



Council of the
European Union

Brussels, 29 May 2018
(OR. en)

7232/06
DCL 1

SCH-EVAL 47
COMIX 254

DECLASSIFICATION

of document:	ST7232/06 RESTREINT UE/EU RESTRICTED
dated:	13 March 2006
new status:	Public
Subject:	Schengen evaluation of the new Member States - Questionnaire - Additional questions presented by the Commission Services concerning Drugs - Reply from SLOVENIA

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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NOTE

from : the Republic of Slovenia

to : the Schengen evaluation Working Party

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

Subject : Schengen evaluation of the new Member States

- Questionnaire - Additional questions presented by the Commission Services concerning Drugs - Reply from SLOVENIA

Having received the document no. 5144/06 LIMITE SCH-EVAL 8 of 9 January 2006 with additional questions, Slovenia prepared the answers to be communicated to the EU Council working party SCH-EVAL.

Schengen Evaluation – Drugs

Questions after an examination of the replies to the questionnaire

General

Please indicate whether Slovenia has a current national Drugs Strategy and/or Action Plan.

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In 2004, the State Assembly of the Republic of Slovenia adopted a Resolution on the National Programme in the Field of Illicit Drugs, which is the basic strategic document. An important part of the above document is illicit drug supply reduction with the police and customs as the lead actors and some other bodies involved in certain segments. In the field of drug supply reduction, an Action Plan was drawn up, which was coordinated with all competent departments. However, the Government of the Republic of Slovenia has not yet endorsed it on account of it being a partial action plan (certain other departments have not yet submitted their action plans for discussion). In spite of the above, the police and customs are already carrying out activities in order to achieve the set objectives. The Action Plan was finalised in 2002 within the framework of the twinning in the field of organised crime. However, apart from the Action Plan, the Strategy of the Ministry of the Interior in the Fight against Illicit Drugs of 1998 and plan of the activities for its implementation of 1999 are still being applied.

Please indicate the number of personnel in the Slovenian police and Customs Administration involved in combating drug production and trafficking. For both please give a brief indication of how they are deployed e.g. national drugs unit, regional drug units, mobile units, and surveillance units.

In the Customs Administration of the Republic of Slovenia there are 11 mobile offices for smuggling prevention, in which there are 55 classified positions. The above offices are part of the Investigation Section of the General Customs Office, in the framework of which there are three additional positions whose basic task consists of coordination of activities, also in the field of illicit drugs. Besides the employees occupying the mentioned positions, all customs officers (893) who work at border crossing points have a duty and are trained to perform activities of detecting illicit drug trafficking.

In the Slovenian Police there are 40 classified positions for criminal investigators who are specialised in the field of illicit drugs at the national and regional level. 34 positions are currently occupied. 8 positions are classified in the Criminal Police Directorate of the General Police Directorate (5 are currently occupied) while the rest is classified at the regional level. The issue of illicit drugs in terms of investigation is dealt with by about 50 criminal investigators throughout

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Slovenia. Those are criminal investigators who are employed at the General Police Directorate and at four larger PDs (PD Ljubljana, PD Maribor, PD Celje and PD Koper), where criminal investigators work in the Illicit Drug Groups of Criminal Police Sections, whereas in the remaining seven PDs there are individual criminal investigators in charge of illicit drugs and they work in Organised Crime Divisions.

Apart from the above mentioned specialised positions, all police officers in Slovenia, on the basis of Article 3 of the Police Act, have a duty to prevent, detect and investigate criminal offences and minor offences, as well as to detect and apprehend offenders and other sought persons and hand them over to the competent authorities, and to perform other tasks. Therefore, all police officers in Slovenia are tasked also with the duty to perform illicit drug related activities.

The Covert Surveillance Division is a specialist unit within the Special Assignment Section of the Criminal Police Directorate. It performs activities of covert surveillance for all fields of criminal work. The division has 36 positions.

Mobile Crime Investigation Units (4) are classified in larger PDs (PD Ljubljana, PD Maribor, PD Celje and PD Koper). They perform a wide range of operative activities, from ambushes, arrests, covert surveillance. The units have 53 classified and occupied positions. Same as the Covert Surveillance Division, these units are not directly in charge of criminal investigations.

Both of the above organisational forms (the Covert Surveillance Division and Mobile Crime Investigation Units) perform police tasks for all fields of criminal and police work throughout Slovenia, and if necessary also tasks of cross border crime prevention.

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

No joint investigation teams between the Slovenian Police and Customs Administration have been established since 2003.

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There are however coordinating activities in place between the police and customs, which take place within the framework of the Interdepartmental Commission for the Prevention of Illicit Drug Trafficking, composed of the representatives of the police (criminal and uniformed) and the customs. This Interdepartmental Commission was established with the signing of the decision on the establishment of the commission no. 0226-3-028/18-98 of 9 October 1998 by the Minister of the Interior and the Minister of Finance.

Furthermore, an agreement on cooperation between the police and customs no. 207/1-02/0910-030 was signed on 20 February 2003, which lays down a number of activities as follows:

- Joint meetings;
- Contact persons at national and regional level;
- Notification, information and data exchange;
- Joint liaison officers;
- Provision of technical and other assistance;
- Joint planning and coordination of operative work, including the organisation of joint actions and other forms of cooperation in the performance of border and customs control at border crossing points;
- Joint forms of training;
- Other form of cooperation where agreed upon by the two authorities.

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QUESTIONS IN RELATION TO THE SCHENGEN QUESTIONNAIRE (doc. no. 15564/05 SCH-EVAL 123 COMIX 828 RESTREINT):

Question 125 (g)

Please indicate whether the Customs authorities are in a position to call upon the assistance of other authorities which have aircraft which may be used for detecting shipments of illicit drugs and, if so, please indicate which authorities may the Customs authorities call upon for assistance.

In the field of illicit drugs, the role of the customs in Slovenia is primarily to detect shipments and transports of illicit drugs across the Slovenian territory. Investigative activities in cases of illicit drug related criminal offences are the responsibility of the police, which, based on the Criminal Procedure Act and the Police Act, is obliged to perform activities in cases of suspicion of a criminal offence having been committed. All state authorities are obliged to report any detected criminal offences whose investigation is not within their competence, which is why the customs, should they detect any suspicious shipment, would have to inform the police about it and the police would carry out the necessary measures with their aircraft (helicopters).

Question 126 (a)

When there are no mobile customs groups present at the border crossings please explain how the border police stations liaise with the customs service subsequent to the implementation of controls.

At all border crossing points between Slovenia and Croatia, representatives of the Customs Administration along with the representatives of the Police are present. It is only at border crossing points with EU Member States that only representatives of the police are present, who nevertheless have data on the available mobile customs units.

In the event where a police officer at a border crossing point with an EU Member State detects a violation from the customs' field of work, he/she has to immediately inform the Customs Administration. In emergencies, mobile customs units that are located in the vicinity can be called upon to perform the necessary tasks.

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Question 126 (f)

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

Between 2003 and 2005, Slovenia carried out measures and participated in 8 cases of international controlled deliveries. Five of them were successfully concluded whereas in three cases the delivery did not take place or there was no seizure of illicit drugs in the destination country. In the five successful cases, 58 kg of heroin and 0.8 kg of cocaine were seized abroad. Apart from Slovenia, law enforcement agencies of the following countries participated in the international controlled deliveries: Turkey, Bulgaria, Greece, Macedonia, Serbia and Montenegro, Croatia, Austria, Germany, Italy and Switzerland.

In Slovenia, the police are only in charge of performing investigative measures while other law enforcement agencies assist the police according to their competence. A controlled delivery, as a special investigative technique, is not explicitly defined in the Criminal Procedure Act. In carrying out a controlled delivery, a combination of different authorisations is applied, where the most important element is the postponement of measures under Article 159 of the above act, which is most frequently applied simultaneously with covert surveillance. Other statutorily defined measures may also be applied.

In controlled deliveries, the customs assist the police primarily in the implementation of the postponement of measures under Article 159 of the Criminal Procedure Act, which is ordered by the competent State Prosecutor. In international controlled deliveries the police inform the competent representative of the Customs Administration, who gives the customs officers at border crossing points the necessary information so as the controlled delivery can be smoothly implemented.

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As has already been mentioned, the police in Slovenia only perform investigative activities. Between 2003 and 2005, four specific investigative activities were carried out in Slovenia which were quite similar to controlled deliveries as defined in the UN Convention of 1988 – the Vienna Convention. However, they were exclusively carried out by the police and without participation by other detection authorities, and their purpose was to detect persons and premises where illicit drugs were stored. Those drugs were later seized.

Question 127 (a)

Please indicate how the airport security service works with the police and/or customs service when it detects the presence of illicit drugs in air freight.

Based on the airport security plan, airport security at airports is obliged to cooperate with law enforcement agencies (the police and customs). In the event where they detect a dangerous or unknown object (including illicit drugs), they have to inform the police or customs. If customs are the first to be informed, they are obliged to find the illicit drugs and hand over eventual suspects to the police, which in turn carry out all further necessary investigative activities pursuant to the Criminal Procedure Act.

Question 127 (f)

Please indicate whether a police officer is in the health institution with a suspect and provide a brief description of the role of this officer in the event of a detection of drugs.

The Criminal Procedure Act lays down that the police are allowed to perform different investigative acts, including ordering an expert opinion. Based on Article 266 of the Criminal Procedure Act, it is possible to require a physical examination, taking blood samples and other medical acts in order to establish facts relevant to the criminal procedure, which would not be to the detriment of a suspect's health. The designated expert has to perform the required acts, such as a physical examination, including the examination of body cavities which does not require a surgical intervention, or for example an X-ray in order to establish eventual foreign bodies in the body. The doctor has the right to refuse to perform the above medical acts only in the event where he/she assesses that taking blood samples or other bodily fluids could result in detrimental consequences for the investigated person's health.

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The police procedure has to be in line with the above quoted provisions, i.e. a police officer escorts the suspect to the health institution and provides the protection of the medical examination, except in cases where the medical expert performing the examination explicitly states that he/she does not wish any protection. After illicit drugs are found, they are seized, after which the police officer continues with work pursuant to statutorily defined authorisations.

Question 127 (g)

At the road and sea traffic border crossings please indicate when the explosive and narcotic detectors will be introduced.

The purchasing of the above detectors is underway. 31 detectors are being purchased, out of which 11 will be allocated to regional units - Criminal Investigation Sections of PDs, whereas 20 will be used for direct supervision of crossing of the state border at border crossing points.

Question 128 (e)

Please provide brief details of any joint investigations and operations in relation to combating drug production and trafficking between Slovenian law enforcement agencies and foreign law enforcement agencies since 2003.

Since 2003, the Slovenian law enforcement agencies – the police - have not formally participated in any joint investigation teams. We have however cooperated, within our criminal investigations, with the representatives of foreign law enforcement agencies in charge of the investigation of specific cases.

In 2003, we had three such examples of cooperation:

- We cooperated with the representatives of law enforcement agencies of Italy, Croatia, Serbian Republic (Republika Srpska), Germany, Austria and the Netherlands, which resulted in the seizure of 28 kg of cannabis and the arrest of three suspects, who were Slovenian nationals;

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- In another case, we cooperated with the representatives of law enforcement agencies of United Kingdom, the Netherlands, Germany, Belgium, Croatia and Macedonia, which resulted in the seizure of 2 kg of cocaine in Croatia, the arrest of two suspects in Croatia, one suspect in Slovenia and one suspect in Germany;
- In the third case, we cooperated with the representatives of law enforcement agencies of Serbia and Montenegro and Croatia, where two Slovenian nationals and three nationals of Serbia and Montenegro were apprehended in Belgrade, two Slovenian nationals were apprehended in Slovenia and 0.5 kg of heroin was seized.

In 2004 we cooperated in five specific cases:

- On one occasion, with the representatives of law enforcement agencies of Croatia and Serbia and Montenegro and also with all EU Member States via Europol, which resulted in the arrest of seven persons in Slovenia and the seizure of 36 kg of heroin and 1.2 of cocaine;
- In the second case, we cooperated with the representatives of law enforcement agencies of Bosnia and Herzegovina, Serbia and Montenegro, Croatia, the Netherlands, Austria, Belgium, Germany, Italy, which resulted in the arrest of nine suspects and seizure of 6,850 kg of hashish and 200 g of cocaine;
- In the third case we cooperated with the representatives of law enforcement agencies of Serbia and Montenegro, Bosnia and Herzegovina, Croatia and Austria. The result was the arrest of seven suspects and the seizure of 140 kg of cannabis, 100 g of heroin and 90 g of cocaine;
- The fourth case involved cooperation with the representatives of law enforcement agencies of Austria and Croatia to investigate criminal activities of a crime group consisting of four Albanian nationals suspected of dealing with smuggling and selling illicit drugs, counterfeiting personal documents, extortion, arms trafficking and guiding illegal migrants across the state border; they were arrested in Slovenia while three persons were arrested in Austria for the criminal offences of extortion, robbery and grievous bodily harm;
- The fifth case involved cooperation with the representatives of law enforcement agencies of Croatia, Switzerland, Germany and Austria, which resulted in the seizure of over 11 kg of heroine and the arrest of seven suspects in Slovenia.

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In 2005, illicit drug related cooperation took place as follows:

- In the first case we cooperated mainly with the representatives of law enforcement agencies of Serbia and Montenegro, which resulted in the arrest of six persons – five Slovenian nationals and one national of Serbia and Montenegro; 100 g of heroin and 99 pieces of ecstasy pills were seized;
- The second case involved cooperation with the representatives of law enforcement agencies of Serbia and Montenegro and Italy, which resulted in the arrest of one Slovenian national with 10 kg of heroin in Italy and the arrest of two suspects (one Slovenian national and one national of Serbia and Montenegro) in Slovenia;
- The third case took place in cooperation with the representatives of law enforcement agencies of the Netherlands and Germany while data exchange also took place with Austria and Croatia; two suspects were arrested and remanded in prison, the third suspect committed suicide in Austria, and 652 g of cocaine were seized;
- Another case involved cooperation with the representatives of law enforcement agencies of Serbia and Montenegro, Croatia, Italy and Bosnia and Herzegovina, which resulted in the seizure of 11 kg of heroin in Italy and 8 kg of heroin in Slovenia; besides dealing with illicit drugs, the international crime group in question also dealt with guiding illegal migrants across the state border; in this criminal investigation, 21 persons were arrested.

Currently, four specific cases are underway, in which we are cooperating with the representatives of law enforcement agencies of Italy, Croatia, Serbia and Montenegro, Germany and United States of America. In addition to reasonable suspicion of perpetrating illicit drug related criminal offences, some of the above cases also involve the suspicion of perpetrating activities of illegally guiding persons across the state border. Since the cases have not been concluded yet, no further details can be given.