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THE EUROPEAN UNION**

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REPORT

from : Police Cooperation Evaluation Committee
to: Schengen Evaluation Working Party
Subject : Schengen evaluation of the new Member States
LATVIA: Report on Police Cooperation (October 2006)

The current draft is based on the replies of **Latvia** to the questionnaire and includes the results 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 Latvian authorities on 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 there to the Council.

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), expert teams visited Dobeles, Riga and Valka where experts of Latvia presented police cooperation in their country.

Participants:

- Olli KOLSTELA (FIN) leading expert
- Reinhard MULLER (D)
- Rolf-Ake PETTERSSON (S)
- Mona MARTINSEN (NO)
- Leon LUDOVICY (LUX)
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- Sarka HAVRANKOVA (CZ)
- Preben JUEL (DK)
- Sergio ZECCHINI (COM)
- Dimitrios GALATOULAS (CS)

The Evaluation Committee visited the following sites:

- Dobeles Regional Police Department
- International Cooperation Department of the Central Criminal Police (Riga)
- Valka Regional Police Department

2. MANAGEMENT SUMMARY

The evaluation took place on three sites (Dobeles, Riga and Valka) in order to show the various types of bilateral and multilateral cooperation with the neighbouring countries. For Latvia the evaluation is therefore based on presentations by the International Cooperation Department of the Central Criminal Police on police cooperation from a management point of view, and on site visits to Dobeles Regional Police Department and to Valka Regional Police Department regarding cooperation between Latvian authorities and the authorities of the neighbouring countries (Lithuania and Estonia).

Experts from the International Cooperation Department of the Central Criminal Police were present during the whole evaluation and were able to provide any information requested.

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The report is therefore based mainly on the replies to the questionnaire and includes information given during the presentation and during the visit. As the information given by the local authorities was very extensive, the Evaluation Committee did get a very good basis to make its assessment'.

The Latvian Law Enforcement Authorities have established a very well structured coordination mechanism under the Ministry of the Interior in preparation to enter to the Schengen area, which should be seen as best practice.

The Latvian authorities have adopted a multi agency approach to all international police cooperation issues including Schengen art 39 and 46, which ensures their cooperation and effectiveness, and having one Front Desk for all the information is very positive and can be considered as best practice.

The Evaluation Committee recognises the efforts of the Latvian government to conclude and ratify bilateral agreements on cross-border police cooperation with the neighbouring countries Lithuania and Estonia and also joint exercises between the contracting countries pending ratification of these agreements.

The Evaluation Committee welcomes the planning for setting up Police Common Communication Centres (PCCC) with Lithuania and Estonia, which will enhance the level of police cooperation between the countries concerned, especially in the border area.

The Evaluation Committee has made a number of detailed recommendations throughout this report, but the main recommendations concern the exchange of information and the development of a common intelligence-led policy approach.

3. LAW ENFORCEMENT AND POLICE ORGANISATION

3.1. National law enforcement structures

Police in the Republic of Latvia is an armed state or local government authority, whose duty is to protect life, health, rights and freedoms of persons, property and the interests of society and the state from criminal and other illegal threats.

The main tasks of the police are:

- to guarantee the safety of persons and society;
- to prevent commission of criminal offences and other violations of law;
- to investigate crimes and search for persons, who have committed criminal offences;
- to provide assistance, in accordance with procedure prescribed by the legislation, to persons, institutions, undertakings and organizations in the protection of their rights and the carrying out of tasks prescribed by the legislation;
- to search for missing persons;
- to implement, within the scope of its competence, administrative sanctions and criminal sentences.

There are 9661 police officers in the State Police of Latvia

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In the Republic of Latvia police functions are performed by the State Police, the Security police, the Financial police board, the Customs criminal board and the State border guard.

The Security police are responsible for the fight against terrorism. The Security police deal with counter-intelligence and operative measures, in order to fight against crimes against humanity, war crimes, genocide and other crimes, which threatens state security.

Officials of the Financial police board and the Customs criminal board have (investigative power) and the right, in accordance with procedure prescribed by the legislation, to take operative measures, in order to detect and prevent crimes in the field of state revenue and in order to investigate criminal cases related to crimes in the field of the national economy. They investigate fully their cases like the police and under the instructions of the public prosecutor. At the moment the Custom Criminal Board and Police have different data bases.

The Customs Criminal Board has also a National Contact Point with 7 officers who work 24/7 since January 2006. The Customs Service is controlling not only at the borders but also inside the country through its mobile units.

The State border guard has investigation authorities. In accordance with procedure and time-limits prescribed by the legislation, it has the right to apprehend persons suspected of commission of a criminal offence, investigation of which lies within the competence of the State border guard. The State border guard also has the right to apprehend persons who have attempted to transfer or who have transferred through the state border items whose import or export from the Republic of Latvia is prohibited by the legislation of the Republic of Latvia, to apprehend persons, who have attempted to smuggle or who have smuggled goods or other items without customs control, as well as to apprehend searched persons, vehicles and persons in these vehicles.

The State Police, the Security police and the Financial police board each within their competence perform their duties in the whole territory of the Republic of Latvia. The Customs criminal board performs its duties in the border crossing points, where the customs control points are located. The State border guard performs its duties on the state border.

The State Police, the Security police and the State border guard are authorities under the supervision of the Minister of the Interior. The Financial police board and the Customs criminal board are authorities of the State Revenue Service, which is subordinated to the Ministry of Finance.

The State Police

The structure of the State Police consists of central staff of the State Police and divisions subordinated to it:

1. Public order police – the task of the order maintenance police is to guarantee public order, to fight against crime and to guard specific facilities.
2. Criminal police – the tasks of the Criminal police are to prevent and detect crimes, to search for persons who are hiding from investigation, prosecution, justice or punishment imposed and to search for missing persons.

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Competence of the central staff of the State Police and the divisions subordinated to it

The central staff of the State Police deals with administrative, financial and technical issues in order to effectively ensure the functioning of central and regional units of the State Police. It co-ordinates and controls the functioning of the order police and the criminal police and provides necessary assistance to the territorial units of the State Police.

The boards and divisions of the order police and criminal police:

1. administrate police work in correspondent city, region, area of operation of railway transport, air transport and water transport; co-ordinate operation of police services and departments in the prevention and detection of crimes, as well as in ensuring the public security;
2. administrate the detection, prevention of crimes, the search for offenders and missing persons;
3. within their area of operation, co-ordinate the work of the order police, criminal police and local government police, as well as co-ordinate cooperation **with** local governments, undertakings, institutions, organizations and population.

Multi agency approach

At the moment the State Police is not present at Border guard stations. However it is planned that they will participate in the future Common Centre with Lithuania, which is expected to be operational in 2007.

The Latvian authorities plan to create in the future Common Border Contact Points (Police Common Communication Centres), where Police, Border guard and Customs will work together. Consideration is also being given to having migration officers on the premises as well. They are planning to increase staff numbers (3 times approximately) to cover future needs. Additionally cooperation will be completed with Joint Patrolling Units near the border area.

POLICE DATA BASE

The State Police use the internal database, which contains intelligence data and which can be used by every regional unit of the State Police for carrying out official duties in the whole territory of the state. Information from this database can be used also by other law enforcement authorities, e.g. the Security police, the State Border Guard and Customs.

The information system of the State Police "Electronic Journal of Events", where every offence (criminal offences and administrative violations) committed in the territory of the whole state, and other cases within the competence of the State Police (detection of bodies, detection of explosive items etc.) are recorded in on-line mode, is available to the following authorities:

1. Service for military intelligence and security of the Ministry of Defense;
2. the Ministry of the Interior;
3. the Chief Inspectorate of the Ministry of the Interior;
4. the Latvian Prison Administration;
5. the Information Centre of the Ministry of the Interior;
6. the Corruption Prevention and Combating Bureau;
7. the Prosecutor's Office;

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8. the Financial Intelligence Unit;
9. the State Border Guard;
10. the Constitution Protection Bureau;
11. the Financial police board of the State Revenue Service;
12. the Customs criminal board of the State Revenue Service.

An integrated information system is currently under implementation and several national information systems are already integrated. The integrated information system will be fully operational by the end of 2006. Currently police forces in the territory of the whole state use the following information systems (IS), which are mainly computerized and may be used in the on-line mode:

- IS "Search for persons";
- IS "Register for invalid documents";
- IS "Register for dismissed criminal cases";
- IS "Searched vehicles";
- IS "Contingent";
- IS "Belongings";
- IS "Register for guns";
- IS "Register for criminal offences";
- IS "Register for passwords";
- IS "Filter";
- IS "Electronic journal of events";
- IS "Photo archive";
- IS "Persons who have committed crimes";
- IS "Register for samples of documents".

These information systems are established and managed by the Information Centre of the Ministry of the Interior.

Preparation for entering SCHENGEN

In order to be prepared properly for the application of the Schengen Convention Latvia has established a coordination mechanism, composed of:

- The Schengen Coordination Council (chaired by the Minister of the Interior)
- The Schengen Monitoring Council (chaired by the Under Secretary of State of the Ministry of the Interior)
- The State Police Schengen preparation Task Force, reporting to the Chief of State Police.
- 44 coordinating police officers nationwide.

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3.2. Structure for international cooperation (central authorities, decentralised structures, ad hoc arrangements)

The International Cooperation Department under the Central Criminal Police Department is responsible for International Police Cooperation in Latvia.

In October 2005 the State Police was designated as the central authority for the application of Articles 39 and 46 of the Schengen Convention. The State Police has since delegated this task to the International Cooperation Department (ICD) of the Central Criminal Police Department (Central Authority).

It consists of:

- **Europol National Bureau**

Established in 2003 and it has been operational since January 2004. It currently has 9 police officers. The number is expected to be increased in the near future.

- **Sirene Latvian Bureau**

It was set up in May 2003. Latvian authorities are still at the Project Team stage, since they do not participate yet in the SIS. According to this Project the staff will be extended to 17 officers, training is going to be provided in Schengen issues and languages (at least English and also one other language), while there will be also cooperation with Schengen states in order to get their experience.

- **Interpol National Bureau**

Established in 1992, it has the following duties:

- Ensures cooperation of Latvian LEA (local enforcement authorities) with central bureaus of other countries and the General Secretariat
- Organises exchange of information in fields of judicial practice, legislation, educational and methodical literature on police work, experience with other countries.
- Participation in the task force on Organised Crime in the Baltic Sea Region.

- **International Judicial and Operational Cooperation Unit**

This Unit has the following main tasks:

- initial and additional checks conducted by case officers
- if needed, organising and coordinating fulfillment of requests within the competent LEAs
- methodical and practical assistance to subdivisions of the State Police and other competent LEA

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- Front Desk (Communication Centre 24/7)

Front desk is the link between the International Cooperation Department and the three national bureaus and the International Judicial and Operational Cooperation Unit. The front desk has also a direct link with the Liaison Officer Unit.

The Front desk is operating continuously (24/7) and among its duties is also the application of Article 40 and 41 of the Schengen Convention. Especially it ensures the coordination of the authorities involved in cases of prevention and investigation of cross border crimes, including police cooperation in the framework of Schengen Convention (e.g. Articles 40,41).

- Liaison Officers Unit

Liaison Officers Unit has to do with the two liaison officers of Latvia who are detached to Moscow and Europol (The Hague), while one more is expected to be detached to the UK (funds have been allocated , negotiations on office location remain).

Among its duties is:

- to establish and maintain contacts with agencies responsible for coordination of international cooperation in the field of public security and justice
- to provide cooperation partners and international organisations with police information, according to its competence.

The International Cooperation Department is going to be situated in a new building by the end of 2007, before implementation of the SIS II.

3.3. Training and promotion

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

The programme for students of the Latvian Police Academy includes general issues on international cooperation, including issues of the Schengen Convention. The training programme is planned to be extended by involving the specialized study institutions of other services, e.g. Border Guard College, Customs School, Police School, in order to ensure adequate training of police officers and officers from other law enforcement authorities.

The Police School of the State Police concluded a Cooperation Agreement with the Klaipeda Police School of the Ministry of the Interior of the Republic of Lithuania on 2 June, 2005, which *inter alia* includes provisions on elaboration of new training programmes covering:

- issues on human rights and police ethics;
- Schengen and the European legislation;
- Police Cooperation Handbook;
- International bilateral agreements;
- Identification of authentic and false travel and identity documents;
- The Dublin convention;
- The Schengen Information System;
- Operation of Europol;
- Legal assistance.

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The Police School of the State Police has elaborated the training course “Introduction to International Police Cooperation”, as well as the training course “International Police Cooperation (User Level)”. The aim is to organise training for all certified officers of the State Police in accordance with the study schedule, approved by the Chief of the State Police. This training was finished in May 2006 (the number of trainees (6129) represents 63% of the total number of the police officers). The training programme is included in the programme of the Police School. During training the police officers are introduced to current forms of international police cooperation (Interpol, Europol, the Schengen Convention), as well as to general principles of the Schengen Information System and the SIRENE bureau. The training course is renewed constantly and supplemented by the latest information on initiatives on international police cooperation.

Training of Border Guard officers on the Schengen acquis consists of a three-day course which includes topics about the Schengen Agreement, Sirene basic principles, VIS, biometry and cross border cooperation. The course was given on 7-9 December 2005 by experienced experts from Finland, the United Kingdom, the Latvian SIRENE bureau, the Ministry of the Interior, the Office of Citizenship and Migration Affairs, the Moil Information center, the Police Academy of Latvia, the State Police's Police School and the State Border Guard. After the course all trained officers worked as instructors for other officers of the State Border Guard at local level. By the end of 2006 approximately 97% of border guard officers will have been trained on the Schengen acquis issues.

It is planned to increase the staff of the SIRENE bureau in 2006 and to train them from the resources of the Schengen Facility.

Within the framework of the Schengen Facility 77 groups of 670 police officers will be trained during the training period March 2006- March 2007 in English. Within the same framework 548 State Border Guard officers have already been trained in English (120 of them abroad), 6 in German, 5 in French and 5 in Spanish.

Latvian police officers are also trained in the languages of the neighbouring countries (Lithuania and Estonia) and in Russian as well.

There have been also programmers for training in Schengen issues of the personnel of other agencies like the Border guard and the Custom Service and also judges and prosecutors. The training of the Border guard and the Customs is quite limited in comparison with the training provided to police officers and it is focused on the issues of their responsibility in the application of the Schengen Convention.

On 24-25 of May 2006 there was a special seminar regarding the use of the SIS in criminal procedure and operational work. 23 judges and 23 prosecutors participated.

On 29-30 of June 2006 there was a simulation exercise between the Latvian (police, border guard and customs) and the Lithuanian authorities (police, border guard) on cross border surveillance and on 15-16 August on hot pursuit together with the relevant Estonian services. On 12-13 October another joint exercise will take place on hot pursuit together with the relevant Lithuanian services.

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Instructions, administrative provisions, etc. in regard to implementation of the Schengen acquis.

Each service of the Ministry of Interior is responsible for the implementation of the Schengen acquis in its respective area.

The monitoring and coordination of the implementation of the whole process of the Schengen acquis in Latvia is carried out at three levels: inter-ministerial (governmental), ministerial (institutional) and level of single service.

1. In order to contribute to the accession to the Schengen Convention and to ensure the implementation of the Schengen acquis, the Co-ordination Council for Schengen Issues was established (Order of the Prime Minister No.333 of 9 August, 2005) with the Minister of the Interior at its head. This Council deals with inter-ministerial issues, the most important of which is also the training of employees from ministries and services on issues related to the implementation of the Schengen Convention.
2. The Schengen Monitoring Council of the Ministry of the Interior was established by the Order No. 545 of 10 June, 2005 by the Minister of the Interior. This Council is headed by the Deputy State Secretary of the Ministry of the Interior and ensures timely elaboration of the documents related to the implementation of the provisions of the Schengen Convention, as well as the co-ordination of work of services of the Ministry of the Interior in this field.
3. In order to ensure the implementation in Latvia of the provisions regarding police cooperation and border management mentioned in the Schengen Convention:
 - a working group was established by the Order of the State Police on 5 August, 2005;
 - The Schengen Service was established within the State Border Guard on 2 July 2005.

Basic documents in the field of the Schengen issues:

1. **Indicative Action Plan for the Implementation of the Requirements of the Schengen Acquis**, approved by the Cabinet of Ministers, which inter alia defines the training measures to be enforced with indication of time limits for the implementation of these measures. The Ministry of the Interior reports to the Cabinet of Ministers once a month on the implementation of this Indicative Action Plan.
2. **Action Plan elaborated by the State Police for the implementation of the Indicative Action Plan**, approved by the Chief of State Police, which includes the elaboration of training programmes and implementation of these programmes in the Police School and training of officers in whole state. The Action Plan of the State Police is renewed and supplemented constantly. The State Police reports at least once a month on the implementation of this Action Plan.
3. The Cabinet of Ministers approved on 8 January, 2004 the **Programme for Establishment of the N.SIS Technical Unit and the SIRENE Bureau for 2003-2007**, which envisages the basic tasks of the SIRENE bureau and the financial resources necessary for the establishment of the SIRENE bureau. Training is also one of the basic components of this Programme.
4. **The Plan for Establishment of the SIRENE Latvia bureau** was approved by the Order No. 1060 of the Chief of the State Police of 9 September 2005. This Plan envisages concrete tasks to be implemented, including issues related to training.

In addition a range of guidance notes and manuals will be prepared, setting out the overall guidelines for the control work to be carried out by the officers at Latvia's external and internal borders, as well as inside Latvia.

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Mechanism for updating these rules

The Indicative Action Plan for Implementation of the Requirements of the Schengen Acquis is renewed by the responsible department in the Ministry of the Interior. Other documents are renewed constantly and when necessary, including the Programme for Establishment of the N.SIS Technical Unit and the SIRENE Bureau for 2003-2007, approved on 8 January 2004 by the Cabinet of Ministers.

Training curriculum and method to brief police officers on the Handbook on Cross-Border Police Cooperation.

By Instruction No. 20/13010 of 15 August 2005 by the Chief of the State Police, all the departments of the State Police were introduced to this Handbook and the task was given to take into account these documents in daily work.

The Action Plan elaborated by the State Police for the implementation of the Indicative Action Plan approved by the Cabinet of Ministers in the police field envisages extended training of all employees of the State Police on international police cooperation (including Schengen issues, which include also the Handbook on Police Cross-border Cooperation). The training was given in May 2006 in whole state.

The Handbook on Police Cross-border Cooperation is on the Intranet of the State Police and is therefore available to all police employees. The State Police Intranet contains information on the Schengen Convention, amendments to it, the Handbook on Police Cooperation (National information lists, lists on contacts, liaison officers) and the Schengen Catalogue (Police Cooperation). By Instruction No. 20/13010 of 15 August 2005 by the Chief of the State Police, all the departments of the State Police were introduced to this Handbook and the task was given to take into account these documents in daily work.

All Schengen related documents are available also in Latvian language.

The Schengen Handbook is available on the Intranet of the State Police <http://intranet.vp.gov.lv> and on paper for all units of State Police.

The relevant updates of the Handbook were sent by Latvia to the Council SG on 23 March, 2005.

Other information channels to inform Schengen States of relevant rules for future cross-border cooperation and information exchange.

Mostly the exchange of such information is organized through the Ministry of the Interior. Nevertheless there are direct contacts between relevant units, which allows the prompt and effective solution of different issues.

Regular (at least twice a year) meetings of chiefs of police and other units are held in accordance with the Protocol on Cooperation between the Police of the Republic of Latvia, the Police of the Republic of Estonia and the Police of the Republic of Lithuania from 10 January, 2000. The Protocol envisages also the regular meetings of regional police units at the border areas. Such meetings are held at least twice a year or more.

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Comments and recommendations of the Evaluation Committee:

The structure established for the preparation to enter Schengen (coordination mechanism) is really a very good idea, which should be seen as best practice.

The Evaluation Committee has noticed that the Ministry of Interior is very active and present in these processes.

The multi agency approach (police, customs, border guard) they showed during their presentation is impressive. However, when the customs are involved the police will not have access to their intelligence information (different data bases).

Custom officers were present and had the possibility to inform the Evaluation Committee on their structure and investigative authorities.

Mobile Units of Customs and investigative teams all over the country is positive.

The contact point for customs (24h) is another positive initiative. However the number of personnel for a 24-hour shift has to be re-examined.

Training of 63% of the Police personnel is sufficient. Customs training on Schengen issues starts in (October 2006) in the Police establishments. The Evaluation Committee recommends Latvia to speed up in this regard bearing in mind the importance of the Schengen provisions on customs that they will have to apply.

Training of judges and prosecutors is carried out by the police. This is another positive point that has to be mentioned.

The Evaluation Committee is in favor of existing multi linguistic approach (many languages), considering that this can be a useful tool in the framework of international police cooperation, as it provides with the advantage of flexibility in communications.

Front desk for all information (including Schengen art 39 and 46) is definitely positive (best practice) and the multi agency approach to all issues ensures cooperation and effectiveness. The SIRENE office is already set up with 9 officers (21 when fully operational). Training is continuing.

The fact that the border guards and the police use the same radio communication system facilitates their cooperation and has to be mentioned. However, customs do not participate in the telecommunication system; all the others do. The customs service is expected to join in one year.

Police and Customs Cooperation Centres (PCCC) with Lithuania and Estonia, are currently being organised on the premises of State Border Guard. State Police has decided to participate in these PCCC, while Customs are invited to participate. It is considered a positive initiative. The Evaluation Committee is of the opinion that these PCCC will enhance the level of police cooperation between the countries concerned, especially at the border areas.

The Evaluation Committee encourages the participation of all relevant agencies

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Comments of Latvia:

No comments

4. OPERATIONAL COOPERATION

4.1. Mutual assistance (Article 39)

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

Latvia has a joint Communication Centre with Interpol/Sirene/Europol and a front desk to handle all incoming requests concerning Article 39.

By the decision of the Cabinet of Ministers the State Police has been designated as a central authority within the meaning of Article 39 of the Schengen Convention. By the Order of 27 October 2005 of the State Police, the International Cooperation Board of the Central Criminal Police Department was designated as a central authority within the meaning of Article 39 of the Schengen Convention. This board has been designated to act as a central authority within the meaning of Article 46. This board has access to all data bases.

The central authority has direct or indirect access to databases of other competent authorities.

Within the framework of cross-border cooperation pursuant to Article 39(1-3) of the Schengen Convention and in accordance with national legislation (Law on the Police), police services are authorised to take, without the involvement of the judicial authorities, the measures listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for police cooperation in the prevention and detection of offences. The police may provide information on the results of expertise already carried out, but the police are not entitled to carry out expertise or evaluate evidence without a request for legal assistance.

In accordance with the Law on Police the State Police are authorized to receive and to forward all the information that is relevant to Article 39 of Schengen Convention to other Member States, by using direct cooperation channels between competent units, as well as by using information exchange channels of Interpol and Europol:

Additionally the State Police can exchange the following categories of information:

- On asylum seekers;
- On convicted persons (criminal records);
- On merchants;
- On real estate;
- On data regarding border crossing by third country nationals;
- On incomes of natural or legal persons;
- On visas;
- On invalid documents.

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Procedure used to forward the requests to the competent judicial authorities if the police authorities are not competent to deal with them (pursuant to Article 39(1), sentence 2)

In accordance with the Law on Police the State Police is authorized to forward such requests to the competent authorities, e.g. the Customs, the Financial Police, the State Border Guard etc. If a request for legal assistance is necessary for the implementation of the request received, the requesting authority is informed that it is necessary to prepare a request for legal assistance. The requests for legal assistance may be forwarded to the Ministry of Justice, the General Prosecutor's Office and the Ministry of the Interior (Pretrial Investigation Department of the Central Criminal Police Department of the State Police). In urgent cases the information exchange channels of Interpol may be used in accordance with the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union from 29 May, 2000 (Paragraph 4 of Article 6) and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Paragraph 7 of Article 4).

Conditions under which the judicial authorities accept and execute requests for legal assistance forwarded in this way.

If the central authority within the meaning of Article 39 of the Schengen Convention receives such request for legal assistance, it forwards it to the competent judicial authority (the Pretrial Investigation Department of the Central Criminal Police Department of the State Police). If the police unit of the Member State making the request for legal assistance asks for authorization to use the information received as evidence in court, such requests may also be evaluated by the State Police.

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

Information obtained from non-Schengen countries through police channels cannot be used as an evidence without prior consent of the sending State. In order to be able to do that, the request for legal assistance addressed to the competent authorities is necessary.

When receiving the data from other countries, the State Police has an obligation to act in accordance with the provisions on use of data set by the sending state.

According to the national legislation the national central authority (the International Cooperation Board of the Main Criminal Police Board of the State Police) is informed in an urgent case when the direct channel pursuant to Article 39(3), sentence 2 of the Schengen Convention is used.

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4.2. Exchange of information (Article 46)

(via central or other authorities; between concerned authorities)

Information exchange regarding public order is executed by direct cooperation between the relevant units of the State Police and the relevant units of other countries. Special attention is paid to information exchange regarding public order between police services of Latvia and Estonia and Latvia and Lithuania, especially at border areas.

Sport Events Co-ordination Groups established within the Public Security Board of the Central Public Order Police Department of the State Police may be mentioned as an example of such cooperation. These groups act also as a football information point and co-operate with other like units of Member States of the European Union and third countries in the prevention of crime.

From November 2004 till May 2005 cooperation measures were taken, as well as information exchange, with the Austrian Ministry of the Interior, and the Police were responsible for security measures and anticipating behaviour of fans during the World Ice-Hockey Championships, which took place in 2005 from 30 April till 15 May.

Constant information exchange with colleagues from other countries was carried out regarding security measures during qualifying matches for the World Cup involving the national team (Portugal, the Netherlands, Estonia, Lichtenstein, Slovakia, Russia, Germany).

On an everyday basis, cross border police cooperation is organised by regional police authorities on both borders (Estonia, Lithuania) and the respective neighbouring police units are informed about possible threats to public order or possible criminal offences, thus having the possibility to prevent the offences.

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 not yet binding, for Latvia and therefore not yet applicable due to the arrangements of the Treaty on Accession. Therefore, the Evaluation Committee could only assess the capacity of the Latvian authorities to implement these Articles in due time, based on existing legal provisions and practice on cross-border surveillance and hot pursuit undertaken pursuant to existing bilateral agreements.

According to relevant recent agreements signed on 7 June 2006 with the other two Baltic States (Lithuania and Estonia) Latvia has the possibility of engaging in cross-border surveillance and hot pursuit with those two neighbouring countries (after these agreements entered into force).

RESTREINT UE

Cross border surveillance

The State Police is the competent authority for cross border surveillance with Lithuania, while in the case of Estonia Border Guards and Customs can also participate.

The general principles on which cross border surveillance can be conducted are the following:

- Prohibition of entry into private homes and places not accessible to the public and also Prohibition of use of service weapons except in cases of threat to person's life
- In urgent cases the Central authority must be notified immediately.
- After surveillance the officers shall report and assist, including in future judicial proceedings

Furthermore the basic principles for surveillance in Latvia are the following:

- surveillance can be done by the foreign service without transfer to Latvian counterparts if the requesting party is able to carry out the operation itself
- if surveillance arrives by air or sea, it is proposed to the foreign authority to transfer the surveillance to a Latvian team
- No restrictions as regards the special surveillance equipment
- No restrictions for carrying personal arms, which can be used only for self defence
- Surveillance cannot be used for controlled delivery
- Restrictions possible in case of overlapping with national investigation interests

In accordance with criminal law, an attempt to commit the crime mentioned in Article 40 of the Schengen Convention is a conscious act (failure to act), which is sufficient ground for surveillance.

Latvian authorities presented step by step detailed examples of possible cross border surveillance, showing in this way that they have the appropriate planning to do it also in practice.

Latvia had the possibility to exercise cross-border surveillance with the Lithuanian authorities on a joint training exercise (29-30 of June 2006 at Joniski-Dobele).

Hot pursuit

State Police and Border Guards are the competent Latvian authorities for hot pursuit cases with Lithuania.

In the case of Estonia Latvian Customs are also competent for hot pursuit.

The general principles for conducting hot pursuit are:

- Prohibition of entry into private homes and places not accessible to the public and also Prohibition of use of service weapons except in cases of threat to a person's life
- Officers easily identifiable as officials
- The person being pursued shall be detained by the 'host officers'
- The central authority must be notified immediately

Latvian authorities presented step by step detailed examples of possible hot pursuit, showing in this way that they have the appropriate planning to do it also in practice.

A joint training exercise on hot pursuit between the relevant authorities of Latvia and Estonia took place on 15-16 August 2006.

RESTREINT UE

Carrying of service weapons by the police officials of Schengen States, who conduct cross-border surveillance in Latvia for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention.

It will be established in accordance with national legislation that for the implementation of Articles 40 and 41 officers of law enforcement authorities from other countries will be able to carry guns. It is planned that information on the type and number of service weapons will be sent simultaneously with the request for authorization to implement Articles 40 or 41 of the Schengen Convention.

Mixed patrols in the border area within the framework of direct cooperation

Initially it was planned to start mixed patrols of police officers at border areas on the day of accession to the Schengen area and withdrawal of the internal borders.

After signing the letter of intent between the two countries (Latvia and Lithuania) in August 2006, joint patrols are expected to start in September 2006.

At present the necessary documents are being drawn up and will regulate the status of officers, their rights and obligations.

Rights of foreign officers on Latvian territory.

Police officers from other countries can operate within the framework of criminal procedure in accordance with Chapter 75 of the Criminal Procedural Law, which regulates the operation of joint investigation teams. This Law envisages that a member of joint investigation team who is a representative from other country may take independently procedural measures entrusted by the head of the joint investigation team.

Such officer has no right to apprehend persons.

Border language knowledge of officers participating in joint missions .

Officers participating in joint patrols are required to have a basic knowledge of the language which he/she will need to communicate with officers of the neighbouring country.

Police and customs cooperation centres or joint police stations.

Common centres for cooperation of the State Border Guard, the State Police and the Customs are being established. Initially it is planned to have one such cooperation centre on the border with Lithuania and one on the border with Estonia. After evaluation of the effectiveness of these centres, the decision will be made as to whether it is useful to establish other centres.

RESTREINT UE

Relations between such joint centres and the central Schengen body.

Cooperation between such centres and the central authority within the meaning of Article 39 and 46 of the Schengen Convention is carried out on the basis of requirements of the Schengen Convention, i.e. the central authority is informed of every information exchange carried out by cooperation centres. The central authority co-ordinates the work of these centres.

Other forms of cooperation (waterways, sea, air, etc)

The draft Agreement on Cross-border Cooperation of Law Enforcement Authorities contains provisions regarding cooperation in the air, at sea, on waterways, etc.

Cooperation between authorized border representatives on the borders of Latvia and Lithuania and of Latvia and Estonia envisages facilitation of cooperation also on the sea border, including investigation of border incidents occurring at sea.

Taking into account the fight against illegal immigration and cross-border crimes, as well as developing information exchange, law enforcement authorities actively participate in the following international events:

Border control conference of states of the Baltic sea

Cooperation is implemented by the heads of border guard services from 11 countries, including third countries. Cooperation envisages regular exchange of reports regarding the situation in the field of illegal immigration, carrying out of joint operations, common training, as well as participation in special operations and information exchange. Within the conference framework different measures are taken, including joint operations at sea or on land by involvement of police and customs authorities.

Baltic Ministers' Council

Cooperation is implemented by the border guard services of Latvia, Lithuania and Estonia by organizing activities at the level of heads of services and experts, as well as by carrying out joint operative measures.

Task Force on organised crime in the Baltic Sea Region

Cooperation is implemented by authorized representatives from border guard, police and customs authorities of 11 countries. Working groups are established to fight cross-border crime and coordinate forces.

Within the framework of cooperation, exchange and analysis of operative information is carried out and on the basis of that respective intelligence operations are carried out, including for the fight against illegal immigration by sea and on land.

RESTREINT UE

4.4. Additional cross-border provisions (Article 44) (current situation; planned communication structures)

**Measures regarding the use of technical means in cross-border surveillance.
(E.g. what kind of direct links will be used to facilitate cooperation and communication within the meaning of Article 44).**

SHORT TERM MEASURES

In the short term Latvia is planning for purposes of cross-border surveillance and hot pursuit at border areas to use technical means, which facilitate the cooperation of police, border guard, customs and other authorities concerned:

- telephone lines, radio connection lines;
- exchange of lists of telephone subscribers;
- exchange with facilities;
- liaison officers, who are equipped with the appropriate radio communication facilities;
- common contact points, which are used by police, border guard and customs units working at the border area.

LONG TERM MEASURES

In the long term Latvia is planning to use the existing network of radio communication of the Ministry of the Interior SmartZone ASTRO (APCO-25) with voice encryption and integrated data transmission, which is in accordance with technical, operative and tactical requirements of Schengen. It is planned to establish at the border area communication facilities which are in accordance with the following requirements :

- the individual call and direct regime are ensured for police officers in areas of both border areas;
- the individual call, group call and direct regime are ensured for police officers and headquarters in areas of both border areas;
- the individual call, group call and direct regime are ensured for headquarters in areas of both border areas;
- coded interface of voice connection is ensured for special operations.

Initiatives taken or planned to be taken, pursuant to Article 44 (1) and the options set out in Article 44 (2) to ensure cross-border interoperability of radio telecommunication systems.

At the moment Latvia has an APCO 25 telecommunication system under the responsibility of the Ministry of Interior.

A significant number of services are mentioned as users of this system (State Police, State Border Guard, Coast Guard Service, State Fire Fighting and Rescue Service, Security Police, Military Police, Municipal Police, Ambulance etc). The Customs Service is not among the users. According to the Latvian side this is due to the lack of proper Customs Service equipment and very soon there are also going to become users of this system.

RESTREINT UE

The APCO 25 telecommunication system that Latvia has is not compatible with those of Lithuania and Estonia. Consequently in cases of cross border surveillance and hot pursuit there will be no common telecommunication system and communication of the police officers of the two countries has to take place by other means (e.g. mobile phones).

After conclusion of bilateral agreements between Latvia and Lithuania and between Latvia and Estonia on Cross-border Cooperation of Law Enforcement Authorities, the bilateral agreements on technical solutions regarding the use of communication facilities will be concluded.

4.5. Liaison officers

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

Latvia has the normative basis for secondment of liaison officers within the meaning of Article 47 of the Schengen Convention and Latvia is ready to use opportunities provided for in Article 47 of the Schengen Convention.

Within the framework of cooperation of this type, an Inspector from Economic Police Board of the State Police worked in the United States as part of an FBI International Task Force combatting child pornography on the Internet from 3 October 2004 until 2 April 2005.

In 2006 Latvia has seconded a police liaison officer to Moscow and the police liaison officer in the UK will start his duties in 2007.

On 13 November 1998 the agreement on joint use of Liaison Officers between the Ministry of Interior of the Republic of Latvia, the Ministry of Interior of the Republic of Estonia and the Ministry of Interior of the Republic of Lithuania was signed. The seconded liaison officer represents the interests of all three Baltic States in the country of secondment.

The agreement foresees that seconded liaison officers ensure practical cooperation and facilitate the exchange of best practices, intelligence and analytical data.

The Strategy on Integrated Management of the State Border, which is approved by the Government, and the Border Guard Law have provisions on secondment of liaison officers in foreign countries.

Three foreign Liaison Officers have been posted to Latvia from (Germany, France and Sweden-Customs LO).

There are also a number of Liaison Officers posted in other countries who also cover Latvia. They are from:

- Sweden, posted in Lithuania
- Spain, posted in Lithuania
- 2 USA, posted in Estonia (FBI attaché) and Germany (Department of Homeland Security)
- Netherlands, posted in Poland
- Belgium, posted in Poland
- Australia, posted in Netherlands

RESTREINT UE

4.6. Statistics

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

Taking into account the fact that the central authority within the meaning of Article 46 was designated only at the end of 2005, there are no statistical data yet.

During their presentations Latvian officers mentioned that in practice they do exchange information like those of Article 46, but they do not keep statistics, as they do it on a different basis and the other country does not mention that this is a procedure according to Article 39 or 46.

The registration forms mentioned in Article 45 are checked if an officer of the State Police has the necessity to receive the information within the framework of a concrete operative or criminal case. The State Police use these registration forms for identifying the place of residence of the person, who is victim in an accident. These forms are used also in cases related to search for missing persons. Nevertheless no official record of these cases is kept.

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee is of the opinion, that the Latvian authorities should develop reliable and comparable statistics on Articles 39 and 46, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics 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. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

Due to the fact that bilateral agreements are not in force, the Latvian authorities do not apply yet in practice surveillance and hot pursuit, according to Articles 40 and 41 of the Schengen Convention. However training exercises have already taken place with the Lithuanian and Estonian authorities.

The APCO 25 telecommunication system used by the Latvian police is not compatible with TETRA and this may be a problem in cooperation with Lithuania and Estonia.

The authorities mentioned that they have found a solution to this end at the Latvian-Estonian borders. The Evaluation Committee recommends that the authorities should do their best to find a similar solution to be applied at the Latvian-Lithuanian border.

Concerning Liaison Officers, if needed Latvia is encouraged to make use of other countries' Liaison officers by applying the provision laid down in the "Council decision on common use of Liaison officer" ref. 2003-170 JHA of 27. Feb. 2003.

RESTREINT UE

Comments of Latvia:

Concerning the 1st recommendation, although Latvian authorities at the moment do not have statistics relevant to Articles 39 and 46 of the Schengen Convention, international police cooperation statistics are gathered and analysed by the Criminal Police and the other law enforcement agencies. This information is a basis for further threat assessment and priority setting. The statistical information is gathered on the basis of the information exchange channels and countries of cooperation. This allows not only to analyse the level of crime trends, the level of cooperation, but also the effectiveness of the information exchange channels.

Finally, to provide cross-border communication for Police Cooperation based on TETRA and APCO-25 standards, in particular, TETRA in Estonia and APCO-25 in Latvia and prospective TETRA/TETRAPOL in Lithuania, a technical solution similar to the ARA project will be applied (10384/06 ENFOPOL 118 COMIX 533). The interconnection between the APCO-25 and TETRA/TETRAPOL networks can be achieved by creating interfaces downstream of the modulation and the interoperability in communication groups can satisfy the requirement for cross-border communications.

5. REPORTS ON INDIVIDUAL SITES VISITED/CASE STUDIES

DOBELE REGIONAL POLICE DEPARTMENT (SOUTH LATVIA)

The Evaluation Committee visited Dobeles Regional Police Department, where besides the presentations on the law enforcement agencies of Latvia, it also received information on the organisation and the police cooperation of this police department, which is at the border area of Latvia with Lithuania.

Dobeles region has a territory of 1630 km², where 38819 inhabitants live. Under the responsibility of the Dobeles Police Department there are 5 motorways and a railway. There are also two border control points Zagare and Vitini in the region.

There are direct contacts with the Lithuanian Police and also cooperation and exchange of mutual aid requests with assistance from the central institutions (Article 39) in general procedures and emergency situations also.

In specific cases, either country may send information which may be important in helping it combat future crime and prevent offences against public order (Article 46)

The local officers presented to the Evaluation Committee the cooperation Handbook they have issued for the cooperation with Lithuania.

Concerning language skills, almost all the personnel have a sufficient knowledge of Russian, 32% can communicate in English and only 5% speak Lithuanian.

At the premises of Dobeles Regional Police Department; the Latvians made their main presentation concerning police structure etc (look at the programme).

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VALKA POLICE DEPARTMENT (NORTH LATVIA)

The Evaluation Committee visited the Valka Police Department in North East Latvia. The Valka Police Department is on the Latvian side of the town Valga-Valka. This town is divided into two parts by the border line between Latvia and Estonia.

Valka district covers an area of 2440 km², where 32930 inhabitants live.

In this area there are two main international motor ways (A2 and A3) and one railway line.

The border with Estonia runs for 83,6 km. There are four crossing points (3 of them in the city).

The city of Valga-Valka has a population of 22.500 (on both sides).

Concerning crime statistics, 60-65% of the crimes take place in the border area, while the situation changed and there was a big increase in crimes after the entry of both countries to the EU.

Valka police officers cooperate internally with customs and border guards and also at international level keeping the central authority informed at all times.

Cooperation with Estonia takes place directly with the Valga District Police Office.

The ways of cooperation are:

- Simplified criminal procedure
- Sharing of information and intelligence between police leading staff
- Joint planning, training and exchange of best practice
- Personal contacts
- Joint patrols (start on December 2006 after the relevant agreement of the MOI of the two countries)
- Creation of a Common Communication Channel. At the moment they use mobile phones. Existing radio communications system of the two countries are not compatible at the moment.

Comments and recommendations of the Evaluation Committee

Latvian authorities have to proceed beyond existing regulations and to consider a more wide thinking of police cooperation with the neighbouring countries. For example they do not have to meet only when they have events. They need to apply closer police cooperation and by doing this they will have a better chance of solving common problems.

The Evaluation Committee has formed the opinion that Latvian authorities can collaborate with their neighbours in urgency cases (accept patrols in the territory etc), but they can do it also in other cases.

The Evaluation Committee would be in favour of a common police station in the area of Valka-Valga. As it is in real terms one town that belongs to two counties (Latvia-Estonia) the establishment of a common police station with the presence of police officers of both countries could be very helpful in applying real police cooperation between the two countries.

At the level of close cooperation and information exchange in the borders region, the Evaluation Committee's assessment was positive.

RESTREINT UE

The Evaluation Committee notices that Latvia is planning to start joint patrols with Estonia in December 2006 and considers that this could be done much earlier.

The Evaluation Committee had the possibility to verify also at local level that communication channels are not compatible with those of the neighbouring countries.

Comments of Latvia :

No comments

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6. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW UP

The Evaluation Committee has gained a comprehensive picture of the current situation in Latvia regarding international police cooperation. It is obvious, that most of the preparatory work for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures, whereas the practical execution of cross-border activities according to Articles 40 and 41 of the Schengen Convention, is still hampered by the lack of bilateral agreements in force with the neighbouring countries and due to the arrangements of the Treaty on Accession.

Latvia has established a well-structured coordination mechanism under the Ministry of Interior for the preparation for entry into the Schengen area. Furthermore they follow a systematic multi agency approach, which increases the effectiveness in terms of international police cooperation.

Latvia has set up and designated the International Cooperation Department (under the Central Criminal Police Department) as a single point of contact for international police cooperation, including Schengen art 39 and 46 requests/information. All units involved in international police cooperation operate through the Front Desk (Communication Centre 24/7). This guarantees effective and efficient cooperation and should be seen as best practice.

Police Common Communication Centres (PCCC) with Lithuania and Estonia, which are to be set up, is a positive initiative. The Evaluation Committee is of the opinion that these PCCC will enhance the level of police cooperation between the countries concerned, especially at the border areas.

Bilateral agreements with Lithuania and Estonia include some provisions for surveillance and hot pursuit, but they are still pending ratification. The Evaluation Committee is of the opinion that if the contracting parties apply these agreements before the abolition of the internal borders control they have only to gain from the experience of the meantime. Therefore the Committee encourages Latvia to take initiatives in this direction.

In this respect joint patrols and other forms of cross-border cooperation should be prioritised (Article 39 par 4).

There are a few other areas that require further improvement:

Although training in Schengen issues in general terms looks sufficient, attention has to be paid to some specific aspects so that comprehensive training will be provided to all law enforcement authorities involved. The Evaluation Committee recommends that the training of customs officers be speeded up bearing in mind the importance of the Schengen provisions on customs that they will have to apply. Furthermore it is also recommended that more training in English and other languages used in international police cooperation should be provided.

The telecommunications system of the Latvian Authorities is not compatible with TETRA and this may cause a problem in police cooperation activities with Lithuania and Estonia. Therefore the Latvian authorities have to look as soon as possible for the right technical solution.

RESTREINT UE

The Evaluation Committee is of the opinion that the Latvian authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics 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. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

English training courses should be a priority bearing in mind the international framework for cooperation under Schengen.

Comments of Latvia

Latvia considers that bilateral agreements with Lithuania and Estonia include definite provisions in line with the Schengen acquis and recommendations on best practice for surveillance and hot pursuit. Although the practical application of Articles 40 and 41 of the Schengen Convention is impossible before the abolition of border control on the borders with Lithuania and Estonia, Latvia is ready to apply these provisions as soon as the Decision on the abolition of border control is taken.

Almost all police officers (including regional police) have a good command of Russian that serves as a common language for everyday cooperation between Latvian, Lithuanian and Estonian police services. Although we recognise that the English language skills should be improved it should be mentioned that 670 police officers in all regions currently receive English language training (special courses with police terminology).

List of bilateral agreements

1) Arrangements concluded in matters of police cooperation in general

With Schengen and non-Schengen States (including arrangements or declarations referred to in Article 40(6), 41(9), 41(10) of the Convention)

Latvia has concluded the list of agreements and prepared the list of draft agreements with Schengen, other EU Member States and third countries in police cooperation matters (complete list of agreements see in the Annex IV).

CONTENT OF AGREEMENTS

Agreements can be divided into several types, based on the content thereof:

1. **Agreements on Cooperation between the Ministries of the Interior** – these are agreements of general content, stating that the contracting parties shall co-operate within the competence of Ministry of the Interior, in particular, on issues related to police, border guard, fire fighting and migration. On the basis of these agreements the services of the Ministry of the Interior may conclude additional agreements on cooperation with respective services of other countries;
2. **Agreements between the Ministries of the Interior on Cooperation in the Fight Against Organized Crime** – this kind of agreements were concluded mainly at the beginning of 1990. These agreements contain provisions regarding areas of cooperation and protection of classified information.
3. **Agreements on Police Cooperation (or on Cooperation in the Fight Against Crime, Organized Crime and Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors)** – this kind of agreements contain provisions regarding procedures for information exchange, mainly concentrating on issues related to fight against terrorism and organized crime, including fight against illicit trafficking in narcotic drugs, psychotropic substances and precursors, they also contain provisions on the competent authority for sending and receiving requests on information exchange, on procedures for covering expenses related to implementation of agreements, on protection of personal data, on protection of classified information, on establishment of joint commission, its competence etc.
4. **Agreements on Protection of Witnesses and Victims** – this kind of agreements contain provisions on procedure, how the respective police authorities co-operate in the field of protection of witnesses and victims. Agreements may contain provisions on border crossing procedure, if there is a necessity to move witnesses to another country.

Latvia has drawn up and negotiations have started on a draft Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on Cross-border Cooperation between Law Enforcement Authorities.

RESTREINT UE

During bilateral consultations with Lithuania, an agreement was reached to re-launch negotiations and, on the basis of the Lithuanian – Polish Draft Agreement on cooperation in combating organised crime and other crimes and joint action in the border region, to prepare the same kind of agreement between Latvia and Lithuania.

The draft Agreements contain provisions on:

- central authority within the meaning of Article 39 of the Schengen Convention;
- procedure of information exchange within the meaning of Article 39 of the Schengen Convention, including the spheres where the information exchange will take place. The recommendations of the European Union and interests of both countries are taken into account;
- cooperation at operative and investigation level, entitling the authorities of both countries to invite the officials from authorities of other country to take part in operative measures, to establish joint investigation teams and joint patrols;
- cooperation during mass events, if one of the countries does not have enough resources to maintain order during mass events;
- possibility to establish contact points. A contact point is a place in the territory of one party, where in one building (room) officials of authorities of parties perform their official duties within the scope of their competence, thus facilitating the cooperation and information exchange;
- cooperation in cross-border surveillance, containing provisions on what kind of officials are entitled to take part in cross-border surveillance (in Latvia – officials from all law enforcement authorities), provisions that requests are submitted to the central authority (in Latvia – the State Police), provisions on rights of officials of law enforcement authorities to take certain measures to stop commission of criminal offence etc;
- cooperation in hot pursuit, containing provisions on what kind of officials are entitled to take part in hot pursuit (in Latvia – officials from all law enforcement authorities), provisions entitling officials to act in the territory of the other country without any restrictions as to time and space with the right to apprehend person concerned. Central authorities of parties (in Latvia – the State Police) are informed on hot pursuit;
- protection of classified information and personal data;
- procedure how to cover expenses etc.

2) Arrangements with Schengen or non Schengen States concluded, or in preparation or under study in matters of police cooperation in border zones referred to in the provisions of Article 39(4) of the Convention (see also Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998).

Latvia has drawn up and negotiations have started on a draft Agreement between the Government of the Republic of Latvia and the Government of the Republic of **Estonia** on Cross-border Cooperation between Law Enforcement Authorities.

During bilateral consultations with Lithuania, an agreement was reached to re-launch the negotiations and, on the basis of Lithuanian – Polish Draft Agreement on cooperation in combating organised crime and other crimes and joint action in the border region, to prepare the same kind of agreement between Latvia and Lithuania.

RESTREINT UE

The draft Agreements contain provisions entitling law enforcement authorities to conclude additional agreements on cooperation within different fields, including cooperation in border areas, e.g. joint patrols and operation of contact points.

At present cooperation between police authorities of the neighbouring countries in the border area is based on the Cooperation Protocol of 10 November 2000.

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