EUROPEAN UNION MANUAL

ON

CONTROLLED DELIVERIES
CONTENTS

General Introduction 5

Part A  General Overview of Practice of Controlled Delivery (European Union Member States and Schengen countries) 9

Part B  Summary of Matrix for European Union Member States and Schengen Countries
Table I - Legal Basis, Guarantees, and Information sought 20
Table II - Foreign Law Enforcement Officers and Techniques 25
Table III - Substitution 28
Table IV - Authorities and Channels for Communication 30
Table V - Contact Points 31

Part C  Role of EDU/Europol in Controlled Deliveries 42

Part D  Individual EU Member States and Schengen Countries Profiles
Belgique / Belgie / Belgium 46
Danmark / Denmark 50
Deutschland / Germany 52
Ελλάς / Greece 56
España / Spain 59
France 63
Ireland 66
Íslands / Iceland 68
Italia / Italy 69
Luxembourg 73
Nederland / Netherlands 76
Norge / Norway 80
Österreich / Austria 83
Portugal 86
Suomi / Finland 89
Sverige / Sweden 91
United Kingdom 93
Part E  Summary of Matrix for The Central Eastern European Countries and Baltic States

Table I  -  Legal Basis, Guarantees, and Information sought  98
Table II -  Foreign Law Enforcement Officers and Techniques  100
Table III - Substitution  102
Table IV - Authorities and Channels for Communication  103
Table V - Contact Points  104

Part F  Central Eastern European Countries and Baltic States Profiles

Balgarija / Bulgaria  110
Ceska Republika / Czech Republic  112
Eesti / Estonia  116
Latvia  118
Lietuva / Lithuania  120
Magyarorszag / Hungary  122
Polska / Poland  126
Romania  128
Siovenija / Slovenia  130
Siovensko / Slovakia  133
General Introduction

The purpose of this manual is to present an overview of the practice of controlled delivery as operated by EU Member States. It describes the operational necessity for these operations, the various legal frameworks which pertain, the common and particular requirements of Member States as well as the availability and rules governing use of specialist techniques. Finally, it sets out the points of contact in each Member State for authorisation requests.

By setting out this information, the manual aims to clarify for all agencies the position of each agency and Member State, and thereby improve ease of co-operation in the use of this technique at inter and intra State level. As a practical document, the manual is designed to evolve and be updated as the technique of controlled delivery itself develops and as new information becomes relevant.

In line with this last point, the EDU has undertaken to keep this manual updated and to make a fully up to date version available at the beginning of each Presidency. Member States who change their procedures have undertaken to inform the EDU and simultaneously, all other Member States of these changes as soon as they occur.

The present document is the fourth revision since the EDU took the responsibility to update the manual. This revised version, to be delivered during the Luxembourg Presidency of the European Union, is made from the conclusions of the 23-24 April 1997 expert meeting on Controlled Deliveries, organised during the Dutch Presidency of the EU. (See document ENFOPOL 102, 7715/97, 5 May 1997). It is useful to quote the conclusions here:

3.3 Conclusions with regard to the EU Manual on Controlled Deliveries

* The relevant information on Iceland and Norway should be added to the EU Manual on controlled deliveries, in accordance with the decision of the K4 Committee.
* Likewise, the relevant information on the Countries of Central and Eastern Europe and the Baltic States should also be added to the Manual, in accordance with the decision. As a first step data of the contact points for controlled delivery will be added to the manual as an annex. If countries supply information that meet the minimum standard of the manual a complete chapter will be added. Evaluation of this procedure will take place when sufficient experience has been gained.

* The possibility of supplying the manual on floppy disk as well as the possibility for developing a search system for using the manual will be studied by EDU/Europol.

* Member States will send their proposals for updating the information in the manual to EDU/Europol through their liaison officers there.

* While the legal bases for controlled delivery (e.g. the UN Vienna Convention of 1988 and the Schengen Treaty) differs between Member States, EDU/Europol will study and consider improvements to the table on the legal basis for controlled delivery in the manual.

* The order in which countries are dealt with in the manual will be changed into the alphabetical order based on the names of the countries in their own languages.

All of these conclusions have been implemented, except for the possibility to put the manual on a floppy disc with a search function. In its current form, the manual is too long for just one floppy, and it could be more wise and useful to computerise only the summaries of matrix (for EU-Schengen countries and CEEC -Baltic States countries), but it is a matter for discussion for the Working Group Drugs and Organised Crime or its successor for this responsibility.
The general presentation of this Manual remains the same, with on one hand a thinning effect of the profiles by transferring the detailed information concerning the place where a request for controlled delivery should be sent, to the Matrix in order to avoid repetition.

On the other hand, due to the input of twelve more countries, it is quite a longer version, and it is of a vital importance to have the feedback of these "new" countries, in order to be sure of the accuracy of the information.

Regarding the legal basis for controlled deliveries, and more specifically the United Nations Convention of 1988 on Illicit Drug Trafficking (Vienna Convention), almost all of the 27 countries mentioned in this document have ratified with the exceptions of Iceland, Estonia and Lithuania. All countries, except Iceland, have regulations allowing them to carry out controlled deliveries. Controlled deliveries are not carried out in Iceland, so there is no information on this country, which is only included for reference purposes.

The manual is structured as follows:

Part A: General Overview of Practice of Controlled Delivery (for EU Member States and Schengen countries)
Part B: Summary of Matrix for the EU Member States and Schengen countries
Part C: Role of EDU/Europol in Controlled Deliveries
Part D: Individual EU Member States and Schengen Countries Profiles*
Part E: Summary of Matrix for the CEEC and Baltic States
Part F: Individual CEEC and Baltic States Profiles

*Note: Part D consists of extracts of the Schengen manual and new profiles in respect of Non-Schengen European Union countries.
Part A

General Overview of Practice of Controlled Delivery (for EU Member states and Schengen countries)
Introduction

The technique of controlled delivery is widely regarded as an effective tool in combating drug-trafficking. For the purposes of this manual, the following definition from the Vienna Convention is used

"the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, .......... or substances substituted for them, to pass out of , through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences established in accordance with article 3, paragraph 1, of the Convention."

Although the emphasis for this manual is on controlled deliveries of drugs it should be noted that in most Member States similar operations are permitted for other goods (arms, money etc.).

The objective of the technique is therefore to postpone arrest of the carriers or seizure of the consignment with a view to following the route taken and identifying those involved in initiation and or distribution of the consignment, where these persons might otherwise have remained unknown or evaded prosecution. Postponement is justified by the potential for more significant prosecution and greater damage to trafficking networks.

Some Member States differentiate between a 'monitored delivery' , in which there is strictly speaking no direct control as the consignment is simply being followed, and a 'controlled' delivery where an undercover agent is participating in the delivery. This manual uses the expression 'controlled delivery' in the broad sense.

A controlled delivery operation is possible in each of the Member States with prior authorisation, although the specific criteria and channels of authorisation differ from one Member State to another. In some Member States specific legislation or internal guidelines apply, while in others standard police and customs techniques also govern controlled delivery operations (Part B, Table One summarises the legal position while Part D describes it in greater detail on a country by country basis).
General principles which apply are necessity (the intelligence cannot be obtained through more traditional means) and proportionality (the quantity involved justifies the scale and expense of the operation).

Although each State will have its own emphasis in examining applications and will consider each on a case by case basis, it is possible to set out certain basic requirements which are common to each Member State.

**Basic Information Required by All Member States**

It is desirable that the requesting agency should supply the destination or transit country with as much information as possible. The following basic information is required by all Member States in considering a request for controlled delivery:

1. Reason for the Operation
2. Factual information which justifies operation
3. Type and Quantity of Drugs / Other goods
4. Expected point of entry into and exit (when applicable) from the requested State
5. Anticipated means of transport and itinerary
6. Identity of suspects (Name, Date of Birth, Domicile, Nationality, Description)
7. Indicate the source of authority for the operation
8. Indicate the Chief Investigator in Charge of the operation and means of contact
9. Details of police, customs or other Law Enforcement Officers supporting the operation
10. Details of any special techniques proposed (undercover agents, tracking devices etc.)
Guarantees to accompany request

In addition to the information set out above a number of Member States require additional information and/or guarantees prior to approving an authorisation. Austria, Belgium, Denmark, Germany, Italy, Netherlands, Spain and Sweden require a guarantee that all transit states have given agreement to the operation.

Austria, Belgium, Denmark, Germany, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden all require a guarantee of permanent surveillance with immediate interception if there appears to be a risk of loss.

Portugal requires a report of all activities in Portugal during the course of the operation and Greece requires a report on the results of the operation, upon its conclusion.

Mandatory Prosecution

A number of countries also require a guarantee that the consignment will ultimately be seized and those involved prosecuted. These are: Austria, Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden. The UK, which does not require such a guarantee, would nevertheless, seek one on a case by case basis (e.g. in respect of involved co-operating informers).

Reasons for Refusal of a Request

Again, each relevant authority will have its own particular concerns, but common difficulties which the applicant agency should have regard to are:

Lack of sufficient information regarding the consignment or carriers
Lack of agreement from other transit countries
Risk of loss
Proportionality
Availability of resources
Final destination unknown
Guarantee of prosecution (where this requirement exists)

**Reasons for Interception**

Austria, Belgium, Denmark, Germany, Italy, Luxembourg, Netherlands, Portugal and Spain all require a guarantee of immediate interception if there appears to be a risk of loss.

**Role of Foreign Police and Other Law Enforcement Agencies**

Foreign participation in controlled delivery operations is permitted in all Member States, usually with prior authorisation but without normal police or customs powers or permission to carry arms. The recipient Member State will normally require that ultimate operational control rests with its own agencies. Particular restrictions exist in many Member States (Part B, Table Two and Part D should be referred to here for precise details). France and Luxembourg both permit carrying of arms, by authorisation and under strict control. Luxembourg authorises the carrying of arms on its territory by agents of those state organisations which require this on the express and previous authorisation of the State Prosecutor or the Minister for Justice. The use of arms by an agent is nonetheless limited to cases of legitimate defence.

To a varying degree undercover agents can be used in controlled delivery operations, again with prior authorisation. France, Italy and Sweden do not permit the use of undercover agents, unless they are members of their own respective law enforcement agencies.

In general special techniques can be used (such as tracking devices, etc.), if the technique is legal in the recipient country. Continuous surveillance and escorting is generally available within the recipient country.
Substitution for Consignment

The practice of substitution is generally possible, although not mandatory. Partial substitution is possible in all Member States, while in some cases national legal requirements for prosecution rule out total substitution. The practice of substitution has the advantage of reducing the risk of dissemination should the operation fail, while at the same time (in the case of partial substitution) leaving sufficient amounts of the consignment to be able to initiate a prosecution.

The attitude of each Member State varies according to whether the consignment has its origins in the Member State, is in transit or is destined for the Member State in question. (Part B, Table 3 and Part D set this out in greater detail).

Use of Controlled Delivery for Other Goods

Although the emphasis of this manual is on the application of controlled deliveries of drugs, it should be noted that in most Member States, similar operations are permitted for other goods (arms, money etc.). Notable exceptions are Portugal and Spain which only permit the technique in respect of drugs and drug precursors.

Reasons for Failure of an Operation

Even when authorisation is granted for a controlled delivery to take place, there exists a risk of failure. Factors which contribute significantly to risk are:

Unexpected events (change in itinerary, mode of transport etc.)
Inadequate communication between agencies during the course of the operation
Technical incompatibility (particularly in radio communication)
Inadequate resources
Communication and Co-operation

Improving the availability of information on controlled delivery is only a first step in facilitating co-operation between Member States. Communication between the participating agencies is of vital importance in managing operations and in reducing the risk of failure. This needs to take place at the authorising level, but more importantly at the level of operational officers, who should ideally know each other personally.

Of value in this regard would be a shared post-operation assessment including information on the result of the operation by all involved agencies. This would allow for continuous improvement from experience and build trust and understanding of each others legal frameworks, methodologies and priorities. All of the factors which give rise to failure can be counteracted through well established communication.
Part B

Summary of Matrix for the European Union Member States and Schengen Countries
SUMMARY OF COUNTRIES' POSITION REGARDING CONTROLLED DELIVERIES

Table I - Legal Basis, Guarantees, and Information sought

Table II - Foreign Law Enforcement Officers and Techniques

Table III - Substitution

Table IV - Authorities and Channels for Communication

Table V - Contact Points
<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request and conditions applying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgique / Belgïe / Belgium</td>
<td>Standard Police technique, regulated by Ministry of Justice directives</td>
<td>Yes</td>
<td>Agreement from all countries involved in transit</td>
</tr>
<tr>
<td>Danmark / Denmark</td>
<td>Standard Police technique, Danish Police directives</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Deutschland / Germany</td>
<td>Standard Police and Customs technique. Prior Authorisation of State Prosecutor. No specific legal measures but the conditions and procedure for CD are regulated by an administrative guideline (N° 29a-d of the directives regulating penal prosecution and fines)</td>
<td>Yes</td>
<td>Uninterrupted surveillance. If risk of losing consignment immediate interception. For international controlled deliveries prosecution or extradition to Germany must be guaranteed. Agreement of all countries involved Ongoing information about the current status and results of the investigation</td>
</tr>
<tr>
<td>Ελλάς / Greece</td>
<td>Legal Basis (art. 38 of Act N° 2145/93, amended by art.15§1 of Act N° 2331/95). Standard Police and Customs technique</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Legislative or Other Basis</td>
<td>Prosecution Mandatory</td>
<td>Details to accompany request and conditions applying</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Ireland</td>
<td>Standard Police and Customs technique</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Islands / Iceland</td>
<td>Controlled deliveries are not carried out in Iceland</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No specific legal basis State prosecutor is involved Standard Police technique</td>
<td>No</td>
<td>Delivery will be intercepted if there is a security risk</td>
</tr>
</tbody>
</table>

*Table I (Legal Basis, Guarantees, Information Sought) - Page 2 -
<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request and conditions applying</th>
</tr>
</thead>
</table>
| Nederland / Netherlands | Prior authorisation of the public prosecutor  
Standard Police and Customs technique  
Controlled Delivery should be subject to guidelines (1997)  
A formal written request for legal aid is required | Yes                   | Controlled delivery where an undercover agent is involved will not be permitted if the following requirements are not adhered to (see also Part C):  
- there must be no question of provocation  
- before the infiltration the usage of the undercover agent must be approved by the O.M. (Central Testing Commission)  
- Assessment of the infiltration must meet the requirements of proportionality, subsidiarity and exactitude  
- only a specially trained police officer can be used as an undercover agent, civilian involvement is excluded.  
- there must be sufficient information available about the narcotics or other goods, suspects, vehicles and possible destination. |
| Norge / Norway | No legislation. Guidelines issued by the Director General of Public Prosecution            | Yes                   | Altered circumstances during CD operations must be immediately notified.  
The Customs services of each involved country must be notified of the operation.  
A report on the results of operation must be made after completion of it |
| Österreich / Austria | Supreme Court jurisprudence  
Standard Police and Customs technique. No specific legal basis | Yes                   | Indication that all transit states have given their agreement  
Guarantee of continued surveillance  
Delivery will be intercepted if there is a risk of losing the consignment  
Authorities will only authorise deliveries to another country if an assurance is given that the consignment will be seized and those involved prosecuted |
<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request and conditions applying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>Legal Basis: Art. 61 of Statutory Order Nº 15/93 of January 22, 1993 (Legislation concerning narcotics). Must be under the Control of a Public prosecutor of the Lisbon Court</td>
<td>Yes</td>
<td>Detailed information of the intended route and adequate identification of the traffickers. Guarantee against the leaking or misappropriation of the drugs. Portuguese police require a report of all activities in Portugal during its course.</td>
</tr>
<tr>
<td>Suomi / Finland</td>
<td>Standard Police and Customs technique. No specific legislative basis. CD is considered however as one form of legal assistance referred to in the International Legal Assistance in Criminal Matters Act. Written agreement on co-operative action on international CD concerning drugs, between the three L.E.A. (the Police, Customs and Frontier Guard) from the 7th March 1995.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sverige / Sweden</td>
<td>Standard Police and Customs technique. No legislative basis, but a memorandum of understanding issued by the Swedish Police, Customs and General Prosecutor and applied as guidelines.</td>
<td>Yes</td>
<td>Indication that all transit states have given their agreement. Guarantee of continued surveillance. Delivery will be intercepted if there is a risk of losing the consignment. Authorities will only authorise deliveries to another country if an assurance is given that the consignment will be seized and those involved prosecuted and a guarantee is given that all transit states have given their agreement.</td>
</tr>
</tbody>
</table>
Table I (Legal Basis, Guarantees, Information Sought) - Page 5

<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request and conditions applying</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Standard Police and Customs technique. Home Office and H.M. Customs &amp; Excise guidelines define the split in responsibilities between police and customs but no specific guidelines concerning how the CD should be carried out are in place. There is no legislative basis. Treated as a facet of criminal investigation.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

*Details to accompany a request for a Controlled Delivery are in addition to the following:

1. Reason for the Operation
2. Factual Information justifying operation
3. Type and Quantity of Drugs / Other goods
4. Anticipated means of transport and itinerary
5. Expected point of entry into and exit from the requested state
6. Identity of each suspect - (Name, date of birth, domicile, nationality, description)
7. Indicate who authorised the operation
8. Indicate the Chief Investigator in charge of the operation and means of contact
9. Details of police, customs or other Law Enforcement Officers supporting the operation
10. Details of any special techniques proposed
<table>
<thead>
<tr>
<th>Country</th>
<th>Role of Foreign Law Enforcement Officers accompanying deliveries</th>
<th>Can Foreign Personnel carry arms?</th>
<th>Is use of Undercover Agents allowed?</th>
<th>Special Techniques Available</th>
<th>Technical Assistance from Other Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgique / Belgie / Belgium</td>
<td>Limited and they must always be accompanied by Belgian law enforcement officers</td>
<td>Yes ²</td>
<td>Yes²</td>
<td>Yes</td>
<td>Examined on a case by case basis</td>
</tr>
<tr>
<td>Danmark / Denmark</td>
<td>No police or other special powers</td>
<td>No</td>
<td>Yes ⁵</td>
<td>Yes</td>
<td>No rules/guidelines</td>
</tr>
<tr>
<td>Deutschland / Germany</td>
<td>Foreign Officers may accompany deliveries, but with no police or other special powers</td>
<td>Yes⁶</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ελλαδα / Greece</td>
<td>Foreign officers must give prior notification</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes, although this does not equate with other involvement</td>
</tr>
<tr>
<td>España / Spain</td>
<td>Foreign officers with prior knowledge and authorisation can accompany C/Ds, but cannot intervene and must comply with Spanish Police instructions</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>France</td>
<td>Prior authorisation required</td>
<td>Yes ²</td>
<td>Yes¹</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Ireland</td>
<td>Participation of foreign officers requires prior authorisation, and such officers act in an advisory and observational capacity with An Garda Siochana (Irish Police Force) or with Irish Customs</td>
<td>No</td>
<td>Yes⁹</td>
<td>Yes ⁸</td>
<td>Examined on a case by case basis</td>
</tr>
<tr>
<td>Islands / Iceland</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Country</td>
<td>Role of Foreign Law Enforcement Officers accompanying deliveries</td>
<td>Can Foreign Personnel carry arms?</td>
<td>Is use of Undercover Agents allowed?</td>
<td>Special Techniques Available</td>
<td>Technical Assistance from Other Member States</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Italia / Italy</td>
<td>Foreign Officers may accompany deliveries</td>
<td>No</td>
<td>Yes ³</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No authority to carry out police duties</td>
<td>Yes</td>
<td>Yes ⁷</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Nederland / Netherlands</td>
<td>Under certain special conditions the participation of foreign police personnel will be accepted solely under the supervision of Dutch police personnel.</td>
<td>Permission must be sought for this purpose</td>
<td>Yes, following agreement of Central Testing Commission</td>
<td>Yes</td>
<td>Yes, provided any technical equipment is used by Netherlands</td>
</tr>
<tr>
<td>Norge / Norway</td>
<td>Participation in the operation with and under authority of Norwegian authorities</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Examined on a case by case basis</td>
</tr>
<tr>
<td>Österreich / Austria</td>
<td>Participation of foreign officers as observers is possible with the authorisation of competent authorities. Cannot assume police duties and can only act as observers in company of Austrian officials.</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Examined on a case by case basis. Tracking devices can be used with permission from telecommunications service.</td>
</tr>
<tr>
<td>Portugal</td>
<td>Legislation does not permit foreign Police operating in Portugal; however, in some circumstances they may be permitted to participate in controlled deliveries</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Table II (Foreign Law Enforcement Officers and Techniques) - Page 3

<table>
<thead>
<tr>
<th>Country</th>
<th>Role of Foreign Law Enforcement Officers accompanying deliveries</th>
<th>Can Foreign Personnel carry arms?</th>
<th>Is use of Undercover Agents allowed?</th>
<th>Special Techniques Available</th>
<th>Technical Assistance from Other Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suomi / Finland</td>
<td>Participation of foreign officers as observers is possible</td>
<td>No</td>
<td>Yes&lt;sup&gt;10&lt;/sup&gt;</td>
<td>Yes</td>
<td>Examined on a case by case basis</td>
</tr>
<tr>
<td>Sverige / Sweden</td>
<td>Participation of foreign officers as observers is possible with the authorisation of competent authorities.</td>
<td>No</td>
<td>Yes&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Yes</td>
<td>Examined on a case by case basis</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Under powers and direction of UK agency. No individual powers.</td>
<td>No</td>
<td>Yes&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Yes</td>
<td>Examined on a case by case basis</td>
</tr>
</tbody>
</table>

1 French law does not allow any foreign undercover agent to take part in a controlled delivery in France. Regarding use of an U/C, the same law (19th December 1991) allows only Police and Customs officers to play this role, an informant will never be able to take part officially in a C/D.
2 Under strict regulation and control only
3 Can be possible with special permission from a prosecutor. Use is limited to instances of self-defence.
4 Only possible when using a Swedish police or customs officer as an undercover agent
5 Only possible when using a police officer (Danish or foreign) as an undercover agent
6 Special permission required from prosecutor
7 Each case will be individually assessed
8 The following special techniques are used: Tracking Devices, Night Vision Equipment. The Navy and the Air Corps with their specialised tracking and surveillance equipment can be called on to assist Irish Police and Customs in controlled deliveries by sea.
9 Only possible if member of Italian police is acting as an undercover agent.
10 The use of undercover agent is allowed but acting as "agent provocateur" is not allowed
## Table III (Substitution and Controlled Delivery of Other Items) - Page 1 -

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>SUBSTITUTION OF DRUGS</th>
<th>Other objects for Controlled Delivery, Weapons etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL SUBSTITUTION</td>
<td>PARTIAL SUBSTITUTION</td>
</tr>
<tr>
<td></td>
<td>Origin in Country in Col. 1</td>
<td>In Transit</td>
</tr>
<tr>
<td>Belgique / Belgique / Belgium</td>
<td>If authorised by destination M.S.</td>
<td>If authorised by destination M.S.</td>
</tr>
<tr>
<td>Danmark / Denmark</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deutschland / Germany</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>ΕΛΑΑΣ / Greece</td>
<td>Only if prosecution can be obtained without consignment</td>
<td>Yes</td>
</tr>
<tr>
<td>España / Spain</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>France</td>
<td>Yes1</td>
<td>Yes</td>
</tr>
<tr>
<td>Ireland</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Islands / Iceland</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Italia / Italy</td>
<td>Must be authorised in Foreign Country</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>If authorised in destined M.S.</td>
<td>If authorised in destined M.S.</td>
</tr>
<tr>
<td>Norge / Norway</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Nederland / Netherlands</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
### Table III (Substitution and Controlled Delivery of Other Items) - Page 2 -

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>SUBSTITUTION OF DRUGS</th>
<th>Other objects for Controlled Delivery, Weapons etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL SUBSTITUTION</td>
<td>PARTIAL SUBSTITUTION</td>
</tr>
<tr>
<td></td>
<td>Origin in Country in Col. 1</td>
<td>In Transit</td>
</tr>
<tr>
<td>Österreich / Austria</td>
<td>All possible.</td>
<td>Decision with respective task Forces.</td>
</tr>
<tr>
<td>Portugal</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Suomi / Finland</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sverige / Sweden</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1. No delay provided all the relevant information is furnished at the time of application
2. With prior authorisation of the public prosecutor
<table>
<thead>
<tr>
<th>Country</th>
<th>Who decides</th>
<th>Channel for Communication</th>
<th>Channel for Official Requests (Rogatory Letters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgique/Belgie/Belgium</td>
<td>Judicial Authority</td>
<td>IP, DLO, Europol</td>
<td>IP, Judicial Authorities</td>
</tr>
<tr>
<td>Danmark/Denmark</td>
<td>Police (-Customs)</td>
<td>IP, DLO, Europol</td>
<td>IP</td>
</tr>
<tr>
<td>Deutschland/Germany</td>
<td>Prosecutor</td>
<td>IP, DLO, Europol, Police, Customs</td>
<td>IP, Judicial Authorities</td>
</tr>
<tr>
<td>Ellada/Greece</td>
<td>Prosecutor</td>
<td>IP, Europol, SODN</td>
<td>IP, S.O.D.N.</td>
</tr>
<tr>
<td>Espana/Spain</td>
<td>Public Prosecutor and Chief of the Judicial Police Judge of Instructions</td>
<td>Central Drugs Unit via IP, DLO, Europol, Customs</td>
<td>Central Drugs Unit IP, (DLO via)</td>
</tr>
<tr>
<td>France</td>
<td>Judicial Authority</td>
<td>IP, DLO, Europol, Customs</td>
<td>IP, O.C.R.T.I.S.</td>
</tr>
<tr>
<td>Ireland</td>
<td>Police - Customs</td>
<td>IP, Europol, Police, Customs</td>
<td>IP, Central Authority for Mutual Assistance, Department of Justice, Equality and Law Reform</td>
</tr>
<tr>
<td>Islands/Iceland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italia/Italy</td>
<td>Judicial Authority</td>
<td>IP, DLO, Europol</td>
<td>IP</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Prosecutor</td>
<td>IP, Europol</td>
<td>IP</td>
</tr>
<tr>
<td>Nederland/ Netherlands</td>
<td>National and/or Local Officer of Justice</td>
<td>Reporting Point Controlled Delivery (Schengen), DIO, IP, DLO, Europol, local OM</td>
<td>Reporting Point Controlled Delivery (Schengen) local OM, DLO, IP, Europol</td>
</tr>
<tr>
<td>Norge/Norway</td>
<td>Judicial Authority/Police</td>
<td>IP, DLO, Customs</td>
<td>IP</td>
</tr>
<tr>
<td>Österreich/Austria</td>
<td>Min. of Interior, Customs (Cross-Border)</td>
<td>IP, Europol, Customs</td>
<td>IP, Customs</td>
</tr>
<tr>
<td>Portugal</td>
<td>Public Prosecutor</td>
<td>IP, Europol</td>
<td>IP</td>
</tr>
<tr>
<td>Suomi/Finland</td>
<td>Police - Customs - Frontier Guard</td>
<td>IP, DLO, Europol - Police, Customs, Frontier Guard</td>
<td>IP, Judicial Authorities</td>
</tr>
<tr>
<td>Sverige/Sweden</td>
<td>Police-Customs-Prosecutor (jointly)</td>
<td>IP, DLO, Europol, Customs</td>
<td>IP, DLO, Europol, Customs</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Customs - Chief Officers of Police</td>
<td>NCIS (also IP,DLO, Europol, Customs)</td>
<td>IP, Customs</td>
</tr>
</tbody>
</table>
Table V (Contact Points) - Page 1 -

<table>
<thead>
<tr>
<th>Country</th>
<th>Notice of C/D before</th>
<th>Contact Point Police</th>
<th>Contact Point Customs</th>
<th>Other interested parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgique / Belgie / Belgium</td>
<td>30 min - 2h</td>
<td>In all cases:</td>
<td>In urgent cases:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Service Général d'Appui</td>
<td>Douanes Belges</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Policier/APSD/IP$/EUROPOL,</td>
<td>Direction Nationale des Recherches</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Division Coopération Policière,</td>
<td>Tel: + 32-2-233 76 85</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Service de Traitement des Messages</td>
<td>Fax: + 32-2-233 76 86</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tél: + 32.2.508.74.47</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>or + 32.2.508.73.72 (24 hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 32.2.511.92.49</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Operational Board:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MEUNIER Thierry: + 32 2 508 70 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Management board:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Piet VAN GESTEL: + 32 2 511 50 36</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Glenn AUDENAERT: + 32 2 511 16 08</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>In urgent cases:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gendarmerie Belge</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bureau Central des Recherches</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: + 32.2.642.7810 (24 hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 32.2.642.6955</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Police Judiciaire Belge</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Brigade Nationale</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tél: + 32.2.508.71.04 (24 hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 32.2.511.79.22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Danmark / Denmark</td>
<td></td>
<td>Rigspolitichefen</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kommunikationscenteret</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Politiorvet 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DK 1780 København V</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: + 45-33 14 88 88 Ext 6402</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 45-33 32 27 71</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deutschland / Germany</td>
<td>8 - 48 h</td>
<td>Bundeskriminalamt, Thaeerstrasse 11, Postfach 1820 65193 Wiesbaden</td>
<td>Zollkriminalamt, Bergisch-Gladbacher-Strasse 837, D-51069 Köln</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: +49-611-553101 (24 hours)</td>
<td>Tel: + 49-221-672-0 (24 hours)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: +49-611-552141</td>
<td>Fax: +49-221-672-4500</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>ΕΛΔΑΣ / Greece</strong></td>
<td>24 h</td>
<td>Ministry of Public Order, Central Anti-Drug Co-ordination Unit, National Drug Intelligence Unit, 4 Kanellopoulou, CN 10177 Athens</td>
<td>Ministry of Public Order, Central Anti-Drug Co-ordination Unit, National Drug Intelligence Unit, 4 Kanellopoulou, CN 10177 Athens</td>
<td>Ministry of Public Order, ICPO - Interpol Office of Greece, Leo.Alexandras 173, 11522 Athens</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel:+30-1-6482817, Fax:+30-1-6917910, Telex: YDTA-218905, 216353</td>
<td>Tel:+30-1-6482817, Fax:+30-1-6917910, Telex: YDTA-218905, 216353</td>
<td>Tel: +30-1-6440178, +30-1-6442839, +30-1-6411672 ext 1406, Fax: +30-1-6927300, +30-1-6441171, Telex: NCB. 216162, 214781</td>
</tr>
<tr>
<td><strong>España / Spain</strong></td>
<td>24-48 h</td>
<td>OCN Unidad Central de Estupefacientes Gran Via de Hortaleza, s/n 28043 Madrid</td>
<td>For activities in customs precincts can be used as communication link between OCN and the requesting party: Departamento de Aduanas e Impuestos Especiales Servicio de Vigilancia Aduanera c/Manuel Silvela No 4 28010 Madrid Tel: +34-1-4.46.68.78 Fax: +34-1-5.93.49.44</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: +34-1-5.82.25.56, Fax: +34-1-3.82.25.57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>8 - 48 h</td>
<td>Office Central de Répression du Trafic Illicite des Stupéfiants (OCRTIS-Central Office for the Prevention of Illegal Drug Trafficking), 103-107 Rue des Trois Fontanot, 92000 Nanterre Tel: +33 1-40-978089 Fax: +33 1-40-978758 In urgent cases, O.C.R.T.I.S. Tel. +33 1-40-978033(day) + 33 1-49-274021 (after hours)</td>
<td>Direction Nationale du Renseignement et des Enquêtes Douaniers (DNRED-National Office for Customs Information and Investigations) 18/22 Rue de Charonne, 75528 Paris Cedex 11 Tel: +33 1-49-233636 (24 hours) Fax: +33 1-49-233922 or +33 1-49-233923 Telex DNEDPAR 210 535/216977</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>No Delay</td>
<td>Garda National Drugs Unit, Dublin Castle, Dublin 2. Tel: +353-1-4755111 Fax: +353-1-4755314</td>
<td>Customs National Drugs Team, 14-16 Lord Edward Street, Dublin 2 Tel: +353-1-7024280 + 353-87-548201 (24 hours) Fax: +353-1-6795486</td>
<td></td>
</tr>
<tr>
<td>Islands / Iceland</td>
<td>Controlled deliveries are not carried out in Iceland.</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------</td>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Italia</td>
<td>48 h</td>
<td>Ministero Dell’interno, Direzione Centrale per i Servizi Antidroga, (Ministry of the Interior, Central Directorate for Drug Enforcement Services) Via Primo Carnera, 1 I-00142 Roma Tel: +39 6-51994111 (24 hours) Fax: +39 6-51888005 or 6 Telex: 611491 - 624578</td>
<td></td>
<td>Direzione Centrale Dei Servizi Doganali (Customs) Divisione XII Tel: +39.6.50242015 Fax: +39.6.50957300</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>30 min - 2 h</td>
<td>Gendarmerie Grand-Ducale, Service de Police Judiciaire, 17-19, Rue Auguste Lumière, B.P. 1202, L-1012 Luxembourg <strong>During Office Hours:</strong> Monday to Friday 08:00 - 12:00, 14:00 - 18:00 Tel: +352 4997-6001 Fax: +352 4997-6099 <strong>Outside of Office Hours:</strong> Tel: +352 4997-1 Fax: +352 4997-8399 or +352 488025 (Interpol)</td>
<td>Direction des Douanes et Accises, Division Anti Drogues et Produits Sensibles, B.P. 1822, L 1018 Luxembourg <strong>During Office Hours:</strong> Monday to Friday, 08:00-12:00, 14:00-18:00 Tel: +352 49 88 58 515 Fax: +352 49 83 66 <strong>Outside of Office Hours:</strong> (24 hours): Tel: +352 49 88 58 250 Fax: +352 49 22 88</td>
<td>Parquet du Tribunal d’Arrondissement de Luxembourg, Rue du Palais de Justice, Luxembourg Tel : +352 47 59 81 441 Parquet du Tribunal d’Arrondissement de Diekirch Place Guillaume, Diekirch Tel : + 352 80 32 14 Outside of Office Hours (for both of the above) : Tel +352 4997-1</td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point</td>
<td>Contact Point</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Nederland / Netherlands</td>
<td>30 mins - 2 hrs</td>
<td>Landelijke Coordinatie Grensoverschrijdende Observatie (LCGO-National Agency for cross border observation)</td>
<td>Monday to Friday 8.00am - 17.30pm Tel: +31 79 345 9214 Fax: +31 79 345 8797</td>
<td>Outside these hours and at w/ends: Tel: +31 79 345 9888 (SIRENE) Fax: +31 79 345 8797</td>
</tr>
<tr>
<td>Norge / Norway</td>
<td></td>
<td>Interpol Oslo, Kriminalpolitisentralen, Fredrik Selmers Vei 4 Postbox 8163 DEP 0034 OSLO Tel: +47 22 07 70 00 Fax: +47 22 07 79 00 Urgent cases: Oslo Police Headquarters, Narcotic Crimes Section, Police-Customs Office or to one of the local Chiefs of Police concerned (copy to be sent to Narcotic Crimes Section)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------</td>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Österreich / Austria</td>
<td>8 - 48 h</td>
<td>Bundesministerium für Inneres, Abteilung II/8, Zentralstelle für die Bekämpfung der Suchgifkriminalität, (Federal Ministry of Interior, Dept II/8, Central Office for the fight against drug-related offences) Liechtenwerder Platz 5, 1090 Wien</td>
<td>Federal Ministry for Finance, Department for Integration and Customs, Division III/8, Customs cooperation, Mutual Assistance, Anti-Fraud Border Control, Operation Services, Customs Information and analysis centre (ZIA), Himmelpfortgasse 4-8, Postfach 2, A-1015 Vienna</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: +43-1-8027313-208</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>+43-1-8027313-209</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Officer on duty:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>+ 43-1-31345-85288</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 43-1-3192563</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>None</td>
<td>Directoria-Geral da Polícia Judiciária, Direcção Central de Investigação do Tráfico de Estupefacientes (General Directorate for Judicial Police, Central Division for the Fight against Drug Trafficking)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: + 351-1-3541213</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: + 351-1-3150675</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice of C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other interested parties</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------</td>
<td>------------------------------------------</td>
<td>----------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Suomi / Finland</td>
<td>None</td>
<td>National Bureau of Investigation, Head of Investigating Division or Head of Criminal Intelligence Division Jokiniemenkuja 4, FIN-01301 Vantaa, Finland</td>
<td>National Board of Customs, Enforcement and Audit, Erottajankatu 2, 00101 Helsinki, Finland</td>
<td>Frontier Guard, Headquarters of the Frontier Guard, Frontier and Coastguard Department</td>
</tr>
<tr>
<td></td>
<td></td>
<td>On Duty Officer: Tel: +358 9 8388 6287 (24 hours) Fax: +358 9 83886299</td>
<td>Tel: +358-9-6142472, +358-9-6142542 +358-9-6142296</td>
<td>Tel: +358-9-47476511 (switchboard)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office Hours: Tel: +358-9-8388661 (switchboard)</td>
<td>Fax: +358-9-6142726, +358-9-6142744 +358-9-6142669</td>
<td>Fax: +358-9-47676524</td>
</tr>
<tr>
<td></td>
<td></td>
<td>After Office Hours: (16:15 - 24:00) Tel: +358-9-83886281</td>
<td>After Office Hours: Helsinki Airport Customs Office, Enforcement Unit/Special Control Unit, Rahtitie 1, 01530 Vantaa</td>
<td>Tel: +358-9-6143904 +358-9-6143907</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fax: +358-9-822-903</td>
<td>Tel: +358-9-6143907</td>
</tr>
</tbody>
</table>

Table V (Contact Points)- Page 8 -
<table>
<thead>
<tr>
<th>Country</th>
<th>Notice of C/D Police before</th>
<th>Contact Point Customs</th>
<th>Other interested parties</th>
</tr>
</thead>
</table>
| Sverige / Sweden   | None                        | National Criminal Investigation Department, PO Box 12256, S-102 26 Stockholm | Customs Intelligence & National Coordination Section, Board of Customs, Box 2267, S-103 17 Stockholm | Tel: +46-8-789 75 66  
                      |                             | Tel: +46 8 401 37 70  
                      |                           | Fax: +46 8 650 35 89   |  
                      |                             | Tel: +46-8-401 98 00     | Fax: +46-8-652 68 18  |
| United Kingdom     | None                        | National Criminal Intelligence Service (NCIS), PO Box 8000, Spring Gardens, 2 Citadel Place, London SE11 5EF. Tel: +44 171 238 8610 (24 hours) | HM Customs & Excise, National Investigation Service. Tel: +44 171 665 7000 (24 hours) | Tel: +44 171 665 8102  
                      |                             | Tel: +44 171 238 8112    | Fax: +44 171 665 8102  |
PART C

Role of EDU/EUROPOL in Controlled Delivery Operations
OUTLINE of the ROLE of EDU/EUROPOL in CONTROLLED DELIVERY OPERATIONS

1. Introduction

Reference must be made to the Joint Action which, in paragraph 3 of Article 2, specifies that: "the objective of the Unit is to help the Police and other competent agencies within and between Member States to combat the criminal activities referred to in paragraph 2 more effectively".

Since 1994 the liaison officers have received an increased number of requests from Member States' authorities to assist in cross-border investigations, in order to exchange information in the support of ongoing investigations and operations.

Additionally, a possible role for the EDU has been set out and there are ongoing projects in order to improve the capabilities of the EDU for providing operational support.

2. Ongoing projects

Resulting from the expert meeting on controlled deliveries held at the EDU on the 27-28 September 1995 was that the EDU, in order to improve co-ordination and co-operation in international controlled deliveries, is studying legal, judicial, factual, structural and financial problems which hamper these operations.

This study includes suggestions for increasing the quality of the Information, of the Communication and of the Co-ordination.

An "in house procedure" document has been drawn up, which lists the basic points of reference for improving co-ordination support whenever EDU is requested to support the co-ordination of a controlled delivery.

As a result of a "Special Techniques Policy Document", adopted at the HENUs' meeting in March 1996, controlled deliveries were considered as a part of the special techniques. References were made to the aforementioned facilities offered by the EDU and that law enforcement agencies appear to be recognising the unique benefit of having their representatives permanently based at the EDU, each operating under the direction of his or her national unit, resulting in added confidence, especially in relation to sensitive information.

3. EDU support for the Controlled Delivery operations

Within its current mandate, the EDU is offering a European platform for the support of ongoing operations in respect of organised crime, including controlled deliveries.
3.1. Framework of operational support which can be provided by EDU (ELOs)

The services of EDU (ELOs) can be used where this is considered by the requesting country to be the most appropriate or efficient option.

In the light of this, a definition of a safety net principle has been established as follows:

- where there is a language or contact problem with another country;  
- for multilateral controlled deliveries involving several countries;  
- when information needs to be exchanged rapidly with several countries;  
- when another channel already involved in the operation fails for any reason;  
- when there is no other channel in the requesting country.

If a controlled delivery is initiated via another channel, EDU (ELOs) can still be called in at a later stage.

A distinction needs to be made between stand-alone controlled deliveries and controlled deliveries which are part of an ongoing investigation.

3.2. Aspects which should encourage Member States to use EDU (ELOs)

- speed;  
- only one point of contact for several countries;  
- availability;  
- language;  
- co-operation possible with other channels;  
- representatives of different law enforcement agencies present at EDU (ELOs) (police, customs, gendarmerie, coastguard, etc.);  
- flexibility and/or possibility of exchanging "soft" information for law enforcement purposes;  
- availability of office space, equipment and technical facilities for the preparation and co-ordination of controlled deliveries. (Special E-mail connections, fax facilities, secured telephone communications, EU detailed geographical maps).

One of the main conclusions emanating from past meetings is that the EDU is a tool available for the use of the Member States, respecting sovereignty and subsidiarity. An important recommendation is that officers from the relevant operational units involved in ongoing investigations may use the facilities, together with the respective ELOs, which are, and will be available, in EDU for the duration of the operation, especially in respect of multilateral operations.
PART D

Individual EU Member States and
Schengen Countries Profiles
GENERAL REMARKS

- Controlled deliveries are in practice allowable.

- This technique is not governed by law, but by circulars.

- The principle of controlled deliveries is founded on a ministerial circular of 24 April 1990 relating to police procedures, as well as on the continuous jurisprudence of Belgian courts and tribunals, in return for which there must be no interference by the head of the police forces. This practice is the subject of rigorous monitoring by the Office of the Public Prosecutor.

With a view to co-ordinating and centralising research, inquiries and investigations concerning certain forms of serious crime, the Minister for Justice has appointed a National Magistrate, who took up office on 1 May 1990.

The National Magistrate is in charge of:

* ensuring the co-ordination of the legal proceedings and facilitating the international co-operation together with one or many prosecutors of the King. If needed they can give constraining instructions to one or many prosecutors of the King, after having informed the territorially competent general prosecutor and if no contrary decision is taken by the latter.

* taking every urgent measure which are necessary for the legal proceeding exercising as long as a prosecutor of the King has not exercised his legally determined competency. These measures are constraining for the prosecutor of the King.
Two fundamental principles are applied in this case:

*the principle of proportionality: this process/technique can be applied in cases of serious organised crime.

*the principle of subsidiarity: this process can be applied only if other techniques of research do not allow the necessary proof to be obtained.

In the circular, we speak of an 'accompanied consignment' or a 'postponed seizure', rather than a 'controlled delivery'. In fact, the seizure is postponed in order to reach a more important goal (general principle of legitimate necessity).

Goods other than narcotic drugs may be the subject of a controlled delivery. The ministerial circular speaks of "illegal transport of goods".

**SPECIFIC CONDITIONS**

If the 'accompanied consignment' departs from Belgium or crosses through Belgium, and the destination is situated outside Belgian territory, the following conditions must be fulfilled in order to obtain authorisation for a deferred seizure:

- authorisation beforehand from the country of destination and from the country/countries crossed in the transit.

- assurance that the illegal goods will be seized in the country of destination and that the persons involved in the offence will be subjected to penal prosecution.
OTHER CONSIDERATIONS

- If necessary, a replacement substance may be used.

- The law enforcement agency of the requesting country may cross Belgian borders as long as the prosecutor/examining judge has given permission. A formal request to this end must be lodged beforehand. The role of the foreign law enforcement agency is limited in this case to keeping in contact with their Belgian colleagues. They may not engage in any law enforcement agency tasks or carry arms. They must at all times be accompanied by Belgian law enforcement agency.

- A 'controlled delivery' may be carried out by a trusted agent if the prosecutor/examining judge has given permission. The conditions are the same as those for an 'accompanied consignment'.

- Technical assistance from other countries is permitted.

- Given that these delicate operations must be very carefully prepared, it seems desirable that contact be made as soon as possible. In cases of extreme necessity, an agreement of principles may be given within some minutes. With regard to the preparation of the operation, the timeframe could go from 30 minutes to several hours (according to the greater or lesser complexity of the problem to be resolved).

COMPETENT AUTHORITIES

Authorities competent to grant authorisation

Authorisation must be obtained from the competent Prosecutor of the place of departure, and the advance authorisation of the Prosecutor of the place where it is envisaged the operation will be carried out.
If the operation is undertaken in the context of an ongoing judicial investigation, the permission of the investigating judge must also be obtained.

If at the demand of foreign authorities an 'accompanied consignment' arrives on Belgian territory, the National Magistrate must be involved.

If at the time that the authorisation is sought, the point of entry into the country is not known, the magistrate makes the decision.

**Where such a request should be sent:**

- **The National Magistrate**
  Requests to the National Magistrate should be drawn up by the competent authority of the country concerned (directly or through the law enforcement agency).

- **The countries choose the method of communication which seems most rapid or most reliable bearing in mind confidentiality.**
  If judicial police measures have to be initiated, confirmation through Interpol is required in all cases.

**Urgent requests:** See Matrix Page 31 for details
GENERAL

According to the directives of the Danish Police, Denmark may participate in a "controlled delivery" of not only narcotic substances but also of any other kind of goods. Denmark participates in "controlled delivery" from, to or transiting Denmark.

A principal rule is that mandatory prosecution is a precondition for controlled delivery.

OTHER CONSIDERATIONS

The Danish Law on the Judicial System lays down a number of specific legislation on the use of undercover agents. The general legislation on undercover agents are valid also when/if the undercover agents assist on controlled deliveries.

• Undercover agents must be police officers.

• Foreign police officers may be allowed to act as undercover agents but they do not possess any executive powers in Denmark.

• Foreign police officers are only allowed to carry firearms according to a specific permission.

• Undercover agents may be used only in cases;
  • In which a prior agreement on consignment has been made between the deliver, the courier and the receiver and
  • Concrete indicators exist that allow us to presume that the receiver most likely will carry out the criminal act

Both total and partial substitution of goods is allowed. Substitution is decided whenever
possible.

Continued surveillance can be guaranteed.

A request for a controlled delivery may be refused in the following circumstances:

- When the final destination is known to be in another State and there is no notification given to the effect that those involved will be prosecuted.
- When there is a risk of losing the consignment.
- If an undercover agent, who is not a police officer, is participating in the controlled delivery.

COMPETENT AUTHORITIES

Authorisation must be obtained from the regional Chief Constable, whose jurisdiction is expected to be involved in the case. A request for a "controlled delivery" must be sent to The National police.

If a permission is given to use "controlled delivery", The National Police in co-operation with the relevant regional Chief Constable are responsible for initiative, operational command, actual control and the decision to terminate an operation.

The National Customs Authorities gives prior authorisation to cross the borders of Denmark without control of customs.

The channel for communications prior to and during a Controlled Delivery is through Interpol, Nordic LO, or the Danish Liaison Officers at EUROPOL.

There are no expected delays for clearance of a Controlled Delivery request.

Where a request should be sent: See Matrix Page 32 for details
DEUTSCHLAND / FEDERAL REPUBLIC OF GERMANY

GENERAL REMARKS

- No specific legal measures exist governing the carrying out of a 'controlled delivery'. Germany has committed itself in several international agreements, to effective global co-operation in the struggle against drug-related crime, as well as to the prosecution of the perpetrators.

- The conditions and the procedure for 'controlled delivery' are regulated by an administrative guideline (no. 29 a-d of the directives regulating criminal prosecutions and fines).

- The following may be the subject of 'controlled delivery': illegal trafficking of narcotics, arms, stolen goods, received stolen goods and similar merchandise.

SPECIFIC CONDITIONS

- The administrative guideline (art. 29a) giving directives on this topic define the expression 'transportation under surveillance' and distinguish the following cases:

  * Surveillance of imports from another country into Germany

  * Surveillance of exports from Germany to another country

  * Surveillance of transits from another country, destined for a third country, which travel via Germany.
- This guideline (art. 29b-d) lays down that a 'surveillance of transportation' is permitted

  * when there is no other means of tracing the identity of instigators or of finding their channels of distribution

  * when the possibility of intercepting the perpetrator of the offence and seizing the 'corpus delicti' is at all times guaranteed

  * when the competent office of the Public Prosecutor authorises recourse to the 'surveillance of transportation' method.

- Surveillance of transportation and exports can be carried out only when the other Member States concerned have made the following declarations:

  * the authorisation of the import or of the transit

  * the assurance of permanent surveillance on the transportation

  * the assurance that an investigation will be opened on the carriers, the instigators and the buyers; that the narcotics, the arms, the stolen goods, the received stolen goods and all other goods will be seized; that penal proceedings will be brought against the perpetrator of the offence, and that care will be taken to see that the sentence passed will be enforced.

  * the assurance that the German judicial authorities will be continuously kept informed of the state of progress throughout the different phases of the operation.
OTHER CONSIDERATIONS

- If Germany is the country of destination of illegal drug traffic, it is allowed by law that the drugs may be entirely or partly replaced beforehand. During the operation, measures must be taken to ensure that the exchange is documented and that it will either be possible to produce a full report for any potential proceedings before a German tribunal, or that the drugs seized will be put at the disposal of Germany in the context of judicial co-operation.

- The participation of agents from other countries with a view to their accompanying a 'controlled delivery' crossing through Germany or destined for that country, is permitted, as long as the national and foreign authorities have given their agreement.

However, only German agents have the competence to press criminal charges.

As a rule, the agents of other countries are not authorised to carry arms.

- With regard to the possibility of associating an informant or an undercover agent with the 'transportation under surveillance' operation, from the country of origin to the country of destination, the nature and the importance of the offence must not be left to the discretion of the informant or the undercover agent, and this person must not contribute to the offence either in terms of its gravity or scope.

- As a rule, technical (material) assistance may be provided at all times. In the case of recourse to 'special techniques', the intervention of specially trained personnel is required. The personnel in question may be engaged according to the type of intervention needed. The context in which measures of assistance may be taken is determined by the judicial directives in operation in the requesting country as well as in Germany.
- The time required to obtain authorisation varies, according to the case, from a few hours (about 8), to 48 hours (especially over the weekend). In so far as possible, a request for assistance or co-operation in the context of a 'controlled delivery' must be lodged at least 24 hours in advance.

- In a case where there is a risk of losing surveillance on the transportation, the perpetrator of the offence will be immediately apprehended and the drugs seized.

COMPETENT AUTHORITIES

The authority competent to grant authorisation

The Office of the Public Prosecutor, in conformity with no. 29c of the directives governing fines and criminal procedures.

Where such a request should be sent: See matrix, page 32 for details

- The request should be submitted in writing beforehand, or in exceptional circumstances, made by telephone.

- Interpol channels may be used.

- In an emergency, the telephone may be used.
GENERAL REMARKS

The relevant provisions in Article 38 of Act no. 2145/93, amended by Article 15, paragraph 1 of Act no. 2331/95 constitute the legal basis for "monitored transportation". These provisions clearly apply to drugs and are not related to any other area.

The text is worded as follows:

Requests from other countries, under Article 11 of the 1988 United Nations Convention of Vienna, are submitted by any method of communication, but always in writing, directly or through Interpol, to the Central Anti Drug Coordination Unit (SODN), which having ascertained the legality of origin and the lawfulness of the request, immediately informs the Prosecutor of the Appeal Court in Athens in a confidential document and enclosing a copy of the telegram or document containing the request.

2. If the requesting State guarantees to monitor the transportation and to detain the people involved for questioning, the Prosecutor of the Appeal Court in Athens shall immediately inform the prosecutors of the Magistrate's Courts if it is thought that the consignment will pass through their area. Once this information has been communicated to them, the prosecutors of the Magistrate's courts should desist from all criminal investigations and are obliged to take all measures necessary to prevent the disruption of the consignment.
3. The Central Anti Drug Coordination Unit controls and is responsible for the consignment, for the whole duration from the time the drugs enter the country until they leave.

4. As soon as the drugs leave the country and within 48 hours maximum, the above Office shall make a report with detailed information relating to the monitored consignment particularly the date, time and place the drugs entered and left the country. A copy of the report classified "confidential" is forwarded to the Prosecutor of the Appeal Court in Athens.

5. Requests from national authorities to undertake monitored consignments outside Greek territory are sent via the Prosecutor of the Appeal Court in Athens to the Office for the Co-ordination of the Fight against Drugs. The provisions of the preceding paragraph are also to be applied in this case."

SPECIFIC CONDITIONS

In accordance with the provisions of the above article, "monitored consignments" may consist only of drugs.

Law Enforcement Officers from other States are authorised to accompany a "monitored consignment" only if they have first communicated their complete identity.

"Monitored consignments" are organised on the basis of a written request from a foreign State and continue as long as is logically necessary for such an operation to be carried out.

It is possible for Greece to accept technical assistance from other States. Such assistance is not governed by any legal framework and may be rendered through traditional or other means.
OTHER CONSIDERATIONS
None.

COMPETENT AUTHORITIES

Authorities competent to grant authorisation
The authority competent to grant authorisation is the Prosecutor of the Appeal Court in Athens.

Recipient of the authorisation
The request should be addressed to the Interpol office and to the Central Anti Drug Coordination Unit, as laid down in paragraph 1 of the above quoted Article.

For detailed information, see matrix page 33.
GENERAL REMARKS

- The practice of 'controlled deliveries' is allowed.

- The legal basis is found in article 263a of the Code of Penal Process as modified by the organic law 8/1992 of 23 December 1992.

1. The competent examining judge and the Prosecutor, along with local Heads of Division of the judicial police and their superiors will have the authority to allow the circulation or the controlled delivery of narcotics or psychotropic substances as well as other prohibited substances. The necessity of using such measures will be determined on the basis of the expected end result of the inquiry, the seriousness of the offence and the opportunities for surveillance.

2. Controlled Delivery is understood as allowing illegal or suspect transportations of the drugs and substances envisaged in point 1 above, or of replacement substances, to enter, cross through or leave Spanish territory unimpeded by the authorities or their agents, but under their surveillance. The aim will be to uncover or identify those involved in committing offences relating to these drugs or substances or to assist the authorities of other countries in their investigations.

3. The decision to carry out a controlled delivery will be made on the merits of each individual case, within the limits laid down by the international treaties. Those working in the Judicial Police Force will report directly to the Prosecutor's Office with special responsibility for prevention of drug-trafficking. In the event of an ongoing prosecution, they must report to the competent examining judge.
The following directives also apply:

- The basis for the granting of authorisation for controlled deliveries is found in article 11 of the Treaty of Vienna 1988, as well as in article 124-i of the Constitution, which states: "Notwithstanding those functions which devolve to other authorities, the Ministry for Public Affairs aims to promote justice and the upholding of law, citizens' rights and the public interest as generally perceived or in response to special interest groups, and to protect the independence of the courts." Moreover, article 18a of law 50/1981 containing an organic statute of the office of the public prosecutor, states: "1. The prosecutor's office with special responsibility for the prevention and the combat against illegal drug-trafficking has the following functions...(f) to promote, or if need be, to assist legally at international level, as allowed by international treaties, conventions and laws, the prevention and the combat of illegal drug-trafficking".

- Given that the Vienna Convention 1988 speaks only of narcotics, psychotropic substances and the various chemicals and substances necessary in their production, only these substances may be considered for a 'controlled delivery'. However, although the Spanish legislation does not contain a specific guideline it is possible to extend this technique to other types of goods/offenses. In order to fill this legal gap there are some projects of law in the Spanish Parliament with a more extended normative on the controlled delivery, including, the assets and proceeds from the money laundering, equipment and chemical precursors.

**SPECIFIC CONDITIONS**

The conditions are very strict, given the significance of this technique of investigation and the results which could come about in the case of failure of surveillance of the goods and those accompanying them.

In practice, the following conditions must be fulfilled:

- guarantee of permanent surveillance on the transportation, and assurance that everything possible will be done to track down and bring to justice those responsible. The requesting Authority will undertake to seize the drugs and arrest all those involved, especially where there is a risk that the drugs may be stolen at any given moment of the operation.
- full information on the vehicle or means of transport which will be used for the operation (including the number plate).

- full information on those likely to drive the vehicles, especially the name to be used at the border crossing.

- the date of likely arrival in Spain and the probable border crossing

- the fullest information possible on the investigation so far in the requesting country.

- If Spain is the final destination, it is important that information be supplied regarding the persons involved and the exact final destination.

- Prior authorisation from the countries through which the 'transportation under surveillance' will pass.

- Precise information on additional facts which may emerge during the operation.

OTHER CONSIDERATIONS

- Heretofore, there has not actually been a case where drugs were substituted. Should this need arise, the decision to proceed rests with the Public Prosecutor.

- Agents of the police of the requesting country may cross the Spanish border. However it is to be understood that they will refrain from any intervention whatsoever and will carefully comply with instructions issued by those acting for the Spanish police.

- Regarding the question of whether a 'controlled delivery' can be carried out by a trusted third party or an undercover agent from the police, there is no easy answer since there is no law which specifically governs the said deliveries and each case must be examined individually by the Public Prosecutor. If arrests are made in Spain, in the context of a controlled delivery, the involvement of these persons must be made known to the judicial authorities. This involvement is thus 'divulged'.

-
- Technical assistance from other countries is allowed.

- The time necessary to gain authorisation for such an operation is 24 hours on working days and 48 hours on weekends or public holidays.

- In the case of consignments of small quantities of drugs by persons not involved in organised groups, the request may be rejected on the basis of the principle of proportionality.

COMPETENT AUTHORITIES

The authority competent to grant authorisation

- the Prosecutor with special responsibility for the prevention and fight against illegal drug trafficking.

- the chief of the regional divisions of the Judicial Police and those under his authority.

- the examining magistrate.

To whom the request should be addressed

In general 'controlled deliveries' are negotiated between police forces. All requests should be addressed to the Unidad Central de Estupefacientes (Central Narcotics Unit), who will in turn forward these to the special prosecutor. (See Matrix page 33 for details)

In emergency, Interpol channels may be used, or a fax may be sent directly to the Central Narcotics Unit.
FRANCE

GENERAL REMARKS

The technique of "supervised delivery" may be used under Article L. 706-32 of the Criminal Procedure Code or of Article 67a of the Customs Code (Act 91-1264 dated Dec 19th 1991).

These provisions are applicable to products which are classified as narcotic drugs, or from products arising from crimes committed as specified in Articles 222.34 to 222.38 of the Criminal Code, (including chemical precursors and anything that can be used to manufacture same).

The distinction which exists in French law between "monitored deliveries" properly speaking and "controlled deliveries" is explained below (c.f. under "competent authorities").

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS

- In the case of transport on French territory, substitute products which look like drugs may be used.

- Police officers or customs officials from other (requesting) countries may cross the French border in order to follow a "monitored delivery" if they have first received authorisation from the competent judicial authority forwarded by the central Office for Illegal Drug Trafficking (O.C.R.T.I.S.) or the National Office for Customs Information and Investigation (D.N.R.E.D.) and provided that they are accompanied by a French official.
French legislation allows for the possibility of infiltration of traffickers' networks by police and customs officers, under the strict control of the Magistrate. This possibility, which is dependent on the production of documents a priori justifying the preventative action, is faced with two problems, particularly relating to co-operation with foreign services:

* the impossibility of extending the documents to an informer who would "help" the police in its work and who would physically participate in the conveying of the material on French territory.
* it would be absolutely impossible to accept any monitored delivery for which foreign policemen who had infiltrated the network requested permission to cross national territory.

These persons would not be covered by the supporting documents and would come under the provision of French law which forbids the transportation and importation of narcotic products.

- French laws permit technical assistance from other countries to be accepted.

- The preparation time required by the various intervention agencies can vary, in practice, from a few hours to 48 hours, depending on circumstances and on distance.

It should be noted that French legislation relating to "controlled deliveries" (see below) does not impose a time limit on the judicial authorities for examining the request for the authorisation nor for granting it.

COMPETENT AUTHORITIES:

Authorities competent to grant authorisation

In French law, a distinction may be made between

- those operations which are commonly called "monitored deliveries" in which the officer confines himself in a purely passive way to supervising the transportation of narcotic products; they are the subject of a preliminary briefing by the competent court.
"infiltration" operations also called "controlled deliveries" under whose terms authorised officers can, within certain limits, acquire, hold, transport or deliver narcotic products or may put at the disposal of persons engaged in these offences legal means of transportation, storing, preservation or communication.

Such operations must have **prior authorisation from a Court or an examining Magistrate.**

All controlled delivery operations are notified to the competent judicial authority (Magistrate of the tribunal within whose area of responsibility the authorisation is initiated) through:

- either the Central Office for the Prevention of Illicit Drug Trafficking (O.C.R.T.I.S.) in the case of police initiatives.

- or the National Office for Customs Information and Investigation (D.N.R.E.D.) for customs initiatives.

- the different Authorities shall ensure that all the services concerned are informed (O.C.R.I.E.S.T., Central Office for Immigration control and the fight against employment of illegal - D.I.C.C.I.L.E.C., O.C.R.G.D.F., D.N.R.E.D., Gendarmerie Nationale)

**Where to address requests**

Foreign authorities may send their requests to one of the **services set out in the matrix Page 34.** From the legal point of view, controlled deliveries may be undertaken by officers of the police force of the O.C.R.T.I.S. or by authorised customs officials (mainly officers from the D.N.R.E.D.) In addition to the channels mentioned in the matrix, other ones may be used such as Interpol, the drugs liaisons officers and customs attachés.
IRELAND

GENERAL REMARKS

There is no specific legal basis for Controlled Delivery procedures. They are permitted however, as a standard police and customs technique covering all goods.

Mandatory prosecution is not a precondition for controlled deliveries.

OTHER CONSIDERATIONS

- There are no set criteria for refusing a controlled delivery operation - it depends on the circumstances of each case.

- Unarmed foreign law enforcement undercover personnel may accompany a delivery, but only with prior authorisation from Irish National Police (An Garda Siochana). Such agents may only act in an observational role.

- Irish law enforcement agencies do not operate controlled deliveries under written guidelines.

- Total substitution and partial substitution of goods is possible for goods originating in Ireland and for those transiting Ireland (subject to it being acceptable to the destination state). Partial substitution is also allowed for goods destined for Ireland (total substitution is not allowed in such cases). The criteria used prior to accepting the substitution of drugs is examined on a case by case basis.

- Special techniques used by Irish Law Enforcement Agencies include tracking devices and night vision equipment. The Naval Service and Air Corps can be called to assist in surveillance at sea.

- Continued surveillance for controlled deliveries can be guaranteed.
The need for technical assistance from other Member States is examined on a case by case basis.

COMPETENT AUTHORITIES

Decisions on whether applications for Controlled Deliveries can be proceeded with are taken jointly by Police and Customs.

The channel for communications prior to and during a controlled delivery may be made through Interpol, Europol, Police, Customs.

Official requests for rogatory letters may be made through the Ministry of Foreign Affairs.

There is no expected delay for clearance of a Controlled Delivery request.

Where a request should be sent: See matrix, page 34 for detailed information
ÍSLANDS / ICELAND

As mentioned in the general introduction of this manual, controlled deliveries are not carried out in Iceland. This country has not yet ratified the United Nations Convention of 1988 but it is expected that the Parliament will amend the Penal Code and other relevant legislation so that the convention may be ratified soon.
ITALIA / ITALY

GENERAL REMARKS

- In principle, controlled deliveries are allowed.

- They are regulated by art. 25 par 1 of Law N° 162 dated June 26, 1990, at present art 98 of the Drugs Consolidation Act N° 309/1990

- Controlled deliveries used in drug law enforcement can be also carried out in the course of investigations into money laundering as well as arms, explosives and ammunitions trafficking.

SPECIFIC CONDITIONS

- Controlled deliveries are authorised by the competent authorities upon request of the country of destination to the "Direzione centrale per i Servizi Antidroga - Servizio III", (Central Directorate for Antidrug Services). The application can be submitted via Interpol or the World Customs Organisation in Brussels, or in the context of bilateral co-operation.

- The aforementioned application should contain the following data:
  
  * the type of drugs
  * where they came from and their destination
  * nature of concealment and method of transport
  * presumed place and date of arrival in Italy
  * alleged date and place of exportation abroad
warrant given to police or customs officers accompanying the consignment, so that they can be assisted by the Italian police or customs.

* in certain cases, other relevant information.

The Central Office of Anti-Drug Agencies is competent at the national level. This office receives requests for controlled deliveries and informs the relevant foreign police authorities. This procedure is valid both in the case of controlled deliveries crossing Italian territory and destined for other countries (transit) and of controlled deliveries beginning or ending in Italy.

The judicial authority may postpone the issuing or the execution of a warrant for arrest, or a warrant of producing or a seizure order, if such a postponement will contribute to the assembling of evidence or to the identification or arrest of persons guilty of offences under Articles 73 and 74a (manufacture and trafficking of drugs).

Police and customs officers responsible for the fight against drugs may, for the same reason, decide not to proceed with administrative procedures or to delay them, provided that they immediately inform, even by telephone, the Judicial Authority and the Central Authority for Anti-Drug Services, in order to ensure the co-ordination necessary at the international level.

The Judicial Authority issue instructions to the police in order to interrupt wrongful acts and communicate the decisions taken by the Judicial Authority of the area in which the destination of the "monitored transit" is situated, or of the place where the drugs are going to be brought into, or exported from Italy.
OTHER CONSIDERATIONS

- Some of the drugs may be replaced by substitutes. However, in order to avoid having to introduce complicated requests for judicial assistance at the international level and to hasten criminal proceedings, it is suggested that over-large quantities should not be substituted to avoid compromising the administration of evidence. The judicial authorities concerned should come to a prior agreement in order to ensure efficiency.

- The police and customs officers from the requesting countries may cross the Italian borders in order to monitor the controlled delivery provided that:

  * this circumstance is notified in advance according to prior agreement between the competent authorities

  * the police and customs officers from the requesting countries are accompanied by Italian police officers, and they do not carry out police duties.

- Italian law permits Italian police and customs officers to "infiltrate" trafficking networks under the strict control of the Public Prosecutor. This exceptional opportunity is given only to Italian police officers operating under the control of the Judicial Authority as well as to customs officers operating within their jurisdiction.

- Transporting drugs by private individuals is forbidden even if they are operating under the direct control of police forces. Any private individual engaging in this type of transportation is liable for criminal charges.
Technical assistance is provided for and permitted by Italian laws in force.

Except in cases of extreme urgency, requests relating to monitored deliveries should be made at least 48 hours in advance.

COMPETENT AUTHORITIES

The responsible authority in the requesting country should address the request to the Central Directorate for Anti-Drug agencies (Direzione Centrale per i Servizi Antidroga).

For detailed information, see matrix, page 35.

- It is recommended that all requests should always be sent both by telex, telefax and by phone.

- In urgent cases, requests may be sent through Interpol channels or via Customs authorities.
GENERAL REMARKS

- There is no legal definition of the technique of monitored delivery.
- There is no official document outlining the means of carrying out monitored delivery.
- This technique may be used, however, when the opportunity arises, and is based on the already existing practice of co-operation between police and the legal authorities.
- Any type of product (narcotics, psychotropic substances, etc.) might be made the subject of monitored delivery.

SPECIFIC CONDITIONS

- Given that the technique in question requires careful preparation and quite a large staff and support, it must only be used in the most important cases or for serious international incidents in the area of drug trafficking.
- The gathering of evidence according to traditional methods of legal investigation must be impossible.
- Only the competent department of public prosecution is entitled to authorise the use of the technique in question in cases involving importation and exportation alike.
- The request must include
  - Concrete details of the place where delivery is to occur, as well as the date and time.
- A careful description of the case.

- A description of the packaging of the substances.

- A description of the persons involved.

- The exact mission requested by the applicant country.

- The personnel to whom the applicant country has recourse (include contact address).

OTHER CONSIDERATIONS

- The replacement of all of the substances could compromise the establishment of proof. That being the case, if the haul is to occur in Luxembourg a certain quantity of the substance, no matter how small, should be left. The quantity has no effect on the punishment imposed. On principle, the Luxembourg authorities will not proceed to substitution unless requested to do so by the country to which the drugs were going or across which they were travelling.

- The personnel of the applicant country can be authorised to participate in the surveillance of the delivery in Luxembourg under the supervision of the competent personnel in the latter country. In the same way, the carrying of weapons may be authorised.

- If control of the substances is at risk of being lost in within the territory of Luxembourg, a seizure will be carried out. Technical assistance from other countries is not governed by a set of specific directives. The department of public prosecution examines each case individually.
Authorisation is granted in the space of a few minutes. Intervention units are made available according to the actual operational plan of these units. The manner of intervention varies according to the case in question.

COMPETENT AUTHORITIES

Authorities responsible for authorisation

- The department of public prosecution. (See matrix, page 35, for detailed information)

- In Luxembourg, there are two of these

  • Le Parquet du Tribunal d'Arrondissement de Luxembourg (The public prosecutor for the Luxembourg area), which covers the south of the country.

  • Le Parquet du Tribunal d'Arrondissement de Diekirch (The public prosecutor for the Diekirch area), which covers the north of the country.

Requests to be addressed to the Gendarmerie Grand-Ducale (See Matrix, Page 34 for detailed information)

- Requests may also be sent through the OIPC-INTERPOL network.

- In case of an emergency, the process may be instigated by an oral request which must later be confirmed in writing.
GENERAL REMARKS

- Monitored delivery and monitored transit can, in principle, be carried out under the expediency principle.

- This technique is not governed by any legal measures.

- Two basic principles are relevant:

  - The Principle of Proportion
    The means engaged must be in proportion to the object under surveillance, identification, gathering of evidence, prosecution of the instigating party, the organisers of the traffic and its sponsors, and the seizure of illegal merchandise.

  - The Principle of Reserve
    It would be impossible to achieve the end by other means.

- Should a monitored transit operation lead to the arrest of a Dutch national abroad, the Dutch authorities will request the extradition of the person concerned.

- In theory, all types of illegal merchandise and merchandise which could contribute to a crime, even if the merchandise is in itself legal and its transport does not constitute a crime - chemical products used in the drugs-making process, for example - can be subject to monitored transit.
SPECIFIC CONDITIONS

The instigation of monitored transit should be limited to cases in which concrete indicators allow us to presume that action in the categories of organised, professional or serious crime has been or will be committed and where, for well determined reasons, the enquiry can not be carried out with the help of other means, or where recourse to other means would be ill-advised or would assume an irresponsible character.

Thus, it is impossible to deliver a general authorisation to proceed with monitored transit, each case being necessarily the object of individual investigation.

Conditions to fulfil

- The approbation of the competent authorities.

- Precise indications must exist which allow us to presume that the monitored transit will lead to identification and the establishment of proof as well as prosecution of the instigating party, the organisers and the sponsors.

- It is advisable to be aware of the destination of the goods and the persons for whom they are intended.

- The operation should be carried out according to a detailed plan which is sufficiently flexible to be adapted as new elements come into play. It is important to constantly re-evaluate the risk of losing the merchandise in terms of the expected outcome of the operation.

- The consignment should be kept under surveillance until it reaches its final destination, it being understood that, in case of uncontrollable danger, the operation must be terminated.
The operational units should be prepared to organise the most effective exchange of information possible and to establish optimum co-operation before, during and after the monitored transit operation.

Requests for monitored deliveries for which an informant or undercover agent is required must be passed on. A preliminary examination is conducted by the Central Testing Commission. Should such a case arise, complementary information necessary to an evaluation of the request must be furnished to the competent authority. In order to avoid supplementary questions as far as possible, it is desirable to deal with monitored deliveries in accordance with the handbook on the improvement of international legal assistance in the area of the penal code regarding drug-trafficking in signatory states to the Convention on the Application of the Schengen Agreement.

OTHER CONSIDERATIONS

- It is possible to replace narcotics with substances having similar characteristics as long as the substitution does not compromise the integral nature of the merchandise.

- In theory, a team of Dutch observers will take over the surveillance mission at the border. Exceptionally, and only with the agreement of the competent authority which decides whether it is indispensable, a foreign unit may continue the operation under the direction of a competent Dutch authority, and it will be in all cases accompanied by a member of the Dutch observation unit.

- The operation may also be led by an under-cover police agent. The use of a civil undercover agent, however, should be limited to, for example, the cases where they may not be replaced by members of the police force.
- Other conditions required

- The undercover agent may not have been the subject of undue pressure to participate in the operation.

- The public servant directing the operation is responsible for the actions of the undercover agent. The arrangement reached by the police and the Department of Public Prosecution must be written and signed by both parties.

- Police agents who have received special training in this type of operation will be most likely to be selected.

- The security measures surrounding the monitored transit must reduce to within acceptable limits the psychological and physical risks to which the undercover agent will be exposed.

- Technical assistance by other countries is possible.

- The necessary delay incurred in obtaining authorisation for an operation of this kind is generally less than one hour.

**COMPETENT AUTHORITIES**

Authorities responsible for authorisation

The request must be made to the national State Prosecutor via the National Agency for Cross-border Observation (Landelijke Coordinatie Grensoverschrijdende Observatie).

See the Matrix, page 36, for detailed information.
NORGE / NORWAY

GENERAL REMARKS

In Norway, the investigative method known as controlled (or monitored) delivery is conducted in accordance with the following definition: "A consignment of drugs that is found and subject to seizure, is permitted to be conveyed to the recipient in such a way that the Police can uncover the links and obtain evidence against the person or persons who have violated the legislation on drugs".

Norway has no specific legislation that covers CD as an investigative method, but has gradually developed practices that are deemed suitable based on actual cases as well as tests. The Director General of Public Prosecution has issued guidelines, which the Police is obliged to follow. It should be noted that the essence of these regulations is to make certain that the Police do not instigate the crime.

SPECIFIC CONDITIONS

The request must contain a minimum amount of information in order to provide an adequate basis for assessment:

- Information on the suspects should be as thorough as possible at the time in question. In general information should be provided on at least one of the suspects, stating name, date and place of birth, residence and nationality.
- The case should be described briefly. An account should be furnished on the main points which substantiate the suspicion plus, if possible:
  - An indication of the route which the drugs are expected to follow
  - Information on the type of substance and presumed quality.
- The requesting authority should explain precisely what kind of assistance is needed, based on the known information.
- The person or persons in charge of the investigation must be identified by name, rank, place of work and phone number. These officers must be accessible by phone throughout the operation.
• The person identified in the application as being in charge of the investigation should give immediate notification if the operation is called off or if the factual circumstances of the operation are significantly altered.

• The Police authority which is competent to submit the application for assistance on CD whilst lodging the application must simultaneously notify the central Customs authorities in its own country. The same applies to the competent authority who receive a foreign application for assistance on CD.

OTHER CONSIDERATIONS

Organisation/Communication: The implementation of a CD is, as a consequence of security matters, connected with the need for considerable personnel and equipment resources.

It is assumed that a CD can be monitored by Police/Customs authorities in transit countries, if convenient, in co-operation with Police authorities in the country of final destination. As a presupposition the transport must be reported to a control committee (styringsorgan) in the receiving country. It must be possible to report any significant changes during the transportation period to the control committee. Surveillance and decision making must be the responsibility of the control committee.

Before a CD is initiated, ways of communication both to and between the control committee and observation units must be determined. If the CD is to take place outside the Nordic countries, a decision on a common working language must be made in advance.

If an incident occurs during a CD resulting in the risk that the Police may lose control of the consignment, or if the identity of the officers involved are disclosed, the CD must be terminated.

Norway may allow the law enforcement agencies of other countries to take part in a controlled delivery on the condition that they will be under the authority of Norwegian authorities. Foreign officers will have to operate unarmed in Norway.

The use of undercover agents in controlled deliveries is authorised, including foreign undercover agents.
The drugs may be replaced by harmless substances (partial or total substitution).

**Debriefing report**: After the Police have given assistance for a CD a debriefing report is expected from the authority which asked for assistance. This report should cover the progress of the case, in particular:

- If the case gave grounds for indictment, and whether a conviction was given, including the sentence imposed.
- If drugs were seized, and if so the type and quantity.

The report should also indicate whether the assistance was performed satisfactorily, and give notification of operational procedures that should be changed in future operations.

**COMPETENT AUTHORITIES**

In cases where the Police (in Norway) believes controlled deliveries should be used, the issue must be presented to the local Chief of Police (politimester) for a decision. If a decision is made to use CD, the question must be submitted to the District Public Prosecutor (Statsadvokat) for approval. The approval of the Director General of Public Prosecution (Riksadvokaten) should also be sought if the nature, scope or complexity of the case warrants it. The DGPP can delegate the authority of the Chief of Police to make a decision to the relevant senior officer at local level.

A request for assistance on CD must be submitted by the head of the foreign Police or prosecuting authority responsible for the case and its further prosecution. Requests presented by Police officers of lower rank without the endorsement of the competent person will normally not be considered.

The request should preferably be made in writing and forwarded through Interpol. In urgent cases, the request can be made by telephone. In such cases the requesting authority is, without undue delay, expected to send a subsequent written confirmation which meets the criteria of a request. (For detailed information see matrix Page 36)
ÖSTERREICH / AUSTRIA

GENERAL REMARKS

Austrian legislation contains no specific legal basis for monitored delivery. In accordance with jurisprudence in matters pertaining to the penal code of the Austrian Supreme Court, no legal argument invoking recourse to an "agent provocateur" opposes the execution of a monitored delivery of drugs.

SPECIFIC CONDITIONS

a) Monitored Transit

Authorisation with a view to the participation of Austrian services in a monitored delivery of drugs coming from or going abroad and passing through Austrian territory (monitored transit) is granted provided the following conditions are fulfilled

- all the transit countries and the receiving country have given their consent;

- all the transit countries and the receiving country have undertaken to assure permanent surveillance of the transit;

- assurance has been given that the drugs will be seized and that the instigating party and other persons involved will be subject to prosecution;

- assurance has been given that police units will intervene should the transit risk being lost.
b) Monitored Exportation

Competent authorities may only authorise monitored delivery to other countries from Austria (monitored exportation) if they have the assurance that the drugs will be seized and the instigating party prosecuted.

c) Monitored Importation

A monitored delivery coming to Austria from abroad (monitored importation) may be authorised. In the eyes of the Austrian legal system, this operation only constitutes a deferment of police intervention (from the moment of arrival in the country to a later moment).

OTHER CONSIDERATIONS

The participation of agents from outside the field of transport surveillance is possible with the authorisation of the competent authority. Outside agents are not authorised to carry out police duties, and may only act in the capacity of observers and accompanied by Austrian officers. They may not carry weapons.

If an informer or undercover agent participates in the operation, assurance must be given that this person has not incited the culpable party to commit the punishable act.

The possibility of technical assistance provided by other countries must be examined separately for each individual case.

The prior notice required for in the preparation of such an operation is understood to be between a few hours and forty-eight hours (weekends and holidays), depending on the case.
COMPETENT AUTHORITIES (and requests to be addressed to)

See Matrix Page 37 for details

In the case of monitored transit and in the case of monitored exportation:

Bundesministerium für Inneres, Abteilung 11/8
Zentralstelle für die Bekämpfung der Suchgiftkriminalität
(Federal Ministry of the Interior, Dept. 11/8
Central office for the fight against drug-related offences)

The central office for drug-related offences may also be contacted directly through INTERPOL.

When possible, a written request must be drawn up beforehand (fax message X-400). In the case of an emergency, the process may be set in motion subsequent to a verbal request provided that it is confirmed in writing later.

The central office undertakes to obtain the necessary agreement of the Austrian customs authority.
PORTUGAL

GENERAL REMARKS

- It is possible to carry out monitored transit.

- Provision is made for monitored transit in common law, notably in the clauses of article 61 of Statutory Order No. 15/93 of January 22, 1993 (legislation concerning narcotics).

- The legal notion of monitored transit refers only to the transportation of narcotics and psychotropic substances.

SPECIFIC CONDITIONS

- Article 61 of Statutory Order No. 15/93 describes in detail the conditions which must be fulfilled to obtain authorisation to organise a monitored transit.

- The operation can only be authorised, at the request of the country of destination, if to the best of one's knowledge the following conditions are met:

  - Detailed information of the intended route and adequate identification of the traffickers can be provided.

  - The competent authorities of the country of destination and transit must guarantee against the leaking or misappropriation of the drugs.

  - The competent authorities of the countries of destination and transit undertake to communicate immediately detailed information on the results of the operation and the actions of those persons involved in criminal behaviour, particularly those acting on Portuguese soil.
However, despite authorisation being granted for the monitored delivery, the police is entitled to intervene in the following situations:

- A noticeable decrease in the safety margin.
- An unexpected change in the itinerary.
- Any other circumstance likely to compromise the seizure of the drugs or the arrest of implicated persons.

OTHER CONSIDERATIONS

- If the country of destination has given its agreement, the substances being transported can be substituted in part with other inoffensive substances.

- Police from other countries can only cross the border of the country with the authorisation of the Ministry of Justice (article 135, no. 1 and 3b of Statutory Order 43 of 22 January 1991).

- To enable a trusted third party or undercover agent to carry out a monitored delivery the same conditions provided for in article 61 of Statutory Order No. 15/93 must be met.

- Technical assistance from other countries is possible if it appears indispensable to the success of the operation.

- The time necessary for the approval of a monitored delivery will depend on the region where the operation is to take place. The waiting period will be longer if the operation takes place outside Lisbon.

- It must be noted that to date monitored transit operations have been fruitful and have been able to take place without delay, only when the applicant country has, from the beginning, presented the request in a form which meets the demands of Portuguese legislation.
COMPETENT AUTHORITIES

Authorities responsible for authorisation

The authority competent for authorising monitored deliveries is the Department of Public Prosecution of the legal district of Lisbon - article 61, paragraph 8 of Statutory Order no. 15/93 of January 22.

Requests to be addressed to:

All international contacts are carried out, via the judicial police, by the national INTERPOL office (§ 6 of the above mentioned statutory order). All other authorities subject to a request for monitored delivery, notably the Direccao General das Alfandegas (Directorate General of Customs), should immediately transfer the request to the judicial police in order that it might be carried out.

In case of emergency, the request should be addressed to the judicial police - Direccao Central de Investigacao do Trafico de Estupefacientes (Central Directorate for Investigation of Drug-trafficking).

(See Matrix Page 37 for details)
SUOMI / FINLAND

GENERAL REMARKS

The tactical procedure of "controlled delivery" is used to expose manufacturers and recipients of illegal narcotic drugs transported by international transport systems. In Finland there is an emphasis on close cooperation between Police, Customs and the Frontier Guard.

There is a written agreement in place on co-operative action on controlled deliveries between all three law enforcement agencies.

There is no (domestic) legislative basis for the procedure and a guarantee of prosecution at the end of a controlled delivery is not a precondition for participation.

SPECIFIC CONDITIONS

The United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances came into force in Finland on 1 June 1994. Article 11 of the Convention obliges parties, if permitted by their domestic legal systems, to take necessary measures to enable controlled delivery of narcotic drugs at international level. According to Finnish legislators controlled delivery at international level is based on the right of the supervisory authority to consider what is an appropriate time to seize narcotic drugs in order to uncover an offence. There are bilateral customs cooperation agreements with the Russian Federation and the Baltic States which allow controlled deliveries.

OTHER CONSIDERATIONS

• Foreign (unarmed) personnel may accompany a delivery but undercover agents may only be used if the competent authorities allow it.
• Continued surveillance of a delivery can be guaranteed within Finland.
• Total substitution for drugs in a delivery may be allowed - this is decided on a case by case basis.
• Controlled deliveries are not confined to drug shipments - they can be used for all illicit goods.
• Participation of foreign law enforcement officers as observers is possible with the authorisation of competent authorities.

A request for a controlled delivery may be refused in the following circumstances:

- if the request is not sufficiently detailed
- the request is contrary to Finnish law
- if there are no available resource in Finland to supervise the controlled delivery.

COMPETENT AUTHORITIES

In each case of a request for a controlled delivery the request may be made to either the Police, Customs or Frontier Guard.
The channel for communications prior to or during a controlled delivery may be through Interpol, Police, Customs, Frontier Guard, DLO or Europol.

Official requests for rogatory letters may be made through Interpol and the Judicial Authorities.

There is no expected delay for clearance of a Controlled Delivery request.

Where a request should be sent: See Matrix Page 38 for detailed information
GENERAL

Controlled Deliveries for all goods are permitted as a standard Police and Customs technique. There is no legislative basis for controlled deliveries but there is a manual for the handling of cases in which controlled deliveries may be considered.

SPECIFIC CONDITIONS

A guarantee of seizure of the object of the controlled delivery and prosecution of suspected persons at the end of the operation is a precondition for controlled deliveries originating, transiting or destined for Sweden. Since investigation and prosecution are mandatory, a preliminary investigation will always be conducted in Sweden concerning a controlled delivery, whether the delivery is originating, transiting or destined for Sweden.

OTHER CONSIDERATIONS

- Foreign personnel are not permitted to take any action in relation to a Controlled Delivery.

- Use of undercover agents is only possible when using a Swedish Police or Customs Officer as an undercover agent.

- Continued surveillance can be guaranteed for Controlled Deliveries.

- Total substitution is allowed for drugs. This can sometimes result in difficulties in proving a crime where a consignee defends himself by claiming an absence of knowledge of illicit goods being involved.

A request for a controlled delivery may be refused in the following circumstances:

- if the benefit is judged not to be proportional to the effort and/or results,
- if the intended measure may turn out to be against Swedish law in that a situation may develop which provokes a crime,
- if the act is not punishable in all countries involved,
- if security cannot be guaranteed.
- Applications for Controlled Deliveries are decided jointly by Police, Customs and Prosecutors (if any one of these is not in favour then the Controlled Delivery is not proceeded with).

**COMPETENT AUTHORITIES**

The channel for communications prior to or during a controlled delivery may be through Interpol, DLO, Europol, Customs.

Official requests for rogatory letters may be made through Interpol, DLO, Europol, Customs.

Where a request should be sent: (See matrix, page 39 for detailed information)
UNITED KINGDOM

GENERAL REMARKS
As controlled deliveries are treated as a facet of criminal investigation, there are no specific guidelines in place. There is no legislative basis for the procedure. It is not a precondition that offenders be prosecuted; although the UK authorities expect that offenders will be brought to justice, there may be valid reasons why this cannot be done.

Substitution of drugs in consignments is allowed in whole or in part. The substitution process must be carried out in such a manner as will satisfy the evidential requirements of the UK Courts.

OTHER CONSIDERATIONS
- Controlled deliveries take place also in respect of precursor and essential chemicals.
- The recipient country is expected to give a substantial operational/surveillance commitment (particularly in the case of chemicals)
- There are written guidelines for internal UK police/customs controlled deliveries - but these only reflect the split of responsibilities between police and customs. They do not give guidance on how the CD should be carried out.
- Officials from other Member States are allowed to assist in Controlled Deliveries acting under the powers of the particular UK enforcement agency. They are subject to the same restrictions as employees of those agencies.
- undercover work and participation in crime are permitted within limits prescribed for UK agencies.
A request for a Controlled Delivery may be refused in the following circumstances:

- lack of specific agreement from exporting and importing authorities
- potential problems with chain of evidence for presentation in Court
- assessment of risk that delivery may go out of control
- potential of breach of established criminal investigation practice and procedures set by legal precedent

COMPETENT AUTHORITIES

Requests for a controlled delivery should be to NCIS* who will make the necessary arrangements. HM customs provide another channel for communication, as do Interpol or Europol. Both the UK NCB of Interpol and the UK Europol Office are located at NCIS. United Kingdom Drugs Liaison Officers (DLOs) can also provide advice and assistance.

Official requests for rogatory letters may be made through Interpol or Customs.

Where a request should be sent: (See matrix, page 39 for detailed information)

* Although NCIS is the principal point of contact in cases involving the UK police, Chief Constables of the individual police forces are ultimately responsible for operational matters in their force areas.
Part E

Summary of Matrix for
the Central Eastern European Countries
and Baltic States
SUMMARY OF CENTRAL EASTERN COUNTRIES AND BALTIC STATES POSITION REGARDING CONTROLLED DELIVERIES

Table I - Legal Basis, Guarantees, and Information sought

Table II - Foreign Law Enforcement Officers and Techniques

Table III - Substitution

Table IV - Authorities and Channels for Communication

Table V - Contact Points
<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgarija / Bulgaria</td>
<td>Art 5 § 4 of the Constitution of Republic of Bulgaria - Art 16 of CSCOC act</td>
<td>Yes</td>
<td>Report of information to be provided after completion of the operation.</td>
</tr>
<tr>
<td>Ceska Republika / Czech Republic</td>
<td>Act No 283/94, Art. 34 on Czech Republic Police.</td>
<td>Yes</td>
<td>All the transit countries must agree to the operation. A full report will be prepared on the outcome of the operation as soon as it has been accomplished.</td>
</tr>
<tr>
<td>Latvia</td>
<td>Customs Code, §30. Law on operative activities, § 15.</td>
<td>?</td>
<td>Request in writing within 24 hours. Consent to the operation of the countries involved in it. Information concerning the intended measures on Latvian territory</td>
</tr>
<tr>
<td>Magyarorszag / Hungary</td>
<td>Police Act No XXXIV of 1994 and Police Regulations</td>
<td>Yes</td>
<td>Competent heads of law enforcement agencies of the countries of the expected route agree to co-operate in the operation planned. The one of final destination country previously agreed and made sure that the shipment would be under continuous surveillance and in case of necessary interception the shipment would be seized, the perpetrator(s) prosecuted.</td>
</tr>
</tbody>
</table>
## Table I (Legal Basis, Guarantees, Information Sought)- Page 2 -

<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative or Other Basis</th>
<th>Prosecution Mandatory</th>
<th>Details to accompany request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>No legislative basis</td>
<td>Yes</td>
<td>Information on the results of the operation once it has been completed</td>
</tr>
<tr>
<td>Slovenija / Slovenia</td>
<td>Penal Procedure Act</td>
<td>Yes</td>
<td>Confirmation from the initiating country that all other transit countries have agreed with the operation and that they will follow that specific delivery.</td>
</tr>
<tr>
<td>Slovensko / Slovakia</td>
<td>Code of Criminal Procedure, Title 7 Controlled Delivery Section 88a</td>
<td>Yes</td>
<td>Agreement of the other countries involved in the case</td>
</tr>
</tbody>
</table>

1Details to accompany a request for a Controlled Delivery are in addition to the following:

1. Reason for the Operation
2. Factual Information justifying operation
3. Type and Quantity of Drugs
4. Anticipated means of transport and itinerary
5. Expected point of entry into and exit from the requested state
6. Identity of each suspect - (Name, date of birth, domicile, nationality, description)
7. Indicate who authorised the operation
8. Indicate the Chief Investigator in charge of the operation and means of contact
9. Details of police, customs or other Law Enforcement Officers supporting the operation
10. Details of any special techniques proposed
<table>
<thead>
<tr>
<th>Country</th>
<th>Role of Foreign Law Enforcement Officers accompanying deliveries</th>
<th>Can Foreign Personnel carry arms?</th>
<th>Is use of Undercover Agents allowed?</th>
<th>Special Techniques available</th>
<th>Technical Assistance from other countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balgarija / Bulgaria</td>
<td>Possible limited involvement.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Appreciated</td>
</tr>
<tr>
<td>Ceska Republika / Czech Republic</td>
<td>They may take part in the operation and function as a liaison and co-ordinating officer. They must give up their own law enforcement powers during their stay in the C.R. and act under authority of the C.R. Police.</td>
<td>No</td>
<td>Yes, but no foreign agents</td>
<td>Yes</td>
<td>To be agreed upon a case by case basis with respect to the type of technical means proposed for use.</td>
</tr>
<tr>
<td>Eesti / Estonia</td>
<td>No participation</td>
<td>No</td>
<td>No</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Latvia</td>
<td>Admitted as observers</td>
<td>No</td>
<td>Yes, but no foreign agents</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Lietuva / Lithuania</td>
<td>Not allowed to act</td>
<td>No</td>
<td>Yes, but no foreign agents</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Magyarorszag / Hungary</td>
<td>They can carry their tasks in cooperation, led and accompanied by Hungarian Police officers.</td>
<td>No</td>
<td>Yes 2</td>
<td>Yes</td>
<td>Possible. Standard practice in Hungarian international CD</td>
</tr>
<tr>
<td>Polska / Poland</td>
<td>Not allowed to take any action in relation to controlled deliveries</td>
<td>No</td>
<td>Yes</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Country</td>
<td>Role of Foreign Law Enforcement Officers accompanying deliveries</td>
<td>Can Foreign Personnel carry arms?</td>
<td>Is use of Undercover Agents allowed?</td>
<td>Special Techniques available</td>
<td>Technical Assistance from other countries</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Romania</td>
<td>Authorised participation with and under authority of Romanian officers</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>To be discussed during the set up of the operation, and under supervision of the Romanian Drug Enforcement Department</td>
</tr>
<tr>
<td>Slovenija / Slovenia</td>
<td>After the request and with the authorisation granted, foreign L.E.A. are allowed to co-operate in a direct survey on a CD in Slovenia.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Technical means of foreign L.E.A. can be used upon consent of Slovenian authorities.</td>
</tr>
<tr>
<td>Slovensko / Slovakia</td>
<td>Possible assistance if they relinquish their own legal action temporarily and act under the authority of Slovakian law enforcement services</td>
<td>No</td>
<td>No foreign agents.</td>
<td>Yes</td>
<td>Possible, under the authority of Slovakian law enforcement agencies</td>
</tr>
</tbody>
</table>

1 Informers are allowed but not undercover agents
2 Except if the final destination of the shipment is Hungary and the undercover plays the role of courier.
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>TOTAL SUBSTITUTION</th>
<th>PARTIAL SUBSTITUTION</th>
<th>Other objects for Controlled Delivery, Weapons etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Origin in Country in Col. 1</td>
<td>In Transit</td>
<td>Destined for Country in Col. 1</td>
</tr>
<tr>
<td>Balkarija / Bulgaria</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Ceska Republika / Czech Republic</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Eesti / Estonia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lietuva / Lithuania</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Magyarorszag / Hungary3</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Polska / Poland</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Romania</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Slovenija / Slovenia</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Slovensko / Slovakia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3 According to the current Hungarian Legislation the subject of controlled delivery cannot be substituted (part or full) by harmless goods/materials. In case of substitution the perpetrator will be responsible for the exact amount of dangerous material seized.
<table>
<thead>
<tr>
<th>Country</th>
<th>Who decides</th>
<th>Channel for communication</th>
<th>Channel for Official Requests (Rogatory Letters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balgarija / Bulgaria</td>
<td>Prosecutor General or subordinate prosecutor</td>
<td>NCB, Central Customs Administ., Liaison Officers Network</td>
<td>IP</td>
</tr>
<tr>
<td>Ceska Republika / Czech Republic</td>
<td>Police</td>
<td>IP, Police, Customs</td>
<td>National Drug Unit (Police) Central Customs Administration Interpol Prague</td>
</tr>
<tr>
<td>Estonia / Estonia</td>
<td>Judicial-Police Authorities</td>
<td>Police</td>
<td>IP</td>
</tr>
<tr>
<td>Latvia</td>
<td>Judicial- Customs Authorities</td>
<td>IP, Police</td>
<td>IP</td>
</tr>
<tr>
<td>Lietuva / Lithuania</td>
<td>Judicial Authorities</td>
<td>IP</td>
<td>IP</td>
</tr>
<tr>
<td>Magyarorszag / Hungary</td>
<td>Hungarian Criminal Police</td>
<td>Police</td>
<td>IP, Police</td>
</tr>
<tr>
<td>Polska / Poland</td>
<td>Minister of Internal Affairs for Police and Border Guards, Chief of the State Security Office for this last.</td>
<td>IP, Liaison Officers’ network, Bilateral contacts</td>
<td>IP, Central Customs Administration Judicial Authorities, Liaison Officers’ network</td>
</tr>
<tr>
<td>Romania</td>
<td>Public Prosecutor</td>
<td>IP, Liaison Officers’ Network, Customs Central Administration</td>
<td>BCCOC, Drugs Department, IP, Central Customs Administration</td>
</tr>
<tr>
<td>Slovenija / Slovenia</td>
<td>Judicial authorities</td>
<td>IP</td>
<td>IP</td>
</tr>
<tr>
<td>Slovensko / Slovakia</td>
<td>Judicial authorities</td>
<td>IP, Police</td>
<td>IP, National Drug Service of the Criminal Police of Police Force Headquarters</td>
</tr>
</tbody>
</table>
### Table V (Contact Points)- Page 1 -

<table>
<thead>
<tr>
<th>Country</th>
<th>Notice C/D before</th>
<th>Contact Point</th>
<th>Contact Point</th>
<th>Other Interested parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balgarija / Bulgaria</td>
<td>5-10 days</td>
<td>Ministry of Interior, CSCOC, 127 A Cherny Vruh Bd, Sofia Tel: +359 2 988 52 88, 68-60-61 Fax: +359 2 988 59 02</td>
<td>Customs Drug Enforcement Tel: +359 2 980 32 51 +359 2 869 562 Fax: +359 2 980 32 51</td>
<td></td>
</tr>
<tr>
<td>Ceska Republika / Czech Republic</td>
<td>?</td>
<td>Czech Criminal Police Organised Crime Department National Drug Unit Tel: +420 2 614 365 10 or 32 (24 hours) Fax: +420 2 614 365 19 Head Secretariat: Tel: +420 2 614 365 31 Interpol Prague: Tel: +420 2 371 690 Fax: +420 2 379 497</td>
<td>Drug Department of The Central Customs Administration 8. Division: Combat Smuggling Division Mr. Marek: Tel :+420 2 613 338 21 Fax: +420 2 612 245 44 Operational Centre: Tel: +420 2 613 333 33 Fax: +420 2 613 338 00</td>
<td></td>
</tr>
<tr>
<td>Eesti / Estonia</td>
<td>No delay</td>
<td>Central Criminal Police Pagari EE 0100 Tallinn Tel: +372 612 48 25 Fax: +372 612 35 79</td>
<td></td>
<td>Security Police Board Resp.: Mr. Aivo Poldsam, Director of Department Toompuiestee 3 EE 0100 Tallinn Tel: +372 639 94 55 Fax: +372 639 90 60</td>
</tr>
</tbody>
</table>

---

4 In urgent cases Director General of the Police or Security Police are allowed to authorize a CD, notifying the judge next day. If he disapproves, the operation is immediately stopped.

2571-14r4EUMaximalControlledDeliveries.doc

18/06/98—CONFIDENTIAL FOR LAW ENFORCEMENT AGENCIES USE ONLY
<table>
<thead>
<tr>
<th>Country</th>
<th>Notice C/D before</th>
<th>Contact Point Police</th>
<th>Contact Point Customs</th>
<th>Other Interested parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>2 h</td>
<td>NCB Interpol Riga</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>89, Stabu str. LV-1009 Riga</td>
<td>Tel: +371 720 84 13 (24 H)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fax: +371 227 75 31</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mobiles:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chief NCB +371 934 20 93</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drug Bureau +371 922 48 19</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Police +371 707 54 30</td>
<td></td>
</tr>
<tr>
<td>Lietuva /Lithuania</td>
<td>3 days</td>
<td>NCB Interpol Vilnius</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Saltoniskiu 19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2034 Vilnius</td>
<td>Tel: +370 2 72 54 51</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>60</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fax: +370 2 72 54 61</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other Interested parties</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Magyarorszag/Hungary</td>
<td>48 H 1 week</td>
<td>For Drugs, psychotropic substances, precursors and chemicals: Chief of the Narcotics Division, Organised Crime Department, CRD, HNP Tel: +36 1 215 67 15 Fax: +36 1 332 1398 For other materials or goods: Chief of the Organised Crime Division, Organised Crime Department, CRD, HNP Tel/Fax: +36 1 215 3931</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Notice C/D before</td>
<td>Contact Point Police</td>
<td>Contact Point Customs</td>
<td>Other Interested parties</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Polska / Poland</td>
<td>24 h</td>
<td>National Police/ NCB Interpol</td>
<td></td>
<td>State Security Office&lt;br&gt;Division for Protection of Economics Interests of the State&lt;br&gt;Rakowiecka St. 2 b&lt;br&gt;02-517 Warsaw&lt;br&gt;Tel: +48 22 628 90 05 (24Hours -08.00-16.00 in English and German)&lt;br&gt;+48 090 274 766 (in English between 16.00-08.00)&lt;br&gt;Fax: +48 22 628 80 24&lt;br&gt;Central Narcotics Bureau of Police HQ (for narcotic cases)&lt;br&gt;Polish Police Headquarters&lt;br&gt;02-624 Warsaw&lt;br&gt;Tel: +48 22 601 28 83&lt;br&gt;Fax: +48 22 845 11 83</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Warsaw (24 hours)</td>
<td></td>
<td>Polish Border Guard Headquarters&lt;br&gt;Border Protection Division&lt;br&gt;Niepodleglosci Avenue 100&lt;br&gt;02-669 Warsaw&lt;br&gt;Tel: +48 22 602 94 13&lt;br&gt;(Duty officer)&lt;br&gt;Fax: +48 22 602 94 14</td>
</tr>
<tr>
<td>Romania</td>
<td>?</td>
<td>Ministry of Interior - Organised Crime and Corruption Brigade - B.C.C.O.C.-&lt;br&gt;Drugs Department&lt;br&gt;L. Czazzavillan St. Nº 11&lt;br&gt;Bucharest&lt;br&gt;Tel: +40 1 311 15 79&lt;br&gt;Fax: +40 1 311 15 79</td>
<td></td>
<td>2571-144EUManualControlledDeliveries.doc&lt;br&gt;18/06/98—CONFIDENTIAL FOR LAW ENFORCEMENT AGENCP'S USE ONLY</td>
</tr>
</tbody>
</table>
Table V (Contact Points)- Page 5-

<table>
<thead>
<tr>
<th>Country</th>
<th>Notice C/D before</th>
<th>Contact Point Police</th>
<th>Contact Point Customs</th>
<th>Other Interested parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slovenija / Slovenia</td>
<td>24 h</td>
<td>Ministry of the Interior Crime Investigation Directorate Organised Crime Section, Stefanova 2, 1000 LJUBLJANA Tel: +386 61 172 4209 Fax: +386 61 172 4206</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovensko / Slovakia</td>
<td>5-15 h</td>
<td>- Interpol Bratislava</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Police Force Headquarters, Criminal Police, Drug National Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tel: +421 7 525 81 47</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: +421 7 525 80 05</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Part F

Central Eastern European Countries and
Baltic States Profiles
GENERAL REMARKS

There are no specific provisions for controlled deliveries in the internal legislation of Bulgaria, but reference is made to Article 5, §4 of the Constitution of the Republic of Bulgaria, which states: "International Conventions, that have been ratified in compliance with this constitution, and that have been published and that have come into force for the Republic of Bulgaria, become a part of the internal legislation of the Republic of Bulgaria. They have precedence over internal laws and regulations that contradict them." The 1988 Vienna Convention has been ratified in 1992 by the Republic of Bulgaria.

Art. 16 of the Law for Combating Organised Crime is also referred to (Central Service for Combating Organised Crime – CSCOC- Act)

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS

On the aforementioned constitutional basis, controlled deliveries are regularly conducted in Bulgaria by the competent law enforcement agencies (service for combating organised crime and Customs authorities).

The required guarantees for a requested international controlled delivery to be accepted are the following:

• constant surveillance of the target
• an agreement from the foreign authorities to prosecute the perpetrators
• an agreement to seize the drugs and arrest the offenders
• an informative report of the operation after completion
• the request must specify the entry and exit points on Bulgarian territory, the identity of the criminals, the quantity and the type of drugs.
• contact point

Technical equipment can be used and foreign technical assistance is appreciated.
Two points should be emphasised: substitution of drugs by harmless substances is not practised when Bulgaria is the destination country for the drugs (evidence and prosecution requirements), and provisions for the use of the undercover agent still do not exist in Bulgarian regulations (but informers are allowed, and even recruited by a foreign agency on a case by case basis).

COMPETENT AUTHORITIES

The Prosecutor General or a subordinate prosecutor of his office can authorise a controlled delivery. The law governing the service for combating organised crime allows it to conduct controlled deliveries in co-operation with the customs authorities and under the auspices of prosecution authorities.

For detailed information see Matrix Page 104.
GENERAL REMARKS

Controlled deliveries can be carried out in the Czech Republic (C.R.), even though the term is not mentioned in the current Procedure Penal Code or in C.R. Police Act. According to current law the Police of the C.R. has to take action if a crime has been committed. Moreover all necessary measures must be taken to stop criminal activities and to arrest offenders. If there is reason to suspect that drugs and psychotropic substances are being illegally imported, exported or transported into or through the Czech Republic territory.

So the monitoring of suspicious deliveries or persons, which are described as “controlled” is carried out according to the routine procedures of the C.R. Police.

Under no circumstances controlled delivery operations can be made either now or in future if only a small part of the delivery has been distributed on the C.R. territory or the delivery was left without operational police monitoring. When monitoring deliveries, C.R. Police complete controlled deliveries on C.R. territory and carry out the routine procedure against offenders according to article 187 of the Penal Code.

The authorisation for monitoring a thing or a person is the internal responsibility of the Czech Police and no authorisation of other authorities is necessary. If an agreement to prosecute offenders on C.R. territory is mandatory, the authorisation is given by the International Relations Department of the Supreme Prosecutor’s Office.

The whole operation must be carried out in conformity with the law of the Czech Republic. That means that the respective sections of the Czech Police must take action if:

1/ the delivery on the Czech Republic territory is threatening to become uncontrollable;
2/ distribution of the delivery starts;
3/ it is not possible to ensure continued monitoring when delivery crosses Czech Republic borders.

In addition, the criminal activities of the offenders must reach a certain degree of severity (more transported drugs, organised crime, a group trafficking drugs at international level).

SPECIFIC CONDITIONS

The following guarantees are required:
• all the transit countries involved must agree to the operation
• drugs will be seized and the persons involved prosecuted
• a full report will be prepared on the outcome of the operation as soon as it has been accomplished.
• it is not necessary to mention these guarantees in the request to carry out a controlled delivery; however these guarantees must be provided before the operation starts on C.R. territory.

The following information is required from requesting country:
• reason for operation and general information on the delivery (type, quantity, location...)
• planned points of entry and exit of the territory
• data on the means of transportation and on the suspects
• person in charge
• details on participating law enforcement authorities in other countries
• special techniques

The operation will be refused in case of:
• inadequate information on the consignment or transporter
• no consent from transit countries, a failure to observe the principle of proportionality
• lack of resources and time to prepare the operation
• unknown or uncertain final destination and a risk of losing the suspects and drugs
• request of destination or requesting country not to punish the persons involved

OTHER CONSIDERATIONS
• A law enforcement officer from the requesting country may take part in the controlled delivery operation on Czech Republic territory and may function as a liaison and coordinating officer. However, he must give up his own law enforcement powers during his stay in the C.R., is not allowed to carry firearms, and must act under the authority of C.R. Police.
• technical co-operation must be agreed on a case by case basis with respect to the type of technical means proposed for use.
• The use of undercover agents is allowed by the Police Act. He must be a Czech Police officer, and his use approved by the judge of the Regional Court. The use of foreign undercover agents is not allowed.

• In accordance with the current law of the C.R., "state secret" covers all information concerning a given informer and his use. Foreign police authorities can use an informer of the C.R. Police. However, it’s mandatory to have an authorisation from the Czech Interior Ministry to inform the foreign officer about the state secret.

• According to the Penal Procedure Code a delivery can be replaced, but the procedure is complicated because the delivery must be seized in accordance with this text. This means that the delivery must originate with the accused person or be intended for him. This procedure can be used after the prosecution of a certain person is initiated. Its use is very limited by this fact.

• It is possible to make a controlled delivery for other goods; each operation must be approved in advance by the competent section of the C.R. Police, usually by Organised Crime Department.

COMPETENT AUTHORITIES

The National Drug Unit is the central contact point for approvals of Czech Police participation in controlled delivery operations. This unit is responsible for co-operation with foreign countries for all drug related cases. It also checks with the Central Customs Administration if the operation can be carried out.

If customs authorities are in charge of the case in the requesting country, it is possible to contact the Drug Department of the Combat Smuggling Division of the Central Customs Administration through its operational centre. The controlled delivery must be realised in co-operation with responsible Czech Police and Central Customs Administration Authorities. For technical reasons, it is necessary to contact the Czech Police in advance.

For detailed information, see Matrix Page 104

The following channels can be used when making an official request for a controlled delivery operation: National Drug Unit, Central Customs Administration, Interpol Prague;
The request should be sent to the National Drug Unit of the Organised Crime Department of the C.R. Police. In urgent cases, the request may be also addressed to the 8. Division of the Central Customs Administration.

Contacts by phone with the National Unit are possible (See Matrix) however confirmations should be requested by letter. (Languages spoken: English, French, German, Hungarian, Polish, Russian, Serbo-Croatian and Spanish).
GENERAL REMARKS

There is no legal definition of a controlled delivery and Estonia has not ratified the 1988 United Convention of Vienna.

The current legal texts governing these operations are the Law on Customs of 1993, and the Law on Surveillance and Criminal Code Amendment Act of 1996.

In principle, Estonian criminal legislation enables the application of this method in the investigation of any type of crime. Special and specific measures defined by the Law on Surveillance are applied for prevention or investigation of first degree or deliberately planned second degree crimes for which the Criminal Code provides at least 4 years imprisonment (e.g. illegal manufacturing, acquisition, storage, use, transport, sale or relegation of arms, ammunition and explosives, explosive devices, narcotic and psychotropic substances, and radioactive substances).

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS

The request for a controlled delivery must be sent in writing, even though initial contact is possible by telephone in urgent cases.

The letter should include as much information as possible concerning the suspect(s), as well as factual information on which the suspicion is based. It should also describe the delivery, assumed route of transportation, and provide information concerning arrival to the destination point.

The letter must also contain exact information on a contact person and contacting procedures.

In urgent cases, the Director General of the Police or Security Police are allowed to authorise a controlled delivery, notifying the judge the next day.

If the judge disapproves, the operation is immediately stopped.
According to the Law on Surveillance and Criminal Code Amendment Act, any reasonable operational measure is allowed (for example, partial or total substitution), if authorised by a judge.

Foreign law enforcement officers are not allowed to participate in a controlled delivery.

COMPETENT AUTHORITIES

The authority granting permission for implementation of a controlled delivery is the Judge of Tallinn Administrative Court, based on notification of the Director General of the Police or Security Police.

The requests can be sent to the Police Board or to the Security Police Board (for detailed information see matrix page 104).
LATVIA

GENERAL REMARKS
The regulations concerning controlled deliveries are laid down in the Customs code, paragraph 30 and in the Law on Operative Activities, paragraph 15. Subparagraph 2 of the latter states: "It is necessary to carry out an operation experiment in order to:
1. verify a person's possible activities and aims;
2. model a person's actions and check existence of things or their motion
3. develop a favourable situation for the aim of the operative activities in order to accomplish operation tasks."

A controlled delivery is only possible if instigators cannot be identified in any other way. This kind of operation is possible not only for drugs but also for arms, alcohol, radioactive substances or other goods smuggled into Latvia.

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS
A written request from the initiator of the operation is mandatory to initiate a controlled delivery. In urgent cases (answer provided within 2 hours), requests may be made by telephone, but the subsequent request for permission must be received within 24 hours.

The request for assistance should include:
• information concerning the requesting agency and unit directly responsible
• name, rank, and place of work of the officer submitting the application, relevant phone and fax numbers, at which he can be reached during the entire operation;
• detailed information concerning goods, probable mode of transportation and indication of the route expected to be followed;
• information concerning the intended measures on Latvian territory
• other important details concerning the controlled delivery;
• the consents of countries involved.

The foreign law enforcement officers may only be admitted as observers. Only Latvian undercover agents can be used on Latvian territory.
COMPETENT AUTHORITIES

The authorisation for the operation is granted by the Head of Customs, and sanctioned by a public prosecutor or judge. However the request must be sent to the Drug Enforcement Bureau of the Criminal Police of Latvia or Interpol. (See matrix Page 105 for detailed information).

In extreme situation, permission may be given by the head of the operational service with subsequent official registration and the public prosecutor's sanction.
GENERAL REMARKS
The controlled delivery operations are regulated by the 1992 Law on Pursuit Activities and a government resolution N° 292 of 1993. The former contains only a general title, i.e. "model of a criminal act", which also includes controlled deliveries.
A controlled delivery form is signed by the chief of the competent police agency that has prepared it. It's then confirmed by the General Commissioner of Police, Department of the Ministry of Internal Affairs, and sanctioned by the General Prosecutor. The period of execution for a sanctioned controlled delivery form is one year. That term may be prolonged by the General Prosecutor if necessary.
The procedure is relevant for all "serious crimes", i.e. illicit production and trafficking in drugs, arms, ammunition and explosives, as well as counterfeit currency.

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS
The written request for assistance should include:
• the name of the officer submitting the application
• information concerning the crime and suspects
• confirmation that the information sought cannot be obtained by ordinary investigative techniques
• intended duration of the operation
• the result sought

It should be noted that the Criminal Police of Lithuania and relevant foreign authorities must agree on all aspects of the operation in advance.
The decision on the operation is made as soon as possible. The processing speed depends on the circumstances of the case.

In the Law on Pursuit Activities, the actions permitted in connection with a controlled delivery are not specified. However the law does not limit the scope of actions taken. (Substitution, partial or total...)

2571-14r4EUManualonControlledDeliveries.doc
18/06/98---CONFIDENTIAL FOR LAW ENFORCEMENT AGENCIES USE ONLY
Foreign law enforcement officers are not allowed to act in Lithuania.

COMPETENT AUTHORITIES
Permission is granted by the Prosecutor General on request of the appropriate law enforcement agency (Criminal Police, State Security Department).
The Ministry of the Interior, together with the Interpol National Central Bureau are in charge of co-ordinating international operations.
For detailed information on contact point see matrix page 105.
MAGYARORSZAG / HUNGARY

GENERAL REMARKS:

- The Hungarian Criminal Police - in order to be able to counter organised crime more effectively - is authorised by law (Police Act of 1994) and police regulations to organise and execute controlled delivery operations on national and international level. International (cross-border) controlled delivery operation can be organised in co-operation with countries in which controlled delivery is recognised by legislation and used as a legal law enforcement method.

- Controlled delivery can be organised not only in drugs but in other goods (precursor chemicals, chemicals on the voluntary monitoring list, ammunition, fire-arms, explosives, counterfeit currency, nuclear materials, stolen vehicles, stolen works of art, etc.) with the exception of highly dangerous, poisonous and polluting materials that pose a threat to life or to the environment. When such material (i.e. ammunition, explosives or nuclear materials) is packed in a safe way controlled delivery of it can be organised.

- At present in Hungary the only law enforcement agency organising international controlled delivery is the Hungarian Criminal Police. The controlled delivery is executed by the special surveillance units of the Hungarian National Criminal Police accompanied by the detectives of the central department responsible for the international co-operation in the controlled delivery operation.

- According to the Act on the Customs Procedure and the Draft Act on the Border Guard (at present before the Parliament), Hungarian Customs and Finance Guard and the Hungarian Border Guard can organise controlled deliveries. However there is no detailed regulation for the time being and it is not in practice.

- In controlled delivery operations when the final destination is in Hungary or the shipment must be stopped in Hungarian territory, the perpetrators must be arrested and the shipment seized according to the regulations of the Hungarian Criminal Procedure.
SPECIFIC CONDITIONS

- International controlled delivery can be organised after receiving of a written request from the competent law enforcement leader of the initiating country. Prior to this permission should have been granted by the competent Hungarian police leader.

- The decision about the competency of the requesting foreign police leader is with the Hungarian police leader authorising the controlled delivery.

- The request should contain a short history of the crime suspected, the name of the perpetrators and their role, the subject of the controlled delivery, the starting place (town, country), the date and time, the route, the final destination of the shipment and the means of transport as well as the purpose and expected result of the controlled delivery operation together with the name and telephone No. of the case officer.

- In case of an international controlled delivery operation, the headquarters of the Hungarian Customs and Finance Guard and the Hungarian Border Guard must be notified by the Hungarian Police.

OTHER CONSIDERATIONS

- Foreign police officers escorting the shipment may cross (with valid travel documents and without firearms) the Hungarian border and follow the shipment further in the Hungarian territory. Foreign police officers in Hungarian territory can carry out their task in co-operation, led and accompanied by Hungarian police officers.

- According to the current Hungarian legislation the subject of the controlled delivery cannot be substituted (part or full) by harmless goods/materials. In case of substitution the perpetrator will be responsible only for the exact amount of dangerous material seized.

- In case of controlled delivery in precursor chemicals when the final destination is in Hungary or the shipment must be stopped in Hungarian territory, the precursors cannot be
seized and the perpetrator punished for the violation of the precursor regulations does not constitute a crime for the time being (except in case of mislabelling).

- Theoretically, Hungarian undercover officers can take part in the controlled delivery operation. For the time being it is not in practice and the details have not yet been worked out. There is no legislation on the participation of foreign undercover officers.

- According to the Police Regulation on handling informants, Hungarian informants can also take part (up to a point) in controlled delivery operations, accompanied by and under the close supervision of the handler and controller. There is no legislation on the participation of foreign informants.

- Nevertheless if the final destination is Hungary, and the undercover agent/informer, etc, plays the role of the courrier, the authorisation would not be granted, because he/she would not be taken out of the criminal procedure.

- Technical assistance (technical surveillance, satellite tracking) by foreign authorities is possible. In fact it is standard practice in our international controlled delivery operations.

**Controlled delivery operation initiated by Hungary**

International controlled delivery operation can be organised - when the initiator is the Hungarian Criminal Police - under the following conditions:

- competent police leaders of the countries on the expected route agree to co-operate in the operation planned, and
- the competent police leader of the country of the final destination previously agreed and made sure that the shipment would be under continuous surveillance and in case of necessary interception the shipment would be seized and the perpetrator prosecuted
COMPETENT AUTHORITIES

Competent police leaders granting permission for international controlled delivery operations:

1./ General Director of the Central Criminal Directorate, Hungarian National Police, or in case of emergency:
   a./ Head of the Organised Crime Department, CRD, HNP.
   b./ Head of the Economic Crimes Department, CRD, HNP.

2./ Criminal Director of the Hungarian National Police, or in case of emergency:
   a./ Head of the Criminal Advisory Department

Competent executive authorities in Hungary / addressees of the requests:

See Matrix page 106, for detailed information

The heads of the competent executive authorities will forward any request received for permission to the a/m police leaders, then take the necessary steps to organise the operation requested. At the executive authorities officers speaking English, French or German can be found who will answer any question and with whom the details can be cleared. After the direct contact had been established between the case officers they can be reached on their mobile phones after office hours.
POLSKA / POLAND

GENERAL REMARKS
The legal definition of controlled delivery is laid down by the Police Act, the Border Guard Act and the Act on State Security Office. All of these acts were made in 1990, and later amended in 1995 and 1996. The operation is defined as "a secret supervision of movement, storage and turnover of objects, in order to obtain evidence of offences committed, or to identify perpetrators of those offences or to seize objects originating from crimes."

SPECIFIC CONDITIONS
A controlled delivery operation may be carried out before a formal inquiry had been initiated and may be conducted only in connection with crimes specified in the relevant legislative acts. The operation may not cause any threat to human life or health.
An operation may be carried out only if authorised by the Minister of Internal Affairs and Administration, or the Chief of State Security Office.
After a controlled delivery has been carried out, initiation of a formal inquiry is mandatory, regardless of the results of the operation.
A request (in writing) for assistance should contain:
• the name of the requesting agency and unit directly responsible
• information concerning the crime and suspects
• description of the case
• planned duration of the operation
• type and quantity of goods

According to the relevant legislation, controlled deliveries may be carried out in connection with the following categories of crime:
• within Police competence:
  • illegal production and trafficking in drugs and psychotropic substances;
  • illegal trafficking in arms, ammunition and explosives;
  • illegal trafficking in radioactive and nuclear substances;
within Border Guard competence
- smuggling of goods in and out of the country
within State Security Office competence:
- espionage and terrorism
- illegal production and trafficking in drugs, psychotropic substances, possession and trafficking in arms, ammunition, explosives, trafficking in radioactive and nuclear substances (in connection with terrorist activities, threatening state security)

OTHER CONSIDERATIONS
In a controlled delivery operation, it is possible to substitute partially or totally the drugs (or other materials) by harmless substances (or harmless materials).
Foreign law enforcement officers are not allowed to take any action in relation to a controlled delivery in Poland.
Polish undercover agents may be deployed during these operations, and the use of foreign agents is permitted, and also the recruitment of the informers by a foreign agency.

COMPETENT AUTHORITIES
Authorisation for Police and Border Guard authorities is granted by the Minister of Internal Affairs on request of those agencies. The State Security Office, has to apply to the Chief of State Security Office for authorisation. The NCB in Warsaw is the normal contact point.
In urgent situations, the processing speed for authorisation is a maximum of 24 hours.
(For detailed information, see matrix Page 107)

Under Polish law, the Prosecutor General must be immediately informed of all authorisations, as well as of the course of action and the results of the operation.
ROMANIA

GENERAL REMARKS

There is no specific legislation on controlled deliveries. They are organised by the Police, the Customs authorities and are carried out under the auspices of the public prosecutors. Authorisation from a public prosecutor is needed to launch an operation.

SPECIFIC CONDITIONS and OTHER CONSIDERATIONS

Romanian drug law enforcement agencies require the following information in requests:

- type and quantity of drug
- point of entry on Romanian territory
- means of transportation
- identity of the suspects
- name of the person in charge of the operation in the requesting country, and the means to contact him
- whether undercover agents or informants are used

An essential condition is that the Police must intervene if there is a risk of losing the drugs. As soon as the operation has been completed, the Romanian authorities must be informed of the results.

Foreign law enforcement officers may participate in operations on Romanian territory, but must work together with and under the authority of Romanian officers. Technical assistance can be provided by foreign authorities under conditions discussed at the beginning of the operation. The same applies for controlled deliveries of other goods, for which all the details must be submitted in advance. Requests are approved on a case by case basis.

It is possible to use foreign undercover agents and informants.
Only partial substitution of drug consignments is possible if Romania is the destination country. Total substitution is allowed if it is a transit or a source country.

COMPETENT AUTHORITIES
As mentioned above, authorisation from a public prosecutor is needed prior to launching an operation.

The channels of communication used for these operations are the network of Liaison Officers, and direct contacts with the officers in charge of the operation of the requesting country.

The Drugs Department of the Organised Crime Brigade at the Police General Headquarters is the contact point in Romania.

For detailed information see Matrix Page 107
SLOVENIJA / SLOVENIA

GENERAL REMARKS

Controlled deliveries operations in the Republic of Slovenia are indirectly defined in the Penal Procedure Act. The Criminal Investigation Service in the Ministry of the Interior coordinates and executes all activities in connection with controlled deliveries. When a proposal by the Ministry of the Interior - Crime Investigation Directorate (CID) is approved, a competent state prosecutor issues a temporary respite to deprive a suspect of liberty or to execute other measures according to the Criminal Procedure Act. The permission for the respite for such measures is a legal basis for controlled delivery operations. The authorisation or a decree for taking certain measures such as undercover police operations, surveillance of persons or tracking, which are necessary for an efficient monitoring of controlled delivery, must be issued by an investigation judge on the basis of a proposal, made by a state prosecutor, who first receives a proposal from the Ministry of the Interior (CID).

The purpose of controlled deliveries is to identify important criminal groups or individuals who commit criminal offences involving illegal drug production and trafficking. The basic condition to be fulfilled in order to proceed with the aforementioned measures, is the commission of a criminal offence and the involvement of several individuals in committing the offence.

Before a survey of a controlled delivery in transit through Slovenia takes place, competent authorities in the Republic of Slovenia need to receive confirmation from an initiator that all other transit countries have agreed with the operation and that they will follow that specific delivery.

SPECIFIC CONDITIONS

A successful controlled delivery operation depends on the following information:
• grounds for a controlled delivery operation
• type and quantity of drugs or precursors
- planned itinerary, mode of transportation, information on vehicle
- identification of suspects
- address of competent authorities, name(s) of person(s) in charge of the case
- means of communication
- instructions in case the circumstances of the controlled delivery are altered
- information on special techniques, undercover agent or informant if involved in the case

The operation will be refused if:
- other transit countries disagree with it
- it is not possible to conclude from the available data that an action is a criminal offence
- conditions mentioned § 3 of general remarks are not fulfilled.

OTHER CONSIDERATIONS

Once a request has been submitted and the authorisation granted, foreign law enforcement authorities are allowed to co-operate in a controlled delivery operation in Slovenia. Upon consent of Slovenian authorities, technical means of foreign law enforcement agencies can also be used.

For an international controlled delivery operation, domestic and foreign undercover agents and informants can be deployed.

Following preliminary consent of the state prosecutor’s office, drugs can be partly substituted by harmless substances. In order to prove illegal drug production and trafficking the whole quantity of drugs cannot be substituted by a substance which is not mentioned in the list of drugs and psychotropic substances. This is the case in Slovenia, whether the substances in question are sent from Slovenia, or are destined for Slovenia. In case of a transit and following an agreement with foreign law enforcement authorities, the complete quantity of drugs can be substituted.

Slovenian legislation also allows controlled deliveries of illegal goods other than drugs and precursors (i.e. arms, ammunition, smuggled goods, counterfeit money, money from illegal activities destined for money laundering channels).
COMPETENT AUTHORITIES

A request (in English) for co-operation in a controlled delivery should be sent through Interpol’s national office to the Crime Investigation Directorate - Organised Crime Section, as a contact centre for all controlled deliveries.

For detailed Information, see Matrix page 108.

Messages can be sent by X 400 (when communicating to NCB Interpol), by fax or telephone with a subsequent confirmation in writing.

An answer can be given in 24 hours if the request for co-operation includes all necessary information.
SLOVAKIA

GENERAL REMARKS

The rules for controlled deliveries are established by art. 88a/title 7 of the Slovak Republic Criminal Code, stating as follows:

"/1/ A controlled delivery means that a consignment being imported, exported or transported is subjected to surveillance if there are reasonable grounds to believe that it is an illegal consignment containing narcotics, psychotropic substances, poisons, nuclear and other similar radioactive materials, counterfeited money and public papers, firearms or mass destruction weapons, ammunition and explosives, in order to identify the persons who took part in the handling of such consignment.

"/2/ The order to proceed pursuant to § 1 shall be issued by the presiding judge of a panel, or in pre-trial proceedings by a prosecutor.

"/3/ In cases of emergency, a prosecutor may also issue an order pursuant to §2 outside of pre-trial proceedings. Such order shall be confirmed by a judge within a maximum of three days; otherwise it shall become void.

"/4/ The surveillance of a consignment shall be conducted by the competent bodies of the Police Corps in conjunction with the Customs Administration bodies, which shall be given advance notice of any such procedure.

"/5/ When proceeding pursuant to §1 it shall be possible to use, under the conditions set out in separate prescriptions, information technology and operational and searching devices, and to duly record the procedure also in other ways. “

SPECIFIC CONDITIONS

Consent to the operation from the transit countries is needed for permission from the Slovak authorities.

The following basic information is required:

- grounds of the operation
- means of transportation and planned routes to be taken
• name of the person responsible for the operation in the requesting country and possible contact persons/points
• requests for controlled deliveries will be denied if there is no adequate information on the consignment or transportation, or if other countries do not agree to the operation.

OTHER CONSIDERATION

The assistance of foreign services is possible only if the foreign officers agree to relinquish their own legal powers temporarily and to work under the authority of the competent agencies of Slovakia. Technical co-operation is also possible under the same authority. The Slovak legislation provides for the use of undercover agents or informants, but prohibits the use of foreign undercover agents or informants on Slovak territory. Partial and total substitution of the drugs by harmless substances is permitted. In fact, the Slovak Republic is mostly a transit country.

COMPETENT AUTHORITIES

The exchange of information regarding controlled deliveries with other countries is carried out through Interpol or an actual office or centre that carries out the operations. Interpol is the central contact point, where official applications for controlled deliveries should be sent by fax. However in urgent cases, applications can be sent directly to the National Drug Service of the Criminal Police of the Police Force Headquarters. See Matrix Page 107 for detailed information.

English and German languages can be used during operations, and the reply time to requests takes from 5 to 15 hours.