



Council of the
European Union

Brussels, 11 September 2017
(OR. en)

11840/17

LIMITE

**ENFOPOL 406
ENFOCUSTOM 197
CRIMORG 150
COMIX 615**

NOTE

From:	General Secretariat of the Council
To:	Law Enforcement Working Party (Mixed Committee EU/Iceland, Norway and Switzerland, Liechtenstein)
No. prev. doc.:	10505/09 REV 4 ADD 1 REV 4
Subject:	Manual on cross-border operations - national fact sheets

Delegations will find attached a compilation of national fact sheets, containing all the practical information necessary for carrying out cross-border operations.

Any updates, corrections or completions should be sent to lewp@consilium.europa.eu.

NATIONAL FACT SHEETS

Belgium
Bulgaria
Czech Republic
Denmark
Germany
Estonia
Greece
Spain
France
Ireland
Italy
Cyprus
Latvia
Lithuania
Luxembourg
Hungary
Malta
Netherlands
Austria
Poland
Portugal
Romania
Slovenia
Slovakia
Finland

<u>Sweden</u>
<u>United Kingdom</u>
<u>Iceland</u>
<u>Liechtenstein</u>
<u>Norway</u>
<u>Switzerland</u>

BELGIUM

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers:

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.
 - I.2 designated authorities (specify for incoming and/or outgoing requests):

National Contact Point 24/7:
Federal Judicial Police – DGJ/DJO/TBO (transborder operations):
Tel: +32 2 642 72 46
Fax: +32 2 642 17 34 (OWA fax to mail)
e-mail: djo.tbo@police.belgium.eu
address: Koningsstraat 202 A
1000 Brussels

I.3 specific statutory provisions (including, where relevant and useful, a general indication of applicable traffic regulations): -

.....

II. Controlled deliveries

National Contact Point 24/7:

Federal Judicial Police – DGJ/DJO/TBO (transborder operations):

Tel: +32 2 642 72 46

Fax: +32 2 642 17 34 (OWA fax to mail)

e-mail: djo.tbo@police.belgium.eu

address: Koningsstraat 202 A

1000 Brussels

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers:

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.

III.2 designated authorities (if applicable): -

III.3 authorities to be contacted in border regions when crossing borders:

the Communication and Information Centres (CIC)

=> Operations with the deployment of police teams:

1. via radio: The CIC can be contacted via the radio contact groups national – international (fleet mapping).

2. via telephone:

CICANT (Antwerpen)	- 03/333.17.24
CICOVL (Oost-Vlaanderen)	- 09/216.17.24
CICWVL (West-Vlaanderen)	- 050/88.17.24
CICHA1 (Hainaut)	- 065/50.17.24
CICNAM (Namur)	- 081/50.17.24
CICBRU (Bruxelles)	- 02/418.17.24
CICLIM (Limburg)	- 011/41.17.24
CICLIE (Liège)	- 04/288.17.24
CICBRW (Brabant Wallon)	- 010/44.17.24
CICLUX (Luxembourg)	- 063/88.17.24
CICVBR (Vlaams Brabant)	- 016/41.17.24

=> A foreign police team in Belgium can always contact the CIC via the emergency number 101.

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations):

Blue flashing light: must be used in cases of emergency

Siren: must be used in cases of emergency

Red lights: cannot be running only after making the stop. Traffic must not be put at risk. When a police or customs vehicle is coming, other road users must make way and stop if necessary.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact point

DAO (Directorate of operations concerning administrative police – Officer on duty)

Koningsstraat 202A

1000 BRUSSELS

Tel +32 2 642 63 80

Fax +32 2 646 49 40

E-mail: dga.dao.inbox@police.belgium.eu

IV.2 procedure

Joint operations are only possible on request. All requests to the Belgian Police have to be made by means of the request form hereunder and have to be sent to the national contact point.

The competent authority in Belgium will immediately take a decision concerning the request. The decision will be sent as quickly as possible in writing to the competent authority of the requesting Party.

When carrying out the joint operation, the cross-border official must be in possession of a summary list of the means and material he has brought with him. He submits it on request to the competent authority of the host state.

Model request form
for joint operations on the basis of article 17 of the Council Decision 2008/615/JHA of
23 June 2008 on the stepping up of cross-border cooperation, particularly in combating
terrorism and cross-border crime

Requesting Party:

- The Kingdom of Belgium, represented by the Directorate of the National Contact Point
DGA/DAO
- or
- The Federal Republic of Germany, represented by....
- or
- The Kingdom of Spain, represented by....
- or
- The French Republic, represented by....
- or
- The Grand Duchy of Luxembourg, represented by the Director General of the Grand-Ducal
Police or his representative
- or
- The Kingdom of the Netherlands, represented by....
- or
- The Republic of Austria, represented by....
- or
- ...

(To be completed)

requests

- The Kingdom of Belgium, represented by the Directorate of the National Contact Point
DGA/DAO
- or
- The Federal Republic of Germany, represented by....
- or
- The Kingdom of Spain, represented by....
- or

The French Republic, represented by....

or

The Grand Duchy of Luxembourg, represented by the Director General of the Grand-Ducal Police or his representative

or

The Kingdom of the Netherlands, represented by....

or

The Republic of Austria, represented by....

or

...

(To be completed)

for the following:

Police intervention by police officers, as detailed in the annex to the present request, in order to contribute to the maintenance of public order and prevention of criminal offences at:

..... *(place, zone; date);*

under the operational command of
(name and function of the police officer).

For agreement:

Police intervention by police officers, as detailed in the annex to the present request, in order to set up training exercises for the operation as provided for in Article 17 at:

..... *(place, zone; date);*

under the operational command of
(name and function of the police officer).

- For agreement:**

- The furnishing of means** for public order maintenance and prevention of criminal offences, as detailed in the annex to the present request.

These means will be deployed at
(name of the place, name of the zone; date);

under the operational command of
(name and function of the police officer).

- For agreement:**

- The dispatch of** police officers to accompany or operate the material means for that purpose.

For agreement:

- Other:**
- For agreement:**

- One border crossing**
- Several border crossings during the following period:**
- For agreement:**

Sovereign powers

- Requests to confer to the seconding State's officers the sovereign powers allowed by the host State.

- For agreement:**

- Requests to allow the seconding State's officers to exercise their own sovereign powers in accordance with the seconding State's law. If granted, the seconding State's officers will have the same sovereign powers as in their own country.

For agreement:

Costs

- Each Contracting Party shall bear the costs incurred by its own authorities.
- or
- Other proposition for the sharing out of the costs:

For agreement:

.....(*date*).....(*place*)

.....(*Signature*)

agreement

.....(*date*).....(*place*)

.....(*Signature*)

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Contact point:

The operational chiefs of the services involved (the corps chief of the Local Police or the chief of unit of the Federal Police)

or

DAO (Directorate of operations concerning administrative police – Officer on duty)

Koningsstraat 202A

1000 BRUSSELS

Tel +32 2 642 63 80

Fax +32 2 646 49 40

E-mail : dga.dao.inbox@police.belgium.eu

V.2 procedure [if different from IV]

There is no formal procedure for setting up a joint patrol or joint check. It is sufficient that the operational chiefs of the services involved (in Belgium: the corps chief of the Local Police or the chief of unit of the Federal Police) come to a verbal or written agreement. If it is not possible to contact the Belgian operational chief, the national contact point should be contacted.

The operational chiefs make sure that every officer taking part in the operation is well informed about the mission and about who is responsible for what. If necessary, a meeting will be organised for the purpose.

OTHER

VI. Special intervention units

Competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA):

Contact point:

Federal police / DGJ / Directorate Special Units (DSU)

Tel.: +32 2 642 73 06 (during office hours) – +32 2 642 75 32 (outside office hours)

Fax: +32 2 642 73 08

E-mail: DSU@police.belgium.eu

GENERAL

VII. Arms

VII.1 definition of service weapon

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 or used. (Long firearms, submachine guns, grenades, spray with large quantities of tear gas or another means of putting an attacker out of action.)

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Authorised arms according to national law (firearms, truncheons, tear gas, knockout gas).

VII.3 arms, ammunition and equipment permitted and conditions of their use
(cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

- Belgium does not permit the use of firearms with a calibre that exceeds 9 mm;
- Belgium does not permit the use of firearms in fully automatic mode;
- Belgium does not permit the use of any type of handcuffs that can injure the apprehended person;
- Belgium permits the use of pepper spray but does not permit the use of tear gas Chloroacetophenone (CN);
- Belgium does not permit the use of electric truncheons but permits the use of ordinary truncheons;
- Belgium does not permit the use of TASER.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment
(cf. Article 19(4) of Council Decision 2008/615/JHA)

1. Self-defence

Art 38 of the Law on the Police

Without prejudice to Art 37, police officers are allowed to use firearms against people only when acting in self-defence.

Art 416 of the Penal Code

Committing homicide or assault in legitimate self-defence may not be regarded as a crime or as an offence.

Explanation of Art 416 of the Penal Code.

- Self-defence applies to everybody, not only police officers.
- Acts of self-defence may occur against all kinds of violence, not only against firearms.
- In order to be regarded as self-defence, any situation has to fulfil the following requirements:

- * **The assault has begun or is about to begin.**

The victim's life must not necessarily be in danger. A real and serious risk of being injured or wounded is sufficient.

- * **The assault is illegal.**

There is no self-defence against legal and justified assault. For instance, it is not permitted to use violence against legal police actions.

- * **The assault must be committed against a person.**

In Art 416 of the Penal Code, insults are not regarded as assaults against persons.

- * **Self-defence must be necessary and proportional.**

If self-defence goes beyond the necessary limits, or if the defence is more violent than the assault, it itself becomes an assault. When assessing proportionality, the consequences of the use of a weapon must always be taken into account. For instance, hitting someone's head with a claw may be as lethal as a gunshot. If you are not in a position to defend yourself in another way and if your life is in danger, the use of a firearm is justified.

- * **Defence must occur at the same time as the assault.**

Self-defence must not be revenge and, consequently, must not occur when the assault is over.

Art 417 of the Penal Code

In addition to Art 416, Art 417 of the Penal Code gives two other instances that can be regarded as self-defence.

Both the following instances may be regarded as legitimate self-defence:

1. Homicide or assault committed by a person in the course of repelling, at night, an intruder who climbs a fence or a wall or breaks into an occupied house or flat or dependencies thereof, unless that person did not have grounds to believe that the intruder intended to attempt murder, either as a primary aim or as a consequence of the resistance of the occupants.
2. Homicide or assault committed while defending oneself against robbery with violence.

Giving a warning

In accordance with Article 37 of the Law on the Police, any use of force must be preceded by a warning, unless the warning makes the force ineffective.

The important point here is that it is possible to use a firearm in a preventive and repressive way. Preventive use of a firearm includes intimidating the opponent. In this case, no shot is fired. The firearm is only used preventively.

Repressive use can be subdivided into three parts:

- a. Intimidation shot. An intimidation shot is fired when the policeman is not directly threatened. He fires in the air to intimidate the opponent.
- b. Warning shot. A warning shot is fired when the policeman is threatened. In this case, he does not fire at the opponent.
- c. A shot aimed at people, animals or objects. This may occur in self-defence or in the other cases provided for in the Law on the Police.

In brief, we can state that the use of force is preceded by a warning. The warning may be a verbal order or a warning shot, unless the warning renders the use of force ineffective, or in cases of self-defence.

2. The use of force

In Belgium, firearms and ammunition can only be used in cases of legitimate self-defence. In accordance with Article 19 (2) of Council Decision 2008/615/JHA, however, the Belgian officer in charge of the operation may, in individual cases, give permission to use other authorised arms and equipment for purposes other than legitimate self-defence. However, the use of these arms and equipment will always have to be in accordance with Belgian national law.

Art 37 of the Law on the Police

In the exercise of his duties, any police officer may use force, on the following conditions:

1. He has to take into account all the risks of using force;
2. It has to be with a legitimate objective (that could not be attained otherwise);
3. The force used must be reasonable and proportional to the objective in view;
4. Use of force must be preceded by a warning (unless the warning renders the force ineffective).

Explanation of Art 37

The first three conditions of Art 37 may each be summarised in only one word:

1. **Appropriateness:** the policeman must take the risks of the use of force into account, from both the physical and material point of view.

e.g.: during a check, a policeman fires at the tyres of a departing vehicle but the bullet misses the target and hits an innocent passenger.

2. **Legality:** the use of force and coercion is allowed only in the cases and on the conditions provided for in the law.

e.g.: during an identity check, the person being checked attempts to punch your colleague. You react immediately by getting the person in a self-defence hold.

3. **Proportionality:** if the use of force and coercion is necessary, the least violent and most appropriate solution must be chosen.

e.g.: during a fight in a pub, a drunken person takes a bottle and makes as if to hit another person with it. The drunken person does not react to your verbal warnings. As this person is drunk and armed, you take your truncheon and try to overcome him.

In short, one always has to consider three questions before resorting to force.

1. Is it legal?
2. Aren't there any less violent and dangerous means?
3. Are the means proportional to the goal to be achieved?

VIII. Definitions

VIII.1 self-defence (if not covered by point VII): -

.....

VIII.2 "home":

The inviolability of the home is guaranteed by Article 15 of the Constitution and penalties for infringement are laid down in Article 148 of the Penal Code. The concept "home" 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".

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

BULGARIA

- I. [Cross-border surveillance \(pursuant to Article 40 Schengen Convention\)](#)
- II. [Controlled deliveries](#)
- III. [Hot pursuit \(pursuant to Article 41 Schengen Convention\)](#)
- IV. [Joint operations \(pursuant to Article 17 of Council Decision 2008/615/JHA\)](#)
- V. [Joint patrols \(pursuant to Article 17 of Council Decision 2008/615/JHA\)](#)
- VI. [Special intervention units](#)
- VII. [Arms](#)
- VIII. [Definitions](#)
- IX. [Other requirements following from national laws or regulations that need to be taken into account for cross-border operations](#)

SCHENGEN

1. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - I.2 designated authorities (specify for incoming and/or outgoing requests)
 - I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

II. Controlled deliveries

- contact points

Chief Directorate for Countering Organised Crime

Contact details:

Mr. Georgi Ovcharov

Tel.: +359 982 85 93

E-mail: 170@mvr.bg

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

III.2 designated authorities (if applicable)

III.3 authorities to be contacted in border regions when crossing the border

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations):

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact point

Chief Directorate Criminal Police

Contact details:

Mr Dimitar Prodanov

Tel.: +359 982 80 12

E-mail: 170@mvr.bg

IV.2 procedure

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Chief Directorate Border Police

Contact details:

Mr. Atanas Mladenov

Tel.: +359 982 40 83

E-mail: amladenov.180@mvr.bg

V.2 procedure [if different from IV]

The Republic of Bulgaria carries out joint patrols in the border area with Romania in accordance with the Agreement between the Government of the Republic of Bulgaria and the Government of Romania for cooperation between border guard bodies, which was signed on 22 December 2004 and entered into force on 28 July 2005.

Pursuant to the Agreement, joint patrols are carried out along the Danube River and the common land border between the Republic of Bulgaria and Romania by mixed teams (Bulgarian and Romanian Border Police officers). The main principle applicable to joint patrols is that the execution of police powers depends on the territory – on Bulgarian territory the competent authority within the joint patrols is the Bulgarian Border Police and vice versa. Annual plans for developing cooperation between the border authorities of the Republic of Bulgaria and Romania are provided for in the Agreement. Those plans have been implemented accordingly.

The Agreement between the Government of the Republic of Bulgaria and the Government of Romania on cross-border police cooperation in criminal matters (signed on 19 May 2009 in Vidin, and due to enter into force shortly) provides for the establishment of joint patrols so as to enhance cooperation with a view to preventing threats to public order and security.

OTHER

VI. Special intervention units

Competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA):

GENERAL

VII. Arms

VII.1 definition of service weapon

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Short grooved firearms and automated weapons calibres 9x18, automated weapon calibre 7.62x39

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

According to the Law on the Ministry of the Interior, police bodies may use weapons as a last resort in the following cases: armed attack or threat by firearms; release of hostages and kidnap victims; after giving a warning, when arresting a person committing or having committed a crime of a general nature who resists or tries to escape; after a warning, in order to prevent the escape of a person detained by an order issued after a crime of a general nature has been committed. Police bodies must issue a report after weapons have been used. When using a weapon, police bodies must do everything possible to protect the life of the person being targeted and the life and health of other persons. Police bodies may use weapons without warning when guarding the state border in cases of armed attack against them and may also use weapons against persons who have put up armed resistance.

Under the Agreement between the Government of the Republic of Bulgaria and the Government of Romania on cross-border police cooperation in criminal matters, officials conducting cross-border operations on the territory of another Member State may carry their service weapons. The use of weapons is permitted only in cases of legitimate self-defence. The service weapons may also be used in case of explicit order issued by the respective authorities officials (head of mission) from the Party on which territory the operation is performed, in compliance with its national legislation. The parties' authorities shall inform each other regarding the type and number of the service weapons.

Similar provisions are included in the plan for joint actions between the Bulgarian and Romanian Border police authorities in the Ruse – Guirgiu region involving activities by mixed teams along the Danube river shore. Members of the teams are not allowed to use weapons on the territory of the neighbouring country, except in cases of legitimate self-defence and in order to protect their own lives and the lives of other members of the team.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII):

An act of justifiable defence - in response to a direct illegal attack against state or public interests, or against the physical integrity or rights of the defender or of another person which causes damage to the aggressor only within the necessary limits is not considered socially dangerous.

The limits of justifiable defence have been overstepped when the act is obviously not in proportion to the nature of the assault and the danger it represents.

The perpetrator shall not be punished if, when committing such an act, he exceeds the requirements of justifiable defence because of fright or confusion.

VIII.2 "home"

Defined by Art. 33(1) of the Bulgarian Constitution: the home shall be inviolable. No one shall enter or stay inside a home without the occupant's consent, except in cases expressly stipulated by law. Penalties for crimes against property are laid down in the Penal Code.

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

CZECH REPUBLIC

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
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SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

- I.1 list of authorised officers

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

* Members of those units are provided with an "official authorisation", which testifies to their membership of a surveillance unit and authorises them to carry out cross-border surveillance.

- I.2 designated authorities (specify for incoming and/or outgoing requests)

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

Police Presidium of the Czech Republic
International Police Cooperation Division
Operational Co-operation Unit (SIRENE Czech Republic)
Strojnická 27
P.O.BOX 62/MPS
170 89 Prague 7
Tel.: +420 974 834 210 (24/7)
Fax: +420 974 834 716 (24/7)
E-mail: sirene@pcr.cz (24/7)
reachable also via SIRENE (Interpol) Channel (24/7)

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
110 00 Prague 1
Tel.: +420 222 111 700 (working hours - operator)
+420 222 111 733 or + 420 222 111 763 (working hours – penal department)
Fax: +420 222 220 075 (24/7)
E-mail: podatelna@ksz.pha.justice.cz

Outside working hours the above mentioned central authority may be contacted to provide communication with central judicial authority.

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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

II. Controlled deliveries

- contact points

Police Presidium of the Czech Republic
International Police Cooperation Division
Operationa Co-operation Unit (Europol National Unit)
P.O.BOX 62/MPS
170 89 Prague 7
Tel.: +420 974 834 210 (24/7)
Fax: +420 974 834 716 (24/7)
E-mail: omps.pripady@pcr.cz
reachable also via SIRENE or Interpol Channel (24/7)

Czech Liaison Bureau at Europol HQ
Eisenhowerlaan 73
Den Haag, The Netherlands
Tel.: +31 617 300 252 (24/7 on-call mobile)

On the basis of the Naples II Convention a Central Coordinating Unit has been established within the General Directorate of Customs. This unit is responsible for receiving i.a. all requests for controlled deliveries under the above legal act and under bilateral agreements with AT and DE.

General Directorate of Customs
Section of Investigation – International Cooperation Unit
Budějovická 7
140 96 Prague
Czech Republic
Tel.: +420 261 333 333, +420 261 333 853, +420 261 333 854, +420 724 431 188
Fax: +420 261 333 850
E-mail: cz-ccu@cs.mfer.cz

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Members of the Police of the Czech Republic and members of the Ministry of Finance
General Customs Directorate

III.2 designated authorities (if applicable)

Competent central authority contact data for communication concerning cross-border pursuit (receipt of case information, measures taken during surrender (extradition) of a person from/to another country after detention, follow-up information)

Police Presidium of the Czech Republic
International Police Cooperation Division
Operational Co-operation Unit (SIRENE Czech Republic)
Strojnická 27
P.O.BOX 62/MPS
170 89 Prague 7
Tel.: +420 974 834 210 (24/7)
Fax: +420 974 834 716 (24/7)
E-mail: sirene@pcr.cz (24/7)
reachable also via SIRENE Channel (24/7)

III.3 authorities to be contacted in border regions when crossing border

Czech-German border

Police and Customs Cooperation Centre Petrovice
403 37 Petrovice 570
Tel.: +420 974 420 824, +420 974 420 825, +420 974 420 822
Mobil: +420 734 183 820
E-mail: krpulk.vs.omv.petrovice@pcr.cz

Police and Customs Cooperation Centre Schwandorf

Weinbergstr. 47

924 24 Schwandorf

Tel.: +420 974 324 261

Fax: +420 974 814 312

E-mail: krpp.omv.stala@pcr.cz

Regional Police Directorate of the Pilsen Region with its seat in Pilsen

Integrated Command Centre

Tel.: +420 974 322 001; +420 974 322 002

Fax: +420 974 322 008

E-mail: krpp.ios.operacni@pcr.cz

Regional Police Directorate of the Karlovy Vary Region with its seat
in Karlovy Vary

Integrated Command Centre

Tel.: +420 974 362 001

Fax: +420 974 362 008

E-mail: krpk.ikos@pcr.cz

Regional Police Directorate of the Ústí Region with its seat in Usti nad Labem

Integrated Command Centre

Tel.: +420 974 422 001 or +420 974 422 002 or +420 974 422 050

Mobil: +420 724 095 924

Fax: +420 974 427 007

E-mail: krpulk.vs.ios@pcr.cz

Czech-Austrian border

Police Cooperation Centre Mikulov-Drasenhofen

Tel.: +420 974 632 683

Fax: +420 519 512 874 (Integrated Command Centre of Regional Police Directorate of the South Moravian Region) E-mail: krpb.omv@pcr.cz

Czech-Slovak border

Police and Customs Cooperation Centre Hodonín-Holíč

Bratislavská 1939/7

695 01 Hodonín

Tel.: +420 974 633 800-1 or +420 724 960 012

Fax: +420 974 633 808

E-mail: krpb.omv.hodonin@pcr.cz

Regional Police Directorate of the South Moravian Region with its seat in Brno

Integrated Command Centre

Tel.: +420 974 622 001

Fax: +420 974 622 008

E-mail: krpb.ios.v@pcr.cz

Regional Police Directorate of the Zlin Region with its seat in Zlin

Integrated Command Centre

Tel.: +420 974 662 001

Fax: +420 974 662 008

E-mail: krpz.ios@pcr.cz

Regional Police Directorate of the Moravian-Silesian Region with its seat in

Ostrava

Integrated Command Centre

Tel.: +420 974 721 001

Fax: +420 974 721 008

E-mail: krpmsk.vs.ios.vedsmeny@pcr.cz

Czech-Polish border

Police and Customs Cooperation Centre Chotěbuz

Na Skalce 316

735 61 Chotěbuz

Tel.: +420 974 721 261 or +420 558 711 314 or +420 723 752 026

Fax: +420 974 721 268 or +420 558 711 315

E-mail: krpt.ozv.chotebuz.pod@pcr.cz

Police and Customs Cooperation Centre Náchod - Kudova Słone

Tel.: +420 974 534 261

Fax: +420 974 523 640

E-mail: krph.szv@pcr.cz

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Cross-border pursuit can be carried out on the basis of bilateral agreements with Austria, Germany, Slovakia and Poland and pursuant to Article 40 Schengen Convention with all Member States.

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

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

- is 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 in order to avoid a prison sentence, custody or protective medical treatment, or
- is evading border, customs or other police (e.g. investigation) checks and is fleeing to the territory of the neighbouring state (not applicable to cross-border pursuit between CZ-PL).

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 may carry out only a security search of the person and confiscate his vehicle and any objects of relevance for the criminal prosecution. Thereafter the police office must proceed in accordance with the instructions of the local police authorities and hand the detained person over to them.

PRŮM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

- Contact points for cooperation with neighbouring states in border areas:
 - **Regional Police Directorate of the South Bohemian Region** with its seat in Ceske Budejovice (AT, DE)
Lanova 26,
370 74 České Budějovice
Tel.: +420 974 221 229, +420 974 221 230
Fax: +420 974 221 900, +420 974 221 108
E-mail: krpc.sekret@pcr.cz
 - **Regional Police Directorate of the Pilsen Region** with its seat in Pilsen (DE)
Nádražní 2,
306 28 Plzeň
Tel.: +420 974 321 269
Fax: +420 974 322 308
E-mail: krpp.omv.plzen@pcr.cz
 - **Regional Police Directorate of the Karlovy Vary Region** with its seat in Karlovy Vary (DE)
Závodní 386/100,
360 06 Karlovy Vary - Dvory
Tel.: +420 974 361 229
Fax: +420 353 540 656
E-mail: krpk@pcr.cz

- **Regional Police Directorate of the Usti Region** with its seat in Usti nad Labem
(DE, PL)
Lidické náměstí 899/9,
401 79 Ústí nad Labem
Tel.: +420 974 421 229, +420 974 421 111 (switchboard)
Fax: +420 974 427 006
E-mail: krpulk.kr.podatelna@pcr.cz

- **Regional Police Directorate of the Liberec Region** with its seat in Liberec
(DE, PL)
Nám. Dr. E. Beneše 584/24,
460 32 Liberec
Tel.: +420 974 461 220
Fax: +420 974 461 028
E-mail: krpl.reditel.sekretariat@pcr.cz

- **Regional Police Directorate of the Hradec Kralove Region** with its seat
in Hradec Kralove (PL)
Ulrichovo nám. 810,
501 01 Hradec Králové
Tel.: +420 974 521 111 (switchboard)
Tel.: +420 974 521 220 (head's office)
Fax: +420 974 521 228
E-mail: krph@pcr.cz

- **Regional Police Directorate of the Pardubice Region** with its seat in Pardubice (PL)
Na Spravedlnosti 2516,
530 47 Pardubice
Tel.: +420 974 566 111, +420 974 561 229
Fax: +420 974 566 901
E-mail: krpe.krajskapodatelna@pcr.cz

- **Regional Police Directorate of the Vysocina Region** with its seat in Jihlava (AT, SK)
Vrchlického 46,
587 24 Jihlava
Tel.: +420 974 261 111 (switchboard)
Tel.: +420 974 261 229 (head's office)
Fax: +420 974 261 900
E-mail: krpj.k.podat@pcr.cz

- **Regional Police Directorate of the South Moravian Region** with its seat in Brno (AT, SK)
Kounicova 24,
611 32 Brno
Tel.: +420 974 621 111 (switchboard)
Tel.: +420 974 621 230 (head's office)
Fax: +420 974 622 564
E-mail: krpb.podatelna@pcr.cz

- **Regional Police Directorate of the Olomouc Region** with its seat in Olomouc (PL)
Tř. Kosmonautů 10,
771 36 Olomouc
Tel.: +420 974 761229, +420 974 761 238
Fax: +420 974 761 900
E-mail: krpm.reditel.sekretariat@pcr.cz or krpm.kancler.sekretariat@pcr.cz

- **Regional Police Directorate of the Zlin Region** with its seat in Zlin (SK)
J. A. Bati 5637
760 01 Zlín
Tel.: +420 974 661 111, +420 974 661 535 (switchboard)
Tel.: +420 974 661 210, +420 974 661 230 (director's office)
Fax: +420 974 661 900
E-mail: krpz.kr.sekretariat@pcr.cz

- **Regional Police Directorate of the Moravian-Silesian Region** with its seat in Ostrava (PL, SK)
30. dubna 24,
728 99 Moravská Ostrava a Přívoz
Tel.: +420 974 721 111 (switchboard)
Tel.: +420 974 721 220 (head's office)
Fax: +420 974 721 900
E-mail: krpt.podatelna@pcr.cz

- Contact point for cooperation with non-neighbouring Member States or with neighbouring Member States, but not in border areas.

**Police Presidium of the Czech Republic,
International Police Cooperation Division**

Strojnická 27,

170 89 Prague 7

Tel.: +420 974 834 210

Fax: +420 974 834 723

E-mail: omps@pcr.cz

IV.2 procedure

Practical aspects of joint operations:

Joint Patrols and other forms of joint deployment in the territory of another Member State

- Joint patrols and other forms of joint deployment under the heading of cooperation with neighbouring states in border areas are carried out pursuant to international bilateral agreements on police cooperation. Section 92 and 93 of Act No. 273/2008 Coll. on the Police of the Czech Republic as amended and the Section 37 of Act No. 17/2012 Coll. on the Customs Administration of the Czech Republic as amended gives the legal basis for joint patrols and other joint operations carried out with non-neighbouring Member States or with neighbouring Member States, but not in border areas. The legal arrangement is in accordance with Council Decision 2008/615/JHA.
- Common entitlements of officers situated in the territory of another state pursuant to bilateral international agreements:

- Employees of police authorities active in the territory of the other state do not have any executive powers there. Their rights are generally set out in agreements on police cooperation. They are entitled to:
 - wear their uniform,
 - carry their service weapons and other means of coercion,
 - use their service weapons and other means of coercion for private defence (AT, DE, SK, PL) and in cases of extreme emergency (SK, AT, DE),
 - enter the territory of the other contractual country and remain there at the necessary distance from the national border for the required period without a travel document. (In agreement with PL: “cross the state border using their service ID”),
 - operate their radio facilities (AT, in SK within an area of 15 km of the state borders),
 - use a service motor vehicle or a vessel (AT, SK, DE), and aeroplane (PL, DE, AT, SK).

- Specific entitlements of officers situated in the territory of another state according to bilateral international agreements:
 - AT
 - Officials who are members of such joint patrols are entitled to
 - check the identity of persons
 - intercept any person who tries to avoid an identity check
 - further measures shall be taken by the officials of the contractual party in the territory of which the patrol is acting unless their intervention requires participation of the officials of the other contractual party.
 - Officers who operate in the territory of the other state under other forms of joint deployment are only entitled
 - to assistance and consultation within joint control groups, and
 - to participate in joint cross-border investigation.

- Measures in cross.border railway and boat transport
 - Officers are entitled to cross the border and use the closest regular station on the territory of the other state. Police measures can be carried out only in situation of threatened public order and safety
 - Officers are authorised to continue necessary measures on the territory of host state if the purpose of the measure should be threatened or embarrassed
- Officers are entitled to intercept the person and property and submit them to the authorities of the host state

Transit of the person

Officers are entitled to carry out transit of the person (with existing permission of judicial authority) that is in custody or in prison through the territory of the host state. With agreement of host authority, transit can be carried out without presentation of officers of territorial state. Officers are authorised only to perform measures related to the transit (including pursuit of escaped transported person)

- Transfer of the person

Officers are entitled to cross the borders to carry out transfer of the person to the host authorities (based on existing legal title, e. g. readmission, Dublin, European search warrant). Officers are authorised to perform measures related to the transfer of the person (including pursuit of the escaped transferred person)

○ DE

- Officers who operate in the territory of the other state under any form of joint deployment are entitled to carry out police measures in compliance with national law of the host state. Such executive powers may be exercised only under the guidance and, as a rule, in the presence of officers from the host. Forms of deployment are:
 - Joint patrols
 - Joint control groups
 - Joint searching groups and others
 - Support deployment

- Without performing of police measures, officers are entitled to
 - to participate in intervention carried out in host state for the purpose of information exchange and consultations,
 - to compose joint operational command to coordinate interventions carried out on both sides of the border and for the purpose of information exchange and consultations.

- Measures in cross.border railway and boat transport
 - Officers are entitled to cross the border and use the closest regular station on the territory of the other state. Police measures can be carried out only in situation of threatened public order and safety
 - Officers are authorised to continue necessary measures on the territory of host state if the purpose of the measure should be threatened or embarrassed
 - Officers are entitled to intercept the person and property and submit them to the authorities of the host state

- Transit of the person

Officers are entitled to carry out transit of the person (with existing permission of judicial authority) that is in custody or in prison through the territory of the host state. With agreement of host authority, transit can be carried out without presentation of officers of territorial state. Officers are authorised to perform measures related only to the transit (including pursuit of escaped transported person)

- Transfer of the person

Officers are entitled to cross the borders to carry out transfer of the person to the host authorities (based on existing legal title, e. g. readmission, Dublin, European search warrant). Officers are authorised to perform measures related only to the transfer of the person(including pursuit of the escaped transfered person)

- PL
 - Employees deployed in connection with ensuring safety of railway transport are authorised to
 - implement any measures necessary to ensure public order and the safety of persons and property in trains between the state borders and the closest railway station on the territory of the other party in which the relevant train makes a regular stop. Such measures must be in accordance with the legislation of the party on whose territory they are being implemented.
 - Employees may provide support to the authorities of the other party, but are subordinate to the authorities of the other party.
 - Service personnel of one party deployed on the territory of the other party within joint patrols are authorised to
 - perform ID checks.
 - intercept anyone failing to produce ID proving their identity or identified by the patrol as a wanted person.

- SK
 - Employees of the police authorities discharging tasks for the protection of public order and the safety of persons and property in railway transport have the right to take necessary measures to secure public order and safety of persons and property in railway transport, in particular to
 - detain a person,
 - carry out a search of persons and luggage.
 - Officers who operate in the territory of the other state under any form of joint deployment are only entitled
 - to assistance and consultation within joint patrols and task forces,
 - to participate in joint cross-border investigation,
 - within joint operational command.

- General information on joint patrols carried out with neighbouring countries in border regions
 - Joint patrols usually consist of three officers; two of whom are from the state on whose territory the joint patrol is being operated. The Czech officers who take part in joint patrols are mostly representatives of the aliens police service, public order police service, traffic police service and, occasionally, criminal police and investigation service. The officers have to pass a training course concerning in particular rights and duties in connection with the operation of joint patrols on the territory of the other state before they are allowed to join a joint patrol.

The officers in joint patrols have appropriate language skills. Usually vehicles of the state on whose territory the joint patrol is being operated are used. Joint patrols usually start and terminate at the former border checkpoint. Joint patrols have limited territorial competency: 25 km from borders with PL, or the border regions with AT and SK. No territorial limitation is with DE,

- General legal arrangement for joint deployment carried out with non-neighbouring Member States or with neighbouring Member States, but not in border areas: Act No. 273/2008 Coll., on the Police of the Czech Republic, Sections 92 and 93
 - Section 92
 - A member of a foreign security force may, under certain conditions and within the scope and in the manner provided for in an International Agreement, execute in the Czech Republic the powers and duties of a Police officer under this Act.
 - With the consent of the Police President and a relevant authority of a foreign country, a member of a foreign security force may be used, within the scope and under the conditions stipulated by this Act or another legal regulation,
 - a) as an undercover officer
 - b) to perform a pretended transfer
 - c) to perform surveillance of persons and objects;
 - d) to use security technology;
 - e) to intervene against offenders of serious criminal offences;
 - f) to ensure public order and security in emergency security situations;
 - or
 - g) to ensure the security of protected places and premises or persons protected under this Act.

- 1) If it is necessary for ensuring public order and security or for preventing criminal offences, with the consent of the Police President and of a competent authority of a Member State of the European Union, a member of the security forces of a Member State of the European Union may be used to carry out the above tasks within the scope and under the conditions stipulated by this Act or any other legal regulation or regulations of the European Union on police cooperation.
- 2) If it is necessary for ensuring the safety of air, rail, water or road transport, with the consent of the Police President and of a competent authority of a Member State of the European Union, a member of foreign security forces may be used, within the scope and under the conditions stipulated by this Act or another legal regulation.
- 3) When carrying out actions pursuant to paragraph (2) a senior police officer, authorised by the Police Presidium, shall manage the activities of the member of a foreign security force and such officer shall be responsible for the activities of the member in question.
- 4) In the event of damages incurred during actions carried out under paragraphs (2) to(4), a member of a foreign security force shall be deemed to be a police officer.

o Section 93

A police officer shall be authorised to operate in the territory of another country

- a) under the conditions, within the scope of and in the manner stipulated by an international agreement;
- b) within a peacekeeping operation or any other operation which the Czech Republic is participating in on the basis of a decision adopted by an international organisation of which the Czech Republic is a member or with which the Czech Republic has entered into a relevant international agreement, or on the basis of a decision adopted by a relevant authority or institution of the European Union; or

- c) if he/she is seconded to carry out police duties on the basis of a decision of the Minister of the Interior with the consent of the relevant authority of a foreign country or upon the request of the relevant authority of a foreign country.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

- see point IV.

V.2 procedure [if different from IV]

- see point IV.

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Conditions for assistance are defined in Act No. 273/2008 Coll. on the Police of the Czech Republic as amended.

In accordance with Section 92 of the Act, a member of a foreign security force may execute in the Czech Republic the powers and duties of a police officer in cases specified by special legislation with the consent of the Police President of the Czech Republic and with the consent of a competent authority of a Member State of the European Union.

In accordance with Section 93 of the Act, a Czech police officer shall be authorised to operate on the territory of another country if he/she is seconded to carry out police duties on the basis of a decision of the Minister of the Interior and with the consent of the relevant authority of a foreign country or upon the request of the relevant authority of a foreign country.

GENERAL

VII. Arms

VII.1 definition of service weapon

Weapon

The term weapon is defined in Section 56 of Act No. 273/2008 Coll. on the Police of the Czech Republic as amended. Under this Section a weapon shall mean a firearm including ammunition and any accessories, with the exception of a device having the nature of a weapon but with temporary paralysing effects in accordance with another legal regulation. The definition shall also include pointed and edged weapons, explosives, special explosive objects, explosives used to clear the way, and special charges and cartridges.

Coercive means

Coercive means pursuant to Act No. 273/2008 Coll. on the Police of the Czech Republic, **Section 52** shall be:

- a) self-defence holds, grips, blows and kicks;
- b) tear gas, electric or any other similar devices for temporarily incapacitating a person;
- c) a truncheon or other similar device;
- d) a projectile weapon, considered a firearm pursuant to another legal regulation, having temporary incapacitating effects;
- e) a projectile weapon not considered a firearm under Section 56 (5);
- f) a warning tape for obstructing the path of a vehicle or any other means for the forcible halting of a vehicle or for preventing a vehicle from departing;
- g) driving back with a vehicle;

- h) driving back with a shield;
- i) driving back with a horse;
- j) a police dog;
- k) water cannon;
- l) stun grenades;
- m) striking with a firearm;
- n) threat by aiming a firearm;
- o) warning shot;
- p) handcuffs;
- q) means of disorientation

The Binding Instruction of the Police President No. 156/2008 on security, allocating and carrying of service weapons and ammunition in the Police of the Czech Republic results from the Act on the Police according to which it determines conditions for issuing and carrying weapons used within the police service.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

- see point VIII.1

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

These are defined in Act. No. 119/2002 Coll. on firearms and ammunition as amended.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

In accordance with international bilateral agreements on police cooperation, officers from another State are generally allowed to carry their service weapons and other means of coercion. They have the right to use the service weapon and other means of coercion for private defence (AT, DE, SK, PL) and in cases of extreme emergency (SK, AT, DE).

Use of a weapon according to Act No. 273/2008 Coll. on the Police of the Czech Republic - Section 56

- (1) A police officer shall be entitled to use a weapon
 - a) in necessary defence or in a situation of extreme necessity;
 - b) if a dangerous offender against whom the officer is intervening ignores the officer's demand to surrender or is reluctant to leave his/her hiding place;
 - c) in order to prevent the escape of a dangerous offender whom the officer cannot stop in any other way;
 - d) if there is no other way to break active resistance designed to frustrate the police officer's intervention in a serious situation,
 - e) in order to avert a dangerous attack posing a threat to a guarded or protected building or place;
 - f) if there is no other way to halt a vehicle the driver of which is, by his/her reckless driving, seriously endangering the life or health of others and who fails to stop upon a repeated warning or signal given to him/her pursuant to a special regulation;
 - g) if a person against whom coercive means have been used in the form of a warning shot or a threat to use a firearm fails to obey the officer's command aimed at protecting the officer's own security or the security of another person; or
 - h) if there is a need to incapacitate an animal endangering the life or health of a person.

- (2) The use of a weapon by a police officer in the cases referred to in paragraph (1) (a) to(f) shall be admissible only if the use of coercive means would apparently be ineffective.
- (3) Prior to using a weapon in the cases referred to in paragraph (1) (a) to(e), a police officer shall be obliged to warn the person against whom he/she is intervening that failure to refrain from the unlawful conduct will result in a weapon being used. Such a warning is not necessary where the life or health of a police officer or any other person is endangered and the intervention cannot be delayed.
- (4) When using a weapon, a police officer shall take the necessary care, in particular, not to endanger the life of other persons, and to spare, as far as possible, the life of the person against whom he/she is intervening.
- (5) Under this Title a weapon shall mean a firearm including ammunition and any accessories, with the exception of a throwing device having the nature of a shooting weapon in accordance with another legal regulation but with temporary incapacitating effects. A weapon shall also mean a pointed and edged weapon, explosive, special explosive object, explosives used to clear the way, and special charges and cartridges.

Extreme emergency

The term is defined in Section 28 of the Criminal Code. According to this definition, an otherwise criminal act by which someone averts an imminent danger to an interest protected by the Criminal Code is not a crime. It does not qualify as a case of extreme emergency if under the circumstances it would have been possible to avert the danger in another way or if the result of the act is clearly equally serious as or more serious than the result that would have ensued from the threatened danger.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

"Private defence" – means legitimate self-defence or defence of others

The term is defined in Section 29 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.

VIII.2 "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 dependencies. Entering a home and other premises not accessible to the public is possible only in cases specified by special legislation.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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DENMARK

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers
 - Police officers
 - Customs officers responsible for combating illegal trafficking in narcotic and psychotropic drugs, weapons and explosives, and the illicit transportation of toxic or hazardous waste.
 - I.2 designated authorities (specify for incoming and/or outgoing requests)

Contact details of the central authority responsible for forwarding requests for judicial and operational assistance:

Danish National Police
National Centre of Investigation
,Anker Ejby Industrivej 125-135
DK-2600 Glostrup
Tel.: +45 4515 4200
Fax: +45 3332 2771
E-mail: interpol@interpol.dk

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

II. Controlled deliveries

- contact points

Danish National Police
National Centre of
Investigation , Anker
Ejby Industrivej 125-
135
DK-2600 Glostrup
Tel.: +45 4515 4200
Fax: +45 3332 2771
E-mail: interpol@interpol.dk

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

- Police
- Customs officers responsible for combating illegal trafficking in narcotic and psychotropic drugs, weapons and explosives, and the illicit transportation of toxic or hazardous waste.

III.2 designated authorities

Danish National Police
National Centre of Investigation
Ejby Industrivej 125-135
DK-2600 Glostrup
Tel.: +45 4515 4200
Fax: +45 3332 2771
E-mail: interpol@interpol.dk

III.3 authorities to be contacted in border regions when the crossing border

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

- Copenhagen Police, Politigården, 1567 Copenhagen V
Tel.: +45 3312 0114
+45 3314 1448
Fax: +45 3521 0081

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

– South Jutland Police, Kirkegade 76, 6700 Esbjerg

Tel.: +45 7512 4332

+45 7611 1448

Fax: +45 5642 0001

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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 Oresund link)

- the Swedish authorities have the right to continue an ongoing pursuit into Danish territory along the Oresund link;
- hot pursuit along the Oresund 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 Oresund link in accordance with Article 41(2)(b) of the Schengen Convention;
- 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 Oresund link;
- hot pursuit beyond the Oresund link may be carried out in respect of the offences listed in Article 41(4)(b) of the Schengen Convention;
- when carrying out hot pursuit beyond the Oresund link, the Swedish authorities do not have the right to apprehend persons within Danish territory.

(b) The border with Germany:

Under the provisions laid down in Article 41 (2), (3) and (4) of the Schengen Convention, 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) of the Schengen Convention.

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. Under section 755(1) and (2), of the Danish Administration of Justice Act:

- (1) The police can arrest a person who on reasonable grounds is suspected of a criminal offence, which is prosecuted by the State, and the arrest must be considered necessary to prevent additional criminal offences, to secure his temporary presence or to prevent his contact with others.
- (2) The same authority is vested in any person who comes upon someone in the course of or in direct connection with the perpetration of a criminal offence, which is prosecuted by the state. The arrestee must be handed over to the police as soon as possible with information about the time of and grounds for the arrest.

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

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Danish National Police National Centre of Investigation (NEC)

Ejby Industrivej 125-135 DK-2600 Glostrup

Tel.: +45 4515 4200

Fax: +45 3332 2771

E-mail: interpol@interpol.dk

IV.2 procedure

The operation has to be the subject of a written agreement. The written agreement should indicate :

- the Member State authorities which are competent concerning the operation - the specific purpose of the operation
- the host Member State where the operation takes place
- the geographical area in the host Member State, where the operation takes place
- the period that the operation concerns
- the specific assistance that the initiating Member State has to provide to the host Member State, inter alia officers or other officials plus material and financial elements
- the officers who take part in the operation
- the officers who are going to run the operation
- the executive powers conferred on the officers and other officials of the seconding Member States during the operation
- the logistical rules on transport, accommodation and security and
- the payment of the expenses in connection with the joint operation

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points

The same as in IV.1

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

– Copenhagen Police, PolitiOrden, 1567 Copenhagen V

Tel.: +45 3312 0114

+45 3314 1448

Fax: +45 3521 0081

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

– South Jutland Police, Kirkegade 76, 6700 Esbjerg

Tel.: +45 7512 4332

+45 7611 1448

Fax: +45 5642 0001

V.2 procedure

The same as in IV.2

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Danish National Police National Centre of Investigation (NEC)

Ejby Industrivej 125-135 DK-2600 Glostrup

Tel.: +45 4515 4200

Fax: +45 3332 2771

E-mail: interpol@interpol.dk

GENERAL

VII. Arms

VII.1 definition of service weapon

Only weapons provided by the police force can be used.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

The weapons issued to Danish police officers include semi-automatic pistols, short police batons (truncheons), handcuffs and pepper sprays. Emergency weapons are also used in serious situations, and include submachine guns, various gas weapons and spike barriers.

VII.3 arms, ammunition and equipment permitted and conditions for their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

Under section 15 of the Danish Act on Police Activities, the Danish police may use force

- i) with a view to preventing and averting threats to public peace and order and threats to individual and public safety,
- ii) with a view to verifying whether or not a person is in possession of a weapon,
- iii) with a view to stopping the commission of a criminal offence or in connection with the investigation and prosecution of criminal offences,
- iv) in the context of assisting other authorities,
- v) as part of the performance of control and supervision tasks and
- vi) with a view to assessing whether a child or an intoxicated, ill or helpless person is in danger.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Under section 16 (1 and (2), of the Danish Act on Police Activities:

- (1) All use of force by the police shall be necessary and reasonable and shall only take place using reasonable means that are proportionate given the interest such use of force is intended to protect. The assessment of proportionality shall include an assessment of whether or not the use of force entails a risk of injury to third parties.
- (2) Force shall be used as leniently as permitted by the given circumstances and in such a way to minimise any damage or injury.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Self-defence: The concept of self-defence is defined in section 13 of the Danish Criminal Code:

- (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.
- (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."

VIII.2 « home »

Home: The inviolability of the home is guaranteed by section 72 of the Danish Constitution. 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 understood as an area (building, etc.) which is not accessible to the public.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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.

Section 38 (6) only includes the right to stop a vehicle, and 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 relevant provisions of the Administration of Justice Act, 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.

GERMANY

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers

List of German officials authorised to exercise the right of surveillance:

Law enforcement officials of the Federal and Land police, and - solely with regard to the illicit trafficking of narcotics and arms trafficking - officials in the customs investigation service and (where agreed with other States in treaties supplementing the Schengen Convention) other customs administration staff.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Details of the central authority:

- Bundeskriminalamt [Federal Criminal Police Office] (Interpol NCB)
65173 Wiesbaden,
Tel.: +49 611.55-13101 (24h),
Fax: +49 611.55-12141 (24h),
E-mail: mail@bka.bund.de

Competent authorities in neighbouring States may also - in addition to the a.m. submission to the Bundeskriminalamt - submit requests in connection with cross-border surveillance, in particular in urgent cases, directly to the competent Land criminal investigation offices or to the competent Police (and Customs) Co-operation Centre (PCCC). If necessary, the authorities contacted will come to an agreement with other competent bodies.

Conversely, requests issued by the competent Land criminal investigation offices or the competent Police (and Customs) Co-operation Centre (PCCC) - after prior agreement with other competent bodies where necessary - may, where appropriate, be forwarded directly to the competent bodies in the neighbouring States responsible for cross-border surveillance.

Any derogating rules contained in bilateral or multilateral conventions or agreements between the EU Member States take precedence over the aforementioned general procedure.

For customs-related matters:

Zollkriminalamt [Customs Criminal Investigation Office]
Bergisch-Gladbacher-Str. 837, 51069 Köln
Tel.: +49 221/672-0
Fax: +49 221/672-4500

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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 within the territory of the Federal Republic of Germany 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 there is an urgent requirement in connection with the performance of 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) If required, surveillance must be entrusted to the competent regional officer.

II. Controlled deliveries

Details of the central authority:

- Bundeskriminalamt [Federal Criminal Police Office] (Interpol NCB)
65173 Wiesbaden,
Tel.: +49 611.55-13101 (24h),
Fax: +49 611.55-12141 (24h),
E-mail: mail@bka.bund.de

For customs-related matters:

Zollkriminalamt, Bergisch-Gladbacher-Str. 837, 51069 Köln
Tel.: +49 221/672-0, Fax: +49 221/672-4500.

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

List of German officers authorised to exercise the right of hot pursuit

Law enforcement officials of the Federal and Land police, and - solely with regard to the illicit trafficking of narcotics and arms trafficking - officials in the customs investigation service and (where agreed with other States in treaties supplementing the Schengen Convention) other customs administration staff.

Restrictions of the right of hot pursuit in Germany:

The Federal Republic of Germany does not differentiate between its borders. In all cases in Germany, hot pursuit may be carried out under the following conditions:

- offences which may entail exercise of the right of hot pursuit:
except where the person concerned has escaped from prison, hot pursuit may be carried out in Germany if the person is caught in the act of committing an extraditable offence or if the person is caught while participating in such an offence (Artikel 41(4)(b) of the Schengen Convention).
- Hot pursuit is restricted neither in time nor territorially.

The officers have the right to stop and question the prosecuted person.

III.2 designated authorities (if applicable)

N/A

III.3 authorities to be contacted in border regions when crossing the border

Liaison authority to be contacted on crossing the border (subject to the conclusion of further bilateral agreements pursuant to Article 39(4) of the Schengen Convention)	
	Authority
Baden-Württemberg	<ul style="list-style-type: none"> • Landeskriminalamt Baden-Württemberg, Taubenheimstraße 85, 70372 Stuttgart, Tel.: +49(0)711/5401-0, Fax: +49(0)711/5401-3355, E-mail: stuttgart.lka@polizei.bwl.de • Polizeipräsidium Konstanz, Benediktinerplatz 3, 78467 Konstanz, Tel.: +49(0)7531/995-0, Fax: +49(0)7531/995-1540, E-mail: konstanz.pp@polizei.bwl.de • Polizeipräsidium Tuttlingen, Stockacher Straße 158, 78532 Tuttlingen, Tel.: +49(0)7461/941-0, Fax: +49(0)7461/941-682, E-mail: tuttlingen.pp@polizei.bwl.de • Polizeipräsidium Freiburg, Bissierstraße 1, 79114 Freiburg, Tel.: +49(0)761/882-0, Fax: +49(0)761/882-3399, E-mail: freiburg.pp@polizei.bwl.de • Polizeipräsidium Offenburg, Prinz-Eugen-Straße 78, 77654 Offenburg, Tel.: +49(0)781/21-0, Fax: +49(0)781/211490, E-mail: offenburg.pp@polizei.bwl.de • Gemeinsames Zentrum der deutsch-französischen Polizei- und Zollzusammenarbeit Hafenstr. 5; 77694 Kehl Tel.: +49 (0)7851/8895-444, Fax: +49 (0)7851/8895-448 E-mail: centro.lz@gz-kehl.bwl.de • Bundespolizeidirektion Stuttgart, Wolfgang Brumme Allee 52; 71034 Böblingen Tel.: +49 (0)7031-2128-0 E-mail: bpold.stuttgart@polizei.bund.de
Bayern	<p><u>Police headquarters</u></p> <p>Niederbayern, -Einsatzzentrale-, Wittelsbacherhöhe 9/11, D-94315 Straubing Tel.: +49 (0) 9421-868-0; Fax: +49 (0) 9421-868-1429, E-mail: pp-nb.ez@polizei.bayern.de</p> <p>Oberbayern Süd, -Einsatzzentrale –, Kaiserstr. 32, D-83022 Rosenheim Tel.: +49 (0) 8031 200-1210 or –1215, Fax: +49 (0) 8031 200-1299 E-mail: pp-obs.pp.ez@polizei.bayern.de</p> <p>Schwaben Süd/West, -Einsatzzentrale-, Auf der Breite 17, D-87439 Kempten Tel.: +49 (0) 831 9909-1401, Fax: +49 (0) 831 9909-1499 E-mail: pp-sws.pp.ez@polizei.bayern.de</p> <ul style="list-style-type: none"> • Gemeinsames Zentrum der deutsch-tschechischen Polizei- und Zollzusammenarbeit Weinbergstraße 47; 92421 Schwandorf Tel.: +49 (0)9431 / 8811555 (24h), Fax: 09431 / 8811599 E-mail: gz.schwandorf@polizei.bund.de or gz.schwandorf@polizei.bayern.de • Bundespolizeidirektion München; Infanteriestraße 6; 80797 München Tel.: +49 (0) 89-12149-0 E-mail: bpold.muenchen@polizei.bund.de

Berlin	<ul style="list-style-type: none"> • Lagezentrum der Polizei Berlin, St LZ 11- Dauerdienst, Platz der Luftbrücke 6, 12101 Berlin, Tel.: +49 30 4664 907 110, Fax: +49 30 4664 907 199, E-mail: STLZ11Dauerdienst@polizei.berlin.de • Bundespolizeidirektion Berlin, Schnellerstraße 139A/140 12439 Berlin – Tel.: +49(0) 30-91144-0 E-mail: bpold.berlin@polizei.bund.de
Brandenburg	<ul style="list-style-type: none"> • Polizeipräsidium Land Brandenburg Einsatz- und Lagezentrum, Lagedienst Kaiser-Friedrich-Straße 143, 14469 Potsdam Tel.: +49 (0) 331 - 283 - 4016, Fax: +49 (0) 331 - 283 - 4019 E-mail: lagezentrum@polizei.brandenburg.de • Bundespolizeidirektion Berlin, Schnellerstraße 139A/140 12439 Berlin; Tel.: +49 (0) 30-91144-0 E-mail: bpold.berlin@polizei.bund.de • Gemeinsames Zentrum der deutsch-polnischen Polizei- und Zollzusammenarbeit c/o. Polizeidirektion Ost Nuhnenstraße 40 15234 Frankfurt (Oder), Tel.: +49 335 - 561 - 3738, Fax: +49 331 - 283 - 461 500 23 Tel.: +49 335 - 5566 - 401, Fax: +49 335 - 5566 - 448 E-mail: gzswiecko.ppbdps@polizei.brandenburg.de (24 h) E-mail: gz.swiecko@polizei.bund.de (24 h)
Bremen	<ul style="list-style-type: none"> • Polizei Bremen, Lagezentrum, In der Vahr 76, 28329 Bremen, Tel.: +49 421 362 1854, Fax: +49 421 362 1759, E-mail: office@polizei.bremen.de • Bundespolizeidirektion Hannover, Möckernstraße 30, 30163 Hannover, Tel.:+49 511 676 750, Fax: +49 511 676 751 110 E-mail: bpold.hannover@polizei.bund.de
Hamburg	<ul style="list-style-type: none"> • Direktion Einsatz, DE 11, Lagezentrum Bruno-Georges-Platz 1; 22297 Hamburg, Tel.: +49 (0) 40 4286.660-55, Fax: -39; E-mail: lagezentrum@polizei.hamburg.de • Bundespolizeidirektion Hannover Möckernstraße 30, 30163 Hannover Tel.: +49 (0) 511 676 75-0, Fax: +49 (0) 511 676 75-1110 E-mail: bpold.hannover@polizei.bund.de
Mecklenburg-Vorpommern	<ul style="list-style-type: none"> • Polizeipräsidium Neubrandenburg Darrenstraße 3, 17033 Neubrandenburg Tel.: +49 (0)395-558 20 Fax: +49 (0)395-558 2026 E-mail: epost-pp.neubrandenburg@polmv.de • Landeswasserschutzpolizeiamt Mecklenburg-Vorpommern Hohen Tannen 10; 18196 Waldeck Tel.: +49 (0)38208 – 887 3111 (control centre) Fax: +49 (0)38208 – 887 3116 E-mail: lwspa@polmv.de • Landeskriminalamt Mecklenburg-Vorpommern Retgendorfer Straße 9; 19067 Rampe Tel.: +49 (0)3866 – 649 003 (situation and information centre) Fax: +49 (0)3866 – 649 004 E-mail: lka-mv@polmv.de • Bundespolizeidirektion Bad Bramstedt, Raaberg 6, 24576 Bad Bramstedt Tel.: +49 (0) 4192 502-0, Fax: +49 (0) 899 698 E-mail: bpold.badbramstedt@polizei.bund.de

Niedersachsen	<ul style="list-style-type: none"> • Regionale Verbindungsstelle Niedersachsen, Brockhauser Weg 21; 49809 Lingen, Tel.: +49 591.87-211, Fax: -259, E-mail: rvst@pd-os.polizei.niedersachsen.de <ul style="list-style-type: none"> •1) Outside office hours: Polizeidirektion Osnabrück, Leitstelle TEUTO, Kollegienwall 6-8, 49074 Osnabrück, Tel.: +49 541 327 1219, Fax: +49 511 9695 629 273, E-mail: euro@pd-os.polizei.niedersachsen.de •2) Hot pursuit across sea borders - WSP-Leitstelle Cuxhaven c/o Wasser- und Schifffahrtsamt, Am alten Hafen 2, 27472 Cuxhaven, Tel.: +49 4721 567 389, Fax +49 4721 554 744, E-mail: wsp-1st@cux.wsd-nord.de - Wasserschutzpolizeikommissariat Emden, Am Seemannsheim 4, 26723 Emden, Tel.: +49 4921 903 3330, Fax: +49 4921 9033 3150 • Bundespolizeidirektion Hannover Möckernstraße 30, 30163 Hannover Tel.: +49 (0) 511 676 75-0, Fax: +49 (0) 511 676 75-1110 E-mail: bpold.hannover@polizei.bund.de
Nordrhein-Westfalen	<p>In general there is one central department in charge of cross-border operations: Landesleitstelle beim Landesamt für Zentrale Polizeiliche Dienste (LZPD NRW), Schifferstrasse 10, 47059 Duisburg Tel.: + 49.(0) 203-4175-4600, Fax: + 49.(0) 203-4175-4699 E-mail: landesleitstelle.lzpd@polizei.nrw.de</p> <p>Also the district police authorities can be contacted:</p> <ul style="list-style-type: none"> • Aachen, Hubert-Wienen-Str. 25, 52070 Aachen, Tel.: 49.241.9577-10222, Fax: -10225, Email: poststelle.aachen@polizei.nrw.de • Borken, Burloer Str. 91, 46325 Borken., Tel.: 49.2861.900-4200, Fax: -4209, Email: poststelle.borken@polizei.nrw.de • Euskirchen, Kölner Str. 76, 53879 Euskirchen., Tel.: 49.2251.799-290, Fax: -259, Email: poststelle.euskirchen@polizei.nrw.de • Heinsberg, Carl-Severing-Straße 1, 52525 Heinsberg, Tel.: 49.2452.920-2651, Fax:-2659, Email: poststelle.heinsberg@polizei.nrw.de • Kleve, Kanalstr. 7, 47533 Kleve, Tel.: 49.2821.504-1160, Fax: -1165, Email: poststelle.kleve@polizei.nrw.de • Krefeld, Nordwall 1-3, 47798 Krefeld., Tel.: 49.2151.634-3421, Fax: -3429, Email: poststelle.krefeld@polizei.nrw.de • Mönchengladbach, Theodor-Heuss-Str. 149, 41065 Mönchengladbach, Tel.: 49.2161.29-2922, Fax: -2939, Email: poststelle.moenchengladbach@polizei.nrw.de • Münster, Friesenring 43, 48147 Münster, Tel.: 49.251.275-2500, Fax: -2497, Email: poststelle.muenster@polizei.nrw.de • Viersen, Lindenstr. 50, 41747 Viersen, Tel.: 49.2162.377-1150, Fax: -1155, Email: poststelle.viersen@polizei.nrw.de • Düsseldorf (Autobahnpolizei), Jürgensplatz 5 – 7, 40219 Düsseldorf, Tel.: 49.211.870-4601, Fax: -4614, Email: poststelle.duesseldorf@polizei.nrw.de • Köln (Autobahnpolizei), Walter-Pauli-Ring 2-4, 51103 Köln, Tel.: 49.221.229-3131, Fax: -3149, Email: poststelle.koeln@polizei.nrw.de • Münster (Autobahnpolizei), Friesenring 43, 48147 Münster, Tel.: 49.251.275-2500, Fax: -2497, Email: poststelle.muenster@polizei.nrw.de

	<ul style="list-style-type: none"> • Bundespolizeidirektion Sankt Augustin, Bundesgrenzschutzstraße 100, 53757 Sankt Augustin-Hangelar Tel.: +49 (0) 2241-238-0, Fax: +49 (0) 2241-238-1199 E-mail: bpold.sanktaugustin@polizei.bund.de
Rheinland-Pfalz	<p>Police headquarters</p> <ul style="list-style-type: none"> • Trier, Südallee 3, 54290 Trier, Tel.: +49 651 9779-0, Fax: -1339 Email: pptrier.flz@polizei.rlp.de • Rheinpfalz, Wittelsbachstr. 3, 67061 Ludwigshafen, Tel.: +49 621 963-0, Fax: -1555, Email: pprheinpfalz.pvd@polizei.rlp.de • Westpfalz, Logenstr. 5, 67655 Kaiserslautern, Tel.: +49 631 369-0, Fax: -1290 Email: ppwestpfalz.pvd@polizei.rlp.de • Bundespolizeidirektion Koblenz, Roonstraße 13, 56068 Koblenz Tel.: +49 (0) 261 399-0, Fax: +49 (0) 261 399-280 E-mail: bpold.koblenz@polizei.bund.de • Gemeinsames Zentrum der Polizei- und Zollzusammenarbeit in Luxemburg Cité Policière, Route des Trèves, L-2632 Luxembourg-Findel Tel.: +35 226 124 200, Fax: +35 226 124 298, E-mail: DE@ccpd.etat.lu
Sachsen	<ul style="list-style-type: none"> • Polizeidirektion Dresden, Führungs- und Lagezentrum, Schießgasse 7, 01067 Dresden, Tel.: (+49) 0351 / 483 – 101, Fax: (+49) 0351 / 483 - 107 • Polizeidirektion Chemnitz-Erzgebirge, Führungs- und Lagezentrum, Hartmannstraße 24, 09113 Chemnitz, Tel.: (+49) 0371 / 387 – 100 Fax: (+49) 0371 / 387 - 106 • Polizeidirektion Südwestsachsen, Führungs- und Lagezentrum, Lessingstraße 17-21, 08058 Zwickau, Tel.: (+49) 0375 / 428 – 100, Fax: (+49) 0375 / 428 - 106 • Polizeidirektion Oberes Elbtal-Osterggebirge, Führungs- und Lagezentrum, Stauffenbergallee 18, 01099 Dresden, Tel.: (+49) 0351 / 6524 – 101, Fax: (+49) 0351 / 6524 - 17 2201 • Polizeidirektion Oberlausitz-Niederschlesien, Führungs- und Lagezentrum, James-von-Moltke-Straße 7, 2826 Görlitz, Tel.: (+49) 03581 / 468 – 224, Fax: (+49) 03581 / 468 - 17 106 • Landeskriminalamt Sachsen, Lagedienst, Neuländer Straße 60, 01129 Dresden, Tel.: +49 351 855 100, Fax: +49 351 855 106 • Landespolizeidirektion Zentrale Dienste Sachsen (Wasserschutzpolizei), Führungs- und Lagezentrum, Neuländerstraße 60, 01129 Dresden, Tel.: (+49) 0351 / 8501 – 100, Fax: (+49) 0351 / 8501 - 106 • Gemeinsames Zentrum der deutsch-tschechischen Polizei- und Zollzusammenarbeit Schwandorf, Arbeitsstelle Petrovice, Peterswalder Str., 01816 Berggießhübel – Bad Gottleuba, Tel.: +49 035023 / 67127 Fax: +49 035023 / 67121 • Bundespolizeidirektion Pirna, Rottwerndorfer Straße 22, 01796 Pirna Tel.: ++49 (0) 3501-795-60, Fax: ++49 (0) 3501-78 29 15 E-mail: bpold.pirna@polizei.bund.de
Saarland	<ul style="list-style-type: none"> • Landespolizeidirektion Saarland, Führungs- und Lagezentrale, Mainzer Straße 136, 66121 Saarbrücken, Tel.: +49-681-962.5133, Fax: +49-681-962.5135 • Landeskriminalamt des Saarlandes, Lagedienst, Mainzer Straße 136, 66121 Saarbrücken, Tel.: +49-681-962.3333, Fax: +49-681-962.3005 • Gemeinsames Zentrum der Polizei- und Zollzusammenarbeit in Luxemburg 73, Rue A. Fischer – L-1520 Luxemburg, Tel.: +35 226 124 200, Fax: +35 226 124 298, E-mail: DE@ccpd.etat.lu Bundespolizeidirektion Koblenz, Roonstraße, 56068 Koblenz Tel.: +49 (0) 261 399-0, Fax: +49 (0) 261 399-280 E-mail: bpold.koblenz@polizei.bund.de

Schleswig-Holstein	<ul style="list-style-type: none"> Landespolizeiamt, Gemeinsames Lage- und Führungszentrum Mühlenweg 166, 24116 Kiel, Tel.: +49-431-160- 61111, Fax: +49-431-160-61199 Bundespolizeidirektion Bad Bramstedt, Raaberg 6, 24576 Bad Bramstedt Tel.: +49 (0) 4192 502-0, Fax: +49 (0) 899 698 E-mail: bpold.badbramstedt@polizei.bund.de
Customs	Zollkriminalamt, Bergisch-Gladbacher-Str. 837, 51069 Köln Tel.: +49 221/672-0, Fax: +49 221/672-4500

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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

(a) Citizen's power of arrest

In addition to the right to detain a person, the provisions governing citizen's arrest pursuant to the first sentence of § 127, para. 1 of the 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 authorised 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

Foreign police officers authorised to exercise the right of hot pursuit in Germany under international agreements are exempt during hot pursuit within the territory of the Federal Republic of Germany 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 there is an urgent requirement in connection with the performance of 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).

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

In principle, all Land and Federal police authorities are competent to carry out joint operations pursuant to Article 17 of the Council Decision on Prüm. Against that background, and in response to corresponding requests, contact may be made either with the Federal authorities listed below or - if necessary, and in particular in direct cross-border cases - directly with the designated bodies in the relevant Länder. Where necessary, the bodies which are contacted will seek the agreement of all the competent bodies. Pursuant to Article 35(2) of the Council Decision on Prüm, any derogating rules contained in bilateral or multilateral conventions or agreements between the EU Member States take precedence over the aforementioned general procedure.

Article 17(1) and (2) are inseparably linked. For all measures implemented pursuant to paragraph 1, paragraph 2 provides that agreement must be reached in all cases on the scope of the transfer of sovereign powers, the implementation procedures and the jurisdiction of officials in the host State.

Cooperation in respect of which the agreement of the Federal Ministry of the Interior must be obtained:

Federal Ministry of the Interior

- for the Bundeskriminalamt [Federal Criminal Police Office]:

Abteilung Öffentliche Sicherheit; Terrorismusbekämpfung

Tel.: +49 (0) 1888 681-1077

Fax: +49 (0) 1888 681-2926

E-mail: poststelle@bmi.bund.de

- for the Federal Police:

Abteilung für Angelegenheiten der Bundespolizei

Alt-Moabit 101D

D-10559 Berlin

Tel.: +49 (0) 1888 681-0

Fax: +49 (0) 1888 681-1829

E-mail: poststelle@bmi.bund.de

Cooperation in respect of which the agreement of a Land Ministry of the Interior must be obtained:

Baden-Württemberg (BW)

Innenministerium Baden-Württemberg

Lagezentrum

Willy-Brandt-Straße 41

70173 Stuttgart

Tel.: +49 (0)711 231 3333

Fax: +49 (0)711 231 3399

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Einsatz- und Lagezentrum, Lagedienst

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Senator für Inneres und Sport

Polizei Bremen / Lagezentrum

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Hessen (HE)

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Lagezentrum der Hessischen Landesregierung Friedrich-Ebert-Allee 12

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Mecklenburg-Vorpommern (MV)

Ministerium für Inneres und Sport Mecklenburg-Vorpommern

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Lagezentrum

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Fax: +49 385 588 2480 (or 2481)

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Niedersachsen (NI)

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Rheinland-Pfalz (RP)

Ministerium des Innern, für Sport und Infrastruktur

- Lagezentrum -

Schillerplatz 3-5

55116 Mainz

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Saarland (SL)

Landeskriminalamt Saarland

Dezernat LKA 32

Mainzer Straße 136

D-66121 Saarbrücken

Tel.: +49 (0) 681 962-3370

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Sachsen-Anhalt (ST)

Ministerium für Inneres und Sport des Landes Sachsen-Anhalt

Lagezentrum

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39112 Magdeburg

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Schleswig-Holstein (SH)

Landespolizeiamt

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Fax: +49 361 37 93 686

E-mail: Lagezentrum@tim.thueringen.de

IV.2 procedure

See IV.1.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

See IV.1.

V.2 procedure [if different from IV]

See IV.1.

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA, see 9749/09 ENFOPOL 117)

Contact points for the special Federal units:

<ul style="list-style-type: none">- GSG 9 in the Federal Police- Bundeskriminalamt [Federal Criminal Police Office]	Bundesministerium des Innern Lagezentrum Alt-Moabit 101 D 10559 Berlin Tel.: +49 30 18 681 1077 Fax: +49 30 18 681 2926 E-mail: poststelle@bmi.bund.de
<ul style="list-style-type: none">- Customs Investigation: Zentrale Unterstützungsgruppe Zoll (ZUZ)	ZollkriminalamtReferat VI 1 - Koordinierungsstelle für Spezialeinheiten - Bergisch-Gladbacher-Straße 837 51069 Köln Tel.: +49 221 672 4410/ 4415 - 4419 Fax: +49 221 672-4420 E-mail: KoSt-SE@Zollkriminalamt.de

Contact points for the special Land units:

See contact points under IV. 1.

GENERAL

VII. Arms

VII.1 definition of service weapon

Service weapons: Any weapons that are designated as service weapons under Federal and *Länder* police law. Service weapons include pistols, revolvers, submachine guns, rifles and - where classified as weapons in individual *Länder* - truncheons, riot control agents and electroshock devices.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

The arms, ammunition and equipment that may generally be used pursuant to the first sentence of Article 19(2) are as follows (certain differing regulations may exist in individual *Länder*):

Type of service weapon and ammunition of the Federal and Land police forces	Further details (e.g. calibre, bullet specifications)
Truncheon/baton	
Riot control agent dispenser/projectile	Riot control agents (OC, PAVA, CN, CS)
Pistol - Ammunition	9mm x 19 calibre - full ammunition - police ammunition (currently ACTION 1 and 4 and QD-PEP) - Full metal jacket round head bullets (soft core)
Revolver	.38 Special
Sub-machine gun - Ammunition	9mm x 19 and 4,6mm x 30 - police ammunition (currently ACTION 1 and 4 and QD-PEP) - Full metal jacket round head bullets (soft core)
Rifle - Ammunition	223 to .50 calibre - Full metal jacket bullet (soft core) - Hard core (penetrator) - Expanding bullet

Signal pistol - Ammunition	26,5mm to 40mm calibre - L/S cartridge
<i>Explosives and detonating agents</i>	<i>Explosives intended for blowing up/blowing open objects</i>
<i>Electroshock devices</i>	<i>Taser</i>

Type of equipment of the Federal and Land police forces (not exhaustive)	further details
Restraining devices	e.g. handcuffs (metal and plastic), shackles, restraint chains, straitjackets
Water cannons	Special vehicles fitted with water tanks and nozzles or fixed mountings (also used for spraying riot control agent solutions)
Mechanical barriers	e.g. barriers, wire, barbed wire, barbed tape ("NATO wire"), ropes, spiked barrier strips and other systems for stopping vehicles
Police dogs	
Police horses	
Police vehicles	Motor vehicles (including armoured special cars), aircraft, sea vessels, bicycles
Riot shields	Plastic or ballistic riot shields for specialised units

Federal Police: On the basis of an individual decree, other (additional) weapons or appliances may be authorised as means of physical force, in particular for special forces.

VII.3 arms, ammunition and equipment permitted and conditions of their use
(cf. Article 19(2) of Council Decision 2008/615/JHA)/arms, ammunition and
equipment that may not be carried or used

See the details provided in section VII.2 as regards arms, ammunition and equipment
permitted.

The conditions for the use of arms, ammunition and equipment are laid down in the
"Law on the Use of Direct Force by Federal Enforcement Officers in the Exercise of
Official Authority" (Federal Law Gazette I 1961, last amended by Article 28 V of
31.10.2006) and the corresponding Laws of the Federal Länder.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment
(cf. Article 19(4) of Council Decision 2008/615/JHA)

See VII.3.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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.

VIII.2 "home"

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.

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SPECIFIC NATIONAL MEASURES

Under the following conditions, the Federal Police and the police authorities of Baden-Württemberg, Bayern, Brandenburg, Hessen Niedersachsen, Mecklenburg-Vorpommern, Saarland, Sachsen, Sachsen-Anhalt and Thüringen have the power to carry out checks on persons without concrete reason or suspicion, which pursuant to Articles 20 to 25 of the 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 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

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 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.

Baden-Württemberg police:

§ 26(1.6) of the Baden-Württemberg Police Law (PolG BW)

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.

BayernPolice:

Article 13 (1.5) of the BayernLaw on Police Powers (PAG)

Pursuant to Article 13 (1.5) PAG, the police may check a person's identity within 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.

The Constitutional Court Bayern has interpreted the statutory wording of Article 13 (1.5) PAG as comprising certain elements which are liable to restrict activities (existence of corresponding knowledge of the situation, relevant police experience) (VerfGH 56, 28 <50>).

Art. 21 (1.2), Art. 22 (1.1 and 1.4) of the Bayern Law on Police Powers (PAG)

Further to the power to establish a person's identity pursuant to Art. 13 (1.5) PAG, Art. 21 (1.2) PAG authorises the police to search a person found in one of the locations referred to in Art. 13 (1.5) PAG. Pursuant to Art. 22 (1.1) PAG, they may search an object carried by a person who is liable to be searched pursuant to Art. 21. Pursuant to Art. 22 (1.4) PAG, they may also search an object found in one of the locations referred to in Art. 13 (1.5) PAG.

According to the case law of the Constitutional Court Bayern (VerfGH 59, 29 <43>), the rules on police searches of objects carried on an individual's person within the framework of the "Schleierfahndung" technique (Art. 22 (1.1) in conjunction with Art. 21 (1.3) and Art. 13 (1. 5) PAG) should be interpreted in such a way that the police may make use of the power to intervene only in the case of an increased abstract risk.

Notification of enforcement in relation to Art. 13 (1.5) PAG (excerpt)

Art. 13 (1.5) [PAG] confers the power to carry out controls on persons without concrete reason or suspicion in the areas laid down therein. [...] transit routes for international traffic include roads other than Federal motorways and European 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.

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 (1.6) 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 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 of the Code of Criminal Procedure.

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, waterway 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-Vorpommern Police:

§ 27a of the Law on Public Order and Safety in Mecklenburg-Vorpommern
(SOG M-V)

Police may:

1. in public traffic areas to prevent serious crime (§ 49) or
2. within 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 Order and Safety in Mecklenburg-Vorpommern (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-Vorpommern in accordance with the scope of the law.

Official explanation for § 27a of the Law on Public Safety and Order Mecklenburg-Vorpommern (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".

Niedersachsenpolice:

§ 12(6) of the Law on Public Order and Safety of Niedersachsen (Nds.SOG)

For the purpose of prosecuting or preventing serious crime with an international dimension, the police may, on the basis of police intelligence, detain briefly and question any person found in a public place, 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 (e.g. the border area or transit routes); they may be carried out throughout the land, 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.

Saarland Police:

§ 9 and § 9a 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;
- (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 is also applicable.

Sachsen Police:

§ 19 (1.5) of the Police Law Sachsen (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 Ministry of Interior Sachsen:

§ 19(2) of the Police Law Sachsen

Under § 19(2) of the Police Law Sachsen, 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.

Sachsen-Anhalt Police:

§ 14(3) of the Law on public Safety and Law and Order of Sachsen-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 or a road connecting a motorway to a service area 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.

Thüringen Police:

§ 14 (1.5) of the Police Law Thüringen (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.

ESTONIA

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: spoc@politsei.ee

- the customs officers

Estonian Tax and Customs Board

National Contact Point

Address: Lõõtsa 8a, 15176 Tallinn

Tel.: +372 676 2888

+372 676 2998

Fax: +372 676 2833

E-mail: valve@emta.ee

- I.2 designated authorities (specify for incoming and/or outgoing requests)

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: s poc@politsei.ee

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

An international **letter of request**, as well as the request form, is required for cross-border surveillance pursuant to **the Code of Criminal Procedure § 472 (1)** (*consolidated text of 13 July 2017 is available in English at the web page of the State Gazette (Riigi Teataja)*

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/513072017002/consolide>).

Items of information collected by surveillance agencies when conducting surveillance activities are state secrets and the partner must meet the requirements in order to have **a right for access to state secrets** (possess a Permit to Process State Secrets). The procedure for the protection of state secrets and classified information of Foreign States is laid down in **the Protection of State Secrets and Classified Information of Foreign States Act** (consolidated text of 19. June 2017 is available in English at the web page of the State Gazette (Riigi Teataja)

<https://www.riigiteataja.ee/en/eli/ee/527122016008/consolide/current>).

The procedure is the following:

Procedure of Protection of State Secrets and Classified Information of Foreign States

(1) With respect to information collected by surveillance agencies during surveillance, and information concerning the methods, tactics and means used for the collection of such information, the following shall be state secrets:

- 1) information collected for the purpose of witness protection in the course of surveillance. Such information shall be classified as secret for 25 years;
- 2) information collected by surveillance agencies by way of surveillance. Such information shall be classified as restricted for 25 years. Classification of such information shall expire where it is entered in the criminal file or is communicated to the person who was under surveillance, or to the person whose private or family life was violated by surveillance;

Pursuant to the § 8 of the Protection of State Secrets and Classified Information of Foreign States Act, the following are treated as **state secrets related to the maintenance of law and order**:

- 1) items of information collected by surveillance agencies when conducting surveillance activities and the methods, tactics and technical equipment used for collection thereof, except information which, if disclosed, would not damage the security of the Republic of Estonia. Such information shall be classified at the 'top secret' or lower level for a maximum period of fifty years. Classification shall expire if such information is used in a criminal file or is communicated to the person who was the subject of the surveillance, or to the person whose private or family life was violated by the activities;
- 2) items of information concerning the persons and undercover agents recruited for secret co-operation by surveillance agencies. Such information shall be classified at the 'top secret' or lower level for a maximum period of seventy-five years. Classification shall expire if twenty years have passed since the death of the person specified in this clause but not earlier than fifty years since the classification of the information;
- 3) items of information concerning police agents of surveillance agencies. Such information shall be classified at the 'restricted' level for a maximum period of seventy-five years. Classification shall expire upon use of such information in a criminal file. Classification of information not included in a criminal file shall expire if twenty years have passed since the death of a person specified in this clause but not earlier than fifty years since the classification of the information;
- 4) items of information concerning the structure, composition and tasks of the witness protection sub-unit of the Police and Border Guard Board, except information which, if disclosed, would not damage the security of the Republic of Estonia. Such information shall be classified at the 'secret' or lower level for a maximum period of fifty years;
- 5) items of information concerning the assets and distribution of the budget of the witness protection sub-unit of the Police and Border Guard Board, except information which, if disclosed, would not damage the security of the Republic of Estonia. Such information shall be classified at the 'top secret' or lower level for a maximum period of thirty years;

- 6) items of information concerning the methods and tactics of the application of witness protection, except information which, if disclosed, would not damage the security of the Republic of Estonia. Such information shall be classified at the ‘top secret’ or lower level for a maximum period of fifty years;
- 7) items of information concerning witness protection methods and tactics, applied to a specific person, except information which, if disclosed, would not damage the safety of the protected person. Such information shall be classified at the ‘top secret’ or lower level for a maximum period of seventy-five years. Classification shall expire if twenty years have passed since the death of a person specified in this clause but not earlier than fifty years since the classification of the information;
- 8) items of information concerning the national action plan for response in a state of emergency or in war-time, as described in the national crisis management plan, except information which, if disclosed, would not damage the security of the Republic of Estonia. Such information shall be classified at the ‘top secret’ or lower level for a maximum period of fifty years. Classification shall expire upon public use of such information in an emergency situation or state of war;

II. Controlled deliveries

- contact points

Estonian Tax and Customs Board

National Contact Point

Address: Lõõtsa 8a, 15176 Tallinn

Tel.: +372 676 2888

+372 676 2998

Fax: +372 676 2833

E-mail: valve@emta.ee

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: spoc@politsei.ee

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

- officers of the Police and Border Guard Board

- officers of Tax and Customs Board

III.2 designated authorities (if applicable)

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse, 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: spoc@politsei.ee

III.3 authorities to be contacted in border regions when crossing the border

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse, 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: spoc@politsei.ee

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Hot pursuit can be carried out on the territory of the Republic of Estonia by **police officers and tax and customs officers**

- without a limit in space and with a time limit of 1 hour from the moment 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).

Under the **Police and Border Guard Act** (*consolidated text of 21. June 2017 is available in English at the web page of the State Gazette (Riigi Teataja)*)

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/521062017006/consolide>

):

§ 7⁴². Cross-border pursuit

- (1) A police officer in pursuit, on the territory of his or her country, of a person apprehended upon commission of a criminal offence specified in the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p 1–20) or of an accessory to the criminal offence shall be permitted to proceed with the pursuit on the territory of another Member State of the European Union without a previously requested authorisation if:
 - 1) due to the urgency of the matter it was not possible to notify competent authorities thereof prior to the entry on the territory of the other Member State; or
 - 2) the competent authorities of the other Member State failed to arrive in time at the scene of the event to take over the pursuit.
- (2) Subsection (1) of this section shall also be applied in case the person being pursued has escaped from a penal institution while held in custody or serving an imprisonment.
- (3) Cross-border pursuit may take place only across land frontiers.
- (4) The foreign country where the cross-border pursuit shall be conducted shall be the country of location.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴³. Procedure for notifying of cross-border pursuit

- (1) A police officer shall contact immediately but not later than upon crossing the state border the competent authority of the state on whose territory the cross-border pursuit shall be conducted.
- (2) In notifying of the crossing of the state border, the pursuing police officer shall be required to notify the country of location of the following circumstances:
 - 1) the time and the place of the presumable crossing of the state border;
 - 2) the type and make of the service weapon of the police officer;
 - 3) the means of communication.
- (3) In notifying of a cross-border pursuit, the competent authority in Estonia is the Police and Border Guard Board.
- (4) The procedure for documenting operations of a police officer of a foreign state related to cross-border pursuit on the territory of Estonia shall be established by the Minister of the Interior by a regulation.

§ 7⁴⁴. Conduct of cross-border pursuit

- (1) A person being pursued shall be detained by the police officers of the country of location. In case the competent authorities of the country of location do not demand termination of the pursuit but fail to take over the pursuit quickly enough, the pursuing police officer shall detain the person and hand him or her over to a police officer of the country of location for the establishment of identity or for arrest.
- (2) In cross-border pursuit, a police officer:
 - 1) shall follow the laws of the country of location and the instructions and orders of the competent authority;
 - 2) shall be recognisable by his or her police uniform or use a police vehicle;
 - 3) shall present his or her identification in proof of the performance of functions;
 - 4) may carry a service weapon and use it only for self-protection;
 - 5) may, for ensuring safety, examine the detained person and his or her belongings and take away the items carried by the person;

- 6) may use handcuffs on the detained person in taking him or her to the police authority of the country of location;
 - 7) may not enter private premises or another place not intended for public use;
 - 8) shall appear in the police authority of the country of location after the termination of the pursuit and notify of the operations performed;
 - 9) shall remain at the disposal of the competent authority of the country of location until the circumstances related to the pursuit are sufficiently clear;
 - 10) shall assist, at the request of the competent authority of the country of location, with the conduct of the criminal proceedings after the pursuit, including the court proceedings.
- (3) Cross-border pursuit shall be terminated
 - 1) when the objective has been achieved;
 - 2) when one hour has passed since the crossing of the state border of the country of location;
 - 3) on the demand of the country of location.
 - (4) If the person detained is not a citizen of the country of location, he or she shall be released after the passing of six hours from his her detention at the latest if the competent authorities of the country of location have not received a request for the arrest of the person for the purposes of extradition or handover of the person.

The period from 12 a.m. to 9 a.m. shall not be included in the period of detention.

§ 7⁴⁵. Police officer of foreign country conducting cross-border pursuit

In case of a criminal offence committed against or by a police officer of a foreign country conducting a cross-border pursuit, he or she shall be deemed equal to a police officer of Estonia.

The form of the report of the results of cross-border pursuit pursuant to the § 7⁴³ (4) of the **Police and Border Guard Act** and under the regulation No. 64 of 14 December 2009 issued by the Minister of the Interior is the following.

<p>Piiriülese jälitamise tulemuste aruanne (täidab piiriülest jälitamist teostanud välisriigi politseiametnik)</p> <p>Report of the results of cross-border pursuit (to be completed by the pursuing officer)</p>	
<p>Piiriülest jälitamist alustanud riik/ <i>Pursuing state:</i></p> <p>Asutus/ <i>Authority:</i></p>	<p>Riigipiiri ületamise koht, kuupäev ja kellaeg/ <i>Place, date and time of border crossing:</i></p>
<p>Asukohariik/ <i>Host country:</i></p>	<p>Jälitamise piirkond/ <i>Place/Area of pursuit:</i></p>
<p>Piiriülest jälitamist toimetanud välisriigi politseiametniku(e) ees- ja perekonnanimi, ametikoht, kontaktandmed, teenistusülesannete täitmist tõendava dokumendi nimetus ja number/ <i>First name, last name, position, contacts and service badge number of pursuing officer(s):</i></p>	
<p>Transpordivahendi mudel, mark ja registreerimise number/ <i>Type of vehicle, mark and registration number:</i></p>	

<p>Teenistusrelva(de) mudel, mark, kaliiber ja number/ <i>Model, mark, caliber and serial number of service weapon(s):</i></p>	
<p><input type="checkbox"/> Kuritegu/ <i>Offence:</i></p>	<p><input type="checkbox"/> Kinnipidamiskohast põgenemine (asutuse nimetus, põgenemise aeg)/ <i>Escape from custodial institution (name of institution, time of escape):</i></p>
<p>Jälitamise tulemus/ <i>Outcome of the pursuit:</i></p>	
<p>Kinnipeetud isiku(te) ees- ja perekonnanimi, sünniaeg või isikukood ja elukohta aadress/ <i>First name, last name, date of birth or personal code and address of detainee(s):</i></p>	

Teenistusrelva kasutamine/ <input type="checkbox"/> jah/ Tagajärg (kirjeldada asjaolud)/ <input type="checkbox"/> ei/ <i>Use of service weapon: yes Outcome (describe circumstances): no</i>	
Asukohariigi politseiametniku(e) osalemine, nende roll/ <i>Participation of the host country police officer(s) (role):</i>	Piiriülese jälitamise ülevõtmise koht, kuupäev ja kellaeg/ <i>Place, date and time of take over:</i>
Esilekerkinud probleemid ja võimalikud ettepanekud nende lahendamiseks/ <i>Problems encountered and possible proposals to solve these problems:</i>	
<input type="checkbox"/> keeleprobleemid/ <input type="checkbox"/> koordineerimisprobleemid/ <input type="checkbox"/> muud probleemid/ <i>language problems coordination problems other problems</i>	
Probleemide kirjeldused, pakutavad lahendused/ <i>Description of problems, proposed solutions:</i>	
Koostaja ees- ja perekonnanimi, allkiri ja koostamise kuupäev/ <i>First name, last name and signature of the person who prepared the report and the date of preparation:</i>	

Under the § 1 (4) of the **Government Regulation** No 77 of 16. June 2011 which defines the emergency and road service vehicles, procedure for their identification and the applicable traffic rules, **the emergency and road service vehicle of the Member States of the EU is considered to be a emergency vehicle**, when performing tasks within the territory of the Republic of Estonia on the basis of an international agreement and has notified the competent authority of the Republic of Estonia.

Pursuant to this Regulation, if the blue revolving or flashing lamps of an emergency vehicle are switched on, whether with or without a siren, the driver of the vehicle may ignore the Traffic Act. Except, the driving shall not be entrusted to a person who is in a state specified in this Act and the driving of a power-driven vehicle shall not be entrusted to a person who does not hold a corresponding driving licence. The driver of an emergency vehicle has to comply with the traffic control requirements and shall ensure the road traffic safety when not complying with the Traffic Act.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse 52, 10416 Tallinn

Tel.: +372 612 3810

Fax: +372 612 3812

E-mail: spoc@politsei.ee

Estonian Internal Security Service

Address: Toompuiestee 3, 10142 Tallinn

Tel.: +372 612 1400 (office hours)

+372 512 1455 (after office hours)

Fax: +372 612 1401

E-mail: korrapidaja@kapo.ee

Estonian Tax and Customs Board

National Contact Point

Address: Lõõtsa 8a, 15176 Tallinn

Tel.: +372 676 2888

+372 676 2998

Fax: +372 676 2833

E-mail: valve@emta.ee

IV.2 procedure

Electronic communication of assistance requests is accepted.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Police and Border Guard Board

Intelligence Management Bureau (SPOC)

Address: Tööstuse 52

10416 Tallinn

Tel.: + 372 612 3810 (24h)

Fax: + 372 612 3812

E-mail: spoc@politsei.ee

GENERAL

VII. Arms

VII.1 definition of service weapon

Under the Weapons Act § 3 (1) 2), service weapons are weapons which are prescribed by law to government authorities exercising public authority, to local government bodies and authorities, and to courts in order to ensure the performance of their service duties, and to institutions of professional higher education for public defence for study purposes and for the performance of their service duties.

The police officers may use the following weapons for the performance of their tasks pursuant to **the Law Enforcement Act**:

§ 782. Service weapons

The service weapons of police officers or, in the cases provided by law, officials of another law enforcement agency are:

- 1) a firearm;
- 2) a gas weapon;
- 3) a pneumatic weapon;
- 4) a cut-and-thrust weapon;
- 5) an electric shock weapon.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Regulation No. 6 of 19 January 2009 **of the Minister of the Interior** on the subtypes of service weapons carried by armed air marshals and officials of competent authorities of the Member States and the procedure for handling service weapons and ammunition carried by officials of competent authorities of the Member States provides in § 2 the classification of service weapons which the official may use:

An official is permitted to carry the following subtypes of service weapons:

- firearm – rifle, pistol, revolver;
- gas weapon;
- cut-and-thrust weapon – baton ; telescopic truncheon;
- pneumatic weapon;

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried and used

Under **the Law Enforcement Act**, in addition to physical force and special equipment also use of weapons is allowed as a form of direct coercion.

According to § 76 (2) Direct coercion is permitted to be applied without a prior binding administrative act if the issue of the administrative act is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance.

According to § 78 (4)

Cautioning may only be neglected if cautioning is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance. Cautioning against the use of a firearm against a crowd may not be neglected.

Under § 81, the use of firearm is provided for:

(1) The police or, in the cases provided by law, another law enforcement agency may use a firearm for countering a serious threat if countering the threat by another measure of direct coercion is not possible or is not possible in a timely manner, and with the consideration that in using a firearm every effort is made in order not to jeopardise another significant benefit.

(2) The police or another law enforcement agency may only use a firearm with regard to a person as a last resort to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by using a firearm against an animal or a thing or by another measure of direct coercion and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) obstruct the commission of an imminent or already on-going violent criminal offence in the first degree or such a criminal offence for which life imprisonment may be sentenced as a punishment;
- 3) detain a suspect, accused or convicted offender or to hinder his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of it pursuant to law in relation to the commission of a violent criminal offence in the first degree or such a criminal offence for which he or she may be sentenced to life imprisonment as a punishment.

Under **the Animal Protection Act** police may use a firearm for killing of an animal who is in a helpless state as a result of an accident or emergency:

§16. Killing of animal in helpless state

An animal who is in a helpless state as a result of an accident or emergency may be killed, if survival would cause long-time suffering to the animal, or if the animal cannot be granted the mode of living appropriate for its species or if the re-introduction of the animal to its natural habitat proves to be impossible.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Regulation No. 6 of 19 January 2009 issued by **the Minister of the Interior** on the subtypes of service weapons carried by armed air marshals and officials of competent authorities of the Member States and the procedure for handling service weapons and ammunition carried by officials of competent authorities of the Member States regulates the carrying of a service weapon:

§ 4 of the regulation issued by the Minister of the Interior (19.01.2009 No 6, State Gazette 27.01.2009, 10, 120) regulates the carrying of a service weapon:

§ 4. Carrying a service weapon

- (1) An official in uniform shall carry the service weapon in a holster attached to the belt. An official in private clothes shall carry the service weapon concealed.
- (2) It is forbidden for an official carrying a service weapon to:
 - 1) hand the service weapon over to an unauthorised person;
 - 2) carry the service weapon while under the influence of alcohol, narcotic or psychotropic substances;
 - 3) carry the service weapon at a rally, demonstration, festive occasion or other public event except in connection with the performance of official duties.

§ 5. Storing a service weapon and its ammunition

- (1) The person responsible for organising a joint operation can designate a structural unit from among the police or border surveillance authorities that will store an official's service weapon and its ammunition during the time the official is not immediately involved in the joint operation.
- (2) A legal instrument regarding the depositing of a service weapon and its ammunition and the return thereof (henceforth: legal instrument) is prepared when a service weapon and its ammunition are deposited and returned. The legal instrument is filed with the police authority or border surveillance structural unit storing the weapon (Annex 1).
- (3) An official's service weapon and its ammunition are stored and returned on submission of an identity document.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Under **the Penal Code** (*consolidated text of 19. January 2017 is available in English at the web page of the State Gazette (Riigi Tetaja)*)

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/519012017002/consolide>):

§ 28. Self-defence

- (1) An act is not unlawful if the person combats a direct or immediate unlawful attack against the legal rights of the person or of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence.
- (2) A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive damage to the attacker.
- (3) An opportunity to avoid an attack or to request assistance from another person shall not preclude the right to self-defence.

VIII.2 « home »

The Constitution § 33 provides that the home is inviolable.

No one's dwelling or other premises lawfully occupied by him or her, or his or her workplace may be forcibly entered or searched, except in the cases and pursuant to a procedure provided by law to protect public order, public health or the rights and freedoms of others, to prevent a criminal offence, to apprehend the offender, or to ascertain the truth in a criminal case.

Estonian legislation does not use the definition "private home". "Dwellings" or "living quarters" are defined as residential buildings or apartments used for permanent residence. This definition may be extended to any other separate room that meets the requirements laid down for a dwelling. It may be a garage, cellar, caravan, etc. as well as public institutions, offices, etc.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

Pursuant to the provision of **the Law Enforcement Act**, the competent authority of other country may be involved in ensuring public order on the territory of the Republic of Estonia on the basis of **the international agreement or the EU legal act**.

Extract from **the Law Enforcement Act** (*consolidated text of 7 December 2016 is available in English at the web page of the State Gazette (Riigi Teataja)*

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/507122016001/consolide>):

§ 3. International cooperation

(1) Under an international agreement or legislation of the European Union a competent administrative authority of another state or a competent authority of the European Union may be involved in ensuring public order on the territory of the Republic of Estonia. The involvement of an official of a competent authority of another state in the activities of a law enforcement agency is decided by the relevant minister unless otherwise provided by the international agreement or legislation of the European Union. On the territory of the Republic of Estonia the involved authority has the competence and powers provided by the legislation of the European Union or international agreement.

(11) An official of a competent authority of another state who engages in the activities of the police may apply the measures provided by sections 30, 32, 39, 46, 47 and 49¹ of this Act on the territory of the Republic of Estonia unless otherwise provided by law, an international agreement or legislation of the European Union.

¹ § 30 Questioning and requiring of documents; § 32. Establishment of identity; § 39. Taking of person to office and health care provider for establishment of intoxication by alcohol; § 46. Detention of person; § 47. Security check; § 49. Examination of movable

GREECE

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - All the competent Services of the Hellenic Police.
 - Customs Authorities, depending on their competence.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Hellenic Police / International Police Cooperation Division/ SIRENE Section

Tel.: +30 210 6998262

Fax: +30 210 6998264 & +30 210 6998265

E-mail: sirene@astynomia.gr

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

....

II. Controlled deliveries

- contact points

S.O.D.N. (Coordination Agency for Illicit Drug Trafficking)

Tel.: +30 210 6982817

Fax: +30 210 6917910

E-mail: sodn.emp@minocp.gov.gr

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- All the competent Services of the Hellenic Police.
- Customs Authorities, depending on their competence.

III.2 designated authorities (if applicable)

Hellenic Police / International Police Cooperation Division/ SIRENE Section

Tel.: +30 210 6998262

Fax: +30 210 6998264 & +30 210 6998265

E-mail: sirene@astynomia.gr

III.3 authorities to be contacted in border regions when crossing the border

Greece does not yet enforce Article 41 due to the lack of common land borders with Member-States that fully apply the Schengen aquis.

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

....

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

...

IV.2 procedure

...

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Hellenic Police / International Police Cooperation Division/ European and International Affairs Section

Tel.: +30 213 1520563

Fax: +30 213 1527714

E-mail: registry@ipcd.gr

V.2 procedure [if different from IV]

The Hellenic authority responsible for receiving and addressing a request to carry out joint patrols is the European and International Affairs Section of the International Police Cooperation Division/Hellenic Police Headquarters.

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Hellenic Police /Special Police Forces Division/ Special Counter Terrorism Unit (EKAM)

Tel.: +30 22990 25697

Fax: +30 22990 25485

E-mail: ekam@otenet.gr

GENERAL

VII. Arms

VII.1 definition of service weapon

According to Articles 1 and 2 of Law 3169/2003:

[Individual service weapon is the weapon the police officer is issued with by his/her agency to have in his/her possession while on duty. Individual private weapon is the weapon whose ownership belongs to the police officer. The individual private weapon the police officer carries while on duty is considered as a service weapon.]

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

List of arms and ammunition used by the Hellenic Police:

No	ARMS	AMMUNITION
1.	H.K. 21 A1 machine guns	7.62 X 51
2.	F.N./MAG machine guns	7.62 X 51
3.	H.K. 11 A1 light machine guns	7.62 X 51
4.	FN FALO light machine guns	7.62 X 51
5.	H.K. G3 rifles	7.62 X 51
6.	F.N. FAL PARA rifles	7.62 X 51
7.	STYER rifles	7.62 X 51
8.	RUGER rifles	7.62 X 51
9.	KALASHNIKOV rifles	7.62 X 39
10.	M16 rifles	5.56 X 45
11.	H.K. MP5 submachine guns	9 X 19
12.	FN P90 submachine guns	5.7 X 28
13.	REMINGTON carbines	12 Gauge
14.	WINCHESTER carbines	12 Gauge
15.	CZ 75 & 85 pistols	9 X 19
16.	H.K. USP pistols	9 X 19
17.	SMITH & WESSON 910 pistols	9 X 19
18.	SHINX A.T. 2000 pistols	9 X 19
19.	GLOCK 21 pistols	.45 AUTO
20.	SIG SAUER pistols	.357 SIG

21.	FN FIVE SEVEN pistols	5.7 X 28
22.	SMITH & WESSON revolvers	.357 Magnum
23.	RUGER revolvers	.357 Magnum
24.	F TAURUS revolvers	.357 Magnum
25.	MANURHIN revolvers	.357 Magnum
26.	SMITH & WESSON revolvers	.38 SPL
27.	F TAURUS revolvers	.38 SPL
28.	SMITH & WESSON revolvers	.38 Short

Besides the aforementioned arms and ammunition, the equipment of the Hellenic Police also includes bulletproof vests, bulletproof shields, protective helmets, anti-riot shields, handcuffs, batons and TASER devices.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

According to Article 2 of Law 3169/2003:

1. *The police officer is permitted to have in his/her possession and carry the weapon he/she has been trained to use, provided he/she is deemed physically and mentally fit. The police officer carries the weapon in compliance with the national legislation (Presidential Decree 141/91). The police officer shall always carry his/her individual weapon while on duty and he/she is permitted to carry it while off duty. He/she shall not carry a weapon in exceptional cases, according to the national legislation (Article 9 of Law 2168/1993), if forbidden by the elections legislation and following an order. This order is given if it is deemed that, in this particular case, to carry weapons is not necessary or endangers the mission or the safety of the officer or citizens or the safe custody of weapons.*
2. *The police officer, while off duty or when he/she is not permitted to carry a weapon while on duty, may hand over his/her individual service weapon to his/her agency for safe custody.*
3. *The officer is forbidden to carry a weapon if he/she is on long-term sick leave or does office work or has been made permanently redundant for disciplinary reasons or has been placed under temporary suspension or permanent suspension from duty or has been deemed unfit to carry a weapon.*

4. *The police officer should hand over his/her individual service weapon to his/her agency:*
- (a) *when he/she is forbidden to carry a weapon, unless, for special reasons related to his/her safety, the Chief of the Hellenic Police allows him/her to carry a weapon;*
 - (b) *when he/she has been brought to justice for any offence provided for by this Law (3169/03) or Law 2168/1993 or when he/she has been sentenced, even with a final decision, for breaking the aforementioned laws. In the latter case, the officer shall not carry a weapon for a period of two (2) years from the time he/she hands over his/her weapon.*
If, before the completion of this two-year period, the officer is discharged or acquitted by a final decision, his/her weapon is returned to him/her.
 - (c) *when he/she is ordered to do so by his/her commander or the latter's superiors, because there are grave indications of misuse or negligent storage of his/her weapon, in particular due to health reasons or infringement of safety regulations and measures. If the misuse of the weapon is due to psychological reasons, the opinion of the agency's psychologist is required, if available. The officer may appeal against the aforementioned order before the superior of the person who issued the order within ten (10) days. The deadline and the appeal against the order do not suspend the order. The order shall cease to be effective at the end of a three-month period beginning on the date of its issuance. The Chief of the Hellenic Police may extend the order by three (3) more months. If the indications of misuse are due to psychological reasons, the Chief may refer the police officer before the Committee provided for in Article 4 of Law 3169/03 (Health Committee).*
 - (d) *When his/her ability in weapons handling has not been established during the regular training period.*
 - (e) *When he/she is characterized as unfit to bear arms, in accordance with the provisions of Article 4/paragraphs 2 and 5 (Evaluation by the Health Committee).*
 - (f) *When his/her service capacity comes to an end.*

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

According to Article 3 of Law 3169/03:

1. *The police officer may, while on duty, deploy the firearm, where there is a risk of an armed attack against him/her or other people.*
2. *The police officer may use a firearm, if this is necessary for the performance of his/her duty, and if the following conditions are met:*
 - (a) *All means less severe than gunfire are exhausted, unless these means are not available or operational in the event in question. "Less severe means" are usually advice, commands, the use of barriers, physical force, a baton, chemicals approved for such use or other special means, a warning of the officer's intent to use a firearm, and a threat of use of a firearm.*
 - (b) *The police officer has stated his/her authority and has given a clear and understandable warning of the imminent use of a firearm, giving sufficient time for a response, unless to do so would be futile under the specific circumstances or would heighten the risk of death or bodily harm.*
 - (c) *The use of a firearm does not constitute excessive force when compared to the type of harm threatened and the seriousness of the threat.*
3. *When the conditions of the above paragraph are met, a less severe use of a firearm is required, unless to do so would be futile under the specific circumstances or would heighten the risk of death or bodily harm. A "less severe use of a firearm" is its use to such an extent as to cause the least possible, and only necessary damage. (Depending on the target, gunshots are classified as follows: (a) gunshots to intimidate, when the purpose is not to hit a target, (b) gunshots at objects, when objects are targeted, (c) gunshots to immobilise, when non-vital areas of the human body, especially the lower limbs, are targeted, and (d) gunshot to neutralise the threat, when a person is targeted and death can occur.*

4. *Gunshots to intimidate and gunshots at objects are permitted, especially in the case of danger from an animal or as a warning of the officer's intent to shoot a person, provided all necessary measures have been taken so that no person is injured by bullets missing the target or by ricocheted bullets. Gunshots at vehicles which may result in injury to passengers are permitted only under the conditions of the next paragraph.*
5. *Gunshots to immobilise are permitted, if they are necessary in order to:*
 - (a) *repel an armed attack, if the attack has already started or is about to start and any delay to respond makes defence ineffective;*
 - (b) *prevent a felony committed with the use or under the threat of physical violence from being committed or from continuing to be committed;*
 - (c) *arrest a person who has been convicted or is awaiting trial or is pursued and caught in the act of committing a felony or a misdemeanour, if he/she resists arrest by the police officer and there is immediate danger of an arm being used;*
 - (d) *prevent the illegal entry to or exit from the country of persons who practise trafficking in human beings or objects and carry weapons such as those referred to in Law 2168/1993 (a weapon is any machine that, with the use of a propellant force produced in any way, launches a bullet or chemical substances or rays or flames or gases and can cause injury or damage to objects or cause a fire, in particular any firearm, hand grenade or mine of any type, as well as any device that can produce the aforementioned effects in any way).*
 - (e) *protect public utilities or areas where objects that are dangerous to public health or public order or crime evidence are stored, if their storage is the responsibility of the police officer and there is imminent risk of a violent entry, attack or removal of the objects guarded by an armed person;*
 - (f) *prevent the escape of a prisoner or the attempt to free a prisoner through the use of an armed attack;*
 - (g) *protect a police officer from being disarmed while on duty.*

6. *Gunshots to neutralise are permitted, if they are necessary in order to:*
 - (a) *repel an attack that may result in death or grievous bodily injury,*
 - (b) *rescue hostages who run the risk of death or grievous bodily injury.*
7. *Gunshots to immobilise or neutralise are forbidden:*
 - (a) *if there is imminent danger of killing people due to bullets missing their target or ricocheted bullets,*
 - (b) *if they are used against an armed crowd, where there is imminent danger of hurting unarmed people,*
 - (c) *if they are used against a minor, unless they are the only means to avoid death. A minor is any person under 18 years of age,*
 - (d) *if they are used against a person who runs away when asked to undergo a legitimate check.*
8. *When police officers act within a team, the use of firearms requires an order by the head of the team, unless the police officer is under attack which may result in grievous bodily injury or death.*
9. *An order for the use of a firearm which is given by a superior and is unconstitutional or obviously unlawful does not dispel the illegitimate character of the officer's action.*
10. *Any case of firearms use by a police officer should immediately be referred to the competent Police and Judicial authority.*

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

According to Articles 22, 23 and 24 of the Penal Code,

1. *An act committed in self-defence is not unjustified.*
2. *Self-defence is a necessary assault by an individual as a defence against an unjustified and immediate attack directed against him/her or another.*
3. *The necessity of self-defence shall be determined by the degree of danger posed by the attack, the extent of the threatened harm, the manner and intensity of the attack and other circumstances.*
4. *Anyone who intentionally exceeds the limits of self-defence shall be punished by a lesser punishment; if the excess was negligent, the punishment shall be as provided for in case of negligence. If the excess is the result of fear or the confusion of the attack, it shall not be imputed to the perpetrator and he/she shall not be punished.*
5. *Anyone who intentionally provokes an attack by another person for the purpose of committing an offence against that person by reason of self-defence shall not avoid punishment under the law.*

VIII.2 « home »

According to Article 51 of the Civil Code,

[A person has his/her home at the place of his/her main and permanent residence. No person can have more than one home at the same time. Where there is reference to the exercise of a profession, the private home of the person is deemed to be the place where he/she exercises his/her profession. This place constitutes the centre of his/her biotic, professional and social activities.]

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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SPAIN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - Members of the Cuerpo Nacional de Policia and the Cuerpo de la Guardia Civil in the course of their duties as criminal police.
 - Officials of 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.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Oficina SIRENE

Calle Julián González Segador s/n

28043. Madrid. SPAIN

Tel.: +34 91 582 30 13; +34 91 582 29 00

Fax: +34 91 537 23 24; +34 91 582 29 80

E-mail: sirene@ses.mir.es

cenci@dgp.mir.es

ses-oper@csis.sisnetmail.eu

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

II. Controlled deliveries

- contact points

Oficina SIRENE

Calle Julián González Segador s/n

28043. Madrid. SPAIN

Tel.: +34 91 582 30 13; +34 91 582 29 00

Fax: +34 91 537 23 24; +34 91 582 29 80

E-mail: sirene@ses.mir.es

cenci@dgp.mir.es

ses-oper@csis.sisnetmail.eu

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Members of the Cuerpo Nacional de Policia and the Cuerpo de la Guardia Civil in the course of their duties as criminal police

III.2 designated authorities (if applicable)

Oficina SIRENE

Calle Julián González Segador s/n

28043 Madrid. SPAIN

Tel.: +34 91 582 30 13; +34 91 582 29 00

Fax: +34 91 537 23 24; +34 91 582 29 80

E-mail: sirene@ses.mir.es

cenci@dgp.mir.es

ses-oper@csis.sisnetmail.eu

III.3 authorities to be contacted in border regions when crossing the border

Border		Address	Tel.	Fax
Unit / Headquarters				
ES-FR	Comisaría Provincial de San Sebastián.	Calle José María Salaverría, 19 – 20010 - San Sebastián (Guipúzcoa)	+34 94344 -9800	-9797
	Jefatura Superior de Policía de Pamplona.	Calle General Chinchilla, 3 y 5 - 39002 – Pamplona	+34 948 -299700	-299814 / 15
	Comisaría Provincial de Huesca.	Plaza de Luis Buñuel, 3 – 22003- Huesca	+34 974 -238800	-243320
	Comisaría Provincial Girona.	Calle San Pablo, 2 - 17007 - Girona	+34 972 -486001	-201149
	Comisaría Provincial Lleida.	Calle de la Enseñanza, 2 - 25006 - Lleida	+34 973 -728500	-728501
ES-PT	Comisaría Provincial Pontevedra.	Calle Joaquín Costa, 17 - 36001 - Pontevedra.	+34 986 -868383	-868377
	Comisaría Provincial Ourense.	Calle Maestro Vide, 2 - 32004 - Ourense	+34 988 -391771	-391899
	Comisaría Provincial Zamora.	Avenida de Requejo, 12 - 49030 - Zamora.	+34 980 -509250	-509248
	Comisaría Provincial Salamanca.	Calle Ronda Sancti Spiritu, 8 - 37001 - Salamanca	+34 923 -127700	-216007
	Comisaría Provincial Cáceres.	Calle Diego Ma Crehuet, 6 - 10004 - Cáceres	+34 927 -626510	-626553
	Jefatura Superior de Policía de Badajoz	Avenida Cuerpo Nacional de Policía, s/n - 06071 – Badajoz.	+34 924 -207095	-232495
	Comisaría Provincial de Huelva.	Paseo de la Glorieta, 1 – 21002 – Huelva	+34 959 -541950	-541983

(b) Guardia Civil				
ES- FR	Comandancia de Guipuzcoa	513, C/Barachetegui,59 20015 San Sebastián	+34 943 276611	-292134
	Comandancia de Navarra	522, Avenida Galicia, nº 2 31003 Pamplona	+34 948 -296850	-296860
	Comandancia de Huesca	Avenida M. Velasco, nº 63 22004 Huesca	+34 974 -210342	-211238
	Comandancia de Lleida	Calle Libertad, nº 3 25071 Lleida	+34 973 -249008	-228422
	Comandancia de Girona	Calle E. Grahit, nº 52 17002 Girona	+34 972 -208650	-484009
ES-PT	Comandancia de Pontevedra	Calle L. Crespo nº 25 36004 Pontevedra	+34 986 -807900	-851336
	Comandancia de Ourense	Calle Bieito Amado nº 17 32005 Ourense	+34 988 -235303	-245395
	Comandancia de Zamora	Calle Fray Toribio de Motolinia nº 1 49007 Zamora	+34 980 -521600	-557753
	Comandancia de Salamanca	Av. Juan Carlos I, nº 2 37008 Salamanca	+34 923 -127200	-127223

PCCC (ES-FR)	TEL.	FAX
C.C. Le Perthus- La Jonquera (Girona)	972 556 500	+33 468 837 920
C.C. Biriadou- Irún (Guipúzcoa)	636 974 959 y +33 559 202 865	+33 559 201 087
C.C. Canfranc- Somport- Urdos (Huesca)	974 373 550	974 373 563
C.C. Melles Pont du Roy- Les (Lleida)	+33 561 892 962	+33 561 892 639
PCCC (ES-PT)	TEL.	FAX
Alcañices- Quintanilla (Zamora)	+351 273 938 024 y +351 273 938 029	+351 273 938 025
Caya- Elvas (Badajoz)	+924 274 949	+924 277 279
Castro Marim- Ayamonte (Huelva)	+351 281 531 071	+351 281 531 954
Tuy- Valença do Minho (Pontevedra)	986 604 344	986 607 573
Vilar Formoso- Fuentes de Oñoro (Salamanca)	923 473 037	923 497 059

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 Contact points

COORDINATION AND INFORMATION PERMANENT CENTRE (CEPIC)

located in:

Cabinet of Coordination

State Secretariat for Security

Amador de los Ríos, 2

28010 MADRID- SPAIN

Tel.: +34 915 371 883; +34 915 371 884; +34 915 372 056; +34 915 372 057;
+34 915 372 058

Fax: +34 913 191 228; +34 913 191 645; +34 913 197 389

E-mail: ceplic@ses.mir.es

IV.2 Procedure

Spanish law does not provide a formal procedure to be accomplished for the setting up of joint operations within the meaning of Article 24 of the Treaty.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

COORDINATION AND INFORMATION PERMANENT CENTRE (CEPIC)

located in:

Cabinet of Coordination

State Secretariat for Security

Amador de los Ríos, 2

28010 MADRID- SPAIN

Tel.: +34 915 371 883; +34 915 371 884; +34 915 372 056; +34 915 372 057;

+34 915 372 058

Fax: +34 913 191 228; +34 913 191 645; +34 913 197 389

E-mail: ceplic@ses.mir.es

V.2 procedure [if different from IV]

Spanish law does not provide a formal procedure to be accomplished for the setting up of joint operations within the meaning of Article 24 of the Treaty.

OTHER

VI. Special intervention units

- Competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

D. Francisco Javier VELAZQUEZ LOPEZ

General Directorate of National Police Force and Civil Guard.

c/ Amador de los Ríos, 7 Bureau 112,

28071. MADRID. SPAIN

Tel.: +34 91 537 16 60

E-mail: secretaria-dgpgc@mir.es

GENERAL

VII. Arms

VII.1 definition of service weapon

A service weapon may be a long or short shoulder-weapon, of whatever calibre or model 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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Spain authorises Prüm partners' police forces to use service small arms (semiautomatic pistol or revolver). Any other arms will not be allowed.

With regard to ammunition, Spain authorises 9 mm p for semiautomatic pistols and .38 (0.357") for revolvers. Any other ammunition will not be allowed.

Permissible equipment is semi-rigid single baton or shield. Any other equipment will not be allowed.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used.

Spanish police officers have explicit legal restrictions on the carrying and use some kinds of weapons according to National Law. These explicit restrictions are applicable to police officers from the other contracting party who act in Spanish territory.

Weapons listed below are explicitly prohibited in Spain:

- Firearms whose characteristics have been substantially modified without authorisation.
- Long weapons that contain special devices in their breech or mechanisms to house guns or other weapons.
- Guns and revolvers that have a small breech attached.
- Firearms that are or can be housed inside sticks or other objects.
- Firearms disguised as any other object.
- Swordsticks, daggers of any class and switchblades. Cut-and-thrust weapons with a blade smaller than 11 centimetres, double-bits and spikes will be regarded as daggers.
- Arms using pressurised air or another compressed gas, combined with cut-and-sharp weapons.
- Truncheons made of wire or lead; blackjacks; knuckledusters, with or without spikes; slingshots and improved blowpipes; "nunchakus" and "shurikens", as well as any other instruments especially dangerous for people's physical integrity.

In addition, and according to R.D. 137, 29-1-1993, The Weapons Act, explicitly forbidden ammunition:

- Drilling bullets, explosive bullets or incendiary bullets and equivalent projectiles.
- Dum-dum projectiles or hollow point projectiles.

Practical aspects of the use of arms

Only permitted for self-defence and legitimate defence, as established in the Prüm Treaty (Article 28(2)), and also according to the provisions listed below (VII.4).

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Spanish L.O. 10/1995 23 November, Penal Act (amended by L.O: 4/2005 10 October)

Art. 20. - There shall be exemption from criminal liability in the following situations:

...//...

20.4. Where the person acts in legitimate defence of other persons, his/her own rights or a third person's rights, if all the following requirements are met:

1. Unlawful aggression. In the case of defence of one's own goods, any criminal action against them or any action that could lead to imminent loss or damage would be considered as unlawful aggression.
2. Rational need to use certain means to prevent or repel the aggression
3. Lack of sufficient provocation by the defending party

Spanish L.O. 2/86 13 March. Law Enforcement Agencies

In the preamble, there is a reference to the UN General Assembly Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Council of Europe Declaration on the Police, whose principles are taken into account to establish the general guidelines for the use of firearms and force by Law Enforcement Officers.

In Chapter II, Art. 5, Basic Principles of intervention, it is stated that the use of weapons is only permissible in situations where there is a rationally serious risk to one's life or physical integrity or to that of third persons. The use of weapons is also permissible in circumstances that may pose a serious risk to the security of citizens, and in accordance with the law.

Spanish Instruction of the Secretariat of State for Security on 14.04.1983 establishing guidelines for the use of firearms:

Requirements for the use of firearms:

1. Aggression that entails danger to life and/or physical integrity.
2. Use of firearms needed to avoid the aggression and no other suitable means available (proportionality between the aggression and the measure carried out).
3. If possible, prior warnings to be made before using the firearm.
4. Shots in the air (firstly) or to the floor (secondly) to be made.
5. Only when the abovementioned measures have failed or if, owing to the violence, imminence and risk of the attack, it was not possible to carry them out: shots to non-vital parts of the body, on the principle of "least possible damage".
6. If there is a reasonable doubt concerning the effectiveness of this measure, it is better to refrain from using the weapon.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

"An act committed to defend a person, one's own rights or those of another, provided the following conditions are all 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).

VIII.2 « home »

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

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations.

The competent authorities of each Member State will determine the measures and coordination procedures.

FRANCE

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - officers of the criminal police, the national police and the *Gendarmerie Nationale*;
 - customs officers and members of the *Direction Nationale du Renseignement et des Enquêtes Douanières* (DNRED) when dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Contact details of the central authority:

Direction Centrale de la Police judiciaire

DRI

101 rue des Trois Fontanot

92000 Nanterre

Tel.: +33 1 409788-00

Fax: +33 1 409788-11

For Switzerland, since 1 July 2009 when the Paris agreement of 9 October 2007 came into force, the contact point may be either the DCPJ DRI, or the CCPD in Geneva.

CCPD in Geneva:

Tel.: +33 4 50284700

Fax: +33 4 50284719

E-mail: ccpd.geneve@interieur.gouv.fr

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

II. Controlled deliveries

- contact points

Contact details of the central authority:

Direction Centrale de la Police judiciaire

DRI

101 rue des Trois Fontanot

92000 Nanterre

Tel.: +33 1 409788-00

Fax: +33 1 409788-11

For Switzerland, since 1 July 2009 when the Paris agreement of 9 October 2007 came into force, the contact point may be either the DCPJ DRI, or the CCPD in Geneva.

CCPD in Geneva:

Tel.: +33 4 50284700

Fax: +33 4 50284719

E-mail: ccpd.geneve@interieur.gouv.fr

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- 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) when dealing with illicit trafficking in narcotics and psychotropic substances, trafficking in arms and explosives and the illicit transport of toxic or harmful waste.

III.2 designated authorities (if applicable)

Contact details of the central authority:

Direction Centrale de la Police judiciaire

DRI

101 rue des Trois Fontanot

92000 Nanterre

Tel.: +33 1 409788-00

Fax: +33 1 409788-11

For Switzerland, since 1 July 2009 when the Paris agreement of 9 October 2007 came into force, the contact point may be either the DCPJ DRI, or the CCPD in Geneva.

CCPD in Geneva:

Tel.: +33 4 50284700

Fax: +33 4 50284719

E-mail: ccpd.geneve@interieur.gouv.fr

III.3 authorities to be contacted in border regions when crossing the border

Border	Department	Authority	Address	Tel	Fax
a) National police					
BE	02 Aisne	Laon	2 bd Gras-Brancourt, BP 38, 02003 LAON	+33 3.23.27 79.93	-79.79
	08 Ardennes	Charleville- Mézières	36 av. Jean Jaurès, 08109 CHARLEVILLE-MEZIERES	+ 33 3.24. 57.94.94	-591914
	55 Meuse	Bar-le-Duc	59 r. du Bourg, BP 517, 55012 BAR-LE-DUC	+33 3.29 -79.00.17	-79.99.41
	59 Nord	Lille	171 bd de la Liberté, 59024 LILLE	+33 3.20 -30.59.59	-54.83.07
BE-LU	54 Meurthe et Mos.	Nancy	38 bd Lobau, BP 28, 54035 NANCY	+33 3.83 -17.27.37	-37.93.42
LU- DE	57 Moselle	Metz	6 r. Belle Isle, 57000 METZ	+33 3.87 16.17.17	-30.43.04
DE	67 Bas Rhin	Strasbourg	34 rue de l'Hôpital, 67000 STRASBOURG	+33 3.90 -23.17.17	+33 3.88 -23.28.21
	68 Haut Rhin	Mulhouse	12 r. Coehorn, Bât B, 68062 MULHOUSE	+33 3.89 -60.82.00	-42.65.66
IT	04 Alpes de Haute Provence	Digne les Bains	2 r. des Monges, 04003 DIGNE LES BAINS	+33 4.92 -30.86.60	-32.41.32
	05 Hautes Alpes	Gap	Place Alsace Lorraine, 05000 GAP	+33 4.92 -52.50.99	-52.50.60
	06 Alpes maritimes	Nice	1 av. Mal Foch, 06012 NICE	+33 4.92 -17.22.22	- 334.93 -62.54.47
	73 Savoie	Chambéry	585 av. de la Boisse, 73000 CHAMBERY	+33 4.79 -62.84.00	-69.25.54
	74 Haute Savoie	Annecy	17 r. des Marquisats, BP 323, 74000 ANNECY	+33 4.50 -52.32.00	-52.31.36

ES	09 Ariège	Foix	2 av. Lakanal, 09000 FOIX	+33 5.61 -05.43.00	-65.33.67
	31 Haute Garonne	Toulouse	23 bd de l'Embouchure, 31200 TOULOUSE	+33 5.61.12 -77. 77	-77. 43
	64 Pyrénées Atlant.	Pau	5 r. O'Quin, 64000 PAU	+33 5.59 -98.22.22	-98.06.36
	65 Hautes Pyrénées	Tarbes	21 r. G. Clémenceau, 65000 TARBES	+33 5.62 -44.3131	-44.11.46
	66 Pyrénées Orient.	Perpignan	337 av. de Grande-Bretagne, 66020 PERPIGNAN	+33 4.68.35 -70.00	-31.59
CH	74 Haute Savoie	Annecy	17 r. des Marquisats, BP 323, 74000 ANNECY	+33 4.50 -52.3170	-52.31.36
	01 Ain	Lyon	40 rue Marius Berliet, 69008 LYON	+33 4 7878 40	+33 4 787661 60
	39 Jura	Dijon	2 place Suquet, 21000 DIJON	+33 3 804458 70	+33 3 804454 98
	25 Doubs	Besançon	2 avenue de la Gare d'Eau, 25000 BESANCON	+33 3 81 21 11	+33 3 818189 96
	90 Territoire de Belfort	Dijon	2 place Suquet, 21000 DIJON	+33 3 804458 70	+33 3 80445498
	68 Haut Rhin	Mulhouse	12 r. Coehorn, Bât B, 68062 MULHOUSE	+33 3.89 -60.8395	+33 3 89608397
b) Gendarmerie nationale					
BE	Ardennes	Charleville-Mézières	198 av. Charles de Gaulle, BP 855, 08011 CHARLEVILLE-MEZIERES	+33 3.24.58. -67.00	- 67.80
	Aisne	Laon	30 av. Charles de Gaulle, 02011 LAON	+33 3.23.22 -53.53	- 53.66
	Nord	Lille	201 bd Louis XIV, BP187, 59018 LILLE	+33 3.20.16 -96.96	+33 3.20.43.53.06
		Valenciennes	283 bd Harpignies, BP 449, 59322 VALENCIENNES	+33 3.27.22 -55.00	- 55.89

DE	Haut-Rhin	Colmar	56 r. de la Cavalerie, BP 529, 68021 COLMAR	+33 3.89.21. - 51.99	- 51.67
	Bas-Rhin	Strasbourg	2 r. de Molsheim, 67071 STRASBOURG	+33 3.88.37 -52.99	- 53.01
	Moselle	Metz	2 r. André Bettanier, 57038 METZ	+33 3.87 -56.69.99	-56.69.44
IT	Savoie	Chambéry	316 rue du Larzac, 73011 CHAMBERY	+33 4.79. -71.82.00	-44
	Haute-Savoie	Annecy	33 av. de la Plaine, BP 898, 74016 ANNECY	+33 4.50.09. -47.47	-15
	Alpes de Haute- Provence	Digne les Bains	Av. Georges Pompidou, BP 215, 04003 DIGNE LES BAINS	+33 4.92.30. -11.00	-30
	Alpes-Marit.	Nice	Caserne Nau, 22 rue Roquebillière, 06203 NICE	+33 4.93.56. -98.00	-68
	Hautes-Alpes	Gap	11 rue Sagnières, BP 103, 05007 GAP.	+33 4.92.40 -65.00	-51
LU	Moselle	Metz	2 r. André Bettanier, 57038 METZ	+33 3.87 -56.69.99	-56.69.93
	Meurthe-et- Moselle	Nancy	102 av. du Gén. Leclerc, CO 30, 54035 NANCY	+33 3.83.92 -57.00	- 57.95
	Meuse	Bar-le-Duc	27 avenue du 94 ^e Régiment, 55012 BAR-LE-DUC	+33 3.29.79. -68.69	- 53.10
ES	Pyrenées- Orient.	Perpignan	25 av. Guynemer, 66940 PERPIGNAN	+33 4.68.66 -44.00	- 44.90
	Ariège	Foix	2 allée de Vilotte, BP 80, 09008 FOIX	+33 5.61.02 -17.00	- 16.60
	Haute- Garonne	Toulouse	12 pl. Lafourcade, 31055 TOULOUSE	+33 5.62 -25.43.20	-25.43.41
	Hautes- Pyrénées	Tarbes	27 r. Massey, BP 1449, 65014 TARBES	+33 5.62.44 -55.00	- 55.50
	Pyrénées- Atlant.	Pau	4 cours Bérard, 64079 PAU	+33 5.59.82 -40.00	- 40.46

Border	Department	Authority	Address	Tel	Fax
a) National police					
BE	02 Aisne	Laon	2 bd Gras-Brancourt, BP 38, 02003 LAON	+33 3.23.27 79.93	-79.79
	08 Ardennes	Charleville- Mézières	36 av. Jean Jaurès, 08109 CHARLEVILLE-MEZIERES	+ 33 3.24. 57.94.94	-591914
	55 Meuse	Bar-le-Duc	59 r. du Bourg, BP 517, 55012 BAR-LE-DUC	+33 3.29 -79.00.17	-79.99.41
	59 Nord	Lille	171 bd de la Liberté, 59024 LILLE	+33 3.20 -30.59.59	-54.83.07
BE-LU	54 Meurthe et Mos.	Nancy	38 bd Lobau, BP 28, 54035 NANCY	+33 3.83 -17.27.37	-37.93.42
LU- DE	57 Moselle	Metz	6 r. Belle Isle, 57000 METZ	+33 3.87 16.17.17	-30.43.04
DE	67 Bas Rhin	Strasbourg	34 rue de l'Hôpital, 67000 STRASBOURG	+33 3.90 -23.17.17	+33 3.88 -23.28.21
	68 Haut Rhin	Mulhouse	12 r. Coehorn, Bât B, 68062 MULHOUSE	+33 3.89 -60.82.00	-42.65.66
IT	04 Alpes de Haute Provence	Digne les Bains	2 r. des Monges, 04003 DIGNE LES BAINS	+33 4.92 -30.86.60	-32.41.32
	05 Hautes Alpes	Gap	Place Alsace Lorraine, 05000 GAP	+33 4.92 -52.50.99	-52.50.60
	06 Alpes maritimes	Nice	1 av. Mal Foch, 06012 NICE	+33 4.92 -17.22.22	- 334.93 -62.54.47
	73 Savoie	Chambéry	585 av. de la Boisse, 73000 CHAMBERY	+33 4.79 -62.84.00	-69.25.54
	74 Haute Savoie	Annecy	17 r. des Marquisats, BP 323, 74000 ANNECY	+33 4.50 -52.32.00	-52.31.36

ES	09 Ariège	Foix	2 av. Lakanal, 09000 FOIX	+33 5.61 -05.43.00	-65.33.67
	31 Haute Garonne	Toulouse	23 bd de l'Embouchure, 31200 TOULOUSE	+33 5.61.12 -77. 77	-77. 43
	64 Pyrénées Atlant.	Pau	5 r. O'Quin, 64000 PAU	+33 5.59 -98.22.22	-98.06.36
	65 Hautes Pyrénées	Tarbes	21 r. G. Clémenceau, 65000 TARBES	+33 5.62 -44.3131	-44.11.46
	66 Pyrénées Orient.	Perpignan	337 av. de Grande-Bretagne, 66020 PERPIGNAN	+33 4.68.35 -70.00	-31.59
CH	74 Haute Savoie	Annecy	17 r. des Marquisats, BP 323, 74000 ANNECY	+33 4.50 -52.3170	-52.31.36
	01 Ain	Lyon	40 rue Marius Berliet, 69008 LYON	+33 4 7878 40	+33 4 787661 60
	39 Jura	Dijon	2 place Suquet, 21000 DIJON	+33 3 804458 70	+33 3 804454 98
	25 Doubs	Besançon	2 avenue de la Gare d'Eau, 25000 BESANCON	+33 3 81 21 11	+33 3 818189 96
	90 Territoire de Belfort	Dijon	2 place Suquet, 21000 DIJON	+33 3 804458 70	+33 3 80445498
	68 Haut Rhin	Mulhouse	12 r. Coehorn, Bât B, 68062 MULHOUSE	+33 3.89 -60.8395	+33 3 89608397
	b) Gendarmerie nationale				
BE	Ardennes	Charleville-Mézières	198 av. Charles de Gaulle, BP 855, 08011 CHARLEVILLE-MEZIERES	+33 3.24.58. -67.00	- 67.80
	Aisne	Laon	30 av. Charles de Gaulle, 02011 LAON	+33 3.23.22 -53.53	- 53.66
	Nord	Lille	201 bd Louis XIV, BP187, 59018 LILLE	+33 3.20.16 -96.96	+33 3.20.43.53.06
		Valenciennes	283 bd Harpignies, BP 449, 59322 VALENCIENNES	+33 3.27.22 -55.00	- 55.89

DE	Haut-Rhin	Colmar	56 r. de la Cavalerie, BP 529, 68021 COLMAR	+33 3.89.21. - 51.99	- 51.67
	Bas-Rhin	Strasbourg	2 r. de Molsheim, 67071 STRASBOURG	+33 3.88.37 -52.99	- 53.01
	Moselle	Metz	2 r. André Bettanier, 57038 METZ	+33 3.87 -56.69.99	-56.69.44
IT	Savoie	Chambéry	316 rue du Larzac, 73011 CHAMBERY	+33 4.79. -71.82.00	-44
	Haute-Savoie	Annecy	33 av. de la Plaine, BP 898, 74016 ANNECY	+33 4.50.09. -47.47	-15
	Alpes de Haute- Provence	Digne les Bains	Av. Georges Pompidou, BP 215, 04003 DIGNE LES BAINS	+33 4.92.30. -11.00	-30
	Alpes-Marit.	Nice	Caserne Nau, 22 rue Roquebillière, 06203 NICE	+33 4.93.56. -98.00	-68
	Hautes-Alpes	Gap	11 rue Sagnières, BP 103, 05007 GAP.	+33 4.92.40 -65.00	-51
LU	Moselle	Metz	2 r. André Bettanier, 57038 METZ	+33 3.87 -56.69.99	-56.69.93
	Meurthe-et- Moselle	Nancy	102 av. du Gén. Leclerc, CO 30, 54035 NANCY	+33 3.83.92 -57.00	- 57.95
	Meuse	Bar-le-Duc	27 avenue du 94 ^e Régiment, 55012 BAR-LE-DUC	+33 3.29.79. -68.69	- 53.10
ES	Pyrenées- Orient.	Perpignan	25 av. Guynemer, 66940 PERPIGNAN	+33 4.68.66 -44.00	- 44.90
	Ariège	Foix	2 allée de Vilotte, BP 80, 09008 FOIX	+33 5.61.02 -17.00	- 16.60
	Haute- Garonne	Toulouse	12 pl. Lafourcade, 31055 TOULOUSE	+33 5.62 -25.43.20	-25.43.41
	Hautes- Pyrénées	Tarbes	27 r. Massey, BP 1449, 65014 TARBES	+33 5.62.44 -55.00	- 55.50
	Pyrénées- Atlant.	Pau	4 cours Bérard, 64079 PAU	+33 5.59.82 -40.00	- 40.46

CH	74 Haute Savoie	Annecy	33 av. de la Plaine, BP 898, 74016 ANNECY	+33 4.50.09. -47.47	+33 4 5009 4779
	01 Ain	Bourg en Bresse	2 rue de Châteaubriand, 01000 AIN	+33 4.74.45.97.00	+33 4 7445 9702
	39 Jura	Lons-le Saunier	51 avenue Camille Prost, 39000 LONS-LE-SAUNIER	+33 3.84.35.86.00	+33 3 8435 8638
	25 Doubs	Besançon	31 rue Trépillot, 25000 BESANCON	+33 3.81.40.51.65	+33 3 8140 5199
	90 Territoire de Belfort	Belfort	1 avenue Jean Moulin, 90000 BELFORT	+33 3.84.57.63.81	+33 3 8457 6309
	Haut-Rhin	Colmar	56 r. de la Cavalerie, BP 529, 68021 COLMAR	+33 3.89.21. - 51.99	- 51.67

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

In addition to when 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) of the Schengen Convention.

Restrictions on the power of pursuit in France

- (a) Borders with Belgium, Germany and Switzerland: 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 with 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 officer. On the basis of this Article, a foreign police officer is entitled to make an arrest in France provided all the following conditions are met:

- a summary or indictable offence that is punishable by imprisonment has just been committed (*in flagrante delicto*),
- the police officer 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 IMMEDIATELY to the nearest criminal police officer, who 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 ordinary French 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).

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Direction de la coopération internationale (DCI), on duty round the clock

101, rue des trois Fontanot

92000 NANTERRE

Tel.: +33 1 40 97 86 75

Fax: +33 1 40 97 82 12

E-mail: dcj-24@interieur.gouv.fr

IV.2 procedure

To organise any joint operation under Article 17 of the Prüm Decision, the competent authorities must send their request to the abovementioned e-mail address.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Etat-major de la Direction centrale de la police aux frontières (DCPAF)

8 rue de Penthièvre

75800 Paris cedex

Tel.: +33 1 49 27 41 28

Fax: +33 1 42 65 15 85

E-mail: sic.dcpaf@interieur.gouv.fr

V.2 procedure [if different from IV]

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA) :

Minister for the Interior:

- Direction générale de la Police nationale (DGPN)

Pôle ordre public, défense et renseignement (public order, defence and intelligence cabinet)

Tel.: +33 1 69 85 23 00

E-mail: Pole.optr@interieur.gouv.fr

- Direction générale de la Gendarmerie nationale (DGGN)

Centre de renseignement opérationnel de la Gendarmerie nationale (National Gendarmerie's operational intelligence centre)

Tel.: +33 1 84 22 01 40

E-mail: crog.cab.dggn@gendarmerie.interieur.gouv.fr

GENERAL

VII. Arms

VII.1 definition of service weapon

The personal equipment of each officer 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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

France does not plan any restrictions with respect to carrying service weapons, means of force and other equipment, provided that they have been issued by the police administration of the Prüm partners.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

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VIII. Definitions

VIII.1 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:

- the person in question or another person is the victim of an unjustified attack
- 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.

VIII.2 « home »

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

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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, for the purpose of ensuring the individual in question meets the necessary requirements concerning the holding, carrying and production of papers 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. For the application of this subparagraph, compliance with the obligation to hold, carry and produce the papers and documents provided for by law may be monitored only for a period not exceeding six consecutive hours in a single location and cannot take the form of systematic checks on the persons present in or moving within the areas and locations referred to in the same paragraph.

[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]

In application of Article 78(2) of the Code of Criminal Procedure, published in the JORF of 10.5.2006, the order of 26 April 2006 designates the rail stations open to international traffic.

Article 67c of the Customs Code

As of the date of entry into force of the Convention signed in Schengen on 19 June 1990, authorised customs officers may, in an area between the land border of France and the States party to the abovementioned Convention and a line of 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. (...)

Articles L 611-8 and L 611-9 of the Code on the entry and stay of aliens and the right to asylum (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 as referred to in Articles 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 in the Schengen Borders Code 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 67c of the Customs Code allow judicial police officers to carry out identity checks, and entitle customs officers to check papers and documents produced by aliens.

*NB: France's recourse to the safeguard clause provided for in **Articles 23 to 31 of the Schengen Borders Code** 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 individuals with following conditions:
 - = in an area extending 20 km inside the land border between France and the Schengen States,
 - = within a period of time of maximum 6 hours, in the same place, no systematic control,
 - = 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 hours).

- 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 67c 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 papers and documents provided for *in Articles L 611-8 and L 611-9 of the Code on the entry and stay of aliens and the right to asylum (CESEDA)* on the conditions governing the entry and residence of aliens in 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.
- Only some categories of officers may carry out such checks (heads of units and officers appointed to the rank of "contrôleur" or of a higher rank).

Articles L 611-8 and L 611-9 of the Code on the entry and stay of aliens and the right to asylum (CESEDA) contains 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, unlike 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 stopped for up to 4 hours.
- Such searches may be carried out only on vehicles travelling on the public highway, with the exception of passenger 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.

IRELAND

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

Ireland does not participate in Article 40 of the Schengen Convention

- II. Controlled deliveries

Not applicable

- III. Hot pursuit (pursuant to Article 41 Schengen Convention)

Ireland does not participate in Article 41 of the Schengen Convention

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

This provision of the Treaty is not mandatory. A Member State can decide that it does not wish to participate in or host joint operations.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

This provision of the Treaty is not mandatory. A Member State can decide that it does not wish to participate in or host joint patrols.

OTHER

VI. Special intervention units

Not applicable. The competent authority for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA) will be stated in the national legislation currently being drafted.

GENERAL

VII. Arms

Not applicable

VIII. Definitions

Not applicable

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

Not applicable

ITALY

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

- I.1 list of authorised officers

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.

I.2 designated authorities

Ministero dell'Interno

Direzione Centrale della Polizia Criminale

Servizio per la Cooperazione Internazionale di Polizia

Divisione S.I.Re.N.E.

Via Torre di Mezzavia 9/121, 001073, Rome

Tel.: (24h): +39 06 46542616 / +39 06 46542851

Fax: +39 06 46542844 / +39 06 46542353

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Article 11(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 11(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/her 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.

II. Controlled deliveries

- contact points

Ministero dell'Interno
Direzione Centrale per i Servizi Antidroga
III Servizio "Operazioni Antidroga"
Via Torre di Mezzavia 9/121, 00173 - ROMA
Tel.: +39 06 46523000
Fax: +39 06 46523689 / +39 06 46523885
E-mail: direzione.antidroga@interno.it

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

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.

III.2 designated authorities (if applicable)

Ministero dell'Interno

Direzione Centrale della Polizia Criminale

Servizio per la Cooperazione Internazionale di Polizia

Divisione S.I.Re.N.E.

Via Torre di Mezzavia 9/121, 001073, Rome

Tel.: (h24): +39 06 46542616 / +39 06 46542851

Fax: +39 06 46542844 / +39 06 46542353

III.3 authorities to be contacted in border regions when crossing the border

Border	Office	Address	tel	fax
(a) State Police				
FR	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
AT	" Bolzano	V.Marconi 33-39, 39100 B.	+39.0471.947-	-777
	" Udine	V.della Prefettura, 33100 U.	+39.0432.594-1	-666
(b) Carabinieri				
FR	Gruppo Carabin. di	Piazza Roncas 1, 11100 A.	+39.0165.361-	-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
	" Imperia	Corso Matteotti 46, 18100 I.	+39.0183.295-	-534
AT	" Bolzano	Via Dante 30, 39100 B.	+39.0471-	-434588
	" Udine	Via Gemona 21, 33100 U.	+39.0432.505-	-380
(c) Guardia di Finanza				
FR	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-	-076
	" Imperia	Piazza De Amicis 2, 18100 I.	+39.0183.294-	-206
AT	" Bolzano	Via Stazione 6, 39100 B.	+39.0471.974-	-603
	" Tolmezzo	Via Dante 1, 33028 T.	+39.04332-141	-487
	" Udine	V. della Cisterna 1, 33100 U.	+39.0432.504-	-058

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

The relevant Council Decision 2008/615/JHA is under transposition.

IV.2 procedure

The relevant Council Decision 2008/615/JHA is under transposition.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

The relevant Council Decision 2008/615/JHA is under transposition.

V.2 procedure [if different from IV]

The relevant Council Decision 2008/615/JHA is under transposition.

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)196

Ministero dell'Interno
Dipartimento della Pubblica Sicurezza
Segreteria del Dipartimento
Sala Situazione
Tel.: +39 6 46533412
Fax: +39 6 4880293
E-mail: centrope@interno.it

GENERAL

VII. Arms

VII.1 definition of service weapon

A service weapon is the personal weapon issued to each officer for the entire duration of his/her 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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

The relevant Council Decision 2008/615/JHA is under transposition.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

The relevant Council Decision 2008/615/JHA is under transposition.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

The relevant Council Decision 2008/615/JHA is under transposition.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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 rights of the defending party or a third party;
- the actual need for defence is real and present;
- the defence is in proportion to the attack.

VIII.2 « home »

Under Italian legislation and case law, the inviolability of the home applies to private homes and residences, even temporary, such as caravans, tents, hotel rooms, boat cabins, train sleepers, and extends to the place in which the person concerned exercises his/her 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.

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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.

CYPRUS

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

Article 40 of the Schengen Convention is not applicable in the Republic of Cyprus at present. It will be fully applicable pursuant to a Council Decision after verification in accordance with applicable Schengen evaluation procedures and after consulting the European Parliament.

According to a Decision of the Council of Ministers of the Republic of Cyprus (Decision No 63.895 of 22 June 2006), the Central Authority for the implementation of Articles 39, 40 and 46 of the Schengen Convention 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.

I.1 list of authorised officers*

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

*once Article 40 of the Schengen Convention becomes applicable in the Republic of Cyprus

.....

I.2 designated authorities (specify for incoming and/or outgoing requests)*

Contact point

European Union & International Police Cooperation Directorate

SIRENE Bureau

Address: Cyprus Police Headquarters, 1478 NICOSIA

Tel.: +357 2260 7854 (office hours 07.15 – 14.30 Monday - Friday, 07.15-18.15
Wednesday)

Fax: +357 2260 7899

E-mail: sirene@police.gov.cy

*once Article 40 of the Schengen Convention becomes applicable in the Republic of Cyprus

.....

II. Controlled deliveries

- contact points

(For narcotic drugs)

Drug Law Enforcement Unit

International Cooperation and European Union Office

Address: Cyprus Police Headquarters, 1478 NICOSIA

Tel.: +357 22 607378 (office hours 07.15 – 14.30 Monday - Friday); +357 22 607362

(24 hours/7days)

Fax: +357 22 607377 /22 607368

E-mail: dleu@police.gov.cy

dleuico@police.gov.cy

(For other criminal offences)

Criminal Investigation Department Director

Address: Cyprus Police Headquarters, 1478

Tel.: +357 22 808158, +357 22 808018 (office hours 07.15 – 14.30 Monday - Friday)

Fax: +357 22 808600

E-mail: dpta@police.gov.cy

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

As the Republic of Cyprus has no land borders, hot pursuit under Article 41 of the Schengen Convention is not applicable.

III.1 list of authorised officers

.....

III.2 designated authorities (if applicable)

.....

III.3 authorities to be contacted in border regions when crossing the border

.....

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

National Contact Point: Operations Office, Police Headquarters

Address: Lieutenant General Evangelos Florakis street,
1478, Nicosia, Cyprus

Tel.: +357 22 808078 *or* +357 22 808044 (office hours 07.15-14.30 Monday-Friday);
+357 99 219455 (24/7)

Fax: +357 22 808594

E-mail: operations.office@police.gov.cy

IV.2 procedure

Member States wishing to start a joint operation involving the Republic of Cyprus should communicate with the national contact point mentioned above. Depending on the nature of the operation, the national contact point will inform the competent department of the police or other governmental agencies. The practical aspects and operational details will be communicated to and/or arranged with the other Member State prior to the setting up of a specific operation.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]
(see IV above)

V.2 procedure [if different from IV]
(see IV above)

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Cyprus Police

(Chief of Police)

National Contact Point: Operations Office, Police Headquarters

Address: Lieutenant General Evangelos Florakis street,

1478, Nicosia, Cyprus

Tel.: +357 22 808078 *or* +357 22 808044 (office hours 07.15-14.30 Monday - Friday);

+357 99 219455 (After office hours)

Fax: +357 22 808594

E-mail: operations.office@police.gov.cy

GENERAL

VII. Arms

VII.1 definition of service weapon

With regard to cross-border surveillance operations (Article 40 of the Schengen Convention), a service weapon is defined as the necessary personal weaponry transferred by the officer for the purpose of performing his/her duties and includes the necessary ammunition.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

The Firearms and Non Firearms Law of 2004 (L.113(I)/2004 as amended) (Section 4, paragraph 3 (a)) empowers the Chief of Police to grant, for any period of time and under any conditions he considers appropriate, a special permit for the carrying of firearms or ammunition of Category B2 or B3 (i.e. semi-automatic or repeating short firearms and single-shot short firearms with rim fire percussion whose overall length is less than 28 cm), to members of foreign missions, foreign states or international organisations when these are visiting, transiting or residing in the Republic or in exceptional circumstances to very important persons (VIPs) visiting the Republic. The quantity of ammunition allowed to be carried is stated in the temporary permit issued by the Chief of Police.

In addition, Section 4, paragraph 3 (c) of L.113(I)/2004 empowers the Chief of the Police to grant, for any period of time and under any conditions he considers appropriate and subject to the approval of the Council of Ministers, a special permit for the use of any weapon for a particular purpose.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

Please refer to point VII.2 above.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

The practical aspects and operational details will be communicated to and/or arranged with the other Member State prior to the setting up of a specific operation. However, some useful information is provided below:

Where a joint operation is planned and the Republic of Cyprus is involved, the national contact point will contact the competent department which will decide on the use of arms and ammunition in consultation with the other Member State. If the joint operation is planned to take place in the Republic of Cyprus, arrangements will be made to obtain the necessary permits (by the Chief of Police and/or Council of Ministers) for the transfer of weapons and ammunition in the Republic of Cyprus. It should be noted that the carrying of handcuffs also requires a permit from the Chief of Police.

Furthermore, if a joint operation takes place in the Republic of Cyprus all weapons and ammunition carried by foreign officers will be stored in the safety storage rooms of the Cyprus Police.

A list of the weapons and equipment mainly used by the Emergency Response Unit (ERU) of the Cyprus Police is provided below:

Category A

1. Explosive military devices and launchers
2. Automatic firearms
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition

Category B

1. Semi-automatic or repeating short firearms
2. Pistols
3. Revolvers
6. Semi-automatic long-barrel firearms with magazine and chamber that can together hold more than three rounds
8. Repeating and semi-automatic long firearms with smooth bore barrels not exceeding 60cm in length

Category C

1. Repeating long-barrel firearms other than those listed in Category B6

Equipment

Personal Equipment

Ballistic helmet with or without ballistic glass

Protective glasses

Gas mask

Fireproof uniform

Bulletproof vest

Operational vest

Belt with cases to carry ammunition and equipment

Radio communication equipment^{*}

Abseiling equipment

Aiming equipment

^{*} A special permit is required.

Group Equipment

Ballistic shields

Mechanical penetrating tools

Hydraulic penetrating tools

Abseiling ropes

Ladders

Surveillance equipment

ERU also uses less lethal weapons for the carrying of which a permit may be required.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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.

Also relevant is Section 17 of the Criminal Code (Chap.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.*

VIII.2 « home »

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.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

Apart from cross-border operations pursuant to Schengen and Prüm provisions, joint investigations teams may be set up in the context of judicial cooperation in criminal matters and controlled delivery operations may be carried out. In particular, the relevant national legislation provides the following:

- ❑ 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 investigations in one or more of the Member States setting up the team. Section 3 of the Law provides that this team may function for the joint investigation into crimes of unlawful trafficking in drugs and psychotropic substances, trafficking in human beings and terrorism.
- ❑ 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.) by the Chief of Police and the Director of Customs and Excise Department and under certain circumstances authorises either or both of them 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 committing 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) *Offences under 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, and which constitute offences according to the Law of the Republic of Cyprus*
- (b) *Offences in connection with unlawful import, export, possession, use, trading, carrying or trafficking of firearms and explosive substances;*
- (c) *Offences in connection with import, export, possession, use, trading, carrying or trafficking of stolen articles;*
- (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).*

LATVIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

- I.1 list of authorised officers

Officers of the State Police in all EU Member States.

Officers of the State Police, the State Border Guard and State Revenue Service (within the scope of their competence) in the Republic of Latvia.

I.2 designated authorities

for incoming and/or outgoing requests:

International Cooperation Department of the Central Criminal Police Department
of the State Police

Address: Ciekurkalna 1.linija 1 K-4, Riga, Latvia

Tel.: +371 67829535; +371 67829407

Fax: +371 67829532

E-mail: ssp@vp.gov.lv

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations).

In the course of surveillance and hot pursuit duties, officers of the competent authorities of one State who are in service on the territory of the other State shall be authorised to cross the State border with their official identification cards at any place along the State border.

Officers of the competent authorities of one State who are in service on the territory of the other State shall be authorised, in the course of surveillance and hot pursuit duties, to wear their official uniform or carry visible official marks, use communication means, technical surveillance equipment, official cars as well as other technical equipment. They may also carry an official weapon to be used solely in the event of threat to a person's life as well as other special means to be used in accordance with the national legislation of the State in which they are in service.

II. Controlled deliveries

- contact points:

International Cooperation Department of the Central Criminal Police Department
of the State Police

Address: Ciekurkalna 1.linija 1 K-4, Riga, Latvia

Tel.: +371 67829535; +371 67829407

Fax: +371 67829532

E-mail: ssp@vp.gov.lv

National Contact Point of Customs Police Department
of State Revenue Service

Address: Talejas iela 1, Riga, LV-1978, Latvia,

Tel.: +371 6712 0687; +371 25685917;

Fax: +371 6712 0780;

E-mail: nep@vid.gov.lv

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Officers of the Police and Border Guard Board and Tax and Customs Board (within the scope of their competence) in the Republic of Estonia.

Officers of the Police and the Border Guard Service in the Republic of Lithuania.

III.2 designated authorities (if applicable)

Central authority:

International Cooperation Department of the Central Criminal Police Department
of the State Police:

Address: Ciekurkalna 1.linija 1 K-4, Riga, Latvia

Tel.: +371 67829535; +371 67829407

Fax: +371 67829532

E-mail: ssp@vp.gov.lv

III.3 authorities to be contacted in border regions when crossing the border

Local police authorities in the border region with the Republic of Lithuania:

Zemgale Regional Department of the State Police

Address: Katolu iela 8a, Jelgava, Latvia, LV 3001

Contacts of the Duty Officer Desk:

Tel.: +371 63004202; +371 63004200

Fax: +371 63024888

E-mail: ovn@zemgale.vp.gov.lv

Kurzeme Regional Department of the State Police

Address: Barinu iela 3, Liepaja, Latvia, LV 3401

Contacts of the Duty Officer desk:

Tel.: +371 63404500; +371 67085945

Fax: +371 63404586

E-mail: dd@kurzeme.vp.gov.lv

Latgale Regional Department of the State Police

Address: Komandanta iela 7, Daugavpils, Latvia, LV 5401

Contacts of the Duty Officer desk:

Tel.: +371 65403302; +371 65403303

Fax: +371 65403353

E-mail: dd.daugavpils@latgale.vp.gov.lv

ovn@latgale.vp.gov.lv

Local police authorities in the border region with the Republic of Estonia

Vidzeme Regional department of the State Police

Address: Rigas iela 50, Valmiera, Latvia, LV 4201

Contacts of the Duty Officer desk:

Tel.: +371 67085946

Fax: +371 64201358

E-mail: dd@vidzeme.vp.gov.lv

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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

- 1) Hot pursuit may be continued in the territory of the other State no longer than one hour from the moment of crossing its State border.
- 2) Upon receipt of the notification of hot pursuit, the police authorities of the other State in which the hot pursuit is continued shall immediately take measures to take over hot pursuit.
- 3) The officers continuing hot pursuit must:
 - be easily identifiable as officials, either by their uniform, by means of an armband or by accessories fitted to their vehicles;
 - carry documents certifying that they are acting in an official capacity and produce them every time at the request of officers of the competent authorities of the other State in which the hot pursuit is continued;
 - not use service weapons, except in the event of threat to a person's life;
 - comply with the provisions of the national legislation of the other State in which they are operating and must obey the instructions of the competent authorities of that State;
 - not enter into private homes and places not accessible to the public or perform any other actions that are contrary to the provisions of the Schengen Convention.

- 4) The person being pursued shall be detained by the police officers of the other State where the hot pursuit is continued; if such officers are unable to intervene quickly enough, the officers continuing the hot pursuit may challenge (stop) the person pursued, until the police officers of the other State where the hot pursuit is taking place are able to detain the person pursued.
- 5) The challenged person may be searched only for security reasons; the objects carried by this person may be seized. Handcuffs may be used to transport the challenged person to the police authority of the other State in which the hot pursuit is taking place.

PRŪM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points:

State Police

Contacts of the Duty Officer desk:

Address: Ciekurkalna 1.linija 1, k-4, Riga, Latvia

Tel.: +371 67014002

Mob.: + 371 28681531

E-mail: vpdd@vp.gov.lv

IV.2 procedure

Joint operations are organised as needed according to a timetable which is confirmed by the competent authority. The plan of joint operations is prepared and joint operations are administered by the police officer of the Republic of Latvia. The instruction of joint operations is conducted by the officer of the Republic of Latvia. The powers of the officer involved in joint operations depend on the goal and mission of joint operations. The officer involved in joint operations may be dressed in civilian clothes or in uniform. The service transport or transport with special lights and sound may be used during the joint operations.

According to the Law on Police Section 12 "General Rights of Police Officers", when performing duties assigned to them under the remit of the service, police officers have the right:

- 1) to ask persons to cease violations of law and other actions that interfere with the execution of police authority, as well as to use the prescribed compulsory means of constraint against persons violating the law;
- 2) to check personal identification documents of persons suspected of having committed violations of the law, as well as other documents necessary in order to check the observance of such legal norms, where control and monitoring have been assigned to the police;
- 3) to arrest military persons who have violated the law and to hand them over to the National Armed Forces;
- 4) in accordance with procedures prescribed by law, to arrest and to hold under guard persons suspected of committing criminal offences or administrative violations;

- 5) to arrest persons up to the age of 16 who have without permission left their residence or an institution for children and to hold them in custody in a police institution until handing them over to the parents or their substitutes, or to institutions for children;
- 6) to arrest persons who have violated the requirements of alien and stateless persons entry, residence, exit and transit regulations until they are handed over to competent institutions;
- 7) to convey to a medical treatment institution or a dwelling persons who, as a result of the use of alcohol, narcotic, psychotropic or toxic substances, have lost the ability to move independently or are disorientated, or who may do harm to others nearby or themselves, but, if that is not possible, convey them to a police institution and hold them in custody there in specially equipped premises until sober, for no longer than 12 hours;
- 8) to convey to a medical treatment institution persons with unmistakable mental dysfunction and who through their actions create obvious danger to themselves or to persons nearby;
- 9) to convey to a medical treatment institution persons who have attempted to commit suicide, and to clarify the circumstances of the incident;
- 10) to observe public places and persons, also using technical means, for the purposes of deterring and detecting violations of public order and criminal offences, as well to find out persons and means of transport for which a search has been declared;
- 11) to temporarily restrict or suspend transport or pedestrian traffic on streets and roads, as well as the entry or exit of persons in specific places or facilities, if required in the interests of public safety, saving the lives of persons, protection of health and property, as well as for investigation purposes;

- 12) to gain entry at any time of day or night to a residential unit without the permission of the residents therein (if necessary, through the use of physical force) in cases where a person is to be arrested at the scene of the crime, or when the lives of other persons are endangered;
- 13) to gain entry at any time of day or night to non-residential premises and the territory of land parcels (if necessary, through the use of physical force), except such non-residential premises and territory of land parcels that have extraterritorial or other special regime status, in cases where a person is to be arrested at the scene of the crime, the lives of other persons are endangered, if justified doubts have arisen that a person who is suspected, accused or is a defendant or has been convicted of serious or particularly serious crimes evades investigation, court or the serving of a sentence, or if missing minors are there, as well as in cases of natural disasters and other emergencies when the safety of persons and society is endangered.

In each instance when police officers in cases provided for in this Section have gained entry into a residential unit against the will of the inhabitants or through the use of physical force, they must notify the prosecutor in writing without delay, not later than within 24 hours.

In any other case, entry into residential premises and other premises for the purpose of performing a search is permitted only in cases prescribed by law on the basis of a decision by a judge, or in emergency cases with the consent of the prosecutor.

- 14) pursuant to the instructions of the Chief of the State Police or of the chief of the territorial police department during the implementation of a planned measure, to stop means of transport and inspect them (except means of transport of diplomatic and consular representatives) in order to arrest persons and means of transport for which a search has been declared or to detect drivers of means of transport who are intoxicated with alcohol, under the influence of narcotics or other intoxicating substances, as well as persons who do not have documents for the use of the specific means of transport;
- 15) to conduct an inspection of the carry-on baggage and other baggage of aeroplane passengers and, if necessary, also an examination of the passengers, with the exception of inspection and examination of the baggage and persons of diplomatic and consular representatives and members of the parliament of the Republic of Latvia;
- 16) to stop a means of transport and conduct an inspection of it if there is reason to believe that the driver of the means of transport has violated the requirements of regulations governing road traffic or if the means of transport is being used for the purpose of committing a violation of the law; to prohibit the use of a means of transport whose technical condition endangers the safety of transport movement; to suspend from driving a means of transport persons who are intoxicated with alcohol, under the influence of narcotics or other intoxicating substances, as well as persons who do not have documents for the use of the specific means of transport or a driver's licence for the relevant category of the means of transport; to convey a means of transport to a police institution for the purpose of performing a necessary examination if a search for it has been declared or there are grounds for suspecting that the registration documents, State registration number or the vehicle identification number of the means of transport have been unlawfully changed or forged, or there are no documents relating to means of transport registration or ownership rights verification and it is not otherwise possible to determine the legality of the use of the means of transport;

- 17) to remove and convey to a police institution a wrecked means of transport abandoned at the scene of a road-traffic accident until such time as the circumstances of the matter are clarified;
- 18) to restrict or to prohibit repair and construction as well as performance of other work on streets and roads if the requirements regarding the guaranteeing of public safety and traffic safety are not being observed;
- 19) to remove objects, articles and substances, the manufacture, acquisition, storage or sale of which is prohibited by law or which are being stored without a permit, if that is required under the law, as well as to remove documents with indications of falsification;
- 20) in urgent cases, with the consent of the driver of the means of transport, to utilise means of transport belonging to institutions, private law legal persons and unions of persons (except the means of transport of foreign diplomatic, consular and other representation offices and international organisations, as well as specialised means of transport) to drive to the site of the incident or to convey persons to medical treatment institutions, if such persons require urgent medical assistance, as well as the pursuit of persons who have committed crimes, and the emergency conveyance of arrested persons to a police institution;
- 21) without payment, to utilise electronic communications facilities belonging to State and local government institutions for service requirements;
- 22) without payment, to utilise State and local government means of mass communication in order to ascertain the circumstances in which a criminal offence was committed and identify the persons who committed it, search for criminals and missing persons, as well as to carry out crime prevention measures;
- 23) in accordance with procedures prescribed by law, arrest and hold under guard persons to whom compulsory expulsion from the State is being applied or may be applied;

24) stop a recreation vessel and conduct an inspection if there is reason to believe that the driver has violated the regulations regarding water traffic safety in internal waters; perform an examination if it is determined that a search for the vessel or the motor thereof has been declared, or there are justified suspicions that the identification number of the vessel, the motor number, registration documents or the drivers licence of the person have been forged; to remove from the controls of a recreation vessel a person who is under the influence of alcohol, narcotic, psychotropic, toxic and other intoxicating substances or whose speed of reaction and attention is reduced due to medication or has such a level of illness or tiredness that it may affect the ability to work as driver and water traffic safety; remove from the controls of a recreation vessel a person who does not have documents which certify the registration of the vessel (if the relevant vessel needs to be registered), or a drivers licence for the relevant vessel (if such is necessary); prohibit the use of a recreation vessel which is not in running order, is not equipped with the necessary equipment and life-saving appliances, as well as recreation vessels that should be registered and which do not have the State registration number signs or name in the correct place; if necessary convey the recreation vessel to the nearest quayside intended for recreation vessels if it is determined that the driver of the vessel has not observed the regulations regarding water traffic safety in internal waters.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

See point IV.1

V.2 procedure [if different from IV]

See point IV.2

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

The Minister of the Interior of the Republic of Latvia is the competent authority **for requesting** and authorising assistance.

Contact point:

Security Police

Address: K.Barona iela 99A, Riga, Latvia;

Tel.: +371 67308964; +371 67208999;

Fax.: +371 67211526

E-mail: dpdd@dp.gov.lv

GENERAL

VII. Arms

VII.1 definition of service weapon

According to the Law on Police - a service weapon is a firearm issued to officers for use in the line of duty.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

A police officer is entitled to use a firearm in an absolute emergency in order to:

- 1) defend other persons and him or herself from an attack that actually endangers life or may do harm to health, or to avert an attempt to obtain a firearm by force;
- 2) free hostages;
- 3) repel a group or armed attack on police officers or other persons who are performing the duties of the service in guaranteeing public safety and fighting crime;
- 4) repel a group or armed attack on facilities, premises, structures, institutions, private law legal persons and unions of persons that are to be guarded;
- 5) arrest a person who is showing armed resistance or who is surprised in the act of committing a serious or an especially serious crime or has escaped from detention, or arrest an armed person who refuses to comply with a lawful request to hand over a weapon or explosives;
- 6) stop a means of transport, damaging it, if its driver through his or her actions is creating an actual danger to the life or health of persons and refuses the request of a police officer to stop and if there is no other way to arrest the driver; or
- 7) render harmless an animal that endangers the life or health of a person.

According to the Law On the Handling of Weapons, police officers are permitted to acquire, possess, carry and utilise the following weapons, munitions and accessories:

- 1) automatic firearms;
- 2) firearms that are camouflaged as other objects;
- 3) munitions with armour-piercing, explosive or incendiary bullets or bullets of such munitions (armour-piercing munitions – military munitions the shell of which has been enclosed in a hard case and contains an armour-piercing hard core; explosive munitions – military munitions the shell of which contains explosives triggered on impact with a target; incendiary munitions – military munitions the shell of which has been filled with chemical substances, which start burning as the result of a burst of air or as the result of impact with a target);
- 4) cartridges of guns and revolvers with expansive bullets (expansive bullet – a firearm hollow-pointed bullet or a bullet which splits or expands on entering a target);
- 5) military smooth-bore firearms;
- 6) Category B short-barrelled semi-automatic, non-automatic or single-shot hunting firearms;
- 7) silencers (mufflers of shooting noise);
- 8) munitions filled with nerve paralysing gases or the munitions of gas pistols (revolvers) that are capable of causing personal injury or the death of a person shooting from a distance of more than a metre;
- 9) gas grenades, munitions filled with substances of irritating and paralysing effect and not intended for gas pistols (revolvers), light and sound devices of psychological effect.

According to paragraph 13 of the Law on Police ("Rights of Police Officers to Use Physical Force and Special Means"), police officers have the right to use:

- 1) physical force;
- 2) special means fighting techniques;
- 3) special means;
- 4) special means of transport;
- 5) service dogs and horses.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

According to the Law on Police, before using a firearm a warning of intent to do so must be given. If necessary, a warning shot may also be fired.

A firearm may be used without warning if:

- an attack is sudden or weapons, military equipment, or any type of mechanical means of transport is used in the attack;
- it is necessary to free hostages;
- an escape from detention is in progress with the use of a weapon or a means of transport, or detainees are escaping from a means of transport while it is in motion.

According to the Law on Police, police officers have the right to use physical force, special fighting techniques, handcuffs, special means, special means of transport, service dogs and horses as well as to hold arrested persons in service premises and in means of transport for this purpose in order to:

- 1) repel an attack on persons, police officers and persons who are performing their duties of service in guaranteeing public safety and in the fight against crime;
- 2) repel an attack on buildings, premises, structures and means of transport regardless of their ownership, or free facilities occupied by armed persons;
- 3) free hostages;
- 4) prevent mass disorder and group violations of public order;
- 5) arrest and convey persons violating the law to a police institution, as well as restrain detained, arrested and convicted persons during conveyance and incarceration if such persons do not submit to or resist police officers, or if there is reason to believe that such persons may escape or do harm to other persons nearby or themselves; and
- 6) stop intentionally wrongful resistance to lawful requests made by police officers or other persons performing service duties in guaranteeing public order or in the fight against crime.

Firearms may not be used at locations where, as a result of such use, other persons may be injured; also, firearms may not be used against women or minors except in cases when they are executing an armed attack, showing armed resistance, or endangering the lives of other persons or police officers as part of a group attack.

Special means (except handcuffs and means of tying) fighting techniques, special means of transport or service dogs and horses may not be used against women, persons with obvious signs of disability or pre-teens, except in cases when they are participating in mass disorder or group violations of public order, as well as in cases when the lives or health of other persons are endangered or in cases of armed resistance or armed attack.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

See point VII.3

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

According to the Criminal Law, self-defence is an act which is committed in defence of the interests of the State or the public, or the rights of oneself or another person, as well as in defence of a person against assault, or threats of assault, in such a manner that harm is caused to the assailant. Criminal liability for this act applies if the limits of necessary self-defence have been exceeded.

VIII.2 « home »

According to the Declaration of Place of Residence Law, home or place of residence is a place connected with immovable property freely selected by any person, in which the person has voluntarily settled with an intention to reside there expressed directly or implicitly, in which he or she has a lawful basis to reside and which has been recognised by him or her as a place where he or she is reachable in terms of legal relations with the State or local government.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

LITHUANIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - a) Special task units of the Lithuanian Criminal Police Bureau;
 - b) Criminal intelligence units of the Border Guard Service;
 - c) Customs Criminal Service.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Central authority for the submission of the surveillance requests (both incoming and outgoing):

SIRENE National Unit
International Liaison Office
Lithuanian Criminal Police Bureau.
Liepyno str. 7
LT-08105, Vilnius, Lithuania
Tel.: +370 5 271 9900
Fax: +370 5 271 9924
E-mail: trv@policija.lt

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Authority issuing the consent for surveillance:

- non-urgent cases – judicial authority;
- urgent cases – Lithuanian Criminal Police Bureau (pre-trial investigator).

Having ceased or completed the surveillance, the officers of the other State who continued surveillance shall report all operations of the surveillance to Central authority.

II. Controlled deliveries

- contact points

Organised Crime Investigation 3rd Board

Lithuanian Criminal Police Bureau

Saltoniskiu str. 19

LT-08105, Vilnius, Lithuania

Tel.: +370 5 271 7928, +370 5 271 9850

Fax: +370 5 271 7917

E-mail: drugs@policija.lt

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- a) officers of the Police;
- b) officers of the Border Guard Service.

III.2 designated authorities (if applicable)

Central authority for information exchange on the hot pursuit:

Operational Management and Security Division

Public Police Board

Police Department under the Ministry of Interior of the Republic of Lithuania

Saltoniskiu str. 19
LT-08105, Vilnius
Tel.: +370 5 271 7966, +370 5 271 7967
Fax: +370 5 271 7980
E-mail: pd.budetojai@policija.lt; pd.budetojai2@policija.lt

III.3 authorities to be contacted in border regions when crossing the border

Central authority indicated above (III. 2) is to be contacted when crossing the border;

One of the local police authorities in the border region **with the Republic of Latvia** is to be contacted when crossing the border (concerning the place of the crossing):

- a) Operational Management Unit of Klaipėda County Police Headquarters;
- b) Operational Management Unit of Telšiai County Police Headquarters;
- c) Operational Management Unit of Šiauliai County Police Headquarters;
- d) Operational Management Unit of Panevėžys County Police Headquarters;
- e) Operational Management Unit of Utena County Police Headquarters.

One of the local police authorities in the border region **with the Republic of Poland** is to be contacted when crossing the border (concerning the place of the crossing):

- a) Operational Management Unit of Alytus County Police Headquarters;
- b) Operational Management Unit of Marijampolė County Police Headquarters.

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Conditions and 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 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;
- 2) pursuit is restricted to within 100 km of the border and up to one hour from the moment of crossing the state border;
- 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;
- 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 Schengen Convention and that may restrict the freedom of movement of the person pursued (only physical restriction of movement is allowed but no formal detention proceedings).

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Public Police Board

Police Department under the

Ministry of Interior of the Republic of Lithuania

Saltoniskiu str. 19

LT-08105, Vilnius, Lithuania

Tel.: +370 5 271 9867, +370 5 271 7884

Fax: +370 5 271 7951

E-mail: nfip-lithuania@policija.lt

IV.2 procedure

The participation of officers of another Member State in a joint operation on the territory of the Republic of Lithuania is allowed under the provision of Law on Police Activity. The procedure is further elaborated and carried out pursuant to the order of the Lithuanian Police Commissioner General.

In order to organise a joint operation, Member States shall submit the request to the aforementioned contact point. The decision on the deployment of the Lithuanian police officers and the provision of equipment for joint operations is made by the Lithuanian Police Commissioner General.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

V.2 procedure [if different from IV]

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Lithuanian Police Anti-terrorist Operations Unit “Aras”

M. K. Paco str. 4,

LT-10309 Vilnius, Lithuania

Tel. +370 271 9100, +370 698 00318

Fax: +370 271 9127

E-mail: rinktine@aras.policija.lt

GENERAL

VII. Arms

VII.1 definition of service weapon

Service weapons are issued by the authorities to armed and security forces to perform their duties.

Service weapons are divided into:

- Duty weapons - non-lethal or less-lethal weapons causing pain and temporary injuries, issued by the law enforcement authority to officers, to be used on duty as a duty tool for self defence and to tame offenders and/or place them in to custody.

- Duty firearms - lethal weapons given to the law enforcement officers to be used strictly in accordance with the law, when conducting direct service functions, duties and responsibilities.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

- 1) Pistols (revolvers)
- 2) Shot guns
- 3) Gas-sprays (CS (chlorobenzalmalonitrile), CN (chloroacetophenone), OC (Oleoresin Capsicum))
- 4) Electronic control devices such as Taser
- 5) Batons

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried or used

Arms, ammunition and equipment permitted :

- 1) Pistols (revolvers)
- 2) Submachine guns
- 3) Assault rifles
- 4) Shot guns
- 5) Aerosol devices (CS (chlorobenzalmalononitrile), CN (chloroacetophenone), OC (Oleoresin Capsicum))
- 6) Tear gas grenades
- 7) Batons
- 8) Electronic control devices such as Taser
- 9) Handcuffs, restraining devices
- 10) Police dogs
- 11) Car stopping devices
- 12) Sound and flash grenades
- 13) Water canons
- 14) Impact munition and grenades

Conditions of their use are provided in point VII.4 of this fact sheet.

When participating in joint operations in the territory of Lithuania, the Member States' officers may carry other arms, ammunition and equipment permitted in their respective Member State. The Police Department of the Republic of Lithuania must be informed of such fact in advance. The Lithuanian authorities may prohibit the carrying of particular arms, ammunition or equipment by a seconding Member State's officers.

Arms, ammunition and equipment prohibited to be carried or used:

According to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction of 1999, anti-personnel mines are prohibited to be carried and used in Lithuania.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment
(cf. Article 19(4) of Council Decision 2008/615/JHA)
(Law on Police Activities 17 October 2000 No. VIII-2048 as last amended
on 22 December 2011 No. XI-1900)

Types of Coercion and Conditions of the Use Thereof (Article 23 of the Law on Police Activities)

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 (see below).

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.
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.

Basis for the Use of Physical Coercion (Article 24 of the Law on Police Activities)

1. A police officer shall have the right to use physical coercion:
 - 1) when defending himself or another person from an started 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.

Use of Firearms (Article 25 of the Law on Police Activities)

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.
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.

Guarantees of Personal Security of the Armed Police Officer (Article 27 of the Law on Police Activities)

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.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Self-defence is defined by Article 28 of the Penal Code

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.

VIII.2 « home »

The inviolability of the home is guaranteed by the Constitution of the Republic of Lithuania and sanctioned by the Penal Code:

The Constitution of the Republic of Lithuania, Article 24, states:

“The home of a human being shall be inviolable. Without the consent of the resident, entrance into his home shall not be permitted otherwise than by a court decision or the procedure established by law when this is necessary to guarantee public order, apprehend a criminal, save the life, health, or property of a human being.”

The Penal Code, Article 165 reads:

“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 or a statement by his authorised representative or at the prosecutor’s request or when the pre-trial investigation was initiated after the indications of domestic crime had been detected.”

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

LUXEMBOURG

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers

List of officers authorised to carry out surveillance

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.

I.2 designated authorities (specify for incoming and/or outgoing requests)

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

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

II. Controlled deliveries

- contact points

Police Grand-Ducale
Direction Service de Police Judiciaire
2957 Luxembourg
Tel.: +352 4997 6000
Fax: +352 4997 6099

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

List of officers 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.*

(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);*
- *there are no restrictions on the duration and territorial scope of pursuit;*
- *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 offence in Luxembourg: the pursuing police officers do not have the power of arrest.*
- *The pursued person has committed an offence in Luxembourg: the provisions of Article 43 of the Luxembourg Code of Criminal Procedure apply. Article 43 stipulates that any person is entitled to arrest a person caught in the act of committing a summary or indictable offence punishable by imprisonment. The person arrested must be taken immediately to the nearest criminal police officer.*

III.2 designated authorities (if applicable)

.....

III.3 authorities to be contacted in border regions when crossing the border

Police Grand-Ducale
Centre d'Intervention National
2957 Luxembourg
Tel.: +352 4997 2346
Fax: +352 4997 2398

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

.....

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Police Grand-Ducale
Direction Opérations et Prévention
2957 Luxembourg
Tel.: +352 4997 2310
Fax: +352 4997 2399

IV.2 procedure

.....

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Police Grand-Ducale

Unité Spéciale

2957 Luxembourg

Tel.: +352 4997 2900

Fax: +352 4997 2999

GENERAL

VII. Arms

VII.1 definition of service weapon

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

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

All service weapons may only be used in legitimate self-defence or defence of others.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

All service weapons may only be used in legitimate self-defence or defence of others.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

All service weapons may only be used in legitimate self-defence or defence of others.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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 house, apartment or its outbuildings;
2. the attack must be at night;
3. it must not be established that, given the circumstances, the defender could not believe in an attack on a person.

VIII.2 « home »

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.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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HUNGARY

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

1. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

I.1 list of authorised officers

I.1.1. International Law Enforcement Co-operation Centre

HU-1139 Budapest, Teve u. 4-6

Tel.: +36 1 443 5596

Fax: +36 1 443 5815

Urgent fax: +36 1 443 5834

I.1.2. Rapid Response and Special Police Services/ Directorate of Special Services/
Deployment Department III./ Interventional Support Unit

Lt. colonel Istvan BALAZS - Head of Unit

Mobile: +36306615335 (English)

I.1.3. National Bureau of Investigation/ Transnational Crime Department

Lt. colonel Zoltan BOROSS – Head of Department

contact person:

captain Jozsef BOCZAN – intelligence officer

Mobile: +36303399016 (English)

I.1.4. Hungarian Liaison Bureau at Europol HQ

Hungarian Liaison Bureau at Europol HQ

Eisenhowerlaan 73

2517 KK Den Haag, The Netherlands

Tel.: +31 617 300 255

E-mail: lbhu@europolhq.net

I.2 designated authorities (specify for incoming and/or outgoing requests)

- International Law Enforcement Co-operation Centre, HU-1139 Budapest,
Teve utca 4-6.

Rapid Response and Special Police Services/ Directorate of Special Services/ Deployment
Department III./ Interventional Support Unit

- (in urgent case, Article 40.2 Schengen Convention)

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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 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 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).

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.”

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.

II. Controlled deliveries

- contact points

International Law Enforcement Co-operation Centre

HU-1139 Budapest, Teve u. 4-6

Tel.: +36 1 443 5596

Fax: +36 1 443 5815

Urgent fax: +36 1 443 5834

I.1.2. National Bureau of Investigation/ Transnational Crime Department

Lt. colonel Zoltan BOROSS – Head of Department

contact person:

captain Jozsef BOCZAN – intelligence officer

Mobile: +36303399016 (English)

I.1.3. Rapid Response and Special Police Services/ Directorate of Special Services/

Deployment Department III./ Interventional Support Unit

Lt. colonel Istvan BALAZS - Head of Unit

Mobile: +36306615335 (English)

I.1.4. Hungarian Liaison Bureau at Europol HQ

Eisenhowerlaan 73

2517 KK Den Haag, The Netherlands

Tel.: +31 617 300 255

E-mail: lbhu@europolhq.net

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- officers of the Police
- customs officers at the Hungarian Customs and Finance Guard
- officers of the Protective Service of the Law-enforcement Agencies

III.2 designated authorities (if applicable)

Central contact point:

Hungarian National Police HQ
International Law Enforcement Co-Operation Centre
HU-1139 Budapest, Teve u. 4-6
Tel.: +36 1 443 5596
Fax: +36 1 443 5815
Urgent fax: +36 1 443 5834

III.3 authorities to be contacted in border regions when crossing the border

Slovakian border:

- Győr-Moson-Sopron County Police Headquarters,
Central Duty Office
Tel.: +36 96 417 329
+36 96 520 000
- Komárom-Esztergom County Police Headquarters,
Central Duty Office
Tel.: +36 34 517 786
+36 34 517 777
- Pest County Police Headquarters,
Central Duty Office
Tel.: +36 1 461 5140
+36 1 461 5141

- Nógrád County Police Headquarters,
Central Duty Office
Tel.: +36 32 311 848
+36 32 312 148

- Borsod-Abaúj-Zemplén County Police Headquarters,
Central Duty Office
Tel.: +36 46 514 506
+36 46 514 511

Austrian border:

- Győr-Moson-Sopron County Police Headquarters,
Central Duty Office
Tel.: +36 96 417 329
+36 96 520 000

- Vas County Police Headquarters,
Central Duty Office
Tel.: +36 94 521 006
+36 94 521 011

Slovenian border:

- Zala County Police Headquarters,
Central Duty Office
Tel.: +36 92 504 316
+36 92 311 510

- Vas County Police Headquarters,
Central Duty Office
Tel.: +36 94 521 006
+36 94 521 011

Croatian border:

- Baranya County Police Headquarters,

Central Duty Office

Tel.: +36 72 504 447

+36 72 504 400

- Somogy County Police Headquarters,

Central Duty Office

Tel.: +36 82 502 700

- Zala County Police Headquarters,

Central Duty Office

Tel.: +36 92 504 316

+36 92 311 510

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations):

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

- c) use physical restraint for the purpose laid down in Article 47¹ of the Act on Police, use hand-cuff for the reasons laid down in Article 48² 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 49³ 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;

¹ 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.”

² 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.”

³ 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 off 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 willful 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 off an attack against his/her own life, corporal integrity or personal freedom.”

- d) 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).

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 can continue the hot pursuit started within the national territory of Hungary on the territory of a foreign state in accordance with the terms and conditions of a relevant 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 on Coercive measures

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 a person's resistance.

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.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact point

IV.2 procedure

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

V.2 procedure [if different from IV]

OTHER

VI. Special intervention units

Competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA):

The technical implementation of the Decision is finalised. (Act on Police, entered into force on 1st January, 2011.)

GENERAL

VII. Arms

VII.1 definition of service weapon

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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / *arms, ammunition and equipment that may not be carried or used*

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

In accordance with international bilateral agreements on police cooperation, officers from another State are generally allowed to carry their service weapons and other means of coercion. They have the right to use the service weapon and other means of coercion for private defence and in cases of extreme emergency

VIII. Definitions

VIII.1 self-defence (if not covered by point VII):

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.

VIII.2 "home"

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.

- IX. Other requirements following from national laws or regulations those need to be taken into account for cross-border operations

MALTA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - Members of the Malta Police Force.
 - Members of the Customs Department.
 - The Armed Forces of Malta (Sea Border Surveillance)

I.2 designated authorities (specify for incoming and/or outgoing requests)

The designated authority for incoming or outgoing requests is the International Relations Unit within the Malta Police Force.

Contact details:

Police Headquarters

Floriana

Malta

Tel.: +356 2294 2113

Fax: +356 2122 3376

Communication via SIENA or ICPO - I 24/7

I.3 specific statutory provisions (including, where relevant and useful, a general indication of applicable traffic regulations)

None

II. Controlled deliveries

- contact points

The contact point for control deliveries is the International Relations Unit within the Malta Police Force whose contact details are as follows:

Police Headquarters

Floriana

Malta

Tel.: +356 2294 2113

Fax: +356 2122 3376

Communication via SIENA or ICPO - I 24/7

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Malta is surrounded by high seas and has no land borders with any of the participating States. Therefore, hot pursuit under Article 41 of the Schengen Convention is not applicable.

III.2 designated authorities (if applicable)

N/A

III.3 authorities to be contacted in border regions when crossing the border

N/A

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

N/A

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

The contact point for Joint Operations is the International Relations Unit within the Malta Police Force. Contact details:

Police Headquarters

Floriana

Malta

Tel.: +356 2294 2113

Fax: +356 2122 3376

Communication via SIENA or ICPO - I 24/7

IV.2 procedure

The Commissioner of Police submits a request in writing to the competent authorities of other Member States to assist the Malta Police Force in a joint operation. In his request the Commissioner of Police specifies the purpose of such assistance as well as the time-frame for such assistance. The Commissioner of Police is the competent authority who decides if officers from the Malta Police Force may participate in joint patrols carried out in other Member States. Competent authorities of other Member States should make the request in writing to the Commissioner of Police and the specific task of the joint patrols and also the time-frame of such assistance should be specified in the request.

Should the competent authorities of other Member States require their designated officers, during the joint operation, to carry their service weapon and would also prefer their designated officers to exercise their executive powers while in Malta, they must mention this in the letter of request.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

V.2 procedure [if different from IV]

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

The following are the special intervention units for Malta:

- The Malta Police Force.
- The Civil Protection Department.

GENERAL

VII. Arms

VII.1 definition of service weapon

Any weapon or ammunition authorised for use by the Commissioner of Police. Every member of the Malta Police Force is obliged to carry a truncheon. However, some police officers are allowed to carry a semi-automatic pistol, Taser gun or pepper spray.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

There is no specific provision with regard to arms, ammunition and equipment that may be used in legitimate self-defence. However, Article 99 (1) of the Police Act (Chapter 164) specifies that:

In exceptional circumstances the Force may, in the execution of its duties, use fire-arms and other offensive weapons or materials.

VII.3 arms, ammunition and equipment permitted and conditions of their use
(cf. Article 19(2) of Council Decision 2008/615/JHA)/arms, ammunition and
equipment which may not be carried or used

Only those arms, ammunition and equipment which are authorised by the
Commissioner of Police may be carried and used by the authorised officers. Police
officers will not use firearms against persons except in self-defence or defence of
others, against the imminent threat of death or serious injury, to prevent the
perpetration of particular serious crime involving grave threat to life, to arrest a person
presenting such a danger and resisting their authority, or to prevent his escape, and
only when other means are insufficient to achieve these objectives.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment
(cf. Article 19(4) of Council Decision 2008/615/JHA)

Whenever lawful use of firearms is unavoidable, police officers will:

- exercise restraint and act in proportion to the seriousness of the offence and the
legitimate objective;
- minimise damage and injury, and respect and preserve human life;
- ensure that assistance and medical aid are rendered to any injured or affected
persons at the earliest possible moment;
- ensure that relatives or close friends of the injured or affected person are
informed at the earliest possible.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

The circumstances of legitimate self-defence are covered by Article 223 of the Criminal Code (Chapter 9) which reads as follows:

No offence is committed when a homicide or bodily harm is ordered or permitted by law or by a lawful authority, or is imposed by actual necessity either in lawful self-defence or in the lawful defence of another person.

VIII.2 "home"»

Any place which is not a public place or a place accessible to the public.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

None.

NETHERLANDS

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

- I.1 list of authorised officers

"Police officers appointed for the performance of police tasks" (Article 3 Police Act 1993); investigating officers of the police and the 'Koninklijke Marechaussee' (Royal Netherlands Military Constabulary), a police organisation with a military status, that performs police tasks in conformity with article 6 Police Act 1993.

N.B. In general surveillances are conducted by especially trained and equipped law enforcement officers (Dutch implementing law Convention implementing the Schengen Agreement)

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 responsible for import duties and excise at the Fiscal Intelligence and Investigation Department"

I.2 designated authorities (specify for incoming and/or outgoing requests)

National Public Prosecutor for cross-border surveillance

National Coordination Point for Cross-Border Surveillance:

Postbus 3016

2700 KX Zoetermeer

Tel.: +31 793 45 9214 (24/7)

Fax: +31 793 45 8989

Digifax: +31 886619504

E-mail: Mailboxipollcgo@klpd.politie.nl

Please notice that requests outside office time should be presented/escorted by a phone call

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Details applicable in the Netherlands:

1. The National Public Prosecutor for cross-border surveillance 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.
4. Two situations are applicable which have an effect in the followed procedure by the Public Prosecutor:
 - a) The location where surveillance needs to occur is known. The local public prosecutor can be identified and will be designated. The request will be transferred to the local public prosecutor and the local Surveillance Team (and if no capacity a Schengen Surveillance Team).

- b) The location where surveillance needs to occur is unknown. Therefore no local public prosecutor can be identified and designated. The National Public Prosecutor for cross-border surveillance together with the Schengen Surveillance Team will execute the request until situation (a) occurs. Then transfer of the request to the local public prosecutor and the local surveillance team will take place.

To ensure that the operation proceeds properly in accordance with points 1-4 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 deemed by the responsible authorities in the Netherlands to be to the benefit of the investigation and/or the surveillance operation to be carried out in the Netherlands.

In relation to Benelux countries article 19 of the Benelux police cooperation treaty is applicable and provides additional competences. The article states:

Article 40 of the the Convention implementing the Schengen Agreement is applicable, notwithstanding the fact that:

- a) observation conducted under that article and in full compliance with national law can be broadened to persons who have extracted themselves of a custodial punishment or to persons can lead investigators to those persons;
- b) civil servants can use technical means if they have been granted permission by the host state. The Treaty parties inform one another of the type and the use of such means;
- c) cross border observation can, in full compliance with national law, be conducted in airspace, the seas or water ways.

In relation Germany article 11 of the between the Kingdom of the Netherlands and the Bundesrepublik Germany regarding crossborder police cooperation and cooperation in criminal matters provides additional competences:

Article 40 of the Convention implementing the Schengen Agreement is applicable, notwithstanding the fact that:

- observation conducted under that article and in full compliance with national law can be broadened to persons can lead investigators to those persons who have extracted themselves of a custodial punishment,. This is also the case in very special urgent situations in which prior consent of teh other Treaty party could not be obtained on time.
- Cross border observation is also possible in view of the execution of an irrevocably imposed imprisonment which is at the moment of a decision to conduct observation at least 4 months long.
- In The Kingdom of the Netherlands authorities should provide their requests to the authorities mentioned under article 11 paragraph 4 to the National Prosecutor (Landelijk Parket) via the National Center for International Legal Assistance (Landelijk Internationaal rechtshulp Centrum – LIRC).
- In The Kingdom of the Netherlands requests may as mentioned in article 11 paragraph 5 be forwarded by the Royal National Police Service (KLPD), Coordination Point Crossborder Surveillance.
- Requests of police authorities in charge of the operation and other authorities responsible for the execution of tasks within the operation send their requests via the competent international Mutual Legal Assistance center.
- In accordance with article 11 paragraph 6 the authority which needs to be informed of the cross border surveillance requests is the Royal National Police Services (Korps Landelijken Politiediensten – KLPD).
- In accordance with article 11 paragraph 7 the authorities which needs to be informed of the cross border surveillance requests are the crisis centers (Meldpunten) in the border regions.

- Regarding the use of technical means as mentioned in article 11 number 11, the National Prosecutor for cross-border surveillance needs to give his approval.
- Notification in accordance with article 40, paragraph 2, first sentence, section a occurs by the authorities mentioned in the first sentence. A request ex post and in conformity with article 40 of the Convention implementing the Schengen Agreement, paragraph 2, First sentence section b is done in conformity with paragraphs 4 to 6 of that article.
- Consent regarding a cross border observation is applicable for the whole territory of the Treaty State which gave authorisation.
- A cross border surveillance in conformity with article 40 paragraph 2 of the the Convention implementing the Schengen Agreement within the framework of a criminal investigation is also allowed in view of suspicion of an offense which is not included in article 40 paragraph 7 of the Convention if the offense in the Treaty State to which a request is made, is susceptible for extradition.
- Changes in competences as mentioned in article 11 of the Treaty will be communicated to the other Treaty States.
- civil servants can use technical means if this is in compliance with national law of the other Treaty state (host state) and if they have been granted permission by the host state. The Treaty parties inform one another regarding such means.
- Entering residences or not publicly accessible areas is prohibited. Publicly accessible areas (work, business and office spaces) may be accessed during working hours.

II. Controlled deliveries

- *contact points*

National request/permission: See under 1.2

The local prosecutor also has to be requested / give permission

Bilateral arrangement The Netherlands - Germany

According to article 13 of the bilateral treaty between the Kingdom of the Netherlands and the Bundesrepublik Germany regarding crossborder police cooperation and cooperation in criminal matters, requests for the intake, transit or of controlled deliveries in The Netherlands need to be submitted to the Landelijk Informatiecentrum Rechtshulp Centrum (LIRC) with the aim of permission of the Public Prosecutor (Landelijk Parket).

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

“Police officers appointed for the performance of police tasks” (Article 3 Police Act 1993); investigating officers of the police and the 'Koninklijke Marechaussee' (Royal Netherlands Military Constabulary), a police organisation with a military status, that performs police tasks in conformity with article 6 Police Act 1993.

N.B. 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 responsible for import duties and excise at the Fiscal Intelligence and Investigation Department”.

III.2 designated authorities (if applicable)

The relevant police force at the border.

III.3 authorities to be contacted in border regions when crossing the border

Information should be communicated to the emergency room of a regional police station near the point at which the border is crossed. Special arrangements are in place at bilateral level with Germany and Belgium.

N.B. 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 authority mentioned under 1.2 may be contacted.

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Citizen's power of arrest: Article 53 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.

Restrictions / competences on the power of pursuit in the Netherlands

(a) Border with Belgium

Article 18 of the Benelux treaty on cross border policing is applicable. For the execution of cross border pursuit the provisions of article 41 of the Convention implementing the Schengen Agreement is applicable in the following way:

A pursuit crossing borders, fully taking into account national legislation, may be carried out on persons who have extracted themselves of a custodial punishment or who are suspected of a criminal offence which may lead to extradition;

Legislation regarding pursuits as identified in article 41 of the Convention implementing the Schengen Agreement, is exercised on the territory of the other party to the Treaty without restrictions on the duration and territorial scope of the pursuit and with the right awarded to apprehend the person who is being pursued.

The pursuit, fully taking into account national legislation, may also be carried out in airspace or on sea or the waterways.

In other situations one needs to act according to article 26 of the Benelux Treaty on the extradition and the mutual legal assistance in criminal matters. Article 27 of the same treaty is not applicable anymore.

(b) Border with Germany

Article 12 of the bilateral treaty between the Kingdom of the Netherlands and the Bundesrepublik Germany regarding crossborder police cooperation and cooperation in criminal matters is applicable.

- 1) Notwithstanding the objectives mentioned in article 41 of the Convention implementing the Schengen Agreement, cross border hot pursuit in the framework of the national law of Treaty states, is authorised regarding hot pursuit of persons who are at a maximum of 150 kilometers of the border and extract themselves of control in the framework of investigation of persons who are suspected of a of having committed an extraditable offence or who have received a custodial sentence which appears to be susceptible for extradition.
- 2) Hot pursuit may also take place in air space or on the water.
- 3) The civil servants conducting a hot pursuit act, in accordance with the applicable law and objectives as mentioned in paragraph 1 and article 41 of the Convention implementing the Schengen Agreement, for all offences subject to extradition on the territory of the other Treaty State without geographical limitations or limitations in duration. This includes the competence to apprehend persons in conformity with article 41 paragraph 2 section b of the Convention implementing the Schengen Agreement.

- 4) Entering residences or not publicly accessible areas is prohibited. Publicly accessible areas (work, business and office spaces) may be accessed during working hours.

In the case of a cross border pursuit this should be communicated to the following authorities in The Netherlands, the Royal National Police Services (Korps Landelijke Politiediensten - KLPD), Contact point Cross border Pursuit.

- arrest is permitted on public thoroughfares and areas provided the person is suspected of having committed an extraditable 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.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

National Police Force (KLPD)
National Operational Coordination Center
Hoofdstraat 54
Postbus 100
3970 AC Driebergen
Tel.: +31 (0)343 53 6953 or /5759
E-mail: ccb-klpd@klpd.politie.nl

N.B. At the border with Belgium concerning “public order assistance”: Instruction of 13 May 2008 between Police Region Mid/West Brabant and Belgian Police under the terms of Article 26 (joint operations) of the Benelux-Treaty. Direct request to the Belgian Police Force; no national authority involved.

Articles 4 and 5 of the Benelux treaty on cross border policing are applicable.

A cross border policing action in the framework of public order and security, including mutually organising the coordination of events and organised transports, is only possible on the basis of a request. The request is submitted by the competent authority of the requesting Treaty party to the competent authority of the requested Treaty party.

The request includes a description of the kind of cross border policing action as well as the operational necessity of the action. There is also a need to indicate if the request is aimed at a single cross border action or if it is aimed at a category of cross border actions which will take place during a particular period of time.

The competent authority of the requested Treaty party will immediately take a decision in response to the request after which the requesting Treaty party is as soon as possible informed in writing of the decision taken.

The civil servant and the police unit crossing the border is without prejudice of the competences mentioned in title 4 of the Treaty, competent to:

- a) secure the immediate security of persons;
- b) to supervise an area with the intention to gather information and to locate persons, animals, vehicles or objects which can jeopardise the public order and security;
- c) to control the entry points of an area or to deny entry to the area with the aim to uphold the law of the hosting state or to maintain the public order and security;
- d) to give orders to the traffic and road users;
- e) to search systematically an area to locate persons, animals, vehicles or objects which (may) threaten the public order and security;
- f) to carry out identity controls;
- g) to carry out accompaniments with the aim of preventing incidents and to uphold the public order and security;

In executing the competences one follows the requirements of proportionality and subsidiarity.

N.B.: At the border with Germany concerning “public order assistance”:

Article 22 of the bilateral Treaty between the Kingdom of the Netherlands and the Federal Republic of Germany regarding crossborder police cooperation and cooperation in criminal matters is applicable.

The competent authorities of the states party to the Treaty grant each other, in compliance with the applicable nationale legislation, assistance regarding major events disasters or major accidents by:

- 1) informing each other as soon as possible regarding such events with cross border consequences and to communicate relevant information;
- 2) undertaking and coordinating the appropriate policing actions in situations with cross border consequences in their geographical area;
- 3) providing assistance through the secondment of civil servants, specialists and advisors as well as providing equipment following a request of the Treaty state where the event takes place.

Beside these provisions the previously mentioned Treaty does not supersede the Treaty of 7 June 1988 between the Kingdom of the Netherlands and the Federal Republic of Germany regarding mutual assistance with fighting disasters including major accidents.

IV.2 procedure

**Model request form
for joint operations on the basis of article 17 of the Council Decision 2008/615/JHA of
23 June 2008 on the stepping up of cross-border cooperation, particularly in combating
terrorism and cross-border crime**

Requesting Party:

- The Kingdom of Belgium, represented by the Directorate of the National Contact Point
DGA/DAO
- or
- The Federal Republic of Germany, represented by....
- or
- The Kingdom of Spain, represented by....
- or
- The French Republic, represented by....
- or
- The Grand Duchy of Luxembourg, represented by the Director General of the Grand-Ducal
Police or his representative
- or
- The Kingdom of the Netherlands, represented by....
- or
- The Republic of Austria, represented by....
- or
- ...

(To be completed)

requests

The Kingdom of Belgium, represented by the Directorate of the National Contact Point DGA/DAO

or

The Federal Republic of Germany, represented by....

or

The Kingdom of Spain, represented by....

or

The French Republic, represented by....

or

The Grand Duchy of Luxembourg, represented by the Director General of the Grand-Ducal Police or his representative

or

The Kingdom of the Netherlands, represented by....

or

The Republic of Austria, represented by....

or

...

(To be completed)

for the following:

Police intervention by police officers, as detailed in the annex to the present request, in order to contribute to the maintenance of public order and prevention of criminal offences at:

..... *(place, zone; date);*

under the operational command of
(name and function of the police officer).

For agreement:

Police intervention by police officers, as detailed in the annex to the present request, in order to set up training exercises for the operation as provided for in Article 17 at:

..... (*place, zone; date*);

under the operational command of
(*name and function of the police officer*).

For agreement:

The furnishing of means for public order maintenance and prevention of criminal offences, as detailed in the annex to the present request.

These means will be deployed at
(*name of the place, name of the zone; date*);

under the operational command of
(*name and function of the police officer*).

For agreement:

The dispatch of police officers to accompany or operate the material means for that purpose.

For agreement:

- Other:**
- For agreement:**

- One border crossing**
- Several border crossings during the following period:**
- For agreement:**

Sovereign powers

- Requests to confer to the seconding State's officers the sovereign powers allowed by the host State.
- For agreement:**
- Requests to allow the seconding State's officers to exercise their own sovereign powers in accordance with the seconding State's law. If granted, the seconding State's officers will have the same sovereign powers as in their own country.
- For agreement:**

Costs

- Each Contracting Party shall bear the costs incurred by its own authorities.
- or
- Other proposition for the sharing out of the costs:
- For agreement:**

.....(date).....(place)

.....(Signature)

agreement

.....(date).....(place)

.....(Signature)

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

"Police officers appointed for the performance of police tasks" (Article 3 Police Act 1993); Police officers within a regional or national force.

Officers of The Royal Netherlands Military Constabulary, a police organisation with a military status, that performs police tasks in conformity with article 6 Police Act 1993

At the Belgian (and Luxembourg) border each Police force is authorised to organise joint patrols and constitutes the relevant contact point(s).

Articles 25 and 26 of the Benelux treaty on cross border policing are applicable.

The competent authorities of the Treaty parties can, depending on their operational needs, organise mixed patrols and controls in the border region.

- a. In compliance with article 29 the civil servant of the sending state who participates in a mixed patrol or control, exercises the competences which have been attributed to him or her by the Treaty parties;
- b. A mixed patrol is competent to act with a means of transportation in the border region of the Treaty parties from which civil servants take part in the mixed patrol;

- c. The practical modalities of the cooperation and attribution of competences are settled in implementing agreements.

Article 19 of the the bilateral Treaty between the Kingdom of the Netherlands and the Federal Republic of Germany regarding crossborder police cooperation and cooperation in criminal matters is applicable.

In view of intensifying the cooperation between the competent authorities of the Treaty states introducing common patrols, common manned control, evaluation and observation teams or other ways of cooperating in which civil servants of the sending state participate for actions in the hosting state with the aim of upholding the public order and security or to prevent criminal acts. Soverain competences may only be executed under the command and usually in the presence of civil servants of the hosting state. Article 6 paragraph 4, 2nd and 3rd sentence of the Treaty is applicable in this framework.

V.2 *procedure [if different from IV]*

OTHER

VI. Special intervention units

- *competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)*

Ministry of Security and Justice, National Crisis Centre

PO Box 20301

2500 EH The Hague

Tel.: +31 70 426 50 00 - +31 70 426 51 51

Fax: +31 70 361 44 64

E-mail: ncc@nctv.minvenj.nl (24h) (NL/EN)

GENERAL

VII. Arms

VII.1 definition of service weapon

Service weapons: Any weapons that are designated as service weapons under Dutch Police Law. Service weapons include pistols, submachine guns, rifles truncheons, pepperspray, and electroshock devices.

For the purpose of carrying out his daily duties, almost every Dutch police officer is armed with a truncheon, pepperspray and a semi-automatic pistol (standard weapons). Dutch police agents participating in pursuit operations are also equipped with these weapons.

VII.2 *arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)*

The arms, ammunition and equipment that may generally be used pursuant to the first sentence of Article 19(2) are as follows:

(a) Type of service weapon and ammunition of the National Police	(b) Further details (e.g. calibre, bullet specifications)
(c) Truncheon/baton	(d)
(e) Riot control agent dispenser/projectile	(f) Riot control agents (CS)
(g) Pistol (h)- Ammunition	(i) 9mm x 19 calibre police ammunition (j) (currently Action Effect and Action NP) (k)
(l)	(m)
(n) Sub-machine gun (o)- Ammunition (p)	(q) 9mm x 19 calibre police ammunition (r) (currently Action Effect and Action NP 4)

(s) Rifle (t) - Ammunition	(u).223 to .50 calibre (v) - Full metal jacket bullet (soft core) (w) - Hard core (penetrator) (x) - Expanding bullet
-------------------------------	--

<i>Explosives and detonating agents</i>	<i>Explosives intended for blowing up/blowing open objects</i>
<i>Electroshock devices</i>	<i>Taser</i>

(y) Type of equipment of the National Police (not exhaustive)	(z) further details
(aa) Restraining devices	(bb) e.g. handcuffs (metal and plastic), shackles, restraint chains, straitjackets
(cc) Water cannons	(dd) Special vehicles fitted with water tanks and nozzles or fixed mountings
(ee) Mechanical barriers	(ff) Spiked barrier strips and other systems for stopping vehicles
(gg) Police dogs	(hh)
(ii) Police horses	(jj)
(kk) Police vehicles	(ll) Motor vehicles (including armoured vehicle), helicopters, aircraft, sea vessels, bicycles
(mm) Riot shields	(nn) Riot and ballistic shields for specialised units

A Particular arms, ammunition and equipment which may not be carried

The Netherlands does not foresee any restrictions with respect to carrying service weapons, means for force, and other equipment (provided they have been handed out by the employer).

B Particular arms, ammunition and equipment which may not be used

The Netherlands does not foresee any restrictions with respect to carrying service weapons, means for force, and other equipment (provided they have been handed out by the employer).

The arms, ammunition and equipment mentioned for the Netherlands: firearms, pepper spray and tear gas, may only be used in the legitimate defence of the officer himself or another (self-defence article 41 of the Penal Code). They can also be used including the firearm in specific circumstances for arrests (article 7 of the official instructions). On the basis of the same provision, the superior may determine otherwise in individual cases.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

According to the Netherlands Police Act-1993 (Articles 8 and 9) a police officer who is appointed to carry out a police task:

- is authorised to use force in the lawful performance of his job, if the relevant goal justifies such, taking account of the risks inherent in the use of force and such goal cannot be achieved in a different manner. If possible the use of force shall be preceded by a warning.
- has access to every location, insofar as such is reasonably necessary to provide assistance to those who require such.
- is authorised to search the clothing of persons in the exercising of a power granted to him by law or when carrying out an action to perform a police task, if facts or circumstances show that there is an immediate risk for their life or safety, or the life or safety of the officer himself or of third parties and this search is necessary to deflect that risk.

The exercising of the powers must be reasonable and proportionate to the intended goal.

The implementation of the use of power is laid down in an official instruction. Rules are established by ministerial regulation regarding measures which can be applied to persons lawfully deprived of their liberty with an eye to their detention.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

(Currently under consideration)

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

The necessary defence of one's own or another's life, decency or property against immediate unlawful assault.

VIII.2 "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.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

AUSTRIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - (a) Authorities/agencies responsible for public security:
 - Officers of the *Wachkörper Bundespolizei* (Federal Police);
 - Officials of the legal department of the security/police authorities who are authorised to exercise direct command 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.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Central authority responsible for transmitting requests for judicial assistance (for cross-border surveillance a request for mutual legal assistance is necessary):

Federal Ministry of the Interior

General Directorate for Public Security

Criminal Intelligence Service

Josef Holaubek-Platz 1

1090 Vienna

Tel.: +43 1 24836 985025, +43 1 24836 985026, +43 1 24836 985027

Fax: +43 1 24836 985190, +43 1 24836 985191

E-mail: BMI-II-BK-SPOC@bmi.gv.at

For operational cooperation:

Federal Ministry of the Interior

General Directorate for Public Security

Special Operations Unit Cobra / Branch for Special Units (EKO Cobra/DSE)

Sub-department 2.2 - central surveillance

Straße der Gendarmerie 5

2700 Wiener Neustadt

Tel.: 43 1 53126 4296

E-mail: BMI-II-EKO-DSE-2-2-OBS-KOST@bmi.gv.at

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

- In accordance with Article 40(1) of the Schengen Convention, a request for mutual legal assistance is required for cross-border surveillance.
- Police officers are 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).
- Road traffic regulations: <http://www.ris.bka.gv.at> - Straßenverkehrsordnung; see also bilateral treaties with neighbouring states.

II. Controlled deliveries

- contact points

Federal Ministry of the Interior

General Directorate for Public Security

Criminal Intelligence Service

Josef Holaubek-Platz 1

1090 Vienna

Tel.: +43 1 24836 985025, +43 1 24836 985026, +43 1 24836 985027

Fax: +43 1 24836 985190, +43 1 24836 985191

E-mail: BMI-II-BK-SPOC@bmi.gv.at

Note: In the case of controlled exportation the request has to be forwarded - via the above mentioned contact point - to the Department of Public Prosecution that is competent for the district where the delivery starts, in order to decide on whether or not to grant the controlled delivery.

For operational cooperation:

Federal Ministry of the Interior

General Directorate for Public Security

Special Operations Unit Cobra / Branch for Special Units (EKO Cobra/DSE)

Sub-department 2.2 - central surveillance

Straße der Gendarmerie 5

2700 Wiener Neustadt

Tel.: 43 1 53126 4296

E-mail: BMI-II-EKO-DSE-2-2-OBS-KOST@bmi.gv.at

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- (a) Authorities/agencies responsible for public security:
 - Officers of the *Wachkörper Bundespolizei* (Federal Police);
 - Officials of the legal department of the security/police authorities who are authorised to exercise direct command 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.

III.2 designated authorities (if applicable)

.....

III.3 authorities to be contacted in border regions when crossing the border

Vorarlberg	Landespolizeidirektion Vorarlberg Bahnhofstraße 45 6900 Bregenz Tel.: +43 59 133 80 E-mail: LPD-V@polizei.gv.at
Tirol	Landespolizeidirektion Tirol Innrain 34 6020 Innsbruck Tel.: +43 59 133 70 E-mail: LPD-T@polizei.gv.at
Salzburg	Landespolizeidirektion Salzburg Alpenstraße 90 5020 Salzburg Tel.: +43 59 133 50 E-mail: LPD-S@polizei.gv.at
Oberösterreich	Landespolizeidirektion Oberösterreich Gruberstraße 35 4021 Linz Tel.: +43 59 133 40 E-mail: LPD-O@polizei.gv.at
Kärnten	Landespolizeidirektion Kärnten Buchengasse 3 9010 Klagenfurt am Wörthersee Tel.: +43 59 133 20 E-mail: LPD-K@polizei.gv.at
Niederösterreich	Landespolizeidirektion Niederösterreich Neue Herrengasse 15 3100 St. Pölten Tel.: +43 59 133 30 E-mail: LPD-N@polizei.gv.at
Steiermark	Landespolizeidirektion Steiermark Straßganger Straße 280 8052 Graz Tel.: +43 59 133 60 E-mail: LPD-ST@polizei.gv.at
Burgenland	Landespolizeidirektion Burgenland Neusiedler Straße 84 7000 Eisenstadt Tel.: +43 59 133 10 E-mail: LPD-B@polizei.gv.at

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

(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 80 paragraph 2 Code of Criminal Procedure).

(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 crossroad 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 up one-way streets the wrong way 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.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

During office hours:

Federal Ministry of the Interior

General Directorate for Public Security

Sub-Department II/2/a

Tel.: +43 1 53126 3899

Fax: +43 1 53126 10 8638

E-mail: bmi-II-2-a@bmi.gv.at

Outside office hours:

Federal Ministry of the Interior

General Directorate for Public Security

Operations and Crisis Coordination Centre

Tel.: +43 1 53126 3200 or +43 1 53126 3775

Fax: +43 1 53126 3120

E-mail: bmi-II-EKC-Permanenzdienst@bmi.gv.at

IV.2 procedure

Model Request form
for joint operations on the basis of Article 24 of the Treaty

Requesting Party:

The [.....]¹, represented by

requests

The Republic of Austria, represented by

for the following:

- Police intervention** by police officers, as detailed in the annex to the present request, in order to contribute to the maintenance of public order at:

..... (*place, zone; date*);

under the operational command of
(*name and function of the police officer*).

- For agreement:**
- The furnishing of means** for public order maintenance, as detailed in the annex to the present request.

¹ Member State

These means will be deployed at
(*name of the place, name of the zone; date*);

under the operational command of
(*name and function of the police officer*).

For agreement:

The dispatch of police officers to accompany or operate the material means for that purpose.

For agreement:

Other:

For agreement:

One border crossing

Several border crossings during the following period:

For agreement:

Sovereign powers

Requests to confer to the seconding state's officers the sovereign powers allowed by the Host State.

For agreement:

- ❑ Requests to allow the Seconding State's officers to exercise their own sovereign powers in accordance with the Seconding State's law. If granted, the seconding state's officers will have the same sovereign powers as in their own country.

- ❑ **For agreement:**

Costs

- ❑ Each Contracting Party shall bear the costs incurred by its own authorities.

or

- ❑ Other proposal for sharing the costs:

- ❑ **For agreement:**

..... (date) (place)

..... (Signature)

agreement

..... (date) (place)

..... (Signature)

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

See above IV. regarding contact points and procedure in case of Joint operations

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Federal Ministry of the Interior

General Directorate for Public Security

Operations and Coordination Centre

Tel.: +43 1 53126 3200

Fax: +43 1 53126 3120

E-mail: bmi-II-EKC-Permanenzdienst@bmi.gv.at

GENERAL

VII. Arms

VII.1 definition of service weapon

In Austria, 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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

- permissible firearms und permissible ammunition;
- permissible pepper sprays and permissible equipment.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment which may not be carried or used

There are no prohibitions in Austria referring to this.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

The use of means of force and service weapons is regulated in the Federal Law of 27 March 1969 on the 'Use of Weapons by Officers of the Federal Police and police at community level ("Use of Weapons Act 1969")'; Federal Law Gazette No. 149/1969 (in the version of Fed.Law Gazette I No. 61/2016).

Article 2. Officers of the federal and municipal police are authorised in accordance with the provisions of this Federal Law, to make use of their service weapons if the need arises when exercising their duty:

1. in the case of legitimate self-defence;
2. to overcome resistance against justified law enforcement intervention;
3. to enforce a lawful arrest;
4. to prevent the escape of a detained person;
5. to avert a danger arising from anything non-human.

Article 3. Service weapons in the meaning of this Federal Law are

1. rubber truncheons, and other truncheons used in police intervention,
2. tear gas and other irritants, which cause only a short-term health impairment,
3. water canons,
4. firearms, except the ones listed in category I., Z 3 of the Annex I to the State Treaty concerning the Restoration of an Independent And Democratic Austria, Federal Law Gazette No. 152/1955, which support the officers listed in Article 2 to fulfil their duty as instructed by their superior authority or their service.

Article 4. Use of arms is admissible only, if lesser measures, such as the order to restore lawful condition, threat of use of firearms, pursuit of a fugitive, use of physical force, or other available lesser means, such as handcuffs or technical barriers, appear unsuitable or have proven ineffective.

Article 5. If different types of weapons are available, only the weapon that appears least dangerous but still effective under the prevailing circumstances may be used.

Article 6. (1) Use of weapons directed against human beings may only serve the purpose of making an individual incapable of attacking, resisting or fleeing. In the cases outlined in Article 2(2 to 5), the damage expected by use of weapons must not be disproportionate to the intended effect.

(2) Each weapon must be used with the greatest possible caution and care for human beings and property. Weapons may be directed against human beings only if use of weapons against property would be ineffective.

Life-threatening use of weapons

Article 7. Use of weapons presenting a threat to the life of human beings is admissible only:

1. in the case of legitimate self-defence to defend a human being;
2. to suppress a riot or insurgence;
3. to enforce an arrest or prevent the escape of an individual strongly suspected of a crime than can only be committed deliberately and is liable to a prison term of more than one year, which in itself or in connection with the suspect's behaviour during arrest or escape shows there is a general security risk to the state, to himself or property;
4. to enforce arrest or prevent the escape of a mentally deranged person who poses a general security risk to himself or property.

Article 8. (1) A distinct warning must be given immediately before life-threatening use of weapons against human beings. If there is a crowd, the warning must be repeated. Firing a warning shot also counts as warning.

(2) Life-threatening use of weapons is admissible only if there is no risk for innocent by-standers, unless it appears inevitable in order to prevent a crowd from violent actions, posing a direct or indirect security risk to individuals.

(3) In the case of legitimate self-defence, the provisions of paragraphs 1 and 2 do not apply.

Use of means other than service weapons and of means having the effect of a weapon

Article 9. If a suitable service weapon is not available, also other weapons, or means having the effect of a weapon, may be used by applying the provisions of the federal law *mutatis mutandis*.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

See point VII.

VIII.2 "home"

See point VII.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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POLAND

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - a) officers of the Police,
 - b) officers of the Border Guard,
 - c) officers of the Internal Security Agency
 - d) officers of the Customs and Tax Control Service in accordance with the powers.

I.2 designated authorities (specify for incoming and/or outgoing requests)

POLICE			
AUTHORITY	ADDRESS	TEL	FAX
Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 22 60 154 47 +48 22 60 136 40	+48 22 60 15 340

BORDER GUARD			
AUTHORITY	ADDRESS	TEL	FAX
Commander in Chief of the Border Guard	Al. Niepodległości 100 02-514 WARSZAWA	+48 22 500 41 60 +48 22 500 41 61	+48 22 50 04 702

INTERNAL SECURITY AGENCY			
AUTHORITY	ADDRESS	TEL	FAX
The Head of the Internal Security Agency - Crisis Management Centre of the Internal Security Agency	Ul. Rakowiecka 2A 00-993 WARSZAWA	+48 22 585 82 21 e-mail: dso@abw.gov.pl	+48 22 58 58 479

CUSTOMS AND TAX CONTROL SERVICE			
AUTHORITY	ADDRESS	TEL	FAX
Head of the National Revenue Administration	ul. Świętokrzyska 12, 00-916 Warszawa	+48 22 69 43 922	+48 22 69 44 814 dyzurny@mf.gov.pl

Other designated authorities for requests on the bases of bilateral agreements with neighbouring countries:

POLISH-GERMAN BORDER				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Surveillance	<p>Relevant Border Authority (if the surveillance will be conducted within its competence)</p> <p>who should be addressed through: Polish-German Police and Customs Cooperation Centre in Świecko</p>	<p>Postal Box 63 69-100 Słubice</p>	<p>+48 95 73 81 926 +48 95 759 02 70</p> <p>Customs and Tax Control Service: + 48 95 7583370 Mobile: + 48 664 093 768</p>	<p>+48 95 73 81 928 +48 95 75 90 207</p> <p>Customs and Tax Control Service: +48 95 75 83 470 e-mail: pncw.swiecko@rze.mofnet.gov.pl</p>
	<p>Commander in Chief of the Police Commander in Chief of Border Guard Head of Internal Security Agency Head of the National Revenue Administration</p> <p>(if the surveillance will be conducted on the territory of more than one voivodship)</p> <p>who should be addressed through: SIRENE Bureau</p>	<p>ul. Puławska 148/150 02-624 WARSZAWA</p>	<p>+48 22 60 154 47 +48 22 60 136 40</p>	<p>+48 22 60 15 340</p>

POLISH-SLOVAK BORDER			
AUTHORITY	ADDRESS	TEL	FAX
<p>Commander in Chief of the Police Commander in Chief of Border Guard</p> <p>who should be addressed through: SIRENE Bureau</p>	<p>ul. Puławska 148/150 02-624 WARSZAWA</p>	<p>+48 22 60 15 447 +48 22 60 13 640</p>	<p>+48 22 60 15 340</p>

INTERNAL SECURITY AGENCY

POLISH-SLOVAK BORDER				
INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRES	TEL	FAX
Surveillance	The Head of the Internal Security Agency - Crisis Management Centre of the Internal Security Agency	ul. Rakowiecka 2A 00-993 Warszawa	+48 22 585 82 21 e-mail: dso@abw.gov.pl	+48 22 58 58 479

POLISH BORDER GUARD

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

LITHUANIA:

Cross-border surveillance between the Republic of Poland and the Republic of Lithuania is regulated in the Agreement (Article 12) between the Republic of Poland and the Republic of Lithuania on cooperation in combating organized and other crime and cooperation in border regions signed in Vilnius on 14 March 2006 (Dz.U.07.177.1244). The Agreement allows for surveillance of a person by the designated authorities of the Contracting Party, following a prohibited act, which could constitute the basis for extradition or for issuing a European arrest warrant.

The observation could be continued on the territory of the state of the Contracting Party having obtained the prior consent of that Party's competent authority.

Surveillance is carried out in cooperation with officials of the competent authorities or border forces of the requested Party, to whom the surveillance should be handed should they so request.

Carrying out surveillance is acceptable only under the following terms and conditions:

- 1) officers carrying out surveillance have an obligation to respect this Agreement and the provisions of the domestic law of the Contracting Party on whose territory surveillance is being carried out. They are obliged to comply with the orders given by that Party's appropriate authorities or border forces ;
- 2) officers carrying out surveillance must be in possession of a document granting the relevant permission;
- 3) officers carrying out surveillance must have in their possession officers' ID cards and official means of communication;
- 4) officers carrying out surveillance are not allowed to enter flats or other places not accessible to the public;
- 5) officers carrying out the surveillance may neither detain nor arrest a person under surveillance.

In special emergencies, a prior request for approval is impossible, officers may continue surveillance on the territory of the Contracting Party under the following terms and conditions:

- 1) surveillance is continued in relation to the prohibited act, referred to in Article 40(7) of Schengen Convention;
- 2) the time and the place of crossing the state border should be reported immediately, at the same time as the surveillance takes place, to the competent appropriate authority, and border appropriate forces of the Party, on the territory the state where surveillance is being carried out;
- 3) one should immediately forward the request, stating reasons justifying continuing the surveillance without prior approval; surveillance should be stopped, when an appropriate authority of the Party, on whose territory surveillance is being carried out, requests so or when the relevant permission is not granted within five hours after the state border was crossed.

THE CZECH REPUBLIC:

Cross-border surveillance between the Republic of Poland and the Czech Republic is based on Article 40 of Schengen Convention;

GERMANY:

Cross-border surveillance between Poland and Germany is regulated by:

1. Schengen Convention (Article 40) with extensions resulting from the Agreement (Article 22) of the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the cooperation of police, border guard and custom service, signed in Zgorzelec 15 May 2014 (the Official Journal of Poland 2015 pos. 939).

Surveillance may be carried out on the territory of the other Contracting Party of a person, in connection with a punishable act which may constitute the basis for extradition, with the consent given by the appropriate authority.

Where surveillance is being carried out in cooperation with officials of the competent authorities of the requested Party, upon their request, the surveillance should be handed over to the officials of the competent authorities of that Party.

A consent to the surveillance is granted by:

1) in the Republic of Poland:

- a) the Commander of the Regional Police Headquarters, the Commander of the Border Guard Division and the Head of Customs and Tax Control Office - if the surveillance will be conducted only on the territory of their territorial responsibility;
- b) the Commander in Chief of the Police, the Commander in Chief of the Border Guard, the Head of the National Revenue Administration - if the surveillance will be conducted on the territory of more than one voivodeship or on the whole country;
- c) the Head of the Internal Security Agency;

2) in the Federal Republic of Germany: the Prosecutor's office with territorial jurisdiction. Territorial jurisdiction is established according to the presumed place of the border crossing.

In case of surveillance in special emergencies, crossing the border should be notified:

1) in the Republic of Poland: the Commander of the Regional Police Headquarters, the Commander of the Border Guard Division and the Head of Customs and Tax Control Office – appropriate for the supposed place of crossing border; and also the Head of the Internal Security Agency,

2) in the Federal Republic of Germany: the Federal Criminal Office or the National Criminal Office with territorial jurisdiction for Mecklenburg-Western Pomerania, Brandenburg and Saxony or Federal Police.

The surveillance should be stopped, when the consent is not granted within twelve hours after the state border was crossed.

Surveillance may be also carried out to prevent the crime which may constitute the basis for extradition. In this case:

A consent to the surveillance is granted by:

1) in the Republic of Poland:

a) the Commander of the Regional Police Headquarters, the Commander of the Border Guard Division and the Head of Customs and Tax Control Office - if the surveillance will be conducted only on the territory of their territorial responsibility

b) the Commander in Chief of the Police, the Commander in Chief of the Border Guard, the Head of the National Revenue Administration - if the surveillance will be conducted on the territory of the responsibility of more than one authority or on the whole country,

c) the Head of the Internal Security Agency;

2) in the Federal Republic of Germany: the Prosecutor's office with territorial jurisdiction. Territorial jurisdiction is established according to the presumed place of the border crossing.

The request for consent is sent:

1) in the Republic of Poland via:

- the SIRENE Bureau - if the surveillance will be conducted on the territory of the responsibility of more than one border authority or on the whole country or when the request is send to the Head of the Internal Security Agency
- the Cooperation Centre - if the surveillance will be conducted on the territory of the responsibility of one border authority.

2) in the Fedral Republic of Germany via:

- Federal Criminal Office or Customs Criminal Office
- appropriate National Police - if the surveillance will be limited to the one border territory.

Authorities which are entitled to carry out surveillance:

- 1) in the Republic of Poland: police officers, officers of the Border Guard, officers of the Customs and Tax Control Service, officers of the Internal Security Agency;
- 2) in the Federal Republic of Germany: officers of the Federal Police, officers of National Police (Landespolizei) and the National Revenue Administration.

SLOVAKIA:

The issue of cross-border surveillance is regulated by an Agreement between the Polish Republic and the Slovak Republic on cooperation in the border regions and on combating crime, signed in Warsaw on 23 March 2004. (~~Dz. AT. 07.85.568~~), amended by an Agreement on 12 May 2010.

Surveillance may be carried out on the territory of the other state of a person presumed to have committed a punishable act which, under national law, may constitute the basis for extradition or the issue of a European Arrest Warrant. Surveillance on the state territory of the Contracting Party is carried out with the consent of the appropriate authority.

Where surveillance is conducted in cooperation with officers of the requested Party's competent authorities, if they so request, surveillance should be handed over to the officers of the authorities of that Party.

A request for consent is sent by the appropriate authority of the requesting Party to the Polish SIRENE Bureau, which forwards the request to the competent authority for the execution.

If, in special emergencies, a prior request for approval is impossible, the officers may continue surveillance of a person on the territory of the Contracting Party whilst observing the following terms and conditions:

- 1) crossing the state border should be reported immediately, during the surveillance, to the national SIRENE Bureau of Member State carrying out surveillance, which forwards the information immediately to the national SIRENE Bureau of the Party, on whose territory surveillance is being carried out;
- 2) the request should be forwarded immediately, and should state reasons justifying continuing the surveillance without prior approval; surveillance should be stopped, when an appropriate authority of the Party, on whose territory surveillance is being carried out, requests so or when the relevant permission is not granted within five hours after the state border was crossed.

Surveillance is acceptable only if the following terms and conditions are observed:

- 1) officers carrying out surveillance are bound by the provisions of Agreement and the national law of the Contracting Party, on whose territory surveillance is being carried out, as well as being obliged to comply with the orders given by that Party's appropriate authorities;
- 2) officers must be in possession of a document granting the relevant permission;
- 3) officers carrying out surveillance must have in their possession ID cards;
- 4) officers carrying out surveillance may carry service weapons and use official means of communication, technical surveillance equipment and duty vehicles which they may use solely in accordance with the domestic law of the Contracting Party, on whose territory the surveillance is being conducted; service weapons may be used only in cases of lawful defence;

- 5) officers carrying out surveillance may neither detain persons nor enter flats or other places not accessible to the public;
- 6) after every surveillance operation, a special report should be submitted immediately to the appropriate authorities of the state on whose territory the surveillance was conducted, there is also a possibility to summon the officers, who carried out the surveillance, in person.
- 7) the appropriate authorities of the Contracting Party, for whom officers are carrying out surveillance, provide assistance with subsequent proceedings taken by authorities on the other Contracting Party's territory ; this assistance is provided upon submission of a request;
- 8) where there is no permission for surveillance, it may be continued only by reason of an act punishable by a penalty of imprisonment, for which the upper limit is at least three years.

According to the art 40 of the Convention implementing the Schengen Agreement, the above mentioned term and conditions enable for continuing the surveillance on the other Contracting Party's territory; however, this does not exempt from obtaining authorization to conduct any further surveillance activities. Should the consent to carry out the activities concerned not be granted by the party receiving the request, the surveillance shall be ceased.

II. Controlled deliveries

- contact points

POLICE

Polish-German Border

Polish-Czech Border

Polish-Slovak Border

Polish-Lithuanian Border

Authority: Commander of the Police Central Bureau of Investigation

Address: ul. Podchorążych 38

00-463 Warszawa

Tel.: +48 22 601 27 00

Fax: +48 22 601 27 50

BORDER GUARD

Polish-German Border

Authority: Polish-German Police and Customs Cooperation Centre in Swiecko

Address: Post Office Box 63

69-100 Świecko

Tel.: +48 95 759 02 70

Fax: +48 95 759 02 07

Polish-Czech Border

Authority: Joint Border Guard Post in Chotebuz

Address: Cieszyn-Chotebuz

Na Skałce 316

735-61 Cieszyn

Tel.: +48 33 854 03 69

Fax: +48 33 854 03 08

Authority: Joint Border Guard Post in Kudowa Zdroj

Address: ul. Slone 143, 57-350 Kudowa-Zdrój

Tel.: +48 74 862 42 55

Fax: +48 74 862 42 06

Polish-Slovak Border

Authority: Police and Customs Cooperation Centre in Barwinek

Address: 38-454 Tylawa

Tel.: +48 13 437 74 27

Fax: +48 13 437 7407

Authority: Police and Customs Cooperation Centre in Chyżne

Address: 34-481 Chyżne

Tel.: +48 18 26 11 622

Fax: +48 18 26 11 625

Polish-Lithuanian Border

Authority: Polish-Lithuanian Contact Point in Budzisko

Address: 16-411 Szypliszki

Tel.: +48 87 566 04 03

Fax: +48 87 566 0407

INTERNAL SECURITY AGENCY

Polish-German Border

Authority: The Head of the Internal Security Agency

Address: ul. Rakowiecka 2A, 00-993 Warszawa

Tel.: +48 22 565 91 10

Fax: +48 22 58 58 479

Polish-Slovak Border

Authority: The Head of the Internal Security Agency

Address: ul. Rakowiecka 2A, 00-993 Warszawa

Tel.: +48 22 565 91 10

Fax: +48 22 58 58 479

Polish-Lithuanian Border

Authority: The Head of the Internal Security Agency

Address: ul. Rakowiecka 2A, 00-993 Warszawa

Tel.: +48 22 565 91 10

Fax: +48 22 58 58 479

CUSTOMS AND TAX CONTROL SERVICE

Authority: Head of National Revenue Administration

Address: ul. Świętokrzyska 12, 00-916 Warszawa

Tel.: +48 22 69 43 922

Fax: +48 22 69 44 814

e-mail: dyzurny@mf.gov.pl

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

- a) officers of the Police;
- b) officers of the Border Guard;
- c) officers of the Internal Security Agency;
- d) officers of the Customs and Tax Control Service in accordance with the powers.

III.2 designated authorities (if applicable)

Commander in Chief of the Police

National Police Headquarters

ul. Puławska 148/150

00-624 Warszawa

Tel.: +48 22 601 5447, +48 22 601 5448, +48 22 601 3640

Fax: +48 22 601 2674, +48 22 601 5455, +48 22 601 5456

III.3 authorities to be contacted in border regions when crossing the border

POLISH-GERMAN BORDER				
POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 887 886 220	+48 22 60 15 340
	Polish-German Police and Customs Cooperation Centre in Świecko	Postal Box 63 69-100 Słubice	+48 95 73 81 926	+48 95 73 81 928

POLISH-SLOVAK BORDER				
POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Joint Crossborder Center in Trstena	Trstena 34-481 CHYZNE	+48 18 2611622	+48 18 2611625
	Joint Crossborder Center in Barwinek	38-450 Dukla	+48 13 4329378 +48 510997039	+48 13 4329378
POLISH-CZECH BORDER				
POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Voivodship Police Commander in Katowice (when crossing Voivodship's border)	ul. Lompy 19 40-038 KATOWICE	+48 32 200 1444 +48 32 200 1666 +48 33 851 6208 +48 33 854 0370 +48 33 851 5198 +48 798 031 789	+48 32 200 12 43 +48 33 851 62 09
	Joint Crossborder Post	ul. Na Skałce 316 735 61 Chotebuz Republika Czech	+48 33 8516 208 +48 33 8515 198 +48 33 8540 370 +48 798031 789	+48 33 8516 209
	and Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 2260 136 40 +48 887 886 220	+48 22 601 5340
	Voivodship Police Commander in Opole (when crossing Voivodship's border)	ul. Korfantego 2 45-077 OPOLE	+48 77 451 3890 +48 77 422 2146 +48 695 872 130	+48 77 422 2354
	and Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 2260 136 40 +48 887 886 220	+48 22 601 5340
	Voivodship Police Commander in Wrocław (when crossing Voivodship's border)	ul. Podwale 31/33 50-040 WROCŁAW	+48 71 340 3400 +48 71 782 4105 +48 603 643 590 +48 71 3402365	+48 71 340 3431 +48 71 782 4103

	Joint Border Guard Post in Kudowa Zdroj	ul. Slone 143 57-350 Kudowa Zdroj	+48 74 8672380 +48 604 422 317	+48 74 6473280
	and Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 22 60136 40 +48 887 886 220	+48 22 601 2674 +48 22 601 5455 +48 22 601 5456

POLISH-LITHUANIAN BORDER				
POLICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Voivodship Police Commander in Białystok (when crossing Voivodship's border)	ul. Sienkiewicza 65 15-003 BIAŁYSTOK	+48 85 67 02 305 +48 85 65 44 850	+48 85 670 3339
	and Commander in Chief of the Police	ul. Puławska 148/150 02-624 WARSZAWA	+48 22 60 136 40 +48 887 886 220	+48 22 601 5340

POLISH BORDER GUARD

POLISH-GERMAN BORDER BORDER GUARD				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Nadodrzański Border Regional Unit	ul. Poprzeczna 1, 66 – 600 Krosno Odrzańskie	+48 22 666 20 01 +48 22 666 20 02	+48 22 666 27 01
	Śląski Border Regional Unit	ul. Dąbrowskiego 2, 47 – 400 Racibórz	+48 22 665 40 01 +48 22 665 40 02	+48 22 665 47 00
	Polish-German Police and Customs Cooperation Centre in Świecko	Postal Box 63 69-100 Słubice	+48 95 759 02 70	+48 95 759 02 07

POLISH-CZECH BORDER BORDER GUARD				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Commander in Chief of Border Guard	Al. Niepodległości 100 02-514 WARSZAWA	+48 22 500 41 60 +48 22 500 41 61	+48 22 500 47 02
	Joint Border Guard Post in Chotebuz	Cieszyn - Chotěbuz Czech Republic 735 61 CHOTEBUZ, ul. Na Skalce 316	+48 33 854 03 69 +48 33 854 03 68 Mobile : +48 797 337 900	+48 33 854 03 08
	Joint Border Guard Post in Kudowa Zdrój	ul. Słone 143, 57-350 Kudowa-Zdrój	+48 74 862 42 55	+48 74 862 42 06

POLISH-SLOVAK BORDER BORDER GUARD				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Joint Crossborder Center in Trstena	34-481 Chyžne	+48 18 2611622	+48 18 261 1625
	Police and Customs Cooperation Centre in Barwinek	38-454 Tylawa	+48 13 437 74 27	+48 13 437 7407

POLISH- LITHUANIAN BORDER				
BORDER GUARD				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Commander in Chief of the Border Guard	Al. Niepodległości 100 02-514 WARSZAWA	+48 22 500 41 60 +48 22 500 41 61	+48 22 500 47 02
	Polish-Lithuanian Contact Point in Budzisko	16-411 Szypliszki	+48 87 566 04 03	+48 87 566 0407

INTERNAL SECURITY AGENCY

POLISH-GERMAN BORDER				
INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	The Head of the Internal Security Agency	Ul. Rakowiecka 2A 00-993 Warszawa	+48 22 565 91 10	+48 22 58 58 479
	Polish-German Police and Customs Cooperation Centre in Świecko	Postal Box 63 69-100 Ślubice	+48 95 73 81 926	+48 95 73 81 928

POLISH-SLOVAK BORDER				
INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	Joint Crossborder Center in Trstena	Trstena 34-481 CHYZNE	+48 18 26 11 622	+48 18 26 11 625
	Joint Crossborder Center in Barwinek	38-450 Dukla	+48 13 43 29 378 +48 510 997 039	+48 13 43 29 378

POLISH-CZECH BORDER				
INTERNAL SECURITY AGENCY				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX
Hot pursuit	The Head of the Internal Security Agency	Ul. Rakowiecka 2A 00-993 Warszawa	+48 22 565 91 10	+48 22 58 58 479
	Joint Border Guard Post in Chotebuz	Cieszyn - Chotěbuz Czech Republic 735 61 CHOTEBUZ, ul. Na Skalce 316	+48 33 85 16 208 +48 33 85 15 198 +48 33 85 40 370 +48 79 80 31 789	+48 33 85 16 209
	Joint Border Guard Post in Kudowa Zdrój	ul. Słone 143, 57-350 Kudowa-Zdrój	+48 74 86 72 380 +48 604 422 317	+48 74 64 73 280

CUSTOMS AND TAX CONTROL SERVICE

POLISH-GERMAN BORDER				
CUSTOMS AND TAX CONTROL SERVICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX/E-MAIL
Hot pursuit	Head of the National Revenue Administration	ul. Świętokrzyska 12, 00-916 Warszawa	+48 22 69 43 922	+48 22 69 44 814 e-mail: dyzurny@mf.gov.pl
	Polish - German Police and Customs Cooperation Centre in Świecko	69-100 Słubice	+48 95 75 83 370 Mobile: +48 664 093 768	+48 95 75 83 470 e-mail: pncw.swiecko@rze.mofnet.gov.pl

POLISH- CZECH BORDER				
CUSTOMS AND TAX CONTROL SERVICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX/E-MAIL
Hot pursuit	Head of the National Revenue Administration	ul. Świętokrzyska 12, 00-916 Warszawa	+48 22 694 39 22	+48 22 69 44 814 e-mail: dyzurny@mf.gov.pl
	Joint Police and Customs Post in Chotebuz	Cieszyn - Chotěbuz Czech Republic 73 561 Chotebuz ul. Na Skalce 316	+48 33 82 11 680 Mobile : +48 784 987 949 +48 603 761 529	e-mail: iwpx@kat.mofnet.gov.pl
	Joint Police and Customs Post in Kudowa Zdrój	57-350 Kudowa Zdrój ul. Słone 143	+48 74 86 66 802 +48 71 37 05 214 Mobile: +48 502 726 633	e-mail: iknx2@wro.mofnet.gov.pl

POLISH-SLOVAK BORDER				
CUSTOMS AND TAX CONTROL SERVICE				
OPERATION	AUTHORITY	ADDRESS	TEL	FAX/ E-MAIL
Hot pursuit	Joint Crossborder Center in Trstena	Trstena 34-481 CHYZNE	+48 18 26 11 622	+48 18 26 11 625
	Police and Customs Cooperation Centre in Barwinek	38-454 Tylawa	+48 13 43 09 858 + 48 501 726 161 +48 13 43 29 378 +48 510 997 039	+ 48 13 43 09 859 email: centrum.barwinek@prz.mofnet.gov.pl +48 13 43 29 378

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Exercising special rights in respect of road traffic regulations (Traffic

Act: Articles 9 and 53):

Duty vehicles (fitted with blue flashing lights and sirens) are, in principle, not covered by traffic limits or prohibitions.

Duty

- vehicle, under extraordinary precorsion, is permitted not to follow road traffic rules, as regards stopping, signs, traffic lights, speed limits etc.

Drivers are obliged to give way to emergency vehicle giving signals.

Conditions for the 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).

Pursuit can be continued in relation to the person suspected of committing an extraditable offence.

At the common border with Lithuania:

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

(Article 11 paragraph 1 of the Agreement between the Republic of Poland and the Republic of Lithuania on cooperation in combating organized and other crime and cooperation in border regions, signed in Vilnius on 14 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 the Contracting Parties by a custodial sentence for at least one year (Article 11 paragraph 1 (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 psychiatric institution in which he was placed by a legal decision (Article 11 paragraph 1 (b) of the abovementioned Agreement).

At the common border with Slovakia:

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

(Article 8a of the Agreement between the Republic of Poland and the Slovak Republic on cooperation in the border regions and on combating crime, signed in Warsaw on 23 March 2004 amended by the Agreement between the Republic of Poland and the Slovak Republic signed in Bratislava on 12 May 2010).

Restrictions on the power of pursuit in Poland:

At the common border with Germany:

Hot pursuit is regulated by the Schengen Convention (Article 41) with extensions resulting from the Agreement (Article 25) of the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the cooperation of police, border guard and custom services, signed in Zgorzelec 15 May 2014 (the Official Journal of Poland 2015 pos 939).

Authorised officers of the 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 detain the person pursued until the officers of the Contracting Party in whose territory the pursuit is taking place, who must be informed without delay, are able to establish the person's identity or make an arrest (Article 41(2)(b) of the Schengen Convention).

At the common border with Lithuania:

Officers pursuing a person must report the following to the competent officials (and competent border guards) of the (contracting) party in whose territory the pursuit is to be continued: They should indicate the time and the place where the person being pursued crossed the State border 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 radius of 100 kms from the border and for no longer than one 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 whose territory the pursuit is being continued must immediately take over the pursuit.

Should the competent officers not be able to take over the pursuit without delay, the officers continuing the pursuit have the right to stop the pursued person and transfer him immediately to the competent officials of the contracting party in whose territory the pursuit was continued (Article 11 paragraph 5(2) of the abovementioned Agreement).

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 whose territory 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 the Slovak Republic:

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

Officers pursuing a person must report the following to the nearest PCCC of the Party in the territory of which the pursuit is to be continued: they should indicate the time and the place where the person being pursued crossed the State border as well as the officers of the appropriate organs of the Party continuing the pursuit and their arms and technical equipment.

The competent authorities of the contracting party in the territory of which the pursuit is being continued must immediately take over the pursuit.

(Article 8a of the Agreement between the Republic of Poland and the Slovak Republic on cooperation in the border regions and on combating crime, signed in Warsaw on 23 March 2004).

On 12 May 2010 the Agreement between the Republic of Poland and the Slovak Republic was signed in Bratislava amending the Agreement between the Republic of Poland and the Slovak Republic on cooperation in combating crime and cooperation in border regions signed in Warsaw on 23 March 2004. Article 8 A paragraph 6 of the Agreement signed on 12 May 2010 introduces regulations concerning hot pursuit. The Agreement came into force on 31 of July 2011.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Commander in Chief of Police

General Police Headquarters

ul. Puławska 148/150

02-624 Warszawa

Tel.: +48 22 60 154 47 (48), +48 22 60 136 40, +48 22 601 50 34

Fax. +48 22 60 153-40

Interpol I-24/7, IP Warsaw

Sisnetmail : spl-oper@pl.sisnetmail.eu

E-mail: dyzurny.bmwp@policja.gov.pl

E-mail: kpk@policja.gov.pl

Commander in Chief of the Border Guard,

General Border Guard Headquarters,

Al. Niepodległości 100,

02-514 Warszawa

Fax. +48 22 500 47 02; E-mail: sdo.kg@strazgraniczna.pl

Article 145h and 145i of the Act on the Police and Article 147s of the Border Guard Act

Police and Border Guard officers and Police and Border Guard staff are authorized to perform official duties on the territory of another Member State of the European Union in order to carry out tasks in the form of joint patrols and other joint operations in order to protect public order and safety, as well as to prevent the crime referred to in Article 17 of the Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

Procedures providing for the rules of the participation of Polish officers in joint operations on the territory of other states, have been set forth in section 10b of the *Police Act* (article 145h and 145i).

The consent to perform duties on the territory of another Member State of the European Union by decision shall be granted, by way of a decision, by the Commander in Chief of the Police - in the case of joint patrols or other joint operations referred to in art. 17 of Council Decision 2008/615/JHA, while the Minister of Interior, by way of regulation, provides such consent in the cases where it provides for granting support in relation with gatherings, mass events or similar events, natural disasters, referred to in art. 18 2008/615/JHA, and also in the case of providing assistance by a special intervention unit referred to in *Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations*.

In the Act of 7 February 2014 on participation of foreign officers or workers in common operations or common rescue actions on the territory of the Republic of Poland (Journal of Laws of 2014 item, 295) one set up the rules for the participation of foreign officers executing joint operations with Polish officers on the territory of the Republic of Poland.

The key rules and regulations for undertaking a joint operation are as follows:

- 1) bodies authorized to conduct joint operations are officers or staff of the Police, Border Guard, State Fire Service and the Government Protection Bureau;
- 2) requesting bodies, depending on the type of joint operations, their duration and the number of foreign officers, are as follows: Police Commander in Chief, the Border Guard Commander in Chief, the Minister of Interior, and the Council of Ministers;
- 3) the request to the competent body of the sending country may be directed directly or through the contact point referred to in art. 145j paragraph 1 item 5 of the Police Act and Art. 147v of the Border Guard Act;
- 4) foreign officers participating in joint operations in the territory of the Republic of Poland are authorized to wear a uniform, to bring in and carry in the territory of the Republic of Poland firearms, ammunition, and coercive measures, to use coercive measures and firearms to repel a direct and unlawful attempt on life, health, or freedom of foreign officers or other persons or by order of the commander in the cases provided for in the Act.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

See IV.1

V.2 procedure [if different from IV]

See IV.2

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

In the Act of 7 February 2014 on participation of foreign officers or workers in common operations or common rescue actions on the territory of the Republic of Poland (Journal of Laws of 2014 item 295) one set up the rules for the participation of foreign officers executing joint operations with Polish officers on the territory of the Republic of Poland.

The key rules and regulations for undertaking a joint operation are as follows:

1. bodies authorized to conduct joint operations are officers or staff of the Police, Border Guard, State Fire Service and the Government Protection Bureau;
2. requesting bodies, depending on the type of joint operations, their duration and the number of foreign officers, are as follows: Police Commander in Chief, the Border Guard Commander in Chief, the Minister of Interior, and the Council of Ministers;
3. the request to the competent body of the sending country may be directed directly or through the contact point referred to in art. 145j paragraph 1 item 5 of the Police Act and Art. 147v of the Border Guard Act;
4. foreign officers participating in joint operations in the territory of the Republic of Poland are authorized to wear a uniform, to bring in and carry in the territory of the Republic of Poland firearms, ammunition, and coercive measures, to use coercive measures and firearms to repel a direct and unlawful attempt on life, health, or freedom of foreign officers or other persons or by order of the commander in the cases provided for in the Act.

The contact point is:

Commander in Chief of Police

General Police Headquarters

ul. Puławska 148/150

00-624 Warszawa

Tel.: +48 22 601 5447, +48 22 601 5448, +48 22 601 3640

Fax: +48 22 601 5340

GENERAL

VII. Arms

VII.1 definition of service weapon

Firearms: pistols, revolvers, smooth-bore weapons (shotguns), machine pistols, submachine guns, assault rifles, machine guns, grenade launchers.

Article 16 of the Law on the Police and Law of 24 May 2013 on the means of direct force and firearms (Polish Official Journal of Law of 2013 pos. 628 with additional amendments) provide as follows:

Article 4

Whenever the law mentions:

- use of a firearm – shall mean firing with penetrating ammunition at a direction of a person;
- utilization of a firearm – shall mean firing with penetrating ammunition at the direction of an animal, object or other direction providing no harm to persons.

Article 45

A firearm may be used whenever at least one of the following circumstances occurs:

- 1) in order to fend off a direct and illegal attack on:
 - a) the life, health or liberty of authorized member of law enforcement services (*eg member of Police, Border Guard or Government Protection Bureau*) or another person, or the necessity to prevent actions aimed directly to such an attack,
 - b) important objects, facilities, areas or the necessity to prevent actions aimed directly to such an attack,
 - c) property, when such attempts are simultaneously related to direct threats to authorized member of law enforcement services or another persons life, health or liberty or the necessity to prevent actions aimed directly to such an attack,
 - d) integrity of the national border by a person who forces passing of the national border using a vehicle, firearm or a dangerous object,

- e) the security of a convoy or escorts/delivery of a detained person;
- 2) the necessity to oppose a person:
- a) who fails to comply with an order to drop immediately a weapon, explosive or other dangerous tool, the use of which can threaten the life, health or liberty of the authorized member of law enforcement services, or another person;
 - b) attempting illegally and forcibly to take firearms from the authorized member of law enforcement services, or another person authorized to possess firearms;
- 3) in direct pursuit of a person in connection with whom:
- a) the use of firearms is lawfully admissible in the cases mentioned in paragraph 1 a-d and paragraph 2,
 - b) or a person who can reasonably be suspected of having committed crimes mentioned in art. 115 § 20, art. 148, art. 156 § 1, art. 163-165, art. 197, art. 252 and art. 280-282 of The Penal Code;
- 4) the necessity:
- a) to detain a person:
 - against whom the use of firearms is lawfully admissible in the cases mentioned in paragraph 1 a-d and paragraph 2,
 - who can reasonably be suspected of having committed crimes mentioned in art. 115 § 20, art. 148, art. 156 § 1, art. 163-165, art. 197, art. 252 and art. 280-282 of The Penal Code,
 - who had committed a crime mentioned in paragraph 1 d or e,
 - who has taken refuge in a hardly accessible place, and the accompanying circumstances indicate that that person may use firearms or another dangerous tool;
 - b) to apprehend or prevent the escape of a person in custody, temporarily arrested or serving a prison sentence, if:
 - the escape of this person represents a danger to the authorized member of law enforcement services, or another person life or health,
 - reasonable suspicion exists that this person may use firearms, explosives or other dangerous tools, or
 - the deprivation of liberty was carried out on grounds of reasonable suspicion or conviction for crimes mentioned in art. 115 § 20, art. 148, art. 156 § 1, art. 163-165, art. 197, art. 252 and art. 280-282 of The Penal Code.

Article 46

1. Firearms shall not be used or utilized by organized detachments (*eg Police or Border Guard*).
2. In a situation that threatens the authorized member of law enforcement services, or another person life or health, an organized detachment of the authorized member of law enforcement services can use or utilize a firearm on the basis mentioned in this law.

Article 47

A firearm can be utilized when the necessity of carrying out of at least one of the following actions occurs:

1. Stopping a vehicle of which actions threaten the authorized member of law enforcement services, or another person life or health or threaten important objects, facilities or areas;
2. Overcoming an obstacle:
 - b) that prevents or hinders apprehension of a person or for the purpose of saving the authorized member of law enforcement services, or another person life or health or saving property;
 - c) in case of violation of public order and security by a person lawfully deprived of liberty, apprehended or located in a secure facility or arrest for the purpose of expulsion.
3. for the purpose of alarming or calling for help;
4. in order to neutralize objects or devices that present the threat of exploding that may simultaneously directly threat authorized member of law enforcement services or another persons life or health;
5. in order to neutralize an animal that behavior directly threatens authorized member of law enforcement services or another persons life or health;
6. to fire a warning shot.

Article 48

1. Before the use of a firearm authorized member of law enforcement services shall perform the following actions:
 - 1) identifies his/her service by giving a shout (*eg “POLICJA”, “STRAŻ GRANICZNA” or other - depending on what law enforcement service represents*)
 - 2) calls the person to behave lawfully, especially to:
 - a) immediately to dispose of the weapon or other dangerous tool that use of can threaten police force member or another persons life, health or liberty,
 - b) desist form escaping;
 - c) withdraw from the use of violence.
2. In case the person does not subordinate to the calls mentioned in paragraph 1.2, the police force member warns the person about the use of a firearm by giving a shout “Stój, bo strzelam”, and when this call is ineffective the police force member fires a warning shot at a safe location.
3. The procedure mentioned in paragraph 1 and 2 or its particular elements, especially the warning shot, can be abandoned, if their performance could directly threat authorized member of law enforcement services or another persons life or health or is indispensable in order to prevent the occurrence of a terrorist act mentioned in Art. 2 p. 7 of Law on Antiterrorist Operations of June 10 2016 (Polish Official Journal of Law of 2016 pos. 904 and 1948) and other measures could be insufficient due to circumstances.
4. Before a convoy or escort/delivery of a detained person, the authorized member of law enforcement services warns the person lawfully deprived of liberty about the possibility of using towards him/her a firearm in case the persons undertakes an escape attempt.

General rules and conditions of the use and utilization of firearms:

Article 6

1. Means of direct enforcement shall be used or utilized in a manner indispensable for the purpose of the current use or utilization, proportionally to the level of threat, selecting the possibly least harmful.
2. Firearms shall be used or utilized only if the use or utilization of means of direct enforcement:
 - 1) demonstrated to be ineffective for the purpose of accomplishing the objective of the use or utilization or
 - 2) is impossible for the reason of a given incident circumstances.

Article 7

1. Means of direct enforcement or firearms shall be used or utilised in a manner that causes the least possible damage.
2. The use or utilisation of means of direct enforcement or firearms shall be abandoned when the objective of the use or utilisation became accomplished.
3. Means of direct force shall be used or utilized with extreme caution, taking into account their characteristics, that can become a threat to the authorized member of law enforcement services, or another person life or health.
4. When deciding on the use or utilization of firearms, extreme cautiousness shall be taken into account and the use shall be considered as a final resort.

Article 9

1. A police force member shall use only physical overpowering as a mean of direct force towards women being in evident pregnancy, persons whose appearance indicates that they are below 13 years of age or persons whose appearance indicates evident disability.
2. In cases when there is a necessity to fend off a direct, illegal attack against a authorized member of law enforcement services, or another person life or health and the use of physical overpowering towards a person mentioned in paragraph 1 is insufficient or impossible, a authorized member of law enforcement services can use other means of direct force or firearms.
3. In cases mentioned in paragraph 2 means of direct force can be used taking into account their characteristics as well as the condition of the person towards whom the means are being used.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

See point IV.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA)/arms, ammunition and equipment that may not be carried or used.

See point IV.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

See point IV.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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

The Polish Penal Code, Chapter 3, Article 25, reads:

"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 mean 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."

VIII.2 "home"

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, reads:

"A person who breaks into another person's house, apartment, premises, quarters, or a fenced plot of land, or, despite being asked by an authorised person, does not leave such a place shall be subjected 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.

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

Means of direct enforcement (Provisions of the Law on the Police and the Border Guard Act):

Law of 24 May 2013 on the means of direct force and firearms (Polish Official Journal of Law of 2013 pos. 628 with additional amendments) provide as follows:

Article 4

Whenever the law mentions:

- use of means of direct force – shall mean applying means of direct force towards a person;
- utilization of means of direct force – shall mean applying means of direct force towards an animal or applying the mean in order to block or stop a vehicle or overcome an obstacle.

Article 12

1) The following means are defined as means of direct force:

1. physical force as techniques of:

- a) transportation,
- b) self-defense,
- c) attack,
- d) overpowering;

2. cuffs/restraints:

- a) hand cuffs,
- b) ankle cuffs,
- c) complex cuffs (hands and ankles),

3. straitjacket;

4. humane restraint belt;

5. capture net;

6. protective helmet,
 7. police baton,
 8. overpowering water jets;
 9. police dog;
 10. police horse;
 11. non-penetrating ammunition;
 12. chemical overpowering means as listed below:
 - a) hand throwers of overpowering substances;
 - b) back-pack mounted throwers of overpowering substances;
 - c) tear-gas grenades;
 - d) other devices meant for throwing overpowering substances;
 13. devices designed for overpowering persons by electroshock;
 14. preventive and isolation room
 15. traffic spikes and other means designed for stopping and immobilizing mechanical vehicles;
 16. duty vehicles;
 17. means, including explosives, designed for overcoming locks or other obstacles;
 18. pyrotechnic means designed for stunning or blinding;
- 2) Means of direct force mentioned in paragraph 1 b-d, paragraph 5, 7, 8 and 11-13 can be utilized towards an animal that behavior directly threatens authorized member of law enforcement services or another persons life or health.

Accordance with Article 23 of The Border Guard Act application and use of force and firearms, and documentation of the application and usage takes place under the terms of the Act of 24 May 2013 on measures of direct coercion measures and firearms. Officers of Border Guard may use coercive measures referred to art. 12, paragraph. 1, point 1-7, paragraphs 9-11, paragraph 12 point. a, c and d, paragraphs 13 -18 (in paragraph 14 only isolation room) of this Act, or use these measures. In the cases referred to Art. 45 points 1-3 and point 4. a and b, and in art. 47 of the Act of 24 May 2013 on measures of direct coercion and firearms, officers may apply or use firearms.

Coercive measures (Internal Security Agency and Foreign Intelligence Agency Act of 24 May 2002)

Article 24a.

1. Internal Security Agency or Foreign Intelligence Agency officers are entitled to carry out a compulsory appearance referred to in art. 4 point 2 let. a of the Act of 24 May 2013 on coercive measures and firearms or a convoy referred to in art. 4 point 3 of this Act.
2. Internal Security Agency or Foreign Intelligence Agency officers executing the tasks related to carrying out compulsory appearance or convoy are entitled, if necessary to ensure safety of this compulsory appearance or convoy, to instruct individuals to behave in a specific manner.
3. Art. 25, 26 and 26b shall apply to carrying out tasks related to compulsory appearance or convoy.

Article 25

1. In cases referred to in art. 11 points 1-6 and 8-14 of the Act of 24 May 2013 on coercive measures and firearms the Internal Security Agency officer may use coercive measures referred to in art. 12 par. 1 points 1,2,5,7,9,11, point 12 let. A,d, points 13 and 17-20 of this Act.
2. In cases referred to in art. 45 point 1 let. A-c and e, point 2,3 and 4 let. A,b and first indent of let. C and in art. 47 point 1,2 let. A and points 3-7 of the Act of 24 May 2013 on coercive measures and firearms, the ISA officer may use firearms.

PORTUGAL

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)

- I.1 list of authorized officers

Members of the Polícia Judiciária (Artigo 2º do Acordo de Adesão da República Portuguesa à Convenção de Aplicação do Acordo de Schengen);
Customs officials under the conditions laid down in appropriate bilateral agreements referred to in Article 40 (6) of the Schengen Convention 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 (artigo 2º n.º 1 in fine do Acordo de Adesão da República Portuguesa à Convenção de Aplicação do Acordo de Schengen).

I.2 designated authorities (specify for incoming and/or outgoing requests)

Polícia Judiciária for both incoming and outgoing requests

Rua Gomes Freire, 213

1150-178 Lisboa

Tel.: +351 21 3595800 mobile: +351 96 6020 055 / +351 96 2500 577

Fax: +351 21 3304254

E-mail: direccao.uci@pj.pt

I.3 specific statutory provisions (including, where relevant and useful, a general indication on applicable traffic regulation)

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II. Controlled deliveries

- contact points

Polícia Judiciária through the Interpol national central bureau.

Mobile Phone: +351 966020055/ +351 962500577

Fax: +351 213304254

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorized officers

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).

III.2 designated authorities (if applicable)

The competent authority to receive requests for authorisation, to receive communications from the initiation of the pursuit and even information about the result of pursuit (the central authority):

Gabinete Nacional SIRENE
Alameda Salgueiro Maia, nº 13
2660-329 Sto António dos Cavaleiros
Tel.: +351 219898800
Fax: +351 214236628
E-mail: sirene.portugal@sef.pt

III.3 authorities to be contacted in border regions when crossing border

Police and Customs Cooperation Centers			
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
Quintanilla	Estrada Nacional 218, nº 1, 5300 – 771 Quintanilha	351 273 938 025	- 23

III.4 specific statutory provisions (including, where relevant and useful, a general indication on applicable traffic regulation)

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PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

IV.2 procedure

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

V.2 procedure [if different from IV]

OTHER

VI. Special intervention units

- competent authorities for requesting and authorizing assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Grupo de Intervenção de Operações Especiais (GIOE) from the Guarda Nacional Republicana

Rua Jacinta Marto, 5

1169-091 Lisboa

Tel.: +351 21 358 90 00

Fax: +351 21 358 91 88

E-mail: ui@gnr.pt

and Unidade Especial de Polícia (UEP) from the Polícia de Segurança Pública.

Quinta das Águas Livres, Belas, Queluz, Sintra

6605-197 Belas

Tel.: +351 21 980 20 20

Fax: +351 21 980 14 32

E-mail: goe@psp.pt

GENERAL

VII. Arms

VII.1 definition of service weapon

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

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Any arms, ammunitions and equipments may be used in legitimate self-defense unless its use be considered disproportionate and unnecessary.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used.

It is prohibited to carry and use pistols with more than 9 mm caliber and revolvers of any caliber with a barrel length exceeding 10 cm or 4 inches.

VII.4 practical aspects of the use of authorized arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Decree-Law n.° 457/99, 5 November

The use of a firearm is only allowed when strictly necessary, as a last resort measure, whenever the use of other less dangerous means remain ineffective and as long as the use of these means are considered to be proportional to the circumstances.

In that case, the law enforcement agent must make all the necessary efforts in order to reduce injuries and damages to a minimum and in order to respect and preserve human life.

The use of a firearm is allowed:

- a) to avoid a current and illicit aggression committed against the law enforcement agent or against a third party;
- b) to arrest or to prevent the escape of a person suspected of having committed a crime punished with imprisonment of more than three years or that uses or detains firearms, bladed weapons, or explosive or radioactive devices or substances, including those used for the production of toxic and asphyxiating gas;
- c) to arrest the escaped person or the person who is the object of an arrest warrant or to prevent the escape of a person who has been legally arrested or detained;
- d) to free hostages or anyone who has been kidnapped or abducted;
- e) to detain or to avoid a serious attack against State buildings or facilities of public or social utility or against a plane, a ship, a train or any collective means of transportation of passengers or means of transportation of dangerous items;

- f) to suppress a violent resistance to the execution of a duty within its powers and to maintain the authority after having given the resistant a clear warning and after having used all the other means possible to achieve the same purpose without success;
- g) to put down animals that can endanger persons or goods or that, being seriously wounded, cannot successfully be immediately assisted;
- h) as an alarm or an SOS request, in an emergency situation, when other means cannot be used for the same purpose;
- i) whenever the maintenance of public safety and social peace so demands or when the superior officer determines its use with the same purpose.

The use of a firearm shall be preceded with a clear warning, whenever the nature of the service and the circumstances shall permit.

The warning can be translated in a warning shot, whenever one can presume that no one will be shot and as long as the previous warning were not absolute clear or immediately perceptible.

The warning shall be repeated against an assembly of persons.

The use of firearms shall respect the orders and instructions of the superior officer, save when the law enforcement agent is isolated or whenever the same agent finds himself/herself in a situation where it is absolutely impossible to wait for those orders or instructions.

The law enforcement agent that uses a firearm is obliged to ensure that assistance and medical aid are rendered to any injured or affected person as soon as possible.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Self-defence: Self-defence is an action carried out as a matter of necessity for the purpose of averting immediate unlawful assault on legally protected interests of oneself or a third person (Article 32 of assault 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.

VIII.2 « home »

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.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

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ROMANIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
 - a) For the Romanian Police – designated officers within the Surveillance Units (central and as well as territorial) of the General Inspectorate of the Romanian Police
 - b) For the Romanian Border Police – designated officers within the Directorate for Countering Illegal Migration and Crossborder Crime of the General Inspectorate of the Romanian Border Police

I.2 designated authorities (specify for incoming and/or outgoing requests)

Ministry of Administration and the Interior

General Inspectorate of the Romanian Police

International Police Cooperation Centre – Central Contact Authority

Bucharest, 13 Septembrie Street, No. 1-3, District 5, Palace of the Parliament,
9th Floor, Postal Code 050711

Tel.: +40 21 314 05 40; +40 21 316 07 32

Fax: +40 21 314 12 66; +40 21 312 36 00

E-mail: ccpi@mai.gov.ro

Public Ministry

Prosecutor`s Office attached to the High Court of Cassation and Justice

14, Libertatii Street, sector 5, Bucharest

Service for International Judicial Cooperation, International Relations and
Programmes

Tel.: +40 21 319 38 77

Fax: +40 21 319 39 24; +40 21 319 39 11

Directorate for Investigation Organised Crime and Terrorism

Tel./Fax: +40 21 319 39 05

E-mail: diicot@mpublic.ro

- I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Cross-border surveillance is regulated by Articles 170 and 187⁸ (Title VII – Judicial assistance in criminal matters) of Law No. 302/2004 on International judicial cooperation in criminal matters, with subsequent amendments; in addition, Article 187¹⁰ regulates the liability of foreign officers involved in cross-border surveillance.

ARTICLE 170

- (1) Subject to any contrary provisions existing in the convention applicable in relation to that State, officers of a foreign State who, within the framework of a judicial investigation, are keeping under observation in their country a person who is presumed to have taken part in a criminal offence to which extradition may apply, or a person who it is strongly believed will lead to the identification or location of the abovementioned person, shall be authorised to continue their observation in the territory of Romania, based on a request for judicial assistance which has been previously submitted. On request, the observation may be entrusted to the competent Romanian authorities.
- (2) The request for judicial assistance referred to in paragraph 1 must be sent to the Prosecutor's Office attached to the High Court of Cassation and Justice and contain all the relevant information on the case, according to the provisions of the applicable convention. Through its authorisation, the Prosecutor's Office attached to the High Court of Cassation and Justice may impose certain conditions.

- (3) When, for particularly urgent reasons, the prior authorisation of Romania cannot be requested, the foreign officers conducting the observation within the framework of a criminal investigation shall be authorised to continue in Romanian territory the observation of a person presumed to have committed any of the offences listed in paragraph 5, provided that the following conditions are met:
- a) the crossing of the border shall be notified at once, during the observation, to the Prosecutor's Office attached to the High Court of Cassation and Justice, as well as to the structure of the Border Police operating within the border crossing point;
 - b) a request for judicial assistance submitted in accordance with paragraph 1 and outlining the grounds for crossing the border without prior authorisation shall be submitted without delay.
- (4) The observation referred to in paragraphs 1 and 2 shall be carried out only under the following conditions:
- a) The officers conducting the observation must observe this Article and Romanian law;
 - b) Subject to the conditions in paragraph 3, the officers shall, during the observation, carry a document certifying that authorisation has been granted;
 - c) The officers conducting the observation must be able at all times to provide proof that they are acting in an official capacity;
 - d) The officers conducting the observation may carry their service weapons during the observation, save where specifically otherwise decided by the Prosecutor's Office attached to the High Court of Cassation and Justice through the authorisation; their use shall be prohibited save in cases of legitimate self-defence;

- e) Entry into private homes and places not accessible to the public shall be prohibited;
 - f) The officers conducting the observation may neither stop and question, nor arrest the person under observation;
 - g) All operations shall be the subject of a report to the Prosecutor's Office attached to the High Court of Cassation and Justice, which may require that the officers conducting the observation appear in person;
 - h) The authority of the State from which the observing officers have come shall, when requested by the competent Romanian authority, assist the enquiry subsequent to the operation in which they took part, including legal proceedings;
 - i) the authorities of the State from which the observing officers have come shall, at the request of the Romanian authorities, contribute to the proper course of the investigation subsequent to the operation in which they took part, including legal proceedings.
- (5) The observation referred to in paragraph 3 may take place only for one of the following acts:
- a) homicide, assassination and murder;
 - b) serious sexual offences, including rape and sexual abuse of children;
 - c) destruction and aggravated destruction, committed through arson, explosion or any other such means;
 - d) counterfeiting and forgery of means of payment;
 - e) aggravated theft and robbery, as well as receiving stolen goods;
 - f) extortion;
 - g) kidnapping;
 - h) traffic in human beings and related offences;
 - i) traffic in narcotic drugs or precursors;

- j) breach of the laws on arms, ammunition, explosives, nuclear materials and other radioactive substances;
 - k) illegal carriage of toxic and dangerous waste;
 - l) smuggling of aliens;
 - m) blackmail.
- (6) The observation referred to in paragraph 3 shall cease where the authorisation has not been obtained within 5 hours of the border being crossed, as well as at the request of the Prosecutor's Office attached to the High Court of Cassation and Justice.

ARTICLE 187⁸

Cross-border surveillance

In applying this Section, the list in Article 170 (5) is hereby supplemented with the following acts:

- a) manslaughter;
- b) serious fraud;
- c) money laundering;
- d) illicit traffic in nuclear and radioactive substances;
- e) participation in criminal organisations, mentioned in Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union;
- f) offences of terrorism provided in Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.

ARTICLE 187¹⁰

Liability of foreign officers

- (1) During the operations and activities mentioned in Article 187⁸ (...), the foreign pursuing officers shall be equated with the persons who have the same capacity in Romania as far as the offences committed against them or by them are concerned.
- (2) In the event that, in the course of the operations referred to in Article 187⁸, the foreign officers cause damage, the State from which they came shall be liable for this damage, according to Romanian law.
- (3) The State whose officers have caused damage to any person in the territory of Romania shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.
- (4) Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, Romania shall refrain in the case provided for in paragraph 2 from requesting reimbursement of damages it has sustained from another State.

II. Controlled deliveries

- contact points

Public Ministry

Prosecutor`s Office attached to the High Court of Cassation and Justice

14, Libertatii Street, sector 5, Bucharest

Service for International Judicial Cooperation, International Relations and Programmes

Tel.: +40 21 319 38 77

Fax: +40 21 319 39 24; +40 21 319 39 11

Directorate for the Investigation of Organised Crime and Terrorism

Tel./Fax: +40 21 319 39 05

E-mail: diicot@mpublic.ro

Ministry of Administration and the Interior

General Inspectorate of the Romanian Police

Directorate for Countering Organised Criminality

Antidrug Service - Bucharest, Ștefan cel Mare Str, no. 13-15, sector 2,

Tel.: +40 21 310 05 21

Fax: +40 21 311 15 79

E-mail: vasile.costea@politiaromana.ro

relatiico@politiaromana.ro

Directorate for Excise Surveillance and Customs Operations

Antidrug Compartment

34-40 Alexandru Ivasiuc str., sector 6, Bucharest

Tel./Fax: +40 21 637 30 57

E-mail: cabinet@customs.ro

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Officers and agents of the Romanian Police and of the Romanian Border Police.

III.2 designated authorities (if applicable)

Romanian Police and Romanian Border Police

III.3 authorities to be contacted in border regions when crossing the border

➤ **Contact structure at the internal border with Hungary**

1. Artand Common Contact Point (bilateral contact point):

Tel./Fax: +40 259 437 740,

E-mail: pcc.artand.igpf@mai.gov.ro

2. Cenad Comune Contact Point (bilateral contact point):

Tel./Fax: +40 256 373 919,

E-mail: pcc.cenad@igpf.ro

➤ **Contact structure at the internal border with Bulgaria**

Giurgiu Common Contact Centre (bilateral contact centre, with the participation, besides the border police, of the national police and customs from Romania and Bulgaria):

Tel./Fax: +40 246 231 179

E-mail: contact.dpf.giurgiu@mai.gov.ro

- **Border with Hungary**

Bihor County Border Police Inspectorate

4, Calea Aradului, Postal code 010223, Bihor County

Tel.: +40 259 41 89 24; +40 259 41 89 25

Fax: +40 259 41 89 22

E-mail: ijpf.bihor@mai.gov.ro

Bihor County Police Inspectorate

18, Parcul Traian St, Postal code 3700, Oradea

Tel.: +40 259 40 30 00; +40 259 41 24 72

E-mail: cabinet@bh.politiaromana.ro

Arad County Border Police Inspectorate

18 – 20, Marasesti St, Postal code 310032, Arad

Tel.: +40 257 23 11 03; +40 257 23 11 83

Fax: +40 257 25 60 99

E-mail: ijpf.arad@mai.gov.ro

Arad County Police Inspectorate

17-19 Calvin St, Postal code 2900, Arad

Tel.: +40 257 20 71 04; +40 257 25 22 16; +40 257 20 71 00

Fax: +40 257 25 31 51

E-mail: cabinet@ar.politiaromana.ro

Satu Mare County Border Police Inspectorate

26, Bujorului St., Satu Mare County

Tel.: +40 261 71 66 80

Fax: +40 261 71 70 31

E-mail: ijpf.satumare@mai.gov.ro

Satu Mare County Police Inspectorate

5, Al. I. Cuza St, Postal code 3900, Satu-Mare

Tel.: +40 261 76 87 50, +40 261 80 77 77

Fax: +40 261 76 85 21

E-mail: cabinet@sm.politiaromana.ro

Timiș County Border Police Inspectorate

11-13, Sever Bocu St., Postal code 300278, Timișoara

Tel.: +40 256 30 63 40

Fax: +40 256 30 53 57

E-mail: ijpf.timis@mai.gov.ro

Timiș County Police Inspectorate

46, Take Ionescu St, Postal code 300043, Timișoara

Tel.: +40 256 40 20 05; +40 256 40 21 10

Fax: +40 256 49 06 77

- **Border with Bulgaria**

Mehedinti County Border Police Inspectorate

3, Serpentina Rosiori St., Postal code 220235, Drobeta Turnu Severin

Tel.: +40 252 31 24 03

Fax: +40 252 30 61 30

E-mail: ijpf.mehedinti@mai.gov.ro

Mehedinți County Police Inspectorate

75, Bd. Carol I, Postal code 1500, Drobeta-Turnu Severin

Tel.: +40 252 30 50 06; +40 252 30 50 04

Fax: +40 252 31 29 33; +40 252 31 55 56

E-mail: cabinet@mh.politiaromana.ro

Giurgiu County Border Police Inspectorate

36, Mircea cel Batran St., Postal code 8375, Giurgiu

Tel.: +40 246 21 36 40; +40 246 21 36 41

Fax: +40 246 21 17 85

E-mail: ijpfgr@mai.gov.ro

Giurgiu County Police Inspectorate

9, C.F.R. Bd, Postal code 8375, Giurgiu

Tel.: +40 246 21 32 12; +40 246 20 70 05

Fax: +40 246 21 97 54

E-mail: cabinet@gr.politiaromana.ro

Teleorman County Border Police Inspectorate

3, Soseaua Portului, Postal code 145200, Turnu Magurele

Tel.: +40 247 41 66 89

Fax: +40 247 41 15 63

E-mail: inspectorat@ijpf-teleorman.ro

Teleorman County Police Inspectorate

71-73, I. Creangă St, Postal code 0700, Alexandria

Tel.: +40 247 31 26 12; +40 247 40 70 00

Fax: +40 247 31 01 21

E-mail: cabinet@tr.politiaromana.ro

Calarasi County Border Police Inspectorate

2, PhD Lucian Popescu St., Postal code 915400, Oltenita

Tel.: +40 242 51 57 98/ +40 242 51 58 30

Fax: +40 242 51 07 90

E-mail: ijpf.calarasi@mai.gov.ro

Călărași County Police Inspectorate

B-dul Republicii nr. 50, Călărași, Postal code 8500

Tel.: +40 242 31 39 81; +40 242 31 21 31; +40 242 31 21 32

Fax: +40 242 31 39 76

E-mail: cabinet@cl.politiaromana.ro

Dolj County Border Police Inspectorate

33, Traian St., Postal code 205200, Calafat

Tel.: +40 251 33 30 05

Fax: +40 251 23 11 10

E-mail: inspectorat@ijpfdolj.ro

Dolj County Police Inspectorate

9, Vultur St., Postal code 1100, Craiova

Tel.: +40 251 59 81 45; +40 251 40 75 00

Fax: +40 252 31 55 56

E-mail: cabinet@dj.politiaromana.ro

Olt County Border Police Inspectorate

105, Carpati St., Postal code 235300, Corabia

Tel.: +40 249 56 45 55

Fax: +40 249 56 05 66

E-mail: ijpf.olt@mai.go.ro

Olt County Police Inspectorate

19, M. Eminescu St, Postal code 0500, Slatina

Tel.: +40 249 40 65 00; +40 249 43 20 01; +40 249 43 20 02

Fax: +40 249 43 21 53

E-mail: cabinet@ot.politiaromana.ro

Constanța County Border Police Inspectorate

21, Aleea Zmeurei, Postal code 900433, Constanta

Tel.: +40 241 64 11 88

Fax: +40 241 69 86 68

E-mail: contact@ijpfconstanta.ro

Constanța County Police Inspectorate

104, Mamaia Bvd, Postal code 900527, Constanța

Tel.: +40 241 61 64 08; +40 241 61 18 02; +40 241 61 13 64

Fax: +40 241 61 40 43

E-mail: cabinet@ct.politiaromana.ro

- III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Hot pursuit is regulated by Government Emergency Ordinance (GEO) No. 103/2006 on measures for facilitating international police cooperation, as follows:

CHAPTER 5

HOT PURSUIT

Article 17

(1) Hot pursuit consists of a set of operative measures taken on the territory of several states, with the purpose of catching a person who has been caught in the act of committing an offence or who participated in such an offence, or any person who managed to escape from provisional custody or while serving a sentence involving deprivation of liberty.

(2) Hot pursuit may be performed by officers of the competent authority of a Schengen Member State on the Romanian territory, if the Romanian competent authorities have been informed by direct means of communication about the entry to the Romanian territory.

(3) The Romanian competent authorities mentioned under paragraph (2) are the Romanian Police and the Romanian Border Police.

(4) Upon the Romanian competent authorities' request, the hot pursuit shall immediately be ceased.

Article 18

(1) The competent authorities of a Schengen Member State which are pursuing in their country a person who is in one of the situations stipulated under Article 17(1) may continue the pursuit on Romanian territory, without previously informing the Romanian competent authority, if the following conditions are cumulative fulfilled:

- a) given the particular emergency of the situation, the Romanian competent authorities could not be previously informed, by direct means of communication, about their entry to the Romanian territory, or where the Romanian competent authorities were unable to reach the scene in due time in order to take over the pursuit.
- b) hot pursuit may take place only for one of the following offences:
 1. manslaughter, murder, first degree murder, aggravated murder;
 2. sex offences ;
 3. destruction committed through arson, explosion or any other such means;
 4. forgery of money or other assets;
 5. first degree theft and robbery, concealment and support of the perpetrator;
 6. blackmail;
 7. illegal deprivation of freedom;
 8. trafficking in human beings and other related offences;
 9. trafficking in drugs or precursors;
 10. breach of the laws on arms and explosives, nuclear materials and other radioactive materials;
 11. infringement of the provisions regarding the import and/or export of waste and residuals;
 12. leaving the site of an accident without approval from the police who are performing on-site investigation, by the driver of any vehicle that has been involved in an accident which has resulted in death or injury to the corporal integrity or health of one or more persons;

(2) The pursuing officers shall, no later than when crossing the state border, contact the Romanian Border Police or the Romanian territorial competent authority which may request the immediate cessation of pursuit.

Article 19

- 1) Upon the request of the pursuing officers, the Romanian competent authorities shall take all the necessary measures in order to establish the identity of the pursued person or to order the arrest or preventive detention of the pursuer, under the conditions set forth by the law.
- 2) In the case of the arrest of the person mentioned under paragraph (1), the arrest measure cannot exceed 6 hours, unless the Romanian competent authorities have previously received a request for that person's preventive detention with a view to extradition, in any form whatsoever. The period of six hours shall be calculated without including the hours between midnight and 9.00 a.m.

Article 20

- (1) Hot pursuit may be carried out only in accordance with the following general conditions:
 - a) the pursuing officers must comply with Romanian legislation and they must obey the instructions issued by the Romanian competent authorities;
 - b) the pursuit shall be carried out over land borders;
 - c) the entry of the officers into private homes and places as well as into places not accessible to the public shall be prohibited;
 - d) the pursuing officers shall be easily identified, either by their uniform, by wearing a visible inscription on their clothes or by the accessories fitted to their vehicles. The use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification means is prohibited. The officers shall always be able to justify their official status;

- e) the pursuing officers may carry their service weapons; their use shall be prohibited, excepting the cases of legitimate self-defence;
- f) after each operation referred to under Article 17, the pursuing officers shall personally inform the Romanian competent authority on their mission. Upon the request of the Romanian competent authority, the officers shall remain at its disposal until the circumstances surrounding their action have sufficiently been clarified; this condition shall apply even if the pursuit has not resulted in the arrest or the preventive detention of the pursued person;
- g) upon a request of the Romanian competent authority, the authority of the State the pursuing officers belong to may assist the enquiry subsequent to the operation they took part to, including the judicial proceedings;

(2) If the bilateral agreements concluded according to Article 24 paragraph (1) provide that the pursuing foreign officers may apprehend the pursued person, in order to bring him/her before the Romanian competent authorities, the person may be subject to a bodily search; handcuffs may be used during the transfer. The objects carried out by the pursued person may be seized, according to the law.

Article 21

In respect to the responsibility of the transborder pursuing foreign officers, the provisions provided for under Article 187¹⁰ under Law 302/2004, as amended and supplemented, shall accordingly be applied.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Ministry of Administration and the Interior

General Inspectorate of the Romanian Police

International Police Cooperation Centre – Central Contact Authority

Bucharest, 13 Septembrie Street, No. 1-3, District 5, Palace of the Parliament,
9th Floor, Postal Code 050711

Tel.: +40 21 314 05 40; +40 21 316 07 32

Fax: +40 21 314 12 66; +40 21 312 36 00

Email: ccpi@mai.gov.ro

Ministry of Administration and the Interior

General Inspectorate of the Romanian Border Police

European Affairs and International Relations Service

Bucharest, Razoare Street, no. 5, District

Tel. (call center): +40 21 3162598, extension 19444, 19431

Tel./Fax: +40 21 4087403

E-mail: d4.s2.igpf@mai.gov.ro

IV.2 Procedure

1. National legislation contains provisions for joint operations since the Government Ordinance 103/2006 on certain measures to improve international police cooperation was modified by the Law 201 of 22.10.2010.

2. On a bilateral level the relevant provisions are to be found in the Agreement between the Government of Romania and the Government of the Republic of Bulgaria regarding the cross-border judicial cooperation, signed in Vidin on 19.05.2009, as well as in the Agreement between the Government of Romania and the Government of the Republic of Hungary regarding cooperation in the field of preventing and countering cross-border crime, signed in Szeghed on 21.10.2008 (both agreements are in force).
3. In cases where joint patrols and operations in accordance with the Prüm Decision are not regulated in bilateral agreements, the Member State shall address a request to the competent national contact point in relation to joint patrols and operations.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Ministry of Administration and Interior

General Inspectorate of the Romanian Border Police

(The same structure as mentioned under point IV)

V.2 procedure [if different from IV]

The same procedure as mentioned under point IV.

OTHER

VI. Special intervention units

Ministry of Internal Affairs

General Directorate for Operational Management

Tel.: +4021 264 87 20; +4021 264 85 12; +4021 264 85 19

Fax: +4021 206 09 33; +4021 264 87 08

E-mail: coc.tura@mai.gov.ro

GENERAL

VII. Arms

VII.1 definition of service weapon

There is no specific definition of service weapons. This term could be defined as all those weapons which are carried by the police forces, according to the laws and regulations in force.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Law No. 218/2002 on the organisation and functioning of the Romanian Police, with subsequent amendments, stipulates as follows:

Article 34

For discouraging, stopping and neutralising the aggressive actions of persons disturbing public order and safety, actions that could not be removed or stopped by the use of other means, the police officers can use protection shields, helmets, rubber sticks, sticks with electrostatic energy, items with tear irritant and paralysing substances, water jets, rubber bullet guns and handcuffs, trained dogs as well as other means of immobilisation which do not endanger life or cause serious body harm.

- (1) The means stipulated in paragraph 1 can be used against persons who:
 - a) perform actions that endanger the corporal integrity, health or property of others;
 - b) unlawfully obstruct, public thoroughfares; try to enter, enter without authorisation or refuse to leave the premises of public authorities, of political parties, or of institutions or organisations of public or private interest; jeopardise in any way their integrity or security or that of their personnel, or disturb the normal conduct of their activity;
 - c) are obstructive towards representatives of the public authorities in the performance of their duties;
 - d) resist and disobey, by any means, a police officer's lawful requests, but only if there is a legitimate fear that their actions can endanger the police officer's corporal integrity or his life.

- (2) The use of the means stipulated in paragraph 1 against participants in aggressive actions shall be made gradually, after forewarning the persons concerned that those means will be used and giving them the time needed in order to cease their actions and to comply with the police officer's lawful request; extreme cases shall be considered the exception. Any action performed in public in such extreme cases shall be accompanied by the announcement: "Police!".

- (3) The use of the means stipulated in paragraph 1 must not exceed those really needed to stop or neutralise aggressive actions.

Article 35

- (1) If necessary, police officers may use, in the situations and conditions stipulated by law, firearms and offensive weapons. Firearms shall be used only after the warning: "Halt, or I will shoot!" has been issued.
- (2) In cases of legitimate defence, police officers may use firearms without such warning.
- (3) The use of service weapons, in the conditions and situations stipulated by law, shall remove the penal character of the deed.

VII.3 arms, ammunition and equipment permitted and conditions of their use
(cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

Romanian national legislation does not specify which weapons and equipments it is prohibited for the police to carry and use.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment
(cf. Article 19(4) of Council Decision 2008/615/JHA)

Law No. 218/2002 on the organisation and functioning of the Romanian Police, with subsequent amendments, stipulates as follows:

Article 36

It is forbidden to use the means stipulated in Articles 34 and 35 against women showing obvious signs of pregnancy, handicapped persons and children, except in situations in which such persons carry out armed or group attacks that endanger the life or corporal integrity of one or more persons.

Article 37

(1) The Romanian Police may use force, in the conditions laid down by the law, against those who endanger the life, integrity or health of persons or order structures, as well as against those who threaten to destroy buildings or property of public or private interest.

(2) The means in question shall be used only after the participants have been warned, by loudspeaker that they must obey the rules and cease to infringe public order. If, after they have been warned, they continue to violate the rules and public order, the police officer designated as head of the police presence or the hierarchical superiors shall warn the participants as follows:

- Firstwarning: "Attention, please leave ...We will use force!" followed by sound and visual signals. If after the period necessary for them to disperse, those warned do not obey, a further warning shall be given, as follows: "Leave... We are using force!".

(3) If such situations, as well as those mentioned in Article 47 of Law No. 17/1996 on the firearms and ammunitions regime, require the use of guns, it shall be preceded by a final warning, as follows: "Leave... We are using firearms!"

(4) The use of the means of dispersal and coercion shall cease as soon as public order is restored.

Article 38

Each situation in which firearms are used shall immediately be reported to the officer's superiors. The report shall be given in writing as soon as possible. If, a person's death or serious corporal harm has resulted from the use of a firearm, this shall be immediately communicated, in accordance with the law, to the competent prosecutor.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

ARTICLE 44 – Romanian Criminal Code

Self-defence

- (1) An act provided for in criminal law, which is committed in self-defence, shall not be an offence.
- (2) A person shall be considered to be acting in self-defence when he/she commits the act in order to remove a material, direct, immediate and unjust attack, which is directed against him/her, against another or against a public interest, and which seriously jeopardises the person or the rights of the person attacked or the public interest.
- (2¹) A person shall be presumed to have acted in self-defence also when he/she commits the act in order to reject another person's unauthorised intrusion using violence, villainy, force or other such means, into an abode, a room, outbuildings, or a place that is enclosed or delimited by clear boundary signs.
- (3) A person shall be considered to have acted in self-defence also when, out of confusion or fear, they exceeded the limits of defence that is proportional to the seriousness of the danger and to the circumstances under which the attack took place.

VIII.2 « home »

Government Emergency Ordinance (GEO) No. 97/2005 on the records, domiciles, residence and identity cards of Romanian citizens, with subsequent amendments:

ARTICLE 26

Domicile

- (1) The domicile of a natural person shall be the address which he/she declares as his/her main residence.
- (2) The domicile of an under-age person shall be 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 shall also apply to natural persons without legal capacity.

ARTICLE 29

Residence

A natural person's residence shall be the address which he/she declares as his/her secondary establishment, other than his/her domicile.

VIII. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

The provisions of bilateral Agreements with Republic of Hungary of 21.10.2008 and with the Republic of Bulgaria of 19.05.2009 on cross-border police cooperation mentioned under point IV.2.

The provisions of both agreements concern the general and special forms of cooperation, information exchange and data protection.

SLOVENIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers

Criminal Police Officers of the Special Assignment Division of the Criminal Police Directorate (within the General Police Directorate).

I.2 designated authorities (specify for incoming and/or outgoing requests)

International Police Cooperation Division of the Criminal Police Directorate
(within the General Police Directorate)

Štefanova 2, 1501 Ljubljana

Tel.: +386 1 4284 835, +386 41713699

Fax: +386 1 2517 516, +386 1 4284 790

E-mail: interpol.ljubljana@policija.si and sirene.slovenija@policija.si (24/7)

Requests are transmitted through the International Police Cooperation Division of the Criminal Police Directorate.

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Legal powers concerning border control are conferred upon all police units in the Republic of Slovenia. In addition, at national level, a specialised national unit for border control exercises those police powers throughout Slovenian territory. Since Slovenia joined the Schengen area, six specialised units (Police Stations for Compensatory Measures) have been set up at police directorates (regional level of organisation); these units exercise police powers and implement compensatory measures in the areas along the internal borders.

This area has since 2011 been regulated in the **Road Traffic Rules Act** in Article 49, which reads as follows:

Article 49 (Permissible speed for police vehicles and vehicles of the Slovenian Intelligence and Security Agency in the performance of special tasks)

Speed limits defined by traffic rules and speed limits displayed on traffic signs are not binding for the following vehicles:

1. of the Police, equipped with speed measuring devices used by police officers to check the speed of vehicles in traffic,

2. of the Police, of the Slovenian Intelligence and Security Agency and of the Intelligence and Security Service of the Ministry of Defence, when police officers, officials from the Agency or from the Intelligence and Security Service use them on the basis of authorization from the Public State Prosecutor, investigating judge, Director of the Slovenian Intelligence and Security Agency or the Minister of Defence, to implement covert investigative measures within their competence according to the law governing the tasks, responsibilities and powers of the Police, or according to the law governing criminal procedure and special forms of data acquisition based on law governing the operation of the Slovenian Intelligence and Security Agency, or according to the law governing the operation of the Intelligence and Security Service of the Ministry of Defence.

Drivers of such vehicles must adopt a driving style and drive at a speed that will enable them to exercise full control over the vehicle at all times and must not endanger other road users or their property.

II. Controlled deliveries

- contact points

International Police Cooperation Division of the Criminal Police Directorate
(within the General Police Directorate);

Štefanova 2, 1501 Ljubljana

Tel.: +386 1 4284 835, +386 41713699

Fax: +386 1 2517 516, +386 1 4284 790

E-mail: interpol.ljubljana@policija.si and sirene.slovenija@policija.si (24/7)

The International Police Cooperation Division of the Criminal Police Directorate will forward the request to the Organised Crime Division – Narcotic Drugs Section, which acts upon the requests.

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Paragraph one of Article 43 of the ORGANISATION AND WORK OF THE POLICEACT (ZODPol, Official Gazette of the Republic of Slovenia), no. 15/13 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."

Restrictions on the power of pursuit in Slovenia:

The Republic of Slovenia 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((4)(b)); on borders with Hungary: for criminal acts for which a person can be surrendered;
- pursuit is not limited in time or space (Article 41-(3)(b));
- pursuing officers have the right to detain the person pursued (Article 41((2)(b));
- pursuit can be carried out only on land borders; with Hungary and Austria.

III.2 designated authorities (if applicable)

International Police Cooperation Division of the Criminal Police Directorate
(within the General Police Directorate);

Štefanova 2, 1501 Ljubljana

Tel.: +386 1 4284 835, +386 41713699

Fax: +386 1 2517 516, +386 1 4284 790

E-mail: interpol.ljubljana@policija.si and sirene.slovenija@policija.si (24/7)

The final report should be sent to International Police Cooperation Division of the Criminal Police Directorate.

III.3 authorities to be contacted in border regions when crossing the border

Unit	Address	Phone	Fax	Mail to
Border with Italy				
PU KOPER – OKC or Centre for Police Cooperation Thörl Maglern/Vrata Megvarje	Ul. 15. maja 16 6000 Koper Unterthörl 44, 9602 Thörl-Maglern	+386 5 61 31 355 +386 1 428 4083 +43 (0) 59133 2272	+386 5 62 71 377 +43 (0) 59133 2272-209	okc.pukp@policija.si cps.uup@policija.si
PU NOVA GORICA – OKC or Centre for Police Cooperation Thörl Maglern/Vrata Megvarje	Sedejeva ulica 11 5000 Nova Gorica Unterthörl 44, 9602 Thörl-Maglern	+386 5 30 34 355 +386 1 428 4083 +43 (0) 59133 2272	+386 5 30 34 363 +43 (0) 59133 2272-209	okc.pung@policija.si cps.uup@policija.si
PU KRANJ – OKC	Bleiweisova ulica 3 4000 Kranj	+386 4 23 36 355	+386 4 23 36 363	okc.pukr@policija.si

Border with Austria				
PU KRANJ – OKC	Bleiweisova ulica 3 4000 Kranj	+386 4 23 36 355	+386 4 23 36 363	okc.pukr@policija.si
PU CELJE - OKC	Ljubljanska cesta 12, Celje	+386 3 54 26 350	+386 3 54 26 369	okc.puce@policija.si
PU MARIBOR – OKC	Maistrova ul. 2 2000 Maribor	+386 2 22 21 355	+386 2 22 21 358	okc.pumb@policija.si
PU MURSKA SOBOTA – OKC	Arhitekta Novaka 5 9000 Murska Sobota	+386 2 52 24 355	+386 2 52 24 363	okc.pums@policija.si
Border with Hungary				
PU MURSKA SOBOTA – OKC	Arhitekta Novaka 5 9000 Murska Sobota	+386 2 52 24 355	+386 2 52 24 363	okc.pums@policija.si

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

Legal powers concerning border control are conferred on all police units in the Republic of Slovenia. In addition, at national level, the Specialised Unit for State border control exercises those police powers throughout Slovenian territory. Since Slovenia joined the Schengen area, six specialised units (Police Stations for Compensatory Measures) have been set up at police directorates (regional level of organisation); these units exercise police powers and implement compensatory measures in the areas along the internal borders.

Special road traffic rights: Article 101 (4) of the Road Traffic Rules Act lays down that traffic rules are not binding for Police vehicles using devices for producing audible signals and blue light.

The drivers of such vehicles must adopt a driving style and drive at a speed that will enable them to exercise full control over the vehicle at all times and must not endanger other road users or their property. Foreign police officers have the same rights as national police officers in this respect.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

International Police Cooperation Division of the Criminal Police Directorate
(within the General Police Directorate);

Štefanova 2, 1501 Ljubljana

Tel.: +386 1 4284 835, +386 41713699

Fax: +386 1 2517 516, +386 1 4284 790

E-mail: interpol.ljubljana@policija.si and sirene.slovenija@policija.si (24/7)

Division also has a 24/7 access to SIENA and I-24/7.

IV.2 procedure

All requests for Joint operations to the Slovene Police have to be made by means of the request and have to be sent to the national contact point.

As soon as possible the competent authority will take a decision concerning the request and the decision will be sent in writing to the competent authority of the requesting Party.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

For Austria, Italy and Hungary

Unit	Address	Phone	Fax	Mail to
Border Police Division of the Uniformed Police Directorate (within the General Police Directorate)	Štefanova 2, 1501 Ljubljana	+386 1 428 4322	+386 1 428 4779	smp@policija.si

For Croatia

- Police Directorate Murska Sobota: for Croatian Police Directorate Međimurska;
- Police Directorate Maribor: for Croatian Police Directorates Međimurska, Varaždinska and Krapinsko-Zagorska;
- Police Directorate Celje: for Croatian Police Directorate Krapinsko-Zagorska;
- Police Directorate Krško: for Croatian Police Directorates Krapinsko-Zagorska and Zagrebačka;
- Police Directorate Novo mesto: for Croatian Police Directorates Zagrebačka, Karlovačka and Primorsko-Goranska;
- Police Directorate Ljubljana: for Croatian Police Directorate Primorsko-Goranska;
- Police Directorate Koper: for Croatian Police Directorates Istarska and Primorsko-Goranska.

Unit	Address	Phone	Fax	Mail to
Border Police Division of the Uniformed Police Directorate (within the General Police Directorate)	Štefanova 2, 1501 Ljubljana	+386 1 428 4322	+386 1 428 4779	smp@policija.si

V.2 procedure [if different from IV]

Joint patrols with Austria:

Reasons: To tackle threats to the public security, for suppression of criminal acts and for performing surveillance of the common state border

Range of performance: 10 km inland from the border line

Powers of guest officers:

- to check the identity of persons and, if these attempt to evade such checks, apprehend them in accordance with the national law of the host country
- other police powers are performed by officers of host country except in cases of assistance needed by officers of other contracting party

Applicable Law: Host Member State

Joint patrols with Hungary:

Reasons: To ensure public security and public order, suppressing criminal acts and for performing surveillance of the common state border

Range:

- 10-kilometre stretch of land spanning inland from the common border line of the Contracting Parties.
- This area shall include all settlements within these 10 kilometres up to their administrative borders even if these extend beyond the specified distance.

Police Powers:

- to check the identity of persons and, if these attempt to evade such checks, apprehend them in accordance with the national law of the host country
- Only the officers of the co-operating authority of the Contracting Party in whose state territory the joint patrol service is being performed shall be authorised to take other action and to apply means of restraint.

Joint patrols with Italy:

Reasons

- Public security and order

Range

10 km

Powers

- to check the identity of persons and, if these attempt to evade such checks, apprehend them in accordance with their national laws and regulations
- other police powers are performed by officers of contracting party except in cases of assistance needed by officers of other contracting party

Applicable Law: Host Member State

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Operation and Communication Centre (of the General Police Directorate)

Tel.: 0038614285355 and 0038614285356

E-mail: okc.gpu@policija.si

POLICE TASKS AND POWERS ACT

Article 157 (Cooperation of the police in other EU Member States)

(2) Decisions on the assistance and support of the police in crisis situations in another EU Member State, as defined in Council Decision 2008/617/JHA, on the basis of a request, shall be made by the Minister.

GENERAL

VII. Arms

VII.1 definition of service weapon

In accordance with the special regulations, police officers carry short-barrel firearms and ammunition cases, for which they are individually responsible. Such firearms include all types of pistols and revolvers except flare and air pistols. Long-barrel firearms (all types) and automatic guns are carried if so ordered by the head of the regional police unit or if necessary due 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, i.e. truncheons, instruments for handcuffing and tying, gas spray, gas instruments and other instruments of temporary incapacitation and other means of restraint.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

POLICE TASKS AND POWERS ACT

Article 157

(Cooperation of the police in other EU Member States)

- (1) In order to prevent criminal offences, and maintain and secure law and order during public gatherings and in the event of natural and other disasters, the police may cooperate with security authorities in the territory of another EU Member State on the basis of a request, in accordance with Council Decision 2008/615/JHA and Council Decision 2008/616/JHA. Decisions on cooperation shall be made by the Director General of the Police.

- (2) Decisions on the assistance and support of the police in crisis situations in another EU Member State, as defined in Council Decision 2008/617/JHA, on the basis of a request, shall be made by the Minister.
- (3) When the police cooperate with security authorities in another EU Member State pursuant to this Act, police tasks may be performed and instruments of restraint may be used only under the authority of the competent security authority of the EU Member State if so determined by Council Decision 2008/615/JHA, Council Decision 2008/616/JHA, Council Decision 2008/617/JHA or the law of the EU Member State.
- (4) In accordance with the preceding paragraph, police officers may only use firearms in cases referred to in the first indent of the first paragraph of Article 96 of this Act.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment that may not be carried or used

POLICE TASKS AND POWERS ACT

Article 158 (Cooperation of the police with security authorities of other EU Member States in the Republic of Slovenia)

- (1) On the basis of a request by the police, security authorities of other Member States may participate in preventing criminal offences, maintaining and securing law and order during public gatherings and providing assistance in the event of natural and other disasters in the Republic of Slovenia, in accordance with Council Decision 2008/615/JHA and Council Decision 2008/616/JHA.
- (2) On the basis of a request by the Minister, security authorities of other Member States may cooperate with the police in crisis situations in the Republic of Slovenia, as defined by Council Decision 2008/617/JHA.

- (3) In the cases referred to in the first and second paragraphs of this Article, security authorities of other Member States shall wear uniforms, carry firearms, accompanying ammunition and other instruments of restraint, and use vehicles and other equipment necessary for performing police tasks with their markings and symbols. The Director General of the Police may limit the entry and use of certain means and equipment.
- (4) Security authorities of other Member States shall perform police tasks referred to in the first and second paragraphs of this Article and use instruments of restraint pursuant to this Act and under the authority of the Slovenian police. They may use firearms only in cases referred to in the first indent of the first paragraph of Article 96 of this Act.
- (5) In their cooperation with the police, security authorities of other Member States shall be provided with the same assistance and support as Slovenian police officers. Their national legislation shall apply to employment relationships and disciplinary responsibility of security authorities of other Member States.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

POLICE TASKS AND POWERS ACT

Use of firearms

Article 96 (Use of firearms)

- (1) When performing official tasks, police officers may use firearms only if otherwise unable
- to prevent an unlawful assault directed concurrently against themselves or any other person that puts lives in jeopardy, or
 - to prevent a person who in circumstances showing elements of the commission of a criminal offence has in his possession a firearm ready for use, explosives or other dangerous objects or substances for endangering the life of one or more persons.

- (2) An assault on police officers or any other person referred to in the first indent of the preceding paragraph shall also be deemed to be a situation in which a person reaches for a weapon or any other dangerous object or substance, pulls them out or tries to do so or holds them in a position indicating the possibility of an imminent assault.
- (3) Before using their firearms, police officers shall, if with regard to the police officers' or other people's safety circumstances allow, caution the person against whom the firearms are to be used by calling out "Police! Freeze or I will shoot!" and fire a warning shot in a safe direction.

Article 97 (Special conditions for using firearms)

- (1) In the event that a person against whom police officers are allowed to use firearms is fleeing or retreating towards a group of people or is in the midst of them, a police officer may only shoot if the person in question is directly threatening people's lives.
- (2) In the event that a person against whom police officers are allowed to use firearms is in the vicinity of the state border or is approaching it, police officers shall shoot so that the projectile does not fly over the state border.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Self-defence (Article 11 of the Penal Code of the Republic of Slovenia):

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

VIII.2 « home »

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** means premises which are intended for permanent or temporary residence, and other appurtenant rooms (such as an 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 living spaces also fall within this category.

- **Other premises** are, for instance, business premises, company premises or the 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 and where they expect to enjoy privacy. Neither the Constitution nor the law 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 owners should display clearly that they wish to protect their privacy (e.g. by means of a fence, hedge etc.).

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SLOVAKIA

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers

The cross-border surveillance is performed by Special Police Activities Bureau.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Contact details of the central authority:

Presidium of the Police Force
Bureau for International Police Cooperation
SIRENE Office
Pribinova 2
812 72 Bratislava
Tel.: +421 9610 565 81
Fax: +421 9610 565 89
E-mail: sirene.umps@minv.sk

In urgent cases when cross-border surveillance continues on to the territory of the Slovak Republic and prior official permission would delay the surveillance, the police officers must inform the above-mentioned authority.

I.3 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

The relevant **bilateral agreements** on police cooperation between law enforcement authorities of the Slovak Republic and of neighbouring countries stipulate the following provisions (all of which have priority over the laws of the Slovak Republic):

- **with Austria (entry into force: 1 July 2005)**
 - Conditions for cross-border surveillance:
 - extraditable offence (to prevent the preparation and perpetration of such an offence);
 - to ensure the execution of a sentence of imprisonment;
 - to avert the criminal activities of an organised group;
 - in urgent cases Austrian police officers may continue cross-border surveillance without prior official permission on condition that they immediately inform the Police Presidium, SIRENE Office, Tel.: +421 9610 56581 (see above);
 - cross-border surveillance must be stopped if the permission is not granted within 12 hours after crossing the border, or if the Slovak side so requires;
 - police officers exercising cross-border surveillance on the territory of the Slovak Republic are bound by Slovak legislation and obliged to follow the instructions of the Slovak designated authorities and authorised officers; they are also obliged to prove their status as police officers;
 - police officers exercising cross-border surveillance are not allowed to enter private facilities or facilities that are inaccessible to the public; they may access public premises only during working hours;
 - police officers exercising cross-border surveillance shall immediately submit a report to the Slovak authorised officers;

- police officers exercising cross-border surveillance are allowed to use service technical means as well as service motor vehicles;
 - Austrian service motor vehicles used for cross-border surveillance are considered to be equivalent to Slovak service motor vehicles and, if necessary, the use of flashing lights (including sirenes) is allowed.
- **with Poland (entry into force 18 December 2006)**
 - the only condition is that the offence must be extraditable according to the Slovak legislation;
 - police officers exercising cross-border surveillance on the territory of the Slovak Republic are bound by Slovak legislation and obliged to follow the instructions of the Slovak designated authorities and authorised officers;
 - police officers exercising cross-border surveillance are obliged to prove their status as police officers by means of a police identity card;
 - police officers exercising cross-border surveillance must have permission for their operation; without such permission, which must be obtained in advance, the police officers of one side may continue in surveillance only if the offences involved are punishable by a maximum sentence of at least 3 years' imprisonment, or in the case of an offence punishable by an extraordinary prison sentence (life imprisonment);
 - police officers exercising cross-border surveillance are allowed to wear their service weapons and to use service technical means and service motor vehicles;
 - when using a service motor vehicle, they are obliged to comply with the traffic regulations of the Slovak Republic;
 - service weapons may be used only for necessary self-defence;
 - police officers exercising cross-border surveillance are not allowed to detain persons or to enter private facilities or facilities that are inaccessible to the public;
 - police officers exercising cross-border surveillance shall immediately submit a report to the authorised officers of the host country.

- **with Hungary (entry into force 1 May 2007):**
 - police officers are allowed to exercise cross-border surveillance on the territory of the Slovak Republic if the person under surveillance is suspected of an intentional offence which is punishable by a sentence of at least five years' imprisonment, or is a member of an organised criminal group, or is in contact with such a group;
 - police officers exercising cross-border surveillance must have permission for their operation; without such permission, which must be obtained in advance, the police officers of the contracting party may continue their surveillance only if a delay would endanger public security or would jeopardise the detection of crime;
 - cross-border surveillance which continues on to the territory of the Slovak Republic has to be stopped if the police officers carrying out the operation do not receive authorisation from the designated authorities of the Slovak Republic within 5 hours of crossing the border, or if those officers are asked to cease their surveillance;
 - police officers exercising cross-border surveillance on the territory of the Slovak Republic are bound by Slovak legislation and obliged to follow the instructions of the Slovak designated authorities and authorised officers;
 - police officers exercising cross-border surveillance are obliged to prove their police status by means of a police identity card;
 - police officers exercising cross-border surveillance are not allowed to enter private facilities or facilities that are inaccessible for the public; they may access public premises only during working hours;
 - police officers exercising cross-border surveillance must immediately submit a report to the authorised officers of the host country;
 - police officers exercising cross-border surveillance are allowed to use service technical means in compliance with Slovak legislation; when using service motor vehicles, they are obliged to follow the traffic regulations of the Slovak Republic;
 - cross-border surveillance may be exercised without limitation in space.

II. Controlled deliveries

- contact points:

The requests are to be sent to:

Presidium of the Police Force

Bureau for International Police Co-operation

SPOC (Single Point of Contact)

Pribinova 2

812 72 Bratislava

Tel.: +421 9610 564 50

Fax: +421 9610 564 59

E-mail: spocumps@minv.sk

SPOC is required to forward the request to the competent national authorities depending on the character of the delivery (Customs Directorate of the Slovak Republic, Customs Criminal Office, Prosecutors' Offices, etc.).

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

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

1. Czech Republic (in force since 24 February 2005) (including customs authorities – Art. 8 and 15 of the Agreement)
2. Austria (in force since 1 July 2005) (including customs authorities and Railway Police – Art. 3 and 8 of the Agreement)

3. Poland (in force since 31. July 2011) (including customs authorities and Railway Police – Art. 8a of the Agreement)
4. Hungary (in force since 1 May 2007) (including customs authorities and Railway Police – Art. 1 and 13 of the Agreement).

III.2 designated authorities (if applicable)

.....

III.3 authorities to be contacted in border regions when crossing the border

a) at the border with Austria

Common contact point Jarovce – Kittsee

Border crossing point Jarovce – Kittsee

Tel.: +421 9610 35 785

Fax: +421 9610 35 789

E-mail: skp.jarovce@minv.sk

b) at the border with Hungary

Common contact point Čunovo – Rajka

Border crossing point Čunovo - Rajka

Tel.: +421 9610 35 795

Fax: +421 9610 35 799

E-mail: skp.cunovo@minv.sk

Common contact point Slovenské Ďarmoty – Balassagyarmat
Border crossing point Slovenské Ďarmoty – Balassagyarmat
Tel.: +421 96160 2145
Fax: +421 96160 4000
E-mail: skp.darmoty@minv.sk

Common contact point Slovenské Nové Mesto – Sátoraljaujhely
Kazinczy 37-39,
3980 Sátoraljaujhely
Tel.: +421 961 71 39 38
Fax: +421 961 71 39 39
E-mail: skp.snm@minv.sk

c) at the border with Poland

Common contact point Vyšný Komárnik – Barwinek
Border crossing point Vyšný Komárnik – Barwinek
Tel.: +421 96180 2145
Fax: +421 96180 4019
E-mail: skp.komarnik@minv.sk

Common contact point Trstená – Chyžné
Krakovská st. 771/30
028 01 Trstená
Tel.: +421 96143 2150
Fax: +421 96140 4003
E-mail: skp.trstena@minv.sk

d) at the border with Czech Republic

Police cooperation center Holíč - Hodonín

Border crossing point Holíč - Hodonín

Tel.: +421 96110 6190

Fax: +421 96110 6199

E-mail: skp.hol@minv.sk

III.4 specific statutory provisions (including, where relevant and useful, a general indication of the applicable traffic regulations)

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, hot pursuit shall be exercised on the territory of the Slovak Republic under 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 hot pursuit with the Czech Republic, the Republic of Austria, the Republic of Hungary and the Republic of Poland (hot pursuit to be included soon) are considered as extending the application of Article 41(1) of the Schengen Convention.

General provisions applying to hot pursuit exercised on the territory of the Slovak Republic by the police officers of the neighbouring countries:

- police officers exercising hot pursuit on the territory of the Slovak Republic are bound by the Slovak legislation and obliged to follow the instructions of the Slovak designated authorities and authorised officers;
- police officers exercising hot pursuit are allowed to use service technical means as well as service motor vehicles;
- police officers exercising hot pursuit are obliged to prove their police status, e.g. by uniform, by special or additional equipment fixed to their motor vehicles. Officers are not allowed to wear civilian clothes when using police motor vehicles without police identification;
- police officers exercising hot pursuit are allowed to detain persons, but they are not allowed to enter private facilities or facilities that are inaccessible to the public; they may access public premises only during working hours;

- police officers exercising hot pursuit shall immediately report to the authorised officers of the host country; moreover, they are expected to provide adequate assistance to the authorities of the host country;
- coercive measures (body search, handcuffing) may be applied only in well-defined situations;
- the pursued person may be detained for questioning but must be released within 6 hours of being detained (hours between 12.00pm and 9.00am are not covered by that limit);
- the person detained during the pursuit shall be questioned by the police authorities on whose territory he/she had been detained.

In the bilateral agreement with Czech Republic the following specific conditions for hot-pursuit have been agreed:

- the pursued person may be detained for questioning by the police authorities on whose territory he/she had been detained, the person must be released within 24 hours of being detained;

In the bilateral agreement with Austria the following specific conditions for hot-pursuit have been agreed:

- the Austrian police officers exercising the hot pursuit may use their service motor vehicle in the same way as the Slovak police officers, e.g. they, too, are allowed to use flashing lights including sirenes;
- the pursued person may be detained for questioning by the police authorities on whose territory he/she had been detained, the person must be released within 6 hours of being detained;

In the bilateral agreement with Hungary the following specific conditions for hot-pursuit have been agreed:

- the Hungarian police officers may continue in hot pursuit into the territory of the Slovak Republic without prior permission if the person pursued has committed or attempted to commit an offence punishable by a sentence of at least 1 year's imprisonment.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

In accordance with Article 17 of the Council Decision, the authorities in charge of joint patrols and other forms of police cooperation are:

Presidium of the Police Force

International Police Cooperation Bureau

SPOC (Single Point of Contact)

Pribinova 2

812 72 Bratislava

Tel.: +421 9610 56450

Fax: +421 9610 56459

E-mail: spocumps@minv.sk

For carrying out joint patrols (in opened form):

Financial Directorate of the Slovak Republic

Mierová 23

815 11 Bratislava

Tel.: +421 2 4827 3111, +421 2 4827 3112, +421 2 4827 3115

Fax: +421 2 4342 6787

For carrying out other forms of police cooperation as joint operations:

Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská 24

824 97 Bratislava

Tel.: +421 2 5341 1313

Mobile: +421 918 710 710

Fax: +421 2 5341 1051

E-mail: oskufs@colnasprava.sk

IV.2 procedure

In accordance with Article 17 officers or other civil servants with the right to participate in police operations are:

- officers of Police Force, and customs officers

Slovak legislation in general allows police officers¹ of other Member States to use the powers of the police officers of the Slovak Republic, to the extent and under the conditions stipulated by an international agreement or by another act (e.g. Council Decision 2008/615/JHA). The official procedure for setting up joint operations according to Article 17 of Council Decision 2008/615/JHA has not been stipulated. If there is a need to set up a joint operation, the requesting Member State must send a request to the abovementioned contact points. The further procedure, extent and conditions of use of the police powers of the other Member State are decided by the Slovak police officer in charge of the joint operation. This means that the other Member State's police officer would have only those powers intended for that specific joint operation, and they would always be exercised under the instructions and in the presence of the Slovak police officer.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

- see point IV.1 (the same)

¹ Police officer in context of the IV. 2 and V. 2 means: officer of the Police Force, officer of the Railway Police or customs officer depending on the concrete joint operation.

V.2 procedure [if different from IV]

The action of police officers of other Member States during patrols is always under the command of the Slovak police officer, who determines the extent and the conditions of use of the specific powers.

The Slovak Republic has concluded bilateral agreements on police cooperation with neighbouring countries (Hungary, Poland, Austria and the Czech Republic) that regulate the functioning of joint patrols in the border regions within a range of 10 kilometres inland (on trains, joint patrols are carried out up to the first station where the train stops). Joint patrolling in the border region is designed to protect public order and combat organised crime.

During patrols the police officers of the other Member States may identify and detain a person according to national legislation and in exceptional, well-defined cases use coercive means. They may wear their uniforms or other police identification, use police means of communication, technical equipment for surveillance and police motor vehicles. Moreover, those police officers are also allowed to carry service weapons, which may be used only in the case of necessary self-defence.

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

The authorising authority is the Chief of the Police Force.

Submission of requests regarding the deployment of special intervention units is carried out through:

Presidium of the Police Force

International Police Cooperation Bureau

SPOC (Single Point of Contact)

Pribinova 2

812 72 Bratislava

Tel.: +421 9610 56450

Fax: +421 9610 56459

E-mail: spocumps@minv.sk.

GENERAL

VII. Arms

VII.1 definition of service weapon

A (service) weapon is one of the coercive means in the Slovak Republic and may be used in compliance with national legislation (e.g. Act on Police Force, Act on Railway Police). Firearms, edged weapons and mass effect weapon are considered to be (service) weapons.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

The police officers of other Member States are allowed to use the following coercive means on the territory of the Slovak Republic:

- hand holds, grabs, hits and kicks in self-defence,
- means for subduing resistance or averting an attack,
- handcuffs,
- police dog,
- spiked barrier strips and other means for stopping vehicles by force,
- strike by a firearm,
- threat by firearm,
- warning shot in the air,
- weapon.

VII.3 arms, ammunition and equipment permitted and conditions of their use
(cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and
equipment that may not be carried or used

- Permissible service weapons: different types of pistols defined as short firearms using 9 x 19 mm Luger ammunition (e.g. CZ 75 and 85, GLOCK 17 and 19, SigSauer 226, etc.).
- Permissible ammunition: 9 x 19 mm Luger ammunition (modified) is allowed; this is used in a given type of service weapons certified for use on the territory of the Slovak Republic.
- Permissible equipment: see VII.2 note.
- Prohibited service weapons: shotguns, signal pistols, automatic machine guns, mass effect weapons and any other firearms.
- Prohibited ammunition: special ammunition with rubber charge, ammunition with indelible dye charge, ammunition with tear-gas charge.
- Prohibited equipment: binding belts, binding straps, crowd control by motor vehicles and mounted crowd control, technical means for immobilising vehicles, special water cannon, stun devices, use of special ammunition, use of planes.

Before using a weapon, a police officer is obliged to order the person he is challenging to desist from unlawful conduct, and warn the person that a weapon will be used.

Before using a firearm, the police officer must fire a warning shot in the air. A police officer can refrain from the warning and the warning shot in the air only if he/she is personally attacked, or the life or health of another person is endangered, or the matter cannot be delayed.

While using a weapon, the police officer must exercise caution and shoot to injure only, so that the life and health of others is not endangered.

A police officer is authorised **to shoot** in necessary self-defence as a rule when tackling an assailant whose resistance cannot be subdued by other means.

A police officer is authorised to **fire a warning shot in the air** in order to:

- a) ensure his or another person's safety, if the person challenged does not desist from the attack, there is an immediate threat of an attack, the attack continues or all the signs indicate that it is likely to continue,
- b) bring in, detain, catch, arrest or bring to prison a person who actively resists,
- c) prevent a disturbance, fight, deliberate damage to property or otherwise rowdy conduct whereby the public peace is breached,
- d) prevent forced entry by unauthorised persons into guarded premises or a place where entry is forbidden,
- e) prevent the escape of a person being pursued or guarded who is to be detained, arrested or taken into lawful custody or conveyed to prison,
- f) to prevent the illegal crossing of the state border.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

- **Use of weapon**

A police officer is authorised **to use a weapon only**

- a) in case of necessary self-defence and extreme necessity,
- b) if a dangerous perpetrator against whom the police officer is taking action, after having been given an order, does not surrender or hesitates to leave his/her hideaway,

- c) if the resistance, which is preventing him from fulfilling his duty, cannot be subdued by any other means,
- d) in order to prevent the escape of a dangerous perpetrator who cannot be stopped by any other means,
- e) if a person who has been challenged by the use of a weapon or a warning shot in the air does not comply with the police officer's instructions aimed at ensuring his or another person's safety,
- f) if there is no other possibility of stopping a vehicle whose driver, after repeated orders to stop, or a sign given in accordance with special regulations, does not stop and seriously endangers the life and health of other persons with his careless driving,
- g) in order to avert a dangerous attack which threatens guarded premises or a place where entry is forbidden, and after a challenge to stop the attack has been unsuccessful,
- h) to render harmless an animal threatening human life or health,
- i) to force a vehicle to stop within the area of the state border, if its driver does not stop after repeated orders to do so, or signs given in accordance with special regulations.

Before using coercive means, the police officer is obliged to challenge the person he is acting against to stop the unlawful conduct, and warn him/her that one of the coercive means will be applied. The police officer can omit the challenge or warning only if he himself has been attacked, or the life and health of another person is endangered and the matter cannot be delayed, or if permitted by other circumstances.

The choice of which coercive means are to be used is decided by the police officer in the light of the actual situation, so as to ensure that the purpose of the intervention can be attained and the coercive means and intensity of their application are not clearly inadequate to the dangerousness of the attack.

- **Use of various coercive means**

1. Handholds, grabs and kicks used in self-defence to subdue resistance and avert an attack

A police officer is authorised to use handholds and kicks in self-defence and other means to overcome resistance and avert an attack in order to:

- a) safeguard his or another person's protection against an attack if, after challenging the assailant, the attack does not stop, there is an immediate threat of an attack, the attack continues, or all the signs indicate that it is likely to continue,
- b) to prevent a disturbance, fight, deliberate damage to property or otherwise rowdy conduct whereby public peace is breached,
- c) bring in, detain, arrest, take into custody, or convey to prison a person who actively resists,
- d) prevent forcible entry of an unauthorised persons into guarded premises, or a place where entry is forbidden,
- e) overcome the active resistance of the restrained person pursuant to Article 27a.

A police officer is authorised to use grabs and holds in order to:

- a) bring in, detain, arrest, take into custody, or convey to prison a person who passively resists or who resists providing identification pursuant to Article 20a,
- b) overcome the passive resistance of the restrained person pursuant to Article 27a.

2. Handcuffs

A police officer is authorised to use handcuffs

- a) to handcuff a person being brought in, caught, detained or arrested, or a person who should be conveyed to prison or taken into custody and who actively resists or attacks other persons or a police officer, damages property even after an unsuccessful challenge to refrain from such conduct,

- b) to handcuff together two or more persons being brought in, caught, detained or arrested under the conditions referred to in letter a) herein,
- c) when carrying out actions or procedures regarding the persons brought in, detained, caught or arrested, or the persons in lawful custody or deprived of liberty in prison, if there is well-grounded suspicion they will attempt to escape,
- d) when carrying out police transport of aliens through the territory of the Slovak Republic to the state border of neighbouring state.

The person referred to above, can also be handcuffed to an appropriate object if required by circumstances, however, this may last only as long as the reasons above continue to obtain.

3. Police dogs

A police officer is authorised to use a police dog in order to:

- a) ensure his own or another person's safety if, after a challenge, the attack has not ceased, there is an immediate threat of an attack, the attack continues or all the signs indicate that it is likely to continue,
- b) prevent a disturbance, fight, deliberate damage to property or otherwise rowdy conduct, whereby public peace is breached,
- c) prevent forcible entry by unauthorised persons into guarded premises, or a place where entry is forbidden,
- d) pursue a person on the run, who is to be detained, arrested or taken into lawful custody or conveyed to prison,
- e) force a person in hiding who is to be detained, arrested, taken into lawful custody or conveyed to prison to leave his/her hideaway,
- f) guard a person brought in, detained, caught or arrested who is to be taken into lawful custody or conveyed to prison,

- g) pursue a person, who, near the state border, has not stopped when challenged, tries to escape and cannot be stopped in another way,
- h) ensure his own or another person's safety during police transport of aliens through the territory of the Slovak Republic to the state border of the neighbouring state.

The police dog must be muzzled. If required by the nature and intensity of an attack, or in order to overcome a person's resistance or his method of action, the officer can use a police dog without muzzle.

4. Spiked barrier strips or other means of stopping a vehicle by force

A police officer is authorised to use a spiked barrier strip or other means to stop a vehicle by force if the driver, after repeated challenges or a sign given in accordance with special regulations, does not stop and if there is:

- a) a serious threat to life, health or property caused by careless driving,
- b) well-grounded suspicion that the vehicle is transporting perpetrators of deliberate criminal acts, wanted person, weapons, ammunition, explosives, narcotic and psychotropic substances and poisons, the proceeds of crime or things connected with crime,
- c) an undoubted suspicion that the driver will attempt to enter guarded premises or places where entry is forbidden using force,
- d) well-grounded suspicion that the vehicle will attempt to cross the state borders using force.

"Other means" as referred to in the first paragraph mean, in particular, a police vehicle, other vehicles, or building and construction equipment.

5. Use of a firearm

A police officer is authorised to strike a person with a firearm in necessary self-defence as a rule when tackling an assailant whose resistance cannot be subdued by other means.

6. Threat using a weapon and warning shot in the air

A police officer is authorised to use his weapon to issue a threat and to fire a warning shot in the air in order to:

- a) ensure his or another person's safety, if the person challenged does not desist from the attack, there is an immediate threat of an attack, the attack continues, or all the signs indicate that it is likely to continue,
- b) bring in, detain, catch, arrest or bring to prison a person who actively resists,
- c) prevent a disturbance, fight, deliberate damage to property or otherwise rowdy conduct whereby the public peace is breached,
- d) prevent forced entry by unauthorised persons into guarded premises or a place where entry is forbidden,
- e) prevent the escape of a person being pursued or guarded who is to be detained, arrested or taken into lawful custody or conveyed to prison,
- f) to prevent the illegal crossing of the state border.

• **Obligations of a police officer after the use of coercive means**

As soon as the police officer discovers that a person has been injured subsequent to the use of coercive means, he is obliged, if circumstances allow, to give the injured person first aid and ensure his/her medical treatment.

A police officer is obliged to report immediately to his superior officer each service action where he has used coercive means. If any doubts arise with regard to the legitimacy or adequacy of the use of coercive means, or if their use resulted in death, detriment to health or damage to property, the superior officer is obliged to ascertain that those means were used in accordance with the law. He shall submit an official report on his findings. If a police officer has used coercive means in an area other than that of his operational task force, he shall report its use to the nearest division of the Police Force.

- **Special restrictions**

During a service action against a pregnant woman, an elderly person, a person clearly physically handicapped or ill, or against a person under the age of 15, a police officer may use only handholds and handcuffs. A police officer is authorised to use other means of force only if the attack by such persons imposes an immediate threat to other persons or to the police officer's life and health, or if there is a serious threat of damage to property and this danger cannot be averted by any other means.

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

In accordance with the national legislation of the Slovak Republic there are two categories of self-defence: "necessary self defence" and self-defence in "extreme necessity". The definition of both terms is given below (defined in the Criminal Code of the Slovak Republic of 2005).

- **Necessary self-defence**

An act which would otherwise give rise to criminal liability by which one eliminates directly impeding or continuous attack on an interest protected by the Criminal Code of the SR is not a criminal offence.

There is not "necessary self-defence" if the defence was manifestly inappropriate to the attack, particularly to its manner, place and time, to circumstances related to the attacker or to the defender. A person who eliminates an attack in such a manner shall not be criminally liable, if he/she acted under the emotion caused by the attack, particularly as a consequence of confusion, fear or fright.

If, having regard to the circumstances of a case, a person considers by mistake that there is a threat of an attack, this shall not exclude the person's criminal liability for the act committed by negligence, if the error consists in negligence.

- **Extreme necessity**

An act which would otherwise give rise to criminal liability which is committed in order to eliminate the threat directly impeding the interest protected by the Criminal Code of the SR, shall not be considered a criminal offence.

There is not "extreme necessity", if the threat directly impeding the interest protected by the Criminal Code could be averted or if the consequence of the act is manifestly more serious than the consequence of the original threat. Neither is there extreme necessity if the person who was directly threatened was obliged to bear the threat by the generally binding effect of legal regulation.

Proving police status

A police officer must prove membership of the Police Force before carrying out a police action, if the character and circumstances of that action so allow.

Membership of the Police Force is proven by:

- a) police uniform with identification number and when the officer is on duty also by a name-tag showing the officer's name and surname and academic title if applicable
- b) service identity card
- c) badge of criminal police or financial police
- d) verbal declaration “Polícia”.

Note: Officers of the Railway Police of the Slovak Republic, a corps regulated by a different Act, do not wear name tags, only uniforms with identification numbers. Furthermore, the verbal declaration of their police status is: “Železničná polícia” (Railway Police).

A police officer in civilian clothes is obliged to prove membership of the Police Force by a verbal declaration and service identity card or badge of membership of the criminal police or financial police before carrying out a police action.

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

According to the Act on the authorities of state administration in customs matters, the Customs criminal office has powers to conduct cross-border surveillance and hot pursuit within the limits and **under the conditions laid down** by international treaty.

The Financial Administration of the Slovak Republic acquired these powers for the purpose of executing the Naples II Convention.

According to the Naples II Convention a Central Coordination Unit has been established:
Criminal Office of the Financial Administration of the Slovak Republic

Bajkalská st. 24

824 97 Bratislava

Tel.:+421 2 5341 1313

Fax: +421 2 5341 1051

E-mail: oskufs@colnasprava.sk

FINLAND

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers
 - Police officers;
 - 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;
 - Members of the border guard, as regards trafficking in human beings, as referred to in Article 40(7).

I.2 designated authorities (specify for incoming and/or outgoing requests)

National Bureau of Investigation, Sirene

Box 285, 01301 Vantaa

Tel.: +358 295 418612

Fax: +358 295 411830

E-mail: sirene.krp@poliisi.fi

I.3 specific statutory provisions (including, where relevant and useful, general indication of the applicable traffic regulations)

Police Act

Chapter 56, Section 27

Surveillance and technical surveillance undertaken by public officials of foreign States

A competent public official of a State applying the Schengen acquis referred to in Article 41 of the Schengen Convention has the right, as provided in the Schengen acquis binding on Finland, to continue the surveillance or technical surveillance of a person in the territory of Finland for the purpose of investigating an offence if the surveillance or technical surveillance started in the territory of his or her own country. It is further required that a Finnish police officer or, within the limits of his or her authority, a Finnish border guardsman or customs officer is not able to immediately continue the surveillance or technical surveillance in the territory of Finland.

The surveillance may be carried out using the technical means that a Finnish police officer has the right to use under the provisions on technical surveillance. A report on the surveillance and technical surveillance shall be submitted to the local police department of the area in which most of the activities took place.

II. Controlled deliveries

- contact points

National Bureau of Investigation, Sirene

Box 285, 01301 Vantaa

Tel.: +358 295 418612

Fax: +358 295 411830

E-mail: sirene.krp@poliisi.fi

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

- Police officers
- Members of the border 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.

III.2 designated authorities (if applicable)

.....

III.3 authorities to be contacted in border regions when crossing border

Border	Authority	Tel.	Fax
SE	Emergency response centre, Oulu 24/7 (duty officer)	+358 295 480 112 +358 8 313 8646	+358 295 411 805 +358 8 313 8504
	Police, Command and Control Centre, Oulu 24/7 johtokeskus oulu@poliisi.fi	+358 295 465 912	+358 295 411 669
	Tornio and Ylitornio local police 24/7, commanding officer Meril	+ 358 50 348 4362	fax, see Command and Control Center, Oulu
	Muonio and Inari local police 24/7, commanding officer Tunturi I	+358 50 346 8902	fax, see Command and Control Center, Oulu
	Lapland Border Guard District, Rovaniemi, Command & Control Center, 24/7	+358 295 425 010	+358 16342 3929
	Customs: customs.service@tulli.fi Investigation Service Investigation Service 24/7	+358 295527204 +358 40 332 2020	
NO	Emergency response centre, Oulu 24/7 (duty officer)	+358 295 480 112 +358 8 313 8646	+358 295 411 805 +358 8 313 8504
	Police, Command and Control Centre, Oulu 24/7 johtokeskus oulu@poliisi.fi	+358 295 465 912	+358 295 411 669
	Inari and Muonio local police 24/7, commanding officer Tunturi I	+358 50 346 8902	fax, see Command and Control Center, Oulu
	Lapland Border Guard District, Rovaniemi, Command & Control Center, 24/7	+358 295 425 010	+358 16342 3929
	Customs: customs.service@tulli.fi Investigation Service Investigation Service 24/7	+358 295527204 +358 40 332 2020	

III.4 specific statutory provisions (including, where relevant and useful, general indication of the applicable traffic regulations)

Police Act

Chapter 2, Section 22

Powers of public officials of foreign States

A competent public official of a State applying the Schengen acquis referred to in Article 41 of the Convention implementing the Agreement on the gradual abolition of checks at the common borders (*Schengen Convention*) has the right to pursue in the territory of Finland an offender caught in the act of committing an offence in or observed escaping from the territory of the public official's country, and to apprehend and carry out a security search on the offender in the territory of Finland, as provided in the Schengen acquis binding on Finland. The provisions of section 11(1) on stopping vehicles, section 12(1) on searches in connection with actions affecting personal liberty, and section 12(4) on the removal of dangerous objects and substances also apply to the stopping of vehicles and to security searches.

However, the right to use force to apprehend a person who was caught in the act of committing an offence or who is in the process of escaping only applies to situations in which the person concerned offers resistance to avoid capture and no competent Finnish public official is immediately available to provide assistance in the apprehension. What is provided elsewhere in this Act and in the Criminal Code also applies to the preconditions for and use of force.

Where an apprehension is based on subsection 1, the person apprehended shall be handed over without delay to the police department of the municipality in which the apprehension took place, and the police department shall also be notified of any other measures carried out in the territory of Finland and their consequences.

The provisions of Chapter 8 on liability for damages apply to compensation for injury or damage caused by the actions of a competent public official referred to in subsection 1 above.

Coercive Measures Act, Chapter 2, Section 2 – *The general right of apprehension*

(1) Any person may apprehend a suspect in an offence who has been caught in the act or trying to escape, if the offence is punishable by imprisonment or if the offence is petty assault, petty theft, petty embezzlement, petty unauthorized use, petty, petty stealing of a motor vehicle for temporary use, petty damage to property or petty fraud.

(2) Any person may apprehend also a person for whom an authority has issued an arrest warrant or a remand warrant.

(3) The person who has been apprehended shall be turned over without delay to a police officer.

Please do note, that the translation of the Traffic Act is not fully up to date, this provision has been amended to include military police. Unfortunately updated translation is not available due to the major overhaul of the Finnish Traffic Act.

Traffic Act, Chapter 2, section 48: *Exceptions from the provisions of this Act*

(1) The driver of a vehicle in a convoy led by an emergency or police vehicle may on urgent duty, by exercising necessary caution, depart from the traffic rules and regulations which do not apply to him. He or she shall however yield to trains and other devices running along railway tracks. The driver of an emergency or police vehicle leading a convoy shall give prescribed sound and light signals.

(5) Police officers, customs officers and border guards carrying out surveillance, police officers and customs officers carrying out technical surveillance, and police officers carrying out undercover activities and transactions, by exercising special caution, have the same right to depart from the provisions of this Act as the drivers of police vehicles giving prescribed signals.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

National Bureau of Investigation, Sirene

Box 285, 01301 Vantaa

Tel.: +358 295 418612

Fax: +358 295 411830

E-mail: sirene.krp@poliisi.fi

IV.2 procedure

The operation has to be the subject of a written agreement. The written agreement should indicate inter alia :

- the Member State authorities which are competent concerning the operation - the specific purpose of the operation
- the host Member State where the operation takes place
- the geographical area in the host Member State, where the operation takes place
- the period that the operation concerns
- the specific assistance that the initiating Member State has to provide to the host Member State, inter alia officers or other officials plus material and financial elements
- the officers who take part in the operation
- the officers who are going to run the operation
- the executive powers conferred on the officers and other officials of the seconding Member States during the operation
- the logistical rules on transport, accommodation and security and
- the payment of the expenses in connection with the joint operation

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

National Police Board

PO Box 302, FI 00101 Helsinki, Finland

Tel.: + 358 295 480181

Fax: +358 295 481649

E-mail: kirjaamo.poliisihallitus@poliisi.fi

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

.....

GENERAL

VII. Arms

VII.1 definition of service weapon

Any weapon issued by the authorities to police officers, border guard officials or customs officers for the performance of their duties: pistol, shotgun, rifle, truncheon, tear gas- or pepper spray. An officer is normally equipped with a pistol, truncheon and spray.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

.....

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment the carrying and use of which is prohibited

.....

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

.....

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Self-defence, The Criminal Code of Finland, Chapter 4, section 4:

(1) An act that is necessary for defence against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what is deemed justifiable in an overall assessment, taking into account the nature and force of the attack, the identity of the defender and the attacker and the other circumstances.

(2) However, if the defence exceeds the limits of self-defence (*excessive self-defence*), the perpetrator is exempt from criminal liability if the circumstances were such that the perpetrator could not reasonably have been expected to have acted otherwise, taking into account the dangerousness and sudden nature of the attack and the situation.

VIII.2 « home »

Home, The Criminal Code of Finland, Chapter 24, section 1: *Invasion of domestic premises*

Domiciliary peace is protected by the Constitution and the Criminal Code of Finland. "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.

IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

.....

When another Member States' authority is operating in Finland within the framework of Prüm-cooperation has the same rights as those prescribed to a Finnish police officer operating a police vehicle according to the following provisions of the Finnish Traffic Act:

- Chapter 2, section 6: Unobstructed passage of an emergency vehicle or convoy; subsection 1 legislates that the passage of an emergency vehicle or a convoy led by a police vehicle giving prescribed signals must be unobstructed.
- Chapter 2, section 25: Speed limitations; in the subsection 3 it is legislated that an emergency vehicle, vehicles of the Police, Border Guard and the Customs are allowed to exceed the speed limit if on urgent duty.
- Chapter 2, section 48: Exceptions from the provisions of this Act; the situations when the provisions of the Acts can departed are described in this provision, for instance the situations when the driver of a vehicle in a convoy led by a police vehicle and emergency vehicle giving the prescribed signals can depart from the traffic rules and the right of police officers, customs officers and border guards carrying out surveillance, technical surveillance, undercover activities and transactions, can depart from the provisions of the Traffic Act.

Currently the Finnish Traffic Act is going through a major overhaul and unfortunately there are no updated English translations available on the mentioned provisions. These can be provided as the renewal process has been finalised.

Also to be noted:

The Ministry of the Interior of Finland has revised the legislation on the provision of and requesting for international assistance in the area of internal security. This work has been done in connection with drafting legislation on the decision-making procedure of the supreme organs of government of Finland concerning the provision of and requesting for international assistance.

In the Ministry of the Interior's revision process the provisions of the Police Act, Border Guard Act and Rescue Act on the provision of and requesting for international assistance were found to be inadequate. For example, in the field of police cooperation, it was noted that regulation concerning the Police did not contain specific provisions on initiating Prüm-cooperation within the territory of Finland or taking part in the aforementioned cooperation within the territory of another State. It was deemed necessary to specify and to amend these Acts in order to clarify the decision making processes and competence of different authorities in order to make sure that Finland can participate efficiently in international rescue, police and border guard cooperation.

For example, the provisions of the Police Act and Border Guard Act on decision making in Prüm-cooperation and authority of seconding Members States' officers in Prüm-cooperation were amended.

The amending Acts came into force on 1st July 2017. However, at the moment no English translations are available on the amended provisions.

SWEDEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers
 - Police officers, in accordance with the Police Ordinance (SFS 1984:387);
 - Customs officers when authorised to perform police duties in accordance with the Act on Penalties for Smuggling (SFS 2000:1225);
 - Coast Guard officers in connection with maritime surveillance in accordance with the Act on the Coast Guards' assistance in police surveillance (SFS 1982:395).

I.2 designated authorities (specify for incoming and/or outgoing requests)

Incoming requests:

National Operations Department, International Affairs Division

POB 122 56, 10226 Stockholm

Tel.: + 46 10 56 37 000

Fax: + 46 10 56 41 239

E-mail: spoc.noa@polisen.se

Outgoing requests:

National Operations Department, International Affairs Division

POB 122 56, 10226 Stockholm

Tel.: + 46 10 56 37 000

Fax: + 46 10 56 41 239

E-mail: spoc.noa@polisen.se

I.3 specific statutory provisions (including, where relevant and useful, a general indication on the applicable traffic regulations)

Foreign officers must comply with Swedish traffic regulations during cross-border surveillance.

II. Controlled deliveries

- contact points

National Operations Department, International Affairs Division
POB 122 56, 10226 Stockholm
Tel.: + 46 10 56 37 000
Fax: + 46 10 56 41 239
E-mail: spoc.noa@polisen.se

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

- Police officers, in accordance with the *Police Act (SFS 1984:387)*;
- Customs officers when authorised to perform police duties in accordance with the *Act on Penalties for Smuggling (SFS 2000:1225)*;

III.2 designated authorities (if applicable)

National Operations Department, International Affairs Division
POB 122 56, 10226 Stockholm
Tel.: + 46 10 56 37 000
Fax: + 46 10 56 41 239
E-mail: spoc.noa@polisen.se

III.3 authorities to be contacted in border regions when crossing the border

From DK	Police Region Syd Polishuset Porslinsgatan 6, SE-205 90 Malmö	Tel.: + 46 10 56 911 86 Fax: + 46 10 56 164 17
From FI	Police Region Nord P.O. Box 463 SE-90109 Umeå	Tel.: + 46 10 569 41 42 Fax: + 46 90 13 46 09
From NO	Police Region Nord P.O. Box 463 SE-90109 Umeå	Tel.: +46 10 569 41 43 Fax: + 46 90 13 46 09
	Police Region Väst P.O. Box 429 SE-401 26 Göteborg	Tel.: + 46 10 56 905 00 Fax: + 46 10 56 500 50
	Police Region Bergslagen Infanterigatan 22 SE-651 05 Karlstad	Tel.: + 46 10-5694734

III.4 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

Foreign officers must comply with Swedish traffic regulations during hot pursuit.

The provisions for foreign officers to exercise the power of pursuit are laid down in the International Police Cooperation Act (SFS 2017:496).

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 the person pursued.

Different restrictions at different borders

Foreign officers crossing Swedish land borders from Finland and Norway or from Denmark by the Öresund link have the power of pursuit as laid down in the Schengen Convention and the International Police Cooperation Act (SFS 2017:496).

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.

2. On the border with Denmark: In the area on and surrounding the Öresund link all extraditable offences may entail the 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. Danish police officers may continue into Sweden a pursuit commenced in Denmark, motivated by any act that may be subject to public prosecution under Swedish and Danish law. Furthermore, a person who has absconded from any kind of deprivation of liberty that was the result of a criminal offence may also be pursued. Moreover, a person who has absconded from the kind of deprivation of liberty that could entail extradition to Denmark in accordance with *the Act on Extradition to Denmark, Finland, Iceland or Norway for Enforcement of a Decision concerning Care or Treatment (SFS 1970:375)*, may also be pursued. Finally, on the part of the Öresund Link that is Swedish territory, 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 the competent Swedish authority.

Statutory provisions of particular importance when exercising the right of pursuit

Please note that the following texts are not official translations of the acts, and that they only contain the sections directly relating to the power of pursuit.

The International Police Cooperation Act (SFS 2017:496).

Chapter 2

Section 4

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 that it is authorised by a competent Swedish authority.

Section 5

Such pursuit may be carried out without prior authorisation if it has not been possible to inform a competent Swedish authority in advance because of the urgent nature of the matter, 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 of the border crossing.

Section 6

The pursuit must cease immediately if a competent Swedish authority so re-quests.

Section 7

Cross-border surveillance and pursuit may be carried out by foreign officers who have been notified as competent for cross-border operations.

Section 8

At the request of the pursuing officers, Swedish police officers will apprehend the person pursued.

The pursuing officers may stop and detain the fugitive until Swedish police officers can take over the detention or identify the person pursued.

Section 9

When a person has been detained in accordance with Section 8, second paragraph, foreign officers may:

1. conduct a personal search of the person who has been detained, if it is carried out for reasons of security or to search for objects such as referred to in item 2;
2. confiscate objects that can be forfeited in accordance with Chapter 36, Section 3, item 2 of the Swedish Penal Code (SFS 1962:700);
3. or which can be assumed to be of importance to the investigation of crime or have been taken from another person by criminal means;
4. handcuff the person who has been detained.

Objects that have been taken in accordance with the first paragraph, item 2, must be handed over to a Swedish police officer as soon as possible with a view to seizure in accordance with Section 10, second paragraph.

Police cooperation in the Öresund region

Chapter 3

Section 1

Danish police officers may continue into Sweden a pursuit commenced in Denmark, motivated by any act that may be subject to public prosecution under Swedish and Danish law. They may also continue a pursuit regarding a person who has absconded from any kind of deprivation of liberty that was the result of a criminal offence may also be pursued. Moreover, a person who has absconded from the kind of deprivation of liberty that could entail extradition to Denmark in accordance with the Act on Extradition to Denmark, Finland, Iceland or Norway for Enforcement of a Decision concerning Care or Treatment (SFS 1970:375), may also be pursued.

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

Section 2

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

If a Danish police officer takes a measure in accordance with the first para-graph, the relevant Swedish regional police authority must be informed imme-diatly. The measure may continue until a competent Swedish authority takes over the intervention or requests that it should be discontinued.

Chapter 5

Section 3

If foreign officers perform tasks in accordance with this act in Sweden, the Swedish State rather than the foreign authority or officer will offer compensa-tion for any damage that arises in conjunction with cross-border pursuit, sur-veillance or other interventions 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 4

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 surveil-lance. The same will apply if the damage is caused in connection with cooper-ation

The Swedish Code of Judicial Procedure (SFS 1942:740)

Chapter 24, Section 7

If there are grounds to arrest a person, a policeman may in the case of urgency apprehend the suspect without a decision for arrest. If a person who has com-mitted an offence for which imprisonment may be imposed is observed in the act of committing the offence or fleeing from it, he may be apprehended by anyone. Similarly, anyone may apprehend a person posted as wanted. The per-son apprehended shall be promptly handed over to the nearest police officer.

PRÜM

Articles 17 and 18 of Council Decision 2008/615/JHA (the Prüm Decision) have been implemented in Swedish law through the International Police Co-operation Act (2017:496).

OTHER

Article 3 of Council Decision 2008/617/JHA (the Atlas Decision) has been implemented in Swedish law through the International Police Cooperation Act (2017:496).

GENERAL

VII. Arms

VII.1 definition of service weapon

Service weapon: A service weapon permitted by the law of the sending country is also permitted in Sweden, according to Chapter 11 Section 1 item f of the *Weapons Act (SFS 1996:67)* together with Chapter 4 Section 4 of the *Weapons Ordinance (SFS 1996:70)*. However, according to Section 11 of the *International Police Cooperation Act (SFS 2017 :496)*, service weapons may be used only in legitimate self-defence

The Swedish Police use the following weapons: Pistols: SIG-SAUER 225, calibre 9x19 mm, SIG-SAUER 226, calibre 9x19 mm, SIG-SAUER 228, cali-bre 9x19 mm, SIG-SAUER 239, calibre 9x19 mm. Other weapons: Pumphagelreper, 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, SIG-SAUER 229 9x19 mm, HU MP5 9x19 mm.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

.....

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

.....

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

.....

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

The Swedish Penal Code (SFS 1962:700)

Chapter 24, Section 1

An act committed by a person in *self-defence* constitutes a crime only if, having regard to the nature of the aggression, the importance of its object and the circumstances in general, it is clearly unjustifiable.

A right to act in *self-defence* exists against,

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

Chapter 24, Section 5

If a person is empowered under Sections 1-4 of this Chapter or under Section 10 of the *Police Act (SFS 1984:387)* to commit an act which is otherwise subject to punishment, anyone who assists him is similarly empowered.

VIII.2 « home »

There is no legal definition of *home* in Swedish law. Some guidance can be found in the statute regarding *breach of domiciliary peace* and *unlawful intrusion* cited below. In order to clarify the difference between the places referred to in the second paragraph below and public places, it has been stated in Swedish case law that the key words *without authorisation* exclude places open to the public.

The Swedish Penal Code (SFS 1962:700)

Chapter 4, Section 6

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 to a fine for *unlawful intrusion*. [...]

IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

.....

UNITED KINGDOM

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)

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

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

- I.1 list of authorised officers

Constables of the police services of England, Wales, Scotland and Northern Ireland

Members of the Serious Organised Crime Agency (SOCA)

Members of the Scottish Crime and Drug Enforcement Agency (SCDEA)

Officers of HM Revenue and Customs (HMRC)

N.B. SOCA will be replaced by the National Crime Agency by the end of 2013

Additionally, the SCDEA will become part of the new Police Service of Scotland on April 1st 2013 (details for both to be updated at the appropriate time).

I.2 designated authorities (for incoming and/or outgoing requests)

Serious Organised Crime Agency
UK International Crime Bureau (UK ICB)
PO Box 8000
London
SE11 5EN
Tel.: +44 207 238 8115
Fax: +44 207 238 8112
E-mail: london@soca.x.gsi.gov.uk

(Note: The Serious Organised Crime Agency also contains the UK Sirene Bureau, the Europol National Unit and the Interpol National Central Bureau.)

I.3 specific statutory provisions (including, where relevant and useful, a general indication on applicable traffic regulation)

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 or equivalent

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 or equivalent.

II. Controlled deliveries

- contact points

Serious Organised Crime Agency
UK International Crime Bureau (UK ICB)
PO Box 8000
London
SE11 5EN
Tel.: +44 207 238 8115
Fax: +44 207 238 8112
E-mail: london@soca.x.gsi.gov.uk

Her Majesty's Revenue and Customs (HMRC) National Coordination Unit
Tel.: +44 208 929 0155
Fax: +44 1708 862 521
E-mail: ncu@hmrc.gsi.gov.uk

For Scotland:

Head of Intelligence, Scottish Crime and Drug Enforcement Agency (SCDEA)
Tel.: +44 141 302 1000 (Office hours) or via Strathclyde Police Force Overview +44
141 800 4880 (Out of hours SCDEA Senior Duty Officer Contact)

Formal requests for assistance in Scotland should be directed to:
International Co-operation Unit
Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
Tel.: +44 131 243 8152
Fax: +44 131 243 8153

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

The United Kingdom does NOT PARTICIPATE in Article 41.

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Lee Davidson
Public Order Unit
Home Office
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF
Tel.: +44 20 7035 0095
E-mail: Lee.Davidson@homeoffice.gsi.gov.uk

Sarah Gawley
Public Order Unit
Home Office
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF
Tel.: +44 20 7035 0582
E-mail: Sarah.Gawley@homeoffice.gsi.gov.uk

IV.2 procedure

All joint operations must be carried out on the basis of a formal agreement at Governmental or policing level (often detailed in bilateral protocols). This must take account of relevant operational, logistical and funding considerations, which should include:

- proposed policing function;
- operational need and/or benefit;
- health and safety considerations;
- complaints procedures and accountability;
- policing powers and policing cultures, in view of the variation in legal and constitutional arrangements across Europe;
- use of uniforms, weapons and protective equipment;
- sharing, use and retention of information and personal data;
- guarantees about accompanying host officers – deployed officers must be accompanied by officers from the host country,
- costs (the cost of meals and accommodation should be met by the host authorities).

UK officers will only be deployed in teams with their own line management, even when their activities are embedded in host policing operations. Officers taking part in a joint operation in the UK will do so in an advisory role and will have no policing powers. Similarly, UK officers taking part in a joint operation in another Member State will do so in an advisory role and will have no policing powers, unless an exceptional arrangement has been agreed and set out in the above protocols.

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [see IV above]

.....

V.2 procedure [see IV above]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA):

Metropolitan Police SO15 Counter Terrorism Command, Initial Response Co-ordination Cell (24-hour Reserve Facility)

Tel.: +44 207 230 9015

GENERAL

VII. Arms

VII.1 definition of service weapon

Any weapon or ammunition authorised for use by a chief officer of the police, for use by that chief officer's 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, Tasers
- 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.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

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”.

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

Officers from other Member States entering, or seeking to enter, 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.

Armed surveillance operations under Article 40 of the Schengen Convention will be taken over by armed UK surveillance teams. 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.

Officers will not be allowed to carry their firearms beyond the confines of the port or rail station at which they arrive. 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.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Foreign officers on urgent operations under Article 40(2) of the Schengen Convention, or engaged in a joint operation or joint patrol, 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 International Crime Bureau (UK ICB) would expect that all surveillance teams from other Member States should be able to contact the Bureau before embarking for the UK.

VIII. Definitions

VIII.1 self-defence

See VII above

VIII.2 « 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).

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.

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

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).

It 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.

- IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

The United Kingdom does NOT PARTICIPATE in Article 2(3) of the Schengen Convention. In all cases, contact the Serious Organised Crime Agency as specified in section 'I.2' above.

ICELAND

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 Schengen Convention)
 - I.1 list of authorised officers
.....
 - I.2 designated authorities (specify for incoming and/or outgoing requests)

Incoming and outgoing requests:

National Commissioner of the Icelandic Police - International Division

Skúlagata 21

101 Reykjavík

Tel.: +354 444 2540

Fax: +354 444 2501

E-mail: rls@rls.is

Incoming and outgoing requests :

Ministry of the Interior

Sölvhóls­gata 7

150 Reykjavík

Tel.: +354 545 9000

Fax: +354 545 7340

E-mail: postur@irr.is

I.3 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

.....

II. Controlled deliveries

- contact points

Incoming and outgoing requests:

National Commissioner of the Icelandic Police

Skúlagata 21

101 Reykjavík

Tel.: +354 444 2500

Fax: +354 444 2501

E-mail: rls@rls.is

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Not available

III.2 designated authorities (if applicable)

Incoming and outgoing requests:

National Commissioner of the Icelandic Police - International Division

Skúlagata 21

101 Reykjavík

Tel.: +354 444 2540

Fax: +354 444 2501

E-mail: rls@rls.is

III.3 authorities to be contacted in border regions when crossing border

National Commissioner of the Icelandic Police - International Division

Skúlagata 21

101 Reykjavík

Tel.: +354 444 2540

Fax: +354 444 2501

E-mail: rls@rls.is

III.4 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

Not applicable

PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Not applicable as of yet

IV.2 procedure

Not applicable as of yet

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

Not applicable as of yet

V.2 procedure [if different from IV]

Not applicable as of yet

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Not applicable

GENERAL

VII. Arms

VII.1 definition of service weapon

Not applicable

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Not applicable

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

Not applicable

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Not applicable

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Not applicable

VIII.2 « home »

Not applicable

IX. Other requirements following from national laws or regulations that need to be taken into account for cross-border operations

None

LIECHTENSTEIN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers

Police Officers of the National Police (Landespolizei).

I.2 designated authorities (specify for incoming and/or outgoing requests)

For incoming and outgoing requests:

Landespolizei

Central Police Services / International Police Cooperation (SPOC)

Gewerbeweg 4

9490 Vaduz

Tel.: +423 236 79 79

Fax: +423 236 79 70

E-mail: zpd@lp.llv.li

I.3 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

Special rights in respect of road traffic regulations:

When carrying out a surveillance operation, officers are subject to the same traffic regulations as Liechtenstein police officers when performing their duties. They have right of way only if they signal their presence with a blue light and siren (Art. 25 sect. 2 Traffic Act).

When performing their duties the police are entitled - **if necessary and other traffic participants are not endangered** – to deviate from the above mentioned Traffic Act (Art. 94a sect. 2 Traffic Regulation Act).

II. Controlled deliveries

- contact points

Landespolizei

Central Police Services / International Police Cooperation (SPOC)

Gewerbeweg 4

9490 Vaduz

Tel.: +423 236 79 79

Fax: +423 236 79 70

E-mail: zpd@lp.llv.li

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

Police officers of the National Police (Landespolizei).

III.2 designated authorities (if applicable)

Landespolizei

Central Police Services / International Police Cooperation (SPOC)

Gewerbeweg 4

9490 Vaduz

Tel.: +423 236 79 79

Fax: +423 236 79 70

E-mail: zpd@lp.llv.li

III.3 authorities to be contacted in border regions when crossing the border

Landespolizei

Emergency Command & Dispatch Centre

Gewerbeweg 4

9490 Vaduz

Tel.: +423 236 71 11

Fax: +423 236 77 22

E-mail: elz@lp.llv.li

III.4 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

- **Citizen's power of arrest:**

Any private person may apprehend someone who has committed a felony or misdemeanour in his/her presence, or who they suspect on reasonable grounds of having committed a felony or misdemeanour. The private person must hand over the apprehended person to the police for arrest as soon as possible (see par. 55 sect. 2, code of criminal procedure). However, a private person may not apprehend someone on suspicion of a mere contravention. Furthermore, a private person may only apprehend someone if the police cannot be called to assist in time.

- **Exercise of special rights in respect of road traffic regulations:**

When carrying out a pursuit, officers are subject to the same traffic regulations as Liechtenstein police officers when fulfilling their duties. They have right of way only if they signal their presence with a blue light and siren (Art. 25 para. 2 Traffic Act).

When performing their duties the police are entitled - **if necessary and if other traffic participants are not endangered** – to deviate from the abovementioned Traffic Act (Art. 94a sect. 1 Traffic Regulation Act).

PRÜM

Council Decision 2008/615/JHA is not yet applicable to Liechtenstein

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

.....

IV.2 procedure

.....

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Council Decision 2008/617/JHA is not applicable to Liechtenstein

GENERAL

VII. Arms

VII.1 definition of service weapon

All weapons and their equipment carried by police officers of the National Police are considered to be service weapons. Firearms, pepper sprays and multi-purpose police truncheons especially count as service weapons. Within the scope of normal deployment, police officers of the National Police are usually equipped with a semi-automatic hand gun (pistol) and a pepper spray. Uniformed police also carry a multi-purpose truncheon. Besides their service weapon, officials and employees also have additional equipment such as handcuffs and a police dog, depending on the situation.

- #### VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Council Decision 2008/615/JHA is not yet applicable to Liechtenstein

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

Council Decision 2008/615/JHA is not yet applicable to Liechtenstein

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Council Decision 2008/615/JHA is not yet applicable to Liechtenstein

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

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.

VIII.2 « home »

Under Liechtenstein law and the case law of Liechtenstein courts, the inviolability of the home applies to a dwelling and outbuildings to that dwelling which are not accessible to the public.

IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

On the basis of a customs union treaty between Switzerland and Liechtenstein from 1923, the two territories form one common customs area. As result of this, the Liechtenstein/Austrian border is controlled by Swiss border Guards. Their competences on Liechtenstein territory (e.g. stopping persons and checking their identity) are either based on the customs union treaty (enforcement of custom legislation) or have been delegated to them by the National Police.

NORWAY

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)

- I.1 list of authorised officers

Norwegian police officers

Police officers, in accordance with the regulations laid down in Police Act No 53 of August 1995

I.2 designated authorities (specify for incoming and/or outgoing requests)

The National Criminal Investigation Service (NCIS)

Brynsalléen 6

P.O. Box 8163 Dep.

NO-0034 Oslo

The 24-hour Desk: +47 23 20 88 88

Main fax: +47 23 20 88 80

Email: post.kripos.desken@politiet.no

I.3 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

Under Section 176 of the Norwegian Criminal Procedure Act, anyone has the right to apprehend a suspect caught in the act or pursued when so caught or on finding fresh evidence. 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 evidence. Any person not a member of the police has made an arrest must immediately hand the person arrested over to the police”

As a result of Schengen cooperation, a new provision has been included in section 20A of the Norwegian Police Act:

“Police officers from countries other than Norway may continue surveillance and pursuit of, and if necessary arrest 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.“

II. Controlled deliveries

- contact points

The National Criminal Investigation Service (NCIS)

Brynsalléen 6

P.O. Box 8163 Dep.

NO-0034 Oslo

The 24-hour Desk: +47 23 20 88 88

Main fax: +47 23 20 88 80

Email: post.kripos.desken@politiet.no

III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)

III.1 list of authorised officers

Norwegian police officers

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III.2 designated authorities (if applicable)

Local police district

III.3 authorities to be contacted in border regions when crossing the border

The chief of police in the district where the border will be crossed shall be contacted for approval of cross-border pursuit into Norway.

Border	Police District	Telephone	Fax	E-mail
Sweden	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
Finland	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 shall be contacted:

The National Criminal Investigation Service (NCIS)

Brynsalléen 6

P.O. Box 8163 Dep.

NO-0034 Oslo

The 24-hour Desk: +47 23 20 88 88

Main fax +47 23 20 88 80

E-mail: post.kripos.desken@politiet.no

- III.4 specific statutory provisions (including, where relevant and useful, a general indication on applicable traffic regulation)

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PRÜM

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

Prüm is not yet implemented in Norway. However, the contact point will be:

The National Criminal Investigation Service (NCIS)

Brynsalléen 6

P.O. Box 8163 Dep.

NO-0034 Oslo

The 24-hour Desk: +47 23 20 88 88

Main fax: +47 23 20 88 80

Email: post.kripos.desken@politiet.no

IV.2 procedure

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V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Council Decision 2008/617/JHA is not applicable

GENERAL

VII. Arms

Norwegian police officers are unarmed in the performance of their everyday duties, and firearms or other service weapons are usually permitted only 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.

VII.1 definition of service weapon

In Norway the following weapons, approved for use by the police 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

The Norwegian police use the following weapons:

Heckler & Koch P 30 L pistol	cal. 9mm x 19	
Heckler & Koch P 30 pistol	cal. 9mm x 19	
Heckler & Koch MP5 A3	cal. 9mm x 19	
Heckler & Koch MP5 A2	cal. 9mm x 19	
Heckler & Koch MP5 K	cal. 9mm x 19	
DIEMACO C8 rifle	cal. 5.56 mm x 45	
Mauser VS 94P rifle	cal. 7.62 mm x 51	
Sauer 3000 rifle	cal. 7.62 mm x 51	
ARWEN gas weapon	cal. 37 mm	
MPRG 83 gas weapon	cal. 37/38 mm	

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

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VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

See above. Conditions and regulations for the use of firearms and ammunition in the police were laid down by the Ministry of Justice and the Police on 1 August 1989.

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

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VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Under section 48 of the Norwegian 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.

VIII.2 « home »

Home means a private dwelling or other places to which the public does not have access. Examples of other places include a hotel rooms, a ship's cabin, a sleeping compartment on a train, a parked caravan or campervan equipped 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.

IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

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SWITZERLAND

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
- II. Controlled deliveries
- III. Hot pursuit (pursuant to Article 41 of the Schengen Convention)
- IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)
- V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)
- VI. Special intervention units
- VII. Arms
- VIII. Definitions
- IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

SCHENGEN

- I. Cross-border surveillance (pursuant to Article 40 of the Schengen Convention)
 - I.1 list of authorised officers

Officers of the Federal Office of Police, of cantonal police forces as well as of the Swiss Border Guard.

I.2 designated authorities (specify for incoming and/or outgoing requests)

Federal Office of Police/fedpol for incoming and outgoing requests

Operations Centre

Nussbaumstrasse 29

CH-3003 Bern

Tel.: +41 31 327 10 60

Fax: +41 58 462 53 04

E-mail: ez@fedpol.admin.ch (not encrypted)

Requests from Italy should be addressed to the Police and Customs Cooperation Centre (PCCC) in Chiasso:

Centro di Cooperazione di Polizia e Doganale

C.P. 2646

CH-6830 Chiasso

Tel.: +41 91 690 52 00 Fax: +41 91 690 52 53

E-mail: operativo@ccpd-chiasso.ch (not encrypted)

Requests from France should be addressed to the Police and Customs Cooperation Centre (PCCC) in Geneva:

Centre de Coopération Policière et Douanière

Case postale 188

CH-1215 Genève-Aéroport 15

Tel.: +41 22 427 93 50

Fax: +41 22 427 77 82

E-mail: ccpd@police.ge.ch (not encrypted)

I.3 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

When carrying out a surveillance operation, foreign officers are subject to the same traffic regulations as Swiss police and customs officers when fulfilling their duties. According to Art. 90 para. 3 & 4 of the Federal Traffic Act (RS 741.01), important violations of speed limits may lead to prosecution.

Disregard of traffic lights or speed limit violations are to be communicated immediately to the authorizing authority.

II. Controlled deliveries

- contact points

Federal Office of Police/fedpol

Operations Centre

Nussbaumstrasse 29

CH-3003 Bern

Tel.: +41 31 327 10 60

Fax: +41 58 462 53 04

E-mail: ez@fedpol.admin.ch (not encrypted)

Requests from Italy should be addressed to the Police and Customs Cooperation Centre (PCCC) in Chiasso:

Centro di Cooperazione di Polizia e Doganale

C.P. 2646

CH-6830 Chiasso

Tel.: +41 91 690 52 00

Fax: +41 91 690 52 53

E-mail: operativo@ccpd-chiasso.ch (not encrypted)

Comment: Switzerland and Italy have ratified an agreement on crossborder controlled deliveries (RS 0.360.454.12).

Requests from France should be addressed to the Police and Customs Cooperation Centre (PCCC) in Geneva:

Centre de Coopération Policière et Douanière

Case postale 188

CH-1215 Genève-Aéroport 15

Tel.: +41 22 427 93 50

Fax: +41 22 427 77 82

E-mail: ccpd@police.ge.ch (not encrypted)

Comment: Art. 18 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (RS 0.351.12) is applicable between France and Switzerland. This article covers only traffic of goods such as drugs, weapons or cigarettes, but does not apply to trafficking of human beings.

III. Hot pursuit (pursuant to Article 41 Schengen Convention)

III.1 list of authorised officers

Officers of the Federal Office of Police, of cantonal police forces as well as of the Swiss Border Guard.

III.2 designated authorities (if applicable)

Federal Office of Police/fedpol

Operations Centre

Nussbaumstrasse 29

CH-3003 Bern

Tel.: +41 31 327 10 60

Fax: +41 58 462 53 04

E-mail: ez@fedpol.admin.ch (not encrypted)

Requests from Italy should be addressed to the Police and Customs Cooperation
Centre (PCCC) in Chiasso:

Centro di Cooperazione di Polizia e Doganale

C.P. 2646

CH-6830 Chiasso

Tel.: +41 91 690 52 00

Fax: +41 91 690 52 53

E-mail: operativo@ccpd-chiasso.ch (not encrypted)

Requests from France should be addressed to the Police and Customs Cooperation
Centre (PCCC) in Geneva:

Centre de Coopération Policière et Douanière

Case postale 188

CH-1215 Genève-Aéroport 15

Tel.: +41 22 427 93 50

Fax: +41 22 427 77 82

E-mail: ccpd@police.ge.ch (not encrypted)

III.3 authorities to be contacted in border regions when crossing border

Border		Address	Tel	Fax
Unit / Headquarters				
all border regions	fedpol	Federal Office of Police Operations Centre Nussbaumstrasse 29 3003 Bern	+41 31 327 10 60	+41 58 462 53 04
CH-AT/ FL	St. Gallen	Kantonspolizei St. Gallen Klosterhof 12 9001 St. Gallen	+41 58 229 49 49	+41 71 223 27 09 +41 71 223 26 60 (Crypto)
	Graubünden	Kantonspolizei Graubünden Ringstrasse 2 Einsatzleitzentrale (ELZ) 7000 Chur	+41 81 256 56 56	+41 81 252 51 88
CH-D	Basel-City	Kantonspolizei Basel-Stadt Einsatzzentrale Spiegelhof 4001 Basel	+41 61 267 73 00	+41 61 267 73 02 (Crypto)
	Basel-Country	Polizei Basel-Landschaft Rheinstr. 25 / Postfach 4410 Liestal	+41 61 553 35 35	+41 61 921 60 45
	Aargau	Kantonspolizei Aargau Tellstrasse 85, Postfach 3502 5001 Aarau	+41 62 835 81 81	+41 62 835 82 96
	Canton of Schaffhausen	Schaffhauser Polizei Einsatz- und Verkehrsleitzentrale (EZ/VLS) Beckenstube 1 Postfach 1072 8201 Schaffhausen	+41 52 624 24 24	+41 52 624 50 70 (Crypto)

Border		Address	Tel	Fax
	Thurgau	Kantonspolizei Thurgau Kommando Kantonale Notrufzentrale (KNZ) Zürcherstrasse 325 8501 Frauenfeld	+41 52 728 28 50	+41 52 728 28 29 (Crypto)
	St. Gallen	Kantonspolizei St. Gallen Klosterhof 12 9001 St. Gallen	+41 58 229 49 49	+41 71 223 27 09 +41 71 223 26 60 (Crypto)
	Canton of Zurich	Kantonspolizei Zürich Postfach 8021 Zürich (Postadresse)	+41 44 247 29 03	+41 44 247 29 28
CH-F	Police and Customs Cooperation Centre (CCPD) Geneva	CCPD Genève Case postale 188 1215 Genève 15	+41 22 427 93 50	+41 22 427 77 82
CH-I	Police and Customs Cooperation Centre (CCPD) Chiasso	CCPD Chiasso Via Giuseppe Motta 5 C.P. 2646 6830 Chiasso	+41 91 690 52 00	+41 91 690 52 53

III.4 specific statutory provisions (including, where relevant and useful, general indication of applicable traffic regulations)

(a) Arrest by private individuals

According to Art. 218 of the Swiss Criminal Procedure Code, where there is insufficient time to obtain police assistance, members of the public have the right to arrest a person if:

- a. they have caught the person in the act of committing a felony or misdemeanour or they have encountered him or her immediately after committing such an offence; or
- b. the public have been requested to assist in tracing of the person concerned.

Arrested persons must be handed over to the police as quickly as possible.

When making an arrest, private individuals may only use force in accordance with Article 200 as a last resort when carrying out compulsory measures; any force used must be reasonable.

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

When carrying out pursuits, foreign officers are subject to the same traffic regulations as Swiss police and customs officers when fulfilling their duties. They have right of way only if they signal their presence with blue light and siren (Art. 27(2) of the Federal Traffic Act and Art. 16(1) of the Traffic Regulations Ordinance). Moreover, when carrying out urgent duties, the driver of a police car is not punishable for infringement of traffic regulations or special measures concerning traffic if he has made the necessary warning signals (use of blue light and siren) and has taken the care imposed by the circumstances (Art. 100(4) of the Federal Traffic Act). The urgent character of the duty is recognised in particular when the following tasks are concerned: saving a human life, defending public order and public security from a threat or danger, defending material property of great value or pursuing a fugitive. However, according to Art. 90 para. 3 & 4 of the Federal Traffic Act (RS 741.01) important violations of speed limits may lead to prosecution.

Disregard of traffic lights or speed limit violations are to be communicated immediately to the authorizing authority.

PRÜM

The Council Decision 2008/615/JHA is not applicable to Switzerland

IV. Joint operations (pursuant to Article 17 of Council Decision 2008/615/JHA)

IV.1 contact points

.....

IV.2 procedure

.....

V. Joint patrols (pursuant to Article 17 of Council Decision 2008/615/JHA)

V.1 contact points [if different from IV]

.....

V.2 procedure [if different from IV]

.....

OTHER

VI. Special intervention units

- competent authorities for requesting and authorising assistance (cf. Article 8 of Council Decision 2008/617/JHA)

Council Decision 2008/617/JHA is not applicable to Switzerland

GENERAL

VII. Arms

VII.1 definition of service weapon

All weapons and their equipment carried by officials or employees of the Federal Office of Police, of cantonal police corps and of the Swiss Border Guard with the explicit permission of their superiors to carry out official duties are considered to be service weapons. Firearms, pepper sprays and multi-purpose police truncheons especially count as being service weapons. Within the scope of normal deployment, officers from Swiss police forces are usually equipped with a semi-automatic hand gun and a pepper spray. Uniformed police officers also carry a multi-purpose truncheon. Besides their service weapon, officials and employees can also have additional equipment such as handcuffs and a police dog, depending on the situation.

VII.2 arms, ammunition and equipment that may be used only in legitimate self-defence or defence of others (cf. Article 19(2) of Council Decision 2008/615/JHA)

Council Decision 2008/615/JHA is not applicable to Switzerland

VII.3 arms, ammunition and equipment permitted and conditions of their use (cf. Article 19(2) of Council Decision 2008/615/JHA) / arms, ammunition and equipment prohibited to be carried and used

Council Decision 2008/615/JHA is not applicable to Switzerland

VII.4 practical aspects of the use of authorised arms, ammunition and equipment (cf. Article 19(4) of Council Decision 2008/615/JHA)

Council Decision 2008/615/JHA is not applicable to Switzerland

VIII. Definitions

VIII.1 self-defence (if not covered by point VII)

Article 15 of the Swiss Criminal Code provides that if any person is unlawfully attacked or threatened with imminent attack, the person attacked and any other person are entitled to ward off the attack by means that are reasonable in the circumstances.

VIII.2 « home »

The term "home" in connection with cross-border operations includes houses, flats, huts and other buildings and their direct surroundings if these surroundings are enclosed.

IX. Other requirements under national laws or regulations that need to be taken into account for cross-border operations

The Swiss Border Guard is empowered to retain people and check their identity as part of their customs duties and in order to combat illegal migration. The cantonal police forces of frontier cantons are also allowed to retain people and check their identity within the scope of combating illegal migration.
