

**NB: Unofficial translation,
legally binding only in Finnish and Swedish
Ministry of the Interior, Finland**

**Government Decree on
Cooperation between the Police, Customs and the Border Guard
(1126/2009)**

Section 1

National PCB management group

- (1) For the purpose of managing nationwide cooperation between the Police, Customs and the Border Guard (PCB authorities), there is a national PCB management group, which is composed of the National Police Commissioner, the Director General of the National Board of Customs, the Chief of the Border Guard and the other co-opted members.
- (2) In the national PCB management group, the National Police Commissioner, the Director General of the National Board of Customs and the Chief of the Border Guard agree on
 - 1) joint strategies;
 - 2) general principles governing cooperation;
 - 3) coordination and steering of tasks;
 - 4) principal forms and structures of cooperation;
 - 5) other important matters regarding cooperation.
- (3) The national PCB management group meets as required; however, at least twice a year. The National Police Commissioner, the Director General of the National Board of Customs and the Chief of the Border Guard alternate as chairs of the management group.

Section 2

Regional PCB management groups

- (1) For the purpose of organising regional cooperation between the PCB authorities, there are regional PCB management groups. The National Police Commissioner, the Director General of the National Board of Customs and the Chief of the Border Guard decide on the number, composition and chairs of the regional PCB management groups in the national PCB management group.

- (2) The tasks of the regional PCB management groups are
- 1) to implement the decisions of the national PCB management group;
 - 2) to discuss regional matters regarding cooperation and to make the necessary proposals to the national PCB management group;
 - 3) to monitor regional cooperation and report on the cooperation to the national PCB management group;
 - 4) to decide on the cooperation matters laid down in section 1(2) to the extent that they concern regional matters and are not discussed at the national PCB management group.
- (3) The regional PCB management groups meet as required; however, at least twice a year. The officials appointed by each authority alternate as chairs of the regional management groups.

Section 3

Establishing PCB criminal intelligence units

The National Police Commissioner, the Director General of the National Board of Customs and the Chief of the Border Guard decide on the establishment and dissolution of PCB criminal intelligence units in the national PCB management group.

Section 4

Establishing a joint criminal intelligence and investigation team

- (1) The heads of the Police, Customs and Border Guard units responsible for carrying out the crime-combating measure in question or the officials appointed by them decide on the establishment and dissolution of a joint criminal intelligence and investigation team. Before the decision is made, it shall be ascertained from a PCB criminal intelligence unit whether the PCB authorities are in the process of carrying out a pre-trial investigation or other crime-combating measures relating to the matter.
- (2) The decision on the establishment of a joint criminal intelligence and investigation team shall be made in writing. The decision shall give the following details:
- 1) the crime or the series of crimes targeted by the crime-combating measures;
 - 2) the objective of the activities;
 - 3) division of responsibilities and the chain of command between the authorities participating in the team;
 - 4) supervision of the activities and reporting on it;

- 5) period of validity of the decision;
 - 6) information obtained from a PCB criminal intelligence unit;
 - 7) arrangements concerning cooperation with the prosecutor;
 - 8) other information necessary for organising cooperation.
- (3) When the responsibilities and the chain of command are determined, consideration shall be given to the powers of each authority participating in the team.

Section 5

Decision-making in the PCB authorities' common area of responsibility

- (1) The units of the PCB authorities with operational responsibility should agree, as early as possible, on the implementation of a crime-combating measure referred to in section 3(2) of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009; *hereafter the PCB Act*) that is carried out in the common area of responsibility, unless this is clearly unnecessary. If no agreement is reached on the carrying out of the crime-combating measure, negotiations on the measure shall be conducted between the police department or the national police unit in question, the National Board of Customs and a border or coast guard district.
- (2) If the negotiations fail to reach an agreement on the carrying out of the crime-combating measure in question, the head of the police department or the national police unit in question shall decide on the matter.

Section 6

Decision-making on a controlled delivery

- (1) Unless otherwise agreed, the decision on a controlled delivery is made by the PCB authority that has initiated the pre-trial investigation or other crime-combating measure concerning the same series of crimes. If no pre-trial investigation or other crime-combating measure has been initiated, the decision is made by the PCB authority that, based on an overall assessment, is primarily responsible for the matter. In the Police, the decision on a controlled delivery is made by the National Bureau of Investigation; in Customs, the National Board of Customs; and in the Border Guard, the Border Guard Headquarters.
- (2) Before a decision on a controlled delivery is made, it shall be ascertained from a PCB criminal intelligence unit whether the PCB authorities are in the process of carrying out a pre-trial investigation or other crime-combating measures relating to the matter, unless this is clearly unnecessary.

- (3) The decision on a controlled delivery shall be made in writing, and other PCB authorities shall be notified of the decision without delay. If a controlled delivery is made on the basis of a request for legal assistance, the request shall be attached to the decision.

Section 7

Supervision of the processing of personal data

- (1) The PCB authority that has established the personal data file in question is responsible for supervising the processing of personal data by a PCB criminal intelligence unit.
- (2) PCB authorities organise joint inspections and other supervision in connection with the supervision of personal data, as agreed in more detail by the PCB authorities in their national cooperation agreement.

Section 8

Requesting and providing assistance

- (1) In the Police, the decision on the request for and provision of the temporary assistance concerning equipment, facilities, personnel resources or special expert services referred to in section 10 of the PCB Act is made by a commanding police officer, and in Customs, the head of the unit responsible for crime combating or inspection in the National Board of Customs or a customs district or an official he or she has appointed to the task. In the Border Guard, the decision on the request for and provision of the assistance is made by the head of an administrative unit or an official he or she has appointed to the task.
- (2) The decision concerning the matter referred to in subsection 1 above shall be made as appropriate to the nature and amount of the assistance and shall be documented without undue delay.

Section 9

Reintroduction of border control at internal borders

An initiative concerning the reintroduction of border control at internal borders referred to in Title III, Chapter II of the Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) shall be discussed by the national PCB management group before the matter is presented to the Government or the Ministry of the Interior. In urgent cases, the matter may, however, be discussed by the national PCB management group as soon as possible after it has been presented to the Government or the Ministry of the Interior.

Section 10

Entry into force

This Decree comes into force on 1 January 2010.