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Subject : Schengen police cooperation handbook

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**NATIONAL FACT SHEETS (updates should be sent to [pcwp@consilium.europa.eu](mailto:pcwp@consilium.europa.eu))**

## NATIONAL FACT SHEETS

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# BELGIUM

## BELGIUM

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### 1. [SURVEILLANCE](#)

#### **List of agents:**

Members of the federal police, members of the local police, customs officials for illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste.

#### **Contact details of the central authority:**

DGS/DSO/Permanence  
rue des 4 Bras 13  
1000 Brussels  
tel 32 2 508 70 56  
fax 32 2 58 76 50  
permipc.ap@mibz.fgov.be

### 2. [PURSUIT](#)

#### **List of Belgian agents authorised to exercise the power of pursuit**

Members of the federal police, members of the local police, customs officials for illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste.

#### **Restrictions on the power of pursuit in Belgium**

##### (a) At the common border with France:

- *offences which may entail exercise of the power of pursuit*  
Apart from the case where the person has escaped, the power of pursuit may be exercised in Belgium continuing from France if the person has been caught in the act of committing or participating in one of the offences mentioned in Article 41(4)(a) of the Schengen Convention.
- *there are no restrictions on the duration and territorial scope of the pursuit*
- *the agents do not have the power to stop and question*

##### (b) At the common border with Germany:

- *offences which may entail exercise of the power of pursuit*  
Only a person who has escaped or been caught in the act of committing an extraditable offence may be pursued (Art. 41(4)(b))
- *there are no restrictions on the duration and territorial scope of the pursuit*

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- *the pursuing agents have the right to stop and question during the first 1/2h after crossing the border*
- (c) At the common border with Luxembourg and the Netherlands  
As regards the right to stop and question, the competent agents exercise the power of pursuit on public thoroughfares and areas within the geographical limits and for the offences referred to in Art. 27 of the Benelux Treaty on Extradition and Judicial Assistance in Criminal Matters of 27.6.62 as amended by the Protocol of 11.5.74.
  - *pursuit may be carried out for all extraditable offences max. penalty of at least 6 months)*
  - *there are no restrictions on the duration and territorial scope of the pursuit*
  - *the pursuing agents have the right to stop and question within a 10 km radius of the border*

## Restrictions on exercising the power of pursuit in Belgium

In cases of cross-border pursuit where the police officers of the neighbouring states do not have the power of arrest, a distinction must be made between the following two situations:

- The pursued person has not committed an offence on Belgian territory: the pursuing police officers do not have the power of arrest.
- The pursued person has committed an offence on Belgian territory: in the same way that every citizen has the right to arrest an offender, the neighbouring states' officers have the power of arrest provided that national law prescribes arrest for the offence in question.  
Art. 1(3) of the Law of 20.7.90 on pre-trial detention states as follows: Anyone who observes a person committing a minor or major offence shall report this immediately to a police officer. The (detention) period of 24h laid down shall be calculated from the time the minor or major offence is reported.

## 3. DEFINITIONS

**Service weapons:** The standard issue of weapons for a police officer is a handgun, a short truncheon and a spray with a small quantity of tear gas or another means of putting an attacker out of action. These weapons are always carried. Teams of officials may be issued weapons jointly if it could not be foreseen that the border was to be crossed, but may not be carried on the person nor used. (Long firearms, submachine guns, grenades, spray with large quantities of tear gas or another means of putting an attacker out of action.)

**Self-defence:** Legitimate (self) defence is defined by Arts. 416 and 417 of the Criminal Code. For an individual to be deemed as acting in legitimate (self) defence, and therefore not criminally punishable for homicide, the following conditions must all be met:

Attack on a person (Art. 416):

1. defence must be in proportion to an attack on the bodily integrity of a person,
2. counter attack must be dictated by the necessity of defence at that moment,
3. an unjustified attack on bodily integrity

Attack on property (Art. 417):

1. prevent a person from climbing or breaking in over fences, walls or through entrances to a residence or its outbuildings,
2. at night,
3. unless it is established that an attack on a person could thereby be prevented.

# BELGIUM

**Home:** The inviolability of the home is guaranteed by Art. 10 of the Constitution and sanctioned by Art. 148 of the Penal Code. This concept is not legally defined but must be understood as a dwelling and in the more general sense as "any place not accessible to the public".

## 4. SPECIFIC NATIONAL MEASURES

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

<b>Operational contact points</b>	<b>tel</b>	<b>tel outside office hrs</b>	<b>fax</b>
Antwerpen, Korte Vlierstr. 6-8	3232.241-257	-211	-258
Arlon, R. de Neufchâteau 132	3263.2142-14	-10	-17
Brugge, Zandstraat 148	3250.4576-33	-90	-34
Dinant, R. J.B. Culot 24	3282.2142-08	-11	-95
Eupen, R. de Herbestal 12	3287.5-96214	-96211	-52141
Genk, Vennestraat 461	3289.3292-65	-11	-87
Gent, Groendreef 181	3292.371-616	-693	-318
Kortrijk, Graaf Boudewijn I ln 1	3256.2-56506	-69210	-56849
Mons, R. de Rossignol 1	3265.3832-18	-93	-19
Tournai, Drève de Maire 19	3269-580.781	-250.211	-580.782
Turnhout, Noord-Brabantlaan 70	3214.4072-68	-11	-93

# BULGARIA

## BULGARIA

1. SURVEILLANCE
2. PURSUIT
3. DEFINITIONS
4. SPECIFIC NATIONAL MEASURES
5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

### 1. SURVEILLANCE

#### List of officers authorized to carry out surveillance

According to Art. 140. (1), item 6 and Art. 85 (1) of the Law on the Ministry of Interior the operative-search activity shall be carried out by means of surveillance.

Police authorities entrusted with guard of the state border shall locate and use tools for observation and photography, the results of which may be used only for prevention and disclosure of crimes or offences, as well as for prevention and disclosure of crossing the state border, of crime or offences on the territory of the border control checkpoints against the passport and visa regime, or those threatening the safety of personnel, buildings and infrastructure of the services.

#### Central Contact Point

Chief Directorate Border Police

### 2. PURSUIT

Article 41 of the Schengen agreement is not applicable yet. (Bulgaria is still not a Party to the Agreement.)

Under the Art. 85. (1) of the Law on the Ministry of Interior police structures for guard of the state border shall pursue violators of the state border beyond the border zone jointly with other bodies of Ministry of Interior

### 3. DEFINITIONS

#### Service weapons

According to Art. 74. (1) of the Law on the Ministry of Interior police authorities may use weapons as a last resort:

- in cases of armed attack or threat imposed by firearms;
- in cases of release of hostages and kidnapped persons;
- after warning in case of a detention of a person committing or who has committed crime of general nature, if he/she resists or tries to escape;

# BULGARIA

- after warning for preventing the escape of a person detained as per respective order for committed crime of general nature.

Police authorities, in the course of the use of weapons, shall be obliged, if possible, to protect the life of person against whom it is aimed and not to threaten the life and health of other persons.

Police authorities may use weapons without warning when guarding the state border:

1. in cases of armed attack against them;
2. against persons, who have put up armed resistance.

In the course of guarding the state border within the inland sea waters and the territorial sea of the Republic of Bulgaria police authorities shall have the right to use weapons according to the Law on the Sea Area, Internal Water Ways and Ports of the Republic of Bulgaria.

After use of weapons police authorities shall produce a report.

## **Self-defence**

Legitimate self-defence is defined in Chapter Two "Crime", Section 1 "General" article 12 of the Penal Code:

Not considered socially dangerous shall be the act of justifiable defence - in order to defend oneself against an immediate illegal attack against state or public interests, the personality or the rights of the defender or of somebody else by causing damage to the aggressor within the frames of the necessary limits.

Excess of the requirements of justifiable defence are in place when the defence obviously does not correspond to the nature and the danger of the assault.

The perpetrator shall not be punished when he commits the act by exceeding the requirements of justifiable defence if this is due to scare or confusion.

## **Home**

Defined by the Bulgarian Constitution, Art. 33 (1) the home shall be inviolable. No one shall enter or stay inside a home without its occupant's consent, except in cases expressly stipulated by law.

Crimes against property are sanctioned by the Penal Code.

## **4. SPECIFIC NATIONAL MEASURES**

Schengen agreement, Article 2(3) (Bulgaria is still not a Party to the Agreement.)

According to Law on the Ministry of Interior (article 51 (1) point 4) The National Police Service shall be the Ministry of Interior specialized operative-search and security service in charge of the guard of national borders and control over border regime observance, fight against illegal migration and trafficking in human beings.

In fulfillment of these tasks the National Police Service shall carry out its functions in the border zone, in the zones of the border control checkpoints, the international airports and harbors, the inland sea waters, the territorial sea, the adherent zone, the continental shelf, the Bulgarian part of the river Danube and the other border rivers and water basins for the guard of the state border and the control over the observance of the border regime.

# BULGARIA

Defined by Law on the Ministry of Interior (Art. 85. (1)) for guard of the state border police authorities shall:

- deploy forces and means, build, employ or remove technical equipment and other means;
- carry out passport and visa control and perform checks of goods and vehicles crossing the border check-points;
- stop, detain and check Bulgarian and foreign ships and vessels which violated the rules for stopping and staying in territorial sea, in inland waters, the adjacent zone, the continental shelf or the Bulgarian part of the river of Danube;
- stop, detain and check jointly with the specialized units Bulgarian or foreign aircrafts in cases when violations of the border regime have been established, or if the flight security has been endangered;
- pursuit violators of national borders beyond the border zone, together with other Ministry of Interior structures;
- detain smugglers, illegally transported goods and vehicles which passed outside the designated locations and make checks, together with the customs authorities;
- restrict temporarily or forbid the movement of persons and vehicles in zones and sites, when performing operative-search activities in order to detain persons or vehicles and if there is danger to the life and health of people;
- take, accompany and hand over violators of the national borders from and to the neighboring border authorities and to other states, in compliance with the law and with international treaties, to which the Republic of Bulgaria is a party;
- install and use technical means for surveillance and photographing, the results of which may be used only for prevention or detection of crimes or violations, including for prevention or detection of illegal crossing of the national borders, of crimes or violations in the territory of the border check-points against the passport and visa regime, or in cases of threats to the security of personnel, buildings or services' infrastructure;
- provide for the compulsory accommodation in special facilities of foreigners who violated the border regime and are subject to coercive bringing to the border or expulsion in compliance with legal requirements.

The director of the National Police service jointly with the Minister of Interior and in accordance with respective international agreements shall appoint border representatives for settlement of possible border violations.

## **5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**

Chief Directorate Border police, Ministry of Interior

Tel +3592 9823999

Fax +3592 988 58 67



# CZECH REPUBLIC

## CZECH REPUBLIC

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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. [SURVEILLANCE](#)

#### List of persons authorised to carry out surveillance

- members of surveillance units of the Police of the Czech Republic (central as well as territorial)\*
- members of surveillance units of the Ministry of Finance General Customs Directorate (within investigation of a comprehensive list of crimes)

\*Members of those units are equipped with a so-called “official authorisation”, which testifies to their membership in a surveillance unit and authorisation to carry out cross-border surveillance.

#### Competent central authority contact data for communication concerning cross-border surveillance (preparation, realization, follow-up information)

Police Presidium of the Czech Republic  
International Police Cooperation Department  
Sirene Czech Republic  
Strojnická 27  
P.O.Box 62/MPS  
170 89 Prague 7  
T.: +420 974 834 210 (24/7) or +420 974 834 380 (24/7)  
F.: +420 974 834 716 (24/7) or +420 974 834 718 (24/7)  
E-mail: sirene@mvcz.cz (working hours)

#### Central judicial authority contact data for requesting legal assistance before or (in emergencies) during cross-border surveillance

Regional Public Prosecutor’s Office in Prague:  
Husova 11  
Praha 1  
T.: +420 222 111 700 (working hours – operator),  
+420 222 111 733 or +420 222 111 763 (working hours – penal department)  
F.: +420 222 220 075 (round o’clock service)  
E-mail: podatelna@ksz.pha.justice.cz

# CZECH REPUBLIC

## 2. PURSUIT

„Cross-border pursuit can be carried out on the basis of a bilateral agreements with Austria, Germany, Slovakia and also Poland.“<sup>1</sup>

### List of persons authorised to carry out pursuit

The police officers in pursuit shall be easily recognizable, e.g. wear a uniform or an armband or drive in a marked vehicle. Using civil clothes without an armband and driving an unmarked vehicle by the police officers in pursuit at the same time is not allowed.

### Limited authorisation to carry out pursuit

Cross-border pursuit can be carried out only in concretely defined cases, the aim is to detain a person, who:

- is apprehended in the act of committing a criminal offence or is involved in a criminal offence or prosecuted for a criminal offence subject to extradition pursuant to an international agreement,
- has fled from serving a prison sentence, custody or protective medical treatment, or
- is evading border, customs or other police (e.g. investigation) control and is fleeing to the territory of the neighbouring state

A police officer cannot in the territory of the neighbouring state enter private homes and places not accessible to the public.

Once the pursued offender has been apprehended, the police officer carries out only a security search of the person and confiscates objects of importance for criminal prosecution and vehicle, and further proceeds in accordance with the instructions of the local police authorities to whom the police officer has to hand the detained person over.

## 3. DEFINITIONS

### Police weapon

The term weapon is defined in Section 39 of Act No. 283/1991 Coll., On the Police of the Czech Republic as amended. A weapon means a firearm, stabbing or cutting weapon, unless a special weapon is meant pursuant to this Act. The Interior Ministry Decree No. 53/1998 On the provision and carrying of service firearms by members of the Police of the Czech Republic draws on the Act on the Police according to which a police weapon is a firearm (pistol, revolver or submachine) included in the equipment of the Police of the Czech Republic and is provided to a police officer for line of duty or is a special weapon pursuant to a special law (i.e. Act on the Police), which is included in the police equipment and is provided to a police officer for the fulfilment of special tasks.

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<sup>1</sup> Considering that cross-border pursuit with Poland will be feasible after check-borders abolition, the word **also** has to be deleted if the Handbook is issued before checks at common borders will be abolished.

# CZECH REPUBLIC

## Special weapons are:

- a) sniper rifle
- b) shotgun
- c) firearm with a silencer
- d) laser-sights or range-finder equipped firearm
- e) mechanical weapon
- f) specially modified firearm
- g) explosive, special explosive object and special charge

## Legitimate self-defence

The term is defined in Section 13 of the Criminal Code. According to this definition an otherwise criminal act, by which someone is thwarting a directly pending or occurring attack is not a crime. It is not the case if the self-defence is obviously excessive. The following conditions have to be met to qualify the act as legitimate self-defence and thus exclude criminal liability of that person:

- thwarting a directly pending or occurring attack on an interest protected by this law
- the attack is not legitimate behaviour (e.g. action by law enforcement officer, legitimate self-help according to civil law, etc.)
- the self-defence is not obviously excessive

## Dwelling

The inviolability of dwelling is guaranteed by Article 12 of the Charter of Rights and Freedoms. A dwelling is an apartment or other premises used as a dwelling including appurtenance. Entering a dwelling and other premises not accessible to the public is possible only in cases stipulated by special legislation.

## 4. SPECIFIC NATIONAL MEASURES

The Police of the Czech Republic have no specific powers pursuant to Art. 2 Sec.3 SC.

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

The competent central authority for communication concerning cross-border pursuit is:

Police Presidium of the Czech Republic  
International Police cooperation Department  
SIRENE Czech Republic  
Strojnická 27  
P.O. Box 62/MPS  
170 89 Prague 7  
T.: +420 974 834 210 (24/7) or +420 974 834 380 (24/7)  
F.: +420 974 834 716 (24/7) or +420 974 834 718 (24/7)  
E-mail: [sirene@mvcz.cz](mailto:sirene@mvcz.cz) (working hours)“

# DENMARK

## DENMARK

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### 1. SURVEILLANCE

#### List of agents:

- (a) Police officers serving under local Chief Constables and under the National Commissioner of Police;
- (b) Customs officers responsible for illegal trafficking in narcotic and psychotropic drugs, weapons and explosives, and the illicit transportation of toxic or hazardous waste.

#### Contact details of the central authority responsible for transmitting requests for judicial assistance:

The Danish Police  
Sirene and Communication Centre  
Anker Heegaards Gade 5  
1577 Copenhagen V  
tel 4514.88.88  
fax 4533.322.771

### 2. PURSUIT

#### List of agents authorised to exercise the power of pursuit:

- Police officers serving under local Chief Constables and under the Danish Police;
- Customs officers responsible for illegal trafficking in narcotic and psychotropic drugs, weapons and explosives, and the illicit transportation of toxic or hazardous waste.

#### Restrictions on the power of pursuit in Denmark:

In connection with joining Schengen cooperation, Denmark has concluded bilateral agreements with Sweden and Germany on police cooperation in border areas.

- (a) The border with Sweden (the Øresund link)
  - the Swedish authorities have the right to continue an ongoing pursuit into Danish territory along the whole of the Øresund link;
  - hot pursuit along the Øresund link may be carried out in respect of any criminal offence which is subject to public prosecution under the national legislation of Denmark and Sweden;
  - the Swedish authorities have the right to detain persons on the Øresund link in accordance with Art. 41(2)(b);
  - the Swedish authorities have the right to continue an ongoing pursuit into Danish territory up to a distance of 25 km from the end of the Øresund link;

# DENMARK

- hot pursuit beyond the Øresund link may be carried out in respect of the offences listed in Art. 41(4)(b);
  - when carrying out hot pursuit beyond the Øresund link, the Swedish authorities do not have the right to apprehend persons within Danish territory.
- (b) The border with Germany: Over and above the provisions laid down in Art. 41(1), (5) and (7), the Government of Denmark has declared that hot pursuit into Denmark across the border with Germany may be carried out under the following conditions:
- the German authorities have the right to continue an ongoing pursuit into Danish territory up to a distance of 25 km from the border;
  - the German authorities do not have the right to apprehend persons within Danish territory;
  - hot pursuit may be carried out in respect of the offences referred to in Art. 41(4)(a).

## **Statutory provisions of particular importance when exercising the right of pursuit: Citizen's power of arrest**

Denmark has not given the authorities of the other Schengen countries the right to detain a person being pursued on Danish territory; see Art. 41. The rules on citizen's arrests may be found in Chapter 69, Section 755(1) and (2), of the Danish Administration of Justice Act:

- (1) The police may arrest a person where there are reasonable grounds to suspect him of committing a criminal offence which is subject to public prosecution, if the arrest may be regarded as necessary to prevent further offences being committed, to ensure the individual remains on the scene or to prevent his contact with others.
- (2) Every individual has the same powers, if he finds someone in the act of committing or directly involved in a criminal offence which is subject to public prosecution. The arrested person must be handed over to the police as soon as possible with information on the time of and grounds for the arrest.

The offence must have taken place on Danish territory. The arrest may therefore not take place on the basis of an offence which has led to hot pursuit by the police, but only if a further offence has been committed on Danish territory.

## **3. DEFINITIONS**

**Service weapons:** The personal weapons issued to Danish police include a semi-automatic pistol, a short police baton (truncheon) and handcuffs. Emergency weapons are also used in serious situations, and include submachine guns, various gas weapons and spike barriers.

**Self-defence:** The concept of self-defence is defined in Chapter 3, Section 13, of the Danish Criminal Code:

- "(1) Acts committed in self-defence are not punishable if they were necessary to resist or avert an unlawful attack that has begun or is imminent, provided that such acts do not manifestly exceed what is reasonable with regard to the danger inherent in the attack, the aggressor and the importance of the interests endangered by the attack.
- (2) Any person who exceeds the limits of lawful self-defence shall not be liable to punishment if his act could reasonably be attributed to the fear or excitement produced by the attack.

# DENMARK

(3) Similar rules shall apply to acts necessary to enforce lawful orders in a lawful manner, to carry out a lawful arrest or to prevent the escape of a prisoner or a person committed to an institution."

**Home:** The inviolability of the home is ensured by Section 72 of the Constitution. Chapter 27, Section 264, of the Danish Criminal Code states that:

- "(1) Any person who unlawfully
- 1) obtains access to another person's house or any other place not freely accessible; or
  - 2) fails to leave another person's land, having been requested to do so, shall be liable to a fine, or to simple detention or to imprisonment for any term not exceeding 6 months.
- (2) If an act of the kind described in paragraph 1 of Subsection (1) above is committed with the intention of procuring or making oneself acquainted with information about the trade secrets of a firm, or in other particularly aggravating circumstances, the penalty may be increased to imprisonment for a term not exceeding four years."

Permission to search homes and other dwellings, including offices, workshops, caravans, tents and huts, and localities other than dwellings, is regulated in Chapter 73 of the Danish Administration of Justice Act. The concept of "home" is not unambiguously defined in Danish law. In connection with cross-border operations, "home" is taken to mean an area (building, etc.) which is not accessible to the public."

## 4. SPECIFIC NATIONAL MEASURES

The Danish police have been given no special powers in border areas in connection with controls on aliens.

Under Section 38(6) of the Danish Aliens Act, the police may stop a vehicle within the country in order to check whether it is transporting one or more aliens who have entered the country illegally. This is only a right to stop the vehicle, which does not in itself authorise the police to undertake a search of the vehicle's baggage compartment or other enclosed spaces. If, in connection with a check under Section 38(6) of the Aliens Act, the police find that there are reasonable grounds to suspect that the vehicle contains in its baggage compartment or other enclosed spaces one or more aliens who have entered the country illegally, then under the provisions of the Administration of Justice Act on this matter, the police may search the baggage compartment and other enclosed spaces.

This provision applies throughout the country and is therefore not specific to checks in border areas.

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Under the bilateral agreement on police cooperation in border areas between Denmark and Sweden, when the border is crossed in pursuit into Denmark then the following must be notified:

- Københavns Politi, Politigården, 1567 Copenhagen V, tel. +45 33120114, fax +45 33430075

Under the bilateral agreement on police cooperation in border areas between Denmark and Germany, when the border is crossed in pursuit into Denmark then the following must be notified:

- the Chief Constable in the police district where the border is crossed and
- Syd- og Sønderjyllands Politi, Kirkegade 76, 6700 Esbjerg, tel. +45 75124332, fax +45 76111400

# GERMANY

## GERMANY

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### 1. SURVEILLANCE

#### List of German officers authorised to exercise the power of surveillance:

- law enforcement officers of the Federal and *Länder* police
- with respect only to illicit trafficking in narcotic drugs and psychotropic substances and arms trafficking, officers of the Zollfahndungsdienst (customs investigation service) as well as the officers of customs mobile control groups (these groups are only at the borders with Belgium, France and Luxembourg and Poland) in their capacity as auxiliary.

#### Contact details of the central authority:

Bundeskriminalamt (Interpol NCB), 65173 Wiesbaden,  
Tel. 49611.55-13101 (24h), Fax -12141 (24h)  
in customs matters:  
Zollkriminalamt, Bergisch-Gladbacher-Str. 837, 51069 Köln  
Tel.: 49 221/672-0, Fax: 49 221/672-4500

#### Statutory provisions of particular importance when exercising the right of surveillance

- (a) *Exercise of special rights in respect of road traffic regulations*: The foreign officers authorised to exercise the right of surveillance in Germany under international agreements are exempt during surveillance in German territory from the provisions of the German Road Traffic Regulations (*Strassenverkehrsordnung – StVO*) pursuant to § 35, par. 1a, in conjunction with § 35, par. 1, of the Road Traffic Regulations if urgently necessary to perform sovereign tasks. Special rights may only be exercised with due regard for public safety and law and order (§ 35, par. 8, of the Road Traffic Regulations).
- (b) From the German point of view surveillance is only allowed against an accuser. If wanted, the surveillance must be given to a regional responsible officer.

# GERMANY

## 2. PURSUIT

### List of German officers authorised to exercise the power of pursuit

- law enforcement officers of the Federal and *Länder* police
- with respect only to illicit trafficking in narcotic drugs and psychotropic substances and arms trafficking, officers of the Zollfahndungsdienst (customs investigation service) as well as officers of customs mobile control groups (these groups are only at the borders with Belgium, France, Luxembourg and Poland) in their capacity as auxiliary officers of the Public Prosecutor's Office.

### Restrictions on the power of pursuit in Germany:

Germany does not differentiate the borders. In all cases in Germany the pursuit can be exercised under following conditions:

- offences which may entail exercise of the right of pursuit  
Except in the case, in which the person has fled from prison, the pursuit in Germany can be exercised if the person is caught in the act of committing a crime or if the person is caught while participating in an extraditable offence (Art. 4 para.. 4 lit. b)
- the pursuit is whether temporal nor territorial restricted
- the officers have the right to stop and question the accuser.

### Statutory provisions of particular importance when exercising right of pursuit

#### (a) Citizen's power of arrest

In addition to the right to detain a person, the regulations governing citizen's arrest pursuant to the first sentence of § 127(1) German Code of Criminal Procedure continue to apply (when someone is caught in the act of committing an offence): "If a person is caught in the act oder is being pursued, any person shall be authorized to arrest him provisionally, even without judicial order, if there is reason to suspect flight or if his identity cannot be immediately established"

The provisionally arrested person should be immediately handed over to the first available police officer or public prosecutor.

#### (b) Exercise of special rights in respect of road traffic regulations

The police officers authorised to exercise the right of pursuit in Germany under international agreements are exempt during pursuit from the provisions of the German Road Traffic Regulations (*Strassenverkehrsordnung-StVO*) pursuant to § 35 par. 1 of the Road Traffic Regulations if it is urgently necessary to perform sovereign tasks. Special rights may only be exercised with due regard for public safety and law and order (§ 35 par. 8 of the Road Traffic Regulations).

## 3. DEFINITIONS

**Service weapons:** Any weapons that are designated as service weapons under Federal and *Länder* police law. Service weapons shall include pistols, revolvers, submachine guns and rifles in all *Länder*, and may include truncheons and tear gas in some *Länder*.

**Self-defence:** Self-defence is defence which is necessary to avert an imminent unlawful attack on oneself or a third party. An act necessarily committed in self-defence is not unlawful.



# GERMANY

**Home:** German law does not give a legal definition of "home" which covers all the relevant fields of law (law on Criminal procedure, police law and the Constitution). Instead, the definition has been gradually developed through specific case law. However, the following definition is applied as a rule: a home is any place which is actually occupied for living, working, operating or trading purposes, together with any other vacant property (such as a fenced-in enclosure). The term "home" also includes mobile property used for the same purpose, such as boats, caravans, tents and berths (sleeping cabins) in heavy goods vehicles. In principle, any premises termed as a home that is accessible to the public may be entered. A place is considered accessible to the public if as a rule anybody may visit by reason of actual or presumed consent of the proprietor, as is the case, for example, with public houses, theatres, department stores, business or commercial premises that have opening hours.

## 4. SPECIFIC NATIONAL MEASURES

Under the following conditions, the Federal Border Police and the police authorities of Baden-Württemberg, Bavaria, Berlin, Brandenburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, Saarland, Saxony, Saxony-Anhalt and Thuringia have the power to carry out controls on persons without concrete reason or suspicion, which pursuant to , Art. 20 – 25 Schengen Borders Code, remain unaffected by the provisions thereof.

### Federal Police (Borders):

#### § 22 (1a) of the Federal Police Law (BPolG)

For the purpose of preventing or stopping unauthorised entry into German territory, the Federal Border Police may, on trains and on the premises of the Federal railways (§ 3 Federal Police Law), as well as in areas serving air traffic and in airport facilities (§ 4 Federal Police Law) with cross-border traffic, briefly stop persons, question them and demand that they hand over for inspection any identity papers or border documents they have with them, as well as any objects, provided that on the basis of their knowledge of the situation or border police experience it can be assumed that these places are being used for the purpose of unauthorised entry.

#### § 23.1 (3) of the Federal Police Law

*(1.3) The Federal Police may check a person's identity:*

within a 30-km radius of the border for the purpose of preventing or stopping unauthorised entry into German territory or in order to prevent offences within the meaning of § 12 (1) No. 1 to 4 Federal Police Law)

#### § 44 (2) of the Federal Police Law

The Federal Police may also search an object within a 30-km radius of the border for the purpose of preventing or stopping unauthorised entry into German territory or in order to prevent offences within the meaning of § 12 (1) No. 1 to .4 Federal Police Law).

# GERMANY

## **Baden-Württemberg police:**

### Art. 26(1.6) of the Baden-Württemberg police law (PolG)

(1.6) The police may check a person's identity:

in public areas serving international traffic as well as on transit routes (Federal motorways, European roads and other roads used extensively for cross-border crime) for the purpose of combating cross-border crime.

### Administrative ruling of the Ministry of the Interior on Art. 26(1.6) of the Baden-Württemberg Police Law (excerpt)

Public facilities serving international traffic are, in particular, airports, railway stations, trains, petrol stations and service areas, harbours, landings, canals and locks, provided that they are extensively used for international traffic.

... Art. 26(1.6) contains a legal definition of what constitutes transit routes: Federal motorways, European roads and other roads used extensively for cross-border crime. Rather than focusing on a particular type of road, this definition covers all roads which, it is assumed, are used by international criminals and which, as a result, play an important part in combating cross-border crime.

## **Bavarian Police:**

### Art. 13(1.5) of the Bavarian Law on police powers (PAG)

*(1.5) The police may check a person's identity...*

within a 30-km radius of the border and on transit routes (Federal motorways, European roads and other roads used extensively by cross-border traffic), in public areas serving international traffic for the purpose of preventing or stopping unauthorised crossings of the Bavarian border or unauthorised stays, and in order to prevent cross-border crime.

### Notification of enforcement in relation to Art. 13(1.5) of the Bavarian Law on Police Powers (excerpt)

Art. 13(1.5) confers the power to carry out controls on persons without concrete reason or suspicion in the areas laid down ... alongside Federal motorways and European roads, transit routes shall mean any other roads used extensively for cross-border traffic and therefore important for cross-border crime. Rather than focusing on a particular type of road, this provision covers the changing circumstances on the ground, as identified by the police's situation report. Public areas serving international traffic shall mean airports, railway stations, trains, but also petrol stations and service areas.

In addition to the power to check a person's identity pursuant to Art. 13(1.5) of the Bavarian Law on Police Powers, the police may also, pursuant to Art. 21(1.3) of the Bavarian Law on Police Powers search persons in the places laid down in Art. 13(1.5) of the Bavarian Law on Police Powers and, pursuant to Art. 22 (1.4) of the Bavarian Law on Police Powers, search objects in these places. The scope of the measures deemed necessary for the purpose of such checks shall, in each case, be governed by the principle of proportionality (Art. 4 of the Bavarian Law on Police Powers).

# GERMANY

## **Berlin Police:**

### Art. 17(3) of the General Law on Security and Order (ASOG Bln)

Serious offences are crimes and serious offences as listed in Art. 100(a) of the German Code of Criminal Procedure.

## **Brandenburg Police:**

### Art. 11(3) of the Brandenburg Police Law (BbgPolG)

As a preventive measure to combat cross-border crime, the police may briefly stop persons in public traffic areas, question them and demand that they hand over for inspection any identity papers they have with them, as well as any objects. This measure is only permissible if, on the basis of the police's knowledge of the situation, it can be assumed that serious offences (Article 10(3)) will be committed. The place, time and scope of the measures may only be determined by the Chief Constable or his/her representative.

### Art. 12(1.5) and (6) of the Brandenburg Police Law

The police may check a person's identity ...

5. in airports for the purpose of preventing or stopping the unauthorised crossing of the Federal Border, provided this does not fall within the competence of the Federal Border Police,
6. as a preventive measure to combat cross-border crime and to prevent serious offences (Art. 10(3)) with an international aspect within a 30-km radius of the Federal border ...

### Art. 22(1.6) of the Brandenburg Police Law

The Police may ... search an object, if ...

the object is a terrestrial vehicle, waterway vessel or aircraft carrying a person whose identity may be checked pursuant to Art. 12(1.4); the search may also extend to the objects in the vehicle.

### Art. 10(3) of the Brandenburg Police Law

Serious criminal offences include all crimes and all other offences listed in Art. 100(a) Code of Criminal Procedure.

# GERMANY

## **Hessen Police:**

### Art. 18(2.6) of the Hessen Law on public order and safety (HSOG)

For the purpose of preventing cross-border crime, the police authorities may check a person's identity if:

the person is encountered in public areas serving international traffic, on roads or on federal waterways, provided that on the basis of their knowledge of the situation or police experience it can be assumed that these places are of particular importance for cross-border crime.

### Art. 37(2.4) of the Hessen Law on public order and safety

The police authorities may ... search an object if ...

the object is a terrestrial vehicle, motorway vessel or aircraft carrying a person whose identity may be checked pursuant to Art. 18(2.5 or 2.6) and, in the cases referred to in Art. 18(2.6), there are real grounds for assuming that there is an object in or on the vehicle which may be seized; the search may be extended to objects located in or on the vehicle.

## **Mecklenburg-Western Pomeranian Police:**

### Art. 27a of the Law on Public Order and Safety in Mecklenburg-Western Pomerania (SOG M-V)

Police may:

1. in public traffic areas to prevent serious crime (Art. 49) or
2. within a 30-km radius of the border, in public areas serving international traffic dealing directly with border matters, in coastal waters and in internal waters to prevent cross-border crime and to stop unauthorised stays

briefly detain persons and inspect their vehicles, in particular the trunk and load platform.

Measures pursuant to point 1 above shall be ordered by the head of service insofar as justified by police knowledge of the situation; such orders must be limited to a given place and time.

Official explanation for Art. 29 of the Law on Public Safety and Order in Mecklenburg-Western Pomerania (excerpt) in the version of 25.3.98

The term "border area" ... refers to the area at the section of the state border that is also an external border of the Federal Republic of Germany. The term "coastal waters" refers to the territory of Mecklenburg-Western Pomerania ..... in accordance with the scope of the law.

Official explanation for Art. 27a of the Law on Public Safety and Order Mecklenburg-Western Pomerania (excerpt) in the version of 24.10.01

Extension of the scope to cover "internal waters" pursuant to Article 8 of the United Nations Convention on the Law of the Sea of 10 December 1982 is necessary in order to allow inclusion of parts of Wismar Bay and the waters surrounding the Island of Rügen, which are not covered by the term "coastal waters".

# GERMANY

## **Lower Saxony police:**

### Art. 12(6) of the Security and Order Law of Lower Saxony (Nds.SOG)

For the purpose of prosecuting or preventing serious crime with an international dimension, the police may detain briefly and question any person found in a public place and request him to hand over identity papers in his possession for examination and inspect objects in his possession.

### Implementing provisions of Art. 12(6) Nds.SOG (excerpt)

The provision allows checks to be carried out in public places for the purpose of combating crime with an international dimension. The checks may be conducted prior to a concrete threat and without the need for any other particular reason (checks without concrete reason or suspicion, as they are termed). The location and the nature of the checks must afford a reasonable chance of success, based on experience or situation reports in the area of crime detection. Facts or actual grounds are not necessary. The territorial scope of such checks is not limited to particular regions; they may be carried out nationwide, depending on the prospect of successful crime detection.

The international character of criminal offences may be evident from the fact that:

- the offence is committed directly by crossing the border;
- the accomplices live abroad and enter the Federal Republic to commit the crime or assist in its commission from abroad;
- the accomplices live in the Federal Republic and travel abroad to commit the crime or assist in its commission from the Federal Republic;
- illegally obtained objects were imported into the Federal Republic or taken abroad.

Consequently, serious crimes with an international dimension are, for example, illicit trafficking in motor vehicles, arms and drug trafficking, illegal import and export of nuclear materials, the smuggling of counterfeit currency, documents, medicines and works of art, trafficking in waste, facilitating and trafficking in human beings.

## **Saar Police:**

### Art. 9a(1)(2) of the Saarland Police Law (SPolG)

- (1) For the purpose of preventing cross-border crime, law-enforcement officers, acting on police situation reports, may detain briefly and question any person within a 30 km radius of the external borders with France and Luxembourg and request him to hand over identity papers in his possession for examination and inspect objects in his possession.
- (2) If s/he is in a place where it can be assumed, on the basis of substantive indications, that
  - (a) persons are conspiring to commit, preparing or committing serious crimes or that
  - (b) offenders are hiding;

# GERMANY

- (3) If s/he is in or on transport or supply premises or facilities, public transport vehicles, official building or any other property which is especially at risk, or in the immediate vicinity thereof, and facts justify the assumption that offences are to be committed in or against this property such as to pose an immediate danger to person(s) in or on this property or to the property itself.
- (4) Where there are no grounds to believe that a threat exists or that an offence has been committed, the personal data collected as a result of these measures are not stored; Art. 30 (storage, amendment and use of data) is also applicable.

## **Saxony police:**

### Art. 19(1.5) of the Saxony Police Law (SächsPolG)

(1.5) The police may check a person's identity ... for the purpose of preventing cross-border crime within a 30 km-radius of the border with the Republic of Poland and the Czech Republic, and in public places, facilities or modes of transport serving international traffic or in the immediate vicinity thereof, and on federal trunk roads and other roads of particular relevance for cross-border crime.

Administrative regulation of the Saxony Interior Ministry: Art. 19(1.5) of the Saxony Police Law  
Under Art. 19(1.5) of the Saxony Police Law, a person subjected to an identity check is not required to carry a passport or identity card. There is no legal obligation to carry such papers. Identity can be checked by other means (e.g. production of a driving licence, confirmation of personal particulars by telephone, consultation with the Federal Border Guard, inter alia). These alternatives should in any event be exhausted before a person is detained for any length of time or brought to the station.

## **Saxony-Anhalt police:**

### Art. 14(3) of the Law on public safety and law and order of Saxony-Anhalt (SOG LSA)

For the purpose of preventing cross-border crime, the police may detain briefly and question any person found on federal roads, motorway service areas and request him to hand over identity papers in his possession for examination and inspect objects in his possession. Measures pursuant to the first sentence are permissible only if it can be assumed on the basis of information concerning the situation that serious crimes will be committed. The location, time and scope of the measures are determined by the head of the service or a person authorised to act on his behalf, who must be a senior officer belonging to category A. The person questioned pursuant to the first sentence is obliged to give his surname, forename, date and place of birth, address and nationality.

## **Thuringian Police:**

### Art. 14 (1.5) of the Thuringian Police Law (PAG)

(1.5) The police may check a person's identity: on transit routes (Federal motorways, European roads and other roads used extensively by cross-border traffic) and in public areas serving international traffic for the purpose of preventing or stopping unauthorised crossing of state borders or unauthorised stays and to prevent cross-border crime, in so far as this is not the responsibility of the Federal Police.

# GERMANY

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

<b>5. Liaison authority to be contacted upon crossing the border</b> (Subject to the conclusion of further bilateral arrangements referred to in Art. 39(4) Sch. Conv.)	
	<b>Authority</b>
Baden-Württemberg	<ul style="list-style-type: none"> <li>• Polizeidirektion Friedrichshafen -Ehlersstr.15 ;188046 Friedrichshafen Tel: +49 (0)7541/701-0, Fax: +49 (0)7541/701-1100</li> <li>• Polizeidirektion Konstanz Benediktinerplatz 3-; 78467 Konstanz Tel: +49 (0)7531/995-0, Fax: +49 (0)7531/995-1540</li> <li>• Regierungspräsidium Karlsruhe, Abteilung 6, Landespolizeidirektion, Durlacher Allee 31-33; 76131 Karlsruhe Tel: +49 (0)721/666-0, Fax: +49 (0)721/666-3199</li> <li>• Regierungspräsidium Freiburg, Abteilung 6, Landespolizeidirektion, Bissierstr. 1; 79114 Freiburg Tel: +49 (0)761/882-0, Fax: +49 (0)721/882-3399</li> <li>• Gemeinsames Zentrum der deutsch-französischen Polizei- und Zollzusammenarbeit Hafenstr. 5; 77694 Kehl Tel: +49 (0)7851/8895-444, Fax: +49 (0)7851/8895-448</li> <li>• Bundespolizeiamt Weil am Rhein Engetalstraße 2 ; 79588 Weil am Rhein, Tel.: +49 (0)7628.8059-0</li> <li>• Bundespolizeiamt Stuttgart, Wolfgang Brumme Allee 52 ; 71034 Böblingen Tel: +49 (0)7031.2128-0</li> </ul>
Bayern	<p>Polizeidirektionen</p> <ul style="list-style-type: none"> <li>• Kempten Auf der Breite 17; 87439 Kempten Tel +49 (0) 831.5917-0, Fax -240</li> <li>• Weilheim ; Am Meisteranger 5; 82362 Weillheim. Tel +49 (0)881.640-0 Fax -126</li> <li>• Rosenheim ; Ellmaierstr.3; 83022 Rosenheim. Tel +49 (0).8031.200-0, Fax -109</li> <li>• Traunstein, Eugen-Rosner Str.2 ; 83278 Traunstein. Tel +49 (0) 861.9873-0 Fax -126</li> <li>• Passau, Nibelungenstr.17; 94032 Passau. Tel +49 (0) .851.9511-0, Fax -190</li> <li>• Gemeinsames Zentrum der deutsch-tschechischen Polizei- und Zollzusammenarbeit Weinbergstraße 47 ; 92421 Schwandorf Tel +49 (0)9431 / 8811555 (Dauerdienst), Fax: 09431 / 8811599 E-Mail: <a href="mailto:gz.schwandorf@polizei.bund.de">gz.schwandorf@polizei.bund.de</a></li> <li>• Bundespolizeiamt Schwandorf, Weinbergstraße 47; 92421 Schwandorf Tel.:+49 (0) 9431.881-0</li> <li>• Bundespolizeiamt München ; Domagkstraße 33 ; 80807 München Tel.: +49.(0) 89.35474.0</li> </ul>

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Brandenburg	<ul style="list-style-type: none"> <li>• Landeskriminalamt Brandenburg, Sachgebiet Interpol/ Rechtshilfe, Tramper Chaussee 1; 16225 Eberswalde Tel: +49 (0) 33343882515, Fax: +49 (0) 3334388 2509</li> <li>• Bundespolizeiamt Frankfurt/Oder Kopernikusstraße 71 15236 Frankfurt (Oder) Tel. +49(0).335.5624-50</li> <li>• Gemeinsames Zentrum der deutsch-polnischen Polizei- und Zollzusammenarbeit, An der Europastraße 30 69-100 Slubice</li> </ul> <p style="margin-left: 20px;">15202 Frankfurt (O.) Tel: +49 (0) 335 / 5566 – 401 (Dauerdienst), Fax: 335 / 5566 – 448 E-Mail: <a href="mailto:GZ.Swiecko@polizei.bund.de">GZ.Swiecko@polizei.bund.de</a> (Dauerdienst)</p>
Hamburg	<ul style="list-style-type: none"> <li>• Führungs- und Lagedienst (FLD) 1, Bruno-Georges-Platz 1; 22297 Hamburg, Tel: +49.(0) 4286.660-55, Fax -39; <a href="mailto:FLD1-FLD2@polizei.hamburg.de">FLD1-FLD2@polizei.hamburg.de</a></li> <li>• Bundespolizeiamt Hamburg, Jenfelder Allee 70a, 22043 Hamburg, Tel:+49.(0) 40.6699505-0</li> </ul> <p style="margin-left: 20px;">ab 01.01.2008 Bundespolizeidirektion Hannover</p>
Mecklenburg Vorpommern	<ul style="list-style-type: none"> <li>• Polizeidirektion Anklam Friedländer Straße 13; 17389 Anklam Tel: +49 (0)3971 – 251 1231 (Leitstelle) Fax: +49 (0)3971 – 251 1239 <a href="mailto:pd-anklam@polmv.de">pd-anklam@polmv.de</a></li> <li>• Wasserschutzpolizeidirektion Mecklenburg-Vorpommern Hohen Tannen 10; 18196 Waldeck Tel: +49 (0)38208 – 887 3111 (Leitstelle) Fax: +49 (0)38208 – 887 3116 <a href="mailto:wspd-mv@polmv.de">wspd-mv@polmv.de</a></li> <li>• Landeskriminalamt Mecklenburg-Vorpommern Retgendorfer Straße 9; 19067 Rampe Tel: +49 (0)3866 – 649 003 (Lage- und Informationszentrum) Fax: +49 (0)3866 – 649 004 <a href="mailto:lka-mv@polmv.de">lka-mv@polmv.de</a></li> <li>• Bundesppolizeiamt Rostock, Gewettstraße 10 ; 18057 Rostock Tel.+49.(0)381.2083-0</li> </ul>



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Niedersachsen	<ul style="list-style-type: none"> <li>• Polizeidirektion Osnabrück - Regionale Verbindungsstelle -, Brockhauser Weg 21; 49809 Lingen, Tel. +49.(0) 591.87-211, Fax: -250, E-mail: RVST@pd-os.polizei.niedersachsen.de</li> <li>• Bundespolizeiamt Hamburg, Jenfelder Allee 70a; 22043 Hamburg, Tel: +49 (0).40.6699505-0</li> <li>• Bundespolizeiamt Kleve, Emmericher Straße 92-94, 47533 Kleve Tel.: +49.(0)2821.7451-0</li> </ul>
Nordrhein-Westfalen	<ul style="list-style-type: none"> <li>• Landespolizei NRW:  Landesleitstelle bei Landesamt Zentrale Polizeiliche Dienste (LZPD) Duisburg Tel.: + 49.(0) 2131-1256-4600 (4610) Fax: + 49.(0) 2131-1256-4699 Landesleitstelle.lzpd@polizei.nrw.de  Dauerdienst beim Landeskriminalamt NRW (LKA) Düsseldorf Ttel.: +49.(0) 211-939-4112 Fax.: +49 (0).211-939-4119 email: landeskriminalamt@polizei.nrw.de</li> <li>Kreispolizeibehörden: <ul style="list-style-type: none"> <li>• Aachen, Hubert-Wienen-Str. 25, 52070 Aachen, tel 49.241.9577-0, fax -6665</li> <li>• Borken, Burloer Str.91, 46325 Borken., tel 49.2861.900-1350, fax -541</li> <li>• Euskirchen, Kölner Str.76, 53879 Euskirchen., tel 49.2251.799-0, fax -257</li> <li>• Heinsberg, Valkenburger Str.45, 52525 Heinsberg., tel 49.2452.920-0, fax -649</li> <li>• Kleve, Kanalstr.7, 47533 Kleve ,tel 49.2821.504-0, fax -1165</li> <li>• Krefeld, Nordwall 1-3, 47798 Krefeld., tel 49.2151.634-0, fax -29</li> <li>• Mönchengladbach, Th.-Heuss-Str.149, 41065 Mönchengladbach., tel 49.2161.29-22, fax -39</li> <li>• Münster, Friesenring 43, 48147 Münster, tel 49.2512.75-2500, fax -2497</li> <li>• Viersen, Lindenstr.50, 41747 Viersen., tel 49.2162.377-0, fax -1155</li> </ul> </li> </ul>
Rheinland-Pfalz	<ul style="list-style-type: none"> <li>• Polizeipräsidien <ul style="list-style-type: none"> <li>• Trier, Südallee 3, 54290 Trier, tel 49.651.9779-0, fax -1339</li> <li>• Rheinpfalz, Wittelsbachstr. 3, 67061</li> <li>• Ludwigshafen, tel 49.621.963-0, fax -1555</li> <li>• Westpfalz, Logenstr.5, 67655 Kaiserslautern, tel 49.631.369-0, fax -1290</li> <li>• Bundespolizeiamt Kleve, Emmericher Straße 92-94, 47533 Kleve Tel.: 49.2821.7451-0</li> <li>• Bundespolizeiamt Saarbrücken, Saarpfalz Park 5, 66450 Bexbach, Tel.:49.6826.522</li> </ul> </li> </ul>

# GERMANY

Sachsen	<ul style="list-style-type: none"><li>• Polizeidirektion Dresden, <u>Führungs- und Lagezentrum</u>, Schießgasse 7, 01067 Dresden tel.: (+49) 0351 / 483 – 100, fax.: (+49) 0351 / 483 - 17 2200</li><li>• Polizeidirektion Chemnitz-Erzgebirge, <u>Führungs- und Lagezentrum</u>, Hartmannstraße 24, 09113 Chemnitz, tel.: (+49) 0371 / 387 – 100 fax.: (+49) 0371 / 387 - 106</li><li>• Polizeidirektion Südwestsachsen, <u>Führungs- und Lagezentrum</u>, Lessingstraße 17-21, 08058 Zwickau, tel.: (+49) 0375 / 428 – 100, fax.: (+49) 0375 / 428 - 106</li><li>• Polizeidirektion Oberes Elbtal-Osterzgebirge, <u>Führungs- und Lagezentrum</u>, Albertstraße 4, 01097 Dresden, tel.: (+49) 0351 / 6524 – 100, fax.: (+49) 0351 / 6524 - 17 2200</li><li>• Polizeidirektion Oberlausitz-Niederschlesien, <u>Führungs- und Lagezentrum</u>, James-von-Moltke-Straße 7, 2826 Görlitz, tel.: (+49) 03581 / 468 – 224, fax.: (+49) 03581 / 468 - 17 106</li><li>• Landespolizeidirektion Zentrale Dienste Sachsen (Wasserschutzpolizei), <u>Führungs- und Lagezentrum</u>, Neuländerstraße 60, 01129 Dresden, tel.: (+49) 0351 / 8501 – 100, fax.: (+49) 0351 / 8501 - 106</li><li>• Gemeinsames Zentrum der deutsch-tschechischen Polizei- und Zollzusammensarbeit Schwandorf, Arbeitsstelle Petrovice, Peterswalder Str., 01816 Bahratal, Tel.: 49.35023.67111</li><li>• Bundespolizeiamt Pirna, Rottwerndorfer Straße 22, 01796 Pirna Tel. 49.3501.795-60</li><li>• Bundespolizeiamt Chemnitz, Bornaer Straße 205, 09114 Chemnitz Tel. 49.371.4615-0</li></ul>
Saarland	<ul style="list-style-type: none"><li>• Landeskriminalamt des Saarlandes, Lagedienst, Mainzer Straße 136, D-66121 Saarbrücken, tel. +49-681-962.3333, fax: +49-681-962.3005.</li><li>• Landespolizeidirektion Saarland, Leitstelle/Lagezentrum, Mainzer Straße 136, D-66121 Saarbrücken, tel. +49-681-962.1260, fax: +49-681-962.1265.</li><li>• Bundespolizeiamt Saarbrücken, Saarpfalz Park 5, D-66450 Bexbach, tel. +49 6826-522-0, fax: +49-6826-522-199.</li></ul>

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Schleswig-Holstein	<ul style="list-style-type: none"><li>• Innenministerium, Lagezentrum, Mühlenweg 166, 24116 Kiel, tel +49-431-160- 61111, fax +49-431-160-61159 Grenzschutzpräsidium Nord, Lagezentrum, Raaberg 6, 24576 Bad Bramstedt, tel 494192-502.153, fax -899.698</li><li>• Bundespolizeiamt Hamburg, Jenfelder Allee 70a, 22043 Hamburg, Tel: 49.40.6699505-0</li><li>• Bundespolizeiamt Flensburg, Schleswiger Straße 42, 24941 Flensburg Tel. 49.461.14606-0</li></ul>
Customs	Zollkriminalamt, Bergisch-Gladbacher-Str. 837, 51069 Köln Tel.: +49 221/672-0, Fax: +49 221/672-4500

# ESTONIA

## ESTONIA

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
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### 1. SURVEILLANCE

#### List of persons authorised to carry out surveillance

*[Officers of the Central Criminal Police, Central Law Enforcement Police, Police Prefectures, Board of Border Guard and Tax and Customs Board]*

#### Contact details of the central authority:

Central Criminal Police  
Tööstuse, 52  
Tallinn  
Tel +372 612 3810 (24h).

### 2. PURSUIT

#### Restrictions on the power of pursuit in Estonia

In relation to the Republic of Latvia, the hot pursuit can be performed on the territory of the Republic of Estonia by the officers of the Latvian State Police.

- without limit in space and with time limit of 1 hour from the moment of border crossing (Article 41(3)(a) of the Schengen Convention)
- for extraditable offences (Article 41(4)(b) of the Schengen Convention) and
- together with the right to apprehend (Article 41(2)(b) of the Schengen Convention).

### 3. DEFINITIONS

### 4. SPECIFIC NATIONAL MEASURES

Schengen Convention Article 2 (3)

The Estonian Police have been given no special powers in border areas in connection with checks on aliens.

# ESTONIA

According to the Police Act

§ 12 (1)

The police, in accordance with its functions, shall:

- 11) search persons who are missing, staying in Estonia illegally, and other persons pursuant to the procedure provided by Acts and other legislation;
- 16) check the legality of the stay and working in Estonia of foreign citizen or stateless persons.

§ 13

The police have the right to:

- 2) check the identification of persons suspected in the commission of an offence, and in order to ensure safety, conduct on-the-spot checks of suspected persons and their things;
- 5) pursuant to the procedure provided by Acts and other legislation, detain or hold in custody persons suspected of the commission of criminal offences;
- 6) pursuant to the established procedure, detain persons who illegally stay in Estonia.

## **5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**

Central Criminal Police

Tööstuse, 52

Tallinn

Tel + 372 612 3810 (24h).

# GREECE

## GREECE

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

Officers of the Greek police and the harbour police, acting within their remit, and in accordance with the conditions laid down in bilateral agreements on surveillance (cf. Art. 40(6)), customs officers in the course of their duties concerning the illegal trafficking of drugs and psychotropic substances, the trafficking of arms and explosives and the unauthorised transport of toxic or harmful waste.

#### **Contact details of the central authority:**

Ministry of Public Order  
Police Headquarters  
Direction for International Police Cooperation  
Sirene  
Kanellopoulou 4  
10177 Athens  
tel 301.699826-0  
fax 301.699826-4

### 2. PURSUIT

Owing to the geographical situation of Greece, Art. 41(5)(b) prevents the application of this Article as regards relations between the Greece and the other Contracting Parties. Consequently, Greece has neither designated any officers within the meaning of Art. 41(7) nor made a declaration within the meaning of Art. 41(9).

### 3. DEFINITIONS

**Service weapons:** Any weapon belonging to the competent authority of the State and issued by that authority to its agents for the performance of their duties. The abovementioned officers may carry a personal revolver or pistol, a truncheon and handcuffs.

# GREECE

**Self-defence:** The Greek penal code lays down that it is lawful to act in self-defence.

Self-defence is where a person must use force to defend himself or anyone else against a wrongful attack on his or another's person at the moment it takes place.

- Whether or not the self-defence is lawful shall depend on the means used and shall be assessed on the basis of the danger of the force used, the harm done, the nature and intensity of the attack as well as the other circumstances surrounding the attack.
- An act of self-defence shall be considered unlawful, and consequently punishable, if excessive force is used. However, use of excessive force may be acceptable if the victim's response was due to a traumatised or emotional state brought on by the attack.
- Lastly, the self-defence shall not be considered legitimate when a person deliberately puts himself in a defending position by provoking the attack in order to commit a punishable act against his attacker under the pretext of self-defence.

**Home:** A home is a person's main and permanent place of residence. The criteria defining a home are:

1. It is not accessible to the public;
2. It is the permanent dwelling for a natural person in a given place.

## 4. SPECIFIC NATIONAL MEASURES

1. With Law 2622/1998 (Official Gazette 134), as amended by Law 2838/2000 (Official Gazette 179) and Law 2910/2001 (Official Gazette 91), the Border Guard and Illegal Immigration Prosecution police services were set up and operate under the Ministry of Public Order at central and regional level; their sole function is to prevent aliens from illegally entering Greece, to locate and arrest them and persons employed illegally throughout the State, and to bring them to justice or repatriate them, as well as to locate and arrest persons who facilitate the illegal entry and employment of aliens and to bring them to justice, in accordance with the applicable provisions.
  - Border Guard and Illegal Immigration Prosecution Services may be set up primarily in border and neighbouring prefectures or in prefectures adjacent to the latter or on islands near Greece's sea borders, and in any other prefecture where increased illegal residence and employment of aliens noted.
  - The responsibilities of the central and regional Border Guard and Illegal Immigration Prosecution police services are laid down in Arts. 2 and 4 of Presidential Decree 310/1998 (Official Gazette 215).
  - A total of 44 Border Guard divisions now operate on Greek territory, of which: 31 are in border prefectures on Greece's land borders with Albania, FYROM, Bulgaria and Turkey; 2 are on an island close to Greece's sea borders with Albania; 11 are in prefectures adjacent to those on Greece's land borders.
  - Of the abovementioned Border Guard and Illegal Immigration Prosecution Services, those which operate in the land-border prefectures and close to the sea borders constitute Control Area A and those operating in prefectures adjacent to those on the land borders, including the hinterland, are Control Area B.
2. Special Control Groups (blocks) at key and other strategic local points have been set up and operate in all the prefectures of the country, always taking into account the current circumstances and peculiarities of the region, for the purpose of searching for and arresting aliens illegally entering and residing in Greece, implementing the existing legislation and combating criminal activity by such harmful elements.

# GREECE

3. Both the Border Guard Services and the Special Control Groups have responsibility for their fields in regions outside their territorial jurisdiction, if specific reasons render this necessary. In addition, they are assisted in their work by all the staff of the Police Directorates involved, which are brought into action according to priority in the sector of fighting illegal immigration, organising regular and special checks of a limited duration at different times by specific regional or local police forces.
4. On 3 June 2001 the new Law 2910/2001 on immigration, etc. entered into force in Greece.
  - This law is intended to map out immigration policy, taking particular account of the socio-economic dimension of the subject, the security domain, changes in the facts of the situation, and new conditions and trends emerging in the EU framework and also at international level.
  - The new law contains regulations for dealing overall with the phenomenon of immigration, determining inter alia the mechanisms capable of checking the flow of immigration, and rules which will provide aliens with the possibility of lawful residence in Greece and also create the preconditions for their integration into Greek society.
  - With regard to the legal context for combating illegal entry and residence, the new law lays down provisions governing police control of the border crossings at entry/exit points, aliens' obligations, removal, carriers' liability for the illegal aliens they transport, the penalties applied to those entering and leaving the country illegally, the obligations of departments and officials – penalties applied to them, notaries' obligations – penalties applied to them, the obligations of employers of foreign workers – penalties applied to them, the obligations of officials and other private individuals – penalties applied to them, and carriers' obligations – penalties applied to them.
5. **LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**



# SPAIN

## SPAIN

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### 1. SURVEILLANCE

#### **List of agents:**

- members of the Cuerpo Nacional de Policia and the Cuerpo de la Guardia Civil in the course of their duties as criminal police
- officials under the customs authorities in respect of their powers concerning illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic and harmful waste.

#### **Central authority:**

Dir. General de la Policia  
Sirene  
Paseo de la Castellana 64  
28046 Madrid  
tel 3491.537.23-18, fax -24;

### 2. PURSUIT

#### **List of Spanish agents authorised to exercise the power of pursuit**

- members of the Cuerpo Nacional de Policia and the Cuerpo de la Guardia Civil in the course of their duties as criminal police
- officials under the customs authorities in respect of their powers concerning illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic and harmful waste.

#### **Offences which may entail exercise of the power of pursuit in Spain**

Except in cases where the person has escaped, the power of pursuit may be exercised in Spain if the person has been caught in the act of committing or participating in one of the offences mentioned in Art. 41(4)(a).

# SPAIN

## Restrictions on the power of pursuit in Spain

- (a) Border with France:
  - to a maximum 10 km radius of the border;
  - the agents do not have the power to stop and question
- (b) Border with Portugal:
  - a maximum 50 km radius of the border or a maximum period of 2 hours;
  - the agents do not have the power to detain

## Statutory provisions of particular importance when exercising the right of pursuit

Citizen's power of arrest: Pursuant to Art. 490 Code of Penal Procedure, any person may arrest the following:

1. A person who intends and is about to commit a criminal offence;
2. An offender *in flagrante*;
3. A person absconding from remand in custody or prison; 4. An accused or convicted person absent from court proceedings.

## 3. DEFINITIONS

**Service weapons**: A service weapon may be a long or short shoulder-weapon, whatever the calibre or model, that the members of the State Security Forces and Corps must carry in accordance with current legislation when on duty and which bears a badge, stamp, number or any other sign identifying it as a standard-issue service weapon.

Spain applies reciprocity when authorising certain weapons to be carried on Spanish territory for pursuit or cross-border surveillance carried out by members of the security forces of the Schengen States.

**Self-defence**: The following is deemed legitimate (self) defence: "An act committed to defend a person, one's own rights or those of another, provided all the following conditions are met:

- **Defence of a person**: 1. Unlawful assault, 2. Reasonable need for the means deployed to prevent or repel the aggressor, 3. Lack of sufficient provocation by the defending party.
- **Defence of property**: In the case of defence of property, unlawful use of force is considered an attack on property which constitutes an indictable or summary offence putting the property under serious threat of damage or causing its imminent loss.
- **Defence of one's home (residence)**: In the case of defence of one's home or its outbuildings, unlawful use of force is taken to mean unlawful entry into the residence or outbuildings (Art. 20(4) Criminal Code).

**Home**: Any closed space, not accessible to the public, which is used by the inhabitant to exercise a human activity.

## 4. SPECIFIC NATIONAL MEASURES

# SPAIN

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Border		Address	tel	fax
<b>Unit / Headquarters</b>				
<b>ES-FR</b>	Comisaría Prov. de S. Sebast.	C/ José M <sup>a</sup> Salaverria s/n	349.4344 -9800	-9797
	Jef. Sup. de Polic.de Pamplona	C/ General Chinchilla 3	349.482 -99700	-23326
	Com. Provinc. de Huesca	Pl. Luis Buñuel 3	349.742 -38800	-43320
	" Girona	C/ Sant Pau 2	349.72 -486001	-201149
	" Lleida	C/ Paseo de la Ronda 54	349.7327 -9535	-0634
<b>ES-PT</b>	" Pontevedra	C/ Joaquín Costa 17	349.8686 -8383	-5166
	" Ourense	C/ Polígono de las Lagunas	349.88 -391700	-221052
	" Zamora	C/San Atilano 1 A	349.805 -30462	-17883
	" Salamanca	C/ Ronda Sancti Spiritu 8/12	349.23 -127700	-216007
	" Cáceres	C/ Diego M <sup>a</sup> Crehuet 6	349.27 -626510	-227508
	Jef. Sup. de Pol. de Badajoz	Av. Cuerpo Nac. de Pol. s/n	349.242 -07095	-32495
	Com. Provinc. de Huelva	Av. de Italia s/n	349.592 -48422	-84942
<b>(b) Guardia Civil</b>				
<b>ES- FR</b>	Guipuzcoa	513, C/Barachategui 59, 20015 G.	34943.2 -76611	-93134
	Navarra	522, Av. Galicia 2, 31003 N.	34948.2968 -50	-50
	Huesca	422, Av. M. Velasco, 63, 22004 H.	34974.2103 -42	-42
	Lleida	432, C/Libertad 3, 25071 L.	34973.2490 -08	-04
	Girona	413, C/E. Grahit 52, 17003 G.	34972.2086 -50	-54
<b>ES-PT</b>	Pontevedra	614, C/L. Crespo 33, 36004 P.	34986.8556 -00	-00
	Orense	613, C/ Bieito Amado 17, 32971 O.	34988.2353 -53	-53
	Zamora	632, C/F. T. Motolinia 1, 49004 Z.	34980.5216 -00	-00
	Salamanca	1204, Av. Juan Carlos I, 37001 S.	34923.1272 -00	-23
	Caceres	132, C/ Ceres 21, 10004 C.	34927.2 -42750	-10518
	Badajoz	131, C/A. C. Riobeco, 06001 B.	34924.2057 -50	-64
	Huelva	221, C/ Guadalcanal 1, 21002 H.	34959.241 -078	-900

# FRANCE

## FRANCE

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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### List of agents:

- officers of the criminal police and the national police and the *Gend.Nat.*
- customs officers and members of the Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED) and the Brigades régionales de recherche when dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste

#### Contact details of the central authority:

Direction Centrale de la Police judiciaire  
DRI  
101 r.des Trois Fontanot  
92000 Nanterre  
tel 331.409788-00  
fax 331.409788-11;

### 2. PURSUIT

#### List of French agents authorised to exercise the power of pursuit

- officers of the criminal police and the national police and the *Gendarmerie Nationale*
- customs officers and members of the Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED) and the Brigades régionales de recherche (regional investigation squads) when dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste.

#### Offences which may entail exercise of the power of pursuit in France

Except in cases where the person has escaped, the power of pursuit may be exercised in France if the person has been caught in the act of committing or participating in one of the offences mentioned in Art. 41(4)(a).

# FRANCE

## Restrictions on the power of pursuit in France

- (a) borders to Belgium and Germany: there are no restrictions on the duration or scope of the pursuit; the pursuing agents do not have the power to stop and question
- (b) borders to Spain, Luxembourg and Italy: pursuit is restricted to a 10 km radius of the border, the pursuing agents do not have the power to stop and question

## Statutory provisions of particular importance when exercising the right of pursuit

- (a) Citizen's power of arrest: France does not grant its partners on French territory the power to stop and question in the course of pursuit within the meaning of Art. 41 of the Schengen Convention. However, France hereby informs its partners of the provisions of Art. 73 of the French Code of Criminal Procedure, which stipulates that any individual is entitled to arrest a person caught in the act of committing a summary or indictable offence attracting a custodial sentence and thereafter take the perpetrator immediately to the nearest criminal police official.

On the basis of this Article, a foreign police official is entitled to make an arrest in France provided all of the following conditions are met:

A summary or indictable offence that is punishable by imprisonment has just been committed (in flagrante delicto), the police official was either witness to the offence or a victim thereof, and this summary or indictable offence was committed ON FRENCH TERRITORY.

The arrest is therefore made not on the grounds of the offence which was the reason for the pursuit but on the grounds of another offence committed in France.

The person arrested must be taken to the nearest criminal police official IMMEDIATELY and the official will then initiate proceedings for the offence committed in France (and decide whether to keep the person in custody) pursuant to the provisions applicable under French ordinary law.

- (b) Exercising special rights in respect of road traffic regulations  
French road traffic regulations stipulate that a driver is obliged to give way to police or gendarmerie vehicles which announce their approach by using the signals laid down (blue light and two-tone siren).

## 3. DEFINITIONS

**Service weapons:** The personal equipment of officers of the French authorities responsible for performing police duties is composed of: one handgun, one tear-gas spray, one truncheon, handcuffs. In the course of a pursuit operation, officers seconded by other Contracting Parties may not hold categories of weapons other than those specified above.

# FRANCE

**Self-defence:** All the following conditions have to be satisfied in order for a person to be deemed to have acted in self-defence and therefore not be held criminally liable (Art. 122(5) of the new Penal Code):

In the case of an attack on persons:

- an unjustified attack on this person him/herself or another
- the means of defence deployed must be commensurate with the seriousness of the attack
- the defensive act must occur at the same time as the attack
- the act of defence must be necessary to defend the person subjected to the unjustified attack.

In the case of an attack on property:

- the act of defence must be strictly necessary to interrupt the commission of a crime or offence against property
- the means used must be commensurate with the seriousness of the offence
- this act of defence must not be one of voluntary manslaughter.

**Home:** Any place where a natural or legal person resides permanently or temporarily, including the annexes thereto.

## 4. SPECIFIC NATIONAL MEASURES

### Art. 78(2), eighth para., of the Code of Criminal Procedure

*In an area between the land border of France and the States party to the Convention signed in Schengen on 19 June 1990 and a line 20 km to this side of that border, as well as in the public areas of ports, airports and rail or coach stations open to international traffic and officially designated as such, the identity of any individual may be checked, in accordance with the provisions of paragraph 1 (see above), for the purpose of ensuring the individual in question meets the necessary requirements concerning the holding, carrying and production of permits and documents provided for by law. Should the identity check reveal an offence beyond that of failing to comply with the abovementioned requirement, this shall not constitute grounds for nullifying any other proceedings arising.*

*[paragraph 1: Senior judicial police officers and, under their command and jurisdiction, judicial police officers and deputy judicial police officers referred to in Articles 20 and 21 (1) may call on any individual to prove, by whatsoever means, his/her identity]*

### Art. 67(d) of the Customs Code

*As of the date of entry into force of the Convention signed in Schengen on 19 June 1990, customs officers invested with the powers of head of post or officials appointed by the latter to the rank of inspector or a higher rank, may, in an area between the land border of France and the States party to the abovementioned Convention and a line 20 km to this side of that border, as well as in the public areas of ports, airports and rail or coach stations open to international traffic and officially designated as such, check compliance with the requirements concerning the holding, carrying and production of papers and documents provided for in Article 8 of Order No 45-2658 of 2 November 1945 on the conditions governing the entry and residence of aliens in France. (...)*

# FRANCE

## Art. 8-2 of Order No 45-2658 of 2.11.45 (amended by law No 97-396 of 24.04.97)

*In an area between the land border of France and the States party to the Convention signed in Schengen on 19 June 1990 and a line 20 km to this side of that border, senior judicial police officers and, under their command and jurisdiction, judicial police officers and deputy judicial police officers referred to in Arts. 20 and 21(1) of the Code of Criminal Procedure may, with the consent of the driver, or where this is not given, on instructions from the public prosecutor, search vehicles travelling on the public highway, with the exception of private vehicles, for the purpose of investigating and detecting offences connected with entry into and residence in France (...)*

France has adopted a number of compensatory measures to ensure that the free movement of persons enshrined in the Schengen Convention is not deflected from its objective and does not foster the development of illegal immigration networks or illegal trafficking.

As a result, the new provisions contained in Art. 78(2), eighth para., of the Code of Criminal Procedure and Art. 67(c) of the Customs Code allow judicial police officers to carry out identity checks, and entitle customs officers to check permits and documents produced by aliens.

*NB: France's recourse to the safeguard clause provided for in Art. 2(2) of the Schengen Convention has no bearing on these provisions which have been applicable on French territory since 26.3.95.*

## Art. 78(2), eighth para. of the Code of Criminal Procedure

- Its provisions authorise, by way of derogation from usual procedures, the abovementioned officers to carry out identity checks on any individual without having to fulfil any specific conditions:
  - = in an area extending 20 km inside the land border between France and the Schengen States,
  - = in public areas at ports, airports and rail or coach stations open to international traffic and designated as such (and, in airports not permanently open to international traffic, only during opening periods).Please find the list of places concerned according to department below.
- The following officers are authorised to carry out checks:
  - = senior judicial police officers
  - = and, under the authority of the senior judicial police officers, judicial police officers and deputy judicial police officers in accordance with Art. 20 and 21(1) of the Code of Criminal Procedure (this does not include local police officers). The fact that the check reveals another offence is not sufficient grounds for nullification; secondary proceedings would then be brought.

## Art. 67(d) of the Customs Code

- This Art. applies to the same geographical areas as those laid down in Art. 78(2), eighth para., of the Code of Criminal Procedure.
- This article does not authorise customs officers to carry out identity checks, but rather to "check compliance with the requirements concerning the holding, carrying and production of permits and documents provided for in Art. 8 of Order No 45-2658 of 2.11.45 on the conditions governing the entry and residence of aliens in France".

# FRANCE

- However, such checks may only be carried out where there is sufficient objective reason, judging from the external circumstances surrounding that person, to believe that the person concerned is an alien. Therefore, before any checks on aliens' entry and residence documents can be carried out, it is essential that there be some external sign that they are foreign nationals, such as:
  - = stickers or posters in a foreign language,
  - = the fact that they are in a car with a foreign registration number,
  - = entry to and exit from an embassy or foreign consulate, etc.
- Whatever the case, checks have to be based on objective criteria and should not be in any way discriminatory, which thus rules out individuals' physical appearance or characteristics.
- The following officers are authorised to carry out such checks:
  - = customs officers invested with the powers of head of post
  - = or officials appointed by the latter to the rank of inspector or a higher rank.

## **Art. 8-2 of Order No 45-2658 of 2.11.45 amended by law No 97-396 of 24.4.97 on various provisions relating to immigration**

France has also adopted, in accordance with the above article, a compensatory measure authorising "perfunctory searches" of vehicles subject to the following limits and conditions (*Given that the law does not provide any definition of perfunctory search, the Constitutional Court has ruled that, contrary to a search, a "perfunctory search" is for the sole purpose of ascertaining whether anybody is hidden in the vehicle (Decision No 97-389 DC of 22.4.97):*

- Such perfunctory searches may only be carried out in an area between the land border of France and the Schengen States and a line 20 km to this side of that border; the ports and airports mentioned above are not covered by this provision.
- The officials responsible for carrying out these perfunctory searches are senior judicial police officers assisted by judicial police officers and deputy judicial police officers referred to in Art. 20 and 21(1) of the Code of Criminal Procedure.
- Such perfunctory searches may only be carried out with the consent of the driver or, where this is not given, on instructions from the public prosecutor. Whilst awaiting such instructions, the vehicle may be halted for a period of up to 4 hours.
- Such searches may only be carried out on vehicles travelling on the public highway, with the exception of private vehicles.
- The driver should always be present during such searches which must be kept as short as possible.
- The purpose behind such searches is to investigate and detect offences relating to entry and residence of aliens in France.
- A report is drawn up after each search giving the relevant date and the times at which the search started and finished. One copy is given to the driver and another is sent to the public prosecutor.



# FRANCE

<b>List of ports, airports and rail or coach stations</b> designated as such in accordance with Art. 78(2), eighth para., of the Code of Criminal Procedure and Art. 67(c) of the Customs Code				
<b>Department</b>	<b>Ports</b>	<b>Airports</b>	<b>Rail stations</b>	<b>Coach stations</b>
Ain (01)			Bellegarde-sur-Valserine, Bourg-en-Bresse, Culoz	Bellegarde-sur-Valserine, Divonne-les-Bains
Aisne (02)			Saint-Quentin	
Allier (03)		Vichy-Charmeil		
Hautes-Alpes (05)		Gap-Tallard		Briançon
Alpes-Maritimes (06)	Antibes, Beaulieu, Cagnes-sur-Mer, Cannes-Vieux Port, Golfe-Juan, Juan-les-Pins, Mandelieu, marina Baie-des-Anges, Menton, Nice, Saint-Jean-Cap-Ferrat, Saint-Laurent-du-Var, Théoule-sur-Mer, Villefranche, Villeneuve-Loubet	Nice-Côte d'Azur, Cannes-Mandelieu	Antibes, Cannes, Menton, Nice, Nice-Riquier	Nice
Ardennes (08)		Charleville-Mézières		
Ariège (09)			Foix	
Aube (10)		Troyes-Barberey		
Aude (11)	Gruissan, Leucate, Port-la-Nouvelle	Carcassonne-Salvaza	Narbonne	Narbonne
Aveyron (12)		Rodez-Marcillac		
Bouches-du-Rhône (13)	Arles, Carry-le-Rouet, Cassis, La Ciotat, Fos-sur-Mer, Lavéra, Marseille, Martigues, Port-de-Bouc, Port-Saint-Louis-du-Rhône, Sausset-les-Pins, Saintes-Maries-de-la-Mer	Marseille-Provence	Marseille-Saint-Charles	Marseille-Saint-Charles

# FRANCE

Calvados (14)	Caen, Honfleur, Ouistreham, Port-en-Bessin	Caen-Carpiquet, Deauville-Saint-Gatien		
Charente (16)		Angoulême-Brie-Champniers	Angoulême	
Charente-Maritime (17)	La Rochelle-La Pallice, La Rochelle-Les Minimes, La Rochelle-Vieux Port, Rochefort-sur-Mer, Royan, Tonnay-Charente			
Cher (18)		Bourges		
Corse-du-Sud (20 A)	Ajaccio, Bonifacio, Porto-Vecchio, Propriano	Ajaccio-Campo-del-Oro, Figari-Sud Corse		
Haute-Corse (20 B)	Bastia, Calvi, L'Île-Rousse, Macinaggio, Saint-Florent	Bastia-Poretta, Calvi-Saint-Catherine		
Côte-d'Or (21)		Dijon-Longvic	Dijon	
Côtes-d'Armor (22)	Le Guildo, Le Légué, Paimpol, Saint-Brieuc, Saint-Quay-Portrieux, Tréguier	Brieuc-Armor		
Dordogne (24)		Bergerac-Roumanière, Périgueux-Bassillac		
Doubs (25)		Besançon-La Vèze, Montbéliard-Courcelles, Pontarlier	Besançon, Frasne, Pontarlier	
Drôme (26)		Valence-Chabeuil		
Finistère (29)	Brest, Camaret, Concarneau, Le Guilvinec, Morlaix, Quimper, Roscoff	Brest, Morlaix-Ploujean, Quimper-Cornouaille		
Gard (30)	Le Grau-du-Roi, Port-Camargue	Nîmes-Arles-Camargue	Nîmes	Nîmes
Haute-Garonne (31)		Toulouse-Blagnac	Saint-Gaudens, Toulouse	Toulouse

# FRANCE

Gironde (33)	Ambès, Arcachon, Blaye, Bordeaux, Pauillac, Verdon	Bordeaux-Mérignac	Bordeaux	
Hérault (34)	Agde, Le Cap-d'Agde, la Grande-Motte, Palavas, Sète, Valras	Béziers-Vias, Montpellier-Méditerranée	Montpellier	Montpellier
Ille-et-Vilaine (35)	Saint-Malo	Dinard-Pleurtuit-Saint-Malo, Rennes-Saint-Jacques		
Indre (36)		Châteauroux-Déols		
Indre-et-Loire (37)		Tours-Val de Loire		
Isère (38)		Grenoble-Le Versoud		
Jura (39)		Dole-Tavaux		
Landes (40)			Dax	
Loir-et-Cher (41)		Blois-Le Breuil		
Loire (42)		Roanne-Renaison, Saint-Etienne-Bouthéon		
Loire-Atlantique (44)	La Barre-de-Monts-Fromentine, Le Croisic, Nantes-Saint-Nazaire, Pornic, La Turballe	La Baule-Escoublac, L'Ile-d'Yeu, Nantes-Atlantique, Saint-Nazaire-Montoir		
Loiret (45)		Orléans-Saint-Denis-de-l'Hôtel		
Lot (46)		Cahors-Lalbenque		
Lot-et-Garonne (47)		Agen-La Garenne		
Maine-et-Loire (49)		Angers-Marcé		

# FRANCE

Manche (50)	Carteret, Cherbourg, Granville, Portbail	Cherbourg-Maupertus, Granville-Bréville		
Marne (51)		Châlons-Vatry, Reims-Champagne		
Mayenne (53)		Laval-Entrammes		
Meurthe-et-Moselle (54)		Nancy-Essey	Nancy	
Morbihan (56)	Groix, Lorient, Le Palais, Vannes	Vannes-Meucon		
Moselle (57)		Metz-Nancy-Lorraine	Metz	
Nièvre (58)		Nevers-Fourchambault		
Nord (59)	Dunkerque	Lille-Lesquin, Valenciennes-Denain	Aulnoye, Lille-Europe, Lille-Flandre	
Oise (60)		Beauvais-Tillé		
Pas-de-Calais (62)	Boulogne-sur-Mer, Calais, Le Touquet-Etaples	Calais-Dunkerque, Le Touquet-Côte d'Opale	Calais-Ville, Calais-Fréthun, Coquelles	
Puy-de-Dôme (63)		Clermont-Ferrand-Auvergne		
Pyrénées-Atlantiques (64)	Anglet, Bayonne, Biarritz, Ciboure, Hendaye, Saint-Jean-de-Luz	Biarritz-Anglet-Bayonne, Pau-Pyrénées	Bayonne, Pau	Pau, Oloron
Hautes-Pyrénées (65)		Tarbes-Lourdes-Pyrénées	Tarbes	
Pyrénées-Orientales (66)	Canet, Port-Vendres, Saint-Cyprien	Perpignan-Rivesaltes	Perpignan	Perpignan
Bas-Rhin (67)	Strasbourg	Strasbourg-Entzheim		
Haut-Rhin (68)		Bâle-Mulhouse, Comar-Houssen		

# FRANCE

Rhône (69)	Lyon (port Edouard-Herriot)	Lyon-Saint-Exupéry, Lyon-Bron	Lyon-Part-Dieu, Lyon-Perrache, Lyon-Saint-Exupéry-TGV	Lyon-Perrache
Haute-Saône (70)		Vesoul-Frotey		
Saône-et-Loire (71)		Saint-Yan		
Sarthe (72)		Le Mans-Arnage		
Savoie (73)		Courchevel, Chambéry-Aix-les-Bains	Bourg-Saint-Maurice, Chambéry, Modane, Moûtiers-Salins-Brides, Saint-Jean-de-Maurienne	Chambéry
Haute-Savoie (74)		Annecy-Haute-Savoie, Annemasse, Megève	Annemasse, Vallorcine	Annecy, Annemasse
Paris (75)			Gare d'Austerlitz,	
			gare de Bercy, gare de l'Est, gare de Lyon, gare Montparnasse, gare du Nord, gare Saint-Lazare	Paris-Porte de Charenton
Seine-Maritime (76)	Antifer, Dieppe, Fécamp, Le Havre, Port-Jérôme, Rouen, Saint-Valéry-en-Caux, Tréport	Dieppe-Saint-Aubin, Le Havre-Octeville, Rouen-Vallée de Seine		
Seine-et-Marne (77)		Meaux, Lognes	Marne-la-Vallée-Chessy	
Yvelines (78)	Limay	Toussus-le-Noble		
Somme (80)		Abbeville, Amiens-Glisy		

# FRANCE

Tarn (81)		Albi-Le Séquestre, Castres-Mazamet		
Var (83)	Bandol, Bormes-les-Mimosas, Brégaillon, Cavalaire, Embiez, Hyères, Le Lavandou, Les Marines-de-Cogolin, Porquerolles, Port-Grimaud, Saint-Cyr, Saint-Mandrier, Sainte-Maxime, Saint-Raphaël, Saint-Tropez, Toulon	La Môle-golfe de Saint-Tropez, Le Castellet, Toulon-Hyères	Toulon	
Vaucluse (84)		Avignon	Avignon centre, Avignon TGV	
Vendée (85)	Noirmoutier, Les Sables-d'Olonne, Saint-Gilles-Croix-de-Vie			
Vienne (86)		Poitiers-Biard-Futuroscope	Poitiers	
Haute-Vienne (87)		Limoges-Bellegarde		
Vosges (88)		Epinal-Mirecourt		
Yonne (89)		Auxerre-Branches		
Territoire de Belfort (90)			Belfort	
Essonne (91)			Massy-TGV	
Hauts-de-Seine (92)	Gennevilliers	Paris-Issy-les-Moulineaux		
Seine-Saint-Denis (93)		Paris-Le Bourget, Paris-Charles de Gaulle	Gare « Aéroport Charles-de-Gaulle TGV »	Bagnolet-Paris
Val-de-Marne (94)		Paris-Orly		
Val-d'Oise (95)		Pontoise-Cormeilles-en-Vexin		

# FRANCE

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Border	Departement	Authority	Address	tel	fax
<b>(a) Police Nationale</b>					
<b>BE</b>	02 Aisne	Laon	2 bd Gras-Brancourt, BP 38, 02003 L.	333.2379 -2382	-0755
	08 Ardennes	Charleville-M.	36 av. Jean Jaures, 08109 Ch.-M.	333.24 -333456	-591914
	55 Meuse	Bar-le-duc	59 r. du Bourg, BP 517, 55012 B.	333.297 -90017	-71133
	59 North	Lille	171 bd de la Liberté, 59024 L.	333.20 -305721	-548.307
<b>BE-LU</b>	54 Meurthe et Mos.	Nancy	38 bd Lobau, BP 28, 54035 N.	333.83 -172737	-379342
<b>LU-DE</b>	57 Moselle	Metz	6 r. Belle Isle, 57000 M.	333.873 -79111	-04304
<b>DE</b>	67 Bas Rhin	Strasbourg	11 r. de la Nuée Bleue, 67000 Str.	333.88 -153737	-232821
	68 Haut Rhin	Mulhouse	12 r. Coehorn, Bât B, 68062 M.	333.89 -608200	-426566
<b>IT</b>	04 Alpes de Haute Provence	Digne les bains	1 r. des Monges, 04003 D.	334.923 -08660	-24132
	05 Hautes Alpes	Gap	Place Alsace Lorraine, 05000 G.	334.925.250 -99	-60
	06 Alpes maritimes	Nice	1, av Mal Foch, 06012 N.	334.9 -217.2222	-385.3999
	73 Savoie	Chambéry	585, av de la Boisse, 73000 Ch.	334.796 -29604	-92554
	74 Haute Savoie	Annecy	17, r. des Marquisats, BP 323, 74000 A.	334.50 -523200	-455886
<b>ES</b>	09 Ariège	Foix	2 av. Lakanal, 09000 F.	335.61 -054300	-653367
	31 Haute Garonne	Toulouse	23 bd de l'Embouchure, 31200 T.	335.611.277 -77	-43
	64 Pyrenées Atlant.	Pau	5 r. O'Quin, 64000 P.	335.59 -982219	-277078
	65 Hautes Pyrenées	Tarbes	21 r. G. Clémenceau, 65000 T.	335.6244 -3131	-1146
	66 Pyrenées Orient.	Perpignan	Av. de Grande-Bretagne, 66020 P.	334.6835 -7000	-3159

# FRANCE

<b>(b) Gendarmerie Nationale</b>					
<b>BE</b>	Ardennes	Charl.-Mezières	198, av.Charles de Gaulle, BP 855, 08011 Charleville-Mezi.	333.245.667-26	-58
	Aisne	Laon	30, av.Charles de Gaulle, 02011 L.	333.232.253-31	-66
	North	Lille	201, bd de Mons, BP187, 59018 L.	333.2043-5690	-5730
		Valen-ciennes	283, bd Harpignies, BP 449, 59322 V.	333.272.255-01	-89
<b>DE</b>	Haut-Rhin	Colmar	56, r.de la Cavalerie, BP 529, 68021 C.	333.892.150-95	-29
	Bas-Rhin	Strasbourg	2, r. de Molsheim, 67071 Str.	333.8837-5082	-5301
	Moselle	Metz	2, r. André Bettanier, 57038 M.	333.87-639391	-566.944
<b>IT</b>	Savoie	Chambéry	28, rue de Sonnaz, BP 1142, 73011 Ch	334.799.665-09	-44
	Haute-Savoie	Annecy	33, av. de la Plaine, BP 898, 74016 A.	334.500.947-22	-15
	Alpes de Haute-Provence	Digne-les-bains	Av. Georges Pompidou, BP 215, 04003 D.	334.923.011-07	-30
	Alpes-marit.	Nice	Caserne Ausseur, BP 3171, 06203 N.	334.931.842-31	-68
	Hautes-Alpes	Gap	Caserne Fontreyne, BP 103, 05007 G.	334.924.065-10	-51
<b>LU</b>	Moselle	Metz	2, r. André Bettanier, 57038 M.	333.87-639.391	-566.944
	Meurthe-and-Moselle	Nancy	102, av.du Gén. Leclerc, CO 30, 54035 N.	333.8392-4404	-5795
	Meuse	Bar-le-duc	Quartier Moncey, 55012 B.	333.297.953-33	-10
<b>ES</b>	Pyrenées-orient.	Perpignan	25, av.Guynemer, 66940 P.	334.6866-0266	-4490
	Ariège	Foix	2, allée de Vilotte, BP 80, 09008 F.	335.6102-1701	-1660
	Haute-Garonne	Toulouse	12, pl. Lafourcade, 31055 T.	335.61-524.983	-175.377
	Hautes-Pyrenées	Tarbes	27, r. Massey, BP 1449, 65014 T.	335.624.455-07	-50
	Pyrenées-atlant.	Pau	4, cours Bérard, 64079 P.	335.598.240-83	-46



# IRELAND

## IRELAND

1. SURVEILLANCE
2. PURSUIT
3. DEFINITIONS
4. SPECIFIC NATIONAL MEASURES
5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

# ITALY

## ITALY

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### 1. SURVEILLANCE

#### List of agents:

- Crim. Investig. Dep. officials and officers from the State Pol. and the Carab.
- Criminal Investigation Department officials and officers from the Guardia di Finanza for cases involving counterfeit money, the illegal trafficking of drugs and psychotropic substances, arms and explosives trafficking and the illegal transportation of toxic or harmful waste.
- Customs officers for cases involving the illegal trafficking of drugs and psychotropic substances, arms and explosives trafficking and the illegal transportation of toxic or harmful waste, in accordance with the conditions laid down in the relevant bilateral agreements.

#### Contact details of the central authority:

Min. dell'Interno

Dir. Centrale della Polizia Criminale

Sirene

00100 Rome

tel 3906.44-373.565

fax 3906.44-702.737

outside office hrs: tel. 3906.44-702.465

fax 3906.44-644.75

### 2. PURSUIT

#### List of Italian agents authorised to exercise the power of pursuit

- Criminal Investigation Department officials and officers from the State Police and the Carabinieri.
- Criminal Investigation Department officials and officers from the Guardia di Finanza for cases involving counterfeit money, the illegal trafficking of drugs and psychotropic substances, arms and explosives trafficking and the illegal transportation of toxic or harmful waste.
- Customs officers for cases involving the illegal trafficking of drugs and psychotropic substances, arms and explosives trafficking and the illegal transportation of toxic or harmful waste, in accordance with the conditions laid down in the relevant bilateral agreements.

# ITALY

## Offences which may entail exercise of the power of pursuit in Italy

In Italy, the determining factor is the border across which the right of pursuit is to be exercised:

- (a) As regards the border with Austria: Except in cases where the person has escaped, the right of pursuit may be exercised where the person has been caught in the act of committing or participating in an offence which is liable for extradition (Art. 41(4)(b)).
- (b) As regards the border with France: Except in cases where the person has escaped, the power of pursuit may be exercised in Italy where the person has been caught in the act of committing or participating in one of the offences mentioned in Art. 41(4)(a).

**Restrictions on the power of pursuit in Italy:** In Italy, the determining factor is the border across which the right of pursuit is to be exercised:

- (a) As regards the border with Austria:
  - Pursuit may take place within a radius of 20 km of the border if it is along the motorways and in all other cases within a radius of 10 km.
  - The officers carrying out the pursuit may not arrest the person.
- (b) As regards the border with France:
  - Pursuit may take place within a radius of 10 km of the border;
  - The officers carrying out the pursuit may not arrest the person.

### 3. DEFINITIONS

**Service weapons:** A service weapon is the personal weapon issued to each officer for the entire duration of his service in the police force and is a semi-automatic pistol. Within the meaning of the Schengen Convention, handcuffs are also regarded as weapons. The following individual weapons are also regarded as service weapons depending on the type of authority: truncheons, edged weapons, flare pistols, tear gas, rifles, pistols or assault rifles and revolvers. In the course of their ordinary duties the Italian police are usually issued with a semi-automatic pistol and handcuffs.

**Self-defence:** Self-defence is defined in Art. 52 of the Penal Code.

A person is deemed to have acted in self-defence and is therefore not liable to criminal prosecution under the following conditions:

- Defence is in response to an unwarranted attack on the right of an individual or that of a third party;
- the actual need for defence is real and present;
- defence is in proportion to attack.

**Home:** According to Italian legislation and case law, the inviolability of the home applies to the private home and residence, even temporary, such as caravans, tents, hotel rooms, boat cabins, train sleepers, and extends to the place in which the person concerned exercises his profession and which is not accessible to the public, such as a private office and other places closed to the public during working hours. Case law, however, is less clear where industrial establishments are concerned.

# ITALY

## 4. SPECIFIC NATIONAL MEASURES

### Art. 1(3) of Legislative Decree No 286 of 25.7.98

In accordance with the guidelines adopted by the Ministry of the Interior, provincial prefects at land borders and prefects in the capitals of the coastal regions shall take the requisite measures to coordinate border controls and land and sea surveillance. They shall do so in agreement with the prefects of the other provinces concerned, after consulting the police commissioners and the heads of the border police, the maritime and military authorities and the heads of the police forces above the provincial level that might be concerned and shall monitor the implementation of the guidelines in this area.

### Art. 12(7) of Legislative Decree No 286 of 25.7.98

During the course of police operations to tackle illegal immigration, provided for in the guidelines referred to under Art. 9(3), the public security officials and officers operating in the bordering provinces and in the territorial waters may carry out controls and inspections on means of transport and transported goods, despite these being subject to special customs arrangements, where there are serious grounds, including specific circumstances relating to time and place, for believing that they may be being used to commit one of the offences provided for in this article. A report shall be drafted, using the appropriate forms, after the controls and inspections have been carried out. This shall be sent, within 48 hours, to the public prosecutor. The public prosecutor shall then examine the facts and give his authorisation within the 48 hours which follow. In this way, the Criminal Investigation Department officials and officer may then carry out a search, in accordance with the provisions laid down in Art. 352(3) and (4) of the Code of Criminal Procedure.

# ITALY

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Border	Office	Address	tel	fax
<b>(a) State Police</b>				
<b>FR</b>	Questura di Aosta	Via S.Michele 1, 11100 A.	39.0165-23711	-32387
	" Torino	Cor. Vinzaglio 10, 10121 T.	39.0115-5881	-32551
	" Cuneo	Piazza Torino 3, 12100 C.	39.0171-443411	-692758
	" Imperia	Piaz. Duomo 14, 18100 I.	39.0183.689-	-692
<b>AT</b>	" Bolzano	V.Marconi 33-39, 39100 B.	39.0471.947-511	-777
	" Udine	V.della Prefettura, 33100 U.	39.0432.594-1	-666
<b>(b) Carabinieri</b>				
<b>FR</b>	Gruppo Carabin. di	Piazza Roncas 1, 11100 A.	39.0165.361-221	-221
	Com. Prov.di Torino	Via S. Valfrè 5 bis, 10121 T.	39.011.5519-1	-4220
	" Cuneo	Corso Soleri 7, 12100 C.	39.0171.692-123	-123
	" Imperia	Corso Matteotti 46, 18100 I.	39.0183.295-534	-534
<b>AT</b>	" Bolzano	Via Dante 30, 39100 B.	39.0471-973703	-434588
	" Udine	Via Gemona 21, 33100 U.	39.0432.505-380	-380
<b>(c) Guardia di Finanza</b>				
<b>FR</b>	Gruppo di Aosta	Pza Chambery 69, 11100 A.	39.0165-41112	-235828
	" Torino	Cor. IV nov. 40, 10136 T.	39.011.3305-1	-215
	" Cuneo	Via P. Gobetti 18, 12100 C.	39.0171.692-389	-076
	" Imperia	Piazza De Amicis 2, 18100 I.	39.0183.294-206	-206
<b>AT</b>	" Bolzano	Via Stazione 6, 39100 B.	39.0471.974-603	-603
	" Tolmezzo	Via Dante 1, 33028 T.	39.04332-141	-487
	" Udine	V. della Cisterna 1, 33100 U.	39.0432.504-285	-058

# CYPRUS

## CYPRUS

1. [SURVEILLANCE](#)
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# LATVIA

## LATVIA

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### 1. [SURVEILLANCE](#)

#### List of persons authorised to carry out surveillance

Officers of the State Police (Valsts policija), the State Border Guard (Valsts robežsardze) and the State Revenue Service (Valsts ieņēmumu dienests) within the scope of their competence.

### 2. [PURSUIT](#)

#### List of persons authorised to carry out pursuit

In relation to the Republic of Estonia and the Republic of Lithuania the hot pursuit can be performed in the territory of the Republic of Latvia under the following conditions:

- a) the person being pursued in the territory of Latvia shall be detained by the police officers of the Republic of Latvia; if Latvian officers are unable to intervene quickly enough, the officers continuing the hot pursuit may challenge the person pursued, until the police officers of the Republic of Latvia are able to detain the person pursued (art.41 (2) (b))
- b) the hot pursuit may be continued no longer than one hour from the moment of crossing the state border (art.41 (3) (a))
- c) for an offence coverable by the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

Bilateral agreements in force concluded with the above mentioned countries and regulating the hot pursuit are considered as extending and supplementing the Schengen acquis in terms of the art. 41 (10).

### 3. [DEFINITIONS](#)

### 4. [SPECIFIC NATIONAL MEASURES](#)

### 5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

# LITHUANIA

## LITHUANIA

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. [SURVEILLANCE](#)

#### List of persons authorised to carry out surveillance

*Lithuanian Police, State Border Guard Service, Customs Criminal Service Officers*

#### Contact details of the central authority:

Central authority for the submission of the surveillance requests and replies is the  
*SIRENE National Unit of the International Liaison Office of the Lithuanian Criminal Police Bureau*  
Liepyno 7  
LT-08105 Vilnius  
telephone 370 5 271 9900  
Fax 370 5 271 9924  
e-mail: [office@ilnb.lt](mailto:office@ilnb.lt)

#### 1.3. Authority issuing the content for surveillance

- *non-urgent cases – judicial authority*
- *urgent cases – pretrial investigator*

### 2. [PURSUIT](#)

#### List of persons authorised to carry out the pursuit

- **for the Republic of Latvia:** *Police, Border Guard Service officers*
- **for the Republic of Poland:** *Police, Border Guard Service officers*



# LITHUANIA

## Central authority

Central authority for information exchange on the authorization or prohibition of the pursuit is the *Operational Management Unit of the Police Information Board of the Police Department under the MoI*

Saltoniskiu 19

LT-08105 Vilnius

Tel. 370 5 271 7966, 370 5 271 7967

Fax 370 5 271 7980

e-mail: lpic.budetojai@policija.lt; lpic.bs1@policija.lt

## Restrictions on the power of pursuit in Lithuania:

### At the common border with Latvia

- 1) pursuit is restricted to maximum period of one hour from the moment of crossing the state border;
- 2) pursuit can be continued for the offence coverable by the European Arrest Warrant or if the person has escaped from provisional custody or while serving a sentence involving deprivation of liberty;
- 3) competent authorities of Lithuania shall be noted immediately, no later than when the persons being pursued and the pursuing officers cross the state border, on the place and time of such crossing and on the weapons and special means as well as particular means of communication carried by the pursuing officers;
- 4) the officers continuing the pursuit in Lithuania must:
  - be easily identifiable as officials, either by their uniform, by means of an armband or by accessories fitted to their vehicles or other means of identification;
  - carry documents certifying that they are acting in an official capacity and produce them every time at the request of competent Lithuanian officers;
  - not use service weapons, except in the case of threat to a person's life;
  - comply with the provisions of bilateral agreements between Lithuania and Latvia and with the national legislation of Lithuania as well as obey the instructions of the competent authorities of Lithuania;
  - not enter into private homes and places not accessible to the public nor perform any other actions that are contrary to the provisions of the Schengen Convention.

### At the common border with Poland

- 1) pursuit is restricted to a maximum 100 km radius of the border and a maximum period of one hour from the moment of crossing the state border;
- 2) pursuit can be continued for an extraditable offence or the offence coverable by the European Arrest Warrant or if the person has escaped from provisional custody;
- 3) competent authorities of Lithuania shall be notified immediately, usually before the state border has been crossed, on the place and time of crossing of the state border by the persons being pursued and by the pursuing officers and on the arms and technical means carried by the latter;
- 4) the person being pursued shall be detained by competent Lithuanian officers; if such officers are unable to intervene quickly enough, the officers continuing the pursuit shall have the right to challenge the person pursued, who shall then be immediately transferred to the competent Lithuanian officers;

# LITHUANIA

- 5) the officers continuing the pursuit in Lithuania must:
- comply with the provisions of bilateral agreements between Lithuania and Poland and with the national legislation of Lithuania as well as obey the instructions of the competent authorities of Lithuania;
  - carry documents certifying that they are acting in an official capacity and produce them every time at the request of competent Lithuanian officers;
  - wear a uniform, use marked vehicles, and carry official communication means;
  - not enter into private homes and places not accessible to the public nor perform any other actions that are contrary to the Convention Implementing the Schengen Agreement and that may constrain the freedom of movement of the person pursued.

### 3. **DEFINITIONS**

#### **Service weapons:**

The service weapons are given by authority to armed and security forces to perform their duties: truncheon, handcuffs, aerosol gas sprayers, automatic firearms, semi-automatic or reloaded short firearms, reloaded or semi-automatic long-barrel smoothbore weapons with barrels shorter than 60 cm.

#### **Use of firearms, physical and other coercion**

*(Law on Police Activities 17 October 2000 No. VIII-2048, last amended on 11 May 2006 No. X-603)*

#### **Article 23. Types of Coercion and Conditions of the Use Thereof**

1. The police officer shall have the right to use coercion when it is necessary to prevent violations of law, to apprehend the persons who have committed said violations, as well as in other cases when protecting and defending lawful interests of an individual, society, the State. Coercion which might cause bodily injuries or death, may be used to the extent which is necessary for the fulfilment of the official duty, and only after all possible measures of persuasion or other measures have been used with no effect. The type of coercion and the limits of the use thereof shall be selected by the police officer, taking into account the concrete situation, nature of the violation of law and individual features of the offender. When using coercion, police officers must seek to avoid detrimental consequences.
2. The police officer may, in the manner and cases provided for by the law, use mental or physical coercion, a firearm and explosives.
3. When used in this Law, mental coercion shall mean as a warning about an intention to use physical coercion, a firearm or explosives. Demonstration of a firearm and warning shots shall be regarded as mental coercion, however, such measures of mental coercion may be used only in the presence of the conditions laid down in paragraphs 2 and 4 of Article 25 of this Law.
4. When used in this Law, physical coercion shall mean:
  - 1) use of physical force of any kind as well as methods of combat wrestling;
  - 2) use of special equipment, i.e. of truncheons, handcuffs and restraining devices, gas, police dogs, methods of stopping transport by force, and other means of active and passive defence of the police, permitted by the law and approved by an order of the Minister of the Interior.

# LITHUANIA

5. Before using physical coercion or a firearm, the police officer must warn the person about his intention, providing the said person with a possibility to fulfil lawful requirements, with the exception of the cases when delaying poses a threat to the life or health of the police officer or another person, or when such warning is impossible.
6. If the police officer does not carry special equipment or a firearm with him, he may use any additional measures necessary to repel an attempt or to liquidate sources of threat.
7. The police officer who has used coercion without violating the requirements of this Law, but who has inflicted damage on the valuables protected by the law, shall not be held liable.
8. The prosecutor's office shall be immediately informed about the use by the police officer of coercion, which has caused individual's death or injuries.
9. Police officers must undergo special training and periodically checked if they are able to act in the situations related to the use of physical coercion, firearms or explosives.

## Article 24. Basis for the Use of Physical Coercion

1. The police officer shall have the right to use physical coercion:
  - 1) when defending himself, another person from a started attempt or an attempt posing a direct threat to life or health;
  - 2) when apprehending a person who has committed a violation of law and who evades arrest by active actions;
  - 3) when an attempt is made to commit an offence against facilities controlled or guarded by the police, means of transportation, a firearm, explosives, measures of special communication, active or passive defence, or against other police property;
  - 4) during mass riots or group actions which violate public order;
  - 5) while stopping the means of transportation, in case of official exigency.
2. It shall be prohibited to use methods of combat wrestling and special equipment against women who are obviously pregnant, as well as against persons when they are visibly disabled or minors (if the police officer knows their age or if their appearance corresponds to their age, with the exception of cases when they resist in a manner which is dangerous to life or health, or a group of such persons attack and this attack poses a threat to life or health).

## Article 25. Use of Firearms

1. When other coercive measures are ineffective, the police officer shall have the right to use a firearm as an extraordinary measure.
2. The police officer shall have the right to use a firearm against persons in the following cases:
  - 1) when defending himself or another person from a started criminal attempt or a criminal attempt which poses a direct threat dangerous to life or health;
  - 2) when apprehending a person who has committed a criminal act and who evades arrest by active actions, if it is impossible to apprehend him in any other way, as well as in cases when the person refuses to fulfil lawful requirements to put down a weapon or another thing with which it is possible to injure an individual, if a threat is posed to the life or health of the police officer or another individual and it is impossible to disarm him in any other way;
  - 3) when repelling an attack of guarded facilities;
  - 4) when it is necessary to free hostages or to prevent an act of terror;
  - 5) in the event of escape from the place of imprisonment or riots therein.
3. The police officer shall have the right to use a firearm against means of transport and animals.

# LITHUANIA

4. It shall be prohibited to use a firearm in public gathering places, if it endangers innocent people; against women who are obviously pregnant, as well as against persons who are visibly disabled, against minors, if the police officer knows their age or their appearance corresponds to their age, except in cases when said persons resist in a manner dangerous to human life or health or a group of such persons attacks and this attack poses a threat to life or health.

## Article 27. Guarantees of Personal Security of the Armed Police Officer

1. The police officer shall have the right to take out a firearm from the holster and prepare it for use where he thinks that he might have to use it in a concrete situation.

2. The police officer shall, without posing a threat to the valuables protected by the law, have the right to fire from a firearm, when it is necessary to give alarm signals, to call help or warn about possible use of a firearm.

3. The police officer shall have the right to use physical or mental coercion when a person who is being arrested or who is arrested, tries to use force or gets closer to the police officer and does not obey officer's demand to keep his distance as directed or attempts to seize a firearm from the police officer. If the used coercive measures appear to be ineffective or their use is not possible because of the intensity of actions carried out by the person, or delaying poses a threat to the police officer's life, the police officer may use a firearm.

### **Self-defence:**

Self-defence is defined by Penal Code, Art. 28

1. A person has the right to self-defence. He may exercise the right regardless of whether he has the possibility of avoiding the attempt or calling for assistance from another person or authority.
2. A person, who acts in a way which would otherwise formally constitute a criminal act or a misdemeanour as stipulated in the criminal statute shall not be liable under criminal statutes if this act is committed in self-defence or defence of another, in defence of property, the inviolability of the person's dwelling, or other rights, or in defence of the interests of society or the state, from a direct and imminent threat, provided that by so acting the person does not go beyond the limits of self-defence.
3. The limits of self-defence are exceeded where defence is clearly disproportionate to the nature and degree of danger of an attempt or where homicide is committed or a serious health impairment is caused with specific intent; however no criminal liability is incurred when the limits of self-defence are exceeded by reason of extreme confusion or fright, caused by the attempt, or where the person is defending against breaking and entering of a dwelling.
4. In cases where a person exceeds the limits of self-defence and incurs criminal liability, the penalty may be reduced pursuant to Article 62 of this Code.

### **Home:**

*The inviolability of the home is guaranteed by Art. 24 of Constitution of the Republic of Lithuania:*

“A person's dwelling place shall be inviolable. Without the consent of the resident(s), entrance into a dwelling place shall only be permitted upon a corresponding court order, or according to the procedure established by law when the objective of such an action is to protect public order, apprehend a criminal, or save a person's life, health, or property.

# LITHUANIA

Penal Code, Art. 165:

“1. Any person who, unlawfully and by violence or deceit, secretly or openly, enters into another person’s house, apartment or any other private residence or its fixtures, including the private grounds, shall be punished by community service, or a fine, or restriction of liberty, or detention, or imprisonment for a period of up to 2 years.

2. Prosecution for the acts specified in paragraph 1 of this Article may be instituted subject to a complaint being filed by the victim.”

#### 4. SPECIFIC NATIONAL MEASURES

# LITHUANIA

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Border	Authority (the Frontdesk)	Address	tel	fax	e-mail
<b>Central authority</b>					
	Operational Management Unit of the Police Information Board of the Police Department under the MoI	Saltoniskiu str. 19, Vilnius	370 5 271 7966; 370 5 271 7967	370 5 271 7980	lpic.budetojai@policija.lt; lpic.bs1@policija.lt
<b>Local authorities</b>					
<b>LV</b>	Utena District Police Unit	Maironio str. 1, Utena	370 389 61980	370 389 61981	utena.rpk.bd@vrm.lt
	Zarasai District Police Unit	D. Bukonto ½, Zarasai	370 385 51147	370 385 51147	zarasai.rpk.bd@vrm.lt
	Panevėžys City Police Headquarters	Tulpiu str. 60, Panevezys	370 455 03312	370 455 81559	panevezys.rpk.bd@vrm.lt
	Šiauliai City Police Headquarters	Aušros av. 19, Šiauliai	370 413 97302	370 413 97455	siauliai.vpk.bd@vrm.lt
	Klaipėda City Police Headquarters	Jūros str. 1, Klaipėda	370 463 54113	370 463 54024	klaipeda.rpk.bd@vrm.lt
	Telšiai District Police Unit	Respublikos str. 28	370 444 60343	370 444 72414	telsiurpk.bud@policija.lt
<b>PL</b>	Marijampolė Police Unit	Basanavičiaus av. 2, Marijampolė	370 343 91260	370 343 24453	marijampole.pk.bd@vrm.lt
	Alytus City and District Police Unit	Jotvingių str. 8, Alytus	370 315 55600	370 315 56605	alytus.mrpk.bd@vrm.lt

# LUXEMBOURG

## LUXEMBOURG

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### 1. SURVEILLANCE

#### **List of agents:**

Members of the police, customs officers for tasks relating to the illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives, the illicit transport of toxic and harmful waste

#### **Contact details of the central authority:**

Police Générale Ducale  
Dir. des Opérations  
Centre d'Intervention National  
DOP / CIN  
2957 Luxembourg  
tel 352.4997.23-46  
fax 352.4997.23-98

### 2. PURSUIT

#### **List of Luxembourg agents authorised to exercise the power of pursuit**

Members of the police; customs officers for tasks relating to the illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives, the illicit transport of toxic and harmful waste.

#### **Restrictions on the power of pursuit in Luxembourg**

Luxembourg imposes different restrictions on the power of pursuit depending on the border in question:

The pursuing officers may exercise the power of pursuit in accordance with Art. 27 of the Benelux Treaty on Extradition and Mutual Judicial Assistance in Criminal Matters of 27.6.62 as amended by the Protocol of 11.5.74:

#### (a) Border with Belgium:

- *Except in cases where the person has escaped, the power of pursuit may be exercised where the person has been caught for an extraditable offence (maximum penalty of at least 6 months)*

# LUXEMBOURG

- *there are no restrictions on the duration and territorial scope of the pursuit*
- (b) Border with France or with Germany:
  - *Except in cases where the person has escaped, the power of pursuit may be exercised where the person has been caught in the act of committing or participating in one of the offences mentioned in Art. 41(4)(a).*
  - *pursuit may take place within a 10 km radius of the border (Lux/France)*
  - *pursuit may take place within the geographical limits of the "der Länder Saarland und Rheinland-Pfalz/Polizeibezirk Trier" (Lux/Germany)*
  - *the pursuing agents do not have the power to stop and question (Lux./France)*
  - *the pursuing agents have the right to stop and question (Lux./Germany)*

### 3. DEFINITIONS

**Service weapons:** Individual or collective firearms, truncheons, tear gases or other gases and handcuffs regularly issued to police officers.

**Self-defence:** Legitimate (self) defence is defined by Arts 416 and 417 of the Criminal Code. For an individual to be deemed as acting in legitimate (self) defence, and therefore not criminally punishable for homicide, the following conditions must all be met:

Attack on a person (Art. 416):

1. defence must be in proportion to an attack on the bodily integrity of a person;
2. counter attack must be dictated by the necessity of defence at that moment;
3. an unjustified attack on bodily integrity

Attack on property (Art. 417):

1. prevent a person from climbing or breaking in over fences, walls or through entrances to a residence or its outbuildings;
2. at night;
3. unless it is established that an attack on a person could thereby be prevented.

(c) Home: For cross-border operations, the "home" is a concept which must be interpreted as any place (building or annex) which is not accessible to the public.

### 4. SPECIFIC NATIONAL MEASURES

### 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Police Grand-Ducale  
Centre d'Intervention National  
2657 Luxembourg  
tel 352.4997.23-46  
fax 352.4997.23-98



# HUNGARY

## HUNGARY

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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents authorized to exercise the power of surveillance:**

Services of the National Police, Border Guard (which is planned to be integrated into the National Police on 1<sup>st</sup> January, 2008), Customs and Finance Guard performing tasks of criminal investigation and crime prevention, and the Protective Service of Law Enforcement Agencies.

#### **Contact details of the central authorities:**

HNPH

International Law Enforcement Co-operation Centre

1139 Budapest

Teve u. 4-6

**Tel.:** 36-1-443-5596

**Fax:** 36-1-443-5815

**Urgent fax:** 36-1-443-5834

### 2. PURSUIT

#### **2.1 List of Hungarian officers authorized to exercise the power of pursuit:**

- a) officers of the Police
- b) customs officers Hungarian Customs and Finance Guard
- c) border guard officers of Hungarian Border Guard
- d) officers of the Enforcement Service of the Law-enforcement Agencies

#### **2.2 Restriction on the power of pursuit in Hungary**

There are no restrictions on the duration or scope of the pursuit. The pursuit must be immediately terminated when it is requested by the responsible Hungarian law enforcement agency.

# HUNGARY

## **Statutory provisions of particular importance when exercising right of pursuit**

Under Act LIV of 2002 on cooperation between the law-enforcement agencies:

The member of the foreign authority acting in the territory of Hungary

- (1) a) may apply physical constraint for the purpose defined in Section 47 of the Police Act, handcuffs for the reason defined in Section 48 of the Police Act, chemical or electric shocking devices and a truncheon and may hold his/her service firearm with himself/herself in the cases defined in Section 49, Subsection (1), paragraphs a) and b) of the Police Act, however, he/she may use it only for reasonable protection or in case of an emergency and may not use any other means of constraint defined in legal regulations relating to the activities of Hungarian law enforcement agencies;
  - b) may arrest the person caught in a criminal offence, may retain him/her on the spot of arrest, however, shall transfer him/her immediately to the Hungarian law enforcement agency, nevertheless, he/she may not use any other measure defined in legal regulations relating to the activities of Hungarian law enforcement agencies.
- (2) The member of the foreign authority shall act in Hungary in accordance with the instructions of the head of the Hungarian law enforcement agency. The member of the foreign authority must be instructed in the conditions of application of the measures and means of constraint defined in Subsection (1)

### **3 DEFINITIONS**

Service weapons: The standard issue of weapons for a police officer is a handgun, a truncheon, a handcuffs and a spray with a small quantity of tear gas.

Self-defence (justified defence): The person, whose act is necessary for the prevention of an unlawful attack against that person, his own goods, or those of other persons, or against the public interest, or of an unlawful attack directly menacing the above, shall not be punishable.

Private flat: shall mean a flat/house/ (holiday house, summer cottage, or other premises, establishments or objects used for residential purposes), and the non-residential rooms, establishments and enclosed areas ancillary thereto.

### **4. SPECIFIC NATIONAL MEASURES**

### **5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**

It is determined in detail in bilateral agreements. But according to general rules the contact point is HNPB

International Law Enforcement Co-operation Centre

1139 Budapest

Teve u. 4-6

**Tel.:** 36-1-443-5596

**Fax:** 36-1-443-5815

**Urgent fax:** 36-1-443-5834

# MALTA

## MALTA

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### 1. SURVEILLANCE

#### List of Maltese Agents authorised to exercise the Power of Surveillance

- Members of the Malta Police Force;
- Members of the Customs Department;
- The Armed Forces of Malta (Sea Border Surveillance).

### 2. PURSUIT

#### List of Maltese Officers authorised to exercise the Power of Pursuit

N/A

#### Restrictions on Power of Pursuit

Malta is surrounded by the High Seas and has no land borders with any of the participating States. Hot pursuit under Article 41 of the Agreement Implementing the Schengen Convention (CISA) is, therefore, inapplicable.

#### Statutory provisions of particular importance when exercising the Right of Pursuit

The statutory provision is the Territorial Waters and Contiguous Zone Act (Cap. 226).

### 3. DEFINITIONS

N/A

# MALTA

## 4. SPECIFIC NATIONAL MEASURES

### Special national measures pursuant to Article 2(3) of the CISA

- Criminal Code (Cap. 9), Book II, Title I, Subtitles 1-5;
- Identity Cards Act (Cap. 258) and related regulations;
- Immigration Act (Cap. 217) and related regulations.

### List of Ports, Airports and Rail or Coach Stations

- Malta International Airport, Gudja / Luqa;
- Seaport, Valletta;
- Yacht Marina, Pieta / Ta' Xbiex.

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

N/A

# NETHERLANDS

## NETHERLANDS

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### 1. SURVEILLANCE

#### List of agents:

- police officers (within the meaning of Art. 3(1)(a) Police Act 1993)
- for tasks relating to the illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives, the illicit transport of toxic and harmful waste, officials competent for import duties and excise at the fiscal intelligence and investigation department

#### Contact details of the central authority:

Landelijk Officier van Justitie voor grensoverschrijdende observatie  
KLPD/NRI  
Europaweg 45  
2711 EM Zoetermeer  
tel 3179.345-9898  
fax 3179.345-8753

### 2. PURSUIT

#### List of Dutch agents authorised to exercise the power of pursuit

- within the meaning of Art. 3(1)(a) Police Act 1993
- for tasks relating to the illicit trafficking of narcotics and psychotropic substances, trafficking in arms and explosives, the illicit transport of toxic and harmful waste, officials competent for import duties and excise at the fiscal intelligence and investigation department

#### Restrictions on the power of pursuit in the Netherlands

##### (a) Border with Belgium

As concerns the right to stop and question, the pursuing officers may exercise the power of pursuit within the geographical limits and for the offences referred to in Art. 27 of the Benelux Treaty on Extradition and Mutual Judicial Assistance in Criminal Matters of 27.6.62 as amended by the Protocol of 11.5.74:

- *pursuit may be made for all extraditable offences (maximum penalty of at least 6 months)*
- *there are no restrictions on the duration and territorial scope of the pursuit*
- *the pursuing agents have the power to stop and question within a 10 km radius of the border*

# NETHERLANDS

(b) Border with Germany

- the pursuing officers may exercise the power of pursuit within a 10 km radius of the border
- within this area, arrest is permitted on public thoroughfares and areas provided the person is suspected of having committed an extraditable offence within the meaning of Art. 2(1) of the European Convention on Extradition of 13.9.57 or provided the person has been convicted of such an offence.
- the above provisions do not preclude giving a different definition to the territory on which pursuit is allowed, taking into account the special characteristics of the region, in accordance with the additional provisions laid down in Art. 41(10) of the Schengen Convention.

## **Statutory provisions of particular importance when exercising the right of pursuit**

- (a) Citizen's power of arrest: Art. 54 of the Code of Criminal Procedure provides for citizen's power of arrest in the event that an offender is caught in flagrante delicto.
- (b) Exercise of special rights in respect of road traffic regulations  
Art. 185 of the Criminal Code provides for public servants of another State who are performing their official duties (in this case cross-border pursuit) in accordance with international law to be accorded equal status.

## **3. DEFINITIONS**

- (a) Service weapons: For the purpose of carrying out his duties every Dutch police officer is armed with a truncheon and a semi-automatic pistol. Dutch police agents participating in pursuit operations are also equipped with these weapons.
- (b) Self-defence: The necessary defence of one's own or another's life, decency or property against immediate unlawful assault.
- (c) Home: For cross-border operations, "home" is a concept which must be interpreted as meaning any place (building or annex) not accessible to the public.

## **4. SPECIFIC NATIONAL MEASURES**

### **Details applicable in the Netherlands:**

1. The Public Prosecutor needs all the information material to the case before ordering a special search operation such as surveillance.
2. The use of technical equipment either per se as a surveillance method or in support of cross-border surveillance requires the prior consent of the Public Prosecutor.
3. The rule is that a surveillance operation mounted abroad – whether routine or urgent - is taken over by a Dutch surveillance team once the Dutch border is crossed.

To ensure that the operation proceeds properly in accordance with points 1-3 above, the requesting agency must contact the central authority (i.e. the *Landelijk Coördinatiepunt Grensoverschrijdende Observatie*) by telephone. This applies to cross-border surveillance of all types. Members of the requesting surveillance/search team may take part provided that their participation benefits the investigation and/or the surveillance operation to be carried out in the Netherlands.

# NETHERLANDS

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

The Netherlands would not like this information to be systematically communicated to a central authority but would prefer a regional police station near where the border is crossed to be informed. The Netherlands have therefore concluded arrangements at bilateral level with Germany and Belgium.

In exceptional circumstances where the border is expected to be crossed during a pursuit operation but the probable place at which the border is to be crossed is not definitely known, the following authority may be contacted: Landelijk Officier van Justitie voor grensoverschrijdende observatie, KLDP/NRI, Europaweg 45, 2711 EM Zoetermeer, tel 3179.345-9898, fax -8753.

# AUSTRIA

## AUSTRIA

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### 1. SURVEILLANCE

#### List of agents authorised to exercise the power of surveillance

- (a) Agencies responsible for public security:
- members of the *Wachkörper Bundespolizei* (Federal Police);
  - officials of the legal department of the security authorities who are authorised to exercise command directly and use coercive measures.
- (b) Customs officers responsible for combating illegal drug trafficking, illicit trade in arms and ammunition and illicit transport of toxic and harmful waste.

#### Contact details of the central authority responsible for transmitting requests for judicial assistance:

Bundesministerium für Inneres  
Bundeskriminalamt  
Josef Holaubek-Platz. 1  
1090 Wien,  
tel. 4312.4836.85-025, -026, -027  
fax -190, 191  
e-mail: [bmi-II-BK-SPOC@bmi.gv.at](mailto:bmi-II-BK-SPOC@bmi.gv.at);

### 2. PURSUIT

#### List of Austrian officers authorised to exercise the power of pursuit

- (a) Agencies responsible for public security, namely:
- members of the *Wachkörper Bundespolizei* (Federal Police);
  - officials of the legal department of the security authorities who are authorised to exercise command directly and use coercive measures.
- (b) Customs officers responsible for combating illegal drug trafficking, illicit trade in arms and ammunition and illicit transport of toxic and harmful waste.



# AUSTRIA

## Restrictions on the power of pursuit in Austria

- (a) At the common border with Germany  
Bilateral treaty of 10 November/19 December 2003
- (b) At the common border with Italy
- *offences which may entail exercise of the power of pursuit*  
Except in cases where the person has escaped, the power of pursuit may only be exercised in Austria where the person has been caught in the act of committing or participating in one of the extraditable offences (Art. 41(4)(b)):
  - *pursuit may be carried out in a 20 km radius from the border on motorways and a 10 km radius outside motorways.*
  - *the pursuing agents do not have the power to stop and question*
- (c) At the common border with Czech Republic  
Bilateral treaty of 14 July 2005
- (d) At the common border with Hungary  
Bilateral treaty of 6 June 2004
- (e) At the common border with Slovakia  
Bilateral treaty of 13 February 2004
- (f) At the common border with Slovenia  
Bilateral treaty of 28 October 2003

## Statutory provisions of particular importance when exercising right of pursuit

(a) Citizen's power of arrest

If there are sufficient grounds for assuming that an individual is committing, or has just committed, an act that is a punishable offence or that the individual is wanted for such an offence, any citizen is entitled to detain the individual in question by reasonable means.

However, the person making the citizen's arrest is obliged to report the arrest immediately to the nearest public security authorities (pursuant to Art. 86(2) Penal Code).

(b) Exercising special rights in respect of road traffic regulations

Duty vehicles (fitted with blue flashing lights and sirens) are in principle not bound by traffic limits or prohibitions. However, the following limits apply:

- a vehicle may not go through a red light at a crossroads without first stopping briefly; the driver must be certain that in going through the red light the vehicle poses a threat neither to persons or to objects.
- duty vehicles may only go the wrong way up one way streets and fail to observe lanes (for filtering traffic according to direction) if the destination cannot be accessed by another route or cannot be reached in the time available.

# AUSTRIA

## 3. DEFINITIONS

In the Austrian Republic, service weapons are weapons issued to persons by their superiors (authority or service) for the performance of their duties in a public service.

The following service weapons may be issued: *truncheons, tear-gas and other irritants causing temporary health problems only and individual firearms.*

(a) **Self-defence:** Self-defence is legitimate if the following prerequisites are met:

- there must be an existing or immediate threat of an unlawful attempt on the life, health, bodily integrity, freedom or property of the official or of another person;
- the means deployed to avert the assault and the extent to which they are used must be necessary; the victim may therefore only use the minimum appropriate means of prevention and must deploy these as sparingly as possible;
- the assaulted party must not have deliberately encouraged or provoked the attack.

(b) **Home:** Under Austrian law and the case law of Austrian courts, the inviolability of the home applies to *a dwelling and outbuildings to this dwelling which are not accessible to the public*, such as shops or offices, doctor's private surgeries, or cellars not adjoining the dwelling.

## 4. SPECIFIC NATIONAL MEASURES

The law on the security police (§ 35(1)Z6) has been amended so that the agencies responsible for public security are also empowered to ascertain an individual's identity if it is reasonable to assume from the circumstances that the individual concerned has just crossed the int. border (to another Schengen State).

# AUSTRIA

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Vorarlberg	Sicherheitsdirektion für das Bundesland Vorarlberg Bahnhofstraße 45 6900 Bregenz tel +43.5574.4950 fax -6019 e-mail: sidv.vorarlberg@polizei.gv.at
Tirol	Sicherheitsdirektion für das Bundesland Tirol Maria-Theresien-Straße 43 6021 Innsbruck tel +43.512.5900 fax -6004 e-mail: sidt.tirol@polizei.gv.at
Salzburg	Sicherheitsdirektion für das Bundesland Salzburg Franz Hinterholzerkai 4 5020 Salzburg tel +43.662.6383-6000 fax -6019 e-mail: sids.salzburg@polizei.gv.at
Oberösterreich	Sicherheitsdirektion für das Bundesland Oberösterreich Nietzsche Straße 33 4021 Linz tel. +43.732.7803 e-mail: sido.oberoesterreich@polizei.gv.at
Kärnten	Sicherheitsdirektion für das Bundesland Kärnten Buchengasse 3 9020 Klagenfurt tel +43.463.5333 fax -2019 e-mail: SID-K@polizei.gv.at
Niederösterreich	Sicherheitsdirektion für das Bundesland Niederösterreich Herrengasse 15 3100 St. Pölten tel +43.2742.20735 e-mail: sidn.niederoesterreich@polizei.gv.at
Steiermark	Sicherheitsdirektion für das Bundesland Steiermark Parkring 10 8010 Graz tel +43.316.888 fax -6509 e-mail: sidst.steiermark@polizei.gv.at
Burgenland	Sicherheitsdirektion für das Bundesland Burgenland Neusiedler Straße 84 7001 Eisenstadt tel +43.2682.606 e-mail: sidb.burgenland@polizei.gv.at

# POLAND

## POLAND

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### 1. SURVEILLANCE

#### **List of agents authorised to exercise the power of surveillance:**

- a) officers of the Police,
- b) officers of the Border Guard,
- c) officers of the Internal Security Agency (on common border with Slovak Republic and Lithuania)

#### **Contact details of the central authority responsible for transmitting requests for judicial assistance:**

##### **Head of Police Headquarters**

##### **General Police Headquarters of Poland**

ul. Puławska 148/150

00-624 Warszawa

tel: (+4822) 601-23-72, fax: (+4822) 848-26-91

### 2. PURSUIT

#### **List of Polish officers (agents) authorised to the exercise the power of pursuit:**

- a) officers of the Police,
- b) officers of the Border Guard,
- c) officers of the Internal Security Agency (on common border with Czech Republic)

#### **Offences which may entail exercise of the power of pursuit in Poland:**

##### **At the common border with Germany:**

The agreement between the Republic of Poland and the Federal Republic of Germany on cooperation between police and border guard authorities in border regions signed in Berlin on 18 February 2002 doesn't contain regulations concerning the execution of hot pursuit in accordance with article 41 of the Schengen Implementing Convention in bilateral relations.

# POLAND

Until finalizing procedure of changing the above mentioned agreement in order to detail provisions of the art. 41 of the Schengen Implementing Convention, authorised officers of the Federal Republic of Germany may carry out pursuit on the territory of the Republic of Poland in reference to all extraditable offences (art. 41 par. 4b of the Schengen Implementing Convention).

## **At the common border with Lithuania:**

- all extraditable offences,
  - in case of offences , which may be a reason for passing European Arrest Warrant,
  - after the person, who escaped from the place of detention,
- (art. 11 par. 1 of the the agreement between the Republic of Poland and the Republic of Lithuania on cooperation of police and border guard forces in border regions and in combating crime signed in Vilnius on 14<sup>th</sup> March 2006)

## **At the common border with Czech Republic:**

- after suspect or suspected person of committing a deliberate criminal offence , punishable by national law of both of Contracting Parties by custodial sentence for at least one year (art. 11 a) of the the agreement between the Republic of Poland and the Czech Republic on cooperation in combating crime, the protection of public order and collaboration in border regions signed in Warsaw on 21 June 2006);
- after the person, who escaped from an arrest, a penal institution, house of correction or psychiatric institution, in which they were placed by the legal decision (art. 11 b) of the above mentioned agreement),

## **At the common border with Slovak Republic:**

The agreement between the Republic of Poland and the Slovak Republic on cooperation in combating crime and collaboration in border regions signed in Warsaw on 23 March 2004 doesn't contain regulations concerning the execution of hot pursuit in accordance with article 41 of the Schengen Implementing Convention in bilateral relations. Until finalizing procedure of changing the above mentioned agreement in order to detail provisions of the art. 41 of the Schengen Implementing Convention, authorised officers of the Slovak Republic may carry out pursuit on the territory of the Republic of Poland in reference to all extraditable offences (art. 41 par. 4b of the Schengen Implementing Convention).

## **Restrictions on the power of pursuit in Poland:**

### **At the common border with Germany:**

Until finalizing procedure of changing the agreement between the Republic of Poland and the Federal Republic of Germany on cooperation between police and border guard authorities in border regions signed in Berlin on 18 February 2002 in order to detail provisions of the art. 41 of the Schengen Implementing Convention, authorised officers of the Federal Republic of Germany may carry out pursuit on the territory of the Republic of Poland without any restrictions on the duration and territorial scope of the pursuit (art. 41 par. 3b of the Schengen Implementing Convention).

If no request to cease the pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may apprehend the person pursued until the officers of the Contracting Party in the territory of which the pursuit is taking place, who must be informed without delay, are able to establish his identity or arrest him (art. 41 par. 2b of the Schengen Implementing Convention).

# POLAND

## **At the common border with Lithuania:**

Officers pursuing a person are ought to report to the suitable agents (and suitable border agents) of the (contracting) party in whose territory the pursuit is to be continued the following: the time and place of crossing the state border by the person being pursued as well as their ornaments and technical means. This should be reported without delay, before the crossing occurs.

Pursuit can be continued to a maximum of 100 km radius of the border and for no longer than an hour (art. 11 par. 4 of the the agreement between the Republic of Poland and the Republic of Lithuania on cooperation of police and border guard forces in border regions and in combating crime signed in Vilnius on 14<sup>th</sup> March 2006)

The competent authorities of the contracting party, in whose territory the pursuit is being continued, ought to immediately take over the pursuit.

Should the suitable officers not be able to take over the pursuit without delay, the officers who continue the pursuit have the right to stop the pursued person and transfer them immediately to the suitable agents of the contracting party in whose territory the pursuit has been continued (art. 11 par.5 p. 2 of the above mentioned agreement).

## **At the common border with Czech Republic:**

There are no restrictions on the duration and territorial scope of the pursuit.

If the competent local authorities are unable to intervene quickly enough, the pursuing officers may apprehend the person pursued until the officers of the Contracting Party in the territory of which the pursuit is taking place, who must be informed without delay, are able to establish his identity or arrest him (art. 11 par 6 of the the the agreement between the Republic of Poland and the Czech Republic on cooperation in combating crime, the protection of public order and collaboration in border regions signed in Warsaw on 21 June 2006).

## **At the common border with Slovak Republic:**

Until finalizing the procedure of changing the agreement between the Republic of Poland and the Slovak Republic on cooperation in combating crime and collaboration in border regions signed in Warsaw on 23 March 2004 in order to detail provisions of the art. 41 of the Schengen Implementing Convention, authorised officers of the Slovak Republic may carry out pursuit on the territory of the Republic of Poland without any restrictions on the duration and territorial scope of the pursuit (art. 41 par. 3b of the Schengen Implementing Convention).

If no request to cease the pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may apprehend the person pursued until the officers of the Contracting Party in the territory of which the pursuit is taking place, who must be informed without delay, are able to establish his identity or arrest him (art. 41 par. 2b of the Schengen Implementing Convention).

# POLAND

## **Statutory provisions of particular importance when exercising the right of pursuit: Citizen's power of arrest :**

### a) **Citizen's right to apprehend** (Code of Criminal Procedure Chapter 27, Article 243):

Act of 6 June 1997 - Code of Criminal Procedure Chapter 27, Article 243 states the following:  
« **Article 243.** § 1 Any one has the right to apprehend a person caught in the act of committing an offence, or seized in a pursuit undertaken directly following the commission of an offence, if it is feared that such person may go into hiding or if his identity cannot be established.

§ 2. The apprehended person should be surrendered to the Police without delay.”

### b) **Police power of arrest** (Code of Criminal Procedure, Chapter 27, Article 244):

**Act of 6 June 1997 - Code of Criminal Procedure Chapter 27, Article 224 states the following:**

“§ 1. The Police shall be authorised to arrest a suspected person if there is good reason to suppose that he has committed an offence, and it is feared that such a person may go into hiding or destroy the evidence of his offence or if his identity could not be established or if there are grounds to apply to a person speeded - up procedure (a person caught in the act of committing an offence or directly after it, detained and surrendered into judicial authority disposal within 48 h).

§ 2. The arrested person shall be informed immediately about the reasons for his arrest and his rights and his explanations shall be heard.

§ 3. A record of the arrest shall be made in which the following should be included: the name, surname and position of the person conducting the action, the name and surname of the arrested person, and in the event that identity of the arrested person could not be established, a description of the said person, and the day, hour, place and reason for the arrest, and act for which he is suspected. The statements by the arrested person should also be recorded and the fact noted that he has been reminded of his rights. The copy of the record shall be served on the arrested person.

§ 4. As soon as possible after the arrest of the suspected person, the measures necessary for the collection of essential information should be taken; and, in the event that the grounds referred to in Article 258 § 1 through 3 occur, a motion to the state prosecutor should be made, requesting him to obtain a preventive detention order from the court.”

## **3. DEFINITIONS**

### **Service weapons (The Law on the Police, Article 17)**

Any weapon given by authority to policemen, frontier guard officials or customs officers to perform their duties: pistol, shotgun, rifle, truncheon, teargas- or pepperspray. Normally, an officer is equipped with pistol, truncheon and spray.

# POLAND

## **The Law on the Police, Article 17 states the following:**

The Police force member is authorised to use firearms exclusively in the following conditions:

- 1) in order to fend off direct and lawless attempt at the life, health or liberty of the police force member or another person, and to prevent activities aiming directly at such attempt,
- 2) against the person failing to follow the order to drop immediately the weapon or another dangerous tool, the use of which can threaten the life, health or liberty of the Police force member or another person,
- 3) against the person attempting lawlessly and forcibly to overtake firearms from the Police force member, or another person authorised to possess firearms,
- 4) in order to fend off dangerous direct and violent attack against the premises and facilities important for state security and national defence, national authority seats, the central authorities of state administration or justice administration, against the facilities of national economy or culture, against the diplomatic representation offices and consular offices of foreign states or international organisations, and against premises surveyed by armed defence force formed pursuant to separate regulations,
- 5) in order to fend off attempts against the property, when such attempts are simultaneously related to direct threat to human life, health or liberty,
- 6) in direct pursuit of the person, in relation to whom the use of firearms was lawfully admissible in cases mentioned in Paragraphs 1-3 and 5, or the person who can be reasonably suspected of committing a crime or terrorist attempt, abduction in order to obtain ransom or demanded behaviour, mugging, violent theft, violent assault, intentional serious body injury, rape, arson or other intentional threat to public security, life or health,
- 7) in order to detain the person mentioned in Paragraph 6, if this person took refuge in an inaccessible place, and the accompanying circumstances indicate that this person may use firearms or another dangerous weapon, which can threaten human life or health,
- 8) in order to fend off violent, direct and lawless attempt against the escort protecting persons, documents containing information classified as state secret, money or other valuable objects,
- 9) in order to apprehend or prevent the escape of the person taken in custody, temporarily arrested or serving a prison sentence, in the following circumstances:
  - a) the escape of the person lawfully deprived of liberty has caused danger to human life or health,
  - b) reasonable suspicion exists that the person lawfully deprived of liberty may use firearms, explosives or other dangerous tools,
  - c) the deprivation of liberty occurred in relation to reasonable suspicion or conviction of crimes mentioned in Paragraph 6.

In the operations of organised detachments or sub-detachments of Police force, firearms can be used only at the direct order of their commanders. Firearms should be used in the way causing minimum damage to the person against whom the firearms are used.

## **Means of direct enforcement (The Law on the Police, Article 16):**

### **The Law on the Police, Article 16 states the following:**

Police officers can use only those means of direct enforcement that respond to the needs resulting from a given situation and indispensable to obtain subordination to issued orders.



# POLAND

If relevant persons refuse to follow the lawful orders issued by Police authorities or police officers, policemen can apply the following means of direct enforcement:

- 1) physical, technical and chemical means applicable to overpower or escort persons and to stop vehicles,
- 2) Police batons,
- 3) overpowering water jets,
- 4) Police hounds and horses,
- 5) non-penetration missiles shot from firearms.

## **Self-defence (The Penal Code, Chapter 3, Article 25):**

The Polish Penal Code, Chapter 3, Article 25, states the following:

“§ 1. Whoever in necessary defence repels a direct illegal attack on any interest protected by law, shall not be deemed to have committed an offence.

§ 2. In the event that the limits of necessary defence have been exceeded, in particular when the perpetrator has used a means of defence disproportionate to the danger of the attack, the court may apply extraordinary mitigation of the penalty and even renounce its imposition.

§ 3. The court shall renounce the imposition of the punishment if exceeding the limits of necessary defence resulted from fright or emotional distress, as justified by the circumstances of the attack.”

## **Home (The Penal Code, Chapter 23, Article 193):**

Domiciliary peace is guaranteed by the Constitution and sanctioned by Penal Code. The Polish Constitution, Chapter 2, Article 50 states that:

“The inviolability of the home shall be ensured. Any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute”.

The Polish Penal Code, Chapter 23, Article 193, states the following:

“Whoever breaks into someone else’s house, apartment, premises, quarters, or a fenced plot of land, or despite a demand from an authorised person does not leave such a place shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.”

"Home" is not legally defined, but it has developed by case law. The definition of "home" includes dwelling, yard, stairway, holiday house, and premises actually occupied for living, e.g. hotel room, caravan, tent, vessel. Factories and offices are also protected against unlawful intrusion.

## **Exercising special rights in respect of road traffic regulations (Traffic Act: Article 9 and Article 53):**

Duty vehicles (fitted with blue flashing lights and sirens) are in principle not bound by traffic limits or prohibitions. However, the following limits apply:

- a vehicle may not go through a red light at a crossroads without first stopping briefly; the driver must be certain that in going through the red light the vehicle poses a threat neither to persons or to objects.

# POLAND

- duty vehicles may only go the wrong way up one way streets and fail to observe lanes (for filtering traffic according to direction) if the destination cannot be accessed by another route or cannot be reached in the time available.

Emergency vehicle giving special signals (blue light and siren) is exempt from traffic regulations if necessary in urgent case. Driver is obliged to give way to emergency vehicle giving signals.

## 4. SPECIFIC NATIONAL MEASURES

# POLAND

## 5 LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

POLISH-GERMAN BORDER POLICE						
OPERATION	AUTHORITY	ADDRESS	TEL	FAX		
<b>Surveillance</b>						
		Voivodship Police Commander in Szczecin (if crossing of Voivodship's border is planned)	Małopolska Street 47 70-515 SZCZECIN	+48 91 821 8001 +48 91 8211752 +48 601958729	+48 91 821 8003	
		<b>And</b> Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37	
	<b>ORDINARY</b>		Voivodship Police Commander in Gorzów Wielkopolski (if crossing of Voivodship's border is planned)	Kwiatowa Street 10 66-400 GORZÓW WIELKOPOLSKI	+48 95 721 1111 +48 95 7211942 +48 664 022 248	+48 95 721 1115 +48 95 721 1935
			<b>And</b> Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
			Voivodship Police Commander in Wrocław (if crossing of Voivodship's border is planned)	Muzealny Square 2/4 WROCLAW	+48 71 340 3400 +48 71 340 1105 +48 603 765 269	+48 71 340 3431 +48 71 340 1103
			<b>And</b> Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
	<b>EMERGENCY</b>		Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
			<b>Or</b> Voivodship Police Commander in Szczecin (while crossing of Voivodship's border)	Małopolska Street 47 70-515 SZCZECIN	+48 91 821 8001 +48 91 8211752 +48 601958729	+48 91 821 8003
			Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
		<b>Or</b> Voivodship Police Commander in Gorzów Wielkopolski (while crossing of Voivodship's border)	Kwiatowa Street 10 66-400 GORZÓW WIELKOPOLSKI	+48 95 721 1111 +48 95 7211942 +48 664 022 248	+48 95 721 1115 +48 95 721 1935	
		Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37	
		<b>Or</b> Voivodship Police Commander in Wrocław (while crossing of Voivodship's border)	Muzealny Square 2/4 WROCLAW	+48 71 340 3400 +48 71 340 1105 +48 603 765 269	+48 71 340 3431 +48 71 340 1103	
<b>Hot pursuit</b>		Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37	
		<b>And</b> Voivodship Police Commander in Szczecin (while crossing of Voivodship's border)	Małopolska Street 47 70-515 SZCZECIN	+48 91 821 8001 +48 91 8211752 +48 601958729	+48 91 821 8003	
		Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37	
		<b>And</b> Voivodship Police Commander in Gorzów Wielkopolski (while crossing of Voivodship's border)	Kwiatowa Street 10 66-400 GORZÓW WIELKOPOLSKI	+48 95 721 1111 +48 95 7211942 +48 664 022 248	+48 95 721 1115 +48 95 721 1935	
		Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37	

# POLAND

	<b>And</b> Voivodship Police Commander in Wrocław (while crossing of Voivodship's border)	Muzealny Square 2/4 WROCLAW	+48 71 340 3400 +48 71 340 1105 +48 603 765 269	+48 71 340 3431 +48 71 340 1103
BORDER GUARD				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Surveillance and hot pursuit	Border Guard Post in Stubice	Konstytucji 3-go Maja Street 13 69-100 Stubice	+48 95 759 02 70	+48 95 759 02 07

POLISH-CZECH BORDER POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Surveillance				
ORDINARY	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 6013237
EMERGENCY	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 6013237
	<b>And</b> Voivodship Police Commander in Katowice (while crossing of Voivodship's border)	Lompy Street 19 40-038 KATOWICE	+48 32 200 1444 +48 32 200 1666 +48 32 200 2686 +48 600 810 066 +48 694 409 892 +48 694 409 891	+48 32 200 1243 +48 32 200 2702
	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
	<b>And</b> Voivodship Police Commander in Opole (while crossing of Voivodship's border)	Korfantego Street 2 45-077 OPOLE	+48 77 453 8341 +48 77 422 2146 +48 77 422 3805	+48 77 422 2354
	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
	<b>And</b> Voivodship Police Commander in Wrocław (while crossing of Voivodship's border)	Muzealny Square 2/4 WROCLAW	+48 71 340 3400 +48 71 340 1105 +48 603 765 269	+48 71 340 3431 +48 71 340 1103
Hot pursuit	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>and</b> Voivodship Police Commander in Katowice (while crossing of Voivodship's border)	Lompy Street 19 40-038 KATOWICE	+48 32 200 1444 +48 32 200 1666 +48 32 200 2686 +48 600 810 066 +48 694 409 892 +48 694 409 891	+48 32 200 1243 +48 32 200 2702

# POLAND

	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 132 37
	<b>and</b> Voivodship Police Commander in Opole (while crossing of Voivodship's border)	Korfantego Street 2 45-077 OPOLE	+48 77 453 8341 +48 77 422 2146 +48 77 422 3805	+48 77 422 2354
	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>and</b> Voivodship Police Commander in Wrocław (while crossing of Voivodship's border)	Muzealny Square 2/4 WROCLAW	+48 71 340 3400 +48 71 340 1105 +48 603 765 269	+48 71 340 3431 +48 71 340 1103

## BORDER GUARD

OPERATION	AUTHORITY	ADDRES	TEL	FAX
<b>Hot pursuit and surveillance</b>	Border Guard Post in Cieszyn-Chotebuz	Cieszyn-Chotebuz Na Skalce Street 316	+48 33 854 03 69	+48 33 854 03 08

## INTERNAL SECURITY AGENCY

OPERATION	AUTHORITY	ADDRES	TEL	FAX
<b>Hot pursuit</b>	Internal Security Agency	Rakowiecka Street 2A 00-517 Warsaw	+48 22 565 91 10	+48 22 58 58 479

## POLISH-SLOVAK BORDER POLICE

OPERATION	AUTHORITY	ADDRESS	TEL	FAX
<b>Surveillance</b>				
<b>ORDINARY</b>	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
<b>EMERGENCY</b>	Voivodship Police Commander in Rzeszów (while crossing of Voivodship's border)	Dąbrowskiego Street 30 35-036 RZESZÓW	+48 17 858 23 10 +4817 858123 37 +48 601170100	+48 17 858 2319

# POLAND

	Voivodship Police Commander in Kraków (while crossing of Voivodship's border)	Mogilska Street 109 31-571 KRAKÓW	+48 12 411 77 99  +48 12 6154443 +48 602 219545 +48 605525005	+48 12 615 5517  +48 12 615 4409
	Voivodship Police Commander in Katowice (while crossing of Voivodship's border)	Lompy Street 19 40-038 KATOWICE	+48 32 200 1444 +48 32 200 1666 +48 32 200 2686 +48 600 810 066 +48 694 409 892 +48 694 409 891	+48 32 200 1243  +48 32 200 2702
<b>Hot pursuit</b>	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>and</b> Voivodship Police Commander in Rzeszów (while crossing of Voivodship's border)	Dąbrowskiego Street 30 35-036 RZESZÓW	+48 17 858 23 10 +4817 858 12337 +48 601170100	+4817 858 2319
	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>and</b> Voivodship Police Commander in Kraków (while crossing of Voivodship's border)	Mogilska Street 109 31-571 KRAKÓW	+48 12 411 77 99  +48 12 6154443 +48 602 219545 +48 605525005	+48 12 615 5517  +48 12 615 4409
	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>and</b> Voivodship Police Commander in Katowice (while crossing of Voivodship's border)	Lompy Street 19 40-038 KATOWICE	+48 32 200 1444 +48 32 200 1666 +48 32 200 2686 +48 600 810 066 +48 694 409 892 +48 694 409 891	+48 32 200 1243  +48 32 200 2702
<b>BORDER GUARD</b>				
<b>OPERATION</b>	<b>AUTHORITY</b>	<b>ADDRES</b>	<b>TEL</b>	<b>FAX</b>
<b>Surveillance and hot pursuit</b>	Border Guard Post in Barwinek	38-454 Tylawa	+ 48 13 437 74 07	+48 13 437 7407

# POLAND

INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
<b>Surveillance</b>	Internal Security Agency	Rakowiecka Street 2A 00-517 Warsaw	+ 48 22 565 91 10	+48 22 5858 479

POLISH-LITHUANIAN BORDER POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
<b>Surveillance</b>				
<b>ORDINARY</b>	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
<b>EMERGENCY</b>	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>And</b> Voivodship Police Commander in Białystok (while crossing of Voivodship's border)	Sienkiewicza Street 65 15-003 BIALYSTOK	+48 85 677 2305 +48 85 654 4850  + 48 85 6772151 +48 60 8019 102 +48 604495 683 +48 694407 976	+48 85 677 3339 +48 85 675 2472
<b>Hot pursuit</b>	Commander in Chief of Police	Puławska Street 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 667 631 325	+48 22 60 13237
	<b>And</b> Voivodship Police Commander in Białystok (while crossing of Voivodship's border)	Sienkiewicza Street 65 15-003 BIALYSTOK	+48 85 677 2305 +48 85 654 4850  + 48 85 6772151 +48 60 8019 102 +48 604495 683 +48 694407 976	+48 85 677 3339 +48 85 675 2472

# POLAND

BORDER GUARD				
OPERATION	AUTHORITY	ADDRES	TEL	FAX
Surveillance and hot pursuit	Border Guards Post in Budzisko	16-411 Szypliszki	+ 48 87 566 04 03	+48 87 566 0407
INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRES	TEL	FAX
Surveillance	Internal Security Agency	Rakowiecka Street 2A 00-517 Warsaw	+ 48 22 565 91 10	+48 22 5858 479



# PORTUGAL

## PORTUGAL

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2. [PURSUIT](#)
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4. [SPECIFIC NATIONAL MEASURES](#)
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### 1. SURVEILLANCE

#### **List of agents:**

Members of the Policia Judiciaria

#### **Contact details of the central authority:**

Dir. Nacional da policia judiciaria  
Rua Gomes Freire 174  
1169-007 Lisbon  
tel 3512.1353-6216  
fax 3512.1353-8126;

### 2. PURSUIT (Sch. Conv., Art. 41)

#### **List of Portuguese agents authorised to exercise the power of pursuit**

Members of the Policia judiciaria, Guarda nacional republicana, Policia de segurança publica and customs officials (for tasks relating to the illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives, and the illicit transport of toxic and harmful waste).

#### **Offences which may entail exercise of the power of pursuit in Portugal**

Except in cases where the person has escaped, the power of pursuit may be exercised in Portugal where the person has been caught in the act of committing or participating in one of the offences mentioned in Art. 41(4)(a).

#### **Restrictions on the power of pursuit in Portugal:**

- *the agents do not have the power to stop and question;*
- *pursuit is restricted to a maximum 50 km radius of the border or a maximum period of two hours.*

# PORTUGAL

## 3. DEFINITIONS

**Service weapons:** Any weapon which satisfies the minimum security standards for the defence of agents carrying out pursuit operations: pistols with a maximum calibre of 9 mm and revolvers of any calibre with a barrel length not exceeding 10 cm or 4 inches.

**Self-defence:** Self-defence is an action carried out as a matter of necessity for the purpose of averting immediate unlawful assault on oneself, a third person or property (Art. 32 of the Criminal Code). For self-defence to apply, all the conditions set out below must be fulfilled:

- The person acting in self-defence must not have brought about, desired or provoked the situation, and his/her response must be unavoidable.
- The situation must involve an unlawful and immediate threat to the life of the person or third party and/or an attack on his/her property or rights.
- Means used to prevent or avert the assault must be necessary and reasonable, i.e. in proportion to the threat.

**Home:** Within the meaning of the Penal Code and the Constitution a home is a person's residence or a furnished or unfurnished place regularly or occasionally occupied for the purpose of conducting a private life either alone or with others. A home does not mean the professional residence or the head office of legal persons but does include tents, caravans, hotel and lodgings.

## 4. SPECIFIC NATIONAL MEASURES

# PORTUGAL

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

	<b>Address</b>	<b>tel</b>	<b>fax</b>
Dir. Gen. de la Pol.Nac., Interpol	Av. José Malhoa, Lote 1680, 1000 Lisb.	3517.26038-2	-5
Gabinete nacional Sirene	R. Capitao Salgueiro Maia-Capitao de Abril, lote 176-Flamenga, 2670 S. Antonio dos Cavaleiros	351.21989-8800	-0825
<b>Joint Border Posts</b>			
Vilar Formoso	Largo da Fronteira, 6355 V.	3571.513-265	-565
Caya	Comisaria Comun Caya/Elvas Badajoz / ES	349.2427-4949	-7305
<b>Guarda Nacional Republicana (GNR)</b>			
Arcos de Valdevez	Av. António Caldas, 4970 A.	355852-1510	-1510
Braga	Praça Conde Agrolongo, 4700 B.	35532-62460	-15446
Chaves	B.Fonte do Leite de Baixo, 5400 C.	3576-22169	-311901
Bragança	Av.General H. Delgado, 5300 B.	3573.331-267	-267
Miranda do Douro	Terreiro de S.José, 5210 M.	357343-2111	-1411
Moncorvo	Estrada Nacional 220, nº 34, 5160 M.	35792-54303	-43115
Pinhel	Rua Silva Gouveia 31, 6400 P.	357143-210	-828
Guarda	Largo Marechal Carmona, 6300G.	3571.221-446	-903
Fundão	Rua Cidade da Covilhã, 6230 F.	357552-158	-158
Vilar Formoso	Rua do Colégio, 6355 V.	3571.512-157	-157
Idanha-a-Nova	Rua Heróis do Ultramar, 6060 I.	3577.2212-9	- 8
Nisa	Praça da República 57, 6050 N.	3545.424-19	-19
Portalegre	L.de Stº Agostinho 10, 7300 P.	3545.3316-03	- 47
Elvas	Av. de Badajoz, 7350 E.	3568.62-2191	-9229
Estremoz	Av. 9 de Abril 57, 7100 E.	3568-22 804	- 333112
Reguengos de Monsaraz	R.Monsaraz e Corval, 1200 R.	35665-1731	-1663
Moura	Largo de S. Franscisco, 7860 M.	3585.246-19	- 22
Tavira	Rua Santana 5, 8800 T.	3581.3257-04	- 45

# ROMANIA

## ROMANIA

1. SURVEILLANCE
2. PURSUIT
3. DEFINITIONS
4. SPECIFIC NATIONAL MEASURES
5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

1. SURVEILLANCE<sup>1</sup>

Schengen Convention, Art. 40 - not applicable

2. PURSUIT<sup>2</sup>

Schengen Convention, Art. 41 - not applicable

### List of persons authorised to carry out surveillance

Members of the Romanian Police and of the Romanian Border Police.

### Contact details of the central authority responsible for transmitting requests for judicial assistance:

Ministry of Interior and Administrative Reform  
Center for International Police Cooperation  
1, Calea 13 Septembrie, sector 5, Bucarest, 050711  
Tel: 004021316 07 32  
Fax : 004021 312 36 00  
E-mail: ccpi@mira.gov.ro

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<sup>1</sup> The Romanian legal framework for surveillance is Article 170 of Law No. 302/2004 on international judicial cooperation in criminal matters, with subsequent amendmends.  
<sup>2</sup> The Romanian legal framework for pursuit is Chapter 5 of GEO No. 103/2006 on certain measures to facilitate international police cooperation.

# ROMANIA

## 3. DEFINITIONS

### **Self defence** (Romanian Criminal Code, Article 44)

- (1) The deed provisioned by the criminal law committed in self defence is not considered an offence.
- (2) The person who acts in order to avoid a material, direct, immediate and unjust attack against his/her person, other person or against a general interest, attack that seriously jeopardizes the person or the rights of the person attacked or the general interest is considered to be in self defence.
- (3) The person who commits such a deed in order to repel someone's unlawful entering into a house, room, dependence or area delimited through markings by using violence, cunningness, breaking in or other similar means, is also presumed to act in self defence.
- (4) A person who, due to confusion or fear, has surpassed the proportional limits of the defence compared to the gravity of the danger and to the circumstances under which the attack was generated is also considered to be in self defence.

### **Service weapon**

Article 35 of Law No. 218/2002 on the organisation and functioning of the Romanian Police, with subsequent amendments: "If necessary the police officer can use white weapons or firearms, in the situations and conditions stipulated by the law." (...)

Article 34 of Law no. 218/2002: "In order to discourage, to prevent from happening and to neutralise aggressive actions taken by the persons who disturb public order, which could not be stopped by using of other means, the police officers can use protective shields, helmets, rubber and electrostatic energy truncheons, devices with tear and stun gas, water jets, weapons with rubber bullets and cuffs, trained dogs as well as other means of immobilisation which do not threaten life or produce a serious injury". (...)

### **Domicile**

Article 26 of GEO No. 97/2005 on the record, domicile, residence and identity cards of the Romanian citizens, with subsequent amendments:

- "(1) The domicile of a natural person is at the address where he declares having his/her main residence.
- (2) The domicile of an under age person is the domicile of his/her parents or of the parent with whom he/she lives or, depending on the case, of his/her legal guardian or of the natural or legal person to whom he/she is entrusted.
  - (3) The provisions of paragraph (2) apply also to the natural person under interdiction."

## 4. SPECIFIC NATIONAL MEASURES

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

# SLOVENIA

## SLOVENIA

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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

Staff of the Special Tasks Section at the Criminal Police Directorate (within the General police Directorate);

#### **Contact details of the central authority responsible for complying with requests for judicial assistance:**

Generalna policijska uprava, Uprava kriminalistične policije, Pomočnik direktorja za operativne zadeve

Štefanova ul. 2, 1501 Ljubljana

Phone: ++386 (0)1 4284629 or ++386 (0)1 4284375

Fax: ++386 (0)1 4284206

#### **Contact details of the central authority responsible for transmitting requests for legal assistance and standard statistical forms:** Generalna policijska uprava, Uprava kriminalistične policije, Sektor za mednarodno policijsko sodelovanje

Štefanova 2, 1501 Ljubljana

**Phone:** + 386 1 4284835, +386 1 25176 40

**Fax:** +386 1 2517516, +386 1 4284836,

**Mail to:** sirene.slovenija@policija.si, **working hours:** 24-hours permanent service

### 2. PURSUIT

According to paragraph one, Art. 66 of the Police Act (ZPol, Official Gazette of the RS no. 3/2006 of 10. 1. 2006): »**Police officers** shall be uniformed or non-uniformed police personnel, who discharge police tasks and have the right and duty to enforce police powers.« Par. 4 reads as follows: »Police officers shall carry a police badge which shall be evidence of their authorisation to exercise police powers.«

# SLOVENIA

## **Limitations in performing a pursuit in Slovenia:**

Republic of Slovenia does not make any distinctions with regard to limitations. The following conditions have to be in place in order to exercise the right of pursuit in Slovenia:

- criminal acts which constitute a basis for pursuit: all extraditable criminal acts (Art. 41, subparagraph 4b), on borders with Hungary for criminal acts for which a person can be surrendered;
- pursuit not limited in time or space (Art. 41, subparagraph 3b);
- pursuing officers have the right to detain the person pursued (Art. 41, sub-paragraph 2b).
- pursuit can be done only on land borders, on borders with Austria and Italy on land, air or water

## **Detailed information on the central authority that has to be notified through a standard form after the pursuit is over:**

Generalna policijska uprava, Uprava kriminalistične policije, Sektor za mednarodno policijsko sodelovanje, Štefanova 2, 1501 Ljubljana, **Phone:** + 386 1 4284835, +386 1 25176 40, **Fax:** +386 1 2517516, +386 1 4284836, **Mail to:** sirene.slovenija@policija.si, **working hours:** 24-hours permanent service

## **Legislative provisions of special importance with regard to pursuit:**

### **Apprehension :**

Article 160 of the Criminal Procedure Act: “Any person may apprehend a person found in the act of committing a criminal offence subject to prosecution ex officio. He shall be bound to deliver the perpetrator to the investigating judge or an internal affairs agency forthwith, or where that proves impossible immediately to notify one of them thereof.”

### **Exercising special rights in road traffic:**

Paragraph 6, Art. 32 of the Road Safety Act: Speed limits defined under paragraphs one and four of this article, which are displayed on traffic signs, are not obligatory for police vehicles equipped with speed measuring devices used by police officers to control the speed of vehicles in traffic, and for police vehicles that are used for covert activities upon authorisation of Director General of the Police or the competent body in accordance with the Police Act or the Criminal Procedure Act. Drivers of such vehicles shall take up a driving style and drive at a speed that will enable them to have full control of the vehicle at all times and will not jeopardise other road users or their property. Foreign police officers have the same rights as national in this respect.

### **Speed limits (art. 32/5 road traffic safety act)**

Speed limits defined under paragraphs one and four of this article, which are displayed on traffic signs, are not obligatory for police vehicles equipped with speed measuring devices used by police officers to control the speed of vehicles in traffic, and for police vehicles that are used for covert activities upon authorisation of Director General of the Police or the competent body in accordance with the Police Act or the Criminal Procedure Act. Drivers of such vehicles shall take up a driving style and speed that will enable them to have full control of the vehicle at all times and will not jeopardise other road users or their property. Foreign police officers have the same rights as national in this respect.

# SLOVENIA

## 3. DEFINITIONS

### **Service weapons:**

In line with the special regulations police officers carry short-barrel firearms and an ammunition case for which they are personally responsible. Such firearms include all types of pistols and revolvers except flare or air pistols. Long-barrel firearms (all types) and automatic guns are carried if this has been ordered by the head of an internal or regional police unit or if this is necessary due to the nature of work (when patrolling, police officers also carry long-barrel fore-arms – usually a Heckler & Koch, 9 mm).

Officers also carry equipment for maintaining public order, that is, truncheons, handcuffs and other means of restraint and tear gas.

### **Self-defence (Art. 11 of the Penal Code):**

Self-defence shall be understood to mean such defence as is absolutely necessary for the perpetrator to avert an immediate and unlawful attack on himself or on any other person.

### **Last resort/necessity (Art. 12 of the Penal Code):**

Necessity shall be understood to cover those situations in which the perpetrator has committed an act, otherwise containing all the elements of a criminal offence, in order to avert an immediate threat to himself or to any other person which he has not caused himself and which could not have been averted in any other way, provided that the evil thus incurred does not exceed the evil which threatened him.

### **Apprehension, deprivation of liberty:**

Upon making an arrest police officers shall temporarily restrict the movement of a given person in order to produce or detain him/her or perform some other act in accordance with the law. An arrest shall also include a security check (Article 41 of Police Act). This relates to Article 41, par. 2, indent b) and further to indent f) in par. 5 of the same article.

Any restriction on the freedom of the suspect that involves forced detention shall be considered as deprivation of freedom (Article 4 of the Criminal procedure Act).

A police officer, who arrested a person because there was reason to believe that he/she is a suspect in accordance with the Criminal Procedure Act or because there existed grounds for detention in accordance with the Minor Offences Act or Police Act, must immediately instruct this person in their mother tongue or a language that they understand that they are not obliged to make any statement, that they have the right to immediately legal representation of their own free choice and that the police officer must, on his request, notify his relatives or those close to them of the deprivation of their liberty. If the person arrested is an alien, the arresting police officer must inform them in their mother tongue or in a language that they understand that, if so requested by the arrestee, the police officer must notify the diplomatic mission of the country whose national the arrestee is. (Article 19 of the Constitution of the Republic of Slovenia, Article 48 of the Instruction on police powers).



# SLOVENIA

## **Dwelling:**

The Slovenian constitution does not guarantee equal protection for all premises. It is understood that the inviolability of dwellings and other premises is founded on the right to privacy. The Constitution provides guarantees only for the premises in which an individual can reasonably expect to enjoy privacy. Open and public premises are not included in this category.

Generally, a **dwelling** represents premises which are intended for permanent or temporary residence, and other appurtenant rooms (such as attic, cellar, shed, workshop etc.) A caravan, a mobile home (a modified van, truck or other vehicle), a tent and habitable rooms on vessels or other provisional spaces also fall in this category.

- **Other premises** are, for instance, business premises, company premises or premises of other legal entities.
- The problem arises with regard to **open spaces** (courtyard, fields etc.) which owners usually consider an essential part of their dwelling or property where they expect to enjoy privacy. Neither the Constitution nor the legislation provide a solution to this problem or specify any criteria according to which such premises could enjoy constitutional protection. One judicial criterion is that the owner should display clearly that they wish to protect their privacy (e.g. by means of a fence, hedge etc.).

# SLOVENIA

## 4. SPECIFIC NATIONAL MEASURES

Legal powers concerning border control are in power of all police units in the Republic of Slovenia. Furthermore, at the national level, specialised unit for control over national border exercises latter police powers in the entire Slovenian territory. When Slovenia joins the Schengen area, nine specialised units, exercising police powers and implementing those measures in the area of particular Police directorates along the internal borders will be set up at the police directorates (regional level of organisation).

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Unit	Address	Phone	Fax	Mail to
<b>Border with Italy</b>				
PU KOPER – OKC	Ukmarjev trg 4 6000 Koper	386 5 6671520	386 5 6271377	okc.pukp@policija.si
PU NOVA GORICA – OKC	Sedejeva ulica 11 5000 Nova Gorica	386 5 3313521	386 5 26772	okc.pung@policija.si
PU KRANJ – OKC	Bleiweisova ulica 3 4000 Kranj	386 4 268 1521	386 4 2681369	okc.pukr@policija.si
<b>Border with Austria</b>				
PU KRANJ – OKC	= " =	= " =	= " =	= " =
PU SLOVENJ GRADEC – OKC	Francetova 9 2380 Slovenj Gradec	386 2 8827521	386 2 8841990	okc.pusg@policija.si
PU MARIBOR – OKC	Maistrova ul. 2 2000 Maribor	386 2 2501056	386 2 2501053	okc.pumb@policija.si
PU MURSKA SOBOTA – OKC	Arhitekta Novaka 5 9000 Murska Sobota	386 2 5301521	386 2 5321357	okc.pums@policija.si
<b>Border with Hungary</b>				
PU MURSKA SOBOTA – OKC	Arhitekta Novaka 5 9000 Murska Sobota	386 2 5301521	386 2 5321357	okc.pums@policija.si

# SLOVAKIA

## SLOVAKIA

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1. **SURVEILLANCE**

**List of persons authorised to carry out surveillance**

*[Members of Police Force of the Ministry of Interior of the Slovak Republic as it is constituted in relevant bilateral agreements]*

**Contact details of the central authority:**

*[Presidency of Police Force of the Ministry of Interior of the Slovak Republic]*

2. **PURSUIT**

**List of persons authorised to carry out surveillance**

*[Members of Police Force of the Ministry of Interior of the Slovak Republic as it is constituted in relevant bilateral agreements]*

3. **DEFINITIONS**
4. **SPECIFIC NATIONAL MEASURES**
5. **LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**

# FINLAND

## FINLAND

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2. [PURSUIT](#)
3. [DEFINITIONS](#)
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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

- Officers of the police;
- Customs officers under the conditions laid down in appropriate bilateral agreements referred to in Art. 40(6), with respect to their powers regarding the illicit trafficking in narcotic drugs and psychotropic substances, trafficking in arms and explosives, and the illicit transportation of toxic and hazardous waste;
- Frontier guard officials of the Frontier Guard, as regards trafficking in human beings referred to in Art. 40(7).

#### **Contact details of the Central Authority:**

National Bureau of Investigation, Sirene  
POB 285, 01300 Vantaa  
tel 3589.8388.691-0  
fax 3589.8388.691-1  
krp-sirene@krp.poliisi.fi

### 2. PURSUIT

#### **List of Finnish agents authorised to exercise the power of pursuit:**

- Officers of the police
- Frontier guard officials of the Frontier Guard, as regards trafficking in human beings
- Customs officers under the conditions laid down in appropriate bilateral agreement, with respect to their powers regarding the illicit trafficking in arms and explosives, and the illicit transport of toxic and hazardous waste.

#### **Offences which may entail exercise of the power of pursuit in Finland:**

All extraditable offences.

#### **Restrictions on the power of pursuit in Finland:**

No limit in time or space on pursuit. Officers have the right to stop and question.

# FINLAND

## Statutory provisions of particular importance when exercising the right of pursuit:

(a) **Police Act, Section 22a** (Powers of a policeman from a foreign state) and **Section 30a** (Surveillance carried out by a policeman from a foreign state)

(b) **Coercive Measures Act:**

**Chapter 1, section 1 (Citizen's power of arrest)**

Everyone may apprehend an offender caught when committing an offence or escaping, provided that the offence is subject to imprisonment or if the offence is petty assault, petty theft, petty embezzlement, petty unauthorised use, petty criminal mischief or petty fraud (213/1995).

Everyone may also apprehend a person who, according to a warrant issued by an authority, is subject to arrest or detention. The apprehended person shall be surrendered to a police officer without delay.

(c) **Traffic Act:**

**Chapter 2, section 48 (Exceptions from road traffic regulations)**

Emergency vehicle giving special signals (blue light and siren) is exempt from traffic regulations if necessary in urgent case. Driver is obliged to give way to emergency vehicle giving signals.

### 3. DEFINITIONS

**Service weapons:** Any weapon given by authority to policemen, frontier guard officials or customs officers to perform their duties: Pistol, shotgun, rifle, truncheon, teargas- or pepperspray. Normally, an officer is equipped with pistol, truncheon and spray.

**Self-defence:** Legitimate self-defence (Penal Code, Chapter 3)

**Section 6:** If someone has committed an act to protect himself or another or his or another's property against an ongoing or imminent unlawful attack, and this act, though otherwise punishable, was necessary for the repelling of the attack, he shall not be sentenced to a punishment for such self-defence.

**Section 7:** Self-defence shall also be justified when someone forces his way unlawfully into the room, house, estate or vessel of another, or when someone caught in the act resists another who is trying to take back his own property.

**Home (Penal Code, Chapter 24, section 1):**

Breach of domiciliary peace. Domiciliary peace is protected by the Constitution and Penal Code. "Home" is not defined in the legislation, but it has developed by case law. The definition of "home" includes dwelling, yard, stairway, holiday house, and premises actually occupied for living, e.g. hotel room, caravan, tent, vessel. Factories and offices are also protected against unlawful intrusion.

### 4. SPECIFIC NATIONAL MEASURES

# FINLAND

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

Border	Authority	tel	fax
<b>SE</b>	Alarm Centre of Lapland, Rovaniemi	358 16 333 750-0	-3
	Tornio local police	358 16 43-411	-4248
	Tornionlaakso local police	358 16 510 03-00	-10
	Käsivarsi local police	358 16 554 42-40	-50
	Frontier Guard, Muonio	358 20 410 550-7	-9
	Customs: Tornio Kilpisjärvi	358-20 492 8034 358 20 492 882-0	-16 480 067 -5
<b>NO</b>	Alarm Centre of Lapland, Rovaniemi	358 16 333 750-0	-3
	Inari-Utsjoki local police	358 166-755 621, -77104	-61 985, -77284
	Frontier Guard, Ivalo	358 20 410 530-6	-9
	Customs: Kivilompolo Karigasniemi Utsjoki Polmak Näätämö	358 20 4928 84-0 358 20 4928 86-0 358 20 4928 8-60 358 20 4928 90-0 358 20 4928 91-0	-5 -5 -85 -5 -5

# SWEDEN

## SWEDEN

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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

Policemen, according to the regulation in Polisförordningen (1998:1558) § 4; Customs officers when authorised to exercise police duties; Coast Guard officers in connection with maritime surveillance

#### **Central authority:**

NCP, IPO" (National Criminal Police, International Police Cooperation Division)  
POB 12256, 10226 Stockholm  
tel. 468-401.3700  
fax -651.4203  
[ipo@rkp.police.se](mailto:ipo@rkp.police.se);

### 2. PURSUIT

#### **List of agents authorised to exercise the power of pursuit**

Policemen, according to the regulation in Polisförordningen (1998:1558) 4 §, Customs officers when authorised to exercise police duties.

#### **Restrictions on the power of pursuit in Sweden**

All extraditable offences may entail exercise of the power of pursuit. There are no territorial or temporal restrictions on pursuit. The officers have the right to stop and question.

#### **Different restrictions at different borders**

The foreign officers (according to definition page 82, 2.3 Section 2) crossing Swedish land borders from Finland and Norway or from Denmark by the Öresund link all have the same authority within the boundaries provided by the Schengen Convention.

- 1) On the border to Finland and Norway: All extraditable offences may entail exercise of the power of pursuit. There are no territorial or temporal restrictions on pursuits carried out over the borders. The police officers have the right to stop and question the person subject to the pursuit.

# SWEDEN

- 2) On the border to Denmark: In the area on and surrounding the Öresund link, all extraditable offences may entail exercise of the power of pursuit. There are no territorial or temporal restrictions on the pursuits carried out over the borders and the police officers have the right to stop and question the person subject to the pursuit. Moreover, Danish police officers may continue a pursuit in Swedish territory commenced in Denmark of a person for any act that may be subject to public prosecution under Swedish and Danish law. In addition to that, a pursuit may be made of a person who has absconded from any kind of deprivation of liberty as a result of an offence. Such pursuit may also be made of a person who has absconded from other deprivation of liberty to the extent extradition to Denmark may come into question in accordance with the Act on Extradition to Denmark, Finland, Iceland or Norway for Enforcement of a Decision concerning Care or Treatment (1970:375). Finally, on Swedish territory on the Öresund Link, Danish police officers may also commence a pursuit of a person for any act that may be subject to public prosecution under Swedish and Danish law. They shall in such a case immediately request assistance from a competent Swedish authority.

## **Statutory provisions of particular importance when exercising the right of pursuit International Police Cooperation Act (in force since 1.7.00)**

### **Section 1 - Scope of the Act:**

This Act applies to police cooperation between Sweden and other EU MS and also Norway and Iceland, to the extent that Sweden by an international agreement has given such undertakings as referred to in this Act. The regulations of Section 3 also apply in relation to other States than those mentioned in the first paragraph.

### **Section 2 - Definition:**

In this Act

- *foreign officers*: foreign police officers and other foreign officers who have been notified as authorised to conduct such cross-border work as is referred to in Arts 40 and 41 of the Schengen Convention,
- *pursuing officers*: foreign officers who pursue a person on Swedish territory in accordance with this Act,
- *Swedish officers*: Swedish police officers, customs officers or coast guard officers when they, in accordance with statute or other legislation, have police powers, and also
- *the Öresund Link*: the fixed link over Öresund as defined in Art. 2 of the Treaty of 6.10.99 between the Government of Sweden and the Government of Denmark on Police Cooperation in the Öresund Region.

### **Section 3 - Use of information from other states:**

If a Swedish authority has received information or evidence from another State to be used in intelligence activities concerning crime or in connection with the investigation of crime and if as a result of an agreement between Sweden and the other State conditions that limit the possibility to use the material apply, the Swedish authorities shall observe the conditions irrespective of what is otherwise prescribed by statute or other legislation. The provisions of the first paragraph also apply as regards agreements between Sweden and international organisations.



# SWEDEN

## **Schengen cooperation:**

### **Section 4 - *Cross-border surveillance***

If in a State referred to in the provisions of Section 1, first paragraph, an investigation is pending concerning an extraditable criminal offence, the foreign officers may continue surveillance of a suspected offender that is commenced in their State into Swedish territory, provided this is authorised by a Swedish authority.

Surveillance may be carried out without prior authorisation, if the matter is so urgent that authorisation cannot be obtained in advance and the foreign investigation relates to suspicion concerning such criminal offences as is referred to in Art. 40(7) of the Schengen Convention. In order that the surveillance may be carried out without prior authorisation, it is also required that the crossing of the border in conjunction with the surveillance is notified to an authorised Swedish authority as soon as this can be done, and that the foreign authority without delay requests assistance in the investigation.

Surveillance shall cease immediately if an authorised Swedish authority so requests. Surveillance as referred to in the second paragraph shall also cease if authorisation has not been given within five hours following the crossing of the border.

### **Section 5 - *Cross-border pursuit***

If a person has been discovered in the act of committing an offence that may result in extradition, or if someone who is in detention or serving a term of imprisonment has escaped, foreign officers may continue a pursuit commenced in their State of the person over the land border into Swedish territory, provided this is authorised by a competent Swedish authority.

The pursuit may take place without prior authorisation if, as a result of the urgent nature of the matter, it has not been possible to inform a competent Swedish authority in advance, or if Swedish officers have not been able to take over the pursuit in time. The pursuing officers shall request assistance from a competent Swedish authority not later than at the time for the crossing of the border.

The pursuit shall immediately cease if a competent Swedish authority so requests.

### **Section 6:**

If the pursuing officers so request, Swedish police officers shall apprehend the pursued person. The pursuing officers may stop and detain the fleeing person until Swedish police officers can take over the apprehension or identify the pursued person.

### **Section 7:**

When a person has been detained in accordance with Section 6, second paragraph, foreign officers may

1. conduct a personal search of the person who has been detained, if this is done for reasons of security or to search for objects as referred to in item 2.
2. take objects that can be forfeited in accordance with Chapter 36, Section 3, item 2 of the Penal Code or which can be assumed to be of importance for the investigation of crime or have been removed from someone by crime, and also
3. fit handcuffs to the person who has been detained.

# SWEDEN

Objects that have been taken in accordance with the first paragraph, item 2, shall as soon as possible be handed over to a Swedish police officer to consider the issue of seizure in accordance with Section 8, second paragraph.

## Section 8:

A person who has been detained in accordance with Section 6, may be taken into custody by a Swedish police authority for at most six hours, the time between midnight and nine o'clock in the morning not included. Thereafter, the person shall be immediately released, unless a request for a measure has been received as referred to in

1. Section 23 of the Act on Extradition of Offenders (1957:668),
2. Section 17 of the Act on Extradition for Offences to Denmark, Finland, Iceland and Norway (1959:254),
3. Section 25c or Section 25d of the Act on International Cooperation in the Enforcement of Judgments in Criminal Cases (1972:260),
4. Section 5a or Section 5b of the Act on Cooperation with Denmark, Finland, Iceland and Norway concerning Enforcement of Criminal Penalties, etc. (1963:196), or
5. Section 8 of the Act on Extradition to Denmark, Finland, Iceland or Norway for Enforcement of Decisions concerning Care or Treatment (1970:375), provided the request has been made by a Danish authority.

A Swedish police officer may, pending an application for a measure in accordance with Section 2 of the Act on the Use of Certain Coercive Measures at the Request of a Foreign State (1975:295), seize objects that have been taken in accordance with Section 7 subject to the pre-conditions applicable for a corresponding measure in accordance with the Code of Judicial Procedure or other statute or legislation.

## Police cooperation in the Öresund region:

### Section 9

Danish police officers in Swedish territory on the Öresund Link have the same powers to intervene against the threat to public order and security as Swedish police officers have in accordance with statute or other legislation.

If a Danish police officer takes a measure in accordance with the first paragraph, the Swedish police authority at the district shall be immediately advised. The measure may continue until a competent Swedish authority takes over the implementation or requests that it should be discontinued.

### Section 10

Danish police officers may, in accordance with the conditions that are otherwise prescribed by Section 5 and with the powers prescribed by Sections 6 and 7, continue a pursuit in Swedish territory commenced in Denmark of a person for every act that may be subject to public prosecution under Swedish and Danish law. In addition to that prescribed by Section 5, a pursuit may be made of a person who has absconded from any kind of deprivation of liberty as a result of a criminal offence. Such pursuit may also be made of a person who has absconded from other deprivation of liberty to the extent extradition to Denmark may come into question in accordance with the Act on Extradition to Denmark, Finland, Iceland or Norway for Enforcement of a Decision concerning Care or Treatment (1970:375).

# SWEDEN

In Swedish territory on the Öresund Link, Danish police officers may also commence a pursuit as referred to in the first paragraph. They shall in such a case immediately request assistance from a competent Swedish authority.

## **Common provisions:**

### **Section 11 - *Obligations:***

Foreign officers shall, when they exercise powers under this Act, comply with Swedish law and other legislation and also instructions that have been issued by competent Swedish police authorities. During the cross-border pursuit or surveillance, they may not enter dwellings or other places that are not open to the public. Service weapons may only be used in legitimate self-defence. Foreign officers must always be able to prove their identity and that they are acting in an official capacity.

It is indicated by Chapter 11, Section 1, item f of the Firearms Act (1996:67) that exceptions may be made from the provisions of the Act, as regards the right for representatives of the authorities of foreign powers to carry firearms and ammunition when temporarily serving in Sweden.

### **Section 12 - *Criminal liability and protection:***

Foreign officers who exercise official powers in accordance with this Act in Sweden shall be protected in accordance with Chapter 17, Sections 1, 2 and 4 of the Penal Code in a manner corresponding to that applicable as regards Swedish exercise of official powers.

Foreign officers who exercise official powers in accordance with this Act in Sweden shall be liable for neglect of official duty in accordance with Chapter 20, Section 1 of the Penal Code in a corresponding manner as if it had been a question of a Swedish exercise of official powers.

### **Section 13 - *Damages:***

If foreign officers perform tasks in accordance with this Act in Sweden, the Swedish State instead of the foreign authority or officer shall compensate any damage that arises in conjunction with a pursuit, surveillance or other intervention and for which the foreign authority or officer would have been liable to pay damages if Swedish law had been applicable to them. However, the Swedish State shall not compensate any damage that was caused to the foreign authority or officer.

### **Section 14:**

Provisions concerning the liability of the Swedish State to compensate damage that Swedish officers cause shall not apply when the damage is caused in another State in conjunction with cross-border pursuit or surveillance.

### **Section 15 - *Competent Swedish authorities:***

The National Police Board - **NPB (delegated to the NCP, IPO)**, or the police authority appointed in the particular case by the NPB, decides on cross-border surveillance in Swedish territory. The NPB may in a particular case transfer such a matter to the Coast Guard. The police authority concerned decides on cross-border pursuits into Swedish territory.

# SWEDEN

Applications or requests from a foreign authority concerning cross-border surveillance into Swedish territory shall be made to the National Police Board. Other contacts by reason of cross-border surveillance or pursuit into Swedish territory shall take place directly between the foreign officers and the Swedish police authorities concerned. When the National Police Board has transferred a matter concerning cross-border surveillance to the Coast Guard, the Coast Guard is also responsible for other contacts by reason of the matter.

**Note:** Chapter 24, section 7, of the Swedish Code of Procedure provides the following: *"If there are grounds to arrest a person, a policeman may in the case of urgency apprehend the suspect without a decision for arrest. If a person who has committed an offence for which imprisonment may be imposed is observed in the act of committing the offence or fleeing from it, he may be apprehended by anyone. Similarly, anyone may apprehend a person posted as wanted for an offence. The person apprehended shall be promptly turned over to the nearest police officer."*

### 3. DEFINITIONS

**Service weapon:** A service weapon permitted by the law of the sending country is permissible also in Sweden.

The Swedish police uses the following weapons: Pistols: SIG-SAUER 225, calibre 9x19 mm, SIG-SAUER 226, calibre 9x19 mm, SIG-SAUER 228, calibre 9x19 mm, SIG-SAUER 239, calibre 9x19 mm. Other weapons: Pumphagelrepeter, calibre 12 gauge, CG A5 P, calibre 5,56x45 mm, HK 53, calibre 5,65x45 mm, Accuracy International, calibre 7,62x53 mm, HK MZP 1, calibre 40 mm, K-pist m/45 BET

**Self defence:** Chapter 24, section 1 provides that a right to act in self defence exists against:

1. an initiated or imminent criminal attack on a person or property
2. a person who violently or by the threat of violence or in some other way obstructs the repossession of property when caught in the act
3. a person who has unlawfully forced or is attempting to force entry into a room, house, yard or vessel, or
4. a person who refuses to leave a dwelling when ordered to do so.

**Home:** The Swedish Penal Code, Chapter 4, Section 6, states the following:

*"A person who unlawfully intrudes or remains where another has his living quarters, whether it is a room, a house, a yard or a vessel, shall be sentenced to a fine for breach of domiciliary peace. A person who, without authorisation, intrudes or remains in an office, factory, other building or vessel or at a storage area or other similar place, shall be sentenced for unlawful intrusion to a fine. ..."*

In order to clarify the difference between the places referred to in the second paragraph and public places, the case law of Swedish courts has explained that the key words "without authorisation" exclude any place open to the public from this concept.

### 4. SPECIFIC NATIONAL MEASURES

No specific national measures

# SWEDEN

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

	<b>Polismyndigheten</b>
DK	I Skåne, Polishuset Porslinsgatan 6, 205 90 Malmö, tel 4640-661.2799, fax -125923
FI	I Norrbotten, Skeppsbrogatan 37, 973 24 Luleå, tel 46920-295.5001, fax -12478
NO	- Västra Götaland, Polisområde 1, Lagerbergsgatan 35, 451 21 Uddevalla, tel 46522646-2861, fax -305 - i Värmland, Nya Infanterigatan 22, 651 05 Karlstad, tel 46541-45130, fax -86006 - i Jämtland, Köpmangatan 24, 831 28 Östersund, tel 46631-52501, fax -00965 - i Västerbotten, Ridvägen 10, 901 09 Umeå, tel 46901-52100, fax -34609 - Norra Lappland, Box 63, 982 21 Gällivare, tel 46970.7700-0, fax -5

# UNITED KINGDOM

## UNITED KINGDOM

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

The United Kingdom (excluding Gibraltar) does PARTICIPATE in Article 40.

The Channel Islands and Isle of Man do NOT PARTICIPATE in Article 40.

#### **List of agents authorised to exercise the power of surveillance:**

Constables of the police services of England, Wales, Scotland and Northern Ireland  
Members of the National Crime Squad  
Members of the National Criminal Intelligence Service  
Members of the Scottish Drug Enforcement Agency  
Officers of HM Revenue and Customs

#### **Contact details of the central authority responsible for transmitting requests for assistance:**

Serious Organised Crime Agency  
International Crime  
PO Box 8000  
London  
SE11 5EN

Tel: +44 (0) 207 238 8115  
Fax: +44 (0) 207 238 8112  
Email: london@soca.x.gsi.gov.uk

#### ***UK authorization procedures***

Directed and intrusive surveillance conducted by UK Law Enforcement Agencies is authorised under the *Regulation of Investigatory Powers Act 2000* and the *Regulation of Investigatory Powers (Scotland) Act 2000* by senior police officers.

Where necessary, directed and intrusive surveillance conducted by UK Law Enforcement Agencies which includes surveillance abroad is authorised under the *Regulation of Investigatory Powers Act 2000* section 27 (3) by senior officers.

# UNITED KINGDOM

## *Requests to continue surveillance into the United Kingdom*

Officers from other Member States seeking to continue surveillance under Article 40 into the territory of the United Kingdom **may not routinely carry firearms** as service weapons.

Police officers in the United Kingdom are not routinely armed. Firearms are issued to officers to deal with specific circumstances where an appropriate threat to the public, police or any other person exists. In order to decide whether United Kingdom police officers who are deployed to relieve surveillance by officers from another Member State travelling to the United Kingdom ought to be issued with service firearms, the United Kingdom Sirene Bureau will require the designated authority in the Member State concerned to furnish specific detail, in addition to that contained in the Article 40 request form, so that a risk assessment may be conducted.

In **strictly pre-planned operations**, foreign surveillance officers may be allowed to travel armed by sea or rail to the UK, but not by air. In order to comply with UK law, prior authorisation will be required.

Foreign surveillance officers will not be allowed to carry their firearms beyond the confines of the port or rail station at which they arrive. All armed surveillance operations will be taken over by armed UK surveillance teams. The United Kingdom Sirene Bureau may be contacted to clarify the effect of this statement. Unless otherwise advised service weapons must be left at the point of embarkation.

**Foreign officers on urgent operations under Article 40(2) of the Schengen Convention will not be able to carry firearms in any circumstances.**

**For the purposes of the 5-hours rule under Article 40(2), “entry into the UK” means when the foreign officers arrive at the port or airport; or, for Eurostar, when the train emerges from the tunnel and enters Kent.**

To comply with UK authorisation procedures and legislation similar specific detail will be required in respect of technical devices deployed by another Member State to support their surveillance activity.

Officers in other Member States should be aware that due to its unique history and environment **all** surveillance operations will be taken over by the Police Service of Northern Ireland on arrival in that part of the United Kingdom. At this time foreign officers will not be able to continue cross-border surveillance into this part of the United Kingdom on their own.

Due to its geographical position the UK Sirene Bureau would expect that all surveillance teams from other Member States should be able to contact the Bureau before embarking for the UK.

## **2. PURSUIT**

The United Kingdom does NOT PARTICIPATE in Article 41.

# UNITED KINGDOM

## 3. DEFINITIONS

### **Service weapons**

Any weapon or ammunition authorised for use by a chief officer of the police, for use by that chief officers' personnel. In any event these could include:

- \* Revolvers
- \* Self-Loading Pistols
- \* Shotguns capable of firing specialist munitions (e.g. CS and breaching rounds)
- \* Carbines
- \* Rifles
- \* Less lethal weapons such as Baton Guns
- \* Launchers and smooth bore pistols capable of firing CS ammunition
- \* Ammunition for any of the above in accordance with specifications provided by the Home Office Scientific Development Branch
- \* Incapacitant Sprays
- \* Hand held Batons
- \* Rigid Handcuffs.

### **Self-defence**

Under the common law a person may use reasonable force in self-defence, and, in extreme circumstances, may be justified in using lethal force. The statutory provision for the use of reasonable force in England and Wales is:

*“A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large”*

*Criminal Law Act 1967 section 3*

and in Scotland where there is no similar statutory law, this is covered by the common law authority for self-defence in Scotland which states:

*“In certain cases an assault may be justified by showing that it was done under the authority of the law or in self defence. But in such cases the force used must be only so great as is necessary to effect the object in view”.*

*Police Information Net for Scotland*

### **Home**

#### **Residential Premises in England and Wales: *Regulation of Investigatory Powers Act 2000, Section 48(1)***

Residential premises means so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation that is so occupied or used). This is a higher threshold than a dwelling, as it includes areas beyond sleeping quarters. It does not include a reference to so much of any premises as constitutes a common area to which he has or is allowed access in connection with his use or occupation of any accommodation.



# UNITED KINGDOM

Premises include any vehicle or mobile structure, in any place whatever, whether or not occupied as land. If any of the examples below or other places has a living area then it may constitute residential premises:

House, Flat, Caravan, Boat, Tent, Barn, Outbuilding, Lorry Cab, Ships Cabin, Workplace/office, Train Sleeping Car – the issue is not the structure, but its use.

## **Residential Premises in Scotland: *Regulation of Investigatory Powers (Scotland) Act 2000*, Section 31**

Residential premises means so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation that is so occupied or used).

The reference to premises occupied or used by any person for residential purposes or otherwise as living accommodation does not include a reference to so much of any premises as constitutes any common area to which the person has or is allowed access in connection with the person's use or occupation of any accommodation.

Premises include any vehicle or moveable structure and any other place whatever, whether or not occupied as land. Vehicle includes any vessel, aircraft or hovercraft.

## **4. SPECIFIC NATIONAL MEASURES**

The United Kingdom does NOT PARTICIPATE in Article 2(3).

## **5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER**

Not applicable. In all cases, contact central authority as specified in section '1' above.

# ICELAND

## ICELAND

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

The officers of the Icelandic Police.

#### **Central authority**

Ríkislögreglustjórinn  
Skúlagata 21, 101 Reykjavík  
tel 354.570.25-40  
fax 354.570.25-41.

### 2. PURSUIT

### 3. DEFINITIONS

**Service weapons:** The standard issue of weapons and equipment for a police officer in Iceland is a small truncheon, pepper mace and handcuffs. Firearms are never carried unless on exceptional occasions and then by command of the Commissioners of Police.

According to Art. 45 of the Rules on Coercion of the Police and use of Coercion Equipment and Weapons, issued by the Minister of Justice on 22.2.1999, the Nat. Commissioner of Police may authorise foreign police officers to carry weapons during their work in the country, but it is required that they work under the supervision and the direction of an Icelandic police officer and comply fully with the aforementioned rules. The Nat. Commissioner issues a specific authorisation document to the holder of such a permit.

**Self-defence:** Self-defence is defined by Art. 12 of the General Penal Code No 19/1940. For an individual to be deemed as acting in legitimate (self) defence, and therefore not criminally punishable for his act, the following conditions must all be met:

1. There must be an existing or immediate threat of an unlawful attack.
2. The act of defence must be necessary to defend the person/property subjected to the unjustified attack.
3. The means of defence deployed must be commensurate with the seriousness of the attack.

# ICELAND

**Home:** Icelandic law does not give a clear legal definition of a "home". Art. 71 of the Icelandic Constitution states: "*Everyone has the right to respect for his private and family life and his home. No one may be subjected to a bodily examination or of his person, nor may his home or belongings be searched except pursuant to a court order. [...]*" In this context it is considered that a home includes not only the private home and residence of a person but also his/her office, workshop, garage, vessels and other vehicles such as cars, aeroplanes etc. In Art. 89-90 of the Code of Criminal Procedure No 19/1991 it is stated that search of the abovementioned items is admissible pursuant to a court order. In Art. 91 it is stated that in buildings that are open to the public a court order is not necessary prior to search.

## 4. SPECIFIC NATIONAL MEASURES

Art. 15(4) of the Police Act, No 90/1996: "*Measures taken in the interests of public peace and quiet, public order, etc.[..] The police may demand any person to give his name, ID number and address, and to present an identification doc. to substantiate the information given.*"

Art. 9(1) of the Aliens Act, No 45/1965: "*An alien must indicate his/her ID if the Police demands it on the grounds of information given in accordance to Art. 8 or on grounds of other reasons.*"

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

# NORWAY

## NORWAY

1. [SURVEILLANCE](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

#### **List of agents:**

The National Criminal Investigation Service (NCIS)  
Brynsalléen 6  
P.O.Box 8163 Dep.  
NO-0034 Oslo  
The 24-hour Desk +47 23 20 88 88  
Main fax +47 23 20 88 80  
Email: [post.kripos.desken@politiet.no](mailto:post.kripos.desken@politiet.no)

#### **Central authority responsible for transmitting requests for judicial assistance:**

Kriminalpolitisenralen  
Brynsalléen 6, POB 8163 Dep  
0030 Oslo  
tel 4723.20888-8  
fax 4723.20888-0  
[kripos@online.no](mailto:kripos@online.no)

### 2. PURSUIT

#### **List of agents authorised to exercise the power of pursuit**

Norwegian police officers

#### **Restrictions on the power of pursuit in Norway**

- *Criminal offences that may give the right to continue pursuit*  
Apart from cases where an individual escaped from provisional custody or while serving a custodial sentence, the right to continue pursuit may be exercised in Norway when an individual is apprehended in the act of committing or participating in an extraditable offence. Under the Nordic extradition agreement, the minimum requirement is a custodial sentence.
- *Pursuit is not restricted with regard to time or geographical area*
- *pursuing officers have the right to apprehend an individual*

# NORWAY

## Statutory provisions of particular importance when exercising the right of pursuit

### (a) The right of all citizens to apprehend persons in the act of committing an offence

Under Section 176 of the Criminal Procedure Act, anyone has the right to apprehend a suspect if caught in the act or pursued when so caught or on finding fresh clues. However, the person making the arrest is required to hand over the person arrested to the police immediately.

"When delay entails any risk, a policeman may make an arrest without a decision of the court or of the prosecuting authority. The same applies to anyone else if the suspect is caught in the act or pursued when so caught or on finding fresh clues. Any person not being a member of the police who has made an arrest shall immediately hand over the person arrested to the police."

(b) **National legislation:** As a result of Schengen cooperation, a new provision has been included in Section 20(a) of the Police Act:

"Police officers from countries other than Norway may continue surveillance and pursuit of, and if necessary apprehend, a person suspected of an extraditable offence. This will apply until Norwegian police authorities have taken over the responsibility for the surveillance or pursuit, or have required it to be stopped, and only to the extent laid down in international agreements within the scope of Schengen cooperation.

In the course of performing duties as mentioned in the first paragraph, a police officer from a country other than Norway is to be regarded as a public servant pursuant to the provisions of the General Civil Penal Code."

### 3. DEFINITIONS

**Service weapons:** In Norway the following weapons, approved for use by the police in accordance with the Instructions regarding Police Weapons, are defined as service weapons:

- *Guns* such as revolvers, pistols, repeating guns and automatic weapons
- *Explosive weapons* such as hand grenades, grenades for grenade launchers and explosives
- *Gas weapons* such as gas guns, tear gas and smoke canisters
- *Blunt trauma weapons* such as all types of batons and riding whips

Norwegian police officers are unarmed in the performance of their everyday duties, and firearms or other service weapons are usually only permitted when specially approved by the local chief of police for use in a police operation. However, short and long batons may be included in the standard equipment. The individual chief of police may permit officers to carry a handgun on regular car patrols. In this case, the handgun would be a revolver or pistol, with ammunition, and would be required to be kept in a locked compartment in a sealed bag or gun case.

#### **Self-defence:**

- Under Section 48 of the General Civil Penal Code, self-defence is when an otherwise criminal act is committed for the prevention of or in defence against an unlawful attack.
- The degree of physical force applied by the police officer to avert or defend against the attack must be necessary and in reasonable proportion to the attack.

# NORWAY

**Home:** Home means a private dwelling or other places to which the public does not have access. Examples of other places include: hotel rooms, ship cabins and sleeper compartments on trains, a parked caravan or campervan set up ready for use, a moored yacht or houseboat, a private office, private business property, private club premises and the like. In Norway an ordinary car cannot under any circumstances be regarded as a private dwelling. The same applies to a tent.

## 4. SPECIFIC NATIONAL MEASURES

Until Norway implements any specific compensatory measures in accordance with Art. 2(3), Norwegian police officers will continue to conduct checks to detect and prevent illegal immigration, human smuggling and other cross-border crime under the provisions of current legislation, such as the Police Act, the General Civil Penal Code, the Criminal Procedure Act and the Immigration Act.

# NORWAY

## 5. LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER

<b>Liaison authority to be contacted upon crossing the border</b> (The chief of police in the district where the border will be crossed shall be contacted for approval of cross-border pursuit into Norway)				
<b>Border</b>	<b>Police district</b>	<b>tel</b>	<b>fax</b>	<b>e-mail</b>
<b>SE</b>	Østfold	47 69 11 33 00	47 69 96 35 55	post.ostfold@politiet.no
	Hedmark	47 62 53 90 00	47 62 53 90 20	foe.hedmark@politiet.no
	Romerike	47 64 84 20 00	47 64 84 23 20	vakt-romerike@politiet.no
	Nord-Trøndelag	47 74 12 10 00	47 74 12 10 56	vakt-nord-trondelag@politiet.no
	Sør Trøndelag	47 73 89 90 90	47 73 89 90 20	ops.sor-trondelag@politiet.no
	Helgeland	47 75 11 27 00	47 75 17 52 13	operasjonsentralen.helgeland@politiet.no
	Salten	47 75 54 58 00	47 75 52 38 73	ops.salten@politiet.no
	Midtre hålogaland	47 76 96 31 00	47 76 96 32 80	foe.mhod@politiet.no
<b>FI</b>	Troms	47 77 69 85 00	47 77 69 87 62	post.troms.ops@politiet.no
	Vestfinnmark	47 78 42 80 00	47 78 42 80 29	ops.vestfinnmark@politiet.no
	Østfinnmark	47 78 97 20 00	47 78 99 20 60	foe.ostfinnmark@politiet.no

If in doubt, the following authority may be contacted:

The National Criminal Investigation Service (NCIS)

Brynsalléen 6

P.O.Box 8163 Dep.

NO-0034 Oslo

The 24-hour Desk +47 23 20 88 88

Main fax +47 23 20 88 80

Email: post.kripos.desken@politiet.no

Kriminalpolitisenralen will forward the request for assistance to the appropriate police authority.