investigations because the burden of proof falls to them to ascertain the source of funds. However, proposals have been produced by a Government appointed Commission to alleviate the burden of proof if a person is found guilty of certain offences such as drug related crime and that the conditions for forfeiture be examined by means of a special economic investigation.

**6.1.19.** With regard to specialist investigation techniques and the undertaking of controlled deliveries, one suggestion was made which had the overwhelming support of most practitioners who were seen. This suggestion was that each region should have the formal power to instigate controlled deliveries as opposed to the current system, which specifies one contact point at the Head Office of the Customs Investigation Division. The arguments for retaining the present arrangement are that one contact point helps co-ordination in cases when the controlled delivery is conducted through several customs regions and that it complies with the requirements set up in the manual between the Swedish National Police Board, the Prosecutor General Office and the Swedish Customs Head Office. The counter arguments are that the current system can be slow and that local control would expedite matters more effectively. Although not formally part of the terms of reference given to the evaluation team, the subject of undercover work was raised by a number of persons seen when the subject of specialist investigation techniques was raised. In short, a concern was registered that Sweden does not have the necessary legislation to enable officers to carry out undercover work.

**6.1.20.** Internationally, Sweden is part of the very effective Nordic Police and Customs Co-operation (PTN) jointly operated by all Nordic Countries. The system works extremely well and is a model for positive and constructive international liaison.

**6.1.21.** All questions asked by the experts during the evaluation were related to one degree or another to various international instruments relating to cooperation between law enforcement authorities on a national and international level with regard to drug trafficking. Unless specifically commented upon within the report, the experts were assured that all actions concerning the following related instruments have or are in the process of being adopted:

- The Action Plan to combat organised crime of 28 April 1997
- The Joint Action of 14 October 1996
- The Joint Action of 29 November 1996
- The Council Resolution of 29 November 1996
- The Joint Action of 17 December 1996
- The Joint Action of 9 June 1997
- The Joint Action of 16 June 1997
- The Joint Action of 3 December 1998
- The United Nations Conventions of 1968, 1978 and 1988.

## **6.2. Possible Improvements**

All of the suggestions made in this part are the results of the discussions undertaken with the representatives of the Ministries who were seen during the evaluation visit to Sweden. The evaluation team realises that some of the suggestions are based on experiences with other legal systems and traditions and that all of them might not fit into the Swedish system. Several of the suggestions made are of a minor nature, but some may be considered to be more fundamental. The experts have of course not considered resource implications in making these suggestions.

### 6.2.1. Structure

- a. The evaluation team believes that Sweden has some excellent strategies for combating drugs trafficking at an international level and with regard to national methods of prevention and repression. However, the team questions the effectiveness of the structures responsible for delivering and communicating the strategies.
- b. There is no specifically appointed central coordinating body in Sweden for the coordination of law enforcement efforts in the fight against drug trafficking, as mentioned in Recommendation 1 of the Action Plan to combat Organised Crime of 28 April 1997. As noted earlier in this report (see 6.1.), some key stakeholders believed that there was a need for the creation of a central coordinating body whilst others considered that the functions of such a body were already adequately performed by other organs of government.
- c. Overall, the evaluation team is of the opinion that structure would be improved by the formation of a central coordinating body. It was obvious to the team that there was confusion and ignorance amongst many practitioners as to whom was responsible for coordination. This in itself would appear to be a compelling reason for the creation of such a body to give clarity and visibility to the structure, which then in turn confers 'ownership' and accountability.
- d. Communicating the Governments position on drugs to the public has proved to be successful and the evaluation team have noted in this report how they were told that any ordinary person in the street would be able to explain that the central strategy in Sweden is to aim for a drug free society (see 6.1.). However, the team was also told that there was no coordination between the law enforcement authorities with regard to the media. It is considered that collaboration in this area would not only maximise use of resources but would also provide an even better media service.
- e. On a more fundamental level, it was said to the evaluation team at one meeting that the current structures of the law enforcement authorities are not up to the challenge of dealing with the bigger cases of organised crime involvement in drug trafficking. The philosophy behind this argument being that there are no specialised teams at national level of prosecutors, police or customs tasked with this work. Given even a slight possibility that this view is a credible one it would seem a sensible option to instigate a risk assessment review to look at this issue and seek recommendations.

f. A concern was raised with the evaluation team that current Prosecution and Police structures lack sufficient resources to cope with the volume of casework. In this connection it was said that many cases in Stockholm were not being dealt with. In a short discussion of the issue, possible solutions were proffered, including the allocation of more resources, prioritisation of case work and concentration on more serious offences and the consideration of more rehabilitation schemes as alternatives to the Criminal Justice System into a rehabilitation regime.

g. One prosecutor asked for better international access to drugs case precedent files in order to increase knowledge of different practices and identify potential barriers to international working. The evaluation team supports this view but consider that the mechanism to achieve this aim is already in place in the form of the European Judicial Network.. Perhaps the main issue here is that Sweden should promote greater awareness of the European Judicial Network including contact points and services available.

#### **6.2.2. Intelligence**

a. The evaluation team supports the current proposal in Sweden for the re-organisation of the police intelligence structure, which is currently subsumed within the 21 local police commands. The proposal has the potential and desired benefits of increasing cooperation between the police and customs as well as ensuring faster communication with easier access to a broader audience. These benefits are planned to be achieved by the creation of a nationally run system with a number of key outlets to serve existing intelligence users.

b. The Electronic Bulletin Board and the KUR system have both proved to be very effective weapons in the fight against drugs. The former is an early warning system of drug trafficking trends and the latter has the potential to share so called 'soft' or uncertified intelligence with foreign law enforcement authorities. The evaluation team considers that both of these systems should be given a wider promotion for consideration of implementation elsewhere.

c. The Swedish customs computer system (TDS) is a database that contains all the documentation of the 'legal' traffic of goods across borders. It also contains some information on the companies that operate this commercial trade. This database is used for control purposes within the area of legal trade. Currently, Swedish law prevents the use of this system for intelligence purposes in order to detect criminal activity such as drug smuggling. The evaluation team considers that any information that is legitimately available to the authorities ought and should be made available to tackle drugs trafficking.

d. Intelligence or information arising from informants is vulnerable when tested in the courts. It is known that at least three countries including, Italy, Portugal and Spain have legislation in this area and the evaluation team deems it worthy of consideration by the Swedish authorities.

e. With regard to informants, it was also noticed that there is no central register of informants in Sweden and that neither the police nor customs have dedicated informant recruitment teams (also known as 'source handling units'). In the light of these points, the evaluation team is of the opinion that procedures relating to the control and recruitment of informants should be reviewed.

### **6.2.3. Special Investigation Techniques - Financial Investigations**

a. The evaluation team recognises the significance and importance of the work concerning forfeiture which was produced recently by a Government appointed Commission. Key proposals suggested by the Commission are that the burden of proof be alleviated if a person is found guilty in respect of certain offences such as drug related crime and that the conditions for forfeiture be examined by means of a special economic investigation. The evaluation team would recommend an early resolution to the consideration of these proposals by the Ministry of Justice.

b. Sweden has not yet fully implemented the Joint Action of 3.12.98 ( on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime). It is anticipated that a current reservation on Article 1 can and will be removed but the evaluation team suggest that this be resolved as soon as possible.

c. Sweden does not have a procedure for 'freezing' in suspected money-laundering cases where credit and financial institutions are enjoined to apprise authorities in accordance with Article 7 of the Council Directive of 10 June 1991.

d. Under the proposed four- party agreement (see 6.2.5. a.) it is planned that in addition to the police, customs investigators will independently investigate cases of drug smuggling. Given this move, it would seem a logical step for customs to be also given formalised competence within the area of money laundering. Certainly, this is a change that the customs would desire.

#### **6.2.4. Special Investigation Techniques - Controlled Deliveries**

a. One suggestion, which had the support of some practitioners, was that the authority procedures for controlled deliveries should be revised. It was said that the current system, which specifies one central contact point can be slow and that local control would expedite matters more effectively.

b. A number of persons seen raised the subject of undercover operations. Although Sweden has adopted the "Europol Manual on Controlled Deliveries", it does not have the necessary legislation to enable officers to carry out this type of work. For instance, current legislation gives no protection to foreign officers participating in the handling or movement of drugs and this is recognised as a difficult area for Sweden because of the need to maintain integrity. However, the use of undercover officers has proved to be an effective weapon against organised crime in a number of other countries and the evaluation team believes that Sweden should reconsider their position on this issue.

#### **6.2.5. Coordination and Cooperation at National Level**

a. The evaluation team supports the current initiative to extend the tripartite agreement to a four-way partnership including the coastguard and it is suggested that an action plan and timetable for implementation be introduced at an early stage.

b. The anomaly of the coastguard being unable to have direct access to the police register and other police intelligence ought to be rectified as soon as possible.

c. It was suggested to the evaluation team that co-locating prosecutors and police at key sites would further improve coordination and cooperation and remove the potential for conflict over such issues as the control and direction of resources. This idea could be tried on a pilot basis and the results analysed for possible wider implementation.

## 6.2.6. Cooperation and Coordination at International Level

a. The Nordic Police and Customs Cooperation (PTN) works extremely effectively and sets a good role model for how countries can coordinate and cooperate to combat drug trafficking. It is accepted that there are some unique cultural influences in the region, which ensures the success of the PTN. However, there is still a potential for a wider application of the PTN principles and the evaluation team consider that Member States should revisit and review their own arrangements in the light of the PTN system.

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## PART 7

### 7. GENERAL CONCLUSIONS AND RECOMMENDATIONS TO SWEDEN, AND, WHERE APPROPRIATE TO OTHER MEMBER STATES OF THE EUROPEAN UNION:

The evaluation team found it appropriate to make a number of suggestions for the attention of the Swedish authorities. This should not detract from the fact that Sweden has an excellent record with regard to the combating of drugs trafficking and the suggestions made by the evaluation team are only intended to add value to what is already an effective and structured system.

The experts would like to summarise their suggestions in the form of the following recommendations:

- 1. should consider the formation of a central coordinating body for the coordination of law enforcement efforts in the fight against drug trafficking (see 6.2.1.b and c).
- 2. should review media strategies to ensure that a coordinated approach is adopted by the relevant law enforcement authorities (see 6.2.1.d).
- 3. should instigate a risk assessment review of law enforcement structures to gauge their effectiveness to combat organised crime on a national basis (see 6.2.1.e).
- 4. should address the concern that current Prosecution and Police structures lack sufficient resources to cope with the volume of case work and implement appropriate measures (see 6.2.1.f).
- 5. should promote greater awareness of the European Judicial Network including contact points and services available. (see 6.2.1.g).
- 
- 6. should ensure that priority is given to the early introduction of proposals concerning the reorganisation of the police intelligence structure (see 6.2.2.a).

- 7. should circulate to other Member States details of the Electronic Bulletin Board and the KUR system for information on databases, which have the potential for a wider application in the fight against drugs (see 6.2.2.b).
- 8. should consider the use by Swedish customs of the TDS data base for use of this system for intelligence purposes in order to detect criminal activity such as drug smuggling (see 6.2.2.c).
- 9. should consider the introduction of legislation relating to the protection and safeguarding of evidence from informants, in line with legislation already introduced in Italy, Portugal and Spain. (see 6.2.2.d).
- 10. should research and consider the need for a national central register of informants and for dedicated informant recruitment teams (source handling units), (see 6.2.2.e).
- 11. should consider proposals recommending amendments to the law governing the burden of proof issue in financial investigations relating to drug related crime (see 6.2.3.a).
- 12. should fully implement the Joint Action of 3.12.98. (on money laundering, the identification , tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime), as soon as possible ( see 6.2.3.b).
- 13. should consider the introduction of a procedure for 'freezing' in suspected money laundering cases where credit and financial institutions are enjoined to apprise authorities in accordance with Article 7 of the Council Directive of 10 June 1991.(see 6.2.3. c).
- 14. should consider giving the customs authorities formalised competency in the area of money laundering (see 6.2.3.d).
- 15. should review the authority procedures for controlled deliveries to ensure an effective and efficient process (see 6.2.4.a).

- 16. should consider the introduction of legislation to enable Swedish officers to carry out undercover operations as appropriate (see 6.2.4.b).
- 17. should consider the introduction of legislation to enable foreign officers to participate in controlled deliveries within the territory of Sweden (see 6.2.4.b).
- 18. should ensure the early introduction of changes to the tripartite agreement so that it extends to a four-way partnership including the coastguard (see 6.2.5.a).
- 19. should review the intelligence needs of the coastguard and consider access by them to the police register and other police databases as appropriate (see 6.2.5.b).
- 20. should consider piloting a trial co-location of prosecutors and police at key sites to further improve coordination and cooperation (see 6.2.5.c).
- 21. should circulate to other Member States details of the Nordic Police and Customs Cooperation (PTN) for information and consideration of a model which has a proven track record how countries can coordinate and cooperate to combat drug trafficking (see 6.2.6. a).

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## VISITING PROGRAMME AND LIST OF PERSONS SEEN

**Monday, 3 July****10.00-12.00 Ministry of Justice**

- Kristina Rennerstedt, State Secretary
- Dan Eliasson, Ambassador, Director General for International Affairs
- Peter Strömberg, Director
- Agneta Bäcklund, Deputy Director
- Nils Hänninger, Chief Superintendent
- Viveca Lång, Legal Advisor

**13.30-15.00 The Swedish Customs Board**

- Kjell Jansson, Director-General
- Eva-Lotta Hedin, Head of Customs Investigation Division
- Jens Pedersen, Desk Officer, Customs Investigation Division
- Sven Peter Ohlsson, Head of Anti Smuggling Division
- Tomas Blixt, Head of Investigation Unit
- Lars Kristoffersson, Head of Intelligence Section
- Hans Johnsson, Head of Coordination Section
- J Sixten Pekkari, Head of International Coordination and Information Division

**15.30-17.30 The Prosecutor Generals Office**

- Astrid Eklund, Chief District Prosecutor
- Eva Finné, Chief District Prosecutor
- Tomas Lindstrand, Chief District Prosecutor

**Tuesday, 4 July****10.00-12.30 Helsingborg Local Public Prosecution Office**

- Sven-Erik Alhem, Regional Chief Prosecutor
- Jörgen Lindberg, Chief District Prosecutor
- Anders Ikander, District Prosecutor
- Lars Danielsson, District Prosecutor

**14.30-17.30 The Customs Service Helsingborg  
Skåne Regional Customs Service**

- Ulf Rolander, Head of Skåne Customs Region
- Per Corsing, Head of Skåne Customs Border Control Unit
- Olle Zinn, Head of Skåne Customs Analysis Unit
- Claes Kraft, Analysis Unit
- Lennart Nilsson, Head of Skåne Customs Criminal Investigation Unit
- Benny Forsberg, Control Unit
- Leif Alfredsson, Customs Expert

**Wednesday, 5 July**

**10.00-12.00 Skåne Police Authority**

- Hans Wranghult, County Commissioner, Head of the Skåne Police Authority
- Henrik Malmquist, Detective Superintendent, Head of Southern Skåne CID
- Thomas Servin, Head of the Skåne Police Drugs Unit
- Torsten Elofsson, Head of the Skåne Police Intelligence Unit
- Ing-Louise Udén, Head of Malmö Police Drugs Unit
- Anders Gustafsson, Malmö Police Drug Section Leader

**Thursday, 6 July**

**10.00-12.00 Swedish National Police Board**

- Olof Egerstedt, Deputy Director-General
- Christer Ekberg, Deputy Chief NCIS
- Kent Fernström, Detective Chief Superintendent, Police Administrative Unit
- Sigvard Rönnbäck, Detective Chief Superintendent
- Thord Modin, Head of Analysis Unit
- Jochum Söderström, Head of Financial Investigation Unit
- Mats Petersson, Detective, Drugs Unit
- Per-Olov Forslund, Detective Superintendent, Special Objects Unit
- Hans Byström, Detective Inspector, Special Objects Unit
- Nils-Åke Pjerne, Detective Superintendent, Surveillance Unit
- Lars Öjelind, Detective Superintendent, International Liaison Office
- Per-Uno Johansson, Detective Superintendent, Records Coordinator

**14.00-15.00 Government Commission**

- Vidar Andersson
- Gunborg Brännström
- Kristina Engholm

**15.30 The Swedish Coastguard**

- Anders Engblom, Acting Director-General
- Kjell Larsson, Commodore, Head of Coastguard Region East
- Peter Samuelsson, Commander, International Expert

**Friday, 7 July**

**10.00-12.00 Ministry of Justice**

- Peter Strömberg, Director
- Nils Hänniger, Chief Superintendent
- Viveca Lång, Legal Advisor

**Ministry of Social Affairs**

- Tomas Karlsson

**The Swedish Customs Board**

- Eva-Lotta Hedin, Head of Customs Investigation Division
- Jens Pedersen, Desk Officer, Customs Investigation Division

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**BILATERAL AGREEMENTS CONCLUDED BETWEEN SWEDEN  
AND OTHER STATES**

- Denmark: Agreement concerning operative police cooperation in respect of the Öresund bridge (1999).
- France: Agreement concerning police cooperation in combating terrorism, illicit drug trafficking and organised crime (1989).
- Spain: A mutual understanding agreement concerning police cooperation in combating terrorism, illicit drug trafficking and organised crime (1989).
- Russia: Agreement on cooperation concerning the fight against crime (1995) i.e. organised crime, terrorism, illicit trafficking in drugs and psychotropic substances, smuggling and other forms of serious crime.
- Hungary: Agreement on cooperation in combating organised crime, illegal trafficking in narcotic drugs and psychotropic substances, terrorism and other forms of serious crime.
- The Ukraine: Agreement on cooperation concerning the fight against crime (1995) i.e. organised crime, terrorism, illicit trafficking in drugs and psychotropic substances, smuggling and other forms of serious crime.
- Sweden has concluded agreements on mutual assistance in the customs sector with a number of countries to ensure that customs legislation is respected and to prevent, investigate and combat offences against this legislation. To date, such agreements have been signed with Germany, the United Kingdom, France, the Netherlands, the United States, Spain, Poland, Hungary, Estonia, Russia, Lithuania, Latvia, the Czech Republic and Slovakia.

Under these agreements, Swedish Customs may initiate official inquiries concerning operations, which are or appear to be contrary to current customs legislation in the country concerned.

Information received and supplied under these agreements may be used as evidence in judicial proceedings. The customs authority that receives the request may allow officials of the other country to be present at customs investigations.

**OBSERVATIONS MADE BY SWEDEN  
THAT HAVE NOT BEEN INCLUDED IN THE REPORT**

**Comments by Sweden pursuant to Article 7 of the Joint Action of 5 December 1997.**

**1. a) Part 6.1.12**

Sweden has requested that the second sentence of this paragraph is deleted and that the remaining sentences are modified accordingly.

**b) Part 6.2.1. (e)**

Sweden has requested that a redrafting should be made following the comments under Part 6.1.12.

**2. Part 7, General Conclusions**

Sweden has said that the number of recommendations as well as the scope of the different issues raised is questionable.

**3. Part 7, Recommendation number 3**

Sweden has requested that this recommendation should be redrafted.

**4. Part 7, Recommendation number 9**

Sweden has requested that this recommendation should be reconsidered.

**5. Part 7, Recommendation number 10**

Sweden has requested that this recommendation should be reconsidered.

**6. Part 7, Recommendation number 20**

Sweden has requested that this recommendation should be reconsidered.