

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

**Act on
Cooperation between the Police, Customs and the Border Guard
(687/2009)**

General provisions

Section 1
Purpose of the Act

- (1) The purpose of this Act is to promote cooperation between the Police, Customs and the Border Guard (*PCB authorities*) and implement the joint strategies of PCB authorities so that the tasks laid down for these authorities and individual measures that are connected with the prevention, detection and investigation of crimes (*combating of crime*), control and monitoring and related international cooperation are carried out in an appropriate, efficient and cost-effective manner.
- (2) For the purposes of this Act, cooperation means the carrying out of measures relating to the combating of crime, control and monitoring activities or international cooperation on behalf or in assistance of another PCB authority in its area of responsibility, and cooperation in the PCB authorities' common area of responsibility.
- (3) Separate provisions apply to the tasks of the PCB authorities and the powers connected with them.

Cooperation between the Police, Customs and the Border Guard in combating crime

Section 2
Operating in an area of responsibility of another PCB authority

- (1) A PCB authority may, on request, carry out a measure relating to the combating of crime on behalf of another PCB authority in the area of responsibility of the PCB authority in question, using the powers that it may use in its own crime-combating tasks in its area of responsibility.
- (2) A PCB authority may carry out an urgent measure relating to a crime-combating task referred to in subsection 1, using the powers referred to in subsection 1 even without a request if the measure cannot be postponed. The PCB authority in whose area of responsibility the measure in question is to be carried out shall be notified of the measure

without undue delay. The measure shall be withdrawn if the authority on whose behalf the measure is to be carried out so requests or assumes the task.

- (3) If the PCB authority does not take the measure referred to in subsection 2, it shall, without undue delay, notify the PCB authority within whose area of responsibility the measure falls of the matter that has come to its attention, if the notification is essential to prevent a serious crime or initiate an investigation into such a crime or if it is necessary for other specific reasons of similar nature.

Section 3

Making notifications and agreeing on measures in the PCB authorities' common area of responsibility

- (1) A PCB authority shall, without undue delay, make a notification of a crime that has come to its attention and the measures relating to it to the PCB authority within whose area of responsibility the matter also falls, by making an entry of the crime into a data file shared by the PCB authorities.
- (2) The measures relating to the crime referred to in subsection 1 above are agreed on a case-by-case basis so that cooperation will, from the point of view of criminal liability, produce the most appropriate outcome and is carried out in a manner that takes into account the main tasks and operational preparedness of each PCB authority. If no agreement on the measures is reached, the decision on them shall be made by the Police. Provisions on the decision-making procedure shall be issued by government decree.

Section 4

Procedure for controlled deliveries

- (1) A PCB authority shall, without undue delay, notify the PCB authority within whose area of responsibility the matter also falls of a request for executive or legal assistance concerning a consignment crossing the national border that it has made or received (*controlled delivery*) when the request is based on an international agreement or other obligation binding on Finland.
- (2) A controlled delivery and the related measures are agreed between the competent PCB authorities on a case-by-case basis so that the delivery does not cause any serious immediate danger to health, life or liberty or any substantial immediate danger to the environment, property or assets.
- (3) The procedure referred to in subsection 2 above is also applied to a request for measures made by a PCB authority when the request concerns an illegal consignment crossing the national border.
- (4) Further provisions on the decision-making procedure under this section may be issued by government decree.

Section 5
PCB criminal intelligence units

- (1) National, regional and local PCB criminal intelligence units may be established for criminal intelligence and analysis activities carried out by PCB authorities. PCB criminal intelligence units may comprise specially assigned representatives of PCB authorities and representatives of other authorities, providing that they possess the special police powers laid down in section 8 of the Police Act (493/1995) to carry out the duties laid down in section 1 of that Act.
- (2) The task of the PCB criminal intelligence units is to obtain, analyse and supply up-to-date and comprehensive criminal intelligence for the PCB authorities' purposes at national, regional and local level.

Section 6
Processing information in a PCB criminal intelligence unit

- (1) A PCB authority represented in a PCB criminal intelligence unit may, for the purpose of carrying out a crime-combating task in connection with serious or widespread crime, establish a temporary crime analysis data file referred to in section 6(2) of the Act on the Processing of Personal Data by the Police (761/2003), section 4 of the Act on the Processing of Personal Data by the Border Guard (579/2005), and section 22(2) of the Customs Act (1466/1994). The PCB authority that has established the data file shall act as the file keeper.
- (2) In addition to what is provided in the legislation on the processing of personal data by the PCB authority that has established the data file, information contained in the information systems of other authorities operating in the PCB criminal intelligence unit and criminal intelligence and surveillance and observation information obtained in connection with the carrying out of individual tasks that are necessary to carry out the crime-combating task referred to in subsection 1 may be disclosed to the crime analysis data file for the purposes of combining, processing and storing them.
- (3) The PCB authority that has established the crime analysis data file may grant access to the data file to those representatives of the authorities in the PCB criminal intelligence unit whose areas of responsibility are connected with the information entered in the data file.
- (4) A representative of an authority in a PCB criminal intelligence unit may only make available to the authority he or she represents analysed criminal intelligence that is necessary to carry out a crime-combating task in the area of responsibility of the authority in question.
- (5) Separate provisions apply to the supervision of PCB criminal intelligence and analysis activities.

Section 7

PCB criminal intelligence and investigation teams

- (1) PCB authorities may establish a joint criminal intelligence and investigation team for the purposes of preventing, detecting or investigating a crime or a series of connected crimes. A PCB criminal intelligence and investigation team may be established by the authorities that are wholly or partially responsible for dealing with the criminal case in question.
- (2) The decision on the establishment of and participation in the PCB criminal intelligence and investigation team shall be made by the PCB authorities taking part in the work of the team. The decisions on the chain of command of the team and the crimes on which intelligence is to be gathered or which are to be investigated by the PCB criminal intelligence and investigation team shall be made in connection with the establishment of the team.
- (3) In a PCB criminal intelligence and investigation team, a representative of a PCB authority has the right to participate in the carrying out of criminal intelligence and investigation measures that he or she is authorised to carry out in his or her own area of responsibility in crime-combating tasks coming under the responsibility of the PCB authority in question and that are required as part of joint intelligence gathering or the prevention, detection and investigation of the crimes concerned and on which the team leader has made a decision under his or her powers. The representative of the PCB authority participates in the carrying out of the measures under the command and necessary supervision of the team leader.

Other cooperation between PCB authorities

Section 8

Control and monitoring

PCB authorities shall, as part of their duties and within their powers, promote such monitoring of public order and security and such control of the import and export of goods, the entries into and departures from the country of individuals and legal residence of aliens in the country that are the responsibility of other PCB authorities.

Section 9

International cooperation

PCB authorities shall set the objectives for international cooperation, and agree on joint international measures and on the participation in operations on a national basis and in advance of any action so that consideration is given to the tasks and powers of each PCB authority.

Miscellaneous provisions

Section 10

Making equipment, facilities and personnel temporarily available to another PCB authority

In addition to what is provided elsewhere in the law, a PCB authority is obliged to temporarily make available to another PCB authority equipment, facilities, personnel resources or special expert services in its possession that are not available to the other PCB authority for use in measures that are necessary for cooperation in crime combating, control and monitoring or for international cooperation. The assistance may only be provided on the condition that it does not jeopardise the carrying out of the tasks laid down for the authority providing the assistance.

Section 11

Reimbursement for costs

- (1) Each PCB authority is responsible for the costs it incurs as a result of the cooperation referred to in this Act and as a result of the provision of the assistance referred to in section 10.
- (2) If the provision of the assistance ties up substantial resources and extends over a prolonged period and thus significantly interferes with the basic tasks of the PCB authority providing the assistance or results in significant costs, the provider of the assistance has the right to receive reimbursement for the direct costs it has incurred.

Section 12

Further provisions

- (1) Provisions on the establishment of the cooperation bodies of the PCB authorities referred to in section 1 and cooperation between the PCB authorities in organising the control and monitoring referred to in section 6 may be issued by government decree.
- (2) Further provisions on the decision-making procedure of the PCB authorities that concerns the establishment of the criminal intelligence unit referred to in section 5, the establishment of the joint criminal intelligence and investigation teams of the PCB authorities referred to in section 7 and the request for and provision of assistance regarding the equipment, facilities, personnel resources or special expert services of the PCB authorities referred to in section 10 may also be issued by government decree.

Section 13

Entry into force

- (1) This Act comes into force on 1 January 2010.
- (2) This Act repeals the Government Decree of 22 March 2001 on Cooperation between the Police, Customs and Border Guard Authorities (257/2001).