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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

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

### 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 2 508 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*  
Except where a person has escaped, the power of pursuit may be exercised in Belgium having started in 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 or 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 (Article 41(4)(b))
- *there are no restrictions on the duration or 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 Article 27 of the Benelux Treaty on Extradition and Judicial Assistance in Criminal Matters of 27 June 1962 as amended by the Protocol of 11 May 1974.

  - *pursuit may be carried out for all extraditable offences the maximum penalty or which is at least 6 months)*
  - *there are no restrictions on the duration or 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.

Article 1(3) of the Law of 20 July 1990 on pre-trial detention provides as follows: Anyone who observes a person committing a minor or major offence shall report the fact 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 with weapons jointly if it could not be foreseen that the border was to be crossed, but they 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 Articles 416 and 417 of the Criminal Code. For an individual to be deemed to be acting in legitimate (self) defence, and therefore not criminally punishable for homicide, the following conditions must all be met:

Attack on a person (Article 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 attack on bodily integrity must be unjustified.

Attack on property (Article 417):

1. the purpose must be to prevent a person from climbing or breaking in over fences, walls or through entrances to a residence or its outbuildings;
2. the attack must be at night;
3. it must not be established that an attack on a person could thereby be prevented.

# BELGIUM

**Home:** The inviolability of the home is guaranteed by Article 10 of the Constitution and sanctioned by Article 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	32 3 224 12 57	32 3 224 12 11	32 3 224 12 58
Arlon, R. de Neufchâteau 132	32 63 21 42 14	32 63 21 42 10	32 63 21 42 17
Brugge, Zandstraat 148	32 50 45 76 33	32 50 45 76 90	32 50 45 76 34
Dinant, R. J.B. Culot 24	32 82 21 42 08	32 82 21 42 11	32 82 21 42 95
Eupen, R. de Herbestal 12	32 87 59 62 14	32 87 59 62 11	32 87 55 21 41
Genk, Vennestraat 461	32 89 32 92 65	32 89 32 92 11	32 89 32 92 87
Gent, Groendreef 181	32 92 37 16 16	32 92 37 16 16	32 92 37 16 16
Kortrijk, Graaf Boudewijn I ln 1	32 56 25 65 06	32 56 26 92 10	32 56 25 68 49
Mons, R. de Rossignol 1	32 65 38 32 18	32 65 38 32 93	32 65 38 32 19
Tournai, Drève de Maire 19	32 69 58 07 81	32 69 25 02 11	32 69 58 07 82
Turnhout, Noord-Brabantlaan 70	32 14 40 72 68	32 14 40 72 11	32 14 40 72 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

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

Police authorities entrusted with guarding the state border must place and use tools for observation and photography, the results of which may be used only for the prevention and disclosure of crimes or offences, or for the prevention and disclosure of crossing of the state border, of crime or offences on the territory of the border control checkpoints against the passport and visa system, or those threatening the safety of the services' personnel, buildings and infrastructure.

#### 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 Article 85. (1) of the Law on the Ministry of Interior police units entrusted with guarding state borders shall pursue violators of the state border beyond the border zone jointly with other Ministry of Interior units.

### 3. DEFINITIONS

#### Service weapons

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

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

# BULGARIA

- after warning to prevent the escape of a person detained in accordance with an order for having committed a crime of general nature.

Police officers shall, when using weapons, be obliged to protect the lives of persons at whom they are aimed if it is possible and not to threaten the lives or safety of other persons.

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

1. in the event 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 officers shall have the right to use weapons in accordance with the Law on the Sea Area, Internal Water Ways and Ports of the Republic of Bulgaria.

After the use of weapons police officers must submit reports.

## Self defence

Legitimate self defence is defined in Chapter Two “Crime”, Section 1 “General” Article 12 of the Penal Code:

The act of justifiable defence - to defend oneself against an immediate illegal attack against state or public interests, the person or the rights of the defender or of another person by causing injury to the aggressor within the limits necessary - shall not be considered socially dangerous.

Exceeding the requirements of justifiable defence is permissible when the defence clearly does not correspond to the nature and the danger of the assault.

The perpetrator shall not be punished if he exceeds requirements of justifiable defence if he does so owing to fear or confusion.

## Home

As defined by the Bulgarian Constitution, Article 33 (1), the home shall be inviolable. No one shall enter or remain inside a home without its occupant's consent, except in cases expressly provided for 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.)

Pursuant to the Law on the Ministry of Interior (Article 51(1), point 4), the National Police Service shall be the Ministry of Interior specialised operative-search and security service responsible for guarding national borders and checking compliance with border procedures, combating illegal migration and trafficking in human beings.

To perform those tasks the National Police Service has to carry out its duties in the border zone, in the areas of border control checkpoints, international airports and harbours, inland waters, the territorial sea, the adjacent zone, the continental shelf, the Bulgarian part of the river Danube and the other border rivers and water basins to guard the state border and check compliance with border procedures.

# BULGARIA

As defined by the Law on the Ministry of Interior (Article 85. (1)), to guard the state border police officers 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 passing through border check-points;
- stop, detain and check Bulgarian and foreign ships and vessels which have violated the rules governing stopping and remaining in the 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 specialised units Bulgarian or foreign aircraft where violations of the border procedures have been established, or if flight security has been infringed;
- pursue violators of national borders beyond the border zone, together with other Ministry of Interior units;
- detain smugglers, illegally transported goods and vehicles which have passed outside the designated locations and carry out checks, together with the customs authorities;
- temporarily restrict or forbid the movement of persons and vehicles in zones and sites when performing operative-search activities in order to detain persons or vehicles, if there is danger to people's lives or safety;
- take, accompany and hand over the violators of national borders from and to neighbouring border authorities and to other states, in accordance with the law and with international treaties to which the Republic of Bulgaria is a party;
- install and use technical means of surveillance and photographing, the results of which may be used only for the prevention or detection of crimes or violations, including the prevention or detection of the illegal crossing of national borders, of crimes and violations in the areas of border check-points against passport and visa procedures, or in the event of threats to the safety of personnel, buildings or services' infrastructure;
- provide for the compulsory accommodation in special facilities of foreigners who have violated border procedures and are being forcefully conducted to the border or expelled in accordance with the requirements of the law.

The director of the National Police service jointly with the Minister of Interior and in accordance with the relevant international agreements appoint border representatives for the settlement of 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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### 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 provided 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 (24/7)  
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.

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

The police officers in pursuit must be easily recognisable, e.g. wear a uniform or an armband or drive in a marked vehicle. Police officers in pursuit are not allowed to wear civilian clothes without an armband while driving an unmarked vehicle.

### **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 is 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 offender pursued has been apprehended, the police officer carries out only a security search of the person and confiscates objects of importance for criminal prosecution and his vehicle, and thereafter 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 or a 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 issued to a police officer for normal 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 issued to a police officer for the performance of special activities.

# 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 a person thwarts an imminent or actual attack is not a crime. That is not the case if the self defence is clearly excessive. The following conditions have to be met if the act is to qualify as legitimate self defence and thus exclude that person's criminal liability:

- the act must consist in thwarting an imminent or actual attack on an interest protected by this law;
- the attack must not be legitimate behaviour (e.g. action by a law-enforcement officer, legitimate self help according to civil law, etc.)
- the self defence must not be clearly excessive.

## Home

The inviolability of the home is guaranteed by Article 12 of the Charter of Rights and Freedoms. A home is an apartment or other premises used as a home including appurtenance. Entering a home and other premises not accessible to the public is possible only in cases specified 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@mvr.cz](mailto:sirene@mvr.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 dealing with 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 Article 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 Article 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 Article 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 Article 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 Article 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 having committed 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 not therefore take place on the grounds 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 semi-automatic pistols, short police batons (truncheons) 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 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 (where agreed with other States in treaties that complement the convention implementing the Schengen Agreement) the officers of customs mobile control groups in their capacity as auxiliary officers of the Public Prosecutor's Office.

#### 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:* 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 be exercised only 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 allowed only against an accuser. If required, the surveillance must be entrusted to the regional officer responsible.

# 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 (where agreed with other States in treaties that complement the convention implementing the Schengen Agreement) officers of customs mobile control groups in their capacity as auxiliary officers of the Public Prosecutor's Office.

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

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

- offences which may entail exercise of the right of pursuit except where the person has escaped from prison, pursuit can be carried out in Germany if the person is caught in the act of committing a crime or if the person is caught while participating in an extraditable offence (Article 4 para. 4 lit. b)
- the pursuit is restricted neither in time nor territorially;
- 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 of 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 or is being pursued, any person shall be authorized to arrest him provisionally, even without judicial order, if there is reason to suspect he may abscond or if his identity cannot be immediately established"

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

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

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 be exercised only 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 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 checks on persons without concrete reason or suspicion, which pursuant to Articles 20 to 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), and 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 30 km 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 of the Federal Police Law.

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

The Federal Police may also search an object within a 30 km 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 of the Federal Police Law.

# GERMANY

## **Baden-Württemberg police:**

### § 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 § 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.

§ 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:**

### § (1.5) of the Bavarian Law on Police Powers (PAG)

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

within a 30 km 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 § (1.5) of the Bavarian Law on Police Powers (excerpt)

§ 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 means 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 means airports, railway stations, trains and also petrol stations and service areas.

In addition to the power to check a person's identity pursuant to § 13(1.5) of the Bavarian Law on Police Powers, the police may also, pursuant to § 21(1.3) of the Bavarian Law on Police Powers search persons in the places laid down in § 13(1.5) of the Bavarian Law on Police Powers and, pursuant to § 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 (§ 4 of the Bavarian Law on Police Powers).

# GERMANY

## **Berlin Police:**

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

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

## **Brandenburg Police:**

### § 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 permissible only if, on the basis of the police's knowledge of the situation, it can be assumed that serious offences (§ 10(3)) will be committed. The place, time and scope of the measures may be determined only by the Chief Constable or his/her representative.

### §. 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 Police,
6. as a preventive measure to combat cross-border crime and to prevent serious offences § 10(3)) with an international aspect within a 30 km of the Federal border .

### § 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 § 12(1.4 or 1.6); the search may also extend to the objects in the vehicle.

### § 10(3) of the Brandenburg Police Law

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

# GERMANY

## **Hessen Police:**

### § 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 that 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.

### § 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 § 18(2.5 or 2.6) and, in the cases referred to in § 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:**

### § 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 (§ 49) or
2. within a 30 km 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 boots and load platforms. Measures pursuant to point 1 above must 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 § 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 that part 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 § 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:**

### § 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 § 12(6) Nds.SOG (excerpt)

This 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 before a concrete threat and without the need for any other particular grounds (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 field 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 have been 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 trafficking and trafficking in human beings.

## **Saar Police:**

### § 9a(1 and 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 30 km of Germany's 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 he/she 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 he/she is in or on transport or supply premises or facilities, public transport vehicles, an 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 that property such as to pose an immediate danger to person(s) in or on that 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; Article 30 (storage, amendment and use of data) is also applicable.

## **Saxony police:**

### § 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 30 km-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: § 19(1.5) of the Saxony Police Law  
Under § 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:**

### § 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:**

### § 14 (2.5) 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 ON CROSSING THE BORDER

<b>5. Liaison authority to be contacted on crossing the border</b> (Subject to the conclusion of further bilateral arrangements referred to in Article 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>• Bundespolizeidirektion 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>• Weillheim ; 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>• Bundespolizeidirektion München ; Infanteriestraße 6 ; 80797 München Tel.: +49 (0) 89-12149-0</li> </ul>

# GERMANY

Berlin	<ul style="list-style-type: none"> <li>• Bundespolizeidirektion Berlin, Schnellerstraße 139A/140 12439 Berlin - Tel. +49(0) 30-91144-0</li> </ul>
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>• Bundespolizeidirektion Berlin, Schnellerstraße 139A/140 12439 Berlin Tel. +49(0) 30-91144-0</li> <li>• Gemeinsames Zentrum der deutsch-polnischen Polizei- und Zollzusammenarbeit, An der Europastraße 30 69-100 Slubice  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)</li> </ul>
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> <li>• Bundespolizeidirektion Hannover Möckernstraße 30, 30163 Hannover Tel: +49 (0) 511 676 75-0, Fax: +49 (0) 511 676 75-1110</li> </ul>
Hessen	<p>Flughafen Frankfurt/Main</p> <ul style="list-style-type: none"> <li>• Bundespolizeidirektion Koblenz, Roonstraße, 56068 Koblenz Tel.: +49 (0) 261 399-0, Fax: +49 (0) 261 399-280</li> </ul>
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>• Bundespolizeidirektion Bad Bramstedt, Raaberg 6, 24576 Bad Bramstedt Tel.+49 (0) 4192 502-0, Fax: .+49 (0) 899 698</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>• Bundespolizeidirektion Hannover Möckernstraße 30, 30163 Hannover Tel: +49 (0) 511 676 75-0, Fax: +49 (0) 511 676 75-1110</li> </ul>
Nordrhein-Westfalen	<ul style="list-style-type: none"> <li>• Landespolizei NRW:  Landesleitstelle beim Landesamt für Zentrale Polizeiliche Dienste NRW (LZPD NRW) Duisburg Tel.: + 49.(0) 203-4175-4600 Fax: + 49.(0) 203-4175-4699 Landesleitstelle.lzpd@polizei.nrw.de</li>   <li>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:</li>   <li>• Aachen, Hubert-Wienen-Str. 25, 52070 Aachen, tel 49.241.9577-0, fax -20555</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 -2659</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 -3429</li> <li>• Mönchengladbach, Th.-Heuss-Str.149, 41065 Mönchengladbach, tel 49.2161.29-2922, fax -2939</li> <li>• Münster, Friesenring 43, 48147 Münster, tel 49.251.275-2500, fax -2497</li> <li>• Viersen, Lindenstr.50, 41747 Viersen., tel 49.2162.377-0, fax -1155</li> <li>• Bundespolizeidirektion Sankt Augustin, Bundesgrenzschutzstraße 100, 53757 Sankt Augustin-Hangelar Tel: +49 (0) 2241-238-0, Fax: +49 (0) 2241-238-1199</li> </ul>
Rheinland-Pfalz	<ul style="list-style-type: none"> <li>• Polizeipräsidien</li> <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>• Bundespolizeidirektion Koblenz, Roonstraße, 56068 Koblenz Tel.: +49 (0) 261 399-0, Fax: +49 (0) 261 399-280</li> <li>• Gemeinsames Zentrum der Polizei- und Zollzusammenarbeit in Luxemburg 73, Rue A. Fischer – L-1520 Luxemburg Tel: +33 (0) 382 54 94 30, Fax: +33 (0) 382 54 94 39</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>• Bundespolizeidirektion Pirna, Rottwerndorfer Straße 22, 01796 Pirna Tel. ++49 (0) 3501-795-60, Fax: ++49 (0) 3501-78 29 15</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>• Bundespolizeidirektion Koblenz, Roonstraße, 56068 Koblenz Tel.: +49 (0) 261 399-0, Fax: +49 (0) 261 399-280</li> </ul>
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</li> <li>• Bundespolizeidirektion Bad Bramstedt, Raaberg 6, 24576 Bad Bramstedt Tel.+49 (0) 4192 502-0, Fax: .+49 (0) 899 698</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](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 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/7)

### 2. [PURSUIT](#)

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

As regards the Republic of Latvia, hot pursuit can be carried out within the territory of the Republic of Estonia by officers of the Latvian State Police:

- without limit in space but with a time limit of 1 hour from the time at which the border is crossed (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

Under the Police Act

§ 12 (1)

The police, in accordance with its functions, must:

- 11) search persons who are missing, staying in Estonia illegally, and other persons pursuant to the procedure laid down in Acts and other legislation;
- 16) check the legality of the residence and employment in Estonia of foreign citizen and stateless persons.

§ 13

The police have the right to:

- 2) check the identification of persons suspected of committing an offence, and in order to ensure safety, conduct on-the-spot checks of suspected persons and their possessions;
- 5) pursuant to the procedure laid down in Acts and other legislation, detain or hold in custody persons suspected of committing criminal offences;
- 6) pursuant to the established procedure, detain persons who are illegally resident 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. Article 40(6)), customs officers in the course of their duties concerning illegal trafficking in 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 Interior  
Hellenic Police Headquarters  
International Police Cooperation Division  
SIRENE Section  
4, P. Kanellopoulou ave.  
GR 101 77 Athens - HELLAS  
tel 30 210 6998262 / 30 210 6924585  
fax 30 210 6998264 - 5  
e-mail [info@sirene-gr.com](mailto:info@sirene-gr.com)

2. **PURSUIT**

Greece has not any land borders with other Schengen states. In the near future, in cooperation with Bulgaria (in 2011 Bulgaria is going to apply all the provisions of the Schengen agreement), we will deal all the provisions of Article 41 and we will make the appropriate declaration of the Article 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 personal revolvers or pistols, truncheons and handcuffs.

# GREECE

**Self-defence:** The Greek penal code provides 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 depends on the means used and is 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 is 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 is not 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 Articles 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 and 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 and 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

As in point 1. The SIRENE is the national contact point of the Schengen Convention.

# SPAIN

## SPAIN

1. [SURVEILLANCE](#)
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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:

Dirección General de la Policia y de la Guardia Civil

Cuerpo Nacional de Policia

Comisaria general de policia judicial

#### Oficina SIRENE

Calle Julián González Segador s/n

28043 Madrid

Tel. +34 91 582 30 13

Tel. +34 91 582 29 00

Fax: +34 91 537 23 24

Fax: +34 91 582 29 80

[sirene@ses.mir.es](mailto:sirene@ses.mir.es)

[ses-oper@csis.sisnetmail.eu](mailto:ses-oper@csis.sisnetmail.eu)

### 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 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 Article 41(4)(a).

# SPAIN

## Restrictions on the power of pursuit in Spain

- (a) Border with France:
  - up to 10 km from the border;
  - the agents do not have the power to stop and question
- (b) Border with Portugal:
  - up to 50 km from 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 Article 490 of the Code of Penal Procedure, any person may arrest the following:

1. a person who intends or 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 (Article 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>					
ES-FR	Comisaría Provincial de San Sebastián.	C/ José M <sup>a</sup> Salaverria 19	349.4344 -9800	-9797	
	Jefatura Superior de Policía de Pamplona	C/ General Chinchilla 3 y 5	34948 299700	-299708	
	Comisaría Provincial de Huesca	Plaza Luis Buñuel 3	34974 238800	-243320	
	" Girona	Calle San Pablo 2	34972 -486001	-201149	
	" Lleida	Calle Paseo de la Ronda 54	34973 279535	-270634	
	" Pontevedra	Calle Joaquín Costa 17	34986 868383	-868377	
	" Ourense	Calle Maestro Vide 2	34988 -391771	-391899	
ES-PT	" Zamora	Avenida Requejo 12	34980 509250	-509248	
	" Salamanca	Calle Ronda Sancti Spiritu 8	34923 -127700	-216007	
	" Cáceres	Calle Diego M <sup>a</sup> Crehuet 6	34927 -626510	-626553	
	Jefatura Superior de Policía de Badajoz	Avenida Cuerpo Nacional de Policía s/n	34924 207095	-232495	
	Comisaría Provincial de Huelva	Paseo de la Glorieta 1	34959 541950	-541983	
	<b>(b) Guardia Civil</b>				
	ES- FR	Comandancia de Guipuzcoa	513, Calle Barachategui 59, 20015 San Sebastián.	34943 276611	-292134
Comandancia de Navarra		522, Avenida Galicia 2, 31003 Pamplona.	34948 296850	-246115	
Comandancia de Huesca		422, Avenida M Velasco, 63, 22004 Huesca.	34974 210342	-211238	
Comandancia de Lleida		432, Calle Libertad 3, 25071 Lleida	3497324 9008	-6078	
Comandancia de Girona		413, Calle E. Grahit 52, 17002 Girona	34972 208650	-484009	
ES-PT	Comandancia de Pontevedra	614, Calle L. Crespo 25, 36004 Pontevedra.	34986 807900	-851336	
	Comandancia de Orense	613, Calle Bieito Amado 17, 32971 Orense.	34988 235303	-245395	
	Comandancia de Zamora	632, Calle Fray Toribio de Motolinia 1, 49007 Zamora.	34980 521600	-557753	
	Comandancia de Salamanca	1204, Av. Juan Carlos I, nº 2, 37008 Salamanca.	34923 127200	-127223	
	Comandancia de Caceres	132, Avenida Universidad s/n, 10003 Caceres.	3492762 -8150	-8161	
	Comandancia de Badajoz	131, Plaza de Santo Domingo, 4, 06009 Badajoz.	349242057 -50	-64	
	Comandancia de Huelva	221, Calle Guadalcanal 1, 21002 Huelva.	34959 241900	-252895	

# FRANCE

## FRANCE

1. [SURVEILLANCE](#)
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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 *Gendarmerie Nationale*;
- 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, the national police and the *Gendarmerie Nationale*
- customs officers, 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 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 Article 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 within 10 km 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 the power on French territory to stop and question in the course of pursuit within the meaning of Article 41 of the Schengen Convention. However, France hereby informs its partners of the provisions of Article 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 that 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) The exercise of 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 each officers of the French authorities responsible for performing police duties consists of one handgun, one tear-gas spray, one truncheon and 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 for a person to be deemed to have acted in self-defence and therefore not to be held criminally liable (Article 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
- the 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

### Article 78(2), eighth paragraph 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, and 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, that 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 his/her identity by whatsoever means]*

***En application de l'article 78-2 du Code de procédure Pénale, publié au J.O du 10.05.2006, l'arrêté du 26 avril 2006 désigne les arrêts sur les liaisons ferrvoviaries internationales.***

### 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, and 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 L 611-8 et L 611-9 du Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)

*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 judicial police officers and deputy judicial police officers under their command and jurisdiction such as referred to in Article 20 and 21(1) of the Code of Criminal Procedure may, with the consent of the driver, or where that 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 **dans le the Code Frontières Schengen (CFS)** 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 Article 78(2), eighth paragraph, of the Code of Criminal Procedure and Article 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 **articles 23 à 31 du Code Frontières Schengen** has no bearing on these provisions which have been applicable on French territory since 26.3.95.*

### Article 78(2), eighth paragraph 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 below the list by department of places concerned below.
- The following officers are authorised to carry out checks:
  - = senior judicial police officers;
  - = under the authority of senior judicial police officers, judicial police officers and deputy judicial police officers in accordance with Articles 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.

### Article 67(d) of the Customs Code

- This Article applies to the same geographical areas as those laid down in Article 78(2), eighth paragraph 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 **dans les articles L 611-8 et L 611-9 du Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)** on the conditions governing the entry and residence of aliens in France".

# FRANCE

- However, such checks may be carried out only 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
  - = officials appointed by the latter to the rank of inspector or a higher rank.

## Art L 611-8 et L 611-9 du Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA) 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 (*Since 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 be carried out only 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 such as referred to in Articles 20 and 21(1) of the Code of Criminal Procedure.
- Such perfunctory searches may be carried out only 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 up to 4 hours.
- Such searches may be carried out only 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 must be drawn up after each search giving the relevant date and the times at which the search started and finished. One copy must be 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 Article 78(2), eighth para., of the Code of Criminal Procedure and Article 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-Pleurduit-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		
Manche (50)	Carteret, Cherbourg, Granville, Portbail	Cherbourg-Maupertus, Granville-Bréville		

# FRANCE

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		
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		

# FRANCE

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		
Tarn (81)		Albi-Le Séquestre, Castres- Mazamet		

# FRANCE

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

#### 1. SURVEILLANCE

Ireland does not participate in Article 40

#### 2. PURSUIT

Ireland does not participate in Article 41

#### 3. DEFINITIONS

Not applicable

#### 4. SPECIFIC NATIONAL MEASURES

Ireland does not participate in Article 2 (3)

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

Not applicable

# ITALY

## ITALY

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:

- 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.

#### Contact details of the central authority:

Min. dell'Interno

Dir. Centrale della Polizia Criminale

Sirene

00100 Rome

tel : 39 06 4437 3565

fax: 39 06 4470 2737

outside office hrs: tel. 39 06 4470 2465

fax 39 06 4464 475

### 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 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 (Article 41(4)(b));
- (b) as regards the border with France: except 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 Article 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 20 km of the border if it is along the motorways and in all other cases within 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 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 Article 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:

- the 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;
- the defence is in proportion to the attack.

**Home:** Under 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

### Article 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 must take the requisite measures to coordinate border controls and land and sea surveillance. They must 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 must monitor the implementation of the guidelines in this area.

### Article 12(7) of Legislative Decree No 286 of 25.7.98

During police operations to tackle illegal immigration, provided for in the guidelines referred to under Article 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 their 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 must be drafted, using the appropriate forms, after the controls and inspections have been carried out. That report must be sent, within 48 hours, to the public prosecutor. The public prosecutor must then examine the facts and give his authorisation within the 48 hours which follow. The Criminal Investigation Department officials and officer may then carry out a search, in accordance with the provisions laid down in Article 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](#)
2. [PURSUIT](#)
3. [DEFINITIONS](#)
4. [SPECIFIC NATIONAL MEASURES](#)
5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

Article 40 of the Agreement Implementing the Schengen Convention (CISA) on cross border surveillance is not applicable in the Republic of Cyprus at present. This article will be fully applicable pursuant to a Council decision to that effect after verification in accordance with the applicable Schengen evaluation procedures and after consulting the European Parliament.

According to a Decision of the Council of Ministers of the Republic of Cyprus, the Central Authority for the implementation of articles 39, 40 & 46 of the CISA, is the SIRENE Bureau of the European Union and International Police Cooperation Directorate (EU&IPCD) at the Cyprus Police Headquarters. Following this decision, the SIRENE Bureau has drafted a Manual for the effective implementation of Article 40. According to this Manual, the members of the following Law enforcement agencies of the Republic of Cyprus are authorized to carry out cross-border surveillance operations, once Article 40 of the CISA becomes applicable in the Republic of Cyprus:

- Police,
- Customs and Excise Department,
- Unit for Combating Money Laundering (Financial Intelligence Unit, MOKAS).

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

European Union & International Police Cooperation Directorate  
SIRENE Bureau

Address: Cyprus Police Headquarters, 1478 NICOSIA

Tel.: +357 2260 7201, +357 2260 7202 (hours 07.30 – 14.30 Monday - Friday)

Fax: +357 2260 7224

E-mail.: [sirene@police.gov.cy](mailto:sirene@police.gov.cy)

### 2. PURSUIT

The Republic of Cyprus has no land borders therefore hot pursuit, under article 41 of CISA, is not applicable.

# CYPRUS

## 3. DEFINITIONS

### **Service Weapons:**

According to the Firearms Law of 2004 (L.113 (I)/2004 as amended), Section 4 paragraph (3) (d), it is provided that the Chief of Police may authorize officers of Member States who enter the Republic in order to carry out cross border surveillance of a suspect for the commission of a punishable act, in implementation of the provisions of the CISA, or any other relevant agreement binding on the Republic of Cyprus, to possess, transfer and, where applicable, import, any service weapon, for any period of time and subject to any conditions he may consider appropriate.

A service weapon is defined as “*the necessary personal weaponry transferred by the person for the purposes of performing his/her duties and includes the necessary ammunition*”.

### **Self defence:**

The right to life and corporal integrity is regulated by Article 7 paragraph 1 of the Constitution of the Republic of Cyprus. Paragraph 3 of the same Article provides that deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of person or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil;
- (b) in order to effect an arrest or to prevent the escape of a person Lawfully detained;
- (c) in action taken for the purpose of quelling a riot or insurrection when, and as provided by Law. Furthermore, relevant is Section 17 of the Criminal Code (Cap.154), which provides for the circumstances under which *an act or omission which would otherwise be an offence **may be excused** (act of necessity) if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed, would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done that was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.*

### **Entry into Homes:**

Article 16 of the Constitution of the Republic of Cyprus provides for the inviolability of the home, and that there shall be no entry in any home or any search therein except when and as provided by Law and on a judicial warrant duly reasoned or when the entry is made with the express consent of its occupant or for the purpose of rescuing the victims of any offence of violence or of any disaster.

## 4. SPECIFIC NATIONAL MEASURES

- Bilateral Agreements on police cooperation
- The Joint Investigation Teams Law of 2004 (L.244(I)/2004), enacted to align national Law with the Council Framework Decision of 13 June 2002 on Joint Investigation Teams, provides for the setting up of joint investigation teams for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team. Section 3 of the Law provides that this team may be set up for the joint investigation into unlawful drug trafficking, trafficking in human beings and smuggling of migrants, as well as terrorism.

# CYPRUS

□ The Crime Suppression (Controlled Delivery and other special provisions) Law of 1995 (L.3(I)/1995), provides for the controlled delivery of prohibited substances and objects (such as psychotropic substances, weapons, etc), and gives under certain circumstances the authority to the Chief of Police and the Director of the Customs and Excise Department or both of them out in common, to apply such a method, pursuant to prior notice to the Attorney General of the Republic who is in turn allowed to give any necessary orders/instructions.

*Under this Law “controlled delivery” is defined as the technique of allowing prohibited substances or prohibited objects, to pass out of, through or into the territory of one or more countries with a view to identifying persons involved in the commission of prescribed offences. For the purposes of this Law, the prescribed offences are defined in Section 3, paragraph 2 of the Law and are listed below:*

- (a) The offences prescribed in Article 3 paragraph 1 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, which was signed on behalf of the Republic of Cyprus on 20/12/1988 and ratified by Ratification Law 49/1990, provided that they constitute a criminal offence under municipal Law.*
- (b) The offences relating to illegal import, export, possession, usage, trade, transfer or traffic of firearms and ammunition.*
- (c) Offences relating to import, possession, usage, trade, transfer or traffic of stolen objects.*
- (d) Offences relating to import, export, possession, usage, trade or transfer of nuclear material, as these are defined in the Convention on the Physical Protection of Nuclear Material (Ratification and other Provisions) Law 1998 (L.3(III)/1998).*

□ The Republic of Cyprus has adopted the Council Decision 2003/170/JHA on the common use of liaison officers, via the Decision no. 59.811, dated 14/4/2004 of the Council of Ministers and has appointed the Director of the European Union and International Police Co-operation Directorate (E.U.&I.P.C.D.) of the Cyprus Police as the national contact point pursuant to Article 7 of the Council Decision. As of April 2007 a Police Officer has been seconded to Greece, to act as a liaison officer within the meaning of Article 1 of this Decision and Articles 7 and 47 of the CISA. The Bilateral Agreement providing for Cross-Border Police Cooperation between the Republic and Greece, signed in December 2007, provides, amongst others, for the use of Greek liaison officers seconded to third countries as well as other E.U. Member-States in representing the interests of Cyprus. In this framework, exchange of information is made via the Cypriot liaison officer seconded to Greece.

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

Please refer to point (1) above on surveillance.

# LATVIA

## LATVIA

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

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

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

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

- a) the person being pursued in the territory of Latvia must 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 (Article 41 (2) (b));
- b) the hot pursuit may be continued for no more than one hour from the moment of crossing the state border (Article 41 (3) (a));
- c) the offence must be covered 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 abovementioned countries and regulating hot pursuit are considered as extending and supplementing the Schengen acquis in terms of Article 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:

The 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

The 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 one hour from the moment of crossing the state border;
- 2) pursuit can be continued for an offence covered by the European Arrest Warrant or if the person has escaped from provisional custody or while serving a sentence involving deprivation of liberty;
- 3) the competent Lithuanian authorities must be notified immediately, no later than the time when the persons being pursued and the pursuing officers cross the state border, of the place and time of such crossing and of 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 whenever requested to do so by competent Lithuanian officers;
  - not use service weapons, except in the case of danger to life;
  - comply with the provisions of bilateral agreements between Lithuania and Latvia and with the national legislation of Lithuania, and obey the instructions of the competent Lithuanian authorities;
  - not enter private homes or places not accessible to the public or perform any other acts that are contrary to the provisions of the Schengen Convention.

### At the common border with Poland:

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

# LITHUANIA

- 5) the officers continuing a pursuit in Lithuania must:
- comply with the provisions of bilateral agreements between Lithuania and Poland and with the national legislation of Lithuania, and obey the instructions of the competent Lithuanian authorities;
  - carry documents certifying that they are acting in an official capacity and produce them whenever requested to do so by competent Lithuanian officers;
  - wear uniform, use marked vehicles, and carry official means of communication;
  - not enter private homes or places not accessible to the public or perform any other acts that are contrary to the Convention Implementing the Schengen Agreement and that may restrict the freedom of movement of the person pursued.

### 3. DEFINITIONS

#### **Service weapons:**

Service weapons are issued by the authorities to armed and security forces to perform their duties: truncheons, handcuffs, aerosol gas sprayers, automatic firearms, semi-automatic or reloading short firearms, reloading 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. A police officer shall have the right to use coercion when it is necessary to prevent violations of law, to apprehend persons who have committed such violations, and in other cases when protecting and defending the lawful interests of an individual, society, or the State. Coercion which could cause bodily injuries or death may be used to the extent which is necessary for the fulfilment of the official duty, but only after all possible measures of persuasion and other measures have been used to 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, the nature of the violation of the law and individual features of the offender. When using coercion, police officers must seek to avoid detrimental consequences.
2. A police officer may, in the manner and cases provided for by the law, use mental or physical coercion, firearms and explosives.
3. When used in this Law, mental coercion shall mean a warning of the intention to use physical coercion, a firearm or explosives. Demonstration of a firearm and warning shots shall be regarded as mental coercion, but 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) the use of physical force of any kind as well as methods of combat wrestling;
  - 2) the 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, a police officer must warn the person of his intention, giving that person an opportunity to fulfil the requirements of the law, with the exception of cases in which delay poses a threat to the life or safety of the police officer or another person, or when such warning is impossible.
6. If a police officer is not carrying special equipment or a firearm with him, he may use any additional measures necessary to repel an attempt or to eliminate sources of danger.
7. A police officer who has used coercion without violating the requirements of this Law but who has inflicted damage on assets protected by the law shall not be held liable.
8. The prosecutor's office shall immediately be informed of the use by a police officer of coercion which has caused an individual's death or injuries.
9. Police officers must undergo special training and be periodically checked to ascertain whether they are able to act in situations involving the use of physical coercion, firearms or explosives.

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

1. A police officer shall have the right to use physical coercion:
  - 1) when defending himself or another person from an actual attack or an attack posing a direct threat to life or safety;
  - 2) when apprehending a person who has committed a violation of the law and who evades arrest by active means;
  - 3) when an attempt is made to commit an offence against facilities controlled or guarded by the police, means of transportation, firearms, 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 means of transport, in the event of official exigency.
2. The use of methods of combat wrestling and special equipment against women who are visibly pregnant, against persons who are visibly disabled and against minors (if the police officer knows their age or if their appearance corresponds to their age, with the exception of cases in which they resist in a manner which is a threat to life or health, or a group of such persons attack and that attack poses a threat to life or health) shall be prohibited.

## Article 25. Use of Firearms

1. When other coercive measures are ineffective, a police officer shall have the right to use a firearm as an extraordinary measure.
2. A police officer shall have the right to use a firearm against persons in the following cases:
  - 1) when defending himself or another person from an actual criminal attack or a criminal attack 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 means, if it is impossible to apprehend him in any other way, and where that person refuses to fulfil the requirements of the law and put down a weapon or other object 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 on guarded facilities;
  - 4) when it is necessary to free hostages or to prevent an act of terror;
  - 5) in the event of escapes from a place of imprisonment or riots therein.
3. A police officer shall have the right to use a firearm against means of transport and animals.

# LITHUANIA

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

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

1. A police officer shall have the right to take a firearm from its holster and prepare it for use where he thinks that he might have to use it in a concrete situation.
2. A police officer shall, without posing a threat to assets protected by the law, have the right to fire a firearm when it is necessary to give alarm signals, to call help or give warning of the possible use of a firearm.
3. A 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 approaches a police officer and does not obey that officer's order to keep his distance as directed or attempts to seize a firearm from a police officer. If the coercive measures used appear to be ineffective, their use is not possible because of the violence of the other person's actions, 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, Article 28

1. A person has the right to defend himself. He may exercise that 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 provided in the criminal statute shall not be liable under criminal statutes if his 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 the defence is clearly disproportionate to the nature and degree of danger of an attack 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 attack, or where the person is defending a dwelling against breaking and entering.
4. 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 Article 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 be permitted only 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, Article 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 two 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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3. [DEFINITIONS](#)
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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 1. SURVEILLANCE

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

Members of the police and customs officers dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic and harmful waste

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

Police Grand-Ducale  
Direction des Opérations  
Centre d'Intervention National  
DOP / CIN  
2957 Luxembourg  
tel 352 4997 2346  
fax 352 4997 2398

### 2. PURSUIT

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

Members of the police and customs officers dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and 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 in Luxembourg depending on the border in question.

##### (a) Border with Belgium:

- *Except where a person has escaped, the power of pursuit may be exercised where the person has been detained for an extraditable offence (maximum penalty of at least 6 months)(Art 41(4)(b));*
- *there are no restrictions on the duration and territorial scope of pursuit;*
- *the pursuing agents have the right to stop and question.*

# LUXEMBOURG

(b) Border with France:

- *Except where a 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 Article. 41(4)(a);*
- *pursuit may take place within 10 km of the border;*
- *the pursuing agents do not have the power to stop and question.*

(c) Border with Germany

- *Except where a 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 10 km of the border;*
- *the pursuing agents have the right to stop and question.*

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

*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 offense in Luxembourg: the pursuing police officers do not have the power of arrest.*
- *The pursued person has committed an offense in Luxembourg: The provisions of article 43 of the Luxembourgish Code of Criminal Procedure do apply. Article 43 stipulates that any person is entitled to arrest a person caught in the act of committing a summary or indictable offense punishable by imprisonment. The person arrested must be immediately taken to the nearest criminal police officer.*

## **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 Articles 416 and 417 of the Criminal Code. For an individual to be deemed to be 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. there must be an unjustified attack on bodily integrity

Attack on property (Art. 417):

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

**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.

# LUXEMBOURG

## 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 2346  
fax 352 4997 2398

# HUNGARY

## HUNGARY

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### 1. SURVEILLANCE

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

- Services of the National Police,
- 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 at the Hungarian Customs and Finance Guard
- c) officers of the Protective 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 terminated immediately when that is requested by the Hungarian law enforcement agency responsible.

# HUNGARY

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

Under Act LIV of 2002 on the international co-operation of the law enforcement agencies

### Article 13

- (1) The member of the foreign authority acting in the territory of Hungary may
  - a) use physical restraint for the purpose laid down in Article 47 of the Act on Police, use hand-cuff for the reasons laid down in Article 48 of the Act on Police, may also use chemical or electrical shocking devices as well as baton in cases laid down in Paragraph (1) a), b) of Article 49<sup>1</sup> of the Act on Police; may carry his/her service weapon, but it can only be used in cases of legitimate self defence or extreme need. Other coercive measures stated in the Hungarian legislation can not be applied by the member of the foreign authority;
  - b) apprehend the person caught in the act of committing an offence, may hold the offender at the location of the apprehension, however he/she is obliged to hand over the person to the Hungarian authorities without delay. A member of a foreign authority may not apply other measures stated in the legislation concerning the Hungarian law enforcement authorities.
  
- (2) A member of a foreign authority acting in Hungary is obliged to obey the instructions of the head of the Hungarian law enforcement agency. The member of a foreign authority should be informed about the requirements of the application of measures and coercive measures stated in Paragraph (1).

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<sup>1</sup> Article 49 of the Act on Police: “(1) The police officer shall be entitled to use police-standard chemicals, electrical shocking devices, truncheons and flat of sword

a) in order to ward off an assault directly endangering others' or his/her own life or corporeal integrity or the security of property;

b) to stop resistance against a lawful police measure.

(2) The police officer shall be entitled to use police-standard rubber bullets, pyrotechnic devices, teargas grenades, capture nets, irritating gases and water-cannons to eliminate direct danger to others' or his/her own life or corporeal integrity or the security of property or if the conditions for using a firearm (Article 54) exist.

Article 54 The police officer shall be entitled use a firearm

a) to ward off a direct threat or attack endangering human life;

b) to ward off a direct attack seriously threatening corporal integrity;

c) to prevent or stop acts causing public danger, act of terrorism or acts aiming at seizing control of an aircraft, any means of railway, water or road transport or any means of freight transport by force or threat;

d) to prevent the commission of criminal acts using firearms, explosives or other means suitable for causing human death;

e) to prevent acts aimed at unlawfully and forcefully seizing firearms or explosives;

f) to ward of an armed attack against an establishment of vital importance for the operation of the State or the provision of the public;

g) to capture, or prevent the escape of, a perpetrator of wilful murder;

h)

i) against a person who does not perform the police order to lay down a weapon or other dangerous device in his/her possession and whose behaviour indicates an intention to directly use such weapon or dangerous device against another person or persons;

j) to prevent the forceful freeing of or to capture a detainee captured, arrested or detained on the basis of a judicial decision;

k) to ward of an attack against his/her own life, corporal integrity or personal freedom.”

# HUNGARY

## **Article 31** *on hot pursuit*

- (1) A member of a foreign authority may continue to pursue a person in the territory of Hungary without previous authorisation, if the person
  - a) is suspected that he or she has committed a criminal offence listed in Article 29 or has attempted to commit such offence abroad and he/she has been caught in such act;
  - b) escaped from provisional custody, detention or while serving a sentence involving imprisonment,and the notification of the Hungarian law enforcement agency may cause such delay, which would hamper the apprehension of the person or prejudice the interest of the crime detection and it is presumable that the Hungarian law enforcement agency can not take over the pursuit in time.
- (2) The Hungarian law enforcement agency may continue the hot pursuit that has been started in Hungary abroad according to the conditions laid down in the international agreement.
- (3) The member of the foreign authority described in Paragraph (1) should notify the Hungarian authority designated in the international agreement without delay.
- (4) The pursuit should be ceased immediately if the competent Hungarian law enforcement agency requests it.

## **Article 32**

Without prejudice to Article 31, hot pursuit in the territory of Hungary may be carried out only by the member of the foreign authority who wears or holds any marks indicating his/her official status as well as carries documents certifying his/her relation to the foreign authority.

## **Article 33**

After the hot pursuit has ended, the member of the foreign authority who has carried out the operation should act according to the international agreement.

## **Article 47 of the Act on Police**

In taking police measures, the police officer may use force (physical restraint) on a person to act or to stop acting in a certain way or in order to stop resistance.

## **Article 48 of the Act on Police**

The police officer may use hand-cuffs in order to prevent a person whose personal freedom is or is to be restricted

- a) from self-destruction
- b) from attacking
- c) from escaping, and
- d) to stop such person's resistance.”

# HUNGARY

## Article 49 of the Act on Police

- (1) The police officer shall be entitled to use police-standard chemicals, electrical shocking devices, truncheons and flat of sword
  - a) in order to ward off an assault directly endangering others' or his/her own life or corporeal integrity or the security of property;
  - b) to stop resistance against a lawful police measure.
- (2) The police officer shall be entitled to use police-standard rubber bullets, pyrotechnic devices, teargas grenades, capture nets, irritating gases and water-cannons to eliminate direct danger to others' or his/her own life or corporeal integrity or the security of property or if the conditions for using a firearm (Article 54) exist.

## Article 54

The police officer shall be entitled use a firearm

- a) to ward off a direct threat or attack endangering human life;
- b) to ward off a direct attack seriously threatening corporal integrity;
- c) to prevent or stop acts causing public danger, act of terrorism or acts aiming at seizing control of an aircraft, any means of railway, water or road transport or any means of freight transport by force or threat;
- d) to prevent the commission of criminal acts using firearms, explosives or other means suitable for causing human death;
- e) to prevent acts aimed at unlawfully and forcefully seizing firearms or explosives;
- f) to ward of an armed attack against an establishment of vital importance for the operation of the State or the provision of the public;
- g) to capture, or prevent the escape of, a perpetrator of wilful murder;
- h) against a person who does not perform the police order to lay down a weapon or other dangerous device in his/her possession and whose behaviour indicates an intention to directly use such weapon or dangerous device against another person or persons;
- i) to prevent the forceful freeing of or to capture a detainee captured, arrested or detained on the basis of a judicial decision;
- j) to ward of an attack against his/her own life, corporal integrity or personal freedom.”

## 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): A person who must act to prevent an unlawful attack against himself, his property or that of other persons, or against the public interest, or an unlawful attack directly threatening any of the above, shall not be punishable.

Private flat: means 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.

# HUNGARY

## 4. SPECIFIC NATIONAL MEASURES

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

Specified in detail in bilateral agreements, but according to general rules the contact point is HNPH  
International Law Enforcement Co-operation Centre  
1139 Budapest  
Teve u. 4-6  
**Tel.:** 36 1 4435 596  
**Fax:** 36 1 4435 815  
**Urgent fax:** 36 1 4435 834

# MALTA

## MALTA

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

### 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, 1/o Gudja;
- Seaport, Valletta;
- Yacht Marina, Ta'Xbiex;
- Yacht Marina, Mgarr, Gozo;
- Malta Freeport, Kalafrana, Birżebbugia.

## 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 Article 3(1)(a) of the Police Act 1993);
- for tasks relating to 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

- as laid down in Article 3(1)(a) of the Police Act 1993;
- for tasks relating to 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.

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

##### (a) Border with Belgium

As regards 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 Article 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 carried out 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 10 km of the border*

# NETHERLANDS

- (b) Border with Germany
- the pursuing officers may exercise the power of pursuit within 10 km of the border
  - within that area, arrest is permitted on public thoroughfares and areas provided the person is suspected of having committed an extraditable offence within the meaning of Article 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 Article 41(10) of the Schengen Convention.

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

- (a) Citizen's power of arrest: Article 54 of the Code of Criminal Procedure provides for the citizen's power of arrest in the event of an offender's being caught *in flagrante delicto*.
- (b) Exercise of special rights in respect of road traffic regulations  
Article 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 is of benefit to 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 like this information to be systematically communicated not to a central authority but rather to a regional police station near the point at which the border is crossed. The Netherlands have therefore concluded arrangements at bilateral level with Germany and Belgium. In exceptional circumstances, where it is expected that the border will be crossed during a pursuit operation but the actual place at which the border will be crossed is not known precisely, the following authority may be contacted: Landelijk Officier van Justitie voor grensoverschrijdende observatie, KLPD/NRI, Europaweg 45, 2711 EM Zoetermeer, tel 3179.345-9898, fax -8753.

# AUSTRIA

## AUSTRIA

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

### 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, the illicit trade in arms and ammunition and the 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. 431 2483 685, 431 2483 025, 431 2483 026, 431 2483 027

fax 431 2483 190, 431 2483 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, the illicit trade in arms and ammunition and the 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 where the person concerned has escaped, in Austria the power of pursuit may be exercised only where the person has been caught in the act of committing or participating in one of the extraditable offences (Article 41(4)(b)):
  - *pursuit may be carried out within 20 km of the border on motorways and within 10 km of 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 the power 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.

The person making the citizen's arrest is, however, obliged to report the arrest immediately to the nearest public security authorities (pursuant to Article 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 covered by traffic limits or prohibitions. The following limits, however, 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 no threat either to persons or to objects.
- duty vehicles may go the wrong way up one way streets and ignore lanes (filtering traffic according to direction) only if the destination cannot be reached 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 use only 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 that 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 international 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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5. [LIAISON AUTHORITY TO BE CONTACTED UPON CROSSING THE BORDER](#)

### 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 the common border with the 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: +48 22 601 2372

fax: +48 22 848 2691

### 2. PURSUIT

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

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

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

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

Authorised officers of Federal Republic of Germany may carry out pursuit for extraditable offences (Article 41(4)(b) Schengen Convention).

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

- all extraditable offences;
- in the event of offences which may be grounds for the issue of a
- European Arrest Warrant;
- when the person concerned has escaped from a place of detention

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(Article 11 paragraph 1 of the agreement between the Republic of Poland and the Republic of Lithuania on cooperation by 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 the Czech Republic:**

- where the person concerned is suspected of committing a deliberate criminal offence punishable by the national laws of both of the Contracting Parties by a custodial sentence for at least one year (Article 11(a) of 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);
- where the person concerned has escaped from arrest, a penal institution, a house of correction or a psychiatric institution in which he was placed by a legal decision (Article 11(b) of the abovementioned agreement).

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

Authorised officers of Slovak Republic may carry out pursuit for extraditable offences (Article 41(4)(b) Schengen Convention)

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

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

Authorised officers of Federal Republic of Germany may carry out pursuit without limit in space or time (Article 41(3)(b) Schengen 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 (Article 41 paragraph 2b of the Schengen Convention).

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

Officers pursuing a person must report the following to the appropriate agents (and appropriate border agents) of the (contracting) party in the territory of which the pursuit is to be continued: the time when and place where the person being pursued crossed the State as well as their arms and technical means. Those particulars must be reported without delay, before the border is crossed.

Pursuit can be continued up to a maximum of 100 km of the border and for no longer than an hour (Article 11 paragraph 4 of the agreement between the Republic of Poland and the Republic of Lithuania on cooperation by police and border guard forces in border regions and in combating crime, signed in Vilnius on 14 March 2006)

The competent authorities of the contracting party in the territory of which the pursuit is being continued must 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 him immediately to the appropriate agents of the contracting party in the territory of which the pursuit has been continued (Article 11 paragraph 5(2) of the abovementioned agreement).

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## **At the common border with the 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 (Article 11 paragraph 6 of 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:**

Authorised officers of Slovak Republic may carry out pursuit without limit in space or time (Article 41(3)(b) Schengen 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 (Article 41, paragraph 2b, of the Schengen Convention).

## **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 person has the right to apprehend a person caught in the act of committing an offence, or apprehended in a pursuit undertaken directly following the commission of an offence, if it is feared that that person may go into hiding or if his identity cannot be established.

2. The person apprehended must 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 that 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 the accelerated procedure to that person (a person caught in the act of committing an offence or directly after it, detained and surrendered to a judicial authority and dealt with within 48 h).

2. The person arrested shall be informed immediately of the grounds for his arrest and of 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 if the identity of the arrested person can not be established, a description of that person, and the day, hour, place and grounds for the arrest, and the act of which he is suspected. The

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statements by the arrested person should also be recorded and the fact noted that he has been reminded of his rights. A 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, if the grounds referred to in Article 258(1) to (3) occur, an application 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 issued by the authorities to police officers, 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.

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## **Article 17 of the Law on the Police provides as follows:**

A member of the Police force shall be authorised to use firearms in the following circumstances only:

- 1) in order to fend off a direct and illegal attack on the life, health or liberty of the police force member or another person, and to prevent actions aimed directly at such an attack;
- 2) against a person who fails to comply with an order to drop immediately the weapon or other dangerous tool, the use of which can threaten the life, health or liberty of the Police force member or other person;
- 3) against a person attempting illegally and forcibly to take firearms from the Police force member, or another person authorised to possess firearms;
- 4) in order to fend off a dangerous direct and violent attack against premises and facilities important to state security and national defence, national authority seats, the central authorities of the 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 monitored by any armed defence force formed pursuant to separate regulations;
- 5) in order to fend off attacks on property, when such attempts are simultaneously related to direct threats to human life, health or liberty;
- 6) in direct pursuit of the person in connection with whom the use of firearms is lawfully admissible in the cases mentioned in paragraphs 1 to 3 and 5, or a person who can reasonably be suspected of having committed a crime or terrorist attempt, abduction in order to obtain ransom or to induce specified behaviour, mugging, violent theft, violent assault, intentional serious bodily 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 that person has taken refuge in an inaccessible place, and the accompanying circumstances indicate that that person may use firearms or another dangerous weapon which can be a danger to human life or health;
- 8) in order to fend off a violent, direct and illegal attack on 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 a person in custody, temporarily arrested or serving a prison sentence, in the following circumstances:
  - a) the escape of the person lawfully deprived of liberty represents a 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, or
  - c) the deprivation of liberty was carried out on grounds of reasonable suspicion or conviction for crimes mentioned in paragraph 6.

In the operations of organised detachments or sub-detachments of the Police force, firearms can be used only at the direct order of commanders. Firearms should be used so as to cause minimum damage to the person against whom they are used.

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

### **Article 16 of the Law on the Police provides as follows:**

Police officers can use only those means of direct enforcement that respond to the requirements of a given situation and indispensable to obtain compliance with orders given.

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If the persons concerned refuse to comply with the lawful orders given by Police authorities or police officers, police officers can apply the following means of direct enforcement:

- 1) appropriate physical, technical and chemical means to overpower or escort persons and to stop vehicles;
- 2) Police batons;
- 3) overpowering water jets;
- 4) Police dogs and horses;
- 5) non-penetrating missiles fired from firearms.

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

The Polish Penal Code, Chapter 3, Article 25, provides as follows:

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

2. If 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 refrain from imposing a penalty.

3. The court shall refrain from imposing a penalty 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):**

Inviolability of the home 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. A search of a home, premises or vehicle may be carried out only in cases and in a manner specified by statute”.

The Polish Penal Code, Chapter 23, Article 193, provides as follows:

“A person who breaks into another person'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 been 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 covered by traffic limits or prohibitions. The following limits, however, apply:

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- 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 no threat either to persons or to objects.
- duty vehicles may go the wrong way up one way streets and ignore lanes (filtering traffic according to direction) only if the destination cannot be reached 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

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## 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>ORDINARY</b>	<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 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		

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	<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 Slubice	Konstytucji 3-go Maja Street 13 69-100 Slubice	+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

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	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
Surveillance	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
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 60 13237
EMERGENCY	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 BIAŁYSTOK	+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
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 Białystok (while crossing of Voivodship's border)	Sienkiewicza Street 65 15-003 BIAŁYSTOK	+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

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:**

Members of the Policia Judiciaria

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

Dir. Nacional da Policia Judiciária

Rua Gomes Freire, 213

1150-178 Lisboa

Tef: 351 21 3595 801 Mobile: 351 96 6020 055 / 351 96 2500 577

Fax: 351 21 3151 249

E-mail: [dcci.dir@pj.pt](mailto:dcci.dir@pj.pt)

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

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

Members of the Policia Judiciária, Guarda Nacional Republicana, Policia de Segurança Pública, Serviço de Estrangeiros e Fronteiras, and Customs officials (for tasks relating to 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 where the person concerned 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 Article 41(4)(a).

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

- *agents do not have the power to stop and question;*
- *pursuit is restricted to within 50 km of the border and a maximum 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 (Article 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>
Polícia Judiciária-DCCI	Rua Gomes Freire 213 -1050-178 Lisboa	351 96 6020 055 351 96 2500 577	351.213 575844
Gabinete Nacional Sirene	Alameda Salgueiro Maia, nº 13 2660-329 Stº António dos Cavaleiros	351 219 898 800	-0825
<b>Joint Border Posts</b>			
Vilar Formoso	Largo da Fronteira, 6355 Vilar Formoso.	351 271 510 010	-17
Tuy	Avenida Portugal, Tuy. 36700 Ponte Vedra/ES	34 986 60 43 42	- 357
Caya	Comisaria Comun Caya - Badajoz / ES	34 924 27 73 10	-05
Castro Marim	Praça da Fronteira, 8950 Castro Marim	351 281 531 734	-1888
<b>Guarda Nacional Republicana (GNR)</b>			
Arcos de Valdevez	Av. António Caldas, 4970-592 A. Valdevez	351 258 521 510	-2028
Braga	Praça Conde Agrolongo, 4700 Braga	351 253 203 030	-58
Chaves	B.Fonte Leite de Baixo, 5400-261 Chaves	351 276 340 210	-8
Bragança	Av.General H. Delgado, 5300-901Bragança	351 273 331 267	-300587 /8
Miranda do Douro	Largo de S.José, 5210-187 Miranda do D.	351 273 430 010	-8
Moncorvo	Av. Jorge Luís Borges, 5160-287 Moncorvo	351 279 254 303	-254303
Pinhel	Loteamento da Redeixa, 6400-466 Redeixa	351 271 413 210	-413828
Guarda	Largo General Humberto Delgado, 6301- 856 Guarda.	351 271 222 633	-1903
Fundão	Rua Cidade da Covilhã, 6230 Fundão	351 275 772 652	-752158
Vilar Formoso	Rua do Colégio, 6355 Vilar Formoso	351 271 512 157	-3465
Idanha-a-Nova	Rua Heróis do Ultramar, 6060 Idanha-a- Nova	351 277 202 129	- 8
Nisa	Praça da República 57, 6050-350 Nisa	351 245 410 116	-8
Portalegre	L.de Stº Agostinho 10, 7300-155 Portalegre	351 245 609 320	-38
Elvas	Av. de Badajoz, 7350-096 Elvas	351 268 637 730	-8
Estremoz	Av. 9 de Abril 57, 7100-500 Estremoz.	351 268 322 804	-333112
Reguengos de Monsaraz	R.Monsaraz e Corval, 1200-314 Reguengos Monsaraz	351 266 509 380	-98
Moura	Largo de S. Francisco, 7860-007 Moura	351 285 200 080	-8
Tavira	Calçada de Santª Ana 5, 8800-309 Tavira	351 281 329 030	-8

# 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, Article 40 - not applicable

2. PURSUIT<sup>2</sup>

Schengen Convention, Article 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: 402 1 316 0732  
Fax : 402 1 312 3600  
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 amendments.

<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 act provided for in criminal law, committed in self defence, is not considered an offence.
- (2) A person who acts in order to avoid a material, direct, immediate and unlawful attack against his/her person, another person or against a general interest, which seriously endangers the person or the rights of the person attacked or the general interest is considered to do so in self defence.
- (3) A person who commits such an act in order to prevent a person's unlawfully entering a house, room, dependence or area delimited through markings by using violence, stealth, breaking in or other similar means, is also deemed to act in self defence.
- (4) A person who, because of confusion or fear, has exceeded defence proportionate to the gravity of the danger and to the circumstances under which the attack was made is also considered to have acted 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 a police officer can use bladed weapons or firearms, in the situations and subject to the 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 persons who disturb public order, which could not be stopped by other means, 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 and other means of immobilisation which do not threaten life or produce serious injury". (...)

### **Domicile**

Article 26 of GEO No. 97/2005 on the records, domiciles, residence and identity cards of 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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### 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 1 4284 629 or 386 1 4284 375

Fax: 386 1 4284 206

#### **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 4284 835, 386 1 2517 640

**Fax:** 386 1 2517 516, 386 1 4284 836,

**Mail to:** sirene.slovenija@policija.si, 24/7

### 2. PURSUIT

Paragraph one of Article 66 of the Police Act (ZPol, Official Gazette of the RS no. 3/2006 of 10. 1. 2006 provides): »**Police officers** shall be uniformed or non-uniformed police personnel, who discharge police tasks and have the right and duty to enforce police powers.« Paragraph 4 provides: »Police officers shall carry police badges which shall be evidence of their authorisation to exercise police powers.«

# SLOVENIA

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

The Republic of Slovenia does not make any distinctions with regard to restrictions. The following conditions must be met if the right of pursuit is exercised in Slovenia:

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

## **Central authority that must be notified using a standard form when the pursuit is over:**

Generalna policijska uprava, Uprava kriminalistične policije, Sektor za mednarodno policijsko sodelovanje

Štefanova 2, 1501 Ljubljana

**Phone:** 386 1 4284 835, 386 1 2517 640

**Fax:** 386 1 2517 516, 386 1 4284 836

**Mail to:** sirene.slovenija@policija.si, 24/7

## **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, Article 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 binding for police vehicles equipped with speed measuring devices used by police officers to check the speed of vehicles in traffic, or for police vehicles that are used for covert activities on the authorisation of the Director General of the Police or the competent body in accordance with the Police Act or the Criminal Procedure Act. The drivers of such vehicles must adopt a driving style and drive at a speed that will enable them to exact full control of the vehicle at all times and must not endanger other road users or their property. Foreign police officers have the same rights as national in this respect.

### **Speed limits (Article 32(5) of the Road Traffic Safety Act)**

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

# SLOVENIA

## 3. DEFINITIONS

### **Service weapons:**

In accordance with the special regulations police officers carry short-barrel firearms and ammunition cases 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 that has been ordered by the head of an internal or regional police unit or if it is necessary owing to the nature of work (when patrolling, police officers also carry long-barrel firearms – 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 (Article 11 of the Penal Code):**

Self defence is 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 (Article 12 of the Penal Code):**

Necessity is 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 harm caused does not exceed the harm with which he was threatened.

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

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

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

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

# SLOVENIA

## **Home:**

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

Generally, a **home** 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 within 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** (courtyards, fields etc.) which owners usually consider an essential part of their home or property where they expect to enjoy privacy. Neither the Constitution nor the legislation provides a solution to this problem or specifies 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.).

## **4. SPECIFIC NATIONAL MEASURES**

Legal powers concerning border control are conferred on all police units in the Republic of Slovenia. In addition, at national level, a specialised unit for national border control exercises latter police powers throughout Slovenian territory. When Slovenia joins the Schengen area, nine specialised units, exercising police powers and implementing those measures in the areas of special Police directorates along the internal borders will be set up at the police directorates (regional level of organisation).

# SLOVENIA

## 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

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

The cross-border surveillance is performed by Special Police Activities Bureau, which was performing the surveillance on the territory of Slovak Republic until the moment of crossing-over the state border.

#### Contact details of the central authority:

Presidium of the Police Force  
Special Police Activities Bureau  
Cross-border co-operation dpt.  
Račianska 45  
812 72 Bratislava  
tel: 421 9610 555 00, 421 9610 555 01  
fax: 421 9610 590 08  
e-mail: [ocsuzpc@minv.sk](mailto:ocsuzpc@minv.sk)

Presidium of the Police Force  
Bureau for Internation Police Co-operation  
Pribinova 2  
812 72 Bratislava  
tel: 421 9610 564 50  
fax: 421 9610 564 59  
e-mail: [spocumps@minv.sk](mailto:spocumps@minv.sk)

### 2. PURSUIT

#### List of persons authorised to exercise the power of pursuit

Officers of the Police Force of the Slovak Republic and officers of other authorities as it is stipulated in the relevant bilateral agreements on police cooperation between law enforcement authorities of the Slovak Republic and:

# SLOVAKIA

1. Czech Republic (Nr. 35/2005 Col. of Laws) (including customs authorities – Art. 8 and 15 of the Treaty)
2. Austria (Nr. 252/2004 Col. of Laws) (including customs authorities and Railway Police – Art. 3 of the Treaty)
3. Poland (Nr. 638/2006 Col. of Laws) (negotiations on including the hot pursuit to the Treaty in progress)
4. Hungary (Nr. 248/2007 Col. Of Laws) (including customs authorities and Railway Police – Art. 1 and 13 of the Treaty).

In accordance with Article 41 of the Schengen Convention:

In relation to the Republic of Poland, the Czech Republic, the Republic of Austria and the Republic of Hungary, the hot pursuit shall be exercised on the territory of the Slovak republic on the following conditions:

- a) together with the right to apprehend (Article 41 (2) (b)),
- b) without limit in space or time (Article 41 (3) (b)),
- c) for extraditable offences (Article 41 (4) (b)).

Bilateral agreements in force regulating the hot pursuit with the Republic of Poland, the Czech Republic, the Republic of Austria and the Republic of Hungary are considered as extending the use of Paragraph 1.

### 3. DEFINITIONS

#### **§ 544 of Legal Act no. 301/2005 Criminal Procedure Cross-border surveillance**

- (1) In accordance with the terms of an international treaty the police authority may, during surveillance of a person, enter the territory of another State and continue abroad the surveillance of the person even on the territory of this State.
- (2) The authorisation to proceed under paragraph 1 shall be issued by the presiding judge and in the pre-trial by the prosecutor.
- (3) In the case of urgency, the procedure under paragraph 1 shall be possible also without an authorisation solely on the basis of consent by the Chief of Police Force or by person authorised by him/her. The authority having jurisdiction to authorise under paragraph 2 must be informed immediately.
- (4) Foreign authorities may carry out the cross-border surveillance in the territory of the Slovak Republic in accordance with the terms of an international treaty. If the international treaty does not specify which Slovak authority has jurisdiction to grant the permission to carry out the cross-border surveillance in the territory of the Slovak Republic, the permission shall be given by the prosecutor and in urgent cases by the Chief of Police Force or person authorised by him/her. The Chief of Police Force or person authorised by him shall inform the prosecutor about given permission without delay; the prosecutor decides whether to continue in surveillance.

# SLOVAKIA

## 4. SPECIFIC NATIONAL MEASURES

**Ordinance no. 34/2007 of the Minister of the Interior on requiring, using and performance of cross-border surveillance.**

- the ordinance is in full compliance with art. 40 of Schengen Convention and is classified as “Restricted” (“Restrained”)

### **Extract of the Act No. 171/1993 Coll. On Police Force as amended**

#### **Proving membership of the Police Force**

##### **§ 13**

- (1) Police officer is obliged to prove membership of the Police Force before carrying out a police action, if character and circumstance of the action allow.
- (2) Membership of the Police Force is proven by
  - a) police uniform with identification number and also with name-tag when carrying out police service, with name and surname on it and academic title if applicable,
  - b) service identity card
  - c) badge of criminal police or financial police
  - d) verbal declaration “Polícia”

##### **§ 14**

- (1) Police officer in police uniform with identification number and with name-tag when carrying out police service, with name and surname on it, proves membership of the Police Force also by service identity card and also by verbal declaration according to circumstances
  - a) when entering premises, where entry is monitored by an authorized person,
  - b) if asked to do so during carrying out police action.
- (2) Police officer listed in art. (1) does not prove membership of the Police Force by service identity card
  - a) if in action under joint command,
  - b) when protecting assigned premises, premises of special importance or other protected premises,
  - c) when carrying out a police action against significantly drunk person, person caught in the process of committing a criminal act or an offence, armed person, person that escaped from the jail or arrest, person deprived of liberty – detained, arrested, person that illegally crossed state border.

##### **§ 15**

- (1) Police officer in civil dress is obliged to prove membership of the Police Force by verbal declaration and service identity card or badge of criminal police or financial police before carrying out a police action.

# SLOVAKIA

- (2) In cases stated in §14 (2) police officer in civil dress proves membership of the Police Force only by verbal declaration; and by service identity card or badge of criminal police or financial police only if character and circumstance of the police action allows.

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

### a) at the border with Austria

Border and Aliens Police Directorate  
Common contact point Jarovce - Kittsee  
Hrobáková 44  
852 42 Bratislava  
tel: 421 9610 507 99  
fax: 421 2 6286 0514  
e-mail: [kontakt@minv.sk](mailto:kontakt@minv.sk)

### b) at the border with Hungary

Border and Aliens Police Directorate  
Common contact point Čunovo - Rajka  
Hrobáková 44  
852 42 Bratislava  
tel: 421 9610 39901, 421 9610 39177  
fax: 421 2 6285 9436  
e-mail: [rajka@minv.sk](mailto:rajka@minv.sk)

Border and Aliens Police Directorate  
Common contact point Slovenské Ďarmoty – Balassatyarmat  
Skuteckého 15  
Banská Bystrica  
tel: 421 96169 3820  
fax: 421 96169 3819  
e-mail: [skpsd@minv.sk](mailto:skpsd@minv.sk)

Border and Aliens Police Directorate  
Common contact point Slovenské Nové mesto – Sátoraljaujhély  
Jarková 31  
Prešov  
tel: 421 56 6792 400, 421 9619 29014, 421 96180 7061  
fax: 421 56 6792 133  
e-mail: [kontprsm@minv.sk](mailto:kontprsm@minv.sk)

# SLOVAKIA

## c) at the border with Poland

Border and Aliens Police Directorate  
Common contact point Vyšný Komárnik – Barwinek  
Jarková 31  
080 01 Prešov  
tel: 421 9610 7078  
fax: 421 54 7570012  
e-mail: [kontprvk@minv.sk](mailto:kontprvk@minv.sk)

Border and Aliens Police Directorate  
Common contact point Trstená – Chyžné  
Skuteckého 15  
Banská Bystrica  
tel: 421 9614 33951  
fax: 421 9614 33951  
e-mail: [skptrste@minv.sk](mailto:skptrste@minv.sk)

## d) at the border with Czech Republic

Operational centre of the Trnava regional police headquarters  
Kollárová 31  
917 02 Trnava  
tel: 421 96110 2155  
fax: 421 96110 2149

Operational centre of the Trenčín regional police headquarters  
Jilemnického 1  
911 42 Trenčín  
tel: 421 96120 2154  
fax: 421 96120 2149

Operational centre of the Žilina regional police headquarters  
Kuzmányho 26  
Žilina, 012 23  
tel: 421 96140 2155  
fax: 421 96140 2149

# FINLAND

## FINLAND

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

### 1. SURVEILLANCE

- Officers of the police;
- Customs officers under the conditions laid down in the appropriate bilateral agreements referred to in Article 40(6), with respect to their powers regarding 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, as referred to in Article 40(7).

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

National Bureau of Investigation, Sirene

POB 285, 01301 Vantaa

Tel 358 9 8388 6910

Fax 358 9 8388 6911

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 the appropriate bilateral agreement, with respect to their powers regarding illicit trafficking in arms and explosives, and the illicit transportation 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 police officer from a foreign state) and **Section 30a** (Surveillance carried out by a police officer from a foreign state)
- (b) **Coercive Measures Act:**  
**Chapter 1, section 1 (Citizen's power of arrest)**  
Any person 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). Any person may also apprehend a person who, according to a warrant issued by an authority, is subject to arrest or detention. The apprehended person must be surrendered to a police officer without delay.
- (c) **Traffic Act:**  
**Chapter 2, section 48 (Exceptions from road traffic regulations)**  
An emergency vehicle making special signals (blue light and siren) is exempt from traffic regulations if necessary in emergencies. Drivers are obliged to give way to emergency vehicles giving signals.

## 3. DEFINITIONS

**Service weapons:** Any weapon issued by the authorities to police officers, frontier guard officials or customs officers for the performance of their duties: Pistol, shotgun, rifle, truncheon, teargas- or pepperspray. An officer is normally equipped with pistol, truncheon and spray.

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

**Section 6:** If a person has committed an act to protect himself or another person or his or another person's property against an actual or imminent unlawful attack, and that act, though otherwise punishable, was necessary if the attack was to be repelled, he shall not be punished for such self defence.

**Section 7:** Self defence is also justified when a person forces his way unlawfully into another person's room, house, estate or vessel, or when a person caught in the act resists another person who is attempting to recover his 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 been 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:**

Police officers, in accordance with the regulations laid down in the 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 468 651 4203  
[ipo@rkp.police.se](mailto:ipo@rkp.police.se);

### 2. PURSUIT

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

Police officers, in accordance with the regulations laid down in the 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. Officers have the right to stop and question.

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

Foreign officers (as defined on 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 laid down in the Schengen Convention.

- 1) On the borders with 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 across the borders. Police officers have the right to stop and question the person pursued.

# SWEDEN

- 2) On the border with 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 pursuits carried out across the borders and police officers have the right to stop and question the person pursued. In addition, Danish police officers may continue the pursuit commenced in Denmark of a person for any act that may be subject to public prosecution under Swedish and Danish law into Swedish territory. Furthermore, a person who has absconded from any kind of deprivation of liberty further to an offence may be pursued. A person who has absconded from other deprivation of liberty, to the extent that 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), may also be pursued. Finally, on Swedish territory on the Öresund Link, Danish police officers may also begin the pursuit of a person for any act that may be subject to public prosecution under Swedish and Danish law. In such a case they must 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 Member States and also Norway and Iceland, to the extent that Sweden has given such undertakings as referred to in this Act in international agreements. The regulations of Section 3 also apply in relation to States other 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 designated as authorised to conduct such cross-border work as is referred to in Articles 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;
- *the Öresund Link*: the fixed link over Öresund as defined in Article 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 receives information or evidence from another State to be used in intelligence activities concerning crime or in connection with the investigation of crime and if under an agreement between Sweden and the other State conditions that limit the possible uses of the material apply, the Swedish authorities must observe those 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, foreign officers may continue in Swedish territory surveillance of a suspected offender that was commenced in their State, provided that it 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 Article 40(7) of the Schengen Convention. If surveillance is to be carried out without prior authorisation, the crossing of the border in conjunction with the surveillance must be communicated to an authorised Swedish authority as soon as possible, and the foreign authority must without delay request assistance in the investigation.

Surveillance must cease immediately if an authorised Swedish authority so requests. Surveillance such as referred to in the second paragraph must also cease if authorisation has not been given within five hours of 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 lead to extradition, or if someone who is in detention or serving a term of imprisonment has escaped, foreign officers may continue pursuit of that person commenced in their State over the land border into Swedish territory, provided it is authorised by a competent Swedish authority.

Such pursuit may be carried out without prior authorisation if, because 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 must request assistance from a competent Swedish authority no later than at the time for the crossing of the border.

Pursuit must cease immediately if a competent Swedish authority so requests.

### **Section 6:**

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

### **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 that is done for reasons of security or to search for objects such 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 to the investigation of crime or have been taken from another person criminally;
3. fit handcuffs to the person who has been detained.

# SWEDEN

Objects that have been taken in accordance with the first paragraph, item 2, must 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 must be released immediately, unless an application has been received such as referred to in;

- 2)
- 3) 1. Section 23 of the Act on Extradition of Offenders (1957:668),
- 4) 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 approval of an application 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 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 must be advised immediately. 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 the 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 prescribed by Section 5, a person who has absconded from any kind of deprivation of liberty as a result of a criminal offence may be pursued. In addition, a person who has absconded from other deprivation of liberty to the extent that 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) may also be pursued.

# SWEDEN

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

## **Common provisions:**

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

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

It is indicated in 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 of 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 must 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 the Swedish exercise of official powers.

Foreign officers who exercise official powers in Sweden in accordance with this Act will 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 the Swedish exercise of official powers.

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

If foreign officers perform tasks in accordance with this Act in Sweden, the Swedish State rather than the foreign authority or officer will offer compensation for 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 will not offer compensation for any damage caused to the foreign authority or officer.

### **Section 14:**

Provisions concerning the liability of the Swedish State to offer compensation for damage that Swedish officers cause will 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 a 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 in Swedish territory must be made to the National Police Board. Other contacts in connection with cross-border surveillance or pursuit in Swedish territory must be made 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 in connection with that matter.

**Note:** Chapter 24, section 7, of the Swedish Code of Procedure provides as follows: *"If there are grounds to arrest a person, a police officer may in the event 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 any person. Similarly, any person 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 actual 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;
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>DK</b>	Scania County Police Polishuset Porslinsgatan 6 SE-205 90 Malmö	Tel: +46 40 661 27 99 Fax: +46 40 12 59 23
<b>FI</b>	Norrbottn County Police Skeppsbrogatan 37 SE-973 24 Luleå	Tel: +46 920 295 006 Fax: +46 920 295 005
<b>NO</b>	Västra Götaland County Police P.O. Box 429 SE-401 26 Göteborg	Tel: +46 31 333 21 64 Fax: +46 31 739 29 50
	Värmland County Police Infanterigatan 22 SE-651 05 Karlstad	Tel: +46 77 114 14 00 Fax: +46 54 18 60 06
	Jämtland County Police Köpmannagatan 24 SE-831 28 Östersund	Tel: +46 63 15 24 20 Fax: +46 63 10 09 65
	Västerbotten County Police Ridvägen 10 SE-901 09 Umeå	Tel: +46 90 15 21 00 Fax: +46 90 13 46 09
	Norrbottn County Police Skeppsbrogatan 37 SE-973 24 Luleå	Tel: +46 920 295 006 Fax: +46 920 295 005

# UNITED KINGDOM

## UNITED KINGDOM

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### 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 Serious Organised Crime Agency  
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: +44 207 238 8115

Fax: +44 207 238 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 owing 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 that part of the United Kingdom on their own.

Owing 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

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### 1. SURVEILLANCE

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

The officers of the Icelandic Police.

#### **Central authority**

Ríkislögreglustjórn / National Commissioner of Icelandic Police

Skúlagata 21, 150 Reykjavík

Tel. +354 444 2540

fax +354 444 2541

### 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 save on exceptional occasions and then by command of the Commissioners of Police.

Under Article 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 National Commissioner of Police may authorise foreign police officers to carry weapons during their work in the country, but they must work under the supervision and the direction of an Icelandic police officer and comply fully with the aforementioned rules. The National Commissioner issues a specific authorisation document to the holder of such a permit.

**Self-defence:** Self-defence is defined by Article 12 of the General Penal Code No 19/1940. For an individual to be deemed to be 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 actual 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". Article 71 of the Icelandic Constitution states: "*Every person 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 Article 89-90 of the Code of Criminal Procedure No 19/1991 provides that search of the abovementioned items is admissible pursuant to a court order. In Article 91 provides that in buildings that are open to the public a court order is not required before a search can be carried out.

## 4. SPECIFIC NATIONAL MEASURES

Article 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 require any person to give his name, ID number and address, and to present an identification document to substantiate the information given.*"

Article 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 Article 8 or on other grounds.*"

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

**National Commissioner of Icelandic Police, International Section / SIRENE / Interpol**

**Desk open 24 hours**

Skúlagata 21, 150 Reykjavík

Tel. +354 444 2540

fax +354 444 2541

**E-mail:** [international@rls.is](mailto:international@rls.is) / [althjodapostur@rls.is](mailto:althjodapostur@rls.is)

# 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 2320 8888  
Main fax +47 2320 8880  
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 47 2320 8888  
fax 47 2320 8880  
[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 has 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 caught in the act or pursued when so caught or on finding fresh clues. However, the person making the arrest is required to hand the person arrested over to the police immediately.

"When delay entails any risk, a police officer 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 a member of the police who has made an arrest must immediately hand the person arrested over 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 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 such 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 that event, 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, ships' cabins sleeping 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 specific compensatory measures in accordance with Article 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 2320 8888

Main fax +47 2320 8880

Email: post.kripos.desken@politiet.no

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