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- Replies from the Czech Republic to the additional questions
presented by the Commission Services concerning border management
and drugs

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, 20 February 2006

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**SCH-EVAL 29
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NOTE

from : the Czech delegation

to: the Schengen Evaluation Working Party

No. prev. doc. : 5143/06 SCHEVAL 7 COMIX 17
5144/06 SCHEVAL 8 COMIX 18

Subject : Schengen evaluation of the new Member States

- Replies from the Czech Republic to the additional questions presented by the Commission Services concerning border management and drugs

Referring to additional questions of the Commission to the questionnaire presented at the Working Party on Schengen Evaluation concerning border management (doc. 5143/06 SCH-EVAL 7 COMIX 17) and drugs (doc. 5144/06 SCH-EVAL 8 COMIX 18), the delegation of the Czech Republic hereby submits its replies:

Border management

- *How do you intend to redeploy staff, who are currently deployed for border control at future internal borders, after the lifting of internal border control. Will border guards currently deployed for border control at future internal borders continue to be deployed in areas close to these borders? If so, what proportion of current border guards will continue to be deployed and what tasks will they have?*

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As already stated in the answers of the Czech Republic to the questionnaire addressed to the new Member States (doc. 15557/05 SCHEVAL 117 COMIX 822 RESTREINT), the Alien and Border Police Service (hereinafter “ABPS”) has the exclusive competence in the field of controls over persons crossing the state border of the Czech Republic. With regards to the lifting of internal border control, the ABPS will undergo a reorganization resulting into setting up of a new Alien Police Service (hereinafter “APS”) with exclusive responsibility for border control of the air borders of the Czech Republic.

Within the new ASP, new organisation entities (Inspectorates of Alien Police) will be established inside the territory of the Czech Republic, merging current Offices of Alien and Border Police and Departments of Alien Police. Further, new organizational entities will be established at the Regional Directorates – Specialized Services Units, or existing units will be reinforced.

As of 1 November 2005, 4415 officers of the ABPS were deployed for the border control at future internal borders (land borders). Most of these officers will be taken over by the new APS and redeployed within its new organisational entities. Cca 865 officers will be placed within the Police of the Czech Republic to fulfil other tasks of the Police, mainly those relating to transport and public order. This shall ensure the continuation of professional experience of these officers under new circumstances as well as infiltration of their know-how in alien, migration and border issues into other sections of the Police.

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Drugs

➤ *Question 125 (b)*

Please indicate the number of personnel in the Customs Administration of the Czech Republic involved in combating drug production and trafficking.

The Customs Administration of the Czech Republic represents together with the Police of the Czech Republic the main authority charged with the fight against drug criminality at the state borders and within the territory of the Czech Republic. The responsibility of the Customs Administration in this field arises, as stated in the answers of the Czech Republic to the questionnaire, from its competence in import, export and transit of goods. Its personnel thus carries out irregular inspections in the entire territory of the Czech Republic, which are also focused on drug trafficking. Regarding international airports, 278 customs officers at present perform tasks in the fight against drug criminality.

As to direct involvement in combating drug production and trafficking, this concerns in particular staff working in search sections of the Customs Administration. Currently, there are 67 customs officers working in these sections at 8 Customs Directorates and in the General Directorate of Customs.

➤ *Question 126 (c)*

Please indicate when the new system of information collection, evaluation, analysis and dissemination for the National Central of the police of the Czech Republic will be finalised.

The National Drug Headquarters (*the National Drug Central*) of the Criminal Police and Investigation Service of the Police of the Czech Republic (hereinafter “NDH”) has been testing a new system of information collection, evaluation, analysis and dissemination since the first half of 2005. This system should be introduced nation-wide within the entire Police of the Czech Republic. The NDH is one of the authorities where testing of this information system takes place. Since 1st December 2005, the NDH has been using this new system within the framework of pilot operation entering live data. The system shall become fully operational in the second half of 2006, provided that the pilot operation does not reveal any relevant problems.

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➤ *Question 126 (f)*

Please indicate the number of controlled deliveries between 2003 - 2005 and which were national and which were international. Please indicate the law enforcement agencies of the Czech Republic and foreign law enforcement agencies involved in these deliveries.

In case of controlled deliveries, where the controlled delivery does not cross the border of the Czech Republic, i.e. should be case of a “national controlled delivery”, the institute of a controlled delivery is not used. For several reasons, in such cases the use of other legal institute – temporary discontinuance of criminal prosecution - is more advantageous.

When the prosecutor issues an order for controlled delivery, the order does not mean general approval of all necessary operations. Independently of the issue of the decision on a controlled delivery, it is at the same time necessary to submit application for surveillance of persons and things and to apply for interception and record of telecommunication operation. If there is a danger of loss of the control of a delivery or the delivery itself, the police authority is obliged to detain all suspected persons and to accuse them of a crime. As there is, however, a possibility that evidence sufficient for accusing organizers has not yet been gathered, the abovementioned action could obstruct the result of a long-term work and the organizers would remain unpunished. This is a necessary risk in case of an international controlled delivery.

If the police authority is sure that the delivery will not cross the border and the prosecutor supervising pre-trial proceedings agrees with temporary discontinuance of criminal prosecution with a view of discovering all interested persons, it is more advantageous not to make use of the institute of controlled delivery. Even under these circumstances, the surveillance of persons, things, interception and record of telecommunication operation is of course carried out. In both cases, i.e. in case of controlled delivery and in case of independently applied operations in criminal proceedings of surveillance of persons and things or interception and record of telecommunication operation, the outputs are applicable for evidence proceedings in court trial.

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As to international controlled deliveries in 2003-2005, the Police of the Czech Republic requested via the NDH controlled deliveries in 5 cases which concerned e.g. following operations:

- operation “*Fryda*” (2003), controlled delivery of approx. 10 000 tablets of XTC on the route Netherlands – Germany – Czech Republic; cooperation of Dutch Police, LKA München, Police of the Czech Republic. Six perpetrators were accused and sentenced, of whom two in the Czech Republic and four in the Netherlands.
- operation „*Nimrod*“ (2004), controlled delivery of approx. 250 000 tablets of XTC on the route Netherlands – USA; cooperation of the Police of the Czech Republic, Austria, Israel, DEA-Los Angeles and their European branches in Germany. An extensive group of perpetrators was detained in the USA, two organisers of Czech origin were detained in Austria on the bases of an international arrest warrant issued by the USA and extradited to the USA.
- operation „*Pakistan*“ (2005), controlled delivery of 1000 kg of hashish shipped to Belgian port Zeebrugge, where the container was taken over by Dutch national who was subsequently detained together with other three Dutch nationals and contraband in the Dutch territory when it was clear that the narcotic and psychotropic substance would not be transported to the Czech territory and that its final destination was the Netherlands. Due to insufficient information provided by Dutch side, the case was not yet completed in the Czech Republic; cooperation of competent authorities of Belgium, the Netherlands, Germany, Great Britain (it was not clear where the container would float) and the Czech Republic.

As regards international controlled deliveries in 2003 – 2005, the Police of the Czech Republic was through the NDH involved in 8 cases of controlled deliveries requested from abroad. Some examples of these operations follow:

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- In 2003, a request for carrying out operations within the framework of legal assistance and realizing of controlled delivery was sent to the Department of Controlled Deliveries Teplice from Controlled Deliveries Kempten, Germany. Two persons were to arrive from Germany to Teplice and to buy there 2-3 kg of methamphetamine. From the German – Czech state border, the crew was under control of the Police of the Czech Republic. Controlled delivery was to be carried out after the purchase of the narcotic and psychotropic substance in Teplice to Germany. The purchase of the substance was not realized and, by mutual consent with the German authorities, the controlled delivery was not realized.
- In 2005, the NDH was contacted by the German Public Prosecutor's Office in Kiel with a request to carry out controlled delivery across the territory of the Czech Republic. The goal was to detain a group of Turkish perpetrators operating in the territory of Germany while importing heroine on so called Balkan route. Finally, the perpetrators chose the route to Germany via Austria, where subsequently approx. 15,5 kg of heroine was detained in the vehicle of interest.

As to controlled deliveries in which customs authorities of the Czech Republic were involved, the cooperation of the following authorities took place in 2003-2005:

1x Customs Directorate Brno + GER Nürnberg

3x Customs Directorate Brno + BKA Wiesbaden

1x Customs Directorate České Budějovice + GER Nürnberg

➤ **Question 127 (g)**

Please indicate whether any operational problems have been encountered due to the considerable operating costs for the Wapor Tracer electronic drug detector.

The Electronic Drug Detector Wapor Tracer was used by customs officers in the Praha Ruzyně Airport for approximately half a year during which period no drugs were discovered. At present, the detector is not used due to lack of refills, which are very expensive. No other operational problems were encountered.

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➤ *Question 128 (c)*

Please provide brief details of any joint working teams to combat drug production and trafficking established between the police and customs administration of the Czech Republic since 2003.

As an introduction, it should be mentioned that, according to the valid legal order of the Czech Republic, neither the customs authorities of the Czech Republic, nor the authorized customs authorities in position of a police authority, have the power to investigate offences, i.e. their authorization ends prior to the notification of accusation to a concrete person. For this reason, all crimes discovered or identified by a customs authority are investigated by a police authority of the Police of the Czech Republic. For this reason, a close cooperation between the police and customs authorities is required by the notification of the accusation at the latest.

In cases of serious, organized and factual complicated criminal activity, it is better to cooperate already at the stage of examining. This shall ensure that the police authority charged with carrying out the investigation is fully familiar with the case and can itself manage procedural operations and target its activities at gathering of evidence applicable in court trial already at the stage of examining.

In concrete terms, several joint working teams between the Police of the Czech Republic and the Customs Administration have been established since 2003 for above mentioned purpose. Here follow some examples of these working teams:

- operation “*Akirfa*” (team of the NDH and the Customs Directorate Ústí nad Labem established in 2003): focused on a group of Western Africans and Czech citizens from Northern Bohemia importing cocaine from the Caribbean to the Western Europe, in particular to the Netherlands. Successively, 29 persons were arrested and approx. 30 kg of cocaine was detained, in particular in the Dutch territory, but also in the Czech Republic. Authorities of Germany, Netherlands and Great Britain also cooperated on the case.

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- operation “*Omen*” (NDH + Customs Directorate Prague): focused on a group of Czechs and Kosovo-Albanians importing heroine via so called Balkan route. In the course of 2005, 4 persons were detained and 5 kg of heroine of a very low quality was seized. Authorities of Slovakia and Hungary were also involved in the cooperation.
- operation “*Hrnec*” (standing working group of the NDH and the Directorate General of Customs existing since the late 1990s): focused on wholesale trade with hashish in Europe-wide scale. The working group was renewed in 2005, because the main organizer – Czech citizen, was extradited from Australia on the basis of international arrest warrant. Investigation is currently under process.
- operation “*Kruh*” (Customs Directorate České Budějovice + Organized Crime Detection Unit of the Police of the Czech Republic (hereinafter “PCR”) - branch office České Budějovice + Criminal Police and Investigation Service (CPIS) of the Administration of Southern Bohemian Region České Budějovice): joint examination of two organized groups suspected of illegal production, possession and export of drugs from the Czech Republic. Cooperation also with ZFA Munich.
- operation “*Vlk*” (Customs Directorate Ostrava + Specialized Services Unit of PCR + National Drug Central of PCR - branch office Ostrava): joint examination of criminal activity of Albanian nationals living in the Czech Republic suspected of unlawful import of heroine from Balkans.
- operation “*Koridor*” (Customs Directorate Ústí nad Labem + National Drug Central of PCR - branch office Ústí nad Labem): joint examination of criminal activities of nationals of the Czech Republic, Germany and countries of former Yugoslavia suspected of unlawful import of drugs.
- operation “*Radost*” (Department on Drugs and Weapons of the Directorate General of Customs + Customs Directorate Hradec Králové + Organized Crime Detection Unit V2 Prague of PCR): joint examination of Czech nationals suspected of unlawful import of marihuana.

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- operation “*Gekon*” (Customs Directorate Prague + National Drug Central of PCR): joint examination of Vietnamese nationals living in the Czech Republic suspected of unlawful import of heroine from Vietnam to the Czech Republic.

➤ **Question 128 (d)**

Please provide brief details of any joint investigations and operations in relation to combating drug production and trafficking between law enforcement agencies of the Czech Republic and foreign law enforcement agencies between 2003 - 2005.

The cooperation of authorities of the Czech Republic involved in combating drugs with foreign law enforcement agencies is of a special importance. The cooperation of the National Drug Centre with foreign counterparts concerns information exchange on particular cases as well as verification and investigation of individual criminal cases and in particular requests for legal assistance. An important role in this field is played by liaison officers of foreign law enforcement agencies responsible for the Czech Republic, some of them are located directly in Prague. The Customs Administration has also its liaison officer in Germany.

Some examples of cooperation of Czech and foreign law enforcement agencies are already given in the answer to question 128(c). Some other examples:

- permanent working group “*CRYSTAL*”: cooperation of the NDH, the Customs Administration of the Czech Republic and police and customs authorities of Germany in matter of production, export and distribution of methamphetamine. Within the working group, cooperation on many independent causes has taken place and further continues. In the course of activities of the group, a number of deliveries of methamphetamine was detained. More than 10 larger laboratories aimed at production of methamphetamine in the Czech Republic were discovered and destroyed. Tens of perpetrators have been detained accused both in the Czech Republic and Germany.

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- operation “*VARIM*” (cooperation with GER Dresden and other German counterparts): since the beginning of 2005, investigation of a case of illegal import of ephedrine from Germany to the Czech Republic, production of methamphetamine in the Czech territory and subsequent export of methamphetamine to Germany has been carried out. So far, approx. 5 kg of methamphetamine (pervitine) of very high quality was seized, 6 persons – mainly couriers of the narcotic and psychotropic substance – were detained in the German territory. Currently, intensive work is carried out as regards examining of an extensive group in the territory of the Czech Republic.
- operation “*STELLA*”: following a request of Europol, the NDH expressed in 2004 its preparedness to participate in a working group aimed at combating importers of cocaine from Southern America to the Europe. The main organizer of this criminal activity was in the territory of Spain. Other persons were working for him in the Czech Republic and had already been several times been object of interest of the NDH and the Directorate General of Customs. In 2005, Targed Group STELLA, attached to the Europol, was created of which aim was to discover these criminal activities. Following establishment of this working group, the NDH initiated criminal proceedings and obtained information handed over via Europol to concerned parties. According to unofficial information, hit against this group was carried out recently in the territory of Paraguay resulting into seizure of 500 kg of cocaine. Subsequently, the main organizer of these activities was detained in the Spanish territory. The investigation proceeds.
- operation “*VETERAN*” – in 2003, the NDH initiated examination of a suspicion concerning import of the narcotic and psychotropic substances in the territory of the Czech Republic. A group of Czech citizens importing cocaine and XTC from the Netherlands to the Czech Republic and Austria was disclosed, further it was ascertained that the group also takes part in trafficking in cigarettes to Great Britain. In this issue the CR cooperated with the police authorities of the Netherlands and Great Britain. At the beginning of 2005, all suspects were detained and 1 kg of cocaine, 2 kg of methamphetamine (pervitine) and approx. 5000 tablets of XTC were seized.
- operation “*KERO*” – on 27th February 2003, a distributor of methampetamine was detained in cooperation with undercover investigator from Linz, Austria. 250 g of methamphetamine were detained, later two other accomplices were accused.

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- operation “*MEZEK*” – cooperation with Slovak Police, with employees of Department for Special Services of the Police Presidium of the Police Corps of Bratislava. Supporting evidence was obtained, which helped to disclose the whole group in April 2003, when 1 kg of narcotic and psychotropic substance pervitine (methamphetamine), 1 543g of precursor ephedrine and 2,5 kg of dried plant Marihuana were seized. Five persons were prosecuted.
- operation “*ROCK*”- in 2005, a person was examined in the territory of the Czech Republic for criminal export of methamphetamine to Germany. Cooperation with the Police Polizeipräsidium Oberfranken, OK- Dienststelle Bayreuth, which examined several consumers of this drug in the German territory in 2005.
- operation “*RIBAT*” - cooperation between the Customs Directorate Plzeň and German authorities (GER Thüringen and GER München): examination of illicit trafficking in heroine. Albanian nationals operating in the Czech Republic organized imports of heroine from Kosovo to the Czech Republic and subsequently from the Czech Republic to Germany and other EU states, using for this purpose Czech nationals as couriers of these drug deliveries.
- operation “*TRHAN*” - cooperation between the Customs Directorate Plzeň and German authorities (GER Nürnberg): examination of unlawful trafficking in methamphetamine. An Albanian national, operating in the Czech Republic, used to acquire in the Czech Republic methamphetamine from other Albanians and subsequently delivered it via a Czech courier to German consumers.
- operation “*TANGO*” - cooperation between the Customs Directorate Plzeň and German authorities (KRIPO Hof, KRIPO Plauen, KRIPO Amber): examination of illicit trafficking in methamphetamine. A Vietnamese - Czech group was supplying German consumers with metamphethamine. Consumers travelled personally to the Czech Republic to take over the drug deliveries and subsequently transported them to the German territory where further distribution to local consumers proceeded.

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- operation “*BOSS*” - cooperation between the Customs Directorate Plzeň and German authorities (GER Stuttgart): examination of illicit trafficking in hashish. Czech nationals organized in Germany import of hashish deliveries from the Netherlands and its further export to the Czech Republic.
- operation “*SPOLEČNÍK*” - cooperation between the Customs Directorate Plzeň and German authorities (GER München) and authorities of the USA (CID – Hohenfels): examination of unlawful trafficking in cocaine. An American national was suspected of organizing import of higher quantities of cocaine from the Netherlands to Germany, Czech Republic and Austria together with another Czech national.
- operation “*SOUMRAK*” - cooperation between the Customs Directorate Plzeň and German authorities (KRIPO Amberg, KRIPO Plauen, KRIPO Hof, KRIPO Auerbach): an extensive operation targeting Albanian –Vietnamese organized group (groups) operating in the Czech Republic and delivering methamphetamine to German consumers.

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