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SCH-EVAL 83
ENFOPOL 91
COMIX 445

DECLASSIFICATION

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

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

RESTREINT UE



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NOTE

from : Czech Republic
to : Schengen Evaluation Working Party

No. prev. doc. : 8394/06 SCHEVAL 60 ENFOPOL 68 COMIX 362 RESTREINT

Subject : Schengen evaluation of the new Member States
- Replies from the Czech Republic to the additional question of the Belgian delegation to the draft report on the police cooperation

Following the discussion on draft Report on the Schengen Police Cooperation evaluation of the Czech Republic (doc. 8394/06 SCHEVAL 60 ENFOPOL 68 COMIX 362 RESTREINT) at the SCH-EVAL Working Party meeting on 21 April 2006 and the question of the Belgian delegation related to the use of service weapons in cross-border operations, the delegation of the Czech Republic hereby provides the following comment:

Use of service weapons by officers during cross-border operations is regulated by respective bilateral agreements of the Czech Republic and neighbouring states. According to these agreements, officers of both contractual parties are bound by the legal system of the host country. Bilateral agreements provide for the use of service weapons in necessary defence. In addition, these agreements i.a. allow refusing the use of these weapons in a particular case. Should the use of service weapons raise difficulties, this provision enables to limit their use.

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This legal regulation is in full accordance both with the Second Amendment to the European Convention on Mutual Assistance in Criminal Matters and the Schengen Convention of which none requires notification on type and number of weapons imported to the territory of the other contracting state in the course of cross-border operations.

According to the Czech legal system, the weapon may be used only in necessary defence (and thus not under conditions of “permitted use of the weapon”). Czech legal system does not determine type of weapon used for defence, but the adequacy of such defence including means used.

Czech authorities are being informed about the fact whether foreign police officers carry their service weapons in the territory of the Czech Republic via standard form with regard to requests for mutual legal assistance related to cross-border surveillance of the Schengen Handbook on cross-border police cooperation. The update of this handbook has been currently under discussion in the Council WP on Police Cooperation.

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