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(March 2006)

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

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

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THE EUROPEAN UNION**

Brussels, 15 September 2006

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REV 2

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SCHEVAL 81

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NOTE

from: the Schengen Evaluation Committee

to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States

- Report on the Schengen Police Cooperation evaluation of SLOVAKIA (March 2006)

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

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REPORT ON POLICE COOPERATION

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

(All topics are indicative and non-exhaustive.)

1. Introduction

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the Evaluation Committee have visited the National Police Headquarters in the capital and the joint contact point at the Jarovce-Kittsee motorway border crossing point.

Participants:

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R. A. PETTERSSON	Sweden
L. HOLUB	Commission
S. DUSIK	General Secretariat of the Council

The Evaluation Committee wishes to express its appreciation to the Slovak authorities for the hospitality and thanks the officials involved in the evaluation process.

The Evaluation Committee visited the following sites:

- National Police Headquarters, Bratislava
- Joint contact point, Jarovce-Kittsee

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2. Management summary

The Evaluation Committee has visited two sites in order to limit the number of visits. The evaluation report is based mainly on replies to the questionnaire and includes information from the presentation made for the Sch-Eval Working Party. Beyond that it contains the outcome of the targeted discussions of the on site visit. Experts from the Slovak National Police Headquarters were present during the whole visit and were able to provide any information requested

The answers given to the questionnaire and the outcome of the visit provided the Evaluation Committee with a satisfactory overview over the operation of the Slovak police services and first-hand experience of their daily routine. As the information provided by the local authorities was extensive, the Evaluation Committee did have a good basis to make its assessment.

The Slovak law enforcement authorities have adopted a very good intelligence led policing approach, of which international police cooperation is an integral and integrated part. A number of detailed recommendations are made throughout the text but the Evaluation Committee equally was able to identify a number of Slovak solutions as good practice. Each recommendation concerns a better use of the Schengen instruments with a view to assisting the threat assessment and helps prioritise resources in a more effective manner.

3. Law enforcement and police organisation

3.1. National law enforcement structures



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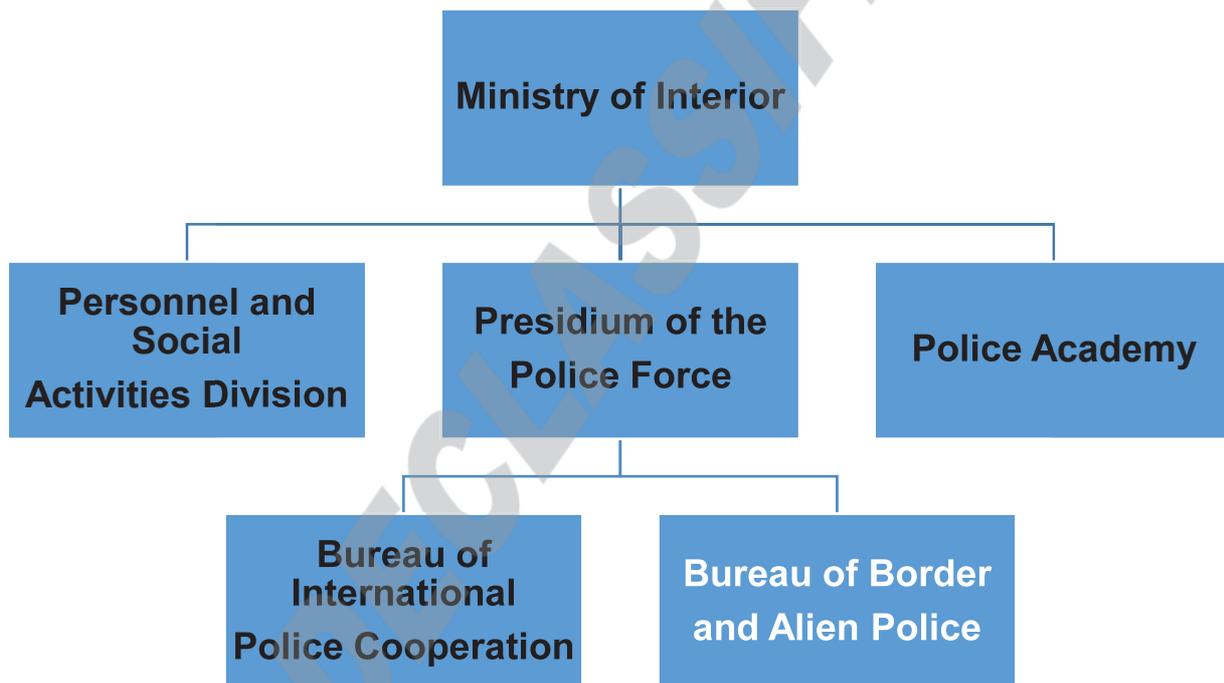
The Slovak Police Force

Slovakia has one national Police Force with more than 24,000 employees (of which approximately 21,000 are police officers) working at the national, regional, or local level.

The activities of the Police Force are governed by the Constitution of the Slovak Republic, and other generally binding legal regulations and international treaties that the Slovak Republic has been bound to.

The Police Force consists of the service of judicial police, the service of criminal police, the service of financial police, the service of uniform police (public order), the service of traffic police, the service of premises protection, the service of alien police, the service of border police, the service of special weapons and tactics, the service of public figures protection, and the service of inspection. The Minister for the Interior establishes and dissolves departments of the Police Force, departments of special services of the Police Force and investigation within the Police Force, and defines their role and duties. The Forensic Science Institute is also a part of the Police Force. Services, units, and laboratories of the Police Force are governed by the Police President. The President is answerable to the Minister for the execution of their role.

Organizational chart of the Slovak Police Force



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Presidium of the Police Force (*National Police Headquarters*)

At a national level, police tasks are performed by the Presidium and its subordinated organisational offices and units. The central supervisory authority of the Police forces is the Presidium which is a subordinated division of the Ministry of Interior. The central administrative authority of the police services belongs to the Personnel and Social Activities Division which is also under the authority of the Ministry of Interior. In this capacity the Presidium supervises the activities of 8 regional and 41 district Police Headquarters. The Head of Police, the Police President, is directly responsible to the Minister of Interior. The Head of Police is appointed by the Minister of Interior according to article 6 (3) of the Act No. 171/1993 Coll. on Police Forces.

Regional Police Headquarters

There are 8 regional Police Headquarters in Slovakia, responsible for coordinating and controlling the operation of the subordinate District Police units within the territory of a region. They are entitled, *inter alia*, to carry out covert operations and conduct investigations in their own cases and, when it is necessary, to support subordinate police units

District Police Headquarters

There are 41 District Police Headquarters in Slovakia, responsible for coordinating and controlling the operation within the territory of particular districts of the Slovak Republic.

Police Stations

There are 234 Police Stations subordinate to particular District Police Headquarters. They are in charge of maintaining public order and the investigation of cases carrying a penalty of 3 years.

Bureau of Border and Alien Police

The Bureau of Border and Alien Police assures the performance of police tasks along the state land border with the Republic of Poland, the Czech Republic, the Republic of Austria, the Republic of Hungary and the Ukraine and at the international airports (Bratislava, Poprad and Kosice) and international harbour in Bratislava (Danube river).

Main tasks of the Bureau of Border and Alien Police¹:

- surveillance of the regime of the state border, prevent cross-border criminal activity, perform cross-border pursuit etc.;
- administration of state border;
- border control on the border crossing points;

¹ Ordinance No. 117 of the Minister of Interior of 30 December 2005.

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- searching for persons and objects;
- protection of public order;
- reveal, clarify and process offences;
- fighting criminal activities.

Responsibilities of the Police force

- take an active part in protecting fundamental rights and freedoms, especially in protecting life and limb, safeguarding freedom and security of citizens and inviolability of their property;
- discover crimes and detect their perpetrators;
- take an active part in discovering tax evasion, unlawful financial transactions and money laundering;
- carry out investigations and summary investigation of crimes;
- fight against terrorism and organized crime;
- ensure the personal safety of the President of the Slovak Republic, the Chairman of the National Council of the Slovak Republic, the Prime Minister of the Government of the Slovak Republic, the Minister and other persons designated by the Government, and take an active part in a day-to-day protection of nuclear facilities;
- ensure the protection of diplomatic missions and other premises designated by the Government;
- carry out state border protection and checks upon observing the rules governing the stay of aliens;
- take an active part in maintaining public order; take measures to restore it after being breached;
- supervise road safety and highway traffic flow and take part in point-duty;
- discover administrative infractions, detect their perpetrators, and also clear up and hear them if stipulated so in a special act;
- carry out searches for persons and things;
- provide endangered and protected witnesses with protection and assistance;
- carry out forensic and expert opinion examinations;
- take an active part in providing civil aviation with protection

Police powers

Police powers as set forth by Act No. 171/1993 Coll. include:

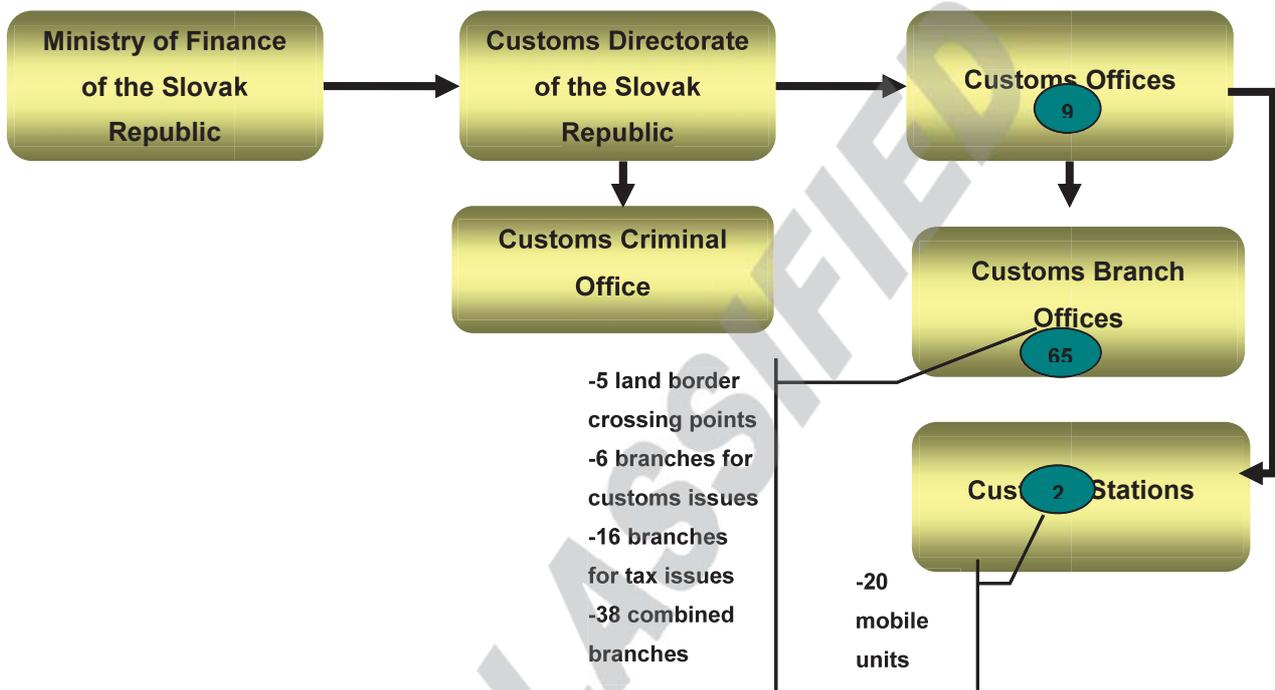
- carry out covert, investigative and administrative actions with the aim to identify, prevent and detect crimes and petty offences;
- to the extent provided by separate legislative provisions, Police also perform duties ordered by courts, prosecutors;
- police officers while performing official duties are obliged to respect human dignity and observe and protect human rights;
- in performance of its statutory tasks the Police may make use of personal data, including electronically recorded data, obtained in the course of covert operations and process such data in the meaning of the Act No. 171/1993 Coll., chapter IV.

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Police schools

There are 3 Police schools (*Bratislava, Kosice, Pezinok*) and a Police Academy located in Bratislava which is responsible for the development of professional knowledge and skills of staff. As far as further education is concerned the police schools are supplemented by selected specialized police force divisions providing training for special activities. The police force educational system is fully compatible with the educational system of the Slovak Republic which framework is defined by basic law.

Organizational chart of the Customs Administration



On 1 January 2005 a Customs Criminal Office was set up as an independent organizational part of the Slovak Customs Administration. According to the Code of Criminal Procedure, Act No. 301 of 2005, the Customs authorities were given the status of police authorities to deal with criminal offences carrying an imprisonment penalty up to three years. All other cases are handed over to the police investigators. The Customs Criminal Office Headquarters is located in Bratislava and the branch offices are situated in the following towns:

- Nitra,
- Trnava,
- Trenčín,
- Zilina,
- Banská Bystrica,
- Košice,
- Prešov

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The main tasks of the Customs Criminal Office are as follows:

- to fight against illicit import, export and transit of narcotic drugs and psychotropic substances, its precursors, protected plants, animals and exemplars, radioactive and other hazardous materials,
- to fight against the smuggling of goods liable to excise duties and other sensitive goods,
- to fight against customs and tax frauds,
- to detain persons participating in criminal activities in the above mentioned fields,
- the detection and investigation of customs crimes,
- to cooperate with other state authorities,
- to create and operate information systems including personal data.

Databases for law enforcement purposes

In the Slovak Republic, at present, there is no single, general police database which processes the queries of different law enforcement agencies. Access rights are granted by an information system controller based on written request approved by a superior.

The following data bases are available for law enforcement agencies:

- ENAP (illegal migration and facilitation);
- EDO (requests);
- EPOS (facilitators);
- KOP (coordination of operational work);
- REGOB (citizens registry);
- CDO (Slovak travel documents evidence);
- ECU (evidence on aliens with long term or temporary stay permission on the territory of the Slovak Republic);
- DSA (traffic administration agenda);
- IDC (evidence of identification cards);
- PATROS (evidence on search for wanted persons and found corpses identification);
- PATRMV (search for stolen motor vehicles, stolen or lost state evidence number and world database on stolen motor vehicles);
- CEMVO (central evidence on vehicles);
- NCTS (national central transit system);
- ASYCUDA (evidence of import and export operations);
- Declaration system (new evidence of import and export operations);
- SYSNED (evidence of excise duties taxes);
- TP (evidence of penal protocols);
- PP (violation of regulations evidence);
- MEASURES (evidence of measures taken on the State border);
- OIS (operative-informal fund of the Customs Criminal Office);
- ZIDO (database of operative information of Customs Criminal Office).

3.2 Structures for international cooperation

(Central authorities, decentralised structures, ad hoc arrangements)

Legal frameworks for international police cooperation

- EU Treaty of Accession
- Schengen Implementation Convention
- Europol Convention
- European Union Convention on mutual legal assistance in criminal matters (29.05.2000)
- Interpol Statute
- Bilateral agreements
- Act 171 of 1993 on the Police and amendments

Central Body

The Bureau of International Police Cooperation is the central body for coordinating international police cooperation. The central body encompasses the following units: SIRENE bureau, Europol and Interpol units, Schengen Office, International Police Cooperation unit and Police Liaison Officers and Police Missions Unit.

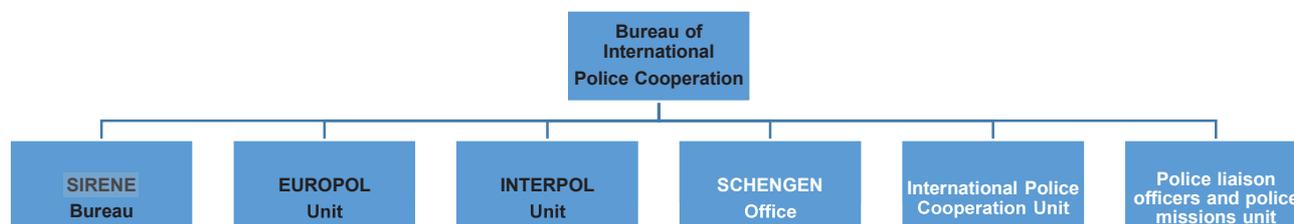
At present the Interpol unit (staffed with 29 Police officers) provides a 24/7 duty service also for international police cooperation issues pursuant to Articles 39 and 46.

It is planned that the SIRENE bureau, which will be operational as from June 2006, will act as the national single point of contact and coordinate international police cooperation carried out pursuant to Articles 39 and 46 of the Schengen Convention and other international agreements. The bureau has access to all relevant police databases. No professional interpreters are foreseen working with the SIRENE bureau.

The Bureau has access to all national police databases and to the Interpol and Europol telecommunication systems.

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Organizational chart of the Bureau of International Police Cooperation



The main tasks of the Bureau of International Police Cooperation are to:

- cooperate with all police units and the Slovak ministries;
- cooperate with international police forces, international police organizations, international organizations and organizations in the territory of other states;
- fulfil tasks of the Slovak police force abroad;
- prepare and discuss agreements on international cross-border cooperation

The main tasks of the Schengen Office are to:

- implement the Schengen Acquis in the Slovak Republic;
- prepare for the Schengen evaluation process;
- management of Schengen facility;
- participate in the relevant EU committees (*Sch-Eval WP, Schengen Acquis WP*);
- cooperate closely with the national SIRENE bureau

The main tasks of the SIRENE bureau are as follows:

- prepare the workstation for its operation in time for accession to the Schengen area
- prepare the creation and operation of the training centre for the SIRENE operators and SIS end users
- participate in preparation works for the National Interface of the Schengen information system
- participate in the preparation of national legislation and internal regulations in regard of SIS and SIRENE bureau
- participate in the relevant EU committees (*SIS/SIRENE WP, Schengen Acquis WP*)

3.3. Training and promotion

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

Description of the training curriculum:

The specialized training curriculum on the application of the provisions of the Schengen acquis for police officers is divided into 'qualification study' and 'advanced study' for future Police Officers. This type of study provides police officers with education and training at high school level. The content of the 'qualification study' provides basic instruction on European Union legislation and on the legislation relating to the basic Schengen acquis provisions. The content of 'advanced study' is focused on specialized topics, especially on Schengen catalogues and detailed study of Border and Aliens issues.

The specialized Schengen acquis themes are obligatory and regularly modified by the teachers each year based on the annually updated Schengen Action Plan and the related legislation in this field. The training curriculum is sequentially upgraded on the latest specialized Schengen acquis themes. All of the latest themes are collected at the Department of Education and Psychology of the Personnel and Social Services Section (Ministry of the Interior) and also at the Police Academy of Bratislava and both departments regularly incorporate latest themes to the study plan.

All relevant and necessary informative material is provided to all police officers as required by their duty. Training related to the contents of the Handbook for cross-border cooperation is being organized regularly. Border police officers are obliged to work according to the Handbook for cross-border cooperation provisions and to the Catalogue of best practices and recommendation during their shifts.

A Polish-Slovak Handbook on cross-border police cooperation is under preparation and will be available in the near future.

E-learning modules concerning the Schengen training are not yet implemented. The Schengen Handbook on Police Cooperation is not yet available on the intranet.

Comments and recommendations of the Evaluation Committee:

The appointment of the Bureau of International Police Cooperation (BIPC) as central body for the application of Schengen Convention and as national single point of contact for all international police cooperation channels is welcomed by the Evaluation Committee.

The "Schengen Action Plan" which states a general strategy and gives a clear time schedule for the implementation of the Schengen Acquis is recognised as good practise but should be regularly reviewed and updated.

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Although the Interpol Unit provides the 24/7 duty service also for Schengen police cooperation matters at the moment, special emphasis should be given to launch the SIRENE bureau as soon as possible and the Slovak authorities should start with the recruitment and training of the officers selected for working in this field. The Slovak Republic could also benefit from sending dedicated SIRENE officers to fully operational SIRENE bureaux in other Member States in order to gain practical experience before the implementation and application of Category 2 provisions in 2007. The Evaluation Committee is of the opinion that SIRENE officers could also be used as competent trainers for other police units in the country.

The Evaluation Committee was informed that at present there are only 5 officials at the Bureau of International Police Cooperation dedicated to the SIRENE Bureau and only two of these have received SIRENE operator training, which is considered as insufficient.

Whilst there is good foreign language capacity in the central body responsible for police cooperation the absence of professional interpreters might cause problems in the future and provoke delays in the response capability of the central authority.

In order to expand the scope of information exchange, and considering the fact that the Customs Administration recently gained status of a police authority when combating crimes carrying a penalty up to 3 years, the Customs authorities should also be represented in the Bureau of International Police Cooperation. All law enforcement agencies could benefit from this representation.

The Evaluation Committee recommends that Police and Customs Administration should work towards a common strategy for training in Schengen matters. The strategy should also include a follow-up training in order to secure its accuracy with a view to future changes in the legislation or best practise. The common training strategy could be further enhanced by a single handbook on Schengen cooperation, which is to serve all law enforcement agencies.

The Evaluation Committee recommends organizing joint exercises with the neighbouring countries in order to test mechanisms and set up strategies for joint cross-border operations.

Comments of Slovakia:

Two SIRENE bureau employees have already attended operator training in the Netherlands (2004), Italy (2005) and will be attending in Austria in June 2006.

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4. Operational cooperation

4.1 Mutual assistance (Article 39)

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

Within the framework of cross-border cooperation pursuant to Article 39 (1-3) of the Schengen Convention, Slovak national law allows police services to undertake 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 cooperation in the prevention and detection of offences, without the involvement of the judicial authorities.

The Slovak judicial authorities accept and execute requests for authorization according to Art 39 (2) in the framework of the national law and also on the basis of the requests for assistance sent by fax or e-mail, as provided for in the Executive Committee's decision {SCH/Com-ex (99) 18}, if there are no doubts that it is authentic, or in urgent cases. The original document of the request must be submitted within the specified time limit.

Evidence which has been gathered by police cannot be used in front of a court unless the prior explicit consent of the judicial authorities has been gained.

Judicial authorities only accept requests sent via judicial channels.

In an urgent case where the exchange of information pursuant to Article 39 (2) of the Schengen Convention is passed through a channel other than the International Police Cooperation Bureau (for instance via the Common Contact Point in Jarovce – Kittsee) no legal obligation exists to inform the central body.

The legal bases providing that the Slovak Police Force may co-operate with the police authorities of other states, with international police organizations etc. by exchanging of information, exchanging of liaison officers and by other forms, is provided by Article 77a of the Act of the National Council of the Slovak Republic, No 171/1933 Coll. on Police Force.

Joint contact points

Border and customs authorities of the Slovak Republic have competence at border crossing points to operate in common premises in four places. The establishment of a central managing task force within the premises of the Department of Border Police at Sobrance is under preparation. Mutual communication between police officers and customs officers undertaking surveillance of the 'green' border is provided by telecommunication means (telephone, fax, e-mail, etc.).

Border and customs authorities also operate at joint posts at the public airports of the Slovak Republic.

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4.2 Exchange of information (Article 46)

(Via central or other authorities; between concerned authorities)

The Slovak Police exchange information defined in Article 46 with other countries in accordance with the Act on the Police and international agreements binding on Slovakia. In the area of police cooperation these agreements are bilateral. However, there is no statistical data available concerning information exchange.

In urgent cases competent police services may exchange unsolicited information directly between the police units concerned, nevertheless the Slovak authorities couldn't provide the Evaluation Committee with a regulation which secures the notification of the central body without delay on the directly transmitted information.

4.3 Cross-border operations (Articles 40 and 41)

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

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

At present, cross-border surveillance and hot pursuit operations are only possible with Austria on the basis of a bilateral agreement.

In compliance with the Act No 171/1993 Coll. on Police, a police officer of another state may carry out the same authority and duties as the police officer of the Slovak Republic but only within the range and scope of an international treaty. Ordinance No. 25 of the President of the Police Forces of 16 December 2005 stipulates the performance of cross-border surveillance carried out by Slovak police officers.

In cases of deliberate crime an attempt to commit a crime is sufficient ground to take measures according Art. 40(1) and (2).²

Foreign police officers within Slovak territory have to follow Slovak legislation. They do not have the right to apprehend anyone.

At present the police officers of other Member States of the European *Union* (*with the exception of neighbouring countries*) may not carry a service weapon during their stay in the territory of the Slovak Republic – e.g. participation in a joint operation.

² Section 13, 14 of the Criminal Code.

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Slovak legislation allows the police officers of other countries to carry service weapons within the territory of the Slovak Republic only on the basis of an international agreement:

- agreement on facilitating border clearance – when performing border control at the border crossing point,
- agreement on police cooperation – when performing tasks according to such agreements, e.g. joint patrols for the surveillance of the green border,
- agreement on the regime and cooperation at the national border – border commissioners (with neighbouring countries except Austria) when performing tasks according to the agreement

Based on the agreement on police cooperation, the surveillance of the Slovak-Austrian and Slovak-Czech national border is secured by the deployment of mixed patrols. Such a system of surveillance of the national border with Ukraine is not envisaged in the future.

Mixed patrols are carried out in the framework of direct cooperation, based on bilateral agreements which are currently applied in the border areas with Austria, Poland and the Czech Republic.

The bilateral agreements with neighbouring countries presume the establishment of centres or stations with staff from both countries. One joint contact workplace has been set up at Jarovce – Kittsee highway border crossing - *in cooperation with Austria* – on the territory of the Slovak Republic. Border and customs authorities of the Slovak Republic have the competence at border crossing points to operate in common premises at four places.

In relation to the Czech Republic, the function of joint contact workplaces is carried out by means of direct communication between the operational centres (OC) of the North Moravian Region and the South Moravian Region (Czech territory) and the OC of the regions of Zilina, Trencin and Trnava (Slovak territory). This solution was accepted after an agreement with the Czech Republic due to the following reasons:

- there are no language barriers between the two countries and the Slovak and the Czech Police have similar structures;
- historically there exists a good relationship among the police authorities from both countries;
- apart from ad-hoc meetings, regular annual bilateral meetings for international police co-operation are held.

The Slovak authorities are of the opinion that, based on this consensus between the two countries, there is no need to create a new contact centre in the Czech-Slovak border area.

Similar to the Jarovce – Kittsee site there has been another common contact point at the border crossing at Vysny Komarnik – Barwinek (Slovakia – Poland) since 1st of January 2006.

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International police cooperation

➤ *Austria*

The agreement on police cooperation between Austria and the Slovak Republic entered into force on 1st July 2005. This agreement allows for diverting threats against public security and order, as well as prevention and detection of criminal offences (if this is not within the competence of judicial authorities). Written requests are usually sent directly and are handled by the national centres of contracting parties. The agreement consists of provisions on special types of police cooperation:

- cross-border surveillance;
- cross-border hot pursuit;
- use of agents for investigation of criminal offences;
- use of agents for diverting of serious criminal offences;
- common cross-border investigations;
- secondments of liaison officers;
- mixed border patrolling service on common state border;
- use of air and water means of transportation.

Common Contact Points may be established under the agreement to facilitate direct information exchange between the security authorities of contracting parties. Police officers at the site exchange analyse and submit information. They also provide subsidiary support on cross-border cooperation. Common Contact Points are not allowed to perform operational activity independently. Provisions of Chapter IV contain protections for personal data. These provisions regulate the handling of personal data contained in any information, how to update it and when the information has to be deleted. The agreement describes service uniforms, service weapons and means of communication. Police officers of contracting parties are allowed to wear their national police uniforms and carry their weapons in cases of emergency or for necessary defence within the territory of the other contracting party. In relation to this agreement the custom authorities have the same status as the above mentioned police authorities of both contracting parties.

➤ *Czech Republic*

The agreement on cooperation in the fight against criminal activities, protection of public order and protection of the state border between the Slovak Republic and the Czech Republic has already been signed. This agreement does not contain provisions on cross-border surveillance. The Agreement entered into force on 24 February 2005. On the basis of this Agreement the Contracting Parties established a reporting service for fighting illegal border crossing and trafficking in human beings.

➤ *Poland*

The agreement between the Slovak Republic and Poland on combating crime and cooperation in the border area was signed on 23 March 2004. The draft agreement does not provide for Schengen cooperation, however it covers fighting organized crime including the common use of technical equipment. The agreement provides the basis for joint vocational trainings, expert meetings and the exchange of information on best practice.

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➤ *Hungary*

The Agreement between the Republic of Hungary and the Slovak Republic on Cooperation in the Prevention of Trans-border Crime and Combating Organized Crime is to be signed in the near future. In the Agreement, the parties undertake to co-operate and assist each other in the prevention, detection and fight against organized crime, in particular, through the mutual exchange of information on data related to persons involved in organized crime. The agreement also provides for forms of police cooperation laid down in the Convention implementing the Schengen Agreement; in particular, cross-border surveillance, hot pursuit, the exchange of liaison officers etc. The parties also cooperate in witness protection and mixed patrolling service in the border areas shall also be included. The Agreement is expected to enter into force in 2007 the latest.

➤ *Ukraine*

The Slovak Republic has concluded the following agreements and Protocols with the Ukraine:

- Agreement on cooperation between the Ukrainian Ministry of Interior and the Slovak Ministry of Interior (signed on 14th October 1993).
- Protocol on cooperation between the Slovak National Drug Unit and the Ukrainian Administration in combating narcotics movement (signed in Uzgorod, Ukraine on 28th February 1997)
- Agreement between the Government of the Slovak Republic and the Ukrainian Cabinet of Ministers on cooperation in fight against organized crime (signed in Bratislava, on 5th December 2000).

Based on the above mentioned agreements, the Slovak Bureau for the fight against organized crime has established contacts with the Ukrainian Police units at a Regional level close to the Slovak – Ukrainian state border.

A Memorandum of Understanding between the Slovak and the Ukrainian Financial Intelligence Units (FIU) has been signed. The Memorandum contains provisions ensuring mutual cooperation on exchange of financial intelligence information concerning the legalization of financial means resulting from criminal activities (signed on 23rd November 2003).

The mutual cooperation covers the following areas:

- exchange of information on suspect firms and business people;
- police checks of suspect firms and their activities;
- identification of persons authorized to dispatch with accounts;
- enquiries of information necessarily needed for police check of legal activities of firms

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4.4 Additional cross-border provisions (Article 44)

(Current situation; planned communication structures)

The use of technical means utilised in the protection of the national border is regulated in particular by the Act No. 171 of 1993 Coll on Police Force as amended and by the Act 477 of 2003 Coll. on protection of the national border.

As regards communication equipment, within the meaning of Article 44 of the Schengen implementing Convention, the service of border police utilise the following channels in the section of the national border with Ukraine for the purpose of mutual communication:

- radio communication link,
- telephone lines,
- fax lines,
- e-mail.

The Slovak Police force has designated contact persons with Hungary and Austria. The contact persons communicate via mobile phones. In addition to mobile phones there is radio communication with the Czech police units. This radio communication will be terminated when the mass communication radio network becomes operational in both countries (compact radio network covers Police forces, Army forces, etc.).

The Ministry of Interior of the Slovak Republic has already implemented a radio communication system (SITNO / MATRA), which will also improve the quality of communication of the Slovak border authorities in local border areas with the Ukraine.

The Slovak radio communication system is not compatible with the system used in Austria.

4.5 Liaison officers

(In/from other Schengen States, cooperation in third countries)

Two Slovak liaison officers are seconded to the following Countries and organisations:

- The Netherlands
- Europol

Slovak Police Attachés are seconded to the following Countries:

- Austria (+ Slovenia)
- Czech Republic
- Hungary
- Poland
- Romania
- Russian Federation
- Serbia and Montenegro
(+ FYR of Macedonia)
- Ukraine

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The following countries have seconded liaison officers to Slovakia:

- France
- Germany³
- Austria
- Czech Republic
- Poland⁴
- Australia⁵
- Israel⁶
- Belgium
- Spain⁷
- Switzerland⁸
- United Kingdom⁹
- Romania¹⁰

In the course of 2006, Slovak Police Attachés are planned to be seconded to the following countries:

- Italy
- Bulgaria

In the course of 2007, Slovak Police Attaché is planned to be seconded to the following country:

- Croatia

There are draft agreements in preparation with Austria and the Czech Republic by which the institute of liaison officers shall be incorporated.

The liaison officer from Belgium deployed to Thailand (Bangkok) also represents the interests of Slovakia.

³ 2 liaison officers (police, migration).

⁴ At present the post is vacant.

⁵ Based in Vienna.

⁶ Based in Berlin.

⁷ Based in Budapest.

⁸ Based in Prague.

⁹ 2 liaison officers, based in Vienna (NCIS, Customs).

¹⁰ Based in Vienna .

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4.6 Statistics

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

No detailed statistics were presented by the Slovak authorities concerning the exchange of information pursuant to Articles 39 and 46. Only statistical data referring to information requests processed by the joint contact point Jarovce – Kittsee were presented during the onsite visit. No statistics on operations pursuant to Article 40 and 41 were available.

Comments and recommendations of the Evaluation Committee:

The introduction of mixed patrols based on bilateral agreements with neighbouring countries (Austria, Poland and the Czech Republic) is of great importance with regard to the enhancement of security in border zones and should also be extended to Hungary.

The effectiveness and efficiency of only one joint 4-hours-patrol, carried out on the motorways in the border region with Poland, dealing merely with traffic offences, is questionable. The experts are of the opinion that the frequency and duration of the joint patrols should be extended also, with a view towards combating cross-border criminal offences. A solution should be found allowing both officers (not only local ones) to carry their service weapons whilst performing mixed patrols, as the necessity of self defence can not be excluded.

The cooperation between the Police and Customs Administration leaves room for further improvement, as the customs administration is not represented in the “International Police Cooperation Bureau”, but was given the status of a police force in combating minor criminal offences. The Evaluation Committee finds it necessary to invite the Customs Administration to have a more active role in the international cross-border cooperation, e.g. by seconding customs liaison officers to the cooperation centres and the above mentioned Schengen central body.

The bilateral agreement between Slovakia and Poland has been signed on 23 March 2004 but the ratification by both sides is still pending. The agreement does not provide for cross-border hot pursuit.

The Evaluation Committee would like to encourage Slovakia to step up the ratification procedures for bilateral agreements including provisions on cross-border surveillance and hot pursuit that corresponds to the Schengen Implementing Convention. Considering that Slovakia also has a Schengen external border with Ukraine, the conclusion of bilateral agreements with this country is of great importance for the European Union as a whole. More focus should be given to the improvement of the effectiveness of checks and surveillance at the external borders.

Regarding the lack of interoperability of the radio communication systems of Slovakia, Austria, Poland and Hungary, Slovakia should find a technical solution for this problem together with the authorities of the quoted states, either by a change of the respective frequencies, with technical adoptions of the currently (and future) used devices or exchange of radio equipment.

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The Evaluation Committee recommends implementing recent extension¹¹ of Article 40 according to which a person other than the suspect, who can contribute to identify or track down the suspected perpetrator, can also be subject to ordinary surveillance.

The Evaluation Committee recommends that a legal basis is established for regulating the notification of the central body without delay about any directly transmitted information.

The Evaluation Committee is aware that the Slovak authorities are exchanging police information via various channels. However, they should develop reliable and comparable statistics, in order to be able to evaluate cross-border cooperation and compare the findings with that of other Member States. The Slovak Authorities may wish to consider the use of standardized templates which are available in the Police Cooperation Handbook. It is felt that the compiling of statistical figures would, at a strategic level, help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies.

Comments of Slovakia:

Foreign Police officers have the right to apprehend suspect persons within the Slovak territory according to Police cooperation bilateral agreements only in hot pursuit cases (Art. 8 of the Slovak – Austrian Agreement on Police cooperation and the Slovak – Czech Republic Agreement on Police cooperation).

According to the Section 113 of Act No. 301/2005 of Coll. Code of criminal procedure and Art 5 of Regulation of the Slovak minister of Interior No 56/2002 there is possibility in the Slovak Republic to track a person who is not suspected of committing concrete criminal offence but could help identify suspect offender or wanted person (§ 113 (1) of the Act No 301/2005 of Coll. Code of Criminal Procedure and Regulation of the Slovak minister of interior No. 56/2002 (§ 5). Using this tracking mode the Slovak Police have seized wanted persons as for instance polish citizen Marek Kolašinsky and an Italian citizen Ugo De Lucia and others.

Current analogue communication system allows direct connection between the Slovak and Czech specialized sites.

¹¹ 2003/725/JHA.

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5. Reports on individual sites visited / case studies

Police Cooperation Centre in Jarovce-Kittsee

The Evaluation Committee had the opportunity to visit the bilateral Police Cooperation Centre in Jarovce-Kittsee, where the Slovak Coordinator of the centre was given the opportunity to present the day-to-day management of the international police cooperation activities.

The Police Cooperation Centre was established in June 2003 at the Slovak-Austrian motorway border crossing on the territory of Slovakia.

Its legal base is formed by the:

- Agreement between the Slovak Republic and Austria on Police Cooperation (*signed on 13 February 2004, in force since 1 July 2005*);
- Agreement between the Slovak Republic and Austria on the Establishment of Common Contact Point on the Jarovce – Kittsee highway crossing on the state territory of the Slovak Republic (*in force since 1 June 2003*);
- The Slovak Minister of Interior Decree No. 117/2005 on Activity of the Border Control Divisions (Articles 16 and 35);
- Law No. 171/1933 Coll. on the Police Force in a valid version (Articles 77a – c).

The Police Cooperation Centre (*common contact workplace*) has provided a 24/7 duty service since 1 September 2004 as a result of the significant increase in requests received. The personnel of the common contact workplace are composed of 10 Austrian and 7 Slovak police officers.

The main tasks of the Police Cooperation Centre can be summarized as follows:

- establishment and maintenance of continuous contacts of the contracting parties' police bodies;
- acquisition and exchange of information related to the service activities of the contracting parties;
- rendering logistical assistance within common actions and common investigation teams acting in the border region;
- handover of foreigners based on a bilateral readmission agreement;
- the exchange of information.

The main police activities of the Centre are as follows:

- identification of owners of vehicles, vessels, airplanes and drivers
 - driver licence enquiries and enquiries on ship navigation certificates
 - tracing whereabouts and residence
 - identification of telecommunications subscribers
 - examination of authenticity of documents
 - cooperation within the scope of international investigations, tracking and pursuit
 - coordination of police activities related to international road transportation
 - cooperation in the field of international events and risk management

Both Slovakia and Austria have appointed a coordinator who is in charge of police cooperation.

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The Police Cooperation Centre is in charge of:

- running the checkpoint on the motorway border crossing operating as a “one stop control system”
- fulfilling the tasks of a joint contact point and dealing with information requests from Austria, Slovakia and other Member States
- carrying out mixed patrols along the state border with Austria on a daily basis according to the current schedules as follows:
 - ✓ 08.00 - 19.00: 2 joint patrols
 - ✓ 18.00 – 05.00: 4 joint patrols
 - ✓ 20.00 – 07.00: 2 joint patrols
 - ✓ 22.00 – 06.00: 2 joint patrols using service cars equipped with infrared techniques

On a daily basis 8 mixed patrols are carried out during the night time and 2 during the daytime, solely on the territory of Slovakia. Police officers deployed to the PCC must have a good command of German and Slovak languages.

At the common work place the officers on duty run their shifts in two neighbouring operational rooms (*one for the Slovak and one for the Austrian personnel*). The Customs Administration is not represented in the centre.

Requests for inquiries are received not only from both countries but also from police services of other Member States. For each request a written form has to be filled in. In urgent cases a request can be made by phone but has to be followed by a written request at the earliest possible time.

The requests are solely recorded on paper. Requests and answers are made only in the language(s) of the requesting/requested parties and have to be translated (e.g. Austria – also when representing other Member States – uses German and Slovakia uses Slovak).

Statistical data on requests processed in 2005:

Requesting state	No. of requests
Austria	931
Slovakia	226
Other Member States	353
Total No.	1511

More than one third of the total number of requests (571) was related to criminal investigation issues.

Police activities carried out at the motorway border crossing check point (2005):

Number of arrested persons	162
Arrests related to human trafficking	42
SIS hits on documents/persons	525

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Comments and recommendations of the Evaluation Committee:

Police Cooperation Centre Jarovce-Kittsee

The establishment of the Police Cooperation Centre with Austria (Jarovce–Kittsee) is a very good example of successful cross-border police cooperation of which not only the contracting parties but other Member States are the beneficiaries.

The introduction of a 24/7 duty service in order to cope with the increasing workload of requests can be regarded as good practise.

In the light of the good performance of the Police Cooperation Centre in Jarovce–Kittsee, as a successful way to enhance cross-border cooperation with neighbouring countries, Slovakia is encouraged to implement similar centres along its borders with Hungary and Poland.

The Evaluation Committee encourages the participation of the Slovak Customs Administration (which in certain cases has gained the status of a police authority) in the Police Cooperation Centre. This would provide for a permanent inter-agency structure, further enhancing cooperation and alignment with the recommendations and best practises of the Schengen Catalogue on Police Cooperation.

The introduction of a dense network of mixed patrols based on the bilateral agreement with Austria has to be recognised as a very important initiative to enhance security in border zones as it also improves cross-border cooperation.

The Evaluation Committee is of the opinion that the requests processed by the Police Cooperation Centre should also be registered electronically to ensure quick searches of the whole data collection.

Considering the number of requests deriving from Slovakia, special efforts should be undertaken to increase the awareness of the Slovak police and the use of the common work place in Jarovce-Kittsee as a platform for information exchange in day-to-day police work.

Comments of Slovakia:

There is no need to build the Police Cooperation Centre on the Czech – Slovak border. Communication is performed directly between the Operational Centres of neighbouring Slovak and Czech Regional Centres (there is no language barrier).

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6. General conclusions including recommendations and follow-up

The Evaluation Committee has gained a good overview of the current situation in Slovakia regarding international police cooperation. It has been shown that important parts of the tasks indicated in the National Action Plan for the implementation of the Schengen standards have already been achieved. The National Action Plan gives a clear time schedule for the implementation of the Schengen Acquis which should be revised and updated on a regular basis.

Close cross-border cooperation in particular at the common border with Austria, Poland and the Czech Republic is an integrated part of the day-to-day police work.

It is welcomed that the regional police headquarters have the possibility to conclude agreements with their counterparts in the neighbouring countries which is a positive aspect of efficient cross-border police cooperation.

There are a few areas that require further improvement:

In order to ensure that comprehensive analysis and relevant threat assessment are produced from the intelligence and information gathered the Slovakian authorities may consider the introduction of the European Criminal Intelligence Model (ECIM).

Slovakia should step up the ratification procedures for bilateral agreements especially with Poland and Hungary so that the application of the relevant provisions on cross-border surveillance and hot pursuit can be applied prior to the full implementation of the Schengen acquis. This would also provide the police authorities with practical experience in the application of Articles 40 and 41 prior to the full implementation of all provisions of the Schengen Convention, envisaged for the year 2007.

Further Police Cooperation Centres should be established on the example of the common contact workplace in Jarovce – Kittsee, for enhancing and encouraging cross-border cooperation between neighbouring countries.

The Evaluation Committee would like to encourage Slovakia to set up common work places with Police and Customs Administration in the border regions, in order to benefit from a wider range of information exchange.

The Evaluation Committee recommends accelerating the launch process of the SIRENE bureau and starting recruitment and training of personnel at the earliest possible.

Slovakia is encouraged to undertake measures needed to cover the major languages in the central body (Bureau of international Police Cooperation). In this context professional interpreters providing a translation service, working in the SIRENE bureau, for the most frequently used foreign languages should be foreseen.

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The Evaluation Committee had the impression that there is a discrepancy between the Police and the General Prosecutor's Service in interpreting the provisions on mutual assistance and cross-border operations (Articles 39, 40 and 41) and would like to encourage the authorities to settle these differences. With regard to the full application of the Schengen acquis clear legal regulations should be available to empower the President of the Police to authorize cross-border operations in urgent cases (leading into Slovakia) on which approval of the prosecutor would be sought later according to the Slovak legislation.

Concerning training on the provisions of the Schengen acquis the Evaluation Committee recommends joint training with the Police and the Customs Administration, where also a follow-up system should be an integrated part of the education. The Handbook on International Police Cooperation has to be brought to the attention of all members of the law enforcement bodies and should be available in the Slovak language.

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

Comments of Slovakia:

Establishing of further common contact points is conditional upon enlargement of contractual basis in particular agreements and implementation protocols, where both the interest on the side of the Slovak Republic and the willingness and effort of the other party to a contract are needed.

The Agreement on border dispatch in road, railway and water transport between the Slovak Republic and the Republic of Hungary is performed since 1st of May 2004 that allows establishing common sites in sense of art. 35 – 37 of the above mentioned agreement. There is a need to sign an implementing protocol between the Slovak and Hungarian Ministries of the Interior on particular cooperation forms at common sites.

There is no discrepancy in interpretation of mutual assistance and cross border operations provisions between the General Prosecution Office and the Police. Both authorities prefer the mode of cross border surveillance by request on judicial assistance. The reason for this solution is to use detected evidences in further criminal prosecution. Possibility of operative cross border surveillance is not jeopardized. Prosecutor's or judge's approval is needed only in the cases where surveillance results will be used as evidence in criminal procedure.

List of bilateral agreements

The scope of police cooperation is regulated by treaties and agreements listed below.

I) Agreements in force

A) EU Member States:

- Agreement between the Government of the Slovak Republic and of the **Republic of Latvia** on cooperation in combating terrorism, illicit drugs trafficking and other organized crime (*date of signature: 24 May 1999*) – *entry into force: 4 June 1999*;
- Agreement between the Government of the Slovak Republic and the **Government of the Kingdom of Spain** on cooperation in fighting organized crime (*date of signature: 3 March 1999*) - *entry into force: 23 March 2000*
- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Malta** on cooperation in fighting organized crime (*date of signature: 16 May 2000*) - *entry into force: 16 May 2001*;
- Agreement between the Government of the Slovak Republic and the **Government of Cyprus** on cooperation in combating organized crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances as well as other types of crimes (*date of signature: 26 February 2004*) – *entry into force: 24 November 2005*;
- Agreement between the Slovak Republic and the **Czech Republic** on cooperation in combating crime protecting public order and protecting state borders (*date of signature: 27 January 2004*) – *entry into force: 24 February 2005*;
- Agreement between the Slovak Republic and the **Republic of Austria** on police cooperation (*date of signature: 13 February 2005*) – *entry into force: 1 July 2005*;
- Agreement between the Slovak Republic and the **Republic of Hungary** on cooperation in prevention of cross-border crime and in fight against the organized crime (*date of signature: 28 June 1995*) – *entry into force: 14 February 1996*;
- Agreement between the Government of the Slovak Republic and the Government of the **Republic of Slovenia** on cooperation in fighting terrorism, illicit trafficking in narcotic drugs, psychotropic substances, precursors and organized crime (*date of signature: 14 September 1994*) – *entry into force: 21 June 1995*;
- Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the Federal **Republic of Germany** on cooperation in fight against organized crime (*date of signature: 8 February 1990*) – *entry into force: 26 October 1992*;
- Agreement between the Government of the Slovak Republic and the **Government of Kingdom of Belgium** on police cooperation (*date of signature: 29 June 2000*) – *entry into force: 1 October 2002*.

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B) Third countries:

- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Bulgaria** on police cooperation (*date of signature: 4 November 1999*) – entry into force: *1 September 2000*;
- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Croatia** on the cooperation in combating organized crime (*date of signature: 30 November 2000*) – entry into force: *4 June 2001*;
- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Belarus** on cooperation in fight against terrorism, illicit trafficking in narcotic drugs and organized crime (*date of signature: 14 November 2001*) – entry into force: *7 October 2003*;
- Agreement between the Government of the Slovak Republic and the **Government of Romania** on cooperation in combating organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, terrorism, as well as other serious crime (*date of signature: 16 October 2003*) – entry into force: *8 July 2004*.
- Agreement between the Government of the Slovak Republic and the **Government of the Arab Republic of Egypt** on cooperation in fighting crime (*date of signature: 20 January 2004*) – entry into force: *7 June 2005*;
- Agreement between the Government of the Slovak Republic and the **Government of Turkmenistan** on cooperation in fighting international terrorism, illegal trade with narcotics and other types of organized crime (*date of signature: 8 August 1996*) – entry into force: *19 February 2000*;
- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Turkey** on cooperation in fighting international terrorism, illicit trafficking in narcotic drugs and other organized crime (*date of signature: 6 June 1996*) – entry into force: *25 June 1997*;
- Agreement between the Government of the Slovak Republic and the **Cabinet of Ministers of the Ukraine** on cooperation in combating organized crime (*date of signature: 5 December 2000*) – entry into force: *18 July 2001*.

II) The following agreements were signed:

- Agreement between the Slovak Republic and the **Republic of Poland** on cooperation in combating crime and cooperation in the border area – *date of signature: 24 March*.

III) The following agreements are ready for signature:

- Agreement between the Government of the Slovak Republic and the **Government of Kazakhstan** on cooperation in combating organized crime, terrorism, illicit trafficking in narcotic drugs, psychotropic substances and their precursors as well as other types of crime.

IV) Draft agreements are being negotiated with the following countries:

- Agreement between the Government of the Slovak Republic and the **Council of Ministers of Bosnia and Herzegovina** on cooperation in fight against crime, in particular terrorism, illicit drugs trafficking and organized crime.

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V) **Draft agreements with the following countries are prepared before commencement of negotiations:**

- Agreement of the Government of the Slovak Republic and the **Government of the Republic of Montenegro** on cooperation in combating crime;
- Agreement of the Government of the Slovak Republic and the **Government of the Republic of Serbia** on cooperation in combating crime;
- Agreement between the Slovak Republic and the **Republic of Hungary** on cooperation in prevention of cross-border crime and in fighting organized crime.

VI) **Draft agreements are prepared for negotiation with the following countries:**

- Agreement between the Government of the Slovak Republic and the Government of the **Republic of Lithuania** on cooperation in combating crime;
- Agreement between the Government of the Slovak Republic and the Government of the **Republic of Uzbekistan** on cooperation in combating crime;
- Agreement of the Government of the Slovak Republic and the Council of Ministers of the **Republic of Albania** on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and their precursors, illegal migration and other crimes;
- Agreement between the Government of the Slovak Republic and the **Government of the Republic of Macedonia** on cooperation in combating crime.