



Council of the
European Union

Brussels, 5 October 2015
(OR. en)

12209/15

ENFOCUSTOM 93

NOTE

From:	Presidency
To:	Customs Cooperation Working Party
No. prev. doc.:	DS 1443/15, 5931/08
Subject:	Handbook for the Naples II Convention on mutual assistance and cooperation between customs administrations (OJ C 24 of 23.1.1998, p. 1) - Part II: National fact sheets

The current document contains the revised Part II of the Handbook for the Naples II Convention, as it was updated in 2015.

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

Part I, containing the General Provisions, is set out in document 13615/05 ENFOCUSTOM 61 + COR 1 (cz).

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

NATIONAL FACT SHEETS

Belgium
Bulgaria
Croatia
Czech Republic
Denmark
Germany
Estonia
Greece
Spain
France
Ireland
Italy
Cyprus
Latvia
Lithuania
Luxembourg
Hungary
Malta
The Netherlands
Austria
Poland
Portugal
Romania
Slovenia
Slovakia
Finland
Sweden
United Kingdom

BELGIUM

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Federal Public Service FINANCES
General Administration of CUSTOMS & EXCISES
Administration of INQUIRY and INVESTIGATION - Central Component

North Galaxy
Koning Albert II –laan 33 (box 385)
B-1030 Brussels
BELGIUM

Phone: +32 / (0) 257 / 65.560 (24h/7d)
Fax: +32 / (0) 257 / 96.612 (24h/7d)
E-mail: da.oo.investigation.perma@minfin.fed.be (24h/7d)

AFIS-mail: BEDNR (24h/7d)

- languages accepted for making requests for assistance:

NL (Dutch), FR (French), DE (German) and EN (English)

- acceptance of electronic communication of assistance requests:

YES (by preference !):

- AFIS-mail (by preference) : BEDNR
- E-mail : da.oo.investigation.perma@minfin.fed.be

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

- form of cooperation:

n/a

- emergency cases only:

- contact details of the customs units:

In case of emergency, please do contact our Permanency service :

- Phone: +32 / (0) 257 / 65.560 (24h/7d)
- Fax: +32 / (0) 257 / 96.612 (24h/7d)
- E-mail: da.oo.investigation.perma@minfin.fed.be (24h/7d)

3. HOT PURSUIT

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

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception	
All infringements with the exception of infringements relating to trafficking in:	None

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

No restrictions	
Restricted as follows:	<p>The right to pursuit on the Belgian territory is limited to the principle of reciprocity:</p> <ul style="list-style-type: none"> – FR, DE: Right without time and space limitation. – LU, NL: <ul style="list-style-type: none"> • 19§2 c): art 24 of the Benelux Convention of 29/04/1969 • 19§2 a) b) & d): art 27 of the benelux treaty of 27/06/1962 – IE et UK: No hot pursuit right on the belgian territory.

➤ Pursuing officers have the right to apprehend

<p>FR: no right to apprehend DE: right to apprehend in case of extreme urgency LU & NL: following: – 19§2 c): art 24 of the Benelux Convention of 29/04/1969 – 19§2 a) b) & d): art 27 of the benelux treaty of 27/06/1962</p>
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➤ List of officers authorised to exercise the right of pursuit:

<i>Officers from:</i>	Officers of the General Administration of Customs & Excises, police when referred in the framework of art 4§ 7 of the Naples II Convention.
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➤ Definitions

<p><i>Private home, places accessible to the public, places not accessible to the public:</i> No specific legal definition of private home. Nevertheless as to be seen in the broad sense. This concept has to be seen as all houses and « all locations not accessible to the public". Inviolability of the Home is constitutionally guaranteed under Article 15 and sanctions are based on article 148 of the Penal Code.</p>
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<i>Service weapons:</i>	
<p>Allowed arms: The standard issue weapon(s)</p> <p>Issue weapons for belgian customs are (based on ministerial decree of 4 november 1992), following the missions: a) pistol, caliber 9 mm; b) semi-automatic rifle, caliber 9 mm – burst mode never allowed; c) caoutchouc baton with a maximal length of 45 cm; d) Anti-agression gas spray.</p> <p>Belgium does not permit the use of firearms with a calibre that exceeds 9 mm;</p> <p>Belgium does not permit the use of firearms in fully automatic mode;</p> <p>Belgium does not permit the use of any type of handcuffs that can injure the apprehended person;</p> <p>Belgium permits the use of pepper spray but does not permit the use of tear gas Chloroacetophenone (CN);</p> <p>Belgium does not permit the use of electric truncheons but permits the use of ordinary truncheons;</p> <p>Belgium does not permit the use of TASER</p>	<p>Use: Customs authority agent form another Member State may, at the occasion of a transnational observation on the belgian territory, carry their standard weapon. The collective armement of a team may be carried away in case of border crossing, but cannot be used nor carried.</p>

Right of self-defence:

Self-defense legally authorised is defined by articles 416 and 417 of the Penal Code. These are of strict interpretation and the following conditions must be present in order to avoid condemnation:

- a) attempt on the physical integrity of a person (article 416): proportional defense to the attempt on the physical integrity of a person, a response/retaliation commanded by and actual necessity of defense, a non (legally) justified attempt to the physical integrity;
- b) Property attempt (article 417): Never gives right to self defence, except when repealing a house breach of a habited house, occurring during the night and when an attempt on person cannot be excluded.

The status of customs vehicles as regards the highway code:

If duly equipped and authorised, priority on other vehicle

Blue flashing light: must be used in cases of emergency

Siren: must be used in cases of emergency

Red lights: cannot be running only after making the stop. Traffic must not be put at risk. When a police or customs vehicle is coming, other road users must make way and stop if necessary.

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

Time: none

Space: none

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

Administration of INQUIRY and INVESTIGATION - Central Component

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

YES

Authority to which the reports should be made:

Administration of INQUIRY and INVESTIGATION - Central Component

4. **CROSS-BORDER SURVEILLANCE**

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

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

MS accepting it through reciprocity

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

Request may be sent to the Administration of INQUIRY & INVESTIGATION - Central Component. Authorisation of the Federal Prosecutor or the competent Prosecutor and, where appropriate, the examining magistrate needed.

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

Private home - office of a lawyer or a physician
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4.4 **Definitions**

➤ **Definitions**

<i>Private home, places accessible to the public, places not accessible to the public:</i> No specific legal definition of private home. Nevertheless has to be seen in the broad sense. This concept has to be seen as all houses and « all locations not accessible to the public". Inviolability of the Home is constitutionally guaranteed under Article 15 and sanctions are based on article 148 of the Penal Code.

<i>Service weapons:</i>	
<p>Allowed arms: The standard issue weapon(s)</p> <p>Issue weapons for belgian customs are (based on ministerial decree of 4 november 1992), following the missions: a) pistol, caliber 9 mm; b) semi-automatic rifle, caliber 9 mm – burst mode never allowed; c) caoutchouc baton with a maximal length of 45 cm maximum; e) Anti-agression gas spray.</p> <p>Belgium does not permit the use of firearms with a calibre that exceeds 9 mm;</p> <p style="padding-left: 40px;">Belgium does not permit the use of firearms in fully automatic mode;</p> <p style="padding-left: 40px;">Belgium does not permit the use of any type of handcuffs that can injure the apprehended person;</p> <p style="padding-left: 40px;">Belgium permits the use of pepper spray but does not permit the use of tear gas Chloroacetophenone (CN);</p> <p style="padding-left: 40px;">Belgium does not permit the use of electric truncheons but permits the use of ordinary truncheons;</p> <p style="padding-left: 40px;">Belgium does not permit the use of TASER</p>	<p>Use : Customs authority agent form another Member State may, at the occasion of a transnational observation on the belgian territory, carry their standard weapon. The collective armement of a team may be carried away in case of border crossing, but cannot be used nor carried.</p>

Right of self-defence:

Self-defense legally authorised is defined by articles 416 and 417 of the Penal Code. These are of strict interpretation and the following conditions must be present in order to avoid condemnation:

- a) attempt on the physical integrity of a person (article 416): proportional defense to the attempt on the physical integrity of a person, a response/retaliation commanded by and actual necessity of defense, a non (legally) justified attempt to the physical integrity;
- b) Property attempt (article 417): Never gives right to self defence, except when repealing a house breach of a habited house, occurring during the night and when an attempt on person cannot be excluded.

4.5. Requirement to report back

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

Authority to which the reports should be made:

Administration of INQUIRY and INVESTIGATION - Central Component

5. CONTROLLED DELIVERIES

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

To decide : Prosecutor and/or the Counsellor General – Head of the Administration I&I (depending on infringement)

To carry out: Customs Official with qualification of Judiciary Police Officer and/or Judiciary Police Officer

5.2. Requirements regarding information to be included in the request

Details of the requested operation

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

YES

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

The abovementioned guarantee is required:

YES

5.5. Service weapons

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

No use (except under the strict self-defence definition)

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

YES

Authority to which the report should be made:

- Administration of INQUIRY and INVESTIGATION - Central Component
- PROSECUTOR

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

n/a

6. COVERT INVESTIGATIONS

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

6.1. Restrictions on the possibility of using covert investigations

Not authorised for Belgian Customs.

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

Federal Prosecutor or local Prosecutor.
Then transmitted to a specialised team of the Federal Judiciary Police

6.3. Service weapons

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6.4. General conditions

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

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6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:
Federal Prosecutor

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7. JOINT SPECIAL INVESTIGATION TEAMS

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

Counsellor General of the Administration INQUIRY & INVESTIGATION in accordance with the Federal Prosecutor

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7.2. General conditions

A request to form a joint investigation team should include the following details:

- 1° the authority making the request
- 2° the purpose of and the reason for the request
- 3° where appropriate, the identity and nationality of the person or persons concerned
- 4° proposals relating to the composition of the team
- 5° a summarized statement of the facts
- 6° where appropriate, the charge

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

YESs

Authority to which the report should be made:

Administration INQUIRY & INVESTIGATION - Central Component and Federal Prosecutor

BULGARIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Customs Intelligence and Investigation Directorate

Central Customs Directorate
National Customs Agency
47 G.S.Rakovski Str.
1202 Sofia
e-mail: Sergey.Nakov@customs.bg
Phone: +359 2 9859 4241
Fax: +359 2 9859 4081
AFIS-mail: BGCCU

- languages accepted for making requests for assistance:

Bulgarian, English, German, French

- acceptance of electronic communication of assistance requests:

Yes. Preferred electronic channel – via AFIS-MAB-mail

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

- form of cooperation:

No other units have been authorized

- emergency cases only:

N/A

- contact details of the customs units:

N/A

3. HOT PURSUIT

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

Yes. The Republic of Bulgaria declares that it is not bound by the provisions of Article 20.

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	
Restricted as follows:	

- Pursuing officers have the right to apprehend

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

<i>Officers from:</i>	
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➤ Definitions

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

<i>Right of self-defence:</i>

<i>The status of customs vehicles as regards the highway code:</i>
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➤ As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i>

<i>Space:</i>

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

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3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

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

4. CROSS-BORDER SURVEILLANCE

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

Yes. The Republic of Bulgaria declares that it is not bound by the provisions of Article 21.
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4.1. List of Member State's services authorised to exercise the right of cross-border surveillance

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

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

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4.4 Definitions

➤ Definitions

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

<i>Allowed arms:</i>	
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<i>Right of self-defence:</i>

4.5. Requirement to report back

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

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

5. CONTROLLED DELIVERIES

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

To decide: Supreme Cassation Prosecutors' Office
To carry out: National Customs Agency and a competent national police authority
The Central Coordinating Unit (CCU) within the National Customs Agency will ensure that the request is forwarded to the relevant authorities.
CCU: Customs Intelligence and Investigation Directorate
Central Customs Directorate
National Customs Agency
47 G.S.Rakovski st.
1202 Sofia
E-mail: Sergey.Nakov@customs.bg
Phone: +359 2 9859 4241
Fax: +359 2 9859 4081
In urgent cases: mobile: +359 884 633 862

5.2. Requirements regarding information to be included in the request

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

- reason for the operation;
- kind and amount of goods to be the subject of the operation (A CD is only possible if there is an offence with a threat of punishment of more than five years of imprisonment, for example: drugs, precursors, arms, counterfeit means of payment, etc.)
- expected timing and route
- type and characteristics of the means of transport;
- identity of the suspects,
- competent authority and contact persons responsible for the implementation of the operation;
- information on technical means used in the operation

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

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

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

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

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

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

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

Bulgarian Customs and Police authorities are allowed to use service weapons according to the general provisions of the Customs Act and the Ministry of the Interior Act.
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The Customs and Police officials could use service weapons only in cases of inevitable defence or in a situation of emergency. The legal definitions of the above terms are given in the Penal Code as follows:

Art. 12 (1) <i>inevitable defence</i> - defence against immediate unlawful attack on state or public interests, on the person or the rights of the person defending himself or of another person, by inflicting harm on the attacker within the framework of the necessary limits.
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Art.13 (1) <i>situation of emergency</i> – the person acts in order to save state or public interests, as well as personal or property rights belonging to him or to others, from immediate danger which the acting person could not possibly avert in another way, provided the damages caused by the act are less significant than those averted.

The Customs officials' service weapons are property of the National Customs Agency and are kept on record at the Customs office where the officer serves. These are mainly small firearms, calibre 9x19, 9x18 and 7,65 mm.
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Foreign law enforcement officers could carry service weapons under certain pre-conditions.
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5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

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

Authority to which the report should be made:

Customs Intelligence and Investigation Directorate

Central Customs Directorate

National Customs Agency

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

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes.

6. COVERT INVESTIGATIONS

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

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

6.1. Restrictions on the possibility of using covert investigations

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

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

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

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

7.2. General conditions

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

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes.

Authority to which the report should be made:

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

CROATIA

CZECH REPUBLIC

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

<i>Czech version:</i>	<i>English version:</i>
Generální ředitelství cel	General Directorate of Customs
odbor 31 Pátrání	Investigation Division
odd. 313 Národní koordinační jednotka	National Coordination Unit
Budějovická 7	Budějovická 7
140 96 Praha	140 96 Prague
Česká republika	Czech Republic
Fax: +420261333800 (24/7),	
e-mail: operacni@cs.mfcr.cz (24/7)	
MAB mail: CZGRC001 (Monday - Friday: 7.45 – 15.45)	

- languages accepted for making requests for assistance:

- | |
|---|
| <ol style="list-style-type: none">1. Mutual assistance in criminal matters (cooperation of judicial authorities) - only Czech2. Other mutual assistance - Czech, Slovak, English, German |
|---|

- acceptance of electronic communication of assistance requests:

Yes. The request must be signed by an advanced electronic signature (definition of “advanced electronic signature” – see Directive 1999/93/EC of the European Parliament and of the Council). Documents with no advanced electronic signature will be accepted only if official written request will follow immediately.

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

- form of cooperation:

Hot pursuit (Article 20)

- emergency cases only:

Yes.

- contact details of the customs units:

De: Article 20(1)

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

1. Designated central authority

Competent central authority contact data for communication concerning cross-border hot pursuit (receipt of case information, measures taken during extradition of a person from/to another country after detention, follow-up information)

Police Presidium of the Czech Republic
International Police Cooperation Division
Strojnická 27
P.O.BOX 62/MPS
170 89 Prague 7
Tel.: + 420 974 834 210 (24/7)
Fax: + 420 974 834 716 (24/7)
E-mail: omps.pripady@pcr.cz (24/7)

2. authorities to be contacted in border regions when crossing border

Czech-German border

PCCC Schwandorf

Weinbergstr. 47
974 24 Schwandorf
Germany
Phone: + 420 974 814 307
Fax: + 420 974 814 312
E-mail: krpp.omv.stala@pcr.cz
krpp.omv.zpracovatel@pcr.cz

PCCC Petrovice

Petrovice 570
403 37
Czech Republic
Phone: + 420 974 420 824
+ 420 974 420 825
+ 420 475 226 168
Mobile: + 420 734 183 820
Fax: + 420 974 420 829
+ 420 475 205 330
E-mail: krpulk.vs.omv.petrovice@pcr.cz

Czech-Austrian border

PCCC Mikulov-Drasenhofen

2165 Drasenhofen

Austria

Tel.: + 420 974 632 682-3

+ 420 519 512 875

Mobil: + 420 606 659 036

Fax: + 420 519 512 874

E-mail: krpb.omv@pcr.cz

Czech-Slovak border

Regional Police Directorate of the South Moravian Region with its seat in Brno

Integrated Command Centre

Tel.: +420 974 622 001

Fax: +420 974 622 008

E-mail: krpb.ios.v@pcr.cz

Regional Police Directorate of the Zlin Region with its seat in Zlin

Integrated Command Centre

Tel.: +420 974 662 001

Mobil: +420 725 123 410

E-mail: krpz.ios@pcr.cz

Regional Police Directorate of the Moravian-Silesian Region with its seat in Ostrava

Integrated Command Centre

Tel.: +420 974 721 001

Fax: +420 974 721 108

E-mail: krpt.oo.velitel@pcr.cz

Czech-Polish border

PCCC Chotěbuz

Na Skalce 316

735 61 Chotěbuz

Czech Republic

Tel.: + 420 974 721 261

+ 420 558 711 314

Mobil: + 420 723 752 026

Fax: + 420 974 721 268

+ 420 558 711 315

E-mail: krpt.ozv.chotebuz.pod@pcr.cz

PCCC Kudowa Słone

WSPÓLNA PLACÓWKA

Słone 147

57-350 Kudowa Zdrój

Poland

Tel.: + 420 974 534 261

Fax: + 420 974 523 640

E-mail: krph.szv@pcr.cz

3. HOT PURSUIT

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

Re: Article 20(1)

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

Re: Article 20(6)

"The Czech Republic declares that, in the territory of the Czech Republic the relevant officials of the Member States will carry out cross-border hot pursuit without spatial or time limitations (Article 20(3)(b)) and with the right to arrest persons (Article 20(2)(b)). This authorisation shall not apply to officials of the Member States that have fully excluded implementation of this Article pursuant to paragraph 8."

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception.

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

No restrictions.

- Pursuing officers have the right to apprehend

Yes. (see the Czech declaration)

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

<i>Officers from:</i>	1. the bodies of the Customs Administration of the Czech Republic, who have the position of police authorities pursuant to the national legislation 2. Police of the Czech Republic
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➤ Definitions

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

The term "dwelling" means places used for living, i.e. apartments, family homes, recreational cottages and recreational peasant cottages. An apartment includes all the other spaces, the right to the use of which is provided by a lease or other contract or agreement or an agreement establishing the right to use (for example, cellar storage rooms, garages, etc.). On the other hand, garden sheds, shelters, unlocked buildings or buildings under construction, separate garages and separate cellars are not dwellings. These are non-residential premises that are not accessible to the public; they also include production areas, storehouses and offices. These premises enjoy the same rights of protection as dwellings. Places accessible to the public include both public areas, which are defined by Section 34 of Act No. 128/2000 Coll., on municipalities (the municipal order) as all municipal squares, streets, market places, sidewalks, public greenery, parks, and other places accessible to everyone without limitations, i.e. serving for general use, without regard to the ownership of this space. Places accessible to the public also encompass restaurants, theatres, movie houses, sports facilities, shops and professional spaces (e.g. waiting rooms in medical facilities), railways and airports that are open to the public.

Service weapons:

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

Right of self-defence:

An act that is otherwise a criminal offence through which someone prevents an imminent or continuing attack on an interest protected by a criminal code is not a criminal offence.

Legitimate self-defence is not involved if the defence was clearly disproportionate to the manner of attack". - Section 29 of Act No. 40/2009 Coll., as amended - the Criminal Code.

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

The status of customs vehicles as regards the highway code:

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

Time: No. (see the Czech declaration)

Space: No. (see the Czech declaration)

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

General Directorate of Customs
Investigation Division
National Coordinating Unit
Budějovická 7
140 96 Prague
Czech Republic
Phone: +420261333333
+420261333853
+420261333854
Fax: +420261333800
e-mail: operacni@cs.mfcr.cz

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes.

Authority to which the reports should be made:

General Directorate of Customs
Investigation Division
National Coordinating Unit
Budějovická 7
140 96 Prague
Czech Republic
Fax: +420261333800
e-mail: operacni@cs.mfcr.cz

4. CROSS-BORDER SURVEILLANCE

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

Re: Article 21(1)

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

Re: Article 21(5)

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

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

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

1. Customs Administration of the Czech Republic (only the officials, who have the position of police authorities pursuant to the internal legal regulations)
2. Police of the Czech Republic
based on a request of a public prosecutor of the Czech Republic for legal assistance in a criminal matter.

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

In the Czech Republic the cross-border surveillance is possible only within of cooperation in criminal matters (the judicial cooperation) and only for the purpose of criminal proceedings.

To grant authorisation:

Czech version:

Krajské státní zastupitelství v Praze
Husova 11
110 01 Praha 1
Česká republika

English version:

Regional Public Prosecutor's Office in Prague
Husova 11
110 01 Prague
Czech Republic

To forward requests:

Czech version:

Generální ředitelství cel
odbor 31 Pátrání
odd. 313 Národní koordinační jednotka
Budějovická 7
140 96 Praha
Česká republika

English version:

General Directorate of Customs
Investigation Division
National Coordination Unit
Budějovická 7
140 96 Prague
Czech Republic

Fax: +420261333800,

e-mail: operacni@cs.mfcr.cz

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

Re: Article 21(5)

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

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

4.4 Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
See No. 3.1

Service weapons:
See No. 3.1

Allowed arms:

Right of self-defence:
See No. 3.1

4.5. Requirement to report back

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

Yes.

Authority to which the reports should be made:
See No. 3.2

5. CONTROLLED DELIVERIES

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

In the Czech Republic the controlled delivery is possible only within of cooperation in criminal matters (the judicial cooperation) and only for the purpose of criminal proceedings. Beware of the request's language (only Czech). If criminal proceedings are carry out in the Czech Republic, it is up to a prosecutor responsible for a case to issue the request for legal assistance consisting in controlled delivery. If criminal proceedings are carry out abroad, the responsible authorities are:

To decide on:

Czech version:

Krajské státní zastupitelství v Praze
Husova 11
110 01 Praha 1
Česká republika

English version:

Regional Public Prosecutor's Office in Prague
Husova 11
110 01 Prague
Czech Republic

To carry out:

1. Customs Administration of the Czech Republic (only the officials, who have the position of police authorities pursuant to the internal legal regulations)
2. Police of the Czech Republic

5.2. Requirements regarding information to be included in the request

- name and contact to authority making request (if the request is issued by customs or other law enforcement authority working under a direction of a judicial authority, the request has to contain information that this judicial authority decided to ask for a cooperation under the Napoli II Convention)
- name, location and contact of the judicial Authority that issued the particular permission in the requesting country,
- description of facts and what crime it is according to law of a requesting state
- quotation of legal provision concerning the legal qualification
- quotation of legal provision concerning power to decide about controlled delivery or power to ask court to issue such a decision,
- reason for the operation – what is the relationship between a crime described in the request and delivery that shall be controlled,
- information regarding the facts that provided the reason for the operation,
- kind and amount of goods (drugs, currency) that are the subject of the operation,
- place where the controlled consignment enters the requested state and the place where it leaves it,
- type and characteristics of the means of transport, expected route,
- identity of the suspect,
- information on the body responsible for the operation,
- information on the person responsible for the operation, information on connections thereto, information on technical means used in the operation,
- information on the employees of the bodies responsible for the operation

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes.

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

The abovementioned guarantee is required:

Yes.

5.5. Service weapons

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

See No. 3.1

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes.

Authority to which the report should be made:

See No. 3.2

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes.

6. COVERT INVESTIGATIONS

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

No.

6.1. Restrictions on the possibility of using covert investigations

In the Czech Republic the covert investigation is possible only within of cooperation in criminal matters (the judicial cooperation) and only for the purpose of criminal proceedings.

The authorization is issued by a judge of the High Court in Prague on a proposal of a public prosecutor of the High Public Prosecutor's Office in Prague. The public prosecutor of the High Public Prosecutor's Office in Prague may submit a proposal only on the request of a foreign authority for a mutual legal assistance.

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

To decide on:

Czech version:

Vrchní soud v Praze
Nám. Hrdinů 1300
140 00 Praha 4 - Pankrác
Česká republika

English version:

High Court in Prague
Nám. Hrdinů 1300
140 00 Prague
Czech Republic

To carry out:

Police of the Czech Republic

6.3. Service weapons

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
See No. 6.1

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

To decide on:

Czech version:

Nejvyšší státní zastupitelství

Jezuitská 4

660 55 Brno

Česká republika

English version:

Supreme Public Prosecutor's Office

Jezuitská 4

660 55 Brno

Czech Republic

To participate in:

1. Customs Administration of the Czech Republic (only the officials, who have the position of police authorities pursuant to the internal legal regulations)
2. Police of the Czech Republic
The head of JIT in the Czech Republic is always a public prosecutor responsible for supervising of law enforcement authorities.

7.2. General conditions

In the Czech Republic the joint special investigation team is possible only within of cooperation in criminal matters (the judicial cooperation) and only for the purpose of criminal proceedings. Supreme Prosecutor's Office concludes an agreement on joint investigation team on behalf of the Czech Republic.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Authority to which the report should be made:

DENMARK

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Danish Customs and Tax Administration Compliance Customs National Coordination Center (SKAT Døgtjeneste) Sluseholmen 8B, DK-2450 Copenhagen SV Denmark Office Group Mail: skatdogntjeneste@skat.dk Office Group Phone: +45 72 38 07 77 Office Group Fax: +45 72 37 74 10 MAB mail: DK-CUSTOM-01 24/7/365 availability

- languages accepted for making requests for assistance:

EN

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

N/A

- emergency cases only:

N/A

- contact details of the customs units:

Please refer to 1

3. HOT PURSUIT

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

Yes

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	
Restricted as follows:	After agreement from Danish National Police, NCI, Communications Centre

- Pursuing officers have the right to apprehend

Yes, if necessary

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

<i>Officers from:</i>	NCI, Communications Centre
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- Definitions

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<i>Service weapons:</i> Yes	
<i>Allowed arms</i>	<i>Use:</i>

<i>Right of self-defence:</i> Yes

<i>The status of customs vehicles as regards the highway code:</i> N/A
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- As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i>

<i>Space:</i>

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

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3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

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<i>Authority to which the reports should be made:</i> Danish National Police, NCI, Communications Centre
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4. CROSS-BORDER SURVEILLANCE

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

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

Danish National Police, NCI, Communications Centre

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

NEC@politi.dk

Phone: +45 45154200 (24/7)

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

Only police are allowed to exercise surveillance

4.4 Definitions

➤ Definitions

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

Service weapons: Yes

Allowed arms:

Right of self-defence: Yes

4.5. Requirement to report back

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

Denmark always requires a report after completion of a cross-border surveillance operation

Authority to which the reports should be made:

Danish National Police, NCI, Communications Centre

Polititorvet 14, 1780 Copenhagen V, Denmark

Mail: NEC@politi.dk

Phone +45 45154200

5. CONTROLLED DELIVERIES

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

Danish National Police

5.2. Requirements regarding information to be included in the request

We normally require that the requested MS seize drugs and investigate and punish the courier

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Always report back after completion of a controlled delivery – feed back

Authority to which the report should be made:

Danish National Police, NCI, Communications Centre

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

N/A

6.1. Restrictions on the possibility of using covert investigations

N/A

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

N/A

6.3. Service weapons

N/A

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y | N

Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Danish National Police and local Police Districts

7.2. General conditions

JIT (Joint Investigation Team)

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Always requirements and hopefully the perpetrator is sentenced to imprisonment

Authority to which the report should be made:
Danish National Police, NCI, Communications Centre
Polititorvet 14, 1780 Copenhagen V, Denmark
Mail: NEC@politi.dk
Phone +45 45154200

GERMANY

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

1. CENTRAL COORDINATING UNIT

- contact details of the central unit:

Zollkriminalamt (ZKA)
Referat III 1
Bergisch-Gladbacher Straße 837
D-51069 Köln
Telephone: +49 2216724818
Fax: +49 2216724852

AFIS DEZKA-IARH
III1@zka.bfinv.de

At weekends and after working hours:
Telephone: +49 2216724444
Fax: +49 2216724500
zlid@zka.bfinv.de

- languages accepted for making requests for assistance:

German
English, French, Spanish, Italian

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Any, within their legal and regional competence

- emergency cases only:

Yes

- contact details of the customs units:

http://www.zoll.de/DE/Service/Auskuenfte/Zolldienststellen/ZKA/zka_node.html

3. **HOT PURSUIT**

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

Yes.

The competent officers of the Member States have the right of pursuit on the territory of the Federal Republic of Germany without limit in space or time (Article 20(3)(b)) and with the right to apprehend (Article 20(2)). Officers of Member States which have fully excluded the applicability of Article 20 pursuant to paragraph 8 do not have such a right.

3.1. Restrictions on the right of hot pursuit

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

<p><i>All infringements with the exception of infringements related to trafficking in:</i></p>	<p>For <u>incoming</u> requests All infringements under Article 19(2)(a) to (c) which are punishable under the law of the requesting Member State by deprivation of liberty or a detention order for a maximum period of at least 12 months and under the law of the requested Member State by deprivation of liberty or a detention order for a maximum period of at least six months.</p>
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- Restriction on the right of hot pursuit on the MS territory

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

- Pursuing officers have the right to apprehend

<p>Yes</p>

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

<p><i>Officers from:</i></p>	<p>the Zollfahndungsdienst (Customs Investigation Service), the Grenzaufwachtdienst (Border Surveillance Service), the Wasserzolldienst (Maritime and Waterways Customs Service) and the Kontrolleinheiten Verkehrswege (mobile inspection units), the Regional (Land) and Federal Police insofar as they have jurisdiction under national law for implementing the provisions of the Convention (Article 4(7) of the Naples II Convention).</p>
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➤ Definitions

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

In the absence of a legal definition,

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

Service weapons: Pursuing officers may carry their service weapons.

Allowed arms:

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

use:

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

Right of self-defence: Self-defence means any defensive action that is necessary to avert an imminent unlawful attack on oneself or another (Section 32(2) of the German Criminal Code – Strafgesetzbuch).

The status of customs vehicles as regards the highway code:

The customs authorities may have recourse to special rights and rights of way under the German highway code (Straßenverkehrsordnung) where the performance of urgent tasks so requires. Section 38 of the highway code provides that the combination of a blue light and siren may be used only:

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

The combination of a blue light and a siren obliges other road-users to clear the way immediately. A blue light on its own may only be used to alert road-users to the scene of an accident or incident and when responding to an emergency. A blue light serves merely as a warning and does not give right of way.

Pursuant to Section 35(1)(1a) of the German highway code and Section 70(4) of the German road traffic licensing regulations (Straßenverkehrs-Zulassungs-Ordnung), these rights also apply to foreign customs officers who are entitled to carry out hot pursuit on the basis of agreements under international law, such as the Naples II Convention.

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

Time: *See 3.*

Space: *See 3.*

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

Zollkriminalamt (ZKA)
Referat I 2
Bergisch-Gladbacher Straße 837
D-51069 Köln
Telephone: +49 2216724444
Fax: +49 2216724500
zlid@zka.bfinv.de

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made: See 3.1.

4. CROSS-BORDER SURVEILLANCE

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

None

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

Criminal investigation officers, officials of the Customs Investigation Service with direct responsibility and the corresponding officers of other authorities (e.g. police) with jurisdiction in a particular case for implementing the provisions of Naples II (Article 4(7) Naples II) or who perform official duties that fall within the competence of the Customs Investigation Service in line with national provisions.

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

Zollkriminalamt: see 3.1.

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

None

4.4. Definitions

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

In the absence of a legal definition,

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

Service weapons: Pursuing officers may carry their service weapons.

Allowed arms:

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

use:

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

Right of self-defence: Self-defence means any defensive action that is necessary to avert an imminent unlawful attack on oneself or another (Section 32(2) of the German Criminal Code – Strafgesetzbuch).

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made: See 3.1.

5. CONTROLLED DELIVERIES

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

Zollkriminalamt: see 3.1.

5.2. Requirements regarding information to be included in the request

(Incoming controlled deliveries)

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

The prosecuting authority decides on the request to carry out a controlled delivery.

Surveillance of the onward forwarding of the controlled delivery by the authorities in the State of interception of the goods on grounds, for instance, of urgency is categorically prohibited since Article 22 of Naples II provides no legal basis for the cross-border deployment of customs officials. However, where in a particular case – as a result of a change in the handover point – it is exceptionally necessary for the officers involved to cross the border, the provisions and restrictions on cross-border surveillance should be applied by analogy (Article 21 Naples II).

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

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

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

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

Germany requires such a guarantee.

5.5. Service weapons

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

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

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

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

Further details:

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

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

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

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

6. COVERT INVESTIGATIONS

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

No

6.1. Restrictions on the possibility of using covert investigations

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

- serious crimes ('listed crimes')
- and if it would be impossible or significantly more difficult to investigate the crime by other methods.

The Public Prosecutor's approval is required.

Since covert investigation infringes fundamental rights, a judge's approval is required where:

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

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

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

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

- (a) to decide on: see 6.1. and Fachreferat VI 3 of the Customs Criminal Investigation Office (Zollkriminalamt) in special cases
- (b) to carry out: Customs Criminal Investigation Office (Zollkriminalamt) officials

6.3. Service weapons

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

The use of service weapons is strictly limited to self-defence situations. They may not be used for law enforcement purposes.

6.4. General conditions

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

The use of covert investigators is governed by Sections 110a and b of the German Code of Criminal Procedure.

- See 6.1.
- Only Customs Investigation Service (Zollfahndungsdienst) officials and police officers may operate as covert investigators.
- The powers of covert investigators are otherwise governed by the provisions in force, in particular the Criminal Code. This means that the covert investigator is not allowed to commit crimes, not even 'crimes to maintain his cover in criminal circles'.

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes. There are requirements to report back to the competent prosecuting authority.

Authority to which the reports should be made:

The lead prosecuting authority is usually informed of the progress of the investigation and the latest results of any criminal proceedings by the department carrying out the investigation. In addition, in the case of special, personal covert measures there is close coordination between the competent prosecuting authority and the service carrying out the covert investigation. The lead public prosecutor may ask the department conducting the investigation or the department conducting the covert investigation for a report at any time.

7. JOINT SPECIAL INVESTIGATION TEAMS

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

As the coordinating unit under Article 5 Naples II, the Customs Criminal Investigation Office (Zollkriminalamt) decides on special investigation teams and participating officials. When doing so, it must comply with the Public Prosecutor's instructions.

7.2. General conditions

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

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

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Only in cases where it is actually required.

Authority to which the report should be made:
Zollkriminalamt: see 1.

ESTONIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

<p>Tax and Customs Board Investigation Department Address: Lõõtsa 8a, Tallinn 15176 ESTONIA Contacts from 8:00am to 5:00pm Phone: +372 6762820 Fax: +372 6762933 E-mail: ncp@emta.ee</p>

- languages accepted for making requests for assistance:

English, Finnish

- acceptance of electronic communication of assistance requests:

YES

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

- form of cooperation:

- emergency cases only:

For 24/7 communication

Intelligence Department, National contact point
valve@emta.ee

Tel: +372 6762888 ; +3726762998
Mob: +372 53322898

Fax: +3726762833

- contact details of the customs units:

3. **HOT PURSUIT**

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

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

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception. All the infringements listed in Article 19(2) without exception give grounds for extradition according to the laws of the Republic of Estonia.	
All infringements with the exception of infringements relating to trafficking in:	

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

No restrictions. Pursuit, which is continued after the crossing of the border is not restricted in time or space.	
Restricted as follows:	

- Pursuing officers have the right to apprehend

NO

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

<i>Officers from:</i>	The competent surveillance authorities in Estonia are: Internal Security Service, Police and Border Guard Board, Headquarters of the Defence Forces, Prisons Department of the Ministry of Justice and Prisons, Tax and Customs Board. The central management unit is the Investigation Department of the Tax and Customs Board.
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- Definitions

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

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

<i>Right of self-defence:</i>
The definition of legitimate self-defence according to Estonian laws is the following: an act is not unlawful if a person combats a direct or immediate unlawful attack against that person's legal rights of those of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence. A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive harm to the attacker.

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

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

<i>Time: No</i>

<i>Space: No</i>

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

As above

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

YES

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

4. CROSS-BORDER SURVEILLANCE

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

No

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

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

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

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

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

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

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

4.4 Definitions

➤ Definitions

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

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

Service weapons:

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

Allowed arms:

Not answered by MS

Right of self-defence:

The definition of legitimate self-defence according to Estonian law is the following: an act is not unlawful if a person combats a direct or immediate unlawful attack against that person's legal rights of or those of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence. A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive harm to the attacker.

4.5. Requirement to report back

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

YES

Central Coordinating Unit

5. CONTROLLED DELIVERIES

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

Investigation Department of the Tax and Customs Board. Lõõtsa 8a, Tallinn, 15176, ESTONIA.

5.2. Requirements regarding information to be included in the request

YES

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

YES

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

The abovementioned guarantee is required:

YES

5.5. Service weapons

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

On the basis of reciprocity.

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

YES

Authority to which the report should be made:

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

YES

6. COVERT INVESTIGATIONS

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

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

6.1. Restrictions on the possibility of using covert investigations

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

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

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

6.3. Service weapons

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

6.4. General conditions

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

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

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

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Joint special investigation teams are established by the Prosecutor's Office on the basis of the application received. All the competent investigation agencies are empowered to participate in the work of the team. The Prosecutor is the team leader.

7.2. General conditions

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

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

YES

Authority to which the report should be made:

Investigation Department of the Tax and Customs Board; the report should contain the following information:

*countries and persons participating in the work of a joint investigation team

*type of offence

*time of conducting the operation

*persons involved

GREECE

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Division of Customs Controls Strategy & Offences 10 Karagiorgi Servias, 101 84 Athens Rilod33b@otenet.gr , d33-a@otenet.gr Phone:++302107259324, ++302107259326, ++302107259329 Fax: ++302103231411, ++302107259327, ++302103225192
--

- languages accepted for making requests for assistance:

Greek, English, French

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Direct cooperation is not authorised

- emergency cases only:

Direct cooperation is not authorised

- contact details of the customs units:

Direct cooperation is not authorised

3. **HOT PURSUIT**

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

No right of pursuit on Greek territory
--

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

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

All infringements without exception

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

No right of pursuit on Greek territory
--

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

No restrictions

Restricted as follows:

No right of pursuit on Greek territory
--

- Pursuing officers have the right to apprehend

No right of pursuit on Greek territory
--

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

<i>Officers from:</i>

No right of pursuit on Greek territory
--

➤ Definitions

No right of pursuit on Greek territory

<i>Service weapons: No right of pursuit on Greek territory</i>	
<i>Allowed arms</i>	<i>use:</i>

Right of self-defence:

The status of customs vehicles as regards the highway code:
No right of pursuit on Greek territory

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

Time: No right of pursuit on Greek territory

Space:

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

No right of pursuit on Greek territory

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

No right of pursuit on Greek territory

Authority to which the reports should be made:

4. CROSS-BORDER SURVEILLANCE

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

N/A

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

N/A

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

N/A

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

N/A

4.4 Definitions

➤ Definitions

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

Service weapons: N/A
Allowed arms: N/A

Right of self-defence: N/A

4.5. Requirement to report back

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

N/A

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

5. CONTROLLED DELIVERIES

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

The Central Unit is responsible to decide the controlled delivery and to take further necessary actions. Especially for drugs, the Coordinating Body Drug Unit (S.O.D.N) according to National Law 2331/1995, Article 15 is authorised to decide on or carry out controlled deliveries after approval by the competent Public Prosecutor in charge.

5.2. Requirements regarding information to be included in the request

N/A

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

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

The abovementioned guarantee is required:

N/A

5.5. Service weapons

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

N/A

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

N/A

Authority to which the report should be made:

N/A

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

YES

6. COVERT INVESTIGATIONS

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

N/A

6.1. Restrictions on the possibility of using covert investigations

N/A

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

N/A

6.3. Service weapons

N/A

6.4. General conditions

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

N/A

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

N/A

Y	N
---	---

Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

N/A

7.2. General conditions

N/A

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

N/A

Authority to which the report should be made:

SPAIN

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit:

Departamento de Aduanas e Impuestos Especiales
Dirección Adjunta de Vigilancia Aduanera
Subdirección General de Operaciones,
Av. Llano Castellano, 17
28071 Madrid

C.E.C.O.P.
phone + 34 91 728 98 30 (availability 24/7 h)
fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

- languages accepted for making requests for assistance:

English, French, Spanish

- acceptance of electronic communication of assistance requests:

YES (va.adu@aeat.es)

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

- form of cooperation:

Cross-border cooperation

- emergency cases only:

Yes

- contact details of the customs units:

Units from the corresponding Customs and Excise Regional Headquarters.

3. HOT PURSUIT

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

Yes:
To apprehend/limits/weapons.
Right to apprehend for foreign officers on Spanish territory.

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception

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

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

No restrictions

Restricted as follows:

- Pursuing officers have the right to apprehend:

YES

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

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

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

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

Legitimate self-defence:
 Under the Spanish Penal Code three conditions must be fulfilled in order for the action of defending the person or personal rights to qualify as self-defence :

- There must be illegitimate assault. In the case of the defence of property, an attack on property constituting an offence or an infringement, which places the property at serious, imminent risk of damage or loss, is considered illegitimate assault. In the case of the defence of a private home, unauthorised entry is considered illegitimate assault;
- The means used to avoid or repel the assault must be reasonably necessary;
- Lack of provocation by the self-defender

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

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

Time:
No
Yes: On land: 2 hours; At sea: 5 hours

Space:
No
Yes: On land: 50 km; At sea: no limits

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

The Central Coordinating Unit.

phone + 34 91 728 98 30(24h)

fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

YES

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

4. CROSS-BORDER SURVEILLANCE

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

YES

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

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

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

Departamento de Aduanas e Impuestos Especiales

Dirección Adjunta de Vigilancia Aduanera

Subdirección General de Operaciones,

Av. Llano Castellano, 17

28071 Madrid

phone + 34 91 728 98 30(24h)

fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

4.3. Special restrictions on the right of surveillance in MS

None

4.4. Definitions

➤ Definitions

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

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

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

Service weapons

Allowed arms:

Pursuing officers in Spanish territory can carry their service small arms. Patrol vessels can carry their habitual service armament

use:

Legitimate self-defence only

Right of self-defence:

Under the Spanish Penal Code three conditions must be fulfilled in order for the action of defending the person or personal rights to qualify as self defence:

- there must be illegitimate assault. In the case of the defence of property, an attack on property constituting an offence or an infringement, which places the property at serious, imminent risk of damage or loss, is considered illegitimate assault. In the case of the defence of a private home, unauthorised entry is considered illegitimate assault;
- the means used to avoid or repel the assault must be reasonably necessary;
- lack of provocation by the self-defender

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Departamento de Aduanas e Impuestos Especiales
Dirección Adjunta de Vigilancia Aduanera
Subdirección General de Operaciones,
Av. Llano Castellano ,17
28071 Madrid
phone + 34 91 728 98 30(24h)
fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

5. CONTROLLED DELIVERIES

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

Officers of Customs Surveillance [Vigilancia Aduanera] of the Customs and Excise Department and from the State Security Forces and Corps.
Controlled deliveries can only take place after informing the judicial authority and under that authority's supervision.

5.2. Requirements regarding information to be included in the request

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

The request must include a detailed description of the facts of the case which, in addition to enabling the competent prosecuting authority to carry out a legal examination :

- Goal of the operation.
- Information justifying the operation.
- Nature and amount.
- Means of transportation and possible itinerary.
- Suspects identity (name, date of birth, home, nationality, possibly description).
- Authority in charge of the operation.
- Identity, phone number, fax number and email address of the person in charge of the investigation and of the operation.
- Detailed information on the customs, police or any other law enforcement officers involved in the operation.
- Information on the possible use of specific devices for the operation (tracking systems, etc.)

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Departamento de Aduanas e Impuestos Especiales
Dirección Adjunta de Vigilancia Aduanera
Subdirección General de Operaciones,
Av. Llano Castellano ,17
28071 Madrid

phone + 34 91 728 98 30 (24h)
fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

NO

6.1. Restrictions on the possibility of using covert investigations

N/A

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

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

6.3. Service weapons

N/A

6.4. General conditions

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

N/A

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

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

7. JOINT SPECIAL INVESTIGATION TEAMS

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

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

7.2. General conditions

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

N/A

7.2. Requirement to report back

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

Yes

Authority to which the report should be made:

Departamento de Aduanas e Impuestos Especiales

Dirección Adjunta de Vigilancia Aduanera

Subdirección General de Operaciones,

Av. Llano Castellano ,17

28071 Madrid

phone + 34 91 728 98 30(24h)

fax +34 91 358 34 17

(Customs and Excise Department, Customs Surveillance Directorate, Operations Unit)

FRANCE

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Direction Nationale du Renseignement et des Enquêtes douanières (DNRED) (National Directorate for Customs Intelligence and Investigations) Assistance administrative mutuelle internationale (AAMI – Mutual administrative assistance unit) 2, mail Monique Maunoury TSA 90313 94853 Ivry sur Seine Phone :00 33 9 702 80 772 Fax: 00 33 1 41 65 20 43 Email : bcre-dnred@douane.finances.gouv.fr WE and after hours (from 6 p.m to 9 a.m): Phone :00 33 9 702 81 000 ; Email :cls-dnred@douane.finances.gouv.fr
--

- languages accepted for making requests for assistance:

French, English

- acceptance of electronic communication of assistance requests:

YES (business hours only)

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

- form of cooperation:

Hot pursuit, cross-border surveillance, controlled deliveries, control request (passengers, boats, vehicles)

- emergency cases only:

- contact details of the customs units:

(Direction des Opérations Douanières (DOD)- Centre de Liaison et de Sécurité (CLS
(Customs Operations Directorate-Liaison and security center)
Direction Nationale du Renseignement et des Enquêtes Douanières
(National Directorate for Customs Intelligence and Investigations)
Mail Monique Maunoury ,2
TSA 90313
Ivry sur Seine Cedex 94853
cls-dnred@douane.finances.gouv.fr
Phone:00 33 9 702 81 000
Fax:00 33 1 41 65 20 40

3. **HOT PURSUIT**

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

YES. No right to apprehend for foreign officers on French territory.

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception	
All infringements with the exception of infringements relating to trafficking in:	All infringements as listed in Article 19(2) (a) to (c) without exception.

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

No restrictions	
Restricted as follows:	<ul style="list-style-type: none"> – Right of hot pursuit in France is based on reciprocity ; For countries sharing a border with France, the conditions are as follows ; – Belgium and Germany: no restrictions ; – Luxembourg: within 10 kilometers around the border area ; – Spain (no declaration yet) and Italy (not ratified at this stage), conditions have yet to be defined. For the time being there is no right of hot pursuit with those countries.

- Pursuing officers have the right to apprehend

No

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

<i>Officers from:</i>	Only entitled customs officers from customs administrations (as defined by Article 4(7) of the Naples II Convention).
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➤ Definitions

Places accessible to the public, any connected location and places not restricted to the general public.

Places not accessible to the public:

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

Outdoor bar terraces, directly accessible to the public;

public markets, indoor markets included;

all type of fairs organised in public areas;

train stations and airports halls, open to public circulation.

The following are excluded from the right of hot pursuit:

bars;

night-clubs;

stores, including those located in public markets, if they can be closed;

fairs, when organised in enclosed spaces with entrance gates (with or without entrance fees).

Service weapons:

<i>Allowed arms: pursuing officers' right to carry their weapons is subject to reciprocity</i>	<i>use: self-defence only</i>
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Right of self-defence: YES (Article 122-5 of the Criminal Code) under strict conditions.

The status of customs vehicles as regards the highway code:

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

Time: No

Space: 10 kilometers

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

Border with Belgium
Direction interrégionale des douanes de Lille
Centre de liaison interrégional
5 rue de Courtrai
BP 683
59033 Lille cedex
Phone: 00 33 3 28 36 36 18
Fax: 00 33 3 20 42 17 76
ou Direction Nationale du Renseignement et des Enquêtes Douanières
(National Directorate for Customs Intelligence and Investigations)
2, Mail Monique Maunoury
TSA 90313
94853 Ivry sur Seine Cedex
cls-dnred@douane.finances.gouv.fr
Phone:00 33 9 702 81 000
Fax:00 33 1 41 65 20 40

Border with Luxembourg and Germany
Direction interrégionale de Metz
Centre de liaison interrégional
25 avenue Foch
BP 61074
57036 METZ Cedex
Phone: 00 33 3 87 75 53 31
Fax: 00 33 3 87 36 96 66
ou

Direction Nationale du Renseignement et des Enquêtes Douanières
(National Directorate for Customs Intelligence and Investigations)
2, Mail Monique Maunoury
TSA 90313
94853 Ivry sur Seine Cedex
cls-dnred@douane.finances.gouv.fr
Phone:00 33 9 702 81 000
Fax:00 33 1 41 65 20 40

Border with Italy
Direction interrégionale de Marseille
Centre de liaison interrégional
48 avenue robert Schuman
13224 MARSEILLE Cedex
Phone: 00 33 4 91 14 14 60
Fax: 00 33 4 91 56 68 92
ou
Direction Nationale du Renseignement et des Enquêtes Douanières
(National Directorate for Customs Intelligence and Investigations)
2, Mail Monique Maunoury
TSA 90313

94853 Ivry sur Seine Cedex
cls-dnred@douane.finances.gouv.fr
Phone:00 33 9 702 81 000
Fax:00 33 1 41 65 20 40

Border with Spain

Direction interrégionale de Bordeaux
Centre de liaison interrégional
1 Quai de la douane BP60
33 024 BORDEAUX

Phone: 00 33 5 56 44 38 05 Fax: 00 33 5 56 79 28 37

ou

Direction Nationale du Renseignement et des Enquêtes Douanières
(National Directorate for Customs Intelligence and Investigations)

2, Mail Monique Maunoury
TSA 90313

94853 Ivry sur Seine Cedex
cls-dnred@douane.finances.gouv.fr
Phone:00 33 9 702 81 000
Fax:00 33 1 41 65 20 40

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

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

4. CROSS-BORDER SURVEILLANCE

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

No

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

DNRED

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

(UCC) AAMI and CLS (see above for references)

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

No legal provisions allowing a right of surveillance on the French territory by Foreign authorities

4.4 Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public: Places accessible to the public, any connected location and places not restricted to the general public.

Places not accessible to the public:

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

Outdoor bar terraces, directly accessible to the public;
public markets, indoor markets included;
all type of fairs organised in public areas;
train stations and airports halls, open to public circulation.

The following are excluded from the right of hot pursuit:

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

Service weapons:

Allowed arms:

right for pursuing officers to carry their weapon is subject to reciprocity
use: self-defence only, under strict legal conditions

Right of self-defence: Yes

4.5. Requirement to report back

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

Yes

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

5. CONTROLLED DELIVERIES

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

DNRED (see above for contacts).

Controlled deliveries can only take place after informing the judicial authority and under that authority's supervision, in accordance with article 67 bis of the French Customs Code.

5.2. Requirements regarding information to be included in the request

Information required in order to decide on the request for controlled delivery:

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

see hot pursuit

Legitimate self-defence: YES

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made: DNRED

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

No

6.1. Restrictions on the possibility of using covert investigations

Covert investigations may be carried out to detect the following customs infringements:

- import, export and possession of drugs;
- smuggling of tobacco, alcohol and spirits;
- counterfeiting;
- money laundering.

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

DNRED is the national contact point of foreign authorities for implementation of article 23. The final decision belongs to the judicial authority (see 6.4).

French customs officers involved in covert investigations, in France or abroad, are trained and hold a specific qualification to carry out such investigations.

Qualified French customs agents may carry out covert investigations in another Member State, upon agreement of this Member State and within the national legal framework of the MS.

6.3. Service weapons

Possession of a weapon by foreign covert investigators is possible only under specific circumstances.

6.4. General conditions

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

Involvement of foreign covert investigators on the French Republic territory must be agreed upon by the Minister of Justice. The request must be sent to the Minister of Justice through the channel of legal assistance in criminal matters.

The Minister of Justice may only give its agreement if the foreign agents belong to a specialized service and have the same type of missions as the French customs agents qualified to carry out covert investigations.

The covert investigation carried out by foreign agents on the French Republic territory is led by French customs agents.

Provisions of the French customs code specify the actions that can be carried out by foreign covert investigators on the French Republic territory.

Upon request of the French customs, it is also possible, with the agreement of the judicial authorities of the Member State, for a customs agent of this member State to be involved in a covert investigation led by the French customs in France.

Cf article 67 bis point VIII du code des douanes

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes	<input type="checkbox"/>
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<i>Authority to which the reports should be made:</i> Foreign covert investigators must keep the leading French customs agents informed of their activities.
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7. JOINT SPECIAL INVESTIGATION TEAMS

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

7.2. General conditions

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

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

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

1. Mutual Assistance Unit: Central Investigations Branch, 3rd floor, Block D, Ashtown gate, Dublin 15. Phone + 353 1 8277631; + 353 87 6836792 (24h) Fax + 353 1 8277683. E-mail: mutualassistance@revenue.ie MAB mail: IECIB
 2. Policy and legislation only: Import, Export & Mutual Assistance Unit, Revenue Commissioners, Government Offices, St. Conlon's Road, Nenagh, Co. Tipperary. Phone + 353 67 63329; Fax + 353 67 63405. E-mail: customsmutualassistance@revenue.ie MAB mail: IENEN

- languages accepted for making requests for assistance:

English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Mutual assistance/Controlled deliveries/Joint Investigation Teams

- emergency cases only:

No

- contact details of the customs units:

Head of Customs Investigations, Central Investigations Branch, Office of the Revenue Commissioners, 5th Floor, Block D, Ashtowngate, Dublin 15, Ireland.
Telephone: +353 1 8277756; Mobile +353 87 2548201(24 hrs); Fax + 353 1 8277786.
E-mail: ceib@revenue.ie MAB Mailbox IECIB

3. HOT PURSUIT

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

N/A to Ireland - Ireland is not bound by the provisions of Article 20 of the Naples II Convention. Accordingly Q 3.1 and 3.2 are not appropriate.

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception

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

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

No restrictions

Restricted as follows:

- Pursuing officers have the right to apprehend

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

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

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

<i>Right of self-defence:</i>

<i>The status of customs vehicles as regards the highway code:</i>
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- As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i>

<i>Space:</i>

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

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3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

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

4. CROSS-BORDER SURVEILLANCE

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

N/A to Ireland - Ireland is not bound by the provisions of Article 21 of the Naples II Convention. Accordingly Q 4.1 to 4.5 are not appropriate.

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

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

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

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4.4 Definitions

➤ Definitions

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

Service weapons:

Allowed arms:

Right of self-defence:

4.5. Requirement to report back

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

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Authority to which the reports should be made:

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5. **CONTROLLED DELIVERIES**

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

Head of Customs Investigations, Central Investigations Branch, Office of the Revenue Commissioners, 5 th Floor, Block D, Ashtowngate, Dublin 15, Ireland. Telephone: +353 1 8277756; Mobile +353 87 2548201(24 hrs); Fax + 353 1 8277786. E-mail: ceib@revenue.ie MAB Mailbox IECIB

5.2. Requirements regarding information to be included in the request

All available information should be provided
--

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

<i>Member State imposes the following conditions on the use of service weapons:</i>
Not permitted

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Head of Customs Investigations, Central Investigations Branch, Office of the Revenue Commissioners, 5th Floor, Block D, Ashtowngate, Dublin 15, Ireland.
Telephone: +353 1 8277756; Mobile +353 87 2548201(24 hrs); Fax + 353 1 8277786.
E-mail: ceib@revenue.ie MAB Mailbox IECIB

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

N/A to Ireland - Ireland is not bound by the provisions of Article 23 of the Naples II Convention. Accordingly Q 6.1 to 6.5 are not appropriate.

6.1. Restrictions on the possibility of using covert investigations

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

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y N

Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Head of Customs Investigations, Central Investigations Branch, Office of the Revenue Commissioners, 5th Floor, Block D, Ashtowngate, Dublin 15, Ireland.
Telephone: +353 1 8277756; Mobile +353 87 2548201(24 hrs); Fax + 353 1 8277786.
E-mail: ceib@revenue.ie MAB Mailbox IECIB

7.2. General conditions

The conditions set down in Article 24(2) of the Convention of 18 December 1997 apply.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Head of Customs Investigations, Central Investigations Branch, Office of the Revenue Commissioners, 5th Floor, Block D, Ashtowngate, Dublin 15, Ireland.
Telephone: +353 1 8277756; Mobile +353 87 2548201(24 hrs); Fax + 353 1 8277786.
E-mail: ceib@revenue.ie MAB Mailbox IECIB

ITALY

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit:

Agenzia delle Dogane e dei Monopoli
Direzione Centrale Antifrode e Controlli – Ufficio Investigazioni
Via Mario Carucci, 71
00143 Roma
Phone: 00 39 (0)6 5024 6596 – 00 39 (0)6 50246428
Fax: 0039 (0)6 5095 7300
WE and after hours: 00 39 334 6894209
MAB Mail: ITDGD2
e-mail: dogane.antifrodecontrolli.investigazioni@agenziadogane.it

- languages accepted for making requests for assistance:

English, Italian.

- acceptance of electronic communication of assistance requests:

YES (business hours only)

email: dogane.antifrodecontrolli.investigazioni@agenziadogane.it

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

- form of cooperation:

Hot pursuit, cross-border surveillance

- emergency cases only:

YES

- contact details of the customs units:

Border with France

- Ventimiglia:

Direzione Interregionale per la Liguria, il Piemonte e la Valle d'Aosta

Area verifiche e controlli tributi – Antifrode – Servizi chimici

Via R. Rubattino, 1 - 16126 Genova

Phone: +39 (0)10.25479224

Fax: +39 (0)10.261329

MAB Mail: ITGEN

- Aosta:

Direzione Interregionale per la Liguria, il Piemonte e la Valle d'Aosta

Area procedure e controlli settore dogane e antifrode

Corso Sebastopoli, 3 - 10134 Torino

Phone: +39 (0) 11.3166113

Fax: +39 (0)11.3194365

MAB Mail: ITTOR

Border with Austria

- Bolzano:

Direzione interprovinciale Bolzano e Trento

Area verifiche e controlli tributi – Antifrode

Via Galilei, 4b - 39100 Bolzano

Phone: +39 (0)471.563253

Fax: +39 (0) 0471/563229

MAB Mail: ITBOZ

- Udine:

Direzione Interregionale per il Veneto e il Friuli Venezia Giulia

Area verifiche e controlli tributi – Antifrode – Servizi chimici

Largo O. Panfili, 1 - 34142 Trieste

Phone: +39 (0) 40.7785347

Fax: +39 (0) 40.369172

MAB Mail: ITTRI

Border with Slovenia:

Slovenia do not consent hot-pursuit, cross-border surveillance and covert investigation. See below.

3. HOT PURSUIT

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

No

3.1. Restrictions on the right of hot pursuit

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

Restriction on the right of hot pursuit on the MS territory

Restricted as follows:

Right of Hot pursuit in Italy is based on reciprocity.

- a) as regards the border with Austria:
 - pursuit may take place within 20 Km of the border if it is along the motorways and in all other cases within 10 Km;
 - the officers carrying out the pursuit may not arrest the person
- b) as regards the border with France:
 - pursuit may take place within 10 Km of the border
 - the officers carrying out the pursuit may not arrest the person
- c) as regards the border with Slovenia:
 - pursuit is not allowed

Pursuing officers have the right to apprehend:

NO

List of officers authorised to exercise the right of pursuit:

Officers from:

- Criminal Investigation Department officials from the State Police and the Carabinieri
- Criminal Investigation Department officials and officers from the Guardia di Finanza
- Customs officers for cases involving the illegal trafficking of drugs and psychotropic substances, arms and explosives trafficking and the illegal transportation of toxic or harmful waste.

Definitions

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

The following are excluded from the right of hot pursuit:

Under Italian legislation and case law, the inviolability of the home applies to the private home and residence, even temporary, such as caravans, tents, hotels rooms, boat cabins, train sleepers, and extends to the place in which the person concerned exercises his profession and which is not accessible to the public, such as private office and other places closed to the public during working hours.

Service weapons

Allowed arms:

no

use:

Legitimate self-defence:

The status of customs vehicles as regards the Highway Code:

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

Time: No

Space:

Yes:

Austria (10 Km highways, 20 Km motorways)

France 10 Km

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

See reference on point2

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

YES

Authority to which the reports should be made:

Direzione Centrale Antifrode e Controlli– Ufficio Investigazioni (see reference on point1)

4. CROSS-BORDER SURVEILLANCE

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

NO

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

- Criminal Investigation Department officials from the State Police and the Carabinieri
- Criminal Investigation Department officials and officers from the Guardia di Finanza
- Customs officers for cases falling its competence.

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

Direzione Centrale Antifrode e Controlli – Ufficio Investigazioni (see reference on point1)

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

No special restriction

4.4. Definitions

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

The following are excluded from the right of cross-border surveillance:

Under Italian legislation and case law, the inviolability of the home applies to the private home and residence, even temporary, such as caravans, tents, hotels rooms, boat cabins, train sleepers, and extends to the place in which the person concerned exercises his profession and which is not accessible to the public, such as private office and other places closed to the public during working hours.

Service weapons

Allowed arms:

no

use:

Legitimate self-defence:

4.5. Requirement to report back

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

YES

5. CONTROLLED DELIVERIES

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

Direzione Centrale Antifrode e Controlli – Ufficio Investigazioni + possibly police forces competent in the matter.
Controlled deliveries can only take place after informing the judicial authority and under that authority's supervision.

5.2. Requirements regarding information to be included in the request

Information required in order to decide on the request for controlled delivery:

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

YES

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

The abovementioned guarantee is required:

YES

5.5. Service weapons

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

Legitimate self-defence:

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

YES

Authority to which the report should be made:

Direzione Centrale Antifrode e Controlli – Ufficio Investigazioni (see reference on point1)

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

YES

6. COVERT INVESTIGATIONS

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

NO

6.1. Restrictions on the possibility of using covert investigations

Police forces competent in the matter.
Covert investigations can only take place after informing the judicial authority and under that authority's supervision.

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

Police forces competent in the matter

6.3. Service weapons

--

6.4. General conditions

Involvement of foreign covert investigators on the Italian Republic territory must be agreed upon by the Minister of Justice. The request must be sent to the Minister of Justice through the channel of legal assistance in criminal matters.

The Minister of Justice may give its agreement if the foreign agents belong to a specialized service and have the same type of missions as the Italian police agents qualified to carry out covert investigations.

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

YES	<input type="checkbox"/>
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Foreign covert investigators must keep the leading Italian police officers competent in the matter informed as stated by Italian judicial authority

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Customs antifraud officials

7.2. General conditions

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

Participation in a JIT in Italy does not foresee any power on foreign officials.

7.3. Requirement to report back

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

YES

Authority to which the report should be made:

Direzione Centrale Antifrode e Controlli – Ufficio Investigazioni (see references above)

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

1. **CENTRAL COORDINATING UNIT**

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

The art. 3 of the Law n. 217 dated 30 December 2008, which ratifies the concerned Convention, has provided for the establishment of the Central Coordinating Unit, governed by the art. 5 of the «Naples II Convention», having linking tasks with other central national coordinating entities and bodies, within the Ministry of Economy and Finance. Considering that the founding decision of the above-mentioned Central Coordinating Unit hasn't been issued yet, «Guardia di Finanza» ensures the requested cooperation and sends specific demands of collaboration with other EU Authorities and Custom Services, in adherence to the institutional mission stated by the Law Decree n. 68 dated 19 March 2001, due to its specific competences in customs matters.

- languages accepted for making requests for assistance:

See point 2 below.

- acceptance of electronic communication of assistance requests:

IIReparto.teletrattamento@gdf.it

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

- form of cooperation:

Beyond “Agenzia delle Dogane e dei Monopoli” (Customs Agency), “Guardia di Finanza” as well is a competent authority to receive and to send requests for cooperation, issued by Customs Authorities according to “Naples II Convention”.

In fact, within customs context, “Guardia di Finanza” explicates its functions, strictly coherent to the most general attributions of economic and financial police, stated by art. 2 of Law Decree n. 68/2001, according to which “*tasks of prevention, searching and repression of violations in customs duties, border levies and other own resources as well as expenditures of the EU budget, are delegated to the Corp of Guardia di Finanza*”, and also on the basis of specific competences for the implementation of some custom provisions.

In particular, the national laws entrust to the Corp, in a stable and structural way, the performance of:

- survey and control activities, carried out inside the custom areas, under the functional dependence of Customs Agency;
- checking activities, carried out autonomously, at land border crossing points, at extra-customs areas border crossing points, at custom fences, at custom warehouses and at free zone warehouses;
- autonomous powers of checking, inspection and control which can be carried out by “Guardia di Finanza” outside customs areas;
- control powers at the sea surveillance customs area, in the national waters and on the open sea.

Finally, according to provisions provided by the Italian Penal Proceeding Code, all members of “Guardia di Finanza” are **Officers and Agents of Judicial Police**, with a general competence permanently extended to each kind of crime.

- emergency cases only:

- contact details of the customs units:

Comando Generale della Guardia di Finanza
II Reparto
Viale XXI Aprile, n. 51
00162 Roma
Tel 00390644221

3. HOT PURSUIT

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

According to art. 4 of the Law n. 217/2008 ratifying the “Naples II Convention”, the cross-border pursuit, requested by officers from other contracting States, can be made only by **Judicial Police Officers** – a qualification owned by the members of “Guardia di Finanza” (Officers, Inspectors and Agents) – after immediate notice, also verbally, to the **competent Judicial Authority**, which authorizes by a decree.

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	
Restricted as follows:	Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus they cannot carry out any activity of judicial police on the Italian territory.

- Pursuing officers have the right to apprehend

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

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

<i>Officers from:</i>	Guardia di Finanza
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➤ Definitions

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

<i>Right of self-defence:</i>

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

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

<i>Time:</i>

<i>Space:</i>

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

--

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

--

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

4. CROSS-BORDER SURVEILLANCE

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

According to art. 4 of the Law n. 217/2008 ratifying the “Naples II Convention”, the cross-border pursuit, requested by officers from other contracting States, can be made only by **Judicial Police Officers** – a qualification owned by the members of “Guardia di Finanza” (Officers, Inspectors and Agents) – after immediate notice, also verbally, to the **competent Judicial Authority** which authorizes by a decree.

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

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

Guardia di Finanza

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

See reply n. 2 above

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

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

4.4 Definitions

➤ Definitions

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

Service weapons:

Allowed arms:

Right of self-defence:

4.5. Requirement to report back

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

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

5. CONTROLLED DELIVERIES

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

Controlled deliveries (that's to say the omission or the delay in performing acts belonging to competences of judicial police, such as perquisitions, seizures, flagrancy arrest, custody for suspect of crime) can be carried out, according to subparagraph 6, **art. 9 of the Law nr. 146 dated 16 March 2006** :

- a. by **Judicial Police Officers**, where you can find also the members of «Guardia di Finanza» (Officers, Inspectors and Agents), to collect evidences of the crimes, among others, of counterfeiting, usury, money laundering, drug trafficking, weapons, munitions and explosives trafficking;
- b. by **Customs Agency Officers**, limited to drug crimes pointed out by the D.P.R. n. 309 dated 1990,

informing immediately, also verbally, the **Judicial Authority**, that can order differently, and anyway sending a motivated report to the same Public Prosecutor within the following forty-eight hours.

Concerning anti-drug activities, the immediate information must be sent to the «Direzione Centrale per i Servizi Antidroga» (Anti-drug Services Central Department) for the needed coordination at international level too.

5.2. Requirements regarding information to be included in the request

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory.**

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

The abovementioned guarantee is required:

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5.5. Service weapons

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

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5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

--

Authority to which the report should be made:

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5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

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6. COVERT INVESTIGATIONS

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

Covert investigations, according to art. 9 of the Law n. 146/2006, can be performed only by **Judicial Police Officers** of “Polizia di Stato”, of “Arma dei Carabinieri” and of <<**Guardia di Finanza**>>, **belonging to specialized services** or to the «Direzione Investigativa Antimafia» (Antimafia Investigation Department), within their own competences, when there are all the following concurrent conditions:

- the activity must be carried out during a specific “**police operation**”, planned by the Chiefs of «Polizia di Stato», of «Arma dei Carabinieri» and of «Corpo della Guardia di Finanza», by the «Direzione Centrale per i Servizi Antidroga» or by the Director of the «Direzione Investigativa Antimafia»;
- **investigations are aimed to collect evidences** related to some serious crimes, among which counterfeiting, money laundering and re-use of money, goods or facilities from illegal origin, human beings trade, weapons, munitions and explosives trafficking, aiding and abetting prostitution, illegal immigration and terrorism.

About crimes in drug trafficking, related operations are coordinated by the “Direzione Centrale dei Servizi Antidroga” according to directives coming from the Judicial Authority.

About other crimes, related operations are arranged by the respective Corps of the various Police Forces, under the steering of the Judicial Authority.

6.1. Restrictions on the possibility of using covert investigations

Officers from other Member States cannot take the qualification of judicial police officer, according to current internal laws, thus **they cannot carry out any activity of judicial police on the Italian territory**.

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

See reply n. 6 above

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
---	---

Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Joint Special Investigation Teams haven't been established yet with the exception of those provided under some specific bilateral agreements. The legislative procedure to implement the Framework Decision n. 2002/465/JHA dated 13/06/2002 (EU Council), concerning the establishment of joint investigation teams within EU, hasn't been completed yet in Italy.

7.2. General conditions

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7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

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Authority to which the report should be made:

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CYPRUS

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

1. CENTRAL COORDINATING UNIT

- contact details of the central unit:

Department of Customs & Excise
Customs Headquarters, Investigation and Intellectual Property Rights Section
Corner M. Karaoli & Gr. Afxentiou
1096 Nicosia
Phone: 00357 22601652, Fax.: 00357 22302029,
e-mail: headquarters@customs.mof.gov.cy

- languages accepted for making requests for assistance:

Greek, English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Direct cooperation not authorised

- emergency cases only:

N/A

- contact details of the customs units:

N/A

3. **HOT PURSUIT**

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

NOT ALLOWED

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

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

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

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

<i>No restrictions</i>	
<i>Restricted as follows:</i>	N/A

- Pursuing officers have the right to apprehend:

N/A

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

N/A

<i>Officers from:</i>	
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➤ Definitions:

N/A

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

Service weapons

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

The status of customs vehicles as regards the highway code:

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

N/A

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

N/A

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

N/A

4. CROSS-BORDER SURVEILLANCE

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

NOT ALLOWED

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

N/A

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

N/A

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

N/A

4.4. Definitions

- Definitions

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

4.5. Requirement to report back

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

N/A

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

5. CONTROLLED DELIVERIES

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

According to article 6 of the Crime Suppression (Controlled Delivery & Other Special Provisions) Law number 3(I) of 1995, the decision of controlled delivery shall be taken by:

1. The Chief of Police or his representative specially authorised for this purpose, with notification of his decision to the Director of the Department of Customs & Excise.
2. The Director of the Department of Customs & Excise, or his representative specially authorised for this purpose, with notification of his decision to the Chief of the Cyprus Police.
3. Jointly by the Chief of Police and the Director of the Department of Customs & Excise.

The Attorney General of the Republic of Cyprus shall be previously informed for every decision for controlled delivery and he may give such directions as he may think necessary or appropriate.

5.2. Requirements regarding information to be included in the request

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Department of Customs & Excise
Customs Headquarters, Investigation and Intellectual Property Rights Section
Corner M. Karaoli & Gr. Afxentiou
1096 Nicosia
Phone: 00357 22601652, Fax.: 00357 22302029,
e-mail: headquarters@customs.mof.gov.cy

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

NOT ALLOWED

6.1. Restrictions on the possibility of using covert investigations

N/A

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

N/A

6.3. Service weapons

N/A

6.4. General conditions

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

6.5. Requirement to report back

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

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

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Head of the Investigation and Intellectual Property Rights Section
Customs Headquarters
Corner M. Karaoli & Gr. Afxentiou
1096 Nicosia
Phone: 00357 22601652
Fax: 00357 22302029
e-mail: mcharalambous@customs.mof.gov.cy

7.2. General conditions

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

As specified in Article 24 of the Naples II Convention

As specified in Article 6 of the Crime Suppression (Controlled Delivery & Other Special Provisions) Law number 3(I) of 1995

7.3. Requirement to report back

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

Yes

Authority to which the report should be made:

Customs Headquarters

Corner M. Karaoli & Gr. Afxentiou

1096 Nicosia

Phone: 00357 22601652

Fax: 00357 22302029

e-mail: mcharalambous@customs.mof.gov.cy

LATVIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

National Contact Point Customs Police Department State Revenue Service Talejas str.1, Riga, Latvia LV-1978 Tel. +371 67120687 Mob. +371 25685917 Fax. +371 67120780 e-mail ncp@vid.gov.lv MAB: LVMAR Available 24/7
--

- languages accepted for making requests for assistance:

speaking - Latvian, English, Russian writing – Latvian, English, Russian

- acceptance of electronic communication of assistance requests:

Accept

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

- form of cooperation:

N

- emergency cases only:

N

- contact details of the customs units:

N

3. HOT PURSUIT

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

Not ratified

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	
Restricted as follows:	

- Pursuing officers have the right to apprehend

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

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

➤ Definitions

--

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

<i>Right of self-defence:</i>

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

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

<i>Time:</i>

<i>Space:</i>

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

--

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

--

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

4. CROSS-BORDER SURVEILLANCE

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

Ratified 2014

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

Customs Police Department

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

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978

Tel. +371 67120687

Mob. +371 25685917

Fax. +371 67120780

e-mail nep@vid.gov.lv

MAB: LVMAR

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

N

4.4 Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
Not yet determined

Service weapons:

Allowed arms: Not yet determined

Right of self-defence: Not yet determined

4.5. Requirement to report back

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

Y

Authority to which the reports should be made:

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978
Tel. +371 67120687
Mob. +371 25685917
Fax. +371 67120780
e-mail ncp@vid.gov.lv
MAB: LVMAR

5. CONTROLLED DELIVERIES

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

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978
Tel. +371 67120687
Mob. +371 25685917
Fax. +371 67120780
e-mail ncp@vid.gov.lv
MAB: LVMAR

Final decision (formal acceptance):

Prosecutor General's Office
of the Republic of Latvia

5.2. Requirements regarding information to be included in the request

Essence of the case, acceptance of supervising prosecutor/judge

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

From all transit States (in case of land transport delivery)
--

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

The abovementioned guarantee is required:

--

5.5. Service weapons

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

Not yet determined

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Y

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

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978

Tel. +371 67120687

Mob. +371 25685917

Fax. +371 67120780

e-mail ncp@vid.gov.lv

MAB: LVMAR

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Contact CPD for detailed information

6. COVERT INVESTIGATIONS

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

Not ratified

6.1. Restrictions on the possibility of using covert investigations

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

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978

Tel. +371 67120687

Mob. +371 25685917

Fax. +371 67120780

e-mail ncp@vid.gov.lv

MAB: LVMAR

Final decision (formal acceptance):

Prosecutor General`s Office
of the Republic of Latvia

7.2. General conditions

Contact CPD for detailed information

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Y

Authority to which the report should be made:

Customs Police Department
State Revenue Service

Talejas str.1, Riga, Latvia LV-1978

Tel. +371 67120687

Mob. +371 25685917

Fax. +371 67120780

e-mail ncp@vid.gov.lv

MAB: LVMAR

LITHUANIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Customs Criminal Service Zalgirio str. 127, 08217 Vilnius LITHUANIA tel. +370 5 274 8001 +370 5 274 8030 fax. +370 5 274 8019 e-mail: crim@cust.lt AFIS mail: LTCCS2

- languages accepted for making requests for assistance:

English, Russian, Lithuanian

- acceptance of electronic communication of assistance requests:

YES

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

- form of cooperation:

Urgent requests for assistance during non-working hours

- emergency cases only:

Customs Criminal Service
Risk management division
24 hours service:
tel. +370 5 274 3107
fax. +370 5 274 3104
e-mail : rvs.atranka@cust.lt

- contact details of the customs units:

tel. +370 5 274 3107
fax. +370 5 274 3104
e-mail : rvs.atranka@cust.lt

3. HOT PURSUIT

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

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

3.1. Restrictions on the right of hot pursuit

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

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

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

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

- Pursuing officers have the right to apprehend

To be specified

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

Officers from: To be specified

- Definitions

To be specified

<i>Service weapons:</i> To be specified	
<i>Allowed arms</i> To be specified	<i>use:</i>

Right of self-defence:
To be specified

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

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

Time: To be specified

Space: To be specified

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

To be specified

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

To be specified

Authority to which the reports should be made:

To be specified

4. CROSS-BORDER SURVEILLANCE

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

No declaration, Article is applicable

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

To be specified

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

Customs Criminal Service
Zalgirio str. 127, 08217 Vilnius
LITHUANIA
tel. +370 5 274 8001
fax. +370 5 274 8019
e-mail: crim@cust.lt
AFIS mail: LTCCS2

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

To be specified

4.4 Definitions

➤ Definitions

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

<i>Service weapons:</i> To be specified
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<i>Allowed arms:</i>	To be specified
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<i>Right of self-defence:</i> To be specified
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4.5. Requirement to report back

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

YES

Authority to which the reports should be made: Customs Criminal Service Zalgirio str. 127, 08217 Vilnius LITHUANIA tel. +370 5 274 8001 fax. +370 5 274 8019 e-mail: crim@cust.lt AFIS mail: LTCCS2
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5. CONTROLLED DELIVERIES

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

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

5.2. Requirements regarding information to be included in the request

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

To be specified

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

The abovementioned guarantee is required:

To be specified

5.5. Service weapons

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

To be specified

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

To be specified

Authority to which the report should be made:

To be specified

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

To be specified

6. COVERT INVESTIGATIONS

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

Lithuania has made a declaration that this article is not applicable in Lithuania.

6.1. Restrictions on the possibility of using covert investigations

not applicable

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

not applicable

6.3. Service weapons

not applicable

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
not applicable

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made: not applicable

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Decision on the establishment of Joint investigation team has to be signed by General prosecutor or his deputy

7.2. General conditions

Joint investigation team can be established if:

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

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

To be specified

Authority to which the report should be made:

To be specified

LUXEMBOURG

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Administration des Douanes et Accises Division Contentieux et Coopération B.P. 1605 L-1016 Luxembourg-Hamm e-mail sonja.reuland@do.etat.lu ou bien : DER@do.etat.lu Tél.: +352 2818 2223 (pendant les heures de bureau) MAB-mail : LU-DDA-SC

- languages accepted for making requests for assistance:

Deutsch – Français - English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Hot Pursuit, Cross-Border Surveillance, Controlled Deliveries, Covert Investigations and Joint Special Investigation Teams
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- emergency cases only:

Yes

- contact details of the customs units:

Inspection ADPS

Via: Brigade DOBA 24/7

Phone: 00352- 2818 2500

Fax: 00352- 2818 9200

Email: doba@do.etat.lu

3. HOT PURSUIT

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

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3.1. Restrictions on the right of hot pursuit

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

All infringements without exception, depending on decision of the prosecutor	
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All infringements with the exception of infringements relating to trafficking in:	/
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- Restriction on the right of hot pursuit on the MS territory

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

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

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

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<i>Service weapons:</i>	
<p><i>Allowed arms:</i> Sworn officers of the customs and excise administration may hold, keep and carry, according to the missions entrusted to them, the service weapons listed below as part of their regulation equipment: (a) 9 mm calibre pistols; 9 mm calibre semi-automatic carbines/rifles; (d) rubber truncheons not exceeding 45cm in length; (e) anti-attack aerosol sprays</p>	<p><i>use:</i> Customs officers from another Member State may carry their service weapons during cross-border surveillance on Luxembourgish territory.</p>

<p><i>Right of self-defence:</i></p> <p><i>Legitimate self-defence:</i></p> <p>1. Legitimate self-defence under ordinary law is defined in Penal Code. For a person to be deemed to be acting in legitimate self-defence and therefore not punishable for the crime of homicide, the following conditions must coexist:</p> <p>(a) <u>in the event of an attack on persons</u> : defence proportionate to an attack on a person's physical integrity; a response dictated by the actual need for defence; an unjustified attack on physical integrity</p> <p>(b) <u>in the event of an attack on property</u>: resisting a person climbing over or breaking through fences, walls or entrances of a place of residence or its outbuildings; during the night, except where it is established that an attack against persons could be ruled out.</p> <p>2. Under special customs law</p> <p>(a) <u>within a range of 10 km along land and 250 meters along the airport outer limits</u></p> <ul style="list-style-type: none"> – against armed attack or resistance or to counter the serious risk of injury or loss of life; – against persons who, without obeying an order to stop, attempt to escape following an armed attack and against drivers of motor vehicles who attempt to escape after a manoeuvre which endangers life; – to resist persons who, despite a summons to keep their distance, attempt to remove goods or means of transport that have been seized, attempt to dislodge them from a location from which they are exercising surveillance or attempt to release their prisoners; – to slaughter animals introduced fraudulently or moving illegally within the country where it is not possible to capture them alive. <p>(b) <u>Beyond the range of 10 km along land and sea borders</u>: Only the aforementioned rules under ordinary law are applicable; in addition.</p> <p><i>The status of customs vehicles as regards the highway code:</i></p>

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

Time:

Space:

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

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Authority to which the reports should be made:

4. CROSS-BORDER SURVEILLANCE

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

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

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

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

4.4 Definitions

➤ Definitions

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

<i>Service weapons:</i>	
<i>Allowed arms:</i>	In accordance with the provisions of the Ministerial Decree of 4.11.92, sworn officers of the customs and excise administration may hold, keep and carry, according to the missions entrusted to them, the service weapons listed below as part of their regulation equipment: (a) 9 mm calibre pistols; (b) 7,65 mm calibre pistols; (c) 7,62 mm calibre semi-automatic carbines/rifles; (d) rubber truncheons not exceeding 45cm in length; (e) anti-attack aerosol sprays

Right of self-defence:

Legitimate self-defence:

1. Legitimate self-defence under ordinary law is defined in Articles 416 and 417 Penal Code. For a person to be deemed to be acting in legitimate self-defence and therefore not punishable for the crime of homicide, the following conditions must coexist:

(a) in the event of an attack on persons (Article 416): defence proportionate to an attack on a person's physical integrity; a response dictated by the actual need for defence; an unjustified attack on physical integrity

(b) in the event of an attack on property (Article 417): resisting a person climbing over or breaking through fences, walls or entrances of a place of residence or its outbuildings; during the night, except where it is established that an attack against persons could be ruled out.

2. Under special customs law

(a) within a range of 10 km along land and sea borders

- against armed attack or resistance or to counter the serious risk of injury or loss of life;
- against persons who, without obeying an order to stop, attempt to escape following an armed attack and against drivers of motor vehicles who attempt to escape after a manoeuvre which endangers life;
- to resist persons who, despite a summons to keep their distance, attempt to remove goods or means of transport that have been seized, attempt to dislodge them from a location from which they are exercising surveillance or attempt to release their prisoners;
- to slaughter animals introduced fraudulently or moving illegally within the country where it is not possible to capture them alive.

(b) Beyond the range of 10 km along land and sea borders: Only the aforementioned rules under ordinary law are applicable; in addition, officers carrying out surveillance of the carriage of goods may not make use of armed force to constrain drivers of vehicles to stop.

4.5. Requirement to report back

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

Authority to which the reports should be made:

5. CONTROLLED DELIVERIES

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

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5.2. Requirements regarding information to be included in the request

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5.3. Consent from other transit States

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

The abovementioned guarantee is required:

No

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Authority to which the report should be made:

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

6. COVERT INVESTIGATIONS

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

6.1. Restrictions on the possibility of using covert investigations

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

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

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7.2. General conditions

--

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

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Authority to which the report should be made:

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HUNGARY

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

General remark:

On the basis of the Convention of 18 December 1997, on mutual assistance and cooperation between customs administrations, drawn up on the basis of Article K.3 of the Treaty on European Union, which was promulgated in (the national) Act LXXXIX of 2006, providing information to foreign authorities is only possible for the purpose of crime prevention and crime detection outside the competency of a criminal procedure. The forms of cooperation used in criminal procedures are only allowed within the frame of mutual legal (judicial) assistance, and the National Tax and Customs Administration (Hereinafter referred to as NTCA) in case of 21 acts of crime has the exclusive competence to initiate and conduct investigation. The actual acts of crimes that are to be investigated by the NTCA are listed in the Hungarian Act on Criminal Procedure mostly in connection with trading in goods and budgetary incomes. The detailed rules of procedure that defines the scope of activities officers the NTCA are allowed to perform are defined in the Act CXXII of 2010 on the National Tax and Customs Administration.

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK)
Postal Address: 1903 Budapest, Pf.: 314/22.
Phone: +36-1 443-838 (non-stop)
Fax: +36-1 443-5815
E-mail: intercom@nebek.police.hu

- languages accepted for making requests for assistance:

Hungarian, English, German

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

National Tax and Customs Administration, Directorate General for Criminal Affairs,
Department for the Coordination of Criminal Affairs

- emergency cases only:

Yes

- contact details of the customs units:

during office hours: Mo-Thu 8:00-16:30 Fri 8:00-14:00

- 1) Department for the Coordination of Criminal Affairs (Directorate General for Criminal Affairs, NTCA)

Address: H-1122 Budapest, Hajnóczy J. u. 7-9.

Phone: +36-1 4568-107; +36-1 4568-174

Fax: +36-1 456-8156

E-mail: bfoig.bkf@nav.gov.hu

- 2) Department for Central Investigations (Directorate General for Criminal Affairs, NTCA)

Address: H-1033 Budapest, Huszti út 42.

Phone: +36-1 430-9300 / 430-9500

Fax: +36-1 430-9304

E-mail: bfoig.knyf@nav.gov.hu

- 3) Covert & Special Operations Department (Directorate General for Criminal Affairs, NTCA) */before and after office hours/*

Phone: +36-1 430-3586 / +36-30 204-5364

3. HOT PURSUIT

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

Hot Pursuit is only applicable in compliance with Articles 31-33 of the Hungarian Act LIV of 2002 on the International Cooperation of Enforcement Bodies, which creates the domestic legal framework for international cooperation between enforcement authorities. Furthermore, pursuant to the “Hungarian” Act LXXXIX of 2006 (ratifying the Naples II Convention), with reference to Hungary’s declaration regarding the application of hot pursuit: during this form of cooperation the member of the foreign customs (enforcement) authority - specified in Section 1 of Article 20 - is only entitled to apprehend (intercept) the person concerned on the territory of Hungary according to Section 2 Point (b) of Article 20 of the Naples II Convention. Any other action (taking into custody) is strictly forbidden.

Regarding Section 3 of Article 20, there are no restrictions neither in space nor in time on the territory of Hungary but the principle of reciprocity must be respected. Regarding Section 4 of Article 20, the detailed provisions of this special form of cooperation (hot pursuit) with other Member States of the European Union should be regulated in bilateral agreements on preventing and tackling cross-border criminality. Regarding 8 of Article 20, Hungary’s declarations that have been announced on the grounds of Section 6 of Article 20 shall apply to Member States fully or partially not excluding the application of Article 20 of this Convention.

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions No restrictions	
Restricted as follows:	There are no restrictions either in space or in time, but the principle of reciprocity must be respected.

- Pursuing officers have the right to apprehend

Yes

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

<i>Officers from:</i>	N/A
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➤ Definitions

Private home, places accessible to the public, places not accessible to the public: Private home (specified by the Act XIX of 1998 on the Criminal Procedure): flat and other rooms used for living, objects, and other premises not used for living but belonging to the flat, precinct places belonging to the above premises, and all other places and rooms which are not public or not open to public.

Service weapons: confined strictly to self-defence

Allowed arms revolver, machine pistol

use: revolver, machine pistol, weapons used by the special unit

Right of self-defence: 1. **LEGITIMATE SELF-DEFENCE: SELF-PROTECTION AND PROTECTION OF OTHER PEOPLE AGAINST ILLEGAL VIOLENCE IN THE NECESSARY MEASURE.**

To be more specific, according to Act C of 2012 on the “Hungarian” Criminal Code the provisions on Justified Defense are as follows:

Section 21:

Any person who uses such means of defense, which are not recognized as a deadly weapon, installed for his own protection and/or for the protection of others against the peril with which he is threatened in the event of an unlawful attack shall not be prosecuted for the injury the aggressor sustained in consequence, provided that the person on the defensive has done everything within his power to avoid the injury.

Section 22

(1) No penalty shall be imposed upon a person for any action that is necessary to prevent an unlawful attack against his person or his property, or against the person or property of others, against the public interest, or an unlawful attack posing a direct threat in respect thereof.

(2) The unlawful attack shall be construed to pose an imminent danger of death if committed:

a) against a person

aa) at night,

ab) by displaying a deadly weapon,

ac) by carrying a deadly weapon, or

ad) in a gang;

b) by way of intrusion into the victim’s home

ba) at night,

bb) by displaying a deadly weapon,

bc) by carrying a deadly weapon, or

bd) in a gang;

c) by way of illegal and armed intrusion into the fenced area of a home.

(3) Any person who exceeds the reasonable force of self-defense due to shock or justifiable aggravation shall not be prosecuted.

(4) The person assaulted shall not be liable to take evasive action so as to avoid the unlawful attack.

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

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

Time: immediately

Space: no limitation

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

The competent Hungarian law enforcement body must be notified immediately (National Police Headquarters – International Law Enforcement Cooperation Centre /NEBEK/, or failing that, the Department for Central Investigations of the NTCA)

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

N/A

Authority to which the reports should be made: National Police Headquarters – International Law

4. CROSS-BORDER SURVEILLANCE

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

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

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

Department for Central Investigations and the Covert & Special Operations Department of the NTCA.

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

National Police Headquarters - International Law Enforcement Cooperation Centre (NEBEK)

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

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

Article 27: Subsection (1): Cross-border Surveillance could be carried out if the National Police Headquarters - International Law Enforcement Cooperation Centre (NEBEK) gives its preliminary permission by determining a certain deadline to execute.

Article 28: Subsection (1): If the delay could cause any danger or jeopardize the interests of the criminal proceedings, the member of the foreign authority conducting cross-border surveillance could continue the action without the preliminary permission of the National Police Headquarters - International Law Enforcement Cooperation Centre (NEBEK) if, simultaneously with crossing the Hungarian border: He/she informs the competent Hungarian authority appointed in the relevant International Treaty that he/she has crossed the Hungarian border, and - also informs the National Police Headquarters - International Law Enforcement Cooperation Centre (NEBEK) on the reasons supporting the necessity of the Hungarian border crossing without the preliminary permission.

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

4.4 Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public: Private home (specified by the Act XIX of 1998 on Criminal Procedure): flat and other rooms used for living, objects, and other premises not used for living but belonging to the flat, precinct places belonging to the above premises, and all other places and rooms which are not public or not open to public.

Service weapons: confined strictly to self-defence

<i>Allowed arms:</i>	revolver, machine pistol <i>use:</i> revolver, machine pistol, weapons used by special unit
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Right of self-defence: self- protection and protection of other people against illegal violence in the necessary measure. (For precise information see the answer regarding *Legitimate self-defence* defined in Point 3.1.; Definitions.)

4.5. Requirement to report back

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

Yes

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

5. CONTROLLED DELIVERIES

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

Pursuant to Articles 17-19 of the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies: By sending a request of assistance to the National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK), on the grounds of an occasional agreement between the competent Hungarian central enforcement body [in this regard during office hours (Mo-Thu 8:00-16:30, Fri 08:00-14:00) the Department for the Coordination of Criminal Affairs (NTCA), otherwise the Department for Central Investigations (NTCA)] and the requesting foreign authority, controlled delivery could be carried out in the territory of Hungary.

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

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

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

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

5.2. Requirements regarding information to be included in the request

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

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

On the basis of reciprocity.

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

<i>Authority to which the report should be made:</i> National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK)
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5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

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

6. COVERT INVESTIGATIONS

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

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

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

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

6.1. Restrictions on the possibility of using covert investigations

The Department for Central Investigations and the Covert & Special Operations Department under the Directorate General for Criminal Affairs of the NTCA are authorized to apply covert investigations.

Another restriction: with reference to the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies, in a controlled delivery the deployment of a covert investigator is only possible, if obtaining the proper permission of the Prosecutor’s Office.

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

The Department for Central Investigations and the Covert & Special Operations Department under the Directorate General for Criminal Affairs of the NTCA, furthermore the Regional Criminal Directorates (NTCA).

6.3. Service weapons

Possible in the case of legitimate self-defence.

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes	<input type="checkbox"/>
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<i>Authority to which the reports should be made:</i> The Public Prosecutor's Office if a criminal investigation has been initiated, otherwise to the National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK)

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Director General for Criminal Affairs (NTCA)
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7.2. General conditions

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

According to Articles 20-23 of the “Hungarian” Act LIV of 2002 on the International Cooperation of Enforcement Bodies:

The National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK) together with the foreign authority are entitled to initiate the setting up of a joint special investigation team, if:

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

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

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

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

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

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made: The National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK); the respective department of the Directorate General for Criminal Affairs of the NTCA.

MALTA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Chief Inspector Enforcement
Head of Investigations Office
Custom House
Lascaris Wharf
Valletta
Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243
E-mail: hoi.customs@gov.mt; carmel.c.attard@gov.mt
MAB mail: MTCD

- languages accepted for making requests for assistance:

English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Mutual assistance/Controlled deliveries/Joint Investigation Teams

- emergency cases only:

No

- contact details of the customs units:

Chief Inspector Enforcement Head of Investigations Office Custom House Lascaris Wharf Valletta Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243 E-mail: hoi.customs@gov.mt ; carmel.c.attard@gov.mt MAB mail: MTCB
--

3. HOT PURSUIT

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

N/A. Malta opted –out of the provisions on hot pursuit (Article 20) by virtue of Article 30 of the Naples II convention.

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception

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

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

No restrictions	
Restricted as follows:	

- Pursuing officers have the right to apprehend

--

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

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

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

<i>Right of self-defence:</i>

<i>The status of customs vehicles as regards the highway code:</i>
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- As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i>

<i>Space:</i>

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

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3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Authority to which the reports should be made:

4. CROSS-BORDER SURVEILLANCE

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

N/A. Malta opted –out of the provisions on cross-border surveillance (Article 21) by virtue of Article 30 of the Naples II convention.

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

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

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

4.4 Definitions

➤ Definitions

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

Service weapons:

Allowed arms:

Right of self-defence:

4.5. Requirement to report back

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

Authority to which the reports should be made:

5. CONTROLLED DELIVERIES

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

Chief Inspector Enforcement
Head of Investigations Office
Custom House
Lascaris Wharf
Valletta
Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243
E-mail: hoi.customs@gov.mt; carmel.c.attard@gov.mt
MAB mail: MTCD

5.2. Requirements regarding information to be included in the request

All available information should be provided

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

Not permitted

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Chief Inspector Enforcement
Head of Investigations Office
Custom House
Lascaris Wharf
Valletta
Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243
E-mail: hoi.customs@gov.mt; carmel.c.attard@gov.mt
MAB mail: MTCD

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

N/A. Malta opted –out of the provisions on covert investigations (Article 23) by virtue of Article 30 of the Naples II convention.

6.1. Restrictions on the possibility of using covert investigations

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

6.3. Service weapons

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Chief Inspector Enforcement
Head of Investigations Office
Custom House
Lascaris Wharf
Valletta
Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243
E-mail: hoi.customs@gov.mt; carmel.c.attard@gov.mt
MAB mail: MTCD

7.2. General conditions

The conditions set down in Article 24(2) of the Convention of 18 December 1997 apply.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Chief Inspector Enforcement
Head of Investigations Office
Custom House
Lascaris Wharf
Valletta
Phone + 356 21250044; + 356 25685124 (24h) Fax + 356 25685243
E-mail: hoi.customs@gov.mt; carmel.c.attard@gov.mt
MAB mail: MTCD

The Netherlands

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Douane Informatie Centrum
Laan op Zuid 391
P.O. Box 70005
3000 KG Rotterdam
Phone: +31 88 151 44 95;
Fax: + 31 88 151 44 09
Email: extern: frontoffice.dic@belastingdienst.nl
Outside working hours:
Phone: +31 88 151 44 90
Email: extern: DIC.infodesk@belastingdienst.nl

- languages accepted for making requests for assistance:

German, English, French, Dutch

- acceptance of electronic communication of assistance requests:

Yes, if followed by a formal request.

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

- form of cooperation:

The central coordination unit ensures direct contact with the relevant units in urgent cases. Hot pursuits within Dutch territory will be taken over by the police. In cases of surveillance, direct contact will also be made with the FIOD (Fiscal Information and Investigation Service) or the NVWA (The Netherlands Food and Consumer Product Safety Agency), depending on the circumstances.

- emergency cases only:

See above

- contact details of the customs units:

See answer question 1

3. HOT PURSUIT

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

Yes

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception	
All infringements with the exception of infringements relating to trafficking in:	See below

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

No restrictions	
Restricted as follows:	<p>Declaration, within the meaning of Article 20(6), relating to the common border of the Kingdom of the Netherlands with the Kingdom of Belgium. On Netherlands territory the competent officers of the Kingdom of Belgium will exercise the right of pursuit, with the application of the right to apprehend, the territorial scope thereof and the events concerning which that right may be applied being established – with regard to the infringements referred to in Article 19(2)(a), (b) and (d) of this Convention – in accordance with the relevant provisions of Article 27 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27.6.1962, as amended by the Protocol of 11.5.1974; and being established – with regard to the infringements referred to in Article 19(2)(c) of this Convention – in accordance with the relevant provisions of Article 24 of the Convention on administrative and judicial cooperation in the field of regulations relating to the achievement of the objectives of the Benelux Economic Union of 29 April 1969 and of the Additional Protocol thereto containing specific provisions on taxation, insofar as these are compatible with Article 20 of this Convention.</p> <p>Declaration, within the meaning of Article 20(6), relating to the common border of the Kingdom of the Netherlands with the Federal Republic of Germany.</p> <p>On the Netherlands territory the competent officers of the Federal Republic of Germany will exercise the right of pursuit within an area 10 kilometres wide parallel to the common border, where they may apprehend the person pursued on the public highway and in public places if he is subject to suspicion in respect of one of the infringements</p>

	referred to in Article 19(2) which could give rise to extradition.
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- Pursuing officers have the right to apprehend

Yes (restriction: see previous question)

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

<i>Officers from:</i>	Officers authorised are police officers and officers from the NVWA (The Netherlands Food and Consumer Product Safety Agency), the customs authorities and the FIOD (Fiscal Information and Investigation Service). For Belgium and Germany see previous question.
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- Definitions

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

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

<p><i>Service weapons:</i></p> <p>Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.</p>	
<p><i>Allowed arms</i></p> <p>Weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.</p>	<p><i>use:</i></p> <p>Pursuing officers may carry their service weapons. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree of 12.12.1995, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return.</p>

<p><i>Right of self-defence:</i></p> <p>Legitimate self-defence is defined in Article 416 of the Penal Code. The following conditions must be met for a person to claim legitimate self-defence and therefore not to be criminally liable:</p> <ul style="list-style-type: none"> – only the legitimate defence of the person may be invoked as justification. This does not therefore, extend to the defence of objects or rights to objects; – there is a present need for defence when the attack is imminent, without it being necessary for it to be carried out; – to be legitimate, the defence must be imperative because of the need to resist a present and unjust attack; – the defence must be proportionate to the seriousness of the attack or the threatened danger.

<p><i>The status of customs vehicles as regards the highway code:</i></p> <p>Customs vehicles have no special status and are not regarded as priority vehicles in the highway code.</p>

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

Time:

No: BE, DE

Yes: All other MS: No right of pursuit on Netherlands territory.

Space:

Yes:

- All other MS: No right of pursuit on Netherlands territory.
- BE: Pursuit is without any restrictions in terms of time or space for infringements referred to in Article 19(2)(c) (illegal cross-border trade in taxable goods). As regards the infringements referred to in (a), (b) and (d) (illicit traffic in drugs and psychotropic substances, weapons, munitions, explosive materials, cultural goods, dangerous and toxic waste, nuclear material or materials or equipment intended for the manufacture of atomic, biological and/or chemical weapons (prohibited goods)), trade in substances intended for the illegal manufacture of drugs (precursor substances) and any other trade in goods prohibited by Community or national customs rules), the right of pursuit is limited to 10 km from the border. Within that area, pursuing officers have the right to apprehend.
- DE: Pursuit is limited to a range of 10 km from the border. Within that area, pursuing officers have the right to apprehend.

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

Douane Informatie Centrum
Laan op Zuid 391
P.O. Box 70005
3000 KG Rotterdam
Phone: +31 88 151 44 95;
Fax: + 31 88 151 44 09
Email: extern: frontoffice.dic@belastingdienst.nl
Outside working hours:
Phone: +31 88 151 44 90
Email: extern: DIC.infodesk@belastingdienst.nl

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made:

Douane Informatie Centrum
Laan op Zuid 391
P.O. Box 70005
3000 KG Rotterdam
Phone: +31 88 151 44 95;
Fax: + 31 88 151 44 09
Email: extern: frontoffice.dic@belastingdienst.nl
Outside working hours:
Phone: +31 88 151 44 90
Email: extern: DIC.infodesk@belastingdienst.nl

4. CROSS-BORDER SURVEILLANCE

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

Yes.

The central coordination unit ensures direct contact with the relevant units in urgent cases. In cases of surveillance, direct contact will also be made with the FIOD (Fiscal Information and Investigation Service) or the NVWA (The Netherlands Food and Consumer Product Safety Agency), depending on the circumstances.

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

Officers of the FIOD (Fiscal Information and Investigation Service) and the NVWA (The Netherlands Food and Consumer Product Safety Agency) and police officers

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

National Coordinating Prosecutor for cross-border surveillance. The central coordination unit shall ensure that requests are forwarded to the competent Public Prosecutor

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

None

4.4 Definitions

➤ Definitions

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

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

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

<p><i>Service weapons:</i></p> <p>Service weapons only include weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.</p>	
<p><i>Allowed arms:</i></p>	<p>Weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment.</p> <p><i>Use</i></p> <p>Surveillance officers may carry their service weapon. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree of 12.12.1995, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return.</p>

<p><i>Right of self-defence:</i></p> <p>Legitimate self-defence is defined in Article 416 of the Penal Code. The following conditions must be met for a person to claim legitimate self-defence and therefore not to be criminally liable:</p> <ul style="list-style-type: none"> – only the legitimate defence of the person may be invoked as justification. This does not therefore, extend to the defence of objects or rights to objects; – there is a present need for defence when the attack is imminent, without it being necessary for it to be carried out; – to be legitimate, the defence must be imperative because of the need to resist a present and unjust attack; – the defence must be proportionate to the seriousness of the attack or the threatened danger.

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Douane Informatie Centrum
Laan op Zuid 391
P.O. Box 70005
3000 KG Rotterdam
Phone: +31 88 151 44 95;
Fax: + 31 88 151 44 09
Email: extern: frontoffice.dic@belastingdienst.nl
Outside working hours:
Phone: +31 88 151 44 90
Email: extern: DIC.infodesk@belastingdienst.nl

5. CONTROLLED DELIVERIES

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

The Public Prosecutor. The central coordinating unit will ensure that requests are forwarded to the competent authorities.

5.2. Requirements regarding information to be included in the request

Yes

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

Permitted (weapons belonging to the administration (pistols, revolvers and truncheons) which are part of regulation equipment. Officers may carry their service weapons. Their use is strictly limited to legitimate self-defence. Under the terms of the ministerial decree of 12.12.95, service weapons may only be carried by officers on active duty on their way to where they have to carry out their mission or task and during their return).

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Douane Informatie Centrum
Laan op Zuid 391
P.O. Box 70005
3000 KG Rotterdam
Phone: +31 88 151 44 95;
Fax: + 31 88 151 44 09
Email: extern: frontoffice.dic@belastingdienst.nl
Outside working hours:
Phone: +31 88 151 44 90
Email: extern: DIC.infodesk@belastingdienst.nl

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

Yes

6.1. Restrictions on the possibility of using covert investigations

Requests for infiltration shall be sent by the central coordination unit to the ANCPI special police unit, which will assess them. Infiltration is subject to the explicit consent and direct supervision of that unit.

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

ANCPI special police unit

6.3. Service weapons

N/A

6.4. General conditions

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

Requests for infiltration shall be sent by the central coordinating unit to the ANCPI special police unit, which will assess them. Infiltration is subject to the explicit consent and direct supervision of that unit.

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

N/A

Authority to which the reports should be made:

N/A

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Public Prosecutor

7.2. General conditions

To be determined

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Public Prosecutor

AUSTRIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit:

Ministry of Finance Division IV/3 Phone: +43 1 51433-0 E-mail: post.iv-3@bmf.gv.at Johannesgasse 5 1010 Vienna
--

- languages accepted for making requests for assistance:

German, English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

Hot pursuit, cross-border surveillance, controlled deliveries

- emergency cases only:

Yes

- contact details of the customs units:

see attached table

3. **HOT PURSUIT**

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

Yes

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

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

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

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

<i>No restrictions</i>	
<i>Restricted as follows:</i>	Germany; Italy

- Pursuing officers have the right to apprehend:

Yes	No
Germany	Italy

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

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

Private home, places accessible to the public, places not accessible to the public:
Austrian Law recognises these differences

Service weapons

Allowed arms: Glock 17; 19; 26

use: Investigation and mobile units

Legitimate self-defence: Yes

The status of customs vehicles as regards the highway code: Customs vehicles are emergency vehicles as regards the Austrian highway code.

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

Time:

No: Germany; Italy

Yes:

Space:

No: Germany

Yes: Italy (highway 20 Km; motorway 10 Km)

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

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

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made:

Ministry of Finance

Division IV/3

Phone: +43 1 51433-0

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

Johannessgasse 5

1010 Vienna

4. CROSS-BORDER SURVEILLANCE

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

Yes

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

- tax authority officers responsible for customs matters, and
- bodies of the public security service, namely:
 - * members of the Federal Police Guard,
 - * officials in the legal department of security authorities who are empowered to exercise direct mandatory and coercive force.

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

Ministry of Finance
Division IV/3
Phone: +43 1 51433-0
e-mail: Post.iv-3@bmf.gv.at
Johannesgasse 5
1010 Vienna

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

Judicial authorisation in cases of prohibited goods

4.4. Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public: Austrian law recognises these differences

Service weapons.

Allowed arms: Glock 17; 19; 26

use: Investigation and mobile units

Legitimate self-defence: Yes

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Ministry of Finance

Division IV/3

Phone: +43 1 51433-0

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

Johannesgasse 5

1010 Vienna

5. CONTROLLED DELIVERIES

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

1. Ministry of Finance

Division IV/3

Phone: +43 1 51433-0

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

Johannesgasse 5

1010 Vienna

2. in cases of prohibited goods: police and justice

5.2. Requirements regarding information to be included in the request

Article 19 Naples II

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

See Naples II, Article 20 and Article 21(3)(D)

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Ministry of Finance

Division IV/3

Phone: +43 1 51433-0

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

Johannessgasse 5

1010 Vienna

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

Yes

6.1. Restrictions on the possibility of using covert investigations

It must be a case in which it would be possible to apply for the European Arrest Warrant

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

Decision: Ministry of Justice, Legal Assistance Division

Carrying out: Officers of other authorities which act on behalf of the Customs authorities

6.3. Service weapons

unknown

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
The case cannot be investigated without this form of cooperation

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

Authority to which the reports should be made:
Ministry of Justice, Legal Assistance Division

7. JOINT SPECIAL INVESTIGATION TEAMS

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

1. Ministry of Finance
Division IV/3
Phone: +43 1 51433-0
e-mail: Post.iv-3@bmf.gv.at
Johannesgasse 5
1010 Vienna

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

7.2. General conditions

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

1. The case cannot be investigated without this form of cooperation
2. Ongoing investigations in more than one MS which need coordination

7.3. Requirement to report back

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

Yes

Authority to which the report should be made:

1. Ministry of Finance
Division IV/3
Phone: +43 1 51433-0
e-mail: Post.iv-3@bmf.gv.at
Johannesgasse 5
1010 Vienna
2. Ministry of Justice,
Legal Assistance Division

Customs investigations units of the Austrian Tax and Customs Administration

Customs office	Wien	St. Pölten/Krems/Wr. Neustadt	Eisenstadt/Flughafen Wien
Adress	Brehmstraße 14	Rechte Kremszeile 58	Office Park 1, BT 2/7;
Place	1110 Wien	3500 Krems an der Donau	1300 Flughafen Wien
Phone	+43 1 79590-561029	+43 664 7618007	+43 (0)1 79061-563029
Fax	+43 1 79590 596 1021 AFA	+43 2742 212 62021	+43 (0)1 79061-5963021
Fax	+43 1 79590 596 1022 AFB		
Fax	+43 1 79590 596 1023 AFC		
E-mail	Post.ZA1-AFA@bmf.gv.at	Post.ZA2-AFA@bmf.gv.at	Post.ZA3-AFA@bmf.gv.at
E-mail	Post.ZA1-AFB@bmf.gv.at	Post.ZA2-AFB@bmf.gv.at	Post.ZA3-AFB@bmf.gv.at
E-mail	Post.ZA1-AFC@bmf.gv.at	-	-
Office hours	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30
Out of office support (OHS)	Mon-Fri 15:30 – 07:30 Sat +Sun 00:00 – 24:00	Mon-Fri 15:30 – 07:30 Sat +Sun 00:00 – 24:00	Mon-Fri 15:30 – 07:30 Sat +Sun 00:00 – 24:00
OHS phone number	+43 (1)79590-561029	DIAC: +43 (0)1 51433 563051	+43 (0)1 79061-563029 or DIAC: +43 (0)1 51433 563051

Customs office	Linz/Wels	Salzburg	Innsbruck
Adress	Bahnhofplatz 7	Aignerstraße 10	Innrain 30
Place	4020 Linz	5026 Salzburg-Aigen	6021 Innsbruck
Phone	+43 (0)732/6998/565029	+43 (0)662/6380-0	+43 (0)664 8150309
Fax	+43 (0)732/6998/5965021 +43 (0)732/6998/5965022	+43 (0)1/51433-5966021	+43 151433-5968021 AFA +43 151433-5968022 AFB
Mobil			+43 (0)664 8150309
E-mail	Post.ZA5-AFA@bmf.gv.at	Post.ZA6-AFA@bmf.gv.at	Post.ZA8-AFA@bmf.gv.at
E-mail	Post.ZA5-AFB@bmf.gv.at	-	Post.ZA8-AFB@bmf.gv.at
Office hours	Mon-Fri 07.30 - 15.30	Mon-Fri 07:30 - 15:30	Mon-Fri 07.30 - 15.30
Out of office support (OHS)	Mon-Fri 15:30 – 07:30 Sat +Sun 00:00 – 24:00	Mon-Fri 07:30 - 07:30 (24h) Sat 00:00-07:30 (not on Sundays and holidays)	Mon-Fri 15:30 – 07:30 Sat +Sun 00:00 – 24:00
OHS phone number	+43 (0)732/6998/565029	+43 (0)662/6380-566530	+43 (0)664 8150309

Customs office	Feldkirch/Wolfurt	Graz	Klagenfurt/Villach (Team AFA)	Klagenfurt/Villach (Team AEA)
Adress	Diepoldsauer Straße 134	Conrad v. Hötzendorfstraße 14-18	St. Veiter Ring 59 und Ackerweg 19	St. Veiter Ring 59
Place	6845 Hohenems	8010 Graz	9020 Klagenfurt und 9500 Villach	9020 Klagenfurt
Phone	+43 (0)5574/699 569	+43 316/881567-059, 931	+43 (0)463 520 564360 und +43(0)6664 5054841	+43 (0)463 520 564423
Fax	+43 (0) 1 51433 5969021	+43/1514335967021, +43/1514335967022	+43 (0)463 520 5964021	+43 (0)463 520 5964022
Mobil	+ 43 (0)664 84 33 671	+43 664/3088974		
E-mail	Post.ZA9-AFA@bmf.gv.at	Post.ZA7-AFA@bmf.gv.at , Post.ZA7-AFB@bmf.gv.at	Post.ZA4-AFA@bmf.gv.at	Post.ZA4-AEA@bmf.gv.at
Office hours	Mon-Fri 08.00 - 16.00	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30	Mon-Fri 07.30 - 15.30
Out of office support (OHS)	Mon-Fri 00:00 – 08:00 16:00 – 24:00 Sat+Sun 00:00 – 24:00	Mon - Fri 15.30 - 22.00 Sat, Sun, holidays 08.00 - 13.00	Mon-Fri 00:00 – 07:30 15:30 – 24:00 Sat+Sun 00:00 – 24:00	Mon-Fri 06:00 – 07:30 15:30 – 24:00 Sat+Sun 06:00 – 24:00
OHS phone number	+43 (0)664 84 33 671	+43 664/3088974	+43 (0)664 8533539	+43 (0)664 8121257

POLAND

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit:

To be specified

- languages accepted for making requests for assistance:

Polish, English

- acceptance of electronic communication of assistance requests:

Yes

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

- form of cooperation:

To be specified.

- emergency cases only:

N/A

- contact details of the customs units:

To be specified.

3. **HOT PURSUIT**

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

The Republic of Poland declares that Article 20 of this Convention shall not bind the Republic of Poland.

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

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

<i>All infringements without exception</i>	
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<i>All infringements with the exception of infringements relating to trafficking in:</i>	Not applicable
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- Restriction on the right of hot pursuit on the MS territory

<i>No restrictions</i>	
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<i>Restricted as follows:</i>	Not applicable
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- Pursuing officers have the right to apprehend:

N/A

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

<i>Officers from:</i>	Not applicable
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➤ Definitions

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

Service weapons

Allowed arms: Not applicable

use: Not applicable

Legitimate self-defence: Not applicable

The status of customs vehicles as regards the highway code: Not applicable

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

Time: Not applicable

No Not applicable

Yes: Not applicable

Space: Not applicable

No: Not applicable

Yes: Not applicable

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

Not applicable

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

N/A

Authority to which the reports should be made: Not applicable

4. CROSS-BORDER SURVEILLANCE

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

The Republic of Poland declares that Article 21 of this Convention may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity. The Republic of Poland also declares that officers of the competent authorities of the Member States may carry their service weapons into the territory of the Republic of Poland, but are entitled to use them only in the case of legitimate self-defence as laid down in Article 25 of the Law of 6 June 1997 – Penal Code (O. J. of Law of 1997, No 88, item 553, as amended). The Republic of Poland declares that Article 21(3)(d) of this Convention may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity.

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

To be specified

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

To be specified

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

It may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity

4.4. Definitions

➤ Definitions

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

Service weapons To be specified

Allowed arms:

use:

Legitimate self-defence:

as laid down in Article 25 of the Law of 6 June 1997 – Penal Code (O. J. of Law of 1997, No 88, item 553, as amended)

4.5. Requirement to report back

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

Yes

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

5. CONTROLLED DELIVERIES

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

To be specified

5.2. Requirements regarding information to be included in the request

To be specified

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

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

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

The Republic of Poland declares that Article 23 of this Convention may be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity.

6.1. Restrictions on the possibility of using covert investigations

May be applied by the competent authorities of other Member States in relation to the Republic of Poland on the basis of the principle of reciprocity.

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

To be specified.

6.3. Service weapons

To be specified.

6.4. General conditions

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

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

7. JOINT SPECIAL INVESTIGATION TEAMS

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

To be specified.

7.2. General conditions

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

7.3. Requirement to report back

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

Yes

Authority to which the report should be made: to be specified.

PORTUGAL

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit :

Tax and Customs Authority - Customs Anti-Fraud Directorate Telf: +351 21 358 4896 Fax: +351 21 358 4823 e-mail : dsafa@at.gov.pt

- languages accepted for making requests for assistance :

English, French, Portuguese and Spanish

- acceptance of electronic communication of assistance requests :

Yes

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

- form of cooperation :

Within their competencies:
Republican National Guard (GNR) - Hot Pursuit and Cross-Border Surveillance; and
Criminal Police - All the forms of cooperation.

- emergency cases only :

Yes

- contact details of the customs units:

GNR – Operations Directorate:
Telf. +351 21 3217000
Fax +351 21 3217153
GNR – Command Center and Operating Control:
Telf. +351 21 3217000
Fax +351 21 3217149
PJ – Criminal Police
Tel. +351 21 196 7000
Fax +351 21 130 4260
+351 21 353 5380.

3. HOT PURSUIT

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

Yes

3.1 Restrictions on the right of hot pursuit

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

All infringements listed in the article 19 (2) a) to c) without exception may give grounds for extradition under Portuguese Law.

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

<i>No restrictions</i>	
<i>Restricted as follows :</i>	a) pursuing officers shall not have the right to apprehend; b) pursuit is restricted to a maximum of range of 50 km from the border, or to a maximum of two hours.

- Pursuing officers have the right to apprehend :

No

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

<i>Officers from :</i>	Tax and Customs Authority (AT); Republican National Guard (GNR) and the Criminal Police (PJ).
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- Definitions

<i>Private home, places accessible to the public, places not accessible to the public :</i>	
a) Private Home – Any place where a person lives regularly or occasionally.	
b) Places accessible to the public – The public way; all the places that belongs to public or private domain open to the public, and those where the access by the public is subject to a fee, a payment or the presentation of a ticket.	
c) Places not accessible to the public – All the places not included in a) and b).	

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

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

<i>The status of customs vehicles as regards the highway code :</i> AT - Vehicles have no special status; GNR. – Vehicles are equipped with blue emergency lights and sirens (Highway Code, Art. 64); PJ – Vehicles are authorised to use emergency lights and sirens.

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

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

<i>Space:</i>
No
Yes : 50 km from the border.

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

Central Coordinating Unit

3.2 Requirement to report back

Requirement to report back after completion of a hot pursuit :

Yes

Authority to which the reports should be made :
Attorney-General's Office

4. CROSS-BORDER SURVEILLANCE

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

No

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

Tax and Customs Authority (AT), Republican National Guard (GNR) and Criminal Police (PJ).

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

Central Coordinating Unit

4.3 Special restrictions on the right of surveillance in Member State

None

4.4 Definitions

➤ Definitions

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

- a) Private Home – Any place where a person lives regularly or occasionally.
- b) Places accessible to the public – The public way; all the places that belongs to public or private domain open to the public, and those where the access by the public is subject to a fee, a payment or the presentation of a ticket.
- c) Places not accessible to the public – All the places not included in a) and b).

Service weapons

Allowed arms :

Allowed arms : Any firearm of any calibre allocated and distributed by the State to officers whose function is the maintenance of security and public order.

use :

GNR – Defence weapons calibre 7,65 and 9 mm; PJ - All the allowed ones by law.

Legitimate self-defence :

According to the Art. 32 Penal Code means any act carried out as a necessary means to repel an illicit and present attack against a legally protected interest of the officer, or a third person

4.5 Requirement to report back

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

Yes

Authority to which the reports should be made :

Attorney-General's Office.

5. CONTROLLED DELIVERIES

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

Authorisation:

Central Investigation and Prosecution Department (DCIAP);

To carry out:

Criminal Police (PJ).

5.2 Requirements for information to be included in the request

The request must include detailed description of the facts about the case (e.g. suspects, goods, means of transport, etc.) and the reasons for the operation, so that the Central Investigation and Prosecution Department can examine and authorise the controlled delivery. The request must also indicate the operational measures that can be taken in order to carry out the operation, and according to the Portuguese Law 144/1999 – Art 160-A, that action is only authorised when:

- a) the competent foreign authorities have ensured that both their legislation provides adequate criminal sanctions for the offence at stake and criminal proceedings shall be exercised; and
- b) the competent foreign authorities have ensured the security of the substances and goods at stake against the risks of flight and loss; and
- c) the competent foreign authorities have undertaken urgently to communicate detailed information about the results of the operation as well as the acts performed by each of the offenders, in particular those who acted in Portugal.

5.3 Consent from other transit States

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

The abovementioned guarantee is required :

Yes

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

The abovementioned guarantee is required :

Yes

5.5 Service weapons

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

Legitimate self-defence

5.6 Requirement to report back

Requirement to report back after completion of a controlled delivery :

Yes

Authority to which the report should be made :
Public Prosecutors

5.7 Seizure and legal proceedings

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

The abovementioned guarantee is required :

Yes

6. COVERT INVESTIGATIONS

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

No.

6.1 Restrictions on the possibility of using covert investigations

According to Portuguese Law nr.101/2001 covert investigations are admissible within the framework of prevention and punishment of following offences: relating to stolen vehicles forgery and trafficking; illicit trafficking in narcotic drugs and psychotropic substances; money laundering, other assets or products; economic and financial offences committed in an organised manner or by computer-related mean; economic and financial offences committed at international or trans-national level.

The covert investigations must be adequate to prevent and to punish each crime in concrete and proportionate to either such purposes or to the seriousness of the crimes under investigat.

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

To decide on: Central Court for Criminal Investigation and Central Investigation and Prosecution Department;
To carry out: Criminal Police

6.3 Service weapons

Any firearm of any calibre allocated and distributed by the State.

6.4 General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
In Portugal the covert investigations can be held to prevent and to punish some specific offences typified in portuguese criminal law.

6.5 Requirement to report back

Requirement to report back after completion of a covert investigation :

Yes

Authority to which the reports should be made :
Public Prosecutors

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Tax and Customs Authority (AT), Republican National Guard (GNR) and Criminal Police (PJ).

7.2 General conditions

General conditions or provisions to organize or take part in a joint special investigation team:
Joint investigation teams shall be set up by mutual agreement between the Portuguese State and a foreign State, in particular when:

- a) in the framework of a foreign State's criminal investigation, specially complex investigations having links with Portugal or with another State are required;
- b) a number of States are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the States involved.

Requests for the setting up of joint investigation teams shall include, in addition to the information referred to in the relevant provisions of Article 14 of the European Mutual Assistance Convention and Article 37 of the Benelux Treaty of 27 June 1962, as amended by Protocol of 11 May 1974, proposals for the composition of the team. (Law 144/1999 Article 145°-A).

7.3 Requirement to report back

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

Yes

Authority to which the report should be made :

Public Prosecutors or Tax and Customs Authority (AT) or Republican National Guard (GNR) or Criminal Police (PJ).

ROMANIA

SLOVENIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Financial Administration of the Republic of Slovenia Supervision Department Smartinska cesta 55, 1000 Ljubljana, Slovenia, phone: +386 1 4783800, + 386 1 4783026, + 386 1 4783820 fax: +386 1 478 39 00 e-mail: un.gfu.fu@gov.si

- languages accepted for making requests for assistance:

English, German, Slovene

- acceptance of electronic communication of assistance requests:

YES

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

- form of cooperation:

/

- emergency cases only:

/

- contact details of the customs units:

/

3. **HOT PURSUIT**

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

Hot pursuit is not allowed

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

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

<i>All infringements without exception</i>	
<i>All infringements with the exception of infringements relating to trafficking in:</i>	Hot pursuit is not allowed

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

<i>No restrictions</i>	
<i>Restricted as follows:</i>	Hot pursuit is not allowed

- Pursuing officers have the right to apprehend:

Hot pursuit is not allowed

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

Officers from: Hot pursuit is not allowed

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
Hot pursuit is not allowed

Service weapons: Hot pursuit is not allowed

Allowed arms: | *use:*

Right of self-defence: Hot pursuit is not allowed

The status of customs vehicles as regards the highway code:
Hot pursuit is not allowed

➤ As from crossing the border, limitation in time or space to carry out the pursuit: Hot pursuit is not allowed

Time:

Space:

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

Hot pursuit is not allowed

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Authority to which the reports should be made:
Hot pursuit is not allowed

4. CROSS-BORDER SURVEILLANCE

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

Cross-border surveillance is not allowed

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

Cross-border surveillance is not allowed

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

Cross-border surveillance is not allowed

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

Cross-border surveillance is not allowed

4.4. Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
Cross-border surveillance is not allowed

Service weapons: Cross-border surveillance is not allowed
Allowed arms:

Right of self-defence: Cross-border surveillance is not allowed

4.5. Requirement to report back

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

Cross-border surveillance is not allowed

Authority to which the reports should be made: Cross-border surveillance is not allowed

5. CONTROLLED DELIVERIES

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

Controlled deliveries are carried out by the Police with the permission of the Public Prosecutor:

Specializirano državno tožilstvo
Trg OF 13
1000 Ljubljana,
Slovenia
Email: specializirano.tozilstvo@dt-rs.si
Phone: +386 1 434 1934
Fax: +386 1 434 19 62

5.2. Requirements regarding information to be included in the request

- detailed explanation of suspected criminal act
- suspected criminal act cannot be detected and proved by other measures
- the aim of the activity is disclosure of the criminal group

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

- self-defence, defence of people's life and some circumstances described in the national law

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Specializirano državno tožilstvo
Trg OF 13
1000 Ljubljana
Email: specializirano.tozilstvo@dt-rs.si
Phone: +386 1 434 1934
Fax: +386 1 434 19 62

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

YES

6. COVERT INVESTIGATIONS

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

Covert investigations are not allowed

6.1. Restrictions on the possibility of using covert investigations

Covert investigations are not allowed

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

Covert investigations are not allowed

6.3. Service weapons

Covert investigations are not allowed

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
Covert investigations are not allowed

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made: Covert investigations are not allowed

7. JOINT SPECIAL INVESTIGATION TEAMS

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

- Financial Administration of the Republic of Slovenia, Supervision Department

7.2. General conditions

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

- agreement among participating countries or request of international organisation
- participation of the Financial Administration has to be approved by Minister of Finance

7.3. Requirement to report back

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

Yes

Authority to which the report should be made:

Financial Administration of the Republic of Slovenia
Supervision Department
Smartinska cesta 55,
1000 Ljubljana, Slovenia,
phone: +386 1 4783800, + 386 1 4783026, + 386 1 4783820
fax: +386 1 478 39 00
e-mail: un.gfu.fu@gov.si

SLOVAKIA

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Criminal Office of the Financial Administration of the Slovak Republic International Coordinating Department Bajkalská Street 24 824 97 Bratislava 26 Slovak Republic Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65 Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85 e-mail: oskufs@financasprava.sk MAB Mail: SKOMS, SKCDID
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- languages accepted for making requests for assistance:

Slovak, Czech, English, German, French
--

- acceptance of electronic communication of assistance requests:

The electronic version is accepted if the official written form is correctly signed by the responsible and send in pdf form

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

- form of cooperation:

no authorization for other than central units

- emergency cases only:

- contact details of the customs units:

3. HOT PURSUIT

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

Re: Article 20(1)

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

Re: Article 20 (6)

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

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

Re: Article 20 (8)

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

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	
Restricted as follows:	Will be subject of negotiations – see declaration of the Slovak Republic to Article 20 (6)

- Pursuing officers have the right to apprehend

Yes

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

<i>Officers from:</i>	Officers of Criminal Office of the Financial Administration (for operational purposes according to the Act No. 333/2011 Coll. on State Administration on taxes, duties and customs) and / or police officers according to the legislation in force
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- Definitions

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

<i>Service weapons:</i>	
<i>Allowed arms</i>	<i>use:</i>
<p>Allowed arms according to the Act No. 652/2004 Coll. on State Administration Authorities in the customs: small personal firearms</p> <p>The officers of the Criminal Office of the Financial Administration use also special weapons (Section 42 on the Act. No. 652/2004 Coll.):</p> <p>a) a gun with a silencer, b) a gun with a device for illumination of the target</p>	<p>strictly in self defence</p>

<p><i>Right of self-defence:</i></p> <p>Section 25 of Act No. 300/2005 Coll. (Criminal Code):</p> <p>„(1) An act , which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed in order to avert an impending or actual attack on an interest protected under this Act.</p> <p>(2) Necessary self-defence shall not be invoked if the intensity of defence clearly exceeds the intensity of an attack, in particular in view of the mode, place, time of an attack, the circumstances related to an assailant or a defender.</p> <p>(3) Any person who averts an attack in a manner referred to in paragraph 2 shall not be held criminally liable of he acted in a state of intense agitation caused by an attack, in particular as a consequence of confusion, fear or fright.</p> <p>(4) Where any person, given the circumstances of the case, assumes the threat of an attack erroneously, he shall not be exempted from the criminal liability for an act committed by negligence if an error consists in negligence.“</p> <p>1) Legitimate self – defence means prevention of danger to a human. It is directed against the attacker.</p> <p>2) Attack means the action of a person (not an animal, unless incited by a person). Attack imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack last until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal processing.</p> <p>3) “Interest protected by this Code” include particularly human life, health, freedom and dignity, and human honour and property.</p> <p>4) Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.</p> <p>5) Subsidiarity is not required for legitimate self-defence.</p>
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6) The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit himself to only passive deflection of the attack.

7) The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.

8) The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).

9) The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

The status of customs vehicles as regards the highway code:

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

Time:

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

Space:

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

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

Criminal Office of the Financial Administration of the Slovak Republic
Bajkalská Street 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65
Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85
e-mail: oskufs@financasprava.sk
MAB Mail: SKOMS, SKCDID

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made:

Criminal Office of the Financial Administration of the Slovak Republic
Bajkalská Street 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65
Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85
e-mail: oskufs@financasprava.sk
MAB Mail: SKOMS, SKCDID

4. CROSS-BORDER SURVEILLANCE

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

Re: Article 21 (1)

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

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

Re. Article 21 (5)

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

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

Officers of the Criminal Office of the Financial Administration and / or Police officers according to the legislation in force

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

Criminal Office of the Financial Administration of the Slovak Republic
Bajkalská Street 24
824 97 Bratislava 26
Slovak Republic
Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65
Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85
e-mail: oskufs@financasprava.sk
MAB Mail: SKOMS, SKCDID

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

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

For operational purposes may allow the cross-border surveillance the Criminal Office of the Financial Administration according to the Act No. 333/2011 Coll. on State Administration on taxes, duties and customs.

4.4 Definitions

➤ Definitions

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

Private home: For natural persons, their private home is the habitual place, in which private and family life takes place, as a permanent or temporary residence, and may be any enclosed space

Places accessible to the public: All public places unless entry is restricted in the public interest

Places not accessible to the public: All places which are neither considered public nor considered to be private home

Service weapons:

Allowed arms:

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

The officers of the Criminal Office of the Financial Administration use also special weapons (Section 42 on the Act. No. 652/2004 Coll.):
a) a gun with a silencer,
b) a gun with a device for illumination of the target

use:

strictly in self defence

Right of self-defence:

Section 25 of Act No. 300/2005 Coll. (Criminal Code):

„(1) An act , which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed in order to avert an impending or actual attack on an interest protected under this Act.

(2) Necessary self-defence shall not be invoked if the intensity of defence clearly exceeds the intensity of an attack, in particular in view of the mode, place, time of an attack, the circumstances related to an assailant or a defender.

(3) Any person who averts an attack in a manner referred to in paragraph 2 shall not be held criminally liable if he acted in a state of intense agitation caused by an attack, in particular as a consequence of confusion, fear or fright.

(4) Where any person, given the circumstances of the case, assumes the threat of an attack erroneously, he shall not be exempted from the criminal liability for an act committed by negligence if an error consists in negligence.“

1) Legitimate self – defence means prevention of danger to a human. It is directed against the attacker.

2) Attack means the action of a person (not an animal, unless incited by a person). Attack imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack lasts until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal processing.

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

4) Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.

5) Subsidiarity is not required for legitimate self-defence.

6) The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit himself to only passive deflection of the attack.

7) The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.

8) The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).

9) The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská Street 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65

Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85

e-mail: oskufs@financasprava.sk

MAB Mail: SKOMS, SKCDID

5. CONTROLLED DELIVERIES

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

Controlled delivery in the Slovak Republic is allowed only under the circumstances stated in § 111 par. 2 Act number 301/2005 Coll. (Code of Criminal Procedure). Judicial authorities are authorized to decide.

For operational purposes may allow the “confidential method of monitoring / escort of delivery” the Criminal Office of the Financial Administration according to the Act No. 333/2011 Coll. on State Administration on taxes, duties and customs.

5.2. Requirements regarding information to be included in the request

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

Note: Provided that requested information are known

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

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

5.5. Service weapons

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

Strictly in self – defence

Right of self-defence:

Section 25 of Act No. 300/2005 Coll. (Criminal Code):

„(1) An act , which otherwise gives rise to criminal liability, shall not be considered as a criminal offence if it is performed in order to avert an impending or actual attack on an interest protected under this Act.

(2) Necessary self-defence shall not be invoked if the intensity of defence clearly exceeds the intensity of an attack, in particular in view of the mode, place, time of an attack, the circumstances related to an assailant or a defender.

(3) Any person who averts an attack in a manner referred to in paragraph 2 shall not be held criminally liable if he acted in a state of intense agitation caused by an attack, in particular as a consequence of confusion, fear or fright.

(4) Where any person, given the circumstances of the case, assumes the threat of an attack erroneously, he shall not be exempted from the criminal liability for an act committed by negligence if an error consists in negligence.“

1) Legitimate self – defence means prevention of danger to a human. It is directed against the attacker.

2) Attack means the action of a person (not an animal, unless incited by a person). Attack imminent if it is to occur in the next instant. It is not necessary to delay self-defence until the attacker strikes first. The attack lasts until the danger for the attacked protected interest ceases. If it is not certain whether the attack has ended, the principle “in dubio pro reo” shall hold in the criminal processing.

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

4) Legitimate self-defence is directed against the attacker. If there is more than one attacker, it may be directed against any of them.

5) Subsidiarity is not required for legitimate self-defence.

6) The intensity of the self-defence - if it is to be successful – must, understandably, be stronger than the intensity of the attack. Intensity does not mean only physical strength, but the whole manner of self-defence, all the components of the self-defence that make it effective. Any self-defence that reliably diverts the attack is permitted. The defender need not prefer a weaker, but uncertain form of defence or limit himself to only passive deflection of the attack.

7) The limits of self-defence are given by the fact that it must not be quite clearly disproportionate to the manner of attack.

8) The limits of self-defence can be exceeded in the intensity of the self-defence (the defence is stronger than quite clearly disproportionate) or in time (the self-defence did not occur at the time when the attack threatened or lasted).

9) The term “quite clearly” is a subjective category, i.e. as the situation appeared to the person who employed the necessary self-defence, and not as the situation appears in evaluation by other persons who evaluate the matter later.

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská Street 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65

Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85

e-mail: oskufs@financasprava.sk

MAB Mail: SKOMS, SKCDID

Note: central coordinating unit will arrange forwarding the report to the relevant body

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

No

6.1. Restrictions on the possibility of using covert investigations

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

Covert investigation is allowed only under the circumstances stated in § 117 Act number 301/2005 Coll. (Code of Criminal Procedure). Judicial authorities are authorized to decide.

6.3. Service weapons

6.4. General conditions

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

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

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes	N
-----	---

Authority to which the reports should be made:

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská Street 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65

Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85

e-mail: oskufs@financasprava.sk

MAB Mail: SKOMS, SKCDID

Note: central coordinating unit will arrange forwarding the report to the relevant body

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská Street 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65

Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85

e-mail: oskufs@financasprava.sk

MAB Mail: SKOMS, SKCDID

7.2. General conditions

According to the Regulation § 10 (9), Act. No. 301/2005 Coll. (Code on Criminal Procedure) only the General Prosecutor is authorized to conclude, with prior approval of Minister of Justice of the Slovak Republic, an agreement regarding an establishment of joint investigation teams.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská Street 24

824 97 Bratislava 26

Slovak Republic

Phone: (+421-2) 58 25 13 13; (+421-2) 58 25 13 14 ; (+421 2) 58 25 12 65

Fax: (+421-2) 53 41 10 51 ; (+421 2) 53 41 36 85

e-mail: oskufs@financasprava.sk

MAB Mail: SKOMS, SKCDID

Note: central coordinating unit will arrange forwarding the report to the relevant body

FINLAND

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

Customs/Enforcement Department/International and Legal Affairs Unit P.O. Box 512, 00101 Helsinki, Finland Tel. +358-40-332-2287 Fax +358-20 60 34230 E-mail : virko@tulli.fi MAB Mail: FIMAS After office hours 08:00-16:15 (GMT+2) Tel. +358-40-332 2020 Email:customs.service@tulli.fi
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- languages accepted for making requests for assistance:

Finnish, Swedish, English, German, French

- acceptance of electronic communication of assistance requests:

Yes: virko@tulli.fi

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

– form of cooperation:

All forms of cooperation in an emergency.

– emergency cases only:

Yes

– contact details of the customs units:

see above CCU

3. HOT PURSUIT

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

Finland has not made a declaration provided for in Article 20(8).

3.1. Restrictions on the right of hot pursuit

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

All infringements without exception

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

No restrictions

➤ Pursuing officers have the right to apprehend

Yes

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

Officers from: Customs, Police and Border Guard

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
In the absence of a legal definition, a private home is understood to be a place in which private life is conducted. In practice, this means buildings, camping vans, boats etc. There is no legal definition of places which are or are not accessible to the public.

Service weapons:

Allowed arms:

Magazine-loaded or self-loading single shot pistols and revolvers.

use:

The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

Right of self-defence:

Provisions on self-defence are laid down in the Penal Code. An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.

An official using self-defence is acting subject to public liability. When assessing the justification of self-defence, the requirements to be set on the basis of the education and experience of the official are to be taken into account.

The status of customs vehicles as regards the highway code:

Under special provisions of the Highway Code, a vehicle on official customs business may in an emergency disregard certain rules of the Code. Whatever the circumstances, certain precautionary rules must be observed and both acoustic and visible warning signals must be used. In cases of force majeure, use may be made of roads or portions of road normally prohibited to vehicular traffic, but caution must be exercised.

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

Time: No.

Space: No.

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

Customs/Enforcement Department/International and Legal Affairs
P.O. Box 512, 00101 Helsinki, Finland
Tel. +358-40-332-2287
Fax +358-20 60 34230

After office hours 08:00-16:15 (GMT+2)
Tel. +358-40-332 2020

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

Yes

Authority to which the reports should be made:

Customs/Enforcement Department/International and Legal Affairs Unit
P.O. Box 512, 00101 Helsinki, Finland
Tel. +358-40-332-2287
Fax +358-20 60 34230
E-mail: virko@tulli.fi

4. CROSS-BORDER SURVEILLANCE

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

Finland has not made a declaration provided for in Article 21(5).

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

Customs, Police and Border Guard.

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

Customs/Enforcement Department/International and Legal Affairs Unit
P.O. Box 512, 00101 Helsinki, Finland
Tel. +358-40-332-2287
Fax +358-20 60 34230
E-mail : virko@tulli.fi

After office hours 08:00-16:15 (GMT+2)
Tel. +358-40-332 2020
Email:customs.service@tulli.fi

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

None.

4.4 Definitions

➤ Definitions

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

In the absence of a legal definition, a private home is understood to be a place in which private life is conducted. In practice, this means buildings, camping vans, boats etc. There is no legal definition of places which are or are not accessible to the public.

Service weapons:

Allowed arms:

Magazine-loaded or self-loading single shot pistols and revolvers.

Use:

The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

Right of self-defence:

Provisions on self-defence are laid down in the Penal Code. An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.

An official using self-defence is acting subject to public liability. When assessing the justification of self-defence, the requirements to be set on the basis of the education and experience of the official are to be taken into account.

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Customs/Enforcement Department/International and Legal Affairs Unit

P.O. Box 512, 00101 Helsinki, Finland

Tel. +358-40-332-2287

Fax +358-20 60 34230

E-mail: virko@tulli.fi

5. CONTROLLED DELIVERIES

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

Customs, Police and Border Guard

5.2. Requirements regarding information to be included in the request

1. Bases for the operation (type of offence, legal provision and maximum punishment)
2. Factual information justifying the operation (description of the act)
3. Quality and quantity of drugs/other goods
4. Assumed entry point, or exit point if necessary
5. Assumed means of transport and transport route
6. Personal data of the suspects, and description if necessary
7. Source of authorisation for the operation (statute references)
8. Persons operatively responsible for the action and their contact information
9. Contact information of other involved authorities
10. Other necessary information

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

n/a.

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Customs/Enforcement Department/International and Legal Affairs Unit
P.O. Box 512, 00101 Helsinki, Finland
Tel. +358-40-332-2287
Fax +358-20 60 34230
E-mail: virko@tulli.fi

5.7. Seizure and legal proceedings

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

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

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

Finland has not made a declaration provided for in Article 23(5).

6.1. Restrictions on the possibility of using covert investigations

Authorisation for covert investigations cannot be granted unless the deed referred to in the request would, if committed under similar circumstances in Finland, be considered as an offence the prevention and detection of which would allow the use of covert investigations and pseudo purchases.

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

Customs is authorized to decide and Police to carry out covert investigations. Covert investigations carried out solely in a data network may be carried out also by Customs.

6.3. Service weapons

Allowed arms:

Magazine-loaded or self-loading single shot pistols and revolvers.

Use:

The competent authorities of another Member State may be authorised to carry a weapon if it is necessary taking into account the nature of the duty. Service weapons may be used only for self-defence. The decision on the right to carry a weapon is made by a commanding officer.

An official using self-defence is acting subject to public liability. When assessing the justification of self-defence, the requirements to be set on the basis of the education and experience of the official are to be taken into account.

6.4. General conditions

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

Preconditions for covert investigations and pseudo purchases are governed by the Act on crime prevention by Customs.

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Yes

Authority to which the reports should be made:

Customs/Enforcement Department/International and Legal Affairs Unit

P.O. Box 512, 00101 Helsinki, Finland

Tel. +358-40-332-2287

Fax +358-20 60 34230

E-mail: virko@tulli.fi

7. JOINT SPECIAL INVESTIGATION TEAMS

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

Customs and Police

7.2. General conditions

There are no specific criteria to be fulfilled.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes.

SWEDEN

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

1. CENTRAL COORDINATING UNIT

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

- contact details of the central unit:

Swedish Customs Intelligence and communication centre PO Box 12854 SE-112 98 Stockholm Sweden Phone: +46-8-4050570 Fax: +46-8-6540611 E-mail: ncp@customs.se

- languages accepted for making requests for assistance:

English

- acceptance of electronic communication of assistance requests:

YES, preferably by MAB mail, SETVBB, only in urgent cases by ordinary e-mail
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2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation:

Hot pursuit, cross border surveillance, controlled delivery

- emergency cases only:

No

- contact details of the customs units:

Customs commander in charge through the Swedish Customs Intelligence and Communication center :

Phone: +46-8-4050570

Fax: +46-8-6540611

E-mail: ncp@customs.se

3. HOT PURSUIT

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

No

3.1. Restrictions on the right of hot pursuit

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

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

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

No restrictions	X
Restricted as follows:	

- Pursuing officers have the right to apprehend

Yes

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

<i>Officers from:</i>	Customs officers, Police officers and Coast Guard officers.
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- Definitions

<p><i>Private home, places accessible to the public, places not accessible to the public:</i></p> <p>"<u>Private home</u>" means, other than the home as such, private places such as caravans, house-boats, huts etc.</p> <p>"<u>Places accessible to the public</u>" means, other than public places, such places as trains, buses, restaurants, shops, sports grounds, cinemas etc.</p> <p>"<u>Places not accessible to the public</u>" means, other than private property, such places as private premises, warehouses and plots of land etc.</p>

Service weapons: Pursuing officers are authorised to carry their service weapons, if they are individual service weapons (no legal definition).

<p><i>Allowed arms:</i> Individual service weapons</p>	<p><i>use:</i> An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible. The report shall be sent to Swedish Customs Intelligence and communication centre</p>
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Right of self-defence:

The right of self-defence is described in chapter 24, sections 1 and 4 of the Swedish Penal Code.

A right to act in self-defence exists in relation to,

1. an initiated or imminent criminal attack on a person or property,
2. a person who violently or by the threat of violence or in some other way obstructs the repossession of property when caught in the act,
3. a person who has unlawfully forced or is attempting to force entry into a room, house, yard or vessel, or
4. a person who refuses to leave a dwelling when ordered to do so.

In any of these cases, the right to act in self-defence must be exercised out of necessity having regard to the nature of the danger, the injury caused to another and to the circumstances in general. Necessity exists when a danger threatens life, health, property or some other important interest protected by law.

The status of customs vehicles as regards the highway code:

A customs vehicle may contravene certain rules set out in the Road Traffic Regulations when the driver is carrying out duties as a customs officer. This includes for instance driving, stopping and parking in restricted areas and exceeding the maximum speed limit (the latter only in urgent cases).

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

Time: None

Space: None

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

Swedish Customs
Intelligence and communication centre
PO Box 12854
SE-112 98 Stockholm
Sweden
Phone: +46-8-4050570
Fax: +46-8-6540611
E-mail: ncp@customs.se

3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

YES

Authority to which the reports should be made:

Swedish Customs
Intelligence and communication centre
PO Box 12854
SE-112 98 Stockholm
Sweden
Phone: +46-8-4050570
Fax: +46-8-6540611
E-mail: ncp@customs.se

4. CROSS-BORDER SURVEILLANCE

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

NO

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

Customs officers, Police officers and Coast Guard officers.

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

Swedish Customs
Intelligence and communication centre
PO Box 12854
SE-112 98 Stockholm
Sweden
Phone: +46-8-4050570
Fax: +46-8-6540611
E-mail: ncp@customs.se

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

None

4.4 Definitions

➤ Definitions

Private home, places accessible to the public, places not accessible to the public:
"Private home" means, other than the home as such, private places such as caravans, house-boats, huts etc.
"Places accessible to the public" means, other than public places, such places as trains, buses, restaurants, shops, sports grounds, cinemas etc.
"Places not accessible to the public" means, other than private property, such places as private premises, warehouses and plots of land etc.

<i>Service weapons:</i> Pursuing officers are authorised to carry their service weapons, if they are individual service weapons (no legal definition).	
<i>Allowed arms:</i> Individual service arms	<i>use:</i> An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible. The report shall be sent to Swedish Customs Intelligence and communication centre PO Box 12854 SE-112 98 Stockholm Sweden Tel: +46 8 405 05 70 Fax: +46 8 654 06 11 E-mail: ncp@customs.se

Right of self-defence:

The right of self-defence is described in chapter 24, sections 1 and 4 of the Swedish Penal Code.

A right to act in self-defence exists in relation to,

1. an initiated or imminent criminal attack on a person or property,
2. a person who violently or by the threat of violence or in some other way obstructs the repossession of property when caught in the act,
3. a person who has unlawfully forced or is attempting to force entry into a room, house, yard or vessel, or
4. a person who refuses to leave a dwelling when ordered to do so.

In any of these cases, the right to act in self-defence must be exercised out of necessity having regard to the nature of the danger, the injury caused to another and to the circumstances in general. Necessity exists when a danger threatens life, health, property or some other important interest protected by law.

4.5. Requirement to report back

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

Yes

Authority to which the reports should be made:

Swedish Customs
Intelligence and communication centre
PO Box 12854
SE-112 98 Stockholm
Sweden
Tel: +46 8 405 05 70
Fax: +46 8 654 06 11
E-mail: ncp@customs.se

5. CONTROLLED DELIVERIES

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

To decide on: The Prosecutors Office

To carry out: Especially designated officers within Customs Law Enforcement.
The Swedish Police.

The request should be submitted through the
Swedish Customs Intelligence and Communication centre.

PO Box 12854

SE-112 98 Stockholm

Sweden

Phone: +46-8-4050570

Fax: +46-8-6540611

E-mail: ncp@customs.se

5.2. Requirements regarding information to be included in the request

The case must relate to serious crime according to the Penal Law of Narcotics or Act on penalties for smuggling; the place and time of entrance into the country must be known and specified; the purpose of the operation must be absolutely clear and specified; the means of transport ,the name of the driver and the receiver of the illegal goods, if known, must be identified; the responsible operational officer in charge at the customs and/or the police as well as the contact officers must be specified by name; the nature of and the quantity of the illegal goods, e.g. type of narcotic drug must be specified;

5.3. Consent from other transit States

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

The abovementioned guarantee is required:

Yes

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

The abovementioned guarantee is required:

Yes

5.5. Service weapons

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

An officer from another State may use his service weapon only in a self-defence situation. For the use of a firearm to be permitted in a self-defence situation, there must be serious violence against the officer himself or against another person, or a threat involving the imminent danger of such violence. Before the officer uses the firearm, it is his duty, where possible, to make a clear announcement that he is acting in his capacity as an officer and that he intends to fire. Warning shots must be aimed in such a way as to avoid damage. Effective fire directed at a person must be intended only to disable that person temporarily and must preferably be aimed at the legs. During plainclothes operations firearms must not be carried visibly. Where an officer from another State uses a firearm, a written report on the course of events must be made as soon as possible.
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The report shall be sent to Swedish Customs Intelligence and communication centre PO Box 12854 SE-112 98 Stockholm Sweden Phone: +46-8-4050570 Fax: +46-8-6540611 E-mail: ncp@customs.se
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5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made:

Swedish Customs

Intelligence and communication centre

PO Box 12854

SE-112 98 Stockholm

Sweden

Phone: +46-8-4050570

Fax: +46-8-6540611

E-mail: ncp@customs.se

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Yes

6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

Covert investigations are not allowed

6.1. Restrictions on the possibility of using covert investigations

Covert investigations are not allowed

6.2. List of services authorised to decide on or carry out covert investigations

Covert investigations are not allowed

6.3. Service weapons

Covert investigations are not allowed

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:
Covert investigations are not allowed

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made: Covert investigations are not allowed

7. JOINT SPECIAL INVESTIGATION TEAMS

7.1. List of services authorised to decide on or participate in joint special investigation teams

Swedish Customs, the Swedish Police and the Prosecutor's Office

7.2. General conditions

The Swedish Act (2000:1219) on international customs cooperation regulates all international activities performed by Swedish Customs.
In the case of an ongoing preliminary investigation in Sweden the decision is made by the Public Prosecutor or the Customs authority. In other cases the decision is made by the Customs authority, the Police or the Office of the Prosecutor-General.

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

Yes

Authority to which the report should be made:

Swedish Customs
Intelligence and communication centre
PO Box 12854
SE-112 98 Stockholm
Sweden
Phone: +46-8-4050570
Fax: +46-8-6540611
E-mail: ncp@customs.se

UNITED KINGDOM

1. CENTRAL COORDINATING UNIT
2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES
3. HOT PURSUIT
4. CROSS-BORDER SURVEILLANCE
5. CONTROLLED DELIVERIES
6. COVERT INVESTIGATIONS
7. JOINT SPECIAL INVESTIGATION TEAMS

1. CENTRAL COORDINATING UNIT

Contact details of the central coordinating units and languages accepted for making requests for assistance

- contact details of the central unit (official name of CCU, address, telephone/mobile phone, fax, e-mail, MAB mail, 24/7 availability, etc.):

International Mutual Assistance Team (IMAT)
Room WG 02-04
Custom House
Lower Thames Street
London EC3R 6EE

Email: imat@hmrc.gsi.gov.uk
MAB mail: UKIMAT
Fax: 03000 578581

The IMAT is staffed 08.00 – 17.00 Monday to Thursday, 08.00 – 16.30 Friday

- languages accepted for making requests for assistance:

Primarily English but can be received in other languages and translated.

- acceptance of electronic communication of assistance requests:

By email or MAB mail

2. CUSTOMS UNITS OTHER THAN THE CENTRAL UNITS WHICH ARE AUTHORISED TO COOPERATE DIRECTLY IN URGENT CASES

- form of cooperation:

Urgent out of business hours requests for MAA (Naples II) : HMRC's National Coordination Unit: ncu@hmrc.gsi.gov.uk

- emergency cases only:

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- contact details of the customs units:

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3. HOT PURSUIT

MS has made a declaration on the application of hot pursuit:

The UK is not signed up to Hot Pursuit

3.1. Restrictions on the right of hot pursuit

- Infringements listed in Article 19(2)(a) to (c) that may give grounds for extradition

All infringements without exception	
All infringements with the exception of infringements relating to trafficking in:	

- Restriction on the right of hot pursuit on the MS territory

No restrictions	
Restricted as follows:	

- Pursuing officers have the right to apprehend

--

- List of officers authorised to exercise the right of pursuit:

<i>Officers from:</i>	
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- Definitions

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<i>Service weapons:</i>	
<i>Allowed arms</i>	<i>use:</i>

<i>Right of self-defence:</i>

<i>The status of customs vehicles as regards the highway code:</i>
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- As from crossing the border, limitation in time or space to carry out the pursuit:

<i>Time:</i>

<i>Space:</i>

- Contact point(s) to be informed at the latest when the border is crossed:

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3.2. Requirement to report back

Requirement to report back after completion of a hot pursuit:

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<i>Authority to which the reports should be made:</i>

4. CROSS-BORDER SURVEILLANCE

Member State has made a declaration on the application of cross-border surveillance:

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4.1. List of Member State's services authorised to exercise the right of cross-border surveillance

Various.

4.2. Contact details of the competent authority empowered to grant authorisation or forward requests for cross-border surveillance

IMAT

4.3. Special restrictions on the right of surveillance in Member State

All surveillance requests must satisfy national laws and UK domestic legislation and be supported by proper authorisations.

4.4 Definitions

➤ Definitions

<i>Private home, places accessible to the public, places not accessible to the public: ?</i>
--

<i>Service weapons:</i>

<i>Allowed arms:</i>	NO
----------------------	----

<i>Right of self-defence: ?</i>

4.5. Requirement to report back

Requirement to report back after completion of a cross-border surveillance operation:

Yes

Authority to which the reports should be made: through IMAT/FCLO as appropriate

5. CONTROLLED DELIVERIES

5.1. List of services authorised to decide on or carry out controlled deliveries

?

5.2. Requirements regarding information to be included in the request

?

5.3. Consent from other transit States

Requirement to provide a guarantee that all transit States have in each case given their consent to the controlled delivery taking place in the territory of the transit country

The abovementioned guarantee is required:

Yes

5.4. Requirement to give a guarantee that the controlled delivery will be under permanent surveillance, together with a guarantee of immediate intervention if there is a risk that the delivery will be lost

The abovementioned guarantee is required:

This would be a decision for the requesting authority

5.5. Service weapons

Member State imposes the following conditions on the use of service weapons:

Not permitted

5.6. Requirement to report back

Requirement to report back after completion of a controlled delivery:

Yes

Authority to which the report should be made: IMAT/FCLO as appropriate

5.7. Seizure and legal proceedings

Requirement to provide a guarantee concerning the final seizure of the consignment and that legal proceedings will be brought against the perpetrators.

The abovementioned guarantee is required:

Matter for the prosecuting authority.

6. COVERT INVESTIGATIONS

Member State has made a declaration on the application of covert investigations:

6.1. Restrictions on the possibility of using covert investigations

Not a simple response.

6.2. List of services authorised to decide on or carry out covert investigations

6.3. Service weapons

Not permitted

6.4. General conditions

General conditions (e.g. infringements, investigation) to be fulfilled before a request is made:

6.5. Requirement to report back

Requirement to report back after completion of a covert investigation:

Y	N
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Authority to which the reports should be made:

7. JOINT SPECIAL INVESTIGATION TEAMS

7.1. List of services authorised to decide on or participate in joint special investigation teams

--

7.2. General conditions

--

7.3. Requirement to report back

Requirement to report back after completion of a joint special investigation

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Authority to which the report should be made:

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