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(February 2006)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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THE EUROPEAN UNION**

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NOTE

from : the Schengen Evaluation Committee

to : the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States

- Report on the Schengen Police Cooperation evaluation of CZECH REPUBLIC (February 2006)

The current draft is based on the replies of Czech Republic to the questionnaire and includes the result of the visit, following the evaluation and the drafting session of the Evaluation Committee during the visit. It also includes the comments from delegations and the Czech authorities to the first draft report.

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REPORT ON POLICE COOPERATION

This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up thereto to the Council.

1. Introduction

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), expert teams have visited Prague, Brno, Pilsen and Petrovice/Bahratal, where experts of this country have presented the police cooperation in their country.

Participants:

- Franz PRUTSCH (A) - leading expert
- Martin COX (UK)
- Ivo USSENKO (LV)
- Staffan BROSKE (S)
- Brunella Cattarin FRANZERO (I)
- Kristin KVIGNE (NO)
- Olli KOLSTELA (FIN)
- Dominique SCHOENHER (F)
- Juana Maria CUEZVA MARCOS (ES)
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- Roger WESTERMANN (D)
- Dariusz ZACH (PL)
- Jos BOS (NL)
- Yves JOANNESSE (COM)
- Dimitrios GALATOULAS (CS)

The Evaluation Committee visited the following sites:

- Ministry of Interior (Spiritka) in Prague
- International Police Cooperation Division in Prague
- Police Command Centre in Brno in Southern Moravia Region
- Police Administration of West Bohemian Region (Pilsen)
- Joint Czech and Saxon Police Station (Common Communication Centre) in Petrovice/Bahratal

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2. Management summary

The evaluation took place on four sites (Prague, Brno, Pilsen and in Petrovice/Bahratal) in order to show all various types of bi- and multilateral cooperation with the neighbouring countries. For the Czech Republic, the evaluation is therefore based on presentations by the Police Presidium of the Czech Republic on police cooperation from a national management point of view, on-site visits to the District Police Directorate in Brno on the police cooperation between the Czech Republic, Austria and Slovakia, to the Common Communication Centre in Petrovice/Bahratal and the District Police Directorate in Pilsen (Common Communication Centre Furth im Wald) on police cooperation between the Czech Republic and Germany.

Experts from the Police Presidium of the Czech Republic were present during the whole evaluation time and were able to provide any information requested.

The report is therefore based mainly on the replies to the questionnaire and includes information given during the presentation and during the visit. As the information given by the local authorities was very extensive, the Evaluation Committee did get a very good basis to make its assessment.

The Evaluation Committee welcomes the efforts of the Czech government to prepare and ratify new agreements with the neighbouring countries and the current level of bilateral cooperation with law enforcement agencies of the neighbouring countries.

The Evaluation Committee has made a number of detailed recommendations throughout this report, but the main recommendations concern the exchange of information and the development of a common intelligence led policing approach.

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3. Law enforcement and police organisation

3.1 National law enforcement structures

The following agencies fulfil law enforcement tasks in the Czech Republic:

- Police of the Czech Republic
- Inspection of the Ministry of the Interior
- Municipal police
- Military police
- Prison Service
- Authorised bodies of the Safety Intelligence Service
- Customs administration authorities

POLICE OF THE CZECH REPUBLIC

The Police of the Czech Republic are the only state police force in the Czech Republic with the responsibility for internal security and all crime investigations.

Its main tasks are to:

- safeguard the safety of individuals and property
- cooperate in safeguarding the public order, and in case of violations to undertake measures to establish it
- combat terrorism
- detect criminal acts and perpetrators
- carry out investigation on criminal acts
- ensure the protection of the borders (to a limited extent)

The municipal police forces, established by the different municipalities, secure local matters of the public order within the competencies of the municipality and fulfil other tasks set by the Act on the Municipal Police or a special law - it has no competencies in criminal cases.

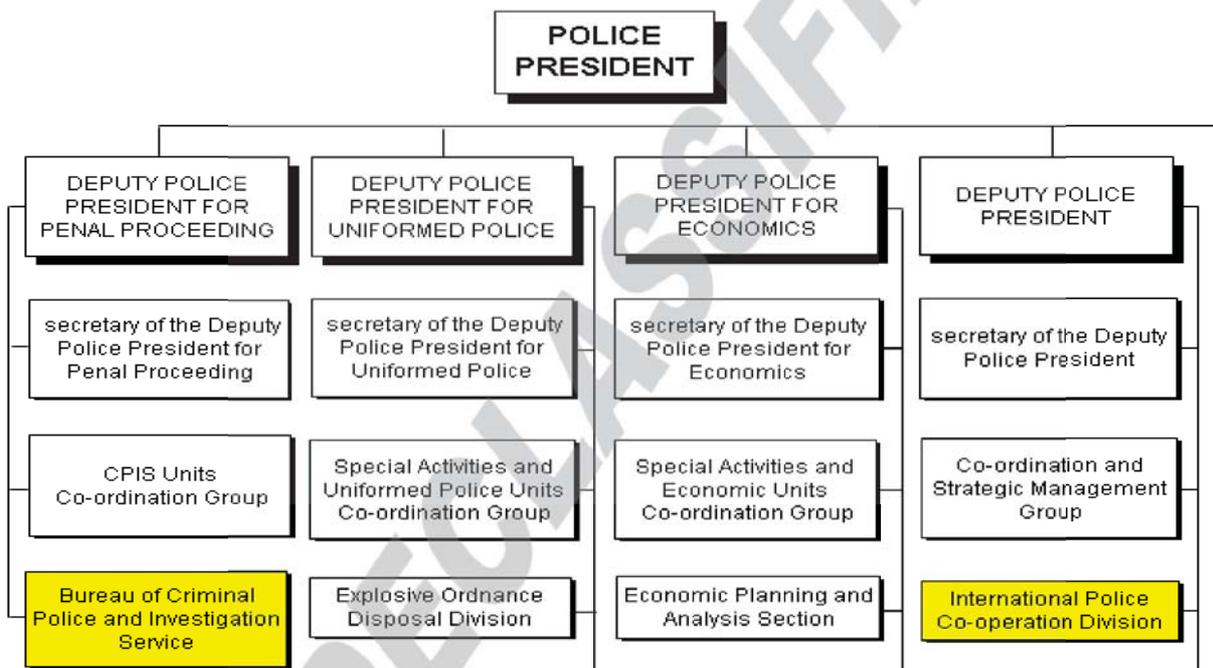
The police is directly subordinated to the Ministry of the Interior. The Police Presidium of the Czech Republic directs the activity of the Police in fulfilment of their tasks, unless otherwise stipulated by law. The Police Presidium is headed by the Police President, who is appointed and removed by the Minister of the Interior with the consent of the Czech Government.

Police divisions are established by the Minister of the Interior upon the proposal of the Police President and headed by directors, who are nominated and removed by the Police President.

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Investigations are carried out by the Criminal Police and Investigation Service in units with territorial competence; the Minister may entrust other police units with investigation and define their competence. In executing the acts of criminal proceedings a police officer is bound by the instructions of the public prosecutor. Instructions in criminal proceedings are given by the public prosecutor, according to the nature of the matter, to the respective unit or directly to the police officer. In other matters concerning the execution of service in the police force the police officer is bound by the instructions of his superiors.

The Police of the Czech Republic deploy 44.816 police officers and 11.437 civil employees, and is organized according to the following structure:



(Note by the Evaluation Committee: This chart doesn't show the entire organizational structure of the Police Presidium, but the allocation of the IPCD and CPIS within its structure)

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a) The Police Presidium of the Czech Republic

The Presidium in particular directs the police units with national-wide competence and units with territorial competence, coordinates their activities in the fulfilment of tasks which exceed their territorial or subject-related competence, cooperates in the fulfilment of their tasks with other national bodies, with international organisations and police institutions and with the security bodies of other states with regard to cross-border surveillance and joint investigation teams.

In the Police Presidium of the Czech Republic especially, the following services are allocated:

Bureau of the Criminal Police and Investigation Service (CPIS)

This service performs activities regarding crime prevention, the detection and investigation of crimes and the function as the central authority only with regard to sports events, detection and investigation of cyber crime, genocides, crimes against humanity and war crimes - in all other areas, the International Police Cooperation Department is the central Schengen authority in compliance with Article 39 and 46.

The CPIS is staffed with 11.500 officers and 960 civilians. There is one CPIS section in each of the 80 districts of police, and one CPIS department (divided into 4 sections: economic crime, general crime, surveillance and forensic) in each of the 8 regions of police. The CPIS is under the authority of the Deputy Police President for penal proceeding.



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The Intelligence Gathering Unit (IGU) is the branch within the Criminal Police and Investigation Service (CPIS), which is responsible for performing surveillance operations in the entire territory of the state, including future cross-border surveillance. The current manpower of this unit is approx. 750 police officers, divided into different specialized units.

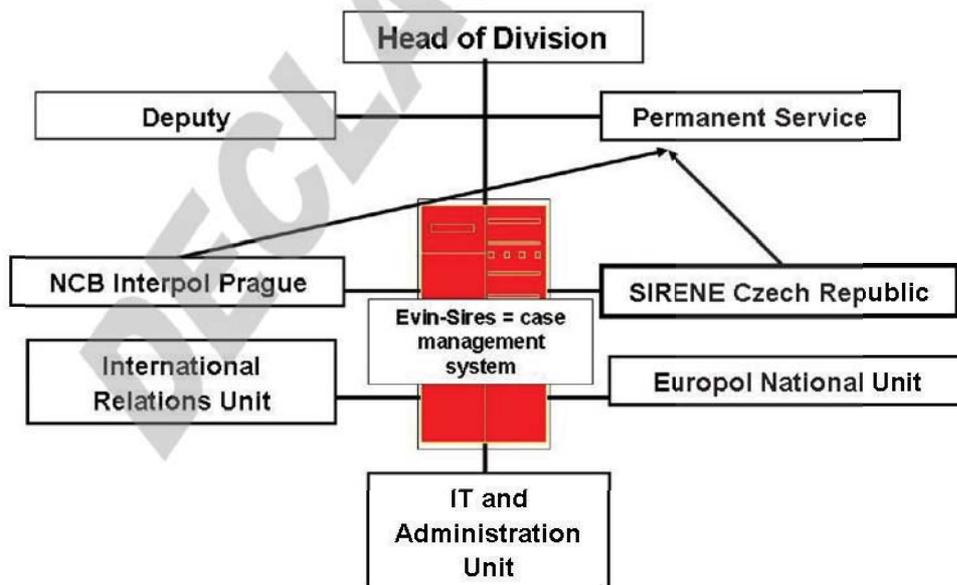
Public Order Police Department

This department is responsible for the fulfilment of tasks in the field of the protection of public order and security, as well as for receiving, recording and investigating in notifications or requests by the public.

International Police Cooperation Division

Has the foremost responsibility for the fulfilment of tasks of the Presidium in the field of international relations and ensuring the execution of international cooperation. The division encompasses the following units:

- IT and Administration Unit
- Interpol
- International Relations Unit
- National Unit of Europol
- SIRENE



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Operation Command Centre

The OCC is responsible in particular for the fulfilment of tasks in the sphere of regional Police Operations Centres, which are set up in particular in units with territorial competence. They provide a service to executive police units, which have in their remit the organisation and ensuring of measures for tackling security situations that have arisen in real time, in a specific area and territorial competence.

b) Units with national-wide competence

Among others, the following units are explicitly mentioned:

- The Alien and Border Police Service – it fulfils tasks in the sphere of protection of the state borders and the stay of foreigners on the territory of the Republic
- National Drug Headquarters in the CPIS – among its main tasks are the search for, unveiling, documenting and investigation in particular of organised drug-related crime
- Intelligence Gathering Unit in the CPIS
- Organised Crime and Detection Unit in the CPIS – a special police unit with the main task to combat organised crime in the Czech Republic (e.g. to uncover and investigate cases of murders, robberies, blackmail, extortion of claims, the taking of hostages, trafficking in human beings, arms trading, manifestations of international terrorism or crimes connected with extremism on the territory of the Czech Republic)
- Special Operations Unit in the CPIS – a special police unit, which is responsible for carrying out mock purchases and activities on witness protection, as well as handling agents and informers
- Rapid Action Unit (SWAT) – a specific police body established in particular for the fight against terrorism. It carries out operations against terrorists, kidnappers and hijackers, and actions to apprehend dangerous perpetrators.

c) Units with territorial competence

Regional Police Administrations (South Bohemia, South Moravia, North Moravia, North Bohemia, Central Bohemia, East Bohemia, West Bohemia and the City of Prague) and the District/Municipal Directorates.

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INSPECTORATE OF THE MINISTRY OF INTERIOR

The Inspectorate of the Ministry of the Interior is a unit of the Ministry of the Interior, whose task is to detect and investigate facts indicating that a criminal act was committed by a police officer – it is under the direct control of the Minister of the Interior.

MUNICIPAL POLICE

Municipal police is a body of a municipality, established and abolished by a local council decision. The municipal police force secures local matters of the public order within competencies of the municipality and fulfils other tasks set by the law on the municipal police or a special law. It has no competencies in criminal cases.

MILITARY POLICE

Military police fulfil tasks related to military forces and objects, military materials and other property of the State, managed by the Ministry of Defence. The military police takes action against soldiers in active service, persons found in military objects and areas where military actions are taking place as well as towards persons committing criminal acts or offences with the involvement of military personnel or objects.

PRISON SERVICE

The Prison Service secures especially the execution of custody and execution of imprisonment and to the extent set by law secures the protection of order and safety with the execution of judicature and management of courts and with activities of public prosecutor's offices and the Ministry of Justice. The Prison Service consists of: a) prison guard; b) judicial guard; c) administrative service.

CUSTOMS AUTHORITIES

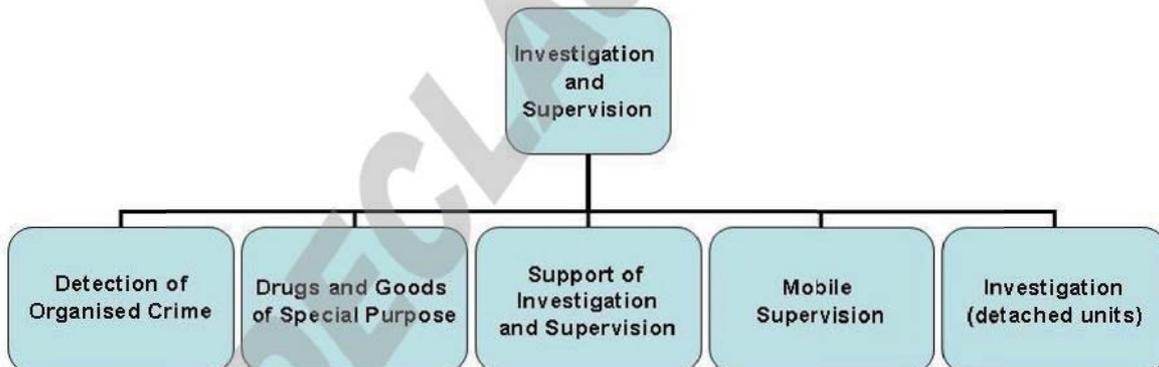
They perform e.g. inspections and surveillance in the field of customs activities and the infringement of customs regulations. In addition to its ordinary everyday work (checking goods, defining customs regimes and carrying out customs proceedings), the Customs Administration also administers taxes and fees, detects administrative offences, carries out certain tasks of state supervision (e.g. supervising the work of crews of vehicles in international road freight), and is also authorized to conduct judicial proceedings.

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The Criminal Procedure Code specifies that assigned customs authorities have the status of Police Authorities in proceedings on crimes subsequently defined by the act. The powers of assigned customs authorities in detecting such during judicial proceedings are relatively broad - from the receipt of notifications, through verification, the right to demand explanations, the right to demand expert opinions or statements, the right to perform searches of articles and places, the right to perform urgent and one-off acts (interrogations, house searches, personal searches, searches of other premises and land), the right to detain suspects, the right to release and seize articles, to track consignments, request telephone taps and telecommunications traffic recording, track people and articles, cross-border pursuit and tracking.

The Czech Republic has signed the Naples II convention, which deals with mutual assistance and cooperation between customs administrations, specifying special forms of cooperation, such as cross-border pursuit, cross-border surveillance, controlled deliveries, undercover investigations and the creation of joint investigation teams.

Customs Directorate (Division 03 – Investigation)



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POLICE DATA BASE

In the Czech Republic, police data are not kept in one general police database, but inquiries can be channelled through one query tool (this will also incorporate SIS II). This system combines the central databases used by all executive police divisions with the specialised databases of the various services and divisions of the Police of the Czech Republic and the integrated Alien Information System, which is used for matters regarding aliens and borders.

Access to data stored in the principal police databases (e.g. search for people, vehicles, arms, criminal records, records on the progress and results of criminal proceedings, monitoring selected events) is available to all officers on the whole area of the Czech Republic by means of a single query tool in the intranet network of the Ministry of the Interior. If needed, officers in the field have access through the appropriate operational centre of the Police of the Czech Republic.

The authorisation for access to the various data in the police databases is determined by internal regulations and differs according to the professional (work) position of the officers within the various services and divisions of the Police of the Czech Republic.

IS PATROS – SEARCHING FOR PERSONS

Central information system “searching for persons”- PATROS is one of the means of search for

- wanted persons,
- missing persons,
- identity of persons,
- identity of found corpses and skeletons.

The databases contain identification data of a person, data of the person’s domicile, employment etc. The databases also contain detailed description of the person, person’s clothing and special features. Additional information is provided for wanted persons – past and present criminal activities, criminal contacts, and tactical-operative instructions.

IS PATRMV – SEARCHING FOR MOTOR VEHICLES

Central information system “Searching for motor vehicles and trailers” PATRMV is one of the basic tools for search for motor vehicles which has been put on the alert in the Czech Republic.

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IS CIS – ALIEN INFORMATION SYSTEM

This system contains information about:

- Register of unwanted foreigners
- Register of offence of foreigners
- Register of long-term residents

And other supplementary intended especially for Alien and Border Police

IS P-ZBRANĚ – SEARCH FOR ARMS

The system contains information related to stolen firearms.

IS – KSU

The information system of “criminal event monitoring” KSU is a central information system of events of criminal relevance. The IS KSU is a basic investigator’s IT tool for acquisition of data related to crime and to process crime related data for investigation purposes and search for stolen goods.

3.2. Structure for international cooperation (central authorities, decentralised structures, ad hoc arrangements)

The International Police Cooperation Division (IPCD) was established in 1999 after the merging of Interpol National Central Bureau (NCB) and the International Division of Police Presidium. It has the primary responsibility for the fulfilment of the tasks in the field of international relations and ensuring the execution of international cooperation. This Division is under the responsibility of the Deputy Police President and encompasses the following units:

- National Central Office of Interpol (36 employees)
- Department for International Relations (16 employees)
- National Unit of Europol (19 employees)
- IT and Administration Unit (13 employees)
- National Office SIRENE (26 employees, incl. lawyers)

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The SIRENE, the National Central Bureau IP and the Europol National Unit are located on the same floor.

The IPCD as the Central Communication Point has a Permanent Service - 24/7 shift coverage - for the flow of information, which is being exchanged during cross-border surveillance, performed by the IGU/CPIS. The shifts are shared between the personnel of the Interpol and SIRENE office.

The offices of the IPC Division have been connected to I-24/7 Network since 2003. They have direct access to all Police Databases in Czech Republic, including the database of the Ministry of the Interior. All mentioned units of IPCD are interconnected with the Evin-Sires case management system. The Evin-Sires system constitutes the internal database of the IPCD. All the activities are kept electronically – if not received in electronic form, the document will be scanned and stored as an electronic file. This system is able to detect multiple channel inquiries in order to avoid duplications. SIRENE office is supported by the SIRPIT system, in order to facilitate the exchange of fingerprints and pictures.

The IPCD is the Central Schengen Authority in compliance with Article 39 and 46 of the Schengen Convention, except for international sport events, cyber crime (the National Contact Point for Cyber Crime has been in existence since 2003 and has provided information concerning 52 cases in 2005), Genocide, crimes against humanity and war crimes for which the Bureau of CPIS acts as the Central Schengen Authority.

3.3 Training and promotion *(training at basic, advanced and management level; linguistic training; manuals)*

The training of the police personnel on Schengen matters started in 2002, aiming to give police officers the knowledge needed for the full application of the Schengen agreement. The officers trained initially are used as multipliers for the trainings, given to the rest of the police officers. A handbook regarding the provisions of Schengen Convention is available for all police officers via the intranet.

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The training is performed on two levels:

For newly recruited police officers

The basic technical preparation (BTP) curriculum is divided according to the specialisation of students:

- a) Public Order, Traffic and Railway police students
- b) Alien and Border Police Service students.

The Schengen acquis has been incorporated into the Czech national law and internal regulations of the Police of the Czech Republic. The curriculum aims to ensure the preparation of police officers for implementation of these regulations in practice and as such it covers the whole range of the relevant Schengen acquis. In addition, the curriculum comprises two sets of four topics specifically focused on Schengen cooperation:

The knowledge, skills and approaches acquired during the school part of BTP are improved by means of *controlled practice* in police training centres operated by regional authorities and authorities of the Capital of Prague as well as by gaining direct experience via controlled performance of police practice. The curriculum of controlled practice also comprises 9 lessons specifically focused on Schengen topics.

For police officers already in service

Further technical preparation is provided for those officers who are already in service, which is divided into:

- specific preparation before the accession to the Schengen area
The first phase of training of all police officers and some civil workers took place in the second half of 2003 before the accession to the EU (i.e. before application of the Schengen acquis of category I started). The second phase took place in the first half of 2005. Training lessons were carried out by about 700 instructors.
- continuous training in the field of Schengen cooperation
Continuous training in the field of Schengen cooperation is implemented within the scope of one to two-week improvement courses for particular police services that take place in police training centres. Topics of the lessons are specified both centrally and according to the needs of police officers in service and requirements of the Police. Improvement courses mostly serve for gaining knowledge of new internal regulations, training on current topics and practising various police situations.

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The Czech Police actively participates in international training cooperation mainly through CEPOL and MEPA.

Language training

Another part of occupational education is the language education implemented at Ministry of the Interior police colleges – in Prague (English, German, Russian, French, Spanish, and Italian), Brno (English, German), Pardubice (English, German) and Holesov (English, German). The study proceeds in levels and each level finishes with an examination that is a prerequisite for moving to the higher level. Furthermore, follow-up and repeating courses, language terminology courses and a translation course are organised. Language courses were attended by 1421 students in 2004 and by 1429 students in 2005 (as of 30 September).

Teaching also takes place at the Police Academy of the Czech Republic (English, German, French, and Russian) and in regional police training centres. Teaching in regions depends on possibilities and capacity of an individual centre.

Based on the Government Decision No. 1257/2001 and the Schedule of Tasks as regards ensuring the Czech Republic's readiness to adopt the Schengen acquis, the admittance of applicants dealing with Schengen issues on language courses is a matter of priority. The knowledge of a language as well as its level became a qualifying condition for employment in certain positions, especially for managerial positions.

The Czech version of the Handbook is available on the Ministry of the Interior intranet sites relating to the EU.

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Comments and recommendations of the Evaluation Committee:

The Evaluation Committee would like to state, that the progress of the Czech Republic in their preparations for the full application of the Schengen acquis, is impressive. They have initiated a “Schengen Action Plan” that gives a clear time schedule for the implementation, and this should be seen as best practice.

The Evaluation Committee considers that the training programme is satisfactory and believes that the Czech law enforcement agencies will be well prepared for the application of the Schengen acquis in police cooperation.

The organizational structure of the IPCD and its services is well established and seems to be efficient. Whilst SIRENE and INTERPOL officers currently share the 24/7 duty of the Permanent Service, this should be enlarged to include Europol NU officers, as foreseen in the best practices. The Evin-Sires case management system is an efficient practical tool concerning the handling of requests received by the IPCD.

Though the IPCD and BCPIS are not under the umbrella of the same Deputy Police President, they are located in the same building, and this allows a good interaction between them. However, the Evaluation Committee would welcome a closer cooperation between the IPCD and the BCPIS on the Presidium level in order to enable a comprehensive analysis and the production of threat assessments based on intelligence and information gathered. In this respect the Czech authorities may consider the introduction of European Criminal Intelligence Model (ECIM).

The Evaluation Committee is also of the opinion, that the absence of the Custom Service in the IPC Division limits the range of the possibilities for cooperation in different criminal issues, which are related to police and financial aspects.

Whilst there is good foreign language capacity in the central services responsible for police cooperation the expected increase of the work load and more complex legal issues they will have to deal with (e.g. European Arrest Warrant) the absence of professional translators might create problems in the future and cause delays in the response capability of these services.

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Comments of Czech Republic:

The cooperation between Police and Customs officers is legislatively regulated by the Agreement between the Ministry of the Interior and the General Directorate of Customs. A secondment of a customs liaison officer to IPCD will be accomplished just after the specification of the conditions. A tight cooperation appears on the level of executive units, mainly in the area of drugs.

The language knowledge is one of the basic requirements for police officers working for NCB Interpol but also SIRENE CZ and Europol NU. For all kinds of tasks provided by IPCD the level of knowledge is adequate, even for judicial authorities concerning working materials. So there is no need for “professional interpreter”, except it would save time of police officers. In case the reason for the comment was that there is no professional interpreter with official certificate for “judicial” translations, please be informed, that it is not useful due to legal regulation of translations in criminal procedure. The translator, if needed, is freely selected by the judge or public prosecutor from the official list of private interpreters (the judge can not be forced to use the interpreter of IPCD). And the translator must not be interested in the case, as the staff of IPCD always is. There is no use of such interpreter, as for all urgent cases (arrest of wanted person, request for cross-border surveillance etc.), judicial authorities accept for the initiation of procedure (arrest of person, consent on cross-border surveillance) translations provided by police officers of IPCD without any problems (of course, the official translation must follow, usually with the paper copy of the request). And the officers of IPCD are always able to provide reliable translation including complex texts of EAW. As even now all the requests for search for wanted persons are translated, not a major change in amount of translations is foreseen after joining SIS. According to the above-mentioned reasons, we do not consider the comment relevant and we beg to suggest its omission.

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4. Operational cooperation

4.1 Mutual assistance (Article 39)

(via central or other authorities; in ordinary and urgent situations; responsiveness, evaluation and redress mechanism)

4.2 Exchange of information (Article 46)

(via central or other authorities; between concerned authorities)

Within the Police of the Czech Republic, the central Schengen authority is, in compliance with Article 39 and 46 of the Schengen Convention, the Police Presidium of the Czech Republic. Two divisions are represented in the central authority: the International Police Co-operation Division and the Bureau of Criminal Police and Investigation Service.

The Bureau of Criminal Police and Investigation Service performs the role of the central authority only for sports matches of an international dimension, investigation of genocide, cyber crime, crimes against humanity and war crimes and information criminality – the International Police Co-operation Division has the position of the central authority in all other areas.

The central Schengen authority has access to all necessary central police records, apart from some databases contained in the Alien Information System (CIS). When it comes to CIS, at present the central Schengen authority has on-line access to two registers (register of undesirable aliens and register of aliens with permanent or temporary residence permits). Data from the remaining registers are supplied by means of the distribution workplace of the Alien and Border Police Service. Extension of selected CIS registers with on-line access is now being prepared.

Provided that the information requested is to serve the needs of operative investigation and inspection, it can be requested directly by means of international police cooperation. If it is to serve as evidence before a court, it is necessary to ask for it through the mediation of a competent judicial authority – via international assistance in criminal matters. In compliance with the above stated legal framework, police authorities are authorised to cooperate with authorities abroad without the involvement of judicial authorities with no enumerative limitations as regards the extent of measures.

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If the police authority is not competent to deal with a request, it forwards the request by means of standard communication to a competent judicial authority for settlement. The requesting authority is notified about the fact, that the request was forwarded, but also about what exactly should be provided to judicial authority and if possible, it is provided with police information available relating to the case. Judicial authorities receive requests by fax or E-mail or telephone provided that they have no doubts as to their reliability and if the matter cannot be delayed. In such a case an original of the request must be subsequently submitted within a set time limit. Documents and information provided through police channels cannot be used as evidence in criminal proceedings, however the relevant criminal procedure can be started or initial steps done based on such information (with condition the legal assistance request will follow) - so the request for legal assistance does not mean delay in proceedings.

If a police body is not able to settle a request via the central body in time and the request is in an urgent case forwarded directly to a competent authority abroad, then the police body is obliged to notify without delay in writing the International Police Cooperation Division of the Police Presidium of such cooperation and its results. This obligation is part of an internal regulation of the Police of the Czech Republic that comprehensively provides for circumstances and conditions of international police cooperation.

Article 46 of the Schengen Agreement is now used by the central Schengen authority for exchanging of unsolicited information, especially when international sports matches are held, when security measures for eliminating violence on the part of the spectators are prepared and also when measures related to the risks associated with global terrorism are prepared.

Exact statistics for the last three years are not available; but the frequency of information exchange in 2004 and in 9 months of 2005 can be determined (world championship IIHF 2004, EURO 2004, international football matches):

2004

- Provided unclaimed information in 222 cases
- Accepted unclaimed information in 215 cases

2005

- Provided unclaimed information in 62 cases
- Accepted unclaimed information in 64 cases

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4.3 Cross-border operations (Articles 40 and 41)

(conditions, constraints, procedures, practical regulations, bilateral arrangements, joint patrols, controlled deliveries)

Articles 40 and 41 of the Convention implementing the Schengen Agreement are binding, but in the Czech Republic still not applicable due to the arrangements of the Treaty on Accession. Therefore, the Evaluation Committee could only assess the capacity of the Czech authorities to implement these Articles in due time, based on existing legal provisions and practice on cross-border surveillance and hot pursuit undertaken pursuant to existing bilateral agreements.

At present, cross-border surveillance is only possible with Germany on the basis of a bilateral agreement, and a similar agreement with Austria is under the process of ratification.

An attempt to commit a crime is punishable in the same way as an accomplished crime and therefore it is a sufficient ground for taking the measures of cross-border surveillance, as provided in Article 40(1) and (2) of the Schengen Convention.

The Czech Republic follows the wording of the Schengen Convention provision concerning the carrying of weapons by police officials of Schengen States who conduct standard surveillance operation in the territory of the country (Article 40 (1) (2) (3)). This legal construction is also applied in the Agreement between the Czech Republic and Germany on amendments to the European Convention on Mutual Assistance in Criminal Matters; the Agreement between the Czech Republic and Austria is arranged similarly.

In all the above stated cases, police officers of a contractual state conducting cross-border surveillance and carrying their service weapons are bound by legal arrangements of the state in whose territory the surveillance takes place. Service weapons of police officers are exempted from the competence of the Act on Firearms and Ammunition during their stay in the Czech Republic territory, what means that the carrying of service weapons by officers of foreign security forces in the course of cross-border surveillance - and their use in the territory of the contractual state - is provided solely by the above-stated international arrangements.

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Conditions of use of a service weapon in the territory of the Czech Republic is limited only to the cases stated in the Criminal Code – necessary defence and justified use of a weapon. National legislation does not require information on the type and number of service weapons. This could only happen if competent bodies of the Czech Republic request so prior to granting their consent to provision of legal assistance.

There are two central points for cross-border surveillance – SIRENE office for the Police and the Customs Headquarters for the Customs. The majority of cases are done through the police. SIRENE office has an agreement with the Customs on providing them with information about customs cross-border surveillance operations. The SIRENE office has direct contacts with all necessary units and bodies in case of cross-border surveillance both in the Czech Republic and in Germany.

The number of cross-border surveillance is not high, but it will rise as the police and judicial authorities get use to it. Concerning 2005, there was one case of urgent surveillance from the Czech Republic and one from Germany. In three other cases, the cooperation was requested but ultimately the surveillance did not proceed.

At present, cross-border pursuit is for the Czech Republic possible with Germany on the basis of bilateral agreements (police and judicial cooperation and cooperation in border area) and Slovakia (cooperation in border area). Similar agreement with Austria (police and judicial cooperation) is under process of ratification. At national level, the cross-border pursuit itself is described in the police internal regulations and following judicial procedure is also mentioned in the Criminal Procedure Code. Because such type of police cooperation in fact happens in border areas, hence the exchange of information is primarily organised at district and/or regional level (Command Centres) with direct contacts to relevant partners across the border to ensure really rapid reaction. These connections have already been established.

However the Central Command Centre has to be informed too and it subsequently informs IPCD (SIRENE), the top management of the Czech Police and the Ministry of the Interior operational centre. SIRENE then informs the central point of the other country and supports surrender procedure if necessary. The follow up report must be filled and sent to the IPCD (SIRENE) by the pursuing police unit.

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As the current borders with guarded border-crossings and regular patrols at green border is still in place around the Czech Republic, the number of cross-border pursuit is low, as it is not necessary. Concerning the year 2005 one case of pursuit from the Czech Republic to Germany was registered.

Mixed patrols are carried out in the framework of direct cooperation, based on bilateral agreements, which are currently only applied to the areas bordering with Germany and Slovakia. After the ratification of the agreements with Austria and Poland, it will be possible to carry out mixed patrols also with these countries.

According to the national law, an international agreement defines the terms and conditions, extent and methods for exercising the rights and obligations of a member of foreign security forces. This means, that such rights and obligations are solely based on the bilateral agreement concluded between the country of the officer's origin and the Czech Republic.

The obligation for officers participating in joint missions to have basic knowledge of the border language is not explicitly defined. However, common practice is that an adequate number of officers with knowledge of the neighbouring country's language are deployed into joint operations in order to ensure smooth contact with the officers of the given country.

All bilateral agreements with neighbouring countries presume the establishment of centres or stations with staff from both countries. Two joint contact points have been established so far in order to perform the tasks of police co-operation centres - both in cooperation with Germany (Contact Centres Petrovice/Bahratal and Furth im Wald/Germany). In relation to Slovakia, the function of joint contact workplaces is carried out by the operational centre of the North Moravian Region Police Administration and the operation centre of the South Moravian Region Police Administration. This solution was accepted after an agreement with Slovakia due to the following reasons:

- there are no language barriers between the two countries, and the Czech and Slovak Police have a similar structure;
- historically based, trouble-free direct employment relationships exist among the various divisions and services of both police authorities, and

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- apart from ad-hoc meetings of both parties, regular annual bilateral meetings of the central divisions responsible for international police co-operation are held.

Based on this consensus between the two countries there is no need to create a new contact centre in the border area.

Joint police stations have not been established at present. A joint department is planned in co-operation with the Polish Police near Cesky Tesin and Cieszyn. A centre for police and customs co-operation has not been established in the Czech Republic yet because such need has not come up, but it is possible that such centres will be established if needed.

The definition of this relationship between the above contact centres and the central Schengen body is contained in an internal regulation of the Police of the Czech Republic, which defines comprehensively the circumstances and conditions of international police co-operation. The central Schengen authority is regularly provided with information on performed investigations and screening. The employees of these contact centres also deployed for short-term services to the workplaces of the central Schengen authority.

4.4 Additional cross-border provisions (Article 44) *(current situation; planned communication structures)*

The Czech Republic has relevant provisions, which are following the principles laid down in Article 40 (3) of the Schengen Convention. These provisions are also incorporated in the agreements on police cooperation (Germany and Austria), the National Criminal Procedure Code and the internal regulations of the Police. Technical means in cross-border surveillance within the area of a Member State can thus only be used in compliance with the national law of the state concerned.

Communication pursuant to Article 44 is facilitated by means of a fixed telephone network, GSM network, exchange of radio stations and the Internet. These telecommunication means cover the needs of cross-border cooperation without any need for building special telephone, fax or E-mail lines. However, interconnections are implemented on common premises, where connections to local networks are provided on request and in mutual agreement. The said means in the due extent are already available to the Police of the Czech Republic.

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Conditions for the exchange of radio stations are set down by the respective agreements on police cooperation with all neighbouring countries, but their use in the neighbouring state territory is restricted to the quite limited network coverage outside the Czech Republic. Any investments in widening of frequency bands in cross-border areas for the purposes of improvement of the current situation is not relevant for the Czech Republic as a new digital system covering its whole territory in the Europe-wide harmonised TETRA band was already built, and bodies currently ensuring border control will gradually be equipped. It is assumed that police bodies of Germany, Austria and Poland will gradually change to the harmonised band as well.

4.5 Liaison officers *(in/from other Schengen States, cooperation in third countries)*

As regards non-Schengen states, liaison officers are currently posted in Slovakia (Bratislava diplomatic mission; working since September 2000), Russia (Moscow diplomatic mission; working since October 2001) and Ukraine (Kiev diplomatic mission; working since 2004). Posting of liaison officers in Germany, Austria and the United Kingdom as well as one liaison officer with accreditation for all northern countries is intended in the near future.

Liaison officers of Austria, France, Germany, the United Kingdom, Switzerland, USA, Japan, Slovakia, Bulgaria and Romania work in the Czech Republic. Other liaison officers accredited for the Czech Republic seated out of its territory are: liaison officers of Belgium and Canada (seated in Vienna), Israel (seated in Berlin), Australia (seated in The Hague) and the Netherlands (seated in Warsaw).

Besides liaison officers assigned to diplomatic missions of the Czech Republic abroad, two liaison officers of the Police of the Czech Republic work at Europol (The Hague; working since October 2002 and March 2005) and one liaison officer (seconded national expert) works at FRONTEX (Warsaw; working since October 2005). Currently, selecting procedures are running for filling the post of a liaison officer at Interpol (Lyon; expected date of posting – March 2006).

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4.6 Statistics

(requests pursuant to Art 39, operations pursuant to Art 40 and 41, exchanges pursuant to Art 46)

Statistics on the application of Article 46 are mentioned before in the relevant chapters 4.1 and 4.2 – particular statistics on requests pursuant to Article 39 and operations based on provisions relevant to Articles 40 and 41 were not given in a systematic way neither in the answers of the questionnaire nor on the spot.

However there is some interesting information concerning the Article 45, use of registration forms: When performing their duties, police authorities are authorised to request and use information from the registration forms, which are processed in the Alien Information System (CIS). The data provided in the registration forms are used by police authorities especially for checking residence and for the purpose of criminal investigation, searching for wanted or missing persons, searching for dead bodies with unknown identification and for preventive security operations. The information included in the registration forms is requested according to the necessity when solving a particular crime by means of direct questions in CIS and manual records on the basis of telephone, e-mail, written or personal request, and if necessary also by direct contact with the accommodation facility.

At present accurate statistics of all inquiries into the registration forms are not available because AIS does not provide this service. However, it is possible to say that 5,200 inquiries have been made in 2005 during an announced search by the criminal police service and criminal investigation of aliens with a focus on checking accommodation facilities. The frequency of use of these forms is difficult to determine because it is based on the number of crimes committed against foreigners or committed by foreigners and it is completely different every year.

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Comments and recommendations of the Evaluation Committee:

The Evaluation Committee consider the Czech Police to be rather well prepared to implement the Articles 40 and 41 of the Schengen Convention. It welcomes the implication of provisions in the already signed bilateral agreements for hot pursuit in the sense of Article 41, which are even more extensive than the relevant Schengen provisions. Nevertheless the Czech Republic is encouraged in their efforts to complete the still pending bilateral agreements in a reasonable time frame, so the application of the relevant provisions for cross-border surveillance and hot pursuit could be applied prior to the full implementation of the Schengen acquis.

According to national legislation of the Czech Republic, requests for assistance pursuant to Art 40 of the Schengen Convention is within the competence of the Public Prosecutors Office in Prague. During the evaluation it was stated, that the submission of the standard form (Annex 1 to the Police Cooperation Handbook) to the nominated central authority is sufficient to obtain the authorisation of the Public Prosecutors Office for assistance for cross-border surveillance. The Evaluation Committee would like to stress that it is important that the Public Prosecutors Office can meet the time limits concerning urgent requests.

There is a clear need for one single contact point for cross-border surveillance and hot pursuit. In addition, all services of the Police and the Customs authorities vested with investigative powers should be given explicit competency in applying cross-border surveillance and hot pursuit.

The Evaluation Committee is of the opinion, that the Czech authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

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Comments of Czech Republic:

Threat assessment is a new instrument, which implementation has just been initiated. Its form and content are being developed. Agreements concluded with the neighbouring countries so far create the conditions for standard information exchange and intensification of mutual relations. The foundation of usage of this instrument is in the cooperation with the Federal Republic of Germany pursuant to the actual international agreement, and similar forms of cooperation will be further developed.

Concerning situation, that there are two contact points for cross-border operations – within Police and Customs – it is based on bilateral agreement with Germany. There is a cooperation system developed between these two points to compensate this solution. For application of Art 40 of Schengen Convention, there is only one contact point supposed - IPCD for both Police and Customs.

The competencies of different police investigation units and Customs are clearly outlined by the Criminal Proceedings Code; details are specified in detailed Agreement between Police and Customs. Both Police and Customs use the same procedures (following the same internal regulations) concerning cross-border operations.

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5. Reports on individual sites visited/case studies

Police Directorate of South Moravian (Brno)

The Committee visited the Police Directorate of South Moravian Regional Administration, where the local authorities were given the opportunity to present the day-to-day management of international police cooperation in their territory.

The territory of South Moravian which is under the responsibility of the local police directorate has an extent of 15026 km and a population of 2 026 915 citizens. It has common borders with Austria (188,15km) and Slovakia (127.30 km).

Police cooperation with the Slovakian authorities is based to the relevant agreement, signed 27th January 2004 and entered into force 24th February 2005, which also includes the performance of joint patrols at the land borders (since 1st October 2005) and at the water border (Morava river since 21st October 2005) – the total number of conducted joint patrols up to now was 27.

Police cooperation with Austria is based on previous agreements between the two counties for relieving the border checks (entered to force 1st October 1992) and for the readmission of persons with unauthorised stay (in force since 9th October 2005), since the agreement on police cooperation between Czech Republic and Austria has not been ratified yet. At the moment the two counties do not perform joint patrols. There is a consensus between the two countries to set up a local contact point at the present BCP Mikulov-Drasenhofen as soon as the agreement is in force.

Regarding cross-border surveillance (Article 40), police authorities operate only on their own territory, because cross-border surveillance is not included in the agreements between Czech Republic and the two neighbouring countries. Therefore the conveyance of persons under surveillance only takes place at the border crossing points.

On the other hand, the performance of hot pursuit (Article 41) is already possible without any territorial or time limitations, as it is included in the relevant agreement with Slovakia. Czech authorities have set a limit of 25 km within their territory, in order to initiate a hot pursuit in case that the chased person has avoided to stop at a police checkpoint - there is no limitation applied in cases of extraditable offences. The representatives of the Police Directorate of South Moravia referred to two recent successful cases of pursuit one for each side.

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Police Administration of the West Bohemian Region (AWBR)

According to the programme the Evaluation Committee was supposed to visit the Contact Centre in Furth im Wald. However this was not possible due to bad weather conditions which did not allow the flight to this area. Therefore this visit was replaced by a detailed presentation in the Police Administration of the West Bohemian Region in the city of Pilsen.

The Pilsen Region is located in the Southwest of the Czech Republic and is on the third place in the country as regards to the area size. The centre of the activities is in the city of Pilsen with 167 000 inhabitants. The Regional Police Administration employs 3606 police officers and 1128 civilian employees. The AWBR, having a common border with Germany (Bavaria and Saxony) of a total length of 446,5 km, cooperates with the local German Police authorities based on bilateral agreement, set into force since 1st August 2002. Based on this agreement, the following activities are carried out: information exchange, coordination of police operations, high (strategic) level meetings, activities in the area of police education and training, common execution of police service (joint patrols), hot pursuit, cooperation at the common police service points (Furth im Wald) etc.

The cross-border cooperation with the Bavarian police started at the beginning of the 1990s and is mainly concentrated on the cooperation between the AWBR and the Office of the Border Liaison Officer of the Bavarian Police, appointed for dealing with the Czech Republic, detached in the Bavarian Police Inspection Office in Furth im Wald. The Contact Centre in Furth im Wald does not provide a 24/7 service at the present time – it is open from 07.00 – 19.00 hrs on regular working days. Outside this time period, phone calls are transferred to the permanently manned BCP for further proceedings. During cross border surveillance, communication between the two parties is ensured via the IPCD or directly between surveillance units.

Every year joint cross-border surveillance training operations are organized, with a particular focus on how to hand over the target between surveillance units.

In case of hot pursuit, a direct communication (“hot line”) between the Operation Centre of the AWBR and the Operation Centre of the Police Directorate in Regensburg is established in order to coordinate the operative activities. For this purpose, appropriate interpretation of any oral or written message is available for the entire period of operation, with the support of language skilled police officers in the Operational Centre and Foreign Relations Group.

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Joint Police Station Petrovice/Bahratal

The Evaluation Committee visited the Joint Police Station Petrovice/Bahratal, and had the opportunity to inspect the premises and the equipment used.

The Communication Centre was established in 1994, with the main purpose to coordinate the application of the Readmission Protocol between Czech Republic and Germany. Besides this task the Coordination Centre started to fulfil also tasks in the area of international police cooperation. It enhanced information exchange on the search for persons and missing items (i.e. stolen vehicles), trafficking in human beings and other cross-border crime.

The possibilities for the exchange of information via this centre are mainly used by the Alien and Border Police of the Czech authorities and the German Border and Criminal Police, while the German custom service is also represented by one their customs officers. The Communication Centre was transformed into a common office after the agreement on police cooperation between the two countries and started operating as such on 15 May 2003. The Communication Centre provides a 24/7 service with in total twenty police officers – 14 from German Federal Police and 11 from the Czech Police. All officers are able to communicate with their colleagues in the neighbouring language or in English.

The common principle tasks entrusted to them are:

- Information exchange
- Transmission, evaluation and processing of requests for assistance regarding public order and security
- Support of Cross-border activities
- Readmission of persons according to the relevant agreements

Joint patrols, cross-border surveillance and hot pursuit can be applied according to the existing bilateral agreement. Meetings of top officials of both sides take place on a regular base, where the development of common regional strategy and threat assessment are a priority. The respective Unit Commanders from both countries are responsible to coordinate the joint patrols three months in advance. All activities of the Communication Centre are reported to the Central Authorities by a statistical report once a week. Statistics of the years 2003 and 2004 reveal the increase of the police requests – predominantly control of identity of persons, vehicles or telephone register – while at the same time the numbers related to readmission are going down.

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After the presentation the Committee visited the premises of the Centre and inspected the equipments available (thermo-cameras, devices for detecting forged documents etc).

Comments and recommendations of the Evaluation Committee:

A) Police Directorate of South Moravian (Brno)

Regarding the cooperation with Austria and Slovakia, the Evaluation Committee would like to encourage the Czech Republic to increase their efforts on the ratification of bilateral agreements including provisions on cross-border surveillance that corresponds to the Schengen Convention.

The Evaluation Committee considers as a good practice the mixed patrols deployed both on land and waterway borders and encourages the settlement of cooperation centres as soon as possible at these borders.

B) Police Administration of the West Bohemian Region (AWBR)

The Contact Centre of the PCR AWBR FCG in Furth im Wald

The police cooperation between the AWBR in Pilsen and the respective Bavarian authorities (police and border police) is at an advanced level. The option to establish direct cooperation through the Cooperation Centre during its opening hours and the common training activities of the special of both countries are good examples for effective cross-border cooperation.

Joint Police Station Petrovice/Bahratal

Concerning the Communication Centre of the Petrovice/Bahratal, the Evaluation Committee is of the opinion that the cooperation is mainly concentrated on border issues in a regional scope of work and wonders about its future after the abolishment of the internal borders between Czech Republic and Germany. In the same context, the quite low number of requests from the Czech authorities transmitted to the JPS is a clear indicator for a lack of acceptance of this tool within its own police service.

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The equipment available at the Centre is sufficient. However access to the eASF application (forged travel documents, stolen cars, etc) of the I-24/7 system of Interpol could increase the efficiency of the conducted controls and therefore is recommended.

Comments of Czech Republic:

We consider the need to complete international agreements for police cooperation with the neighbouring countries to be our priority.

The Communication Centre of Petrovice-Bahratal will hold its function of a communication centre even after the abolishment of border controls between the Czech Republic and the Federal Republic of Germany. Its range of activity will be extended after the abolishment of border controls, which will be reflected also in its personal reinforcement. Even now, it has a universal role within the realization of the international police cooperation. The number of requests is influenced by a different adjustment of the request statistics list in the Czech Republic comparing to the German partner. There is a major increase of the number of requests from the Czech authorities transmitted to Germany via Petrovice-Bahratal after the implementation of the Agreement between Police Regional Administration of the North Bohemia and Regional Directorate of Alien and Border Police Service Ústí nad Labem (signed on 14th September 2005).

Recently, a pilot operation of a connection to the I-24/7 system is being concluded, and after that a connection to the eASF system of Interpol will be enabled for respective units of the Police of the Czech Republic.

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6. General conclusions including recommendations and follow up

The Evaluation Committee has gained a comprehensive picture of the current situation in the Czech Republic regarding international police cooperation. It has been shown, that most of the preparatory work for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures. Close cross-border cooperation, in particular at the common borders with Germany and Slovakia, is an integrated part of the day-to-day police work. The progress of the Czech Republic in their preparations for the full application of the Schengen acquis, is impressive. They have initiated a “Schengen Action Plan” that gives a clear time schedule for the implementation, and this should be seen as best practice.

There are a few areas that require further improvement:

As regards the implementation of Article 40 of the Schengen Convention, the Czech authorities are asked to ensure that the future application of this article as a vital part of cross-border police cooperation will meet the requirements and time limits provided in the Schengen Convention and the subsequent best practices.

There is a clear need for one single contact point for cross-border surveillance and hot pursuit.

The Evaluation Committee is of the opinion, that the Czech authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

The Czech Republic is encouraged to complete all bilateral agreements for police cooperation so that the application of the relevant provision for cross-border surveillance and hot pursuit can be applied prior to the full implementation of the Schengen acquis. Further Police Cooperation Centres should be established, and the Contact Centre in Furth im Wald should be seen as best practice for enhancing and encouraging cross-border cooperation between neighbouring countries.

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The Evaluation Committee recommends closer cooperation between the IPCD and the CPIS on the Presidium level in order to enable comprehensive analysis and produce threat assessments based on the intelligence and information gathered. In this respect the Czech authorities may consider the introduction of European Criminal Intelligence Model (ECIM).

As regards radio-communications, the Czech Republic should continue with their strategy to further improve cross-border telecommunication structures, although a new digital system covering its whole territory, based on the TETRAPOL system, has already been installed, and bodies currently ensuring border control will gradually be equipped.

Special emphasis should be given to a constantly recurring training regime of all officers, including those at management level, seconded to the International Police Cooperation Division and all police officers involved in police cooperation.

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Comments of Czech Republic:

The Czech Republic realizes certain problems concerning the interoperability of the used technical means of communication, dealing with the usage of compensational measures, both technical and organizational (signal overlapping to the territory of another state, usage of the GSM networks, assets of technical means). Those compensational measures will be further developed.

The Czech Republic declares that only one central contact point is going to be established – IPCD, for application of Articles 40 and 41 of the Schengen Convention. The role of the central contact point will be further strengthened by deploying a customs officer within the mentioned division, which is foreseen in the shortest time. Current specific situation arisen from the bilateral agreement with Germany on this field is compensated by close cooperation of the contact points within the Police and Customs authorities.

The Czech Republic is prepared to ensure satisfactory speed of reaction of the competent authorities in cases of cross border surveillance also after the full application of Article 40 of the Schengen Convention as it is already adopted in the framework of the bilateral agreements.

The Czech Republic apprehends the need of reliable strategic analyses and threat assessments in the area of cross-border cooperation, and focuses on these relatively new tools in police cooperation. The present structure of statistics covering the international cooperation is going to be modified according to the needs of threat assessment analyses.

The Czech Republic considers the concluding of bilateral agreements enabling the application of the institutes of cross border police cooperation as its priority and would appreciate necessary willingness to conclude the agreements also on the side of other Member States.

Establishment of common contact centres will continue using the best practices gained in existing common centres.

Continual improvement of the cooperation between IPCD a BCPIS is considered as important and obvious need, to which permanent attention is being paid by the top management of the Police.

Implementation of ECIM is actually a topic for the discussion within CPIS.

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The Czech Republic realises certain problems concerning the interoperability of the radio communication systems used in cross-border operations and deals with them using compensatory measures, both technical and organisational (usage of the GSM phones, exchange of walkie-talkies with foreign police forces in border areas, etc.). Those compensatory measures will be further developed. The Czech Police units are continuously equipped with communication means of the new digital network continues according to the agreed plan.

Professional as well as language training of police officers is recognised as crucial and the Czech Police will continue in training projects presented to the Evaluation Team to ensure proper level of knowledge of all police officers allowing them to take advantage of all possibilities of cross border and international cooperation in the Schengen area.

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ANNEX 1: list of bilateral agreements

Arrangements concluded in matters of police cooperation in general

A) Neighbouring states

1) Agreement between the Czech Republic and the Federal Republic of Germany on the cooperation of police authorities and authorities acting in the protection borders in borders areas, signed in Berlin on 19 September 2000 (published under No. 91/2002 Coll. Int. Ag., as amended by Note No. 131/2002 Coll. Int. Ag.).

In connection with agreement activities with Germany it is necessary to mention the existence of the Agreement between the Czech Republic and the Federal Republic of Germany on amendments to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and the facilitation of their use (announced under No. 68/2002 Coll. Int. Ag. as amended by Note No. 126/2002 Coll. Int. Ag.; a new note is prepared on this agreement, which notifies Germany of the competence of the Regional Public Prosecutor's Office in Prague for decisions on cross-border surveillance of persons and consignments).

2) Agreement between the Czech Republic and the Slovak Republic on cooperation in combating crime, protection of the public order and protection of the borders, signed in Bratislava on 27 January 2004 (published under No. 26/2005 Coll. Int. Ag.).

At present the Contracting Parties prepare notes announcing the bodies competent to apply the Agreement.

3) Agreement between the Czech Republic and the Republic of Austria on police cooperation and on the second amendment to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959

The agreement was signed on 14 July 2005; the ratification is still pending.

4) Agreement between the Czech Republic and the Republic of Poland on cooperation in combating crime, protection of public order and on cooperation in the border areas

Expert negotiations on the draft of the Agreement have been completed, the proposal of the Agreement will be submitted to the Government for approval and the signing of the Agreement is expected in the course of the first half of 2006; the ratification process will be commenced subsequently.

[These agreements include some institutes stated in the Schengen Convention. By virtue of them it is possible to exchange information, perform cross-border surveillance and cross-border pursuit, install direct telephone and other connections, send out liaison officers etc.]

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B) Agreements on police cooperation with current or future countries of the Schengen territory

The agreements in question deal with the cooperation in combating terrorism, organised crime and illicit trade in narcotics and psychotropic substances. These agreements are concluded with **France, Germany, Hungary, Italy, Latvia, Lithuania, Slovenia, United Kingdom and Switzerland** (the agreement with Switzerland is not in force yet).

The agreements are among others aimed at prevention, combating and detecting of the following types of criminal activities: illicit trade in firearms, trafficking in human beings, illegal immigration, counterfeit money and documents, economic crime, IT crime, offences against property and offences against objects of great cultural and historical value.

The forms of cooperation include among others exchange of information, taking appropriate measures in compliance with the national law of the contracting party, search on persons and objects, exchange of experience, secondment of experts, arrangements of common sessions. Most agreements deal with exchange and protection of personal data. Some agreements contain provisions on protection of classified information.

Agreements with **Belgium, Cyprus, Poland and Austria** constitute more general regulation and legal framework for the cooperation of police authorities of contracting parties and for combating, detecting and prosecuting extremely serious offences connected especially with organized crime. The cooperation includes e.g. the exchange of information and assistance.

New agreements on police cooperation in combating terrorism, organized crime and illicit trade in narcotics and psychotropic substances are being prepared with **Belgium, Cyprus, Lithuania and Hungary**. These agreements respond to the actual needs of effective combating extremely serious offences and contain among others provisions on protection of personal data, protection of classified information and often a protection of a witness.

C) Agreements on police cooperation with non-Schengen states

The agreements in question deal with the cooperation in combating terrorism, organised crime, illicit trade in narcotics and psychotropic substances and other types of serious criminal activities. The agreements are concluded with **Bulgaria, Chile, Croatia, Kazakhstan, Kyrgyzstan, Moldova, Romania, Russia, Tunis, Turkey, Ukraine and Uzbekistan**.

These agreements have similar aims and contents as the agreements stated under letter B)

D) Preparation of new agreements on police cooperation

Agreements on the cooperation in combating terrorism, organised crime, illicit trade in narcotics and psychotropic substances and other types of serious criminal activities. These agreements are being prepared with the **Netherlands, Serbia, Montenegro, India, Belarus, Iran, Ireland, Mexico, Malta and Saudi Arabia**.

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Arrangements in matters of police cooperation in border zones referred to in the provisions of Article 39(4) of the Convention and Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998.

Agreements mentioned above with Germany, Slovakia and Austria (the agreement was signed on 14 July 2005; the ratification process is under way) principally cover the entire extent of measures as assumed by the Schengen Agreement and the Schengen Convention. An agreement prepared with Poland will include the same institutes. As regards Germany, the Agreement on judicial cooperation containing other Schengen institutes (cross-border pursuit and surveillance) came into force. Agreements with Slovakia and Poland do not allow performance of cross-border surveillance – such a situation results from the fact that within the scope of preparation of bilateral agreements these states (including the Czech Republic) agreed on the future ratification of the second amendment to the European Convention on Mutual Cooperation in Criminal Matters of 20 April 1959.

In order to facilitate the application of both the Agreement on police cooperation with Germany and the Agreement on judicial cooperation with Germany a decision was made to develop a common Handbook on cross-border police cooperation in cross-border regions and on legal assistance in criminal matters. The Handbook should facilitate the work with international agreements and comprehensibly explain their contents to policemen serving in the cross-border region, and determine relevant contact points and information channels. The assumed training of policemen should follow the same line.

Preparation of implementing arrangements to an agreement with Austria is under way, too.

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ANNEX 2: Part 4.6 – Statistics

- on cross-border surveillance requests
(based on bilateral agreement with Germany, regular exercise are not mentioned)

Year	to the Czech Republic	from the Czech Republic
2006 (till 27.3.2006)	6	-
2005	3	1
2004	2	1

- on cross-border pursuit
(based on bilateral agreement with Germany and newly on agreement with Slovakia, regular exercise are not mentioned)

Year	to the Czech Republic	from the Czech Republic
2006 (till 27.3.2006)	-	-
2005	1	0
2004	4	1

Note: There are still **full border controls at the Czech borders**, so the necessity for cross-border operations, especially hot pursuit, are still limited (replaced often by handover of surveillance at the border in case of surveillance or stopping at the border in case of pursuit). But all implemented procedures and training of officers allows easy switch to “non-border” regime.