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- CYPRUS

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

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

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COUNCIL OF
THE EUROPEAN UNION

Brussels, 8 December 2005

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SCH-EVAL 11
COMIX 76

NOTE

from : the Cyprus delegation

to: the Schengen Evaluation Working Party

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Subject : Answers to the questionnaire addressed to the new Member States with a view to the evaluation of their preparations for the application of the Schengen Acquis - CYPRUS

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* For the time being Cyprus has been exempted from parts I, II, III and V, as evaluations on External Borders and Visas will follow at a later stage. The answers to Part IV (Schengen Information System) can be found in doc. 5602/06 ADD 1.

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VI. JUDICIAL CO-OPERATION

83. Has your country received and made requests for mutual assistance on issues relating to the areas covered in Articles 49 and 50 of the Schengen Convention?

The Republic of Cyprus has not made or received requests for mutual assistance on issues relating to the areas covered in Articles 49 and 50 of the Schengen Convention.

84. What is the current situation regarding application of the rules on compliance with requests and the granting of authorisations in accordance with Article 50(3) of the Convention?

As no requests have been received so far, the rules of Article 50 (3) have not been applied. However, the domestic law of the Republic of Cyprus, namely Article 8(2) of the International Co-operation in Criminal Matters Law, specifies that evidence obtained as a result of a letter of request, cannot be used without the Requesting State's consent for any other purpose than that specified in the request.

85. Has application of Article 52(2) of the Convention caused problems of any kind?

As no requests have been made or received under the Schengen Convention, Article 52.2 has not been applied so far by the judicial authorities in the Republic of Cyprus.

86. As regards application of Article 53 of the Convention, are there any guidelines or directives defining the channels to be used for sending requests for mutual assistance, or is this simply left to the discretion of the judicial authorities?

In all the Conventions relating to mutual judicial assistance in criminal matters, the Republic of Cyprus has declared that such requests will be forwarded by/to the central authority, namely the Ministry of Justice and Public Order.

87. Have the judicial authorities received the Directory of the cities of the other Member States so they can use the possibility of forwarding directly requests for mutual assistance as provided for in the Convention? Do the judicial authorities have access to the European Judicial Network instruments (in particular the Atlas utility)? Are the contact points of the EJM known to all relevant judicial authorities?

The judicial authorities have not yet received the Directory of cities of the other Member States of the EU. Nevertheless, they have access to the European Judicial Network website and particularly the Atlas utility.

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88. Have any extradition requests been authorised under Article 66 of the Schengen Convention? How many have been authorised to date?

No extradition requests have so far been authorised under Article 66 of the Convention. Up to the present, extradition requests are dealt with under the Council's Framework Decision of 13 June 2002 in relation to the European Arrest Warrant and the Surrender Procedures between Member States, as well as the Extradition of Fugitive Offenders Law, which also allow for the application of simplified proceedings.

89. How are the forms for requesting the transmission of extracts from judicial records (SCH/III (97) 41 4 rev) distributed and used?

No such forms have so far been distributed.

90. Are the possibilities for mutual judicial assistance in criminal matters and extradition provided for by the Convention implementing the Schengen Agreement used satisfactorily?

As mentioned above the judicial authorities in the Republic of Cyprus have not so far used the possibilities for mutual judicial assistance in criminal matters and extradition under the Schengen Convention. However, extradition requests received up to date, have been dealt with under the European Arrest Warrant and the Surrender Procedures of Requested Persons between Member States of the European Union Law of 2004 (L133(I)/2004) and the Extradition of Fugitive Offenders Law. Judicial cooperation in criminal matters is effected through the other Conventions ratified by Cyprus, such as the Council of Europe Convention.

91. Has the application of Article 51 a) caused problems of any kind? What are the conditions for the application of Article 51 a) and b)?

There have been no occasions in which Article 51(a) has been used so far. Nevertheless, as the Law Ratifying the Schengen Convention prevails over any other domestic legislation, according to the Constitution of the Republic, only the conditions of Article 51 a) and b) could apply in order to deny a request for judicial assistance.

92. In the event of a conflict between a European arrest warrant and a request for extradition presented under article 66 of the Schengen Convention, how is the decision taken on whether the EAW or the extradition request takes precedence? Did you note some difficulties on conciliation?

Section 22 of the European Arrest Warrant and the Surrender Procedures of Requested Persons between Member States of the European Union Law of 2004 (L133(I)/2004), provides that in the event of a conflict, the Minister of Justice and Public Order decides on the priority to be given, after considering the circumstances of the case, particularly those referred to in Article 16 (1) of the Framework Decision on the European Arrest Warrant with regard to conflict between several EAW's, which are applied mutatis mutadis, as well as the circumstances included in the applicable extradition convention.

The Judicial authorities were not faced with such a conflict so far.

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VII. LEGISLATION ON FIREARMS

93. Have the contents of the EU Directive (91/477) on firearms been transposed into national legislation. Have the suggested model of common forms been adopted for the control of firearm purchases?

Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, has been transposed into national legislation by the “Firearms and Weapons other than Firearms Law of 2004” (L. 113(I)/2004 as amended by Law 91(I)/2005). The suggested model of common forms for the European Firearms Pass has been adopted.

94. What measures have been taken in terms of organisation and personnel in order to ensure the application by the competent authorities of the contents of the EU Directive on arms or the corresponding national legislation?

The Police District Offices throughout Cyprus, i.e. in Nicosia, Lemesos, Larnaka and Pafos are staffed by well-trained officers, who attended a specialised course for better and most effective implementation of the new legislation on firearms. Eight police officers attended a five – week specialised course on firearms at the Greek Defence Systems Industries.

A three member standing committee has also been appointed in order to examine dealers’ applications and, in particular, the applicants’ qualifications and their premises in order to ensure that they are compatible with the provisions of the new legislation, before issuing the relevant license.

A second three member standing committee has been appointed in order to examine and determine whether the firearms are active, inactive or defective and whether they are collector’s items or belong to a particular historical category.

95. How is information on firearms purchases (and other information required under the Directive) exchanged between your country’s authorities and their counterparts in other EU Member States? What is the number of such exchanges per year?

Cyprus communicates all useful information at its disposal concerning definitive transfers of firearms to the Member State to the territory of which such a transfer has been effected, as well as all information that is received by way of the procedures laid down in Article 11 of the Directive for transfers of firearms and in Article 7 (2) and Article 8 (2) for the acquisition and possession of firearms by non-residents. This is done not later than the time of the relevant transfers, to the Member States of destination and, where appropriate, not later than the time of transfer to the Member States of transit. This communication is realized through the Interpol channels and pursuant to Article 13 of the Directive.

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Cyprus has recently designated the Director of the Criminal Investigation Department to participate in the network set up by virtue of Article 13 para.(3) of the Directive.

As regards the number of such communications, the respective authorities of other Member-States communicated to Cyprus information on firearms purchased in their territory that were to be transferred to Cyprus. During 2005 (by end September), there were 27 such communications. In addition, the Criminal Investigation Department has communicated to the respective authorities of other Member States copies of firearm transfer licenses issued in Cyprus regarding firearms that were to be transferred to other Member States. During 2005 (by end September), there were 69 such communications through the Interpol channels.

96. What firearms may be brought into your country without prior permission but solely using the European pass?

Firearms classified in Category D may be brought into Cyprus using solely the European Firearms pass without prior permission.

97. Which firearms do not require consent within the meaning of Article 11(4) of Directive 91/477/EEC by your competent national authorities in order to be brought into your country?

According to Regulation 651/2004 published in the Official Gazette of the Republic on 16/07/2004, the Chief of Police in exercise of the authority vested in him by Section 12(2) of the Firearms and other Weapons other than Firearms Law of 2004 (L.113(I)/2004 as amended by Law 95(I)/2005), determined that the types of firearms that may be transferred from another Member State into the Republic of Cyprus, without the prior consent of the Chief of Cyprus Police, are the following:

Single-shot long firearms (barrel length not less than 60cm or 24 inches) with smooth-bore barrels of the following calibre:

- 12 gauge
- 16 gauge
- 20 gauge
- 28 gauge
- Flobert 36 gauge/0.410 inches
- Flobert 8mm and
- Flobert 9mm.

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VIII. POLICE CO-OPERATION

98. Present a general oversight of the forces with police tasks in your country and their most important competences.

In Cyprus there is a single National Police Service. Section 6 of Police Law of 2004 (Law 73(I)/2004 as amended by Law 94(I)/2005) empowers the Police to act throughout the territory of the Republic for the maintenance of law and order, the preservation of peace, the prevention and detection of crime and the apprehension of offenders. For the performance of these duties, its members are entitled to carry weapons.

The Cyprus Police is under the political supervision of the Ministry of Justice and Public Order. The organization of the Police is based upon a hierarchical structure. Article 131 of the Constitution, provides that the Chief and Deputy Chief of Police are appointed by the President of the Republic. The functions of the Police are divided into four principal areas: Education, Administration, Operations and Support Services. Each area is supervised by a respective Assistant Chief of Police. As far as the administrative and functional set-up is concerned, the Cyprus Police is divided into Departments, Units and Districts. The Fire Brigade is also part of the Police and is under the command of a Chief Superintendent, who is accountable to the Chief of Police. The Government intends to render the Fire Brigade an independent Service under the overall authority of the Ministry of Justice and Public Order. An organization structure of the Cyprus Police is herewith attached as **APPENDIX B**.

In the field of money laundering crime investigation, Section 53(1) of the Prevention and Suppression of Money Laundering Activities Laws of 1996-2004 (Law 61(I)/1996 as amended by Laws 41(I)/1998, 120(I)/1999, 152(I)/2000, 118(I)/2003 and 185(I)/2004), provides for the establishment and composition of the Unit for Combating Money Laundering Offences (MOKAS) (FIU). This Unit is presided by a representative of the Attorney-General of the Republic and is composed of representatives of the Attorney-General, the Chief of Police and the Director of the Department of Customs and Excise. Its members are deemed to be investigators by virtue of section 5 of the Criminal Procedure Law (Cap.155). Section 54 of the afore-mentioned Law prescribes the functions of this Unit which are, *inter alia*, the gathering, classification, evaluation and analysis of information relevant to laundering offences and the conduct of investigations whenever there are reasonable grounds for believing that a laundering offence has been committed.

The Customs and Excise Department is also entrusted with investigative powers for the purpose of implementation of the Customs Code Law 94(1)/2004.

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99. With which Schengen and non-Schengen States have agreements been concluded or are agreements being prepared in matters of police co-operation, (including arrangements or declarations referred to in Article 40(6), 41(9), 41(10) of the Convention)? Describe the contents of these agreements.

The Republic of Cyprus has concluded bilateral agreements with several Member-States of the European Union as well as neighbouring and other third countries, which provide for co-operation in the combat and prevention of organized crime and other forms of crime. In particular, the following agreements have been concluded:

A. E.U. countries: Estonia, Greece, Hungary, Ireland, Italy, Malta, , Poland, Slovenia, United Kingdom

- Co-operation Agreement for Combating Terrorism, Organised Crime and Drug Smuggling (15/3/1991 and Agreement between Cyprus and Italy on Co-operation in the fight against organized crime and other forms of Crime (28/6/2002), Ratification Law 22 (III)/2003,

- Agreement between Cyprus and Hungary on Combating Terrorism, Drug Trafficking and Organized Crime (Nicosia, 16/9/1991) and its additional Protocol signed on 28th September 1992 and Agreement between Cyprus and Hungary on Combating Terrorism, Drug Trafficking and Organized Crime (Budapest, 13/6/1996),

- Agreement on Co-operation between Cyprus and Poland in Safeguarding Security and Public Order, Preventing and Investigating Crime (26/10/1992) and Agreement on Co-operation in Combating Organised and other Forms of Crime, Ratification Law 34(III)/2005,

- Agreement between the Ministry of Justice and Public Order of Cyprus and the Ministry of Public Order of Greece on Co-operation in Security Matters Nicosia, 11 December 1993.

- Agreement on Co-operation between Cyprus and Malta in Combating Terrorism, Illicit Drug Trafficking and Organized Crime (17/9/1999), L.15(VII)/1999.

- Agreement on Co-operation between Cyprus and Slovenia in the Fight Against Terrorism, Illicit Drug Trafficking and Organised Crime (4/12/2002), Ratification Law 28 (III)/2003,

- Agreement on Co-operation between Cyprus and Estonia in Combating Organized Crime and other forms of Crime (8/1/2004), Ratification Law 13(III)/2004,

- Agreement on Co-operation between Cyprus and Ireland in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime (8/3/2002), Ratification Law 34(III)/2002,

- Memorandum of Understanding between the Republic of Cyprus and Austria in the field of Justice and Home Affairs, signed on 8/10/2004. The Memorandum contains specific provision on the exchange of information and documentation,

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- Memorandum of Understanding between the Republic of Cyprus and the United Kingdom concerning the Implementation of the Protocol on the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus in so far as it concerns Illegal Migrants and Asylum Seekers, Nicosia, 20/2/2003,
- Agreement on Co-operation between the Republic of Cyprus and the Republic of France on security matters, signed on 4/3/2005,
- Agreement between the Republic of Cyprus and the Republic of Latvia on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Organised Crime, signed on 11/4/2005, (the Draft law ratifying the Agreement has been placed before the House of Representatives for enactment on 10/10/2005).
- Agreement between the Republic of Cyprus and Slovakia on Co-operation in combating organised crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances as well as other types of crime (26/2/2004), Ratification Law 5(III)/2005.
- Agreement on Co-operation between the Ministry of Interior of Cyprus and the Federal Ministry of Interior of the Czech and Slovak Federal Republic, signed in Prague at 7/12/1992, which remains in force between Cyprus and the Czech Republic in accordance with the Exchange of Letters of 19 January 1999.

B. E.U. Acceding countries : Romania and Bulgaria.

- Agreement between Cyprus and Romania on Co-operation in the Fight Against International Crime (7/6/1995), L. 16(VII)/1995,
- Agreement on Co-operation between Cyprus and Bulgaria in the Fight Against Cross-Border Organised Crime, Terrorism, Trafficking in Human Beings and Illicit Drug Trafficking (2/12/2003), Ratification Law 48 (III)/2004.

C. Third countries: Syria, Russia, Egypt, China, Israel, Cuba, Lebanon, Iran, Libyan Arab Jamahiriya

- Agreement between the Ministries of the Interior of Cyprus and the Syrian Arab Republic in the fields of Crime and Illicit Trafficking and Smuggling of Drugs (4/4/1989), Protocol for Co-operation in the Field of Security (14/5/1991) and the Protocol amending the afore-mentioned Protocol, signed on 11/11/2003. Note: The last Protocol amends Article 8 of the Protocol of May 1991, making necessary a visa requirement prior to the entry or passing through the territory of the other contracting party.
- Co-operation Agreement between the Ministry of Interior of Cyprus and the Ministry of Interior of the USSR for Combating Crime (25/4/1990). Note: In force in accordance with the Protocol between Cyprus and the Russian Federation on the Inventory of Bilateral Agreements, Nicosia 11/10/2000.
- Agreement on Co-operation between Cyprus and Egypt on Security Matters (7/6/1994),

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- Agreement on Co-operation between Cyprus and China on Public Security Matters (18/10/1994),
- Agreement on Co-operation between Cyprus and Israel in Combating Illicit Trafficking and Abuse of Narcotic Drugs and Psychotropic Substances, and Terrorism and other Serious Crimes (9/1/1995),
- Agreement on Co-operation between Cyprus and Cuba in the Fight Against the Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (16/11/2000), entered into force 24/7/2003.
- Agreement between the Republic of Cyprus and the Republic of Lebanon on cooperating in combating the illicit use of and trafficking in narcotic drugs and psychotropic substances and organised crime (19/7/2002), Ratification Law 5(III)/2004 and Exchange of Notes relating to Articles 5 and 9 of the Agreement of 19 July 2002 Nicosia, 30/5/2003/ 23/9/2003), Ratification Law 5(III)/2004,
- Memorandum of Understanding between the Republic of Cyprus and the Islamic Republic of Iran on Co-operation in the Fight Against the Illicit trafficking of Narcotic Drugs and Psychotropic Instances (3/7/2002),
- Agreement on Co-operation between Cyprus and Libyan Arab Jamahiriya in Combating the Illicit Use of and the Trafficking in Narcotic Drugs and Psychotropic Substances, and Organised Crime (15/5/2001),

At this stage, Cyprus is in the process of concluding additional Bilateral Co-operation Agreements in the same context, with the following European Union Member States: Germany, Spain, Czech Republic and Poland (Mutual Protection of Classified Information) and the following third countries: Armenia, Ukraine, Mexico, India and South Africa.

The aforementioned agreements, provide for co-operation in the detection and suppression of crime through, amongst others the exchange of information (data concerning persons involved in crime, the offenders' connections, the facts of the criminal cases, the facilities attacked, the description of the laws violated, the measures taken, etc.), the upon request adoption of operational and other measures authorized by the national legislation of the requested contacting party, the exchange of data and experiences on methods of commission and new forms of crime, the exchange of results of criminal and criminological researches, the mutual information of experiences on investigation techniques and application of working methods in order to improve them, the putting upon request at each others disposal information on and samples of objects resulting from criminal acts, the exchange of crime specialists for joint or mutual training and the co-operation in order to facilitate controlled delivery in order to render possible the arrest of the persons involved, provided that the necessary information is submitted at least 48 hours prior to the requested action. The majority of these agreements provide for the setting up of Joint Commissions, in order to promote and survey the bilateral co-operation and entail specific provisions as to the protection of personal data. In particular, these agreements provide that the receiving competent authorities of the one Contracting Party may use the data solely for the purpose and under the conditions determined by the delivering

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competent authorities of the other Contracting Party, that personal data may be forwarded solely to security and public order protection authorities and may be transferred to other competent authorities only upon express authorisation by the delivering authority and that the competent authorities of the Contracting Parties must protect effectively the personal data delivered against unauthorized access, change and publication.

As regards transmission of data to third countries, Section 9(1) of the Processing of Personal Data (Protection of Individuals) Law of 2001 provides that the transmission of data which have undergone processing or are intended for processing after their transmission to any country (i.e. third country) may take place only following the issue of a license by the Commissioner for the Protection of Personal Data.

Cyprus has not concluded any agreements including arrangements or declarations referred to in Articles 40(6), 41(9), 41(10) of the Convention implementing the Schengen Agreement. Articles 40 and 41 of the Convention implementing the Schengen Agreement are binding on in Cyprus but are still not applicable. This is illustrated by Article 3, para 2 of the Act annexed to the Treaty Concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (ratified by Ratification Law 35(III)/2003) and will only be applicable pursuant to a Council Decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the *acquis* concerned have been met in Cyprus and after consulting the European Parliament.

100. With which Schengen and non Schengen States have arrangements been concluded, or are these arrangements in preparation or under study in matters of police co-operation in border zones referred to in the provisions of Article 39(4) of the Convention (see also Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998)? Describe the contents of these agreements.

Being an island, Cyprus has no land borders. As a consequence, no arrangements have been made between the competent Ministers as regards co-operation in border areas between Cyprus and Schengen and non Schengen States, within the meaning of Article 39 (4) of the Convention and the relevant recommendations and best practices as prescribed in the E.U. Schengen Catalogue on Police Co-operation (paragraph 1.3). The only arrangements that exist are provided for in the Co-operation Agreements prescribed in Question 99 above, as well as in the Readmission Agreements mentioned herewith below:

- Agreement between the Government of the Republic of Cyprus and the Government of the Republic of Lebanon on the Readmission of Persons with Unauthorized Stay,
Nicosia, 19 July 2002
- Agreement between the Government of the Republic of Cyprus and the Government of the Republic of Italy on the Readmission of Persons Illegally Entering and/or staying in the Territory of the Two Countries and Protocol thereto, Nicosia, 28 June 2002, Ratification Law 9(III)/2003
- Agreement between the Government of the Republic of Cyprus and the Government of the Kingdom of Sweden on the Readmission of Persons, 26 January 2005, Ratification Law 35(III)/2005.

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At this stage, Cyprus is in the process of negotiating Readmission Agreements with Syria, Jordan and Croatia, whereas relevant proposals have been made by the Republic of Cyprus to the Governments of Egypt, Iran, Bangladesh and India for the conclusion of such Agreements.

101. With which Schengen and non Schengen States exist agreements on exchange of liaison officers been agreed (Articles 7 and 47 of the Convention)? Provide overview of secondments. With which Schengen States exist agreements on the use of that liaison officers seconded in third States shall also represent the interests of your country? Describe how your country keeps or will keep the other Schengen States informed of the secondments of your liaison officers in third countries (Article 3 of Council Decision 2003/170/JHA).

The Republic of Cyprus has adopted the Council Decision 2003/170/JHA, via the Decision no. 59.811, dated 14/4/2004 of the Council of Ministers and has appointed the Director of the European Union and International Police Co-operation Directorate of the Cyprus Police as the national contact point pursuant to Article 7 of the Council Decision. As of yet, no liaison officers have been appointed within the meaning of Article 1 of this Decision, or under Articles 7 and 47 of the Schengen Convention.

It must be mentioned that one liaison officer has been posted to Europol, The Hague, pursuant to Article 5 of the Convention on the Establishment of the European Police Office (Europol Convention), which was ratified by Cyprus by Ratification Law 38(III)/2002. The posting of a second officer to Europol is expected to take effect in early 2006.

As regards the secondment of liaison officers in third countries, at this stage, proposals have been made for a relevant approval from the Council of Ministers for the implementation of the Decision of the Schengen Executive Committee SCH/Com-ex (98) 1 rev 2 – 21/4/1998 (Activities of the Task Force, point 7), which provides for the secondment of Liaison Officers to third states. The proposal, concerns the secondment of seven persons to act as Liaison Officers for the purpose of combating illegal immigration, to the following countries which are considered as high-risk in the case of Cyprus: Lebanon, Syria, Bangladesh, Pakistan, Sri Lanka, India and China. The functions of the above officers will fall within the meaning of “liaison officer”, prescribed in Article 1 of the Council Decision.

In Cyprus, E.U. Member-States as well as third countries have seconded liaison officers to liaise with the respective authorities mostly in relation to drug trafficking information/intelligence. In particular, drug liaison officers are posted in Cyprus from Greece, the United Kingdom, the United States of America, Russia and the United Nations. In addition, Cyprus Police as well as the Customs & Excise Department maintain contact with drug liaison officers from Germany and Italy posted in neighbouring countries.

The notification of the posting of Cypriot liaison officers to third States and international organisations, including their duties and any respective cooperative agreements between the Member States on the posting of liaison officers, will be made via the General Secretariat of the Council of the European Union, pursuant to Article 3 of the Council Decision 2003/170/JHA.

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As regards the implementation of Article 7 on exchanging information in view of ensuring effective external border controls and surveillance, the Republic of Cyprus exchanges information, in particular concerning migration flows, through CIREFI, in compliance with the recommendations and best practices as prescribed in the E.U. Schengen Catalogue on Police Co-operation (paragraph 4) and with the Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi). In particular, the information transmitted concerns legal immigration, illegal immigration and unlawful residence, facilitating of illegal immigration, use of false or falsified travel documents and measures taken by the Government in this regard.

102. Describe the training curriculum for police officers, especially as regards their training on the application of the provisions of the Schengen acquis? Which instructions, administrative provisions, etc. exist in regard to implementation of the Schengen acquis? Describe the mechanism for updating these rules?

In Cyprus, the central authority responsible for international police co-operation is the European Union and International Police Co-operation Directorate, the Sub-Directorate (Ops) of which consists of three offices which deal with international police co-operation. These are the Interpol Bureau, the Europol National Unit and the Police Co-operation Office. These offices are located at the same site, as provided for in Section A of the E.U. Schengen Catalogue on Police Co-operation (Recommendations and Best Practices). They are supported by the Legal Co-operation Office of the central authority. The officers posted in these offices have completed training courses and have attended Seminars covering their tasks. In particular, this training included knowledge of relevant Schengen and Community Law provisions, basic rules and procedures, basic knowledge on the Schengen Information System, genuine and forged travel and identity documents, the mandate of Europol and general rules regarding judicial co-operation.

The updated version of the Police Co-operation Handbook (disseminated by the Presidency on 14/2/2005), the E.U. Schengen Catalogue on Police Co-operation (Recommendations and Best Practices) as well as a copy of all bilateral agreements concluded by the Republic of Cyprus and other E.U. Member-States and third countries on police co-operation was disseminated to all offices involved in international police co-operation.

The aim of the Cyprus Police is to establish a training programme with regular training/briefing as part of the normal working hours, to ensure continuous education on issues relevant to police co-operation.

The officers posted in these offices, have an adequate knowledge of English language and are further encouraged to learn other languages through special programs offered by the Cyprus Police Academy and the Ministry of Education and Culture. In particular, the Cyprus Police Academy, organizes language training programs of a total period of sixteen months for which all members of the police, under certain conditions, have the right to apply. Language programs organized in the past covered Spanish, French, Italian, Russian, Turkish and Arabic. At present, two new programmes are under way, for Turkish and Italian, while for the beginning of 2006 two new programmes (French and German) will be organized. As regards English language programmes, these are intergraded into the basic training of police recruits at the Police Academy. Further to the above, it should be mentioned that the Ministry of Education and Culture offers free education to police officers on various subjects, including foreign languages.

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It must be stressed that as regards police training on the relevant Schengen and other related Community Law provisions, genuine and forged travel and identity documents, the Schengen Information System, judicial co-operation as well as Europol, this forms part of the training curriculum of the Police Academy within the basic training of police recruits as well as the training of sergeants and inspectors. Superior Officers of the Police as well as officers directly involved in international police co-operation (managerial and lower level) attend relevant Seminars/Conferences organized either by E.U. bodies (Europol, CEPOL, TAIEX , e.t.c.) or exchange programmes with other Member-States as a means of broadening management experience (study visits, participation in evaluation teams, e.t.c).

103. Describe the training curriculum and method to brief police officers on the Handbook on Cross-Border Police Co-operation? Is the Handbook available and in use in all police units?

Have you prepared the relevant updates of the Handbook for your country and have they been sent to the Council SG? Do other information channels exist to inform Schengen States of relevant rules for future cross-border co-operation and information exchange?

The Police Co-operation Handbook as well as the E.U. Schengen Catalogue on Police Co-operation (Recommendations and Best Practices) are available to all police offices involved in international police co-operation. The relevant updates of the Handbook concerning Cyprus were prepared and sent to the Council General Secretariat on the 5th of April 2005, pursuant to a relevant request made to delegations of all Member-States at the Police Co-operation Working Party of the Council.

The aim of the Cyprus Police is to establish a training programme with regular training/briefing as part of the normal working hours, to ensure continuous education on issues relevant to police co-operation.

104. Within the framework of cross-border co-operation pursuant to Article 39(1-3) of the Schengen Convention, does your national law authorise your police services to take, without the involvement of the judicial authorities, the measures listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for police co-operation in the prevention and detection of offences? If not, what measures are the police not authorised to take?

The Decision of the Executive Committee of Schengen of 28 April 1999 (SCH/Com-ex (99) 18; SCH/I(98)75 rev.5), is binding on and applicable to Cyprus as from the date of accession to the European Union. This is illustrated by the Law ratifying the Treaty Concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (Ratification Law 35(III)/2003) (Article 3, para 1 of the Act annexed to the Treaty).

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The police may exchange all the information provided for in the principles governing police co-operation in preventing and investigating criminal offences as set out in the Presidency's note (Doc. SCH/I 98(75) Rev.5) approved by the afore-mentioned Decision, provided that the information exchange does not require the use of coercive measures and in so far as national law does not stipulate that the request has to be made and channelled via the judicial authorities. In this case, a request for mutual assistance in criminal matters (rogatory letter/letter of request) is compulsory, and is dealt with by virtue of the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol (Ratification Law 2(III)/2000) and International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001) which has been enacted to implement the provisions of this Convention. In this regard, it must also be mentioned that Cyprus has ratified by Ratification Law 25(III)/2004 the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. However, this Convention has not yet entered into force.

105. What additional measures, if any, are your police authorities authorised to take, without the involvement of the judicial authorities, other than those mentioned in the Decision of the Executive Committee mentioned in the previous question?

Further to the measures provided for in the Decision of the Executive Committee mentioned in the previous question and the adoption of any measures entrusted to the police by virtue of the Bilateral Agreements mentioned in Question 99 above, members of the Cyprus Police, the Customs and Excise Department and the Unit for Combating Money Laundering (MOKAS) may, as appropriate, participate in joint investigation teams as prescribed in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Ratification Law 25(III)/2004) and the Council Framework Decision of 13th June 2002 (2002/465/JHA) on Joint Investigation Teams, by virtue of the Joint Investigation Teams Law of 2004 (L244(I)/2004). This law was enacted to provide for the set up of joint investigation teams for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team. By virtue of section 3 of this Law a joint investigation team may be set up for the common investigation of the criminal offences of (a) unlawful drug trafficking (i.e. the offences listed in Article 3(1) of the United Nations Convention of 20 December 1988 Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and in the provisions amending or replacing that Convention), (b) trafficking in human beings and smuggling of migrants and (c) terrorism.

106. If the police authorities are not competent to deal with requests, describe the procedure used to forward them to the competent judicial authorities pursuant to Article 39(1), sentence 2? Under which conditions, if any, do the judicial authorities accept and execute requests for legal assistance forwarded in this way?

When a simple request (not a rogatory letter) concerns the provision of information in the possession of the Police, the competent Offices for international police co-operation (i.e. Interpol, Europol and Police Co-operation Office) usually reply very quickly, as they have direct access to the following databases: Persons (tracing whereabouts and residence), wanted persons, suspected persons, criminal records (criminal and traffic offences), vehicle owners, driving licenses, firearms database, arrivals and departures, stop-list database (almost equivalent to Article 95, 96, 97 alerts of

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the Schengen Convention), telecommunication subscribers provided this information is publicly available. When the request concerns information other than the above, it is forwarded to the appropriate department of the Police and accordingly the information is provided. However, if the provision of certain information (usually information to be used as evidence in the requesting Member-State) has as a prerequisite the existence of a letter of request/rogatory letter, these Offices, inform accordingly the requesting Member-State.

Rogatory letters/letters of request of assistance to secure evidence in the Republic in relation to the procedure which has begun before the Court of a foreign country or in relation to a criminal investigation which is carried out in the said country, must include all the necessary information as prescribed in Article 14 of the European Convention on Mutual Assistance in Criminal Matters and must be addressed to the Ministry of Justice and Public Order of the Republic, which is the national central authority pursuant to Section 4 of the Law Ratifying the afore-mentioned Convention (L.2(III)/2000).

In cases of urgency, letters rogatory/letters of request may be addressed directly through the International Criminal Police Organisation (Interpol) channel, which in turn forwards the request to the central authority.

In both cases, the competent authority of the Republic, when satisfied that an offence has been committed contrary to the provisions of the law of the said foreign country and the procedure has begun or an investigation is carried out for that offence in the said country, may ask from the Supreme Court of the Republic to authorize a district judge, if the procedure has begun before the Court of the foreign country or to authorize the prosecution authority of the Republic if an investigation is carried out in the foreign country, the execution of the request, according to the manner prescribed therein, unless considered contrary to the Constitution or other international Convention on human rights ratified by the Republic. Upon application during the execution of the request, a judge or an investigator of the foreign country named in the request, as well as the lawyer of the interrogated person can be present and take part therein (Section 9 of the International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001)).

The competent authority of the Republic (i.e. the Ministry of Justice and Public Order) can refuse to exercise the powers mentioned above if it ascertains that the request concerns an offence of a financial nature in relation to which the procedure has not yet begun, unless it is satisfied that the act which constitutes the offence would constitute an offence of a similar nature if committed within the Republic (Section 9, para. (3) of Law 23(I)/2001).

Section 9 paragraph (6) of International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001), provides that in the case where the execution of the written request to secure evidence is assigned to the Chief of Police, he shall be considered to have for this purpose all the powers given to an investigator by virtue of Part II of the Criminal Procedure Law, except those concerning the arrest. Equivalently, paragraph (7) of Section 9 provides that in the case where the execution of the written request to secure evidence is assigned to the Director of the Customs and

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Excise, she shall be considered to have for this purpose all the powers given by the Customs Code Law 94(1) /2004, and paragraph (8) of Section 9 of which provides that in the case where the execution of the written request to secure evidence is assigned to other prosecution authority of the Republic – as is the Unit for Combating Money Laundering – it shall be considered to have for this purpose all the powers given by law, by virtue of which that authority was constituted.

107. Do the judicial authorities accept and execute requests for authorisation according to Article 39(2) of the Schengen Convention sent by fax or e-mail, as provided for in the Executive Committee's decision (SCH/Com-ex (99) 18)?

Do the applicable rules on judicial assistance and/or data protection allow, and if so, under which conditions, – information that is obtained from non-Schengen countries through police channels to be passed on to judicial authorities? Can they be used as evidence in criminal proceedings or does the use as evidence require the explicit consent of the judicial authorities in your country, similar to Article 39(2) of the Schengen Convention?

The Decision of the Executive Committee of Schengen of 28 April 1999 (SCH/Com-ex (99) 18; SCH/1(98)75 rev.5), is binding on and applicable to Cyprus as from the date of accession to the European Union. This is pursuant to the Law ratifying the Treaty Concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (Ratification Law 35(III)/2003) (Article 3, para 1 of the Act annexed to the Treaty).

Provided that the rogatory letter/letter of request entails all the information prescribed in Article 14 of the European Convention on Mutual Assistance in Criminal Matters, it is irrelevant whether the request was sent by fax or e-mail. Usually, in cases of urgency, the letters rogatory/letters of request are addressed directly through Interpol by fax.

108. Does your national law provide for restrictions on the use of data if your police authorities exchange data with Schengen/non-Schengen States?

In the field of data protection, Cyprus has signed and ratified the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data with Ratification Law 28(III)/2001, as well as the Additional Protocol to this Convention with Ratification Law 30(III)/2003. The Processing of Personal Data (Protection of Individuals) Law of 2001 (Law 138(I)/2001) as amended by Law 37(I)/2003 has been enacted to implement the provisions of this Convention, and also embraces the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Section 9 para 3 of this Law, provides specifically that the transmission of data to Member-States of the European Union is free, i.e. the transmission of data which have undergone processing or are intended for processing after their

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transmission to a Member-State of the European Union is permitted and no authorisation has to be secured from the Commissioner for the Protection of Personal Data (as appointed by virtue of Section 18 of this Law) as would be the case with regard to a third country. Thus, information/intelligence concerning personal data may be transmitted to an E.U. Member-State provided that this data is lawfully possessed and a legal basis for this transmission exists (Bilateral Agreement, Schengen Convention, Europol Convention, e.t.c.)

The bilateral agreements that have been concluded with several Member-States of the European Union which provide for co-operation in the combat and prevention of organized crime and other forms of crime (set out in Question 99 above), include specific provisions as to the protection of personal data. In particular, these agreements provide that the receiving competent authorities of the one Contracting Party may use the data solely for the purpose and under the conditions determined by the delivering competent authorities of the other Contracting Party, that personal data may be forwarded solely to security and public order protection authorities and may be transferred to other competent authorities only with the previous permission of the delivering authority and that the competent authorities of the Contracting Parties must protect effectively the personal data delivered against unauthorized access, change and publication.

109. Does your national legislation impose an obligation to inform the national central body, if in an urgent case the direct channel pursuant to Article 39(3), sentence 2 of the Schengen Convention is used?

Yes. The answer to Question 106 above is relevant.

110. Which measures is your country planning to take/which provisions must be observed regarding the use of technical means in cross-border surveillance? E.g. what kind of direct links will be used to facilitate co-operation and communication, as meant in article 44.

For the time being, Cyprus uses conventional means for the communication with other Member States. It is considering the technical possibility for the establishing of direct links.

111. Which initiatives have been taken or are you planning to take, pursuant to article 44 (1) and the options set out in Article 44 (2) to ensure cross-border interoperability of radio telecommunication systems?

Cyprus has no land borders. The installation of these lines of communication will only refer to sea and air borders. At present, telephone and telex lines, and other direct links to facilitate police and customs co-operation within all national police and customs services are installed in all the legal points of entry/exit of the Republic. The radio telecommunication system of the Police is considered as sufficiently reliable.

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At this stage, a relevant provision was made to the Budget of the year 2006 for the acquisition of a national digital telecommunication network for the Police, based on TETRA or TETRAPOL systems. This network is intended to meet the Schengen technical, operational and tactical requirements and provide the necessary infrastructure to connect with neighboring networks, e.g. with Greece.

112. Does your national law qualify an attempt to commit a crime as sufficient ground to take measures pursuant to Article 40(1) and (2) of the Schengen Convention?

As it stands now, article 40 is not applicable to Cyprus. However, it has to be noted that Section 4 of the Criminal Code (Cap.154) defines a “criminal offence” as any penal act, according to the law, an attempt or an omission. In particular, Section 366 of the same Code, defines the attempt and Section 367 criminalizes the attempt to commit an offence, whereas for certain criminal offences, particular reference is made in the Code.

113. Except in cases of urgency pursuant to Article 40(2) of the Schengen Convention, where it is obviously not possible to seek the prior authorisation of the corresponding central authority designated in Article 40(5), will the police officials of Schengen States, who conducts cross-border surveillance be allowed to carry their service weapons in your country for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention?

As it stands now, article 40 is not applicable to Cyprus. However, it has to be noted that the Republic of Cyprus has enacted new legislation covering the area of acquisition and possession of weapons for the purpose of aligning national legislation with Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons. Section 4, para.(3) of the Firearms and Weapons other than Firearms Law of 2004 (L.113(I)/2004 as amended by Law 91(I)/2005). This Law vests certain powers in the Chief of Police to grant a permission, for a certain period, for the importation, possession or transfer of a weapon of Category B2 and B3 of Annex I of the Council Directive, i.e. semi-automatic or repeating short firearms and single-shot short firearms with rim fire percussion whose overall length is less than 28 cm., to members of foreign missions, foreign states or international organizations when these are visiting, transiting or residing in the Republic or in exceptional circumstances to very important (VIP) persons visiting the Republic.

114. In the context of Article 40 of the Schengen Convention, does your legislation require information on the type and number of service weapons? What information should be provided and at which moment? Does your legislation put any restrictions in this connection on observation teams from other Schengen States, and if so, what are they?

The legislation provides that authorization is granted by the Chief of Police on the basis of information on type and number of weapons of Category B2 and B3 of Annex I of the Council Directive 91/477/EEC. The applicant must provide the Chief of Police with the following information concerning the weapon: registration number, type, make and fabrication number. This information must be provided at the time of request for assistance pursuant to paragraph (1) of Article 40 of the Schengen Convention.

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These weapons may be used for the purposes of legitimate self-defense. In particular, Article 17 of the Criminal Code (Cap.154), provides for the circumstances under which an act or omission which would otherwise be an offence may be excused (act of necessity) if the person accused can show that the act was done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed, would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done that was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.

115. How often are the registrations forms, mentioned in Article 45, used by the competent authorities to prevent threats, conduct criminal investigations or to clarify the circumstances of mission person or accident victims?

Regulation 10 and 11 of the Hotels and Tourist Establishments (General) Regulations of 1985 issued in accordance with the Hotels and Tourist Establishments Law of 1969 (L.40/1969 as amended), imposes an obligation to hotel managers to maintain a book in which the following customers' details should be processed: Name, address, nationality, profession, arrival and departure dates. The hotel manager is obliged to present this book for inspection to any competent authority, including the Police. This information, is used by the Police whenever deemed necessary, for the prevention of threats, for criminal investigations, or for clarifying the circumstances of missing persons or accident victims, etc.

116. Regarding police data; is there one general police database or are there several databases belonging to the different police forces. If there is only one, do all police forces have access to this database? If there is more than one, who has access to which database?

There is a general police database which is technically maintained by the Information Technology (IT) Branch of the Research and Development Department at Police Headquarters. In compliance with the Processing of Personal Data (Protection of Individuals) Law of 2001, all databases kept by the Chief of Police have been properly notified to the Commissioner for the Protection of Personal Data specifying which persons may have access to or process relevant data.

117. Which police service/force is/will be or has been appointed as the central Schengen authority as mentioned in Article 39 and 46 of the Schengen Convention? Which police forces are/will be represented in the central Schengen authority? Will the central Schengen authority have access to all police databases?

The central Schengen Authority within Articles 39 and 46 of the Schengen Convention is the European Union and International Police Co-operation Directorate of the Police Headquarters, Ministry of Justice and Public Order. The Interpol Bureau, the Europol National Unit, as well as the Police Co-operation Office are subordinated to this Directorate and have direct access to the databases prescribed in Question 106 above, which form a part of the general police database. The

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national Sirene Office that will be established pursuant to Article 92 of the Schengen Convention will also be subordinated to the European Union and International Police Co-operation Directorate and have direct access to the general police database.

118. Is article 46 of the Schengen Agreement used to exchange information regarding public order and is this information processed by the central Schengen authority? Do you avail of statistical material on the exchange of information over the 3 previous years? If so, can you provide it?

The Interpol Bureau, the Europol National Unit, as well as the Police Co-operation Office of the European Union & International Police Cooperation Directorate of the Police Headquarters, exchange information regarding public order. In addition, the Office for Combating Terrorism which is also a part of the same Directorate exchanges information with its counterparts, in other Member States, through the secure channel of BDL (Bureau De Liaison) and the mechanism of the Council Police Working Group on Terrorism Elcrodat 6.2. Statistical material as to the exchange of this certain kind of information is not kept. However, the statistical material below is illustrative of the general exchange of information/replies to requests:

Europol National Unit:

Prior to the entry into force of the Europol Convention in Cyprus on the 1st of September 2004, a Co-operation Agreement between the Republic of Cyprus and the European Police Office (Europol) was in force, signed on the 4th of July 2003. The Liaison Bureau at Europol became operational on 18/10/2003. Until the end of 2003, 102 messages from Europol and 54 messages from the Member States were received. During the same period, 86 messages were sent to Europol and 34 messages were sent to other Member-States. During the year 2004, 785 messages from Europol and 706 messages from other Member-States were received. At the same time, 302 messages were sent from Cyprus Police to Europol and 380 messages were sent to other Member States. The aforementioned messages were transmitted/received through our Liaison Bureau at Europol.

National Interpol Bureau:

With regard to the last three years, the number of messages received from all countries participating in the National Interpol Organization are indicated below:

- 2002: 25.122
- 2003: 23.750
- 2004: 25.850

Approximately 75% of the afore-mentioned messages were sent from European Union Member-States.

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Office for Combating Terrorism:

a) Information received from Europol:

Information	2003 (12/2003)	2004	2005 (1-12/2005)
Received	4	158	165
Sent	2	107	72

b) Information received from Member-States:

Information	2003 (5-12/2003)	2004	2005 (1-12/2005)
Received	60	286	708
Sent	42	210	350

During 2003, the systems of secure communication Elcrodac 6.2 and BDL, were not installed. All the afore-mentioned information/intelligence was related to terrorism.

Police Co-operation Office:

During the period 13/3/2004 – 1/6/2005, this office has received 210 letters of request (rogatory letters) sent by virtue of the provisions of the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol (Ratification Law 2(III)/2000). At the same time 20 letters of request have been sent for assistance in criminal matters to other contracting parties to the Convention. In addition, during the period 1/1/2004 – 1/6/2005, this office has received 171 requests for information/intelligence from liaison officers posted in the Embassies of other Member-States in Cyprus and has similarly sent 3 requests for information to these officers.

Further to the above, the National Football Information Point of Cyprus, established by virtue of Article 1 of the Council Decision of April 2002 (2002/348/JHA) concerning security in connection with football matches with an international dimension, exchanges information on public order with its counterparts in the European Union.

119. Are mixed patrols carried out in the border area in the framework of direct co-operation?

Cyprus has no land borders. However, direct co-operation with other Member-States is realized through participation in joint operations. In particular, Cyprus Police has participated in the following European joint operations, the aim being to deal with illegal immigration undertaken by sea, as well as other forms of organized crime:

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a) NEPTUNE II

Period: 03/05 - 15/05/2004

Co-organizers: Italy – Cyprus

Area: Eastern Mediterranean

Participants: Italy – Cyprus – Greece – UK

Observers: France – Spain – Malta

b) TRITON II

Period: 13/12 - 17/12/2004

Organizers: The European Maritime Borders Centre - Ministry of Merchant Marine of Greece

Area: Central and Eastern Mediterranean

Participants: The competent authorities of Greece, Italy and Cyprus. In addition, experts from the United Kingdom, France, Germany, and Cyprus were on hand at the Coordination Centre at the Ministry of Merchant Marine, and liaison officers from European Union countries were involved in the management of the operation.

The above operations were carried out pursuant to bilateral agreements concluded among the participants, as well as by virtue of relevant provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it. Of particular relevance is Article 39 of the Convention implementing the Schengen Agreement, which provides for the co-operation between police authorities in the prevention and detection of criminal offences, and the related Decision of the Schengen Executive Committee SCH/Com-ex (99) 18 – 28/4/1999 on the improvement of police co-operation in preventing and detecting criminal offences. As regards the participation of Cyprus in the operation “Triton II” mentioned above, relevant is also Article 4, para (e) of the Agreement between Cyprus and Italy on Co-operation in the Fight Against Organized Crime and Other Forms of Crime (28/6/2002) (Ratification Law 22 (III)/2003). This provides that in the framework of co-operation of the respective countries in combating illegal immigration, the Republic of Cyprus will make available the facilities at Lemessos port to ships belonging to the Italian Navy and to Italian law enforcement agencies as well, in order to enable patrols of the High Seas in the Eastern Mediterranean.

In accordance with the management plan of the afore-mentioned operations, police checks were carried out throughout a 24-hour period in pre-selected maritime areas of the territorial waters of the participating states, the aim being to deal with illegal immigration undertaken by sea, as well as other forms of organised crime. A continuous surveillance of all marine activities was carried out covering the territorial waters up to the distance of 24 sea miles from the coastline. Towards this end, surface radars were used, as well as helicopters and patrol-vessels. The actions mentioned above, covered illegal immigration undertaken by sea, as well as other forms of organised crime, such as drugs trafficking and trafficking in human beings. Planned patrols were carried out throughout the territorial waters of the Member States: from 0-6 sea miles and from 6-12 sea miles with patrol-vessels, and outside the territorial waters with helicopters.

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The European Union and International Police Co-operation Directorate of the Cyprus Police was involved in the preparation of the operation (coordination at national level with respective ministries, etc). At operational level, a national Coordination Centre was established and the Assistant Chief of Support Services of the Cyprus Police was in charge. This Centre was manned with representatives from the respective services of the police involved in the operation, i.e. Drug Law Enforcement Unit (DLEU), Aliens and Immigration Department, Port and Marine Police and Police Airwing.

In addition, Cyprus has operationally participated in Neptune III (18-22/7/2005) and has seconded a national expert to the Eastern Sea Border Center in Piraeus. During Neptune IV (10-20/10/2005) a national expert was sent to the Eastern Sea Border Center, whereas a national expert has participated in the preparatory meeting between 23-24/6/2005 on Triton III. A national expert/observer was sent to the Eastern Sea Border Center between 29/5 – 7/6/2005 for the FER.I.A.S operation, as well as to the Western Sea Border Center in Madrid between 18-27/1/2005 for the QUANARTEM operation.

120. What rights do foreign officers have on your territory? Can they act independently? Do they have the right to apprehend?

The rights of foreign officers in the territory of the Republic, are provided for in the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol, ratified in Cyprus by Ratification Law 2(III)/2000 and Law 23(I)/2001 which was enacted to implement the provisions of this Convention. Section 9 of the International Co-operation in Criminal Matters Law of 2001 (L.23(I)/2001) provides that upon application during the execution of the request a judge or an investigator of the foreign country named in the request, as well as the lawyer of the interrogated person, can be present and take part therein.

The rights conferred on foreign officers by the Convention on Mutual Assistance in Criminal Matters Between the Member States of the European Union and its Protocol of 16/10/2001 are binding on the Republic, through the Ratification Law 25(III)/2004. However, this law has not yet entered into force, with the exception of Article 13 which provides for the set up of joint investigation teams. In this regard, legislative provisions have been introduced to align national law with the Council Framework Decision of 13th June 2002 (2002/465/JHA) on Joint Investigation Teams. In particular, the Joint Investigation Teams Law of 2004 (L244(I)/2004) has been enacted to provide for the set up of joint investigation teams for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team. By virtue of section 3 of this Law a joint investigation team may be set up for the common investigation of the criminal offences of (a) unlawful drug trafficking (i.e. the offences listed in Article 3(1) of the United Nations Convention of 20 December 1988 Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and in the provisions amending or replacing that Convention), (b) trafficking in human beings and smuggling of migrants and (c) terrorism. The joint investigation team is set up by mutual agreement pursuant to a request for mutual assistance between the competent authority of another Member State and the Attorney General of the Republic.

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By virtue of Section 8, paragraphs (a) and (b) of Law 244(I) of 2004, seconded members of the joint investigation team are entitled to be present when investigative measures are taken in Cyprus and may be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the competent authorities of Cyprus and the seconding Member State and in accordance with national law.

121. Are officers participating in joint missions required to have a basic knowledge of the border language?

The knowledge of the border language is considered as an essential element for the successful carrying out of a mission. In this respect, one of the criteria under which officers are appointed to participate in joint missions (e.g. the joint operations mentioned in Question 119 above) is good knowledge of English.

122. Do you have police and customs co-operation centres or joint police stations? If not, are there plans to set them up?

Each legal point of entry/exit of the Republic of Cyprus is staffed by police and customs officers acting within the jurisdiction of each service. Between the two Services a Memorandum of Understanding (MOU) was concluded on the 29th of August 2001. This was effected in compliance with the Council Resolution of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs (OJ C 375 12.12.1996 p. 1). The MOU contains provisions in respect of the following matters:

- precise delineation of, and respect for, the competences of each of the said two services, including responsibility for drug seizure and related evidence, questioning and detention of suspects, investigation and, where applicable, prosecution,
- exchange and sharing of relevant intelligence information,
- exchange of descriptions of drug traffickers' modus operandi,
- exchange of information on the application of risk analysis techniques,
- putting in place close liaison arrangements at local level,
- joint agreed press statements,
- joint police-customs task forces, where appropriate, for intelligence and/or investigation purposes,
- agreed police-customs procedures for operational matters involving both these agencies and, where appropriate:
- joint police-customs mobile patrol squads,

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- joint police-customs training programmes,
- sharing of equipment by police and customs.

123. How are (will) relations between such joint centres and the central Schengen body be organised?

Please refer to the answer in Question 122 above.

124. In addition to co-operation on land, are there (will there be) other forms of co-operation (waterways, sea, air, etc)?

Due to the fact that Cyprus has no land borders, the relevant answers given in the present section (VIII: Police Co-operation) concern co-operation through waterways, sea and air.

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IX. DRUGS

125. What specific organisational measures have been adopted at the external borders (air, sea and land) to combat drug trafficking?

- (a) New structures**
- (b) Staffing measures**
- (c) Creation of new customs services specialised in surveillance**
- (d) at the land borders**
- (e) at the sea borders**
- (f) at the air borders**

Do the customs authorities have any aircraft (planes, helicopters) for detecting illegal shipments?

Both the Customs and Excise Department and the Police (D.L.E.U.) are present at the entry/exit points of the Republic. However, by virtue of the Customs Code Law No. 94(I)/2004 the Customs and Excise Department is the responsible Law Enforcement Agency for the control on incoming/outgoing air and sea cargoes, aircraft, ships, passengers and their belongings, as well as private and commercial vehicles.

Customs Officers stationed at the entry/exit points of the Republic within the scope of the provisions of the MOU signed between the two services in drug related issues, cooperate with Police Officers in order to combat illicit drug trafficking within the jurisdiction and competences of each service.

The mission of the Police (D.L.E.U.) is the protection of the country from illegal drug trafficking and psychotropic substances. To this effect, the Police (D.L.E.U.) acts at the inland areas of the country, as well as at the external borders (airports and seaports).

The Police (D.L.E.U.) maintains contact and cooperates closely with various institutions and law enforcement agencies, in Cyprus and abroad, such as INTERPOL, EUROPOL, FBI, etc. Moreover, a number of Foreign Drug Liaison Officers are stationed in Cyprus, with whom Police (D.L.E.U.) maintains excellent and close co-operation. The administration of the Police (D.L.E.U.) is located within the Police Headquarters in Nicosia, while Sub-divisions of the Unit are situated in all Police Divisional Headquarters (Nicosia, Limassol, Larnaca, Famagusta and Paphos).

(a) New Structures:

An Intelligence Unit was created at Customs Headquarters, which amongst others, analyses and disseminates information on drugs issues. In addition, "Intelligence Officers" are stationed in all District Customs Stations, including the Customs Houses of Larnaka and Pafos Airports, as well as Lemessos Port, being the Entry - Exit points of the Republic of Cyprus.

Customs officers posted at the Investigation and Intelligence Section both at Customs HQRS have received initial training on surveillance techniques. Two officers received more advanced training on the subject, in the UK.

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(b) Staffing measures:

A great deal of emphasis is given to personnel training in:
Drug identification.
Intelligence gathering and analysis.
Various technical expertise.

(c) Creation of new customs services specialised in surveillance

(d) at the land borders(*)

(e) at the sea borders

(f) at the air borders

Do the customs authorities have any aircraft (planes, helicopters) for detecting illegal shipments?

Customs do not have any aircraft.

(*) Cyprus is an island. Therefore, no land borders exist.

126. Technical aspects

What specific measures and tactical methods have been adopted at the external borders to combat drug trafficking?

The Cyprus Police applies the following technical measures at the external borders (airports and seaports) in order to combat illegal drug trafficking:

Installation of a CCTV system at Larnaca airport.

Installation of an X-ray detection machine at the passenger departure area entry point.

Installation of a drug-sniffing machine, known as the "Mole" operation system, at Larnaca and Pafos airports.

Additionally, the Police D.L.E.U. closely cooperates with the Port & Marine Police, which is also a Unit of the Cyprus Police that constantly patrols and keeps under surveillance the territorial waters and the coast line of the Republic of Cyprus. The mission of the D.L.E.U. is facilitated by information/intelligence received by the Police Radar Branch, which operates in coastal areas. Moreover, close co-operation exists with public and private air-freight and shipping services.

The Department of Customs and Excise is responsible for controls at the external borders (entry and exit points) of the Republic of Cyprus. The controls are based on intelligence and risk analysis criteria.

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(b) What special measures have been taken to guarantee that controls are effectively targeted (targeted controls)?

The results and feedback of the controls are permanently forwarded to central level (Police and Customs & Excise Department Headquarters) for further analysis, evaluation and statistical comparisons.

Information/intelligence received by the Police and Customs & Excise Department is evaluated and disseminated to their airports and seaports sub-divisions and stations for the necessary action within the provisions of the MOU signed by the two services.

Moreover, regular meetings are held between all the authorities of Cyprus involved in the combating of drug trafficking, in order to define the policy and to decide the measures for the effective targeted controls. In addition, Cyprus Police DLEU Officers have weekly meetings with Drug Liaisons Officers of foreign countries stationed in Cyprus.

(c) What new methods have been introduced to obtain relevant information?

The authorities of Cyprus involved in the combating of drug trafficking, use various types of hi-tech equipment in order to carry out surveillance, seizure and arrest operations. Also, an upgraded computer software system is used for the analysis and evaluation of information. Both Police and Customs & Excise Department maintain a local network of informants.

(d) Have any steps been taken with a view to concluding protocols and agreements with international carriers and to obtaining information on suspect activities, in accordance with the recommendations issued by the World Customs Organisation (WCO)?

A Memorandum of Understanding (MOU), on drugs related issues has been signed on 29/8/2001 between the Cyprus Police and the Customs & Excise Department.

The Customs & Excise Department has also signed MOUs, providing for co-operation in combating drugs trafficking and other customs offences, with Cyprus Airways, British Airways, DHL, the Cyprus Shipping Agents' Association, the Association of International Courier Companies and BIMCO (Baltic International Maritime Council).

Additionally, the Customs & Excise Department has completed MOU negotiations with Louis Tourist Organization, which is both an airline company representative and shipping agency. Similar MOUs are being negotiated with the Civil Aviation Department and the Amathus Navigation Company. The Customs & Excise Department intends to negotiate MOUs with the General Bonded Warehouses Owners Association, the Association of Clearing Agents and other business associations.

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(e) Does your country carry out risk assessment or profiling in relation to drug trafficking? If so, please provide brief details of how this is carried out.

The Police DLEU maintains a computer intelligence database/software, which facilitates the retrieval of information for risk assessment and profiling. If necessary, information can be extracted about:

- the means of trafficking
- ports of entry
- country of origin,
- the methods of trafficking.,
- the type of drug (logos etc.), and
- the high risk areas for local trafficking and drug use.

Furthermore, the Customs and Excise Department carries out drug trafficking risk assessment and profiling, using information transmitted by Cyprus Police other local sources and other foreign law enforcement administrations.

The Customs and Excise Department also evaluates and analyses information contained in computerised systems to which it has direct access, such as the AFIS system, the CEN system of the WCO, the Rilo Western Europe, the Balkan INFO and the CIS of the E.U.

(f) Could you give more information on the national and international controlled deliveries carried out?

The Cyprus Drug Law Enforcement Authorities closely cooperate with the Drug Enforcement Agencies of Greece, USA, Spain, Germany, Lebanon, UK and Bulgaria in international controlled delivery operations. The quantities of drug seizures per controlled delivery operation are illustrated in APPENDIX C.

127. What technical means have been deployed at the external borders to detect drugs smuggled illegally into the country?

For each of the following categories of border

- land borders,
- sea borders and
- air borders

Please indicate the type and number of detection means deployed and the frequency with which these are used, drawing a distinction between

sniffer dogs

X-ray machines

permanent equipment for controlling air freight

mobile facilities

endoscopes

systems for analysing urine to detect the presence of drugs concealed inside the human body

any other technical means

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The Customs and Excise Department has the following equipment:

Sea borders - Lemesos Port

- Two Heiman Stationary modern technology X- ray machines
- One X- ray Mobile Van
- Contraband kit consisting of :
 - a. electronic measurement instrument
 - b. fiber optic type endoscope
 - c. buster contraband detector
- Drug test kits
- Precision electronic scale

Airborders - Larnaka and Pafos Airports

- Two Heiman Stationary modern technology X- ray machines(one at each location)
- One X- ray Mobile Van
- Contraband kit (Larnaca airport) consisting of:
 - a. electronic measurement instrument
 - b. fiber optic type endoscope
 - c. buster contraband detector
- Drug test kits
- Precision electronic scale

Also, the Customs & Excise Department is in the final process of obtaining six sniffer dogs, out of which two would be passive.

The Cyprus Police has the following equipment at the passenger departure area:

Air borders - Larnakca and Pafos airports:

- X-ray detection machines
- Mole sniffing machines
- Drug detection canines

Sea borders:

- Two high-speed patrol boats of the Port and Marine Police are used for conducting patrol and surveillance operations. Information provided by Coastal surveillance radar system is also available to the Drug Law Enforcement Unit.

128. What measures have been taken to obtain information within the framework of international external border co-operation?

- (a) international agreements (specific bilateral agreements, etc.)**
- (b) participation in international working groups**
- (c) communication and information systems**
- (d) criminal tactics measures**
- (e) others**

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(a) International agreements

The Republic of Cyprus has signed a total of four international conventions for combating drug trafficking:

- The Single Convention on Narcotic Drugs 1961 United Nations (In force by virtue of Law 7/1969).
- The Convention on Psychotropic Substances 1971 – United Nation (In force by virtue of Law 81/1973).
- The Convention Against Illicit Traffic in Narcotic Drugs on Psychotropic Substances 1988 – United Nations (In force by virtue of Law 49/1990).
- The Convention of Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 1990 - (In force by virtue of Law 18(III)/95).

Cyprus has also ratified the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (known as the Nairobi Convention).

The Republic of Cyprus has also concluded eight bilateral agreements with several member states of the European Union, containing provisions for drug combat and prevention.

E.U. countries (Estonia, Greece, Ireland, Italy, Hungary, Malta, Poland, Slovenia, United Kingdom):

- Co-operation Agreement for Combating Terrorism, Organised Crime and Drug Smuggling (15/3/1991 and Agreement between Cyprus and Italy on Co-operation in the fight against organized crime and other forms of Crime (28/6/2002), Ratification Law 22 (III)/2003,
- Agreement between Cyprus and Hungary on Combating Terrorism, Drug Trafficking and Organized Crime (Nicosia, 16/9/1991) and its additional Protocol signed on 28th September 1992 and Agreement between Cyprus and Hungary on Combating Terrorism, Drug Trafficking and Organized Crime (Budapest, 13/6/1996),
- Agreement on Co-operation between Cyprus and Poland in Safeguarding Security and Public Order, Preventing and Investigating Crime (26/10/1992),
- Agreement between Cyprus and Greece on Co-operation in Security Matters (11/12/1993),
- Agreement on Co-operation between Cyprus and Malta in Combating Terrorism, Illicit Drug Trafficking and Organized Crime (17/9/1999),
- Agreement on Co-operation between Cyprus and Slovenia in the Fight Against Terrorism, Illicit Drug Trafficking and Organised Crime (4/12/2002), Ratification Law 28 (III)/2003,
- Agreement on Co-operation between Cyprus and Estonia in Combating Organized Crime and other forms of Crime (8/1/2004), Ratification Law 13(III)/2004,
- Agreement on Co-operation between Cyprus and Ireland in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime (8/3/2002), Ratification Law 34(III)/2002,
- Agreement between the Republic of Cyprus and the Republic of Latvia on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Organised Crime, signed on 11/4/2005,
- Agreement between the Republic of Cyprus and Slovakia on Co-operation in combating organised crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances as well as other types of crime (26/2/2004), Ratification Law 5(III)/2005.

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- Agreement on Co-operation between the Ministry of Interior of Cyprus and the Federal Ministry of Interior of the Czech and Slovak Federal Republic, signed in Prague at 7/12/1992, which remains in force between Cyprus and the Czech Republic in accordance with the Exchange of Letters of 19 January 1999.
- Mutual Assistance Agreement between the Customs Administration of the Government of the Republic of Cyprus and the Republic of Greece ratification Law 26(III)/2001.
- Mutual Assistance Agreement for the suppression, investigation and the combating of Customs violations between the Customs Administration of the Government of the Republic of Cyprus and the Government of Italy, ratification Law 61(III)/2004.

Acceding Countries (Bulgaria):

- Agreement on Co-operation between Cyprus and Bulgaria in the Fight Against Cross-Border Organised Crime, Terrorism, Trafficking in Human Beings and Illicit Drug Trafficking (2/12/2003), Ratification Law 48 (III)/2004.

Third Countries (Syria, Russia, Egypt, China, Israel, Cuba, Lebanon, Iran, Libyan Arab Jamahiriya, USA):

- Agreement between the Ministries of the Interior of Cyprus and the Syrian Arab Republic in the fields of Crime and Illicit Trafficking and Smuggling of Drugs (4/4/1989), Protocol for Co-operation in the Field of Security (14/5/1991) and the Protocol amending the aforementioned Protocol, signed on 11/11/2003. Note: The last Protocol amends Article 8 of the Protocol of May 1991, making necessary a visa requirement prior to the entry or passing through the territory of the other contracting party.
- Co-operation Agreement between the Ministry of Interior of Cyprus and the Ministry of Interior of the USSR for Combating Crime (25/4/1990). Note: In force in accordance with the Protocol between Cyprus and the Russian Federation on the Inventory of Bilateral Agreements, Nicosia 11/10/2000.
- Agreement of Co-operation between Cyprus and Egypt on Security Matters (7/6/1994),
- Agreement on Co-operation between Cyprus and China on Public Security Matters (18/10/1994),
- Agreement on Co-operation between Cyprus and Israel in Combating Illicit Trafficking and Abuse of Narcotic Drugs and Psychotropic Substances, and Terrorism and other Serious Crimes (9/1/1995),
- Agreement on Co-operation between Cyprus and Cuba in the Fight Against the Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (16/11/2000), entered into force 24/7/2003.
- Agreement between the Republic of Cyprus and the Republic of Lebanon on cooperating in combating the illicit use of and trafficking in narcotic drugs and psychotropic substances and organised crime (19/7/2002), Ratification Law 5(III)/2004 and Exchange of Notes relating to Articles 5 and 9 of the Agreement of 19 July 2002 Nicosia, 30/5/2003/ 23/9/2003), Ratification Law 5(III)/2004,
- Memorandum of Understanding between the Republic of Cyprus and the Islamic Republic of Iran on Co-operation in the Fight Against the Illicit trafficking of Narcotic Drugs and Psychotropic Instances (3/7/2002),
- Agreement on Co-operation between Cyprus and Libyan Arab Jamahiriya in Combating the Illicit Use of and the Trafficking in Narcotic Drugs and Psychotropic Substances, and Organized Crime (15/5/2001).

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- Mutual Assistance Agreement between the Customs Administration of the Government of the Republic of Cyprus and the Government of Israel ratification Law 25(III)/2001.
- Agreement between the Government of USA and the Government of the Republic of Cyprus regarding mutual Assistance between their Customs Services, of 1987.

Presently, Cyprus is in the process of concluding additional Bilateral Co-operation Agreements in the same context, with Armenia, Germany, Mexico, Spain, South Africa and Ukraine .

In addition, the Department of Customs and Excise, has signed a non-legally binding Memorandum of Understanding (MOU), with the United Kingdom's Customs Administration.

(b) Participation in International Working Groups

High ranking officers of the Police Drug Law Enforcement Unit have been assigned to participate in various international working groups as follows:

- The Horizontal Drug Group (HDG) of the Council of the EU.
- The Pompidou Group.
- The Dublin Group, and
- The Commission on Narcotic Drugs (CND).

As far as the Customs and Excise Department is concerned, it participates in the work of Pompidou Group, Marinfo, RILO Western Europe and BALKAN INFO. It has also actively participated in various operations such as Sindbad, Toledo II, Amergin.

(c) Communication and Information Systems

Communication has been developed through various channels, such as the Europol, the National Interpol Bureau, the Drug Liaison Officers (DLOs) posted in Cyprus from Greece, United States, United Kingdom, Russia, France and the United Nations, as well as DLOs from other countries posted in countries neighbouring Cyprus, which co-operate with the Unit.

The Customs & Excise Department has access to information systems, such as the AFIS system, the CEN system of the WCO, the Rilo Western Europe and the CIS of the E.U.

The Police Drug Law Enforcement Unit maintains constant contact and exchange information intelligence with the organizations, as well as the DLOs described above.

As described in para. (a) above, in order to strengthen the co-operation and efforts in combating drug trafficking, the Republic of Cyprus has signed various bilateral agreements with other EU Member States, countries of the Middle East Region and other countries. According to these agreements both parties should share/exchange information and intelligence on the data of drug traffickers, their activities, the origin of drug routes and any other relevant issues. Moreover, documents and any other non-urgent information regarding drugs will be delivered either through Interpol or via Liaison Officers or the diplomatic missions.

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129. What results have you attained in terms of seizures between 2000 and 2004 at the land, sea and air borders?

- (f) nature and volume
- (g) country of origin
- (h) destination
- (i) means of transport
- (j) means of concealment used by the trafficker

Details about the number of drug cases, persons involved, nature and volume, country of origin, destination, means of transport and means of concealment used by the traffickers, are illustrated in the APPENDICES C, D (Police) & E (Customs).

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X. DATA PROTECTION

130. Has the national legislative process for adopting legislation on personal data as referred to in Article 117 of the Convention been completed? If not, which procedures are still outstanding?

The Republic of Cyprus has already ratified the Council of Europe Convention for the Protection of Individuals with regard to automatic processing of personal data (Convention 108), by the Processing of Personal Data (Protection of Individuals) Law 2001 (Law 28 (III) of 2001).

The Convention entered into force in 1/6/2002. The Republic of Cyprus has also ratified the Additional Protocol to the Convention.

Section 4 of the ratification Law provides that the Commissioner for the Protection of Personal Data is the authority designated in accordance with article 13 of the Convention.

131. What data protection rules do you apply as regards the protection of SIS data?

At the moment, no S.I.S. data are being processed in Cyprus. At the appropriate stage, the data protection rules set out in the Convention, as well as those in the national data protection law will be applied.

132. Who are the national supervisory authorities competent for SIS data?

The national supervisory authority will be the Commissioner for the Protection of Personal Data appointed under Law 138 (I) / 2001, (the national data protection law transposing Directive 95/46/EC).

133. Which concrete powers are available to the supervisory authority in case there is misuse in the processing of SIS data?

In case there is misuse in the processing of personal data, the Commissioner for the Protection of Personal Data may impose the following administrative sanctions on the controllers or their representatives:

- A warning with a specific time-limit for termination of the contravention,
- A fine of up to £5,000,
- Temporary revocation of a license, where applicable,
- Permanent revocation of a license, where applicable,
- The destruction of a filing system or the cessation of processing and the destruction of the relevant data.

134. How will the supervisory authority use its right of supervision to the national part of the SIS in future including its right of access?

The national supervisory authority will carry out inspections of the N.S.I.S. to check the lawfulness of the processing of personal data, as well as the security controls of the system. Furthermore, the national supervisory authority aims to inspect those authorities that will be involved with the processing of S.I.S. data.

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135. Will this right of access be used in situ? Is it being considered to organise supervision in parallel, one person in the SIRENE Bureau and the other with the final user?

The right of access of the supervisory authority will be used in situ. Also, parallel supervisions (one person in the Sirene Bureau and another with the final user) are planned to take place.

136. When there is access from the data subject on the basis of Article 109 of the Schengen Convention, will this right be exercised directly or will the national supervisory authority also play a role? In the latter case, what is the scope of the task of the national supervisory authority? What exactly does the national supervisory authority supervision over an alert relate to: the legality of the procedure or also the validity of the grounds for the alert?

According to Law 138 (I) / 2001, the data subject must exercise his right of access directly to the data controller. If the data controller does not reply within 4 weeks from the submission of his application or if his reply is not satisfactory, the data subject has the right to appeal to the Commissioner.

Hence, in the case of access from the data subject under Article 109 of the Schengen Convention, the right will be direct, i.e. it will be addressed to the Cyprus Police, since the Cyprus Police will be responsible for the national section of the S.I.S. under article 108 of the Convention. The decision of the Cyprus Police may be appealed to the Commissioner for the Protection of Personal Data.

As regards alerts, the national supervisory authority aims to check the legality of the procedure i.e. whether the N.SIS will contain only those categories of data required for the purposes laid down in articles 95 to 100 of the Convention.

As regards the authority responsible for checking the validity of the grounds for the alert this will be decided at a later stage.

137. How will co-operation between your national supervisory authority and other authorities in particular national supervisory authorities be organised if it transpires that another Schengen country has recorded a person and your national SIRENE Bureau does not have the complete file?

In the case that the Commissioner asks for information about a data subject from the National Sirene Bureau, but the latter does not have it, then the Commissioner will contact the DPA of the Schengen country that entered the S.I.S. data.

138. On the average, how long will it take for the national supervisory authority to handle a case (complaint) related to the processing of SIS data?

The target will be to handle such a complaint within four weeks. The handling period may vary according to the specific circumstances of each case

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139. What protection rules are applied for the processing of SIS data in the national system? What will happen to the paper files relating to the SIS alert? Are they archived? Are they destroyed? After how long?

The possibility of drawing up specific rules for the processing of SIS data in the national system will be considered. The processing will be carried out according to article 113 of the Schengen Convention.

As for the paper files relating to a S.I.S. alert these will be archived. Drawing up of rules prescribing the period of retention and destruction of the paper files will be considered at a later stage.

140. How are you planning to resolve the possible conflict between the transparency of public action and the protection of data entered, in the future, in the SIS?

According to Law 138 (I) / 2001, the obligation to give information to the data subject about the data concerning him / her, may be waived only in cases where the processing of personal data is performed for purposes relating to national needs or to the national security of the Republic or for the prevention, investigation, detection and prosecution of criminal offences. These provisions will also apply when a data subject asks to be informed about SIS data concerning him / her.

141. How will access to the SIS data be supervised by local staff in the consulates?

The consulates abroad will have no direct access to the N.S.I.S. Instead, they will have access to an application of the system connecting them with the Ministry of Foreign Affairs (MOFA), which will have access to the N.S.I.S. The connection between the consulates and the MOFA will be encrypted. The MOFA will forward S.I.S. data from and to the consulates. Only authorized persons will have access to the system application.

142. Are you planning to duplicate SIS data? In what context?

No decision has yet been taken on this matter.

143. How do you ensure that only authorised users access SIS data and for the authorised purpose?

Access exclusively by authorized users and for the specific purpose of the request will be ensured by ex ante controls and exercising the power of audit / inspection, in full compliance with the provisions of article 118 of the Convention.

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144. What technical and organisational security means are put in place to protect SIS data?

Access to S.I.S. data will only be allowed to persons with duties regarding the S.I.S., who will have to obtain security clearance and be given prior authorization. These persons will access S.I.S. data by a user-I.D. and a password and there will be access levels depending on the user role. Back-ups of the N.S.I.S. will be made on a regular basis.

Encryption is expected to exist for the transfer of S.I.S. data between the different systems and access to the different systems will be given only to persons with authorisation. The S.I.S. data will be stored in a highly secure database.

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APPENDIX A

Answers by the Republic of Cyprus to the Questionnaire to new Member States with a view to the evaluation of their preparations for the application of the Schengen Acquis

- Schengen Information System
- prior consultation

See doc. 5602/06 ADD 1 SCHEVAL 11 COMIX 76

APPENDIX B

Organisational structure of Cyprus Police

See separate file.

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APPENDIX C

QUANTITIES OF DRUG SEIZURES PER CONTROLLED DELIVERY OPERATION, 2000 – 2005

Year	No. of cases	Persons Involved	Drug/Quantity of Seizures	Cooperating Country/Postal Services	Destination Point	Means of Concealment
2000	1	2	herbal cannabis: 2 kg 40,3 gr. cannabis resin: 5 kg 23,27 gr.	Greece	Cyprus	Luggage
2001	2	3	herbal cannabis: 6kg 119gr.	Greece	Cyprus	Radio-cassette player
		14	cocaine: 4,5 tons	U.S.A. & Spain	Spain	Ship Cargo
2002	1	1	cannabis resin: 11,70 gr.	Cyprus Postal Services	Cyprus	Envelope
2003	3	-	cocaine: 240 gr.	Germany	Cyprus	Journal/Organizer
		2	cocaine: 6 gr. & heroin: 6,5 gr.	Spain	Cyprus	Post cards
		1	cannabis resin: 20 gr.	Cyprus Postal Services	Cyprus	Envelope
2004	1	-	heroin: 120 gr.	Lebanon	Cyprus	Hidden in clothes-hangers
2005	3	2	herbal cannabis: 1 kg 50,5gr.	Great Britain	Cyprus	Package
		1	herbal cannabis: 500 gr.	Greece	Cyprus	Box

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APPENDIX D

DETAILS OF DRUG CASES (Police)

Year	No. of cases	Persons Involved	Drug/Quantity of Seizures	Country of Origin	Point of Destination	Place Importation	Way of Concealment
2000	14	13	Cannabis: 34,154 gr. Cannabis Resin: 627,21 gr. Opium: 77,7 gr. Heroin: 2 Kg. 144,006 gr. Cocaine: 57 Kg. 377,45 gr. MDMA (ecstasy): 290 tablets	Iran (4) Holland (1) Greece (3) Norway (1) Lebanon (1) Gr. Britain (3)	Lebanon (1) Cyprus (13)	Airport (13) Port (1)	Luggage's (1) Hidden in his body (3) Possession (7) Unowned Seizures (2) Container (1)
2001	20	20	Cannabis: 25 kg 645,285 gr. Cannabis Resin: 1 kg 183,2145 gr Poppy Plants: 11 MDMA (ecstasy): 1333 ½ tablets Opium: 287,779 gr Heroin: 337,754 gr.	Greece (5) Iran (7) Gr. Britain (2) Bulgaria (1) S. Africa (2) Lebanon (2) Ukraine (1)	Cyprus (20)	Airport (20)	Luggage's (8) Hidden in his body (5) Possession (3) Unowned Seizures (4)

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Year	No. of cases	Persons Involved	Drug/Quantity of Seizures	Country of Origin	Point of Destination	Place Importation	Way of Concealment
2002	19	19	Cannabis: 31,116 gr Cannabis Resin: 108,751 gr. Heroin: 263,733 gr. Cocaine: 1 Kg. 878,086 gr. MDMA (ecstasy): 698 ½ tablets Methadone: 69 tablets & 19,821 gr.	Holland (3) Lebanon (4) Gr. Britain (9) Israel (1) Norway (1) U.S.A. (1)	Cyprus (19)	Airport (18) Port (1)	Luggage's (4) Hidden in his body (5) Possession (9) Container (1)
2003	16	20	Cannabis: 15 kg. 506,132gr. Cannabis Resin: 53,4183 gr. Heroin: 50,497 gr. Codeine: 32 ½ tablets Cocaine: 7 Kg. 589,3 gr. MDMA (ecstasy): 8 tablets	Holland (1) Gr. Britain (8) Bulgaria (4) Greece (5) Dubai (1) Sweden (1)	Cyprus (16)	Airport (15) Port (1)	Luggage's (5) Hidden in his body (1) Possession (9) Container (1)
2004	11	13	Cannabis: 27 gr. Cannabis Resin: 255 gr. Heroin: 0,5 gr. Cocaine: 1 Kg. 158 gr. MDMA (ecstasy): 16 tablets	Holland (1) Iran (1) Greece (3) Sweden (1) Brazil (1) France (1) Gr. Britain (1) Cyprus (2)	Cyprus (9) Holland (1) Greece (1)	Airport 10 Port (1)	Luggage's (5) Hidden in his body (2) Possession (4)

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APPENDIX E

DETAILS OF DRUG CASES (Customs)

S/N	DATE	PLACE	DRUG	QUANTITY	MOD.OP.	ORIGIN
001/00	8/1/2000	LCA A/P	CANNABIS	822 gr.	CONCEALED IN A TEDDY BEAR IN A DHL SACK	Greece
002/00	15/4/2000	LSOL PORT	CANNABIS RESIN/MAR.	TOTAL WEIGT 7,290 gr.	ARRESTED BY POLICE OFFICERS ON BOARD OF NISSOS KYPROS WHILE THE BOAT WAS SAILING TOWARDS LIMASSOL PORT	
003/00	18/1/2000	LCA POST OFFICE	MARIJUANA	24 gr.	5 YEAR CONTRCT N/G	
004/00	19/1/2000	LCA A/P	MARIJUANA	95 gr.		Iran
005/00	23/1/2000	LCA A/P	MARIJUANA	5 gr.	CONCEALED INA BOX OF CIGARS	Amsterdam
006/00	10/3/2000	LCA/AP	MARIJUANA	2 gr.	IN HIS UNDERWARE	Athens
007/00	10/5/2000	LCA/AP	AMPHETAMINE	24 gr.	IN PAX LUGGAGE IN 15 NYLON BAGS	Iran
008/00	18/5/2000	LCA POST OFFICE	MARIJUANA	6 gr.	ONE ENVELOPE	
009/00	28/5/2000	LSOL PORT	COCAINE	50 gr.	CONCEALED IN THE SOLES OF THE SHOES	
010/00	25/8/2000	LCA/AP	1.COCAINE 2. HEROIN	1. 100 gr. 2. 140 gr.	COCAINE CONCEALED IN LEBANESE SWEETS, HEROIN IN HIS BODY	Beirut
011/00	30/8/2000	LCA/AP	ECSTASY	0.03 gr.	POCKET	UK
012/00	30/8/2000	LCA/AP	MARIJUANA	1 gr.	POCKET	UK
013/00	30/8/2000	LCA/AP	MARIJUANA	1 gr.	POCKET	UK
014/00	26/9/2000	LSOL PORT	COCAINE	56,000 gr.	CONCEALED IN BASKETS WITH OLIVES IN ACONTAINER ALONG WITH CARTONS WITH CLOTHING AND SANDALS	

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001/01	9/1/2001	LCA/AP	MARIJUNA	8 gr.	MIXED WITH TOBBACO	
002/01	15/6/2001	LCA/AP	MARIJUANA	28,000 gr.	24 PACKAGES CONCEALED IN HER LUGGAGE WRAPPED VITH PAPER FOR GIFTS	Sofia
003/01	9/11/2001	LCA/AP	HEROIN	200 gr.	CONSEALED IN THE HEEL OF HIS SHOE	Beirut
004/01	26/10/2001	LCA/AP	OPIUM	280 gr.	CARRIED IN HIS LUGGAGE	
005/01	9/9/2001	LCA/AP	MARIJUANA	1,058 gr.	TWO PACKAGES OF 529GRS EACH CONCEALED IN THE LOUD SPEKERS OF AN OLD RADIO CASSETE PLAYER ARRIVED AS CARGO FROM ATHENS.	Athens
006/01	27/9/2001	LCA/AP	DRIED OPIUM PLANTS	9 CAPSULES		Thessaloniki
007/01	25/11/2001	LCA/AP	MARIJUANA	6,700 gr.	CONCEALED IN ARADIO CASSETE PLAYER THAT ARRIVED IN A DHL POUCH. CONSIGNOR WAS ANDREAS CHARALAMBOUS FROM ATHENS CONSIGNEE JUST AN ADDRESS WHITE ARCHES L/SSOL.	
001/02	29/1/2002	LCA A/P	narcotics advertising mat.		CARRIED IN THEIR LUGGAGE. HAVE ARRIVED FROM AMSTERDAM	Amsterdam
002/02	5/2/2002	LCA POST OFFICE	HASHISH	12 gr.	WAS IN A PARCEL ALONG WITH OTHER ITEMS	UK
003/02	5/2/2002	LCA A/P	7 cigarettes with cannabis		CARRIED IN HIS LUGGAGE	Amsterdam

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004/02	22/2/2002	LCA A/P	ECSTASY	200 tablets	IN HIS UNDERWEAR	UK
005/02	30/3/2002	LCA A/P	COCAINE	1,300 gr.	IN A BELT AROUND HIS CHEST AND LEGS IN FORM OF SMALL CANDLES OF WAX. HE HAD ALSO SWALLOWED 11PCS OF THE SAME CANDLES.	Amsterdam
006/02	24/4/2002	LSOL PORT	MARIJUANA	12 gr.	CONCEALED IN THE TRUNK OF BMW CAR IN A WOODEN BOX	
007/02	14/5/2002	LCA POST OFFICE	COCAINE	1 gr.	CONCEALED IN AN ENVELOPE	
008/02	20/5/2002	LCA POST OFFICE	HASHISH	12 gr.	CONCEALED IN A PLASTIC JEWELLERY BOX	
009/02	12/6/2002	LCA A/P	HASHISH	14 gr.	CONCEALED IN THE POCKET OF HIS TROUSERS	
010/02	22/7/2002	LCA POST OFFICE	MARIJUANA	42 gr.	CONCEALED IN A RADIO CASSETTE CASE	
011/02	22/7/2002	LCA POST OFFICE	MARIJUANA	960 gr.	CONCEALED IN PACKAGE WRAPPED WITH TAPE	
012/02	24/7/2002	PAPHOS A/P	MARIJUANA	15 gr.	IN A LEFT BEHIND LUGGAGE	
013/02	31/7/2002	PAPHOS A/P	ECSTASY	9 tablets	IN HIS LUGGAGE	
014/02	2/8/2002	LCA A/P	COCAINE	6 gr.	HE THREW THE COCAINE OUT OF HIS POCKET DURING THE SEARCH	
015/02	7/8/2002	PAPHOS A/P	HEROIN	2 gr.	CONCEALED IN HIS POCKET	Manchester
016/02	2/9/2002	LCA A/P	MARIJUANA	8 gr.	IN HIS LUGGAGE	
017/02	3/9/2002	LCA A/P	HASISH	18 gr.	IN HIS LUGGAGE	
001/03	7/1/2003	LCA A/P	ECSTASY	6 TABL.		Luton
002/03	17/1/2003	LCA A/P	HEROIN	62 gr.	INSIDE HER VAGINA	Sofia

RESTREINT UE

003/03	18/2/2003	LCA A/P	CANNABIS	8 gr.	IN A PURSE TIED AROUND HIS WAIST	Athens
004/03	18/2/2003	LSOL POST OFFICE	1) HERB 2) HASISH	1) 54.5 gr 2) 41.5 gr.	IN A PARCEL CONTAINING CHOCOLATES	South Africa
005/03	19/3/2003	LCA A/P	MARIJUANA	15,476 gr.	IN HIS LUGGAGE	Dubai
006/03	22/4/2003	LCA A/P	HASISH	16 gr.	IN HIS UNDERWEAR	Greece
007/03	22/4/2003	LCA A/P	MARIJUANA	20gr.	IN A PLASTIC PAN WRAPPED IN NYLON BAG MIXED WITH VITAMINS	Amsterdam
008/03	5/5/2003	LCA A/P	1 glass smoking pipe and 1 crusher		IN HIS LUGGAGE	Athens
009/03	3/7/2003	LCA A/P	HASISH	1 gr.	IN THE EXTERNAL CASE OF HER HOLDING BACK WRAPPED IN A KLEENEX	Athens
010/03	11/7/2003	LCA POST OFFICE	1) CANNABIS 2) ECSTASY	1) 3 gr. 2) 10 tbsp.	IN A PARCEL	Netherlands
011/03	14/7/2003	LCA POST OFFICE	CANNABIS	6 gr.	IN AN ENVELOPE AT THE LEFT SIDE OF A CD PACK	Thessaloniki
012/03	24/7/2003	LCA A/P	MARIJUANA	1 gr.	IN SHIRT POCKET WITHIN THE LUGGAGE	London
014/03	1/8/2003	LCA A/P	HASISH	2 gr.	IN HIS POCKET WITHIN A NYLON BAG AND ALSO WITHIN A CIGARETTE FOUND IN HIS LUGGAGE	Birmingham
015/03	7/8/2003	LCA POST OFFICE	CANNABIS	15 gr.	IN PARCEL	Switzerland
016/03	8/8/2003	LCA A/P	Smoking implement		IN HIS LUGGAGE	Amsterdam
017/03	11/8/2003	LCA POST OFFICE	CANNABIS	5 gr.	IN A PARCEL	Amsterdam

RESTREINT UE

018/03	14/8/2003	LSOL PORT	COCAINE	8,000 gr.	CONCEALED BETWEEN PALLETES OF GRANITE IN A CONTAINER	Santos (Brazil) via Barcelona
019/03	25/8/2003	LCA A/P	HASISH	2.5 gr.	IN HIS POCKET	Stockholm
020/03	28/8/2003	LCA POST OFFICE	HASISH	20 gr.	IN A PARCEL	
021/03	28/8/2003	PAPHOS POST OFFICE	1) HEROINE 2) COCAINE	1) 6,5 gr. 2) 6 gr	IN TWO POST CARDS RESPECTIVELY	Madrid
022/03	12/12/2003	LCA POST OFFICE	CANNABIS	6,7 gr.	IN A FILM PROTECTION BOX (CYLINDER)	
001/04	1/2/2004	LCA A/P	CANNABIS	1) 190 gr. 2) 65 gr.	IN TOTAL OF FOUR (2 IN EACH PASSENGER) CYLINDER ITEMS WRAPPED WITH NYLON	Colombo via Dubai
002/04	14/3/2004	LCA A/P	CANNABIS	7,6 gr.	IN HIS LUGGAGE	Thessaloniki
003/04	21/7/2004	LCA A/P	CANNABIS	15,1 gr.	LEFT IN THE TOILET OF AIRCRAFT OF FLIGHT MYT903 FROM BELFAST	Belfast
004/04	21/7/2004	LCA A/P	HEROIN	120 gr.	DRUGS WERE FOUND CONCEALED WITHIN CLOTHES HANGERS IN A CERTAIN IMPORT FROM LEBANON. CONSIGNOR: CAROLE DEEB HANNA - ACHRAFIYEH SASSINE RIZK BLDG., 2ND FLOOR, BEIRUT	Lebanon
005/04	10/8/2004	LCA POST OFFICE	CANNABIS	3 gr.	IN A LETTER BEING SEND FROM GREECE BY ORDINARY MAIL	Greece
006/04	20/10/2004	LCA A/P	COCAINE	0.5 gr.	IN PASSENGER'S WALLET DURING BODY SEARCH	Birmingham

RESTREINT UE

007/04	2/1/2004	LCA A/P	MARIHUANA and Smoking Implements	Minor Elements	IN HER LUGGAGE	Amsterdam
008/04	5/6/2004	LCA A/P	CANNABIS	2.8623gr	IN HIS SHIRT POCKET	Athens
009/04	29/1/2004	LCA A/P	Smoking implement		A SMOKING NEEDLE WAS FOUND DURING BODY SEARCH	Thessaloniki
010/04	25/10/2004	PAPHOS POST OFFICE	Unknown	Unknown	IN A MAIL PARCEL ARRIVED FROM BIRMINGHAM	Birmingham

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