

Translation of Liechtenstein Law

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Agreement

between the Principality of Liechtenstein, the Swiss Confederation and the Republic of Austria on Cross-Border Police Cooperation

Entered into in Vaduz on 4 June 2012
Approved by Parliament: 3 October 2013¹
Entry into force: 1 July 2017

The Principality of Liechtenstein, the Swiss Confederation and the Republic of Austria,

hereinafter referred to as “the Contracting States”,

desiring to cooperate for the pursuit of their common security interests,

striving to make an effective contribution, through their cooperation, to the prevention of and fight against crime, in particular organised crime, drug trafficking, trafficking in human beings, corruption, and terrorism,

wishing to further develop the Agreement of 27 April 1999 between the Principality of Liechtenstein, the Swiss Confederation and the Republic of Austria on the cross-border cooperation of the security and customs authorities,

in light of the participation of the Principality of Liechtenstein and the Swiss Confederation in the police and judicial cooperation of the European Union, in particular in the framework of their association to Schengen,

¹ Report and motion of the Government No. 64/2013

desiring to further develop the existing close police cooperation, and to make a contribution to road traffic safety,

striving to further develop their relations in the area of administrative police assistance,

in compliance with the fundamental rights as they result from the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and from the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981, in conjunction with the Additional Protocol of 8 November 2001 to the said Convention, and taking into account Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe to the Member States Regulating the Use of Personal Data in the Police Sector, as well as from the constitutional traditions common to the Contracting States, in particular being aware that the intensification of police cooperation requires the guarantee of an adequate level of data protection by the receiving Contracting State,

have agreed as follows:

Chapter I

General Provisions

Art. 1

Purpose of the Agreement

The Contracting States will intensify police cooperation in the prevention of threats to public security and order, in the fight against crime, in aliens police matters and in the area of road traffic safety. In addition, they will intensify cooperation in the prosecution of infringements of road traffic regulations. In their actions, they will take into account the security interests of the other Contracting States.

Art. 2

National Law

Unless provided otherwise in this Agreement, cooperation shall occur in the framework of the respective law which is nationally applicable.

Art. 3

Relations with International Agreements

1) The present Agreement shall not affect any international commitments made by the Contracting States, in particular the rules of the Schengen acquis and the Dublin acquis and their developments, insofar as they are applicable to the Contracting States, as well as the rules adopted in the framework of the International Criminal Police Organisation (ICPO).

2) This Agreement shall not affect the provisions on administrative and legal assistance or other bilateral or multilateral agreements applicable between the Contracting States, including, but not limited to, the Agreement of 9 June 1997 between the Swiss Confederation and the European Community on Mutual Administrative Assistance in Customs Matters, the Cooperation Agreement of 26 October 2004 between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests, as well as the Agreement of 29 March 1923 between Liechtenstein and Switzerland on the inclusion of the Principality of Liechtenstein in the Swiss customs territory.

Art. 4

Authorities and Border Regions

1) Unless provided otherwise in this Agreement, the competent authorities within the meaning of this Agreement shall be:

for the Republic of Austria:

- the Federal Minister of the Interior, the Provincial Police Directorates (Landespolizeidirektionen) as well as, outside the area of the municipalities in which a Provincial Police Directorate is also the security authority of first instance (§ 8 of the Security Police Act), the administrative bodies at district level (Bezirksverwaltungsbehörden) (hereinafter referred to as: security authorities); in road police matters, the provincial governments (Landesregierungen) and administrative bodies at district level (Bezirksverwaltungsbehörden),

for the Swiss Confederation:

- the Federal Office of Police, the Federal Customs Administration, including the Swiss Border Guard and the cantonal police authorities and cantonal aliens police authorities as well as the Federal Office for

Migration in accordance with the national division of powers (hereinafter referred to as: security authorities),

For the Principality of Liechtenstein:

- the national police as well as the Immigration and Passport Office in accordance with the national division of powers (hereinafter referred to as: security authorities).

2) National central services within the meaning of this Agreement shall be:

- for the Republic of Austria: the Federal Minister of the Interior,
- for the Swiss Confederation: the Federal Office of Police,
- for the Principality of Liechtenstein: the national police.

3) The following regions shall be regarded as border regions within the meaning of this Agreement:

- in the Republic of Austria: the provinces of Vorarlberg and Tyrol,
- in the Swiss Confederation: the territories of the cantons of St. Gallen and Grisons, as well as
- in the Principality of Liechtenstein: the entire territory.

4) The authorities of the Contracting States shall inform each other of their respective national division of powers with regard to cross-border cooperation, and of any changes in the designation of the authorities.

Chapter II

General Forms of Cooperation

Art. 5

Common Security Interests

The Contracting States shall inform each other of their focus points in the fight against crime as well as of important projects in the police sector with effects on the interests of the other Contracting States. In their elaboration of police strategies and in their implementation of police measures, they shall duly take account of their common security interests. If a Contracting State deems that the other Contracting States should take certain measures to guarantee common security, it may present a proposal in this regard.

Art. 6

Situation Analyses

The Contracting States shall strive to achieve a level of information as uniform as possible on the police security situation. For this purpose, they shall, periodically or when the need arises, exchange situation analyses and, if agreed upon, establish joint analyses.

Art. 7

Cooperation Upon Request

1) The competent authorities of the Contracting States shall, in line with their respective competences, grant administrative assistance under this Agreement, provided that a request or its execution is not reserved to the judicial authorities under the law applicable nationally. If the requested authority is not competent to execute the request, it shall forward the request to the competent authority. This shall also apply in cases in which the competent authority is a judicial authority, unless the request appears to be without merit from the start. The requested authority shall inform the requesting authority of the forwarding and of the authority competent for the execution of the request.

2) As a general rule, requests within the meaning of paragraph 1 to combat crime and any replies thereto shall be transmitted between, and answered by, the national central services of the Contracting States.

3) By derogation from Para. 2, these requests and any replies thereto may be submitted or made directly between the competent security authorities of the Contracting States if:

- a) the cross-border communication relates to criminal offences in respect of which the focus of the act and its prosecution lies in the border regions as defined by Art. 4, Para. 3, or
- b) the requests cannot be submitted in time by means of communication between the national central services, or
- c) direct cooperation is expedient due to the links between the criminal acts and the perpetrators in a given case and the respective national central services concerned have given their consent to this direct cooperation.

4) Requests for help to prevent imminent threats to public security and order shall in each case be transmitted and answered directly between the competent security authorities of the Contracting States.

5) Requests within the meaning of Paras. 1 to 4 may, in particular, concern:

- a) identification of the holders and drivers of road vehicles, ships and aircraft,
- b) enquiries regarding driving licences, shipmaster's licences and comparable permits,
- c) tracing whereabouts and residence, residence permits,
- d) identification of telephone subscribers and subscribers of other systems of telecommunications,
- e) identification of persons,
- f) tracing the origins of goods, for example weapons, vehicles and ships (sales channels),
- g) coordination and initiation of initial search activities,
- h) information resulting from cross-border surveillance measures, controlled deliveries and covert investigations,
- i) information in cases of a cross-border hot pursuit,
- j) determination of the willingness of a witness to give testimony in preparation of a request for legal assistance,
- k) initial police interviews and interrogations,
- l) examination of material traces,
- m) police information from data collections and police documents and information from official data collections which are accessible to the public.

6) For purposes relating to the law of foreigners including any relevant police checks, the security authorities of the Contracting States shall, upon request and in individual cases, transmit to each other personal data which are important to assess whether third-country nationals have entry and residence rights. The data so transmitted may be made available to the authorities which are competent to regulate the conditions of residence and the granting of visas.

7) The security authorities may also submit requests to each other by order of the competent judicial authorities, and transmit and answer them in compliance with Paras. 2 and 3.

8) The national central services shall be informed of the incoming and outgoing of direct requests in accordance with national law.

9) In the relations between the Principality of Liechtenstein and the Swiss Confederation, any and all police information shall be transmitted by direct channels.

Art. 8

Administrative Assistance in Urgent Cases

1) In cases in which the request cannot be submitted to the competent judicial authorities in time without a threat to the success of the measure, requests for the taking and preservation of material traces and evidence including physical examinations and body and house searches, or requests for provisional arrest may be transmitted by the competent security authorities directly to the security authorities of the other Contracting State. Art. 7, Paras. 2 and 3 shall apply mutatis mutandis.

2) The security authorities shall inform the competent judicial authorities of their own country of the administrative assistance granted in accordance with Para. 1.

Art. 9

Initial Police Interrogation after Accidents

Security authority officials of a Contracting State may, following an accident and in the presence of an officer of the competent security authority of another Contracting State, interrogate persons who have been admitted to hospitals of this other Contracting State, provided that under the national law of their Contracting State they are authorised to make such interrogations and provided that the competent security authority of the other Contracting State has granted its authorisation.

Art. 10

Transmission of Information without Request

The competent authorities of the Contracting States shall, without request, provide each other with information which may be of relevance to assist the recipient in the prevention of concrete threats to public security and order or to prevent and combat criminal offences. With regard to the implementation of the exchange of information, Art. 7, Paras. 2, 3, 4 and 8 shall apply mutatis mutandis.

Art. 11

Cooperation in Education and Further Education

The competent authorities of the Contracting States shall cooperate in education and further education, in particular:

- a) by exchanging the curricula for education and further education and by considering the mutual integration of education and further education elements,
- b) by organising joint seminars for education and further education purposes,
- c) by carrying out cross-border training,
- d) by inviting the representatives of the other Contracting States to attend training events and special operations as observers, and
- e) by making it possible for representatives of the other Contracting States to attend further education classes.

Chapter III

Automated Exchange of Data and Information

Art. 12

Exchange of Information by means of an Automated Procedure

1) The national central services may, by means of an automated procedure for their national police search systems, transmit to each other the national alerts entered in their systems for the following purposes:

- a) arrest for extradition purposes,
- b) determination of the whereabouts and detention of persons,
- c) determination of the whereabouts for criminal prosecution purposes,
- d) discreet surveillance,
- e) searches for items of property.

The alerts shall be deemed to represent requests for the implementation of the requested measures.

The national central services of the Contracting States shall be authorised to enable the security authorities to access the data so obtained by means of the automated procedure.

2) The data categories shall include the personal data enumerated below and, in individual cases, the known vehicle data.

The following information shall be provided with regard to individuals:

- a) surnames and given names and, if applicable, any previously used names and alias names,
- b) any specific physical characteristics not subject to change,
- c) first letter of the second given name or additional given names,
- d) place and date of birth,
- e) sex,
- f) nationality,
- g) given names and surnames of the parents and, if applicable, any names previously used by them,
- h) warning that the person is “armed” or “violent”,
- i) reason for the alert,
- j) action to be taken.

3) If the requested Contracting State deems that an alert is incompatible with its national law, with international commitments or with essential national interests, it shall have the right to refrain from taking the action required by the alert within its territory. It shall inform the requesting Contracting State thereof and state the reasons therefor.

4) On the basis of the alerts transmitted in accordance with Para. 1, Sub-Para. b, the Contracting States shall provide each other with information on the residence or the whereabouts of the following persons:

- a) disappeared or missing persons of full age,
- b) disappeared or missing persons of minor age,
- c) persons who, for their own protection or for the prevention of threats, must be placed under temporary police protection at the request of the competent authority or must be interned following a decision by a competent authority.

If the whereabouts of a person for whom an alert has been issued in accordance with Sub-Para. a have been ascertained in the requested Contracting State, the communication thereof shall be subject to the consent of the person concerned.

The security authorities shall place persons referred to in Sub-Paras. b and c under police protection, if the requirements under national law apply.

5) On the basis of the alerts transmitted in accordance with Para. 1, Sub-Para. c for the ascertainment of the whereabouts for criminal prosecution purposes, the Contracting States shall provide each other with information on the residence or the whereabouts of the following persons:

- a) witnesses,
- b) persons summoned to appear as suspects, accused or defendants before judicial authorities in criminal proceedings,
- c) persons who are to be notified of a criminal judgement or of a summons to appear in order to serve a custodial sentence.

6) On the basis of the alerts transmitted in accordance with Para. 1 Sub-Para. d for discreet surveillance, the Contracting States shall provide each other with the following information obtained during border checks and other police checks or observations:

- a) the fact that the person for whom, or the vehicle for which an alert has been issued has been found,
- b) the place, time or reason for the check,
- c) the route and destination of the journey,
- d) persons accompanying the person concerned or occupants of the vehicle,
- e) data concerning the vehicle used,
- f) objects carried,
- g) the circumstances under which the person or the vehicle was found.

During the collection of this information, steps must be taken not to jeopardise the discreet nature of the action.

7) The national central services shall keep information stored in their systems, which are conducive to the search for objects (search for objects), at the disposal of the respective other central service and the other security authorities for access by means of an automated procedure. Requests submitted by the other security authorities shall be transmitted to the respective national central service for forwarding purposes. The national central services of the Contracting States shall be authorised to enable the other security authorities to access the obtained data by means of the automated procedure.

8) Only data which are necessary for the purposes referred to in Para. 1 shall be made available. The Contracting State issuing an alert shall examine whether the importance of the case warrants a transmission.

9) The data transmitted in accordance with Para. 1 may be stored only for such a period of time as permitted under the national law of the

transmitting Contracting State. When the transmission is made, these time limits shall be communicated. A deletion of the alert in the transmitting Contracting State prior to the end of this time limit shall be communicated to the other Contracting State immediately. The latter shall immediately delete the alert concerned.

10) The transmission of personal data shall be permissible only if the transmitted data are used for no purposes other than those which form the basis of the transmission.

Art. 13

Exchange of Data on Vehicles and their Holders

1) The Contracting States may, upon request, transmit data on holders and vehicles entered in national vehicle registers insofar as this is necessary

- a) to combat crime,
- b) to prevent threats to public security, or
- c) to prosecute infringements of road traffic regulations.

2) For the execution of requests which have been submitted by means of a non-automated or automated procedure with indication of the registration of the vehicle, the Contracting States shall keep the following data stored in their system at disposal:

- a) data on the holder:
 - in case of natural persons: surname, given name and address;
 - in case of legal entities and authorities: name or designation and address;
- b) data on the vehicle:
 - vehicle registration number and chassis number - VIN;
 - type of vehicle, brand and model.

3) Searches may be made only if a complete chassis number or a complete registration number is used and only if they are made in accordance with the national law of the searching Contracting State.

4) The details on the competent authorities and the individual steps of the proceedings shall be regulated by the competent authorities of the Contracting States in an implementing agreement.

Chapter IV

Special Forms of Police Cooperation

Art. 14

Cross-Border Surveillance

1) The officers of the security authorities of a Contracting State shall, for a criminal offence which is extraditable in the requested State, be authorised in investigation proceedings to continue their surveillance within the territory of another Contracting State, if the latter has authorised such cross-border surveillance in response to a request.

2) The same shall be applicable to the following types of surveillance:

- a) surveillance of a person if there are serious grounds to presume that he or she can make a contribution to the identification or localisation of a person who is suspected of having participated in an extraditable criminal offence,
- b) surveillance with the aim to assure the execution of a sentence,
- c) surveillance with the aim to prevent extraditable criminal offences,
- d) surveillance with the aim to prevent a given extraditable criminal offence that a person has planned, while such extraditable criminal offence is still in its preparatory phase,
- e) to prevent gang crime or organised crime.

3) Surveillance on the basis of a prior authorisation as referred to in Para. 2 Sub-Paras. c to e shall be permissible only

- a) if it is permissible under the national law of the requested Contracting State, and
- b) insofar as a request cannot be made pursuant to Para. 1 as part of investigation proceedings, and
- c) if the purpose of the surveillance cannot be achieved through the continuation of the official act by officers of the requested Contracting State or through the formation of joint surveillance groups pursuant to Art. 19.

4) The authorisation shall be applicable to the entire territory and may be subject to conditions. The border may be crossed even outside authorised crossing points and fixed opening hours.

5) If, for particularly urgent reasons, no application for prior authorisation can be made, the cross-border surveillance may be

continued, if the competent authority of the Contracting State concerned is immediately informed that the border has been crossed. A request as referred to in Para. 1 shall be submitted immediately.

6) Each border crossing shall be reported to the authority of the other Contracting State immediately.

7) Surveillance shall cease as soon as the Contracting State within the territory of which it is carried out so requests, or if the requested Contracting State has not granted any authorisation within 12 hours after the border has been crossed.

8) The general conditions shall be:

- a) The officers carrying out the surveillance must comply with the provisions of this Article and with the law of the Contracting State within whose territory they are operating; they must obey the instructions of the competent local authorities.
- b) Entry into private homes and land not accessible to the public shall be prohibited. Entry into office, company and business premises accessible to the public during the office, company and business hours shall be permissible.
- c) If the person under surveillance is caught in the act of committing or participating in a criminal offence extraditable in the requested Contracting State or is pursued for this reason, the officers carrying out the surveillance shall have the powers that they have in case of a cross-border hot pursuit.
- d) Any surveillance shall be the subject of a report to the authorities of the Contracting State within whose territory it took place; the officers carrying out the surveillance may be required to appear in person.
- e) The authorities of the Contracting State from whose territory the officers carrying out the surveillance have come shall, upon request, assist the subsequent police and judicial enquiry conducted by the Contracting State within whose territory the surveillance took place.
- f) Technical means which are necessary to carry out the surveillance may be used to the extent necessary, insofar as this is permissible under the law of the Contracting State within whose territory the surveillance is continued. The technical means to be used for the surveillance of persons shall be mentioned in the request referred to in Para. 1.

9) The competent authorities shall be:

- a) for requests referred to in Paras. 1 and 2:
 - in the Republic of Austria: the Federal Minister of the Interior,
 - in the Swiss Confederation: the Federal Office of Police,

- in the Principality of Liechtenstein: the national police;
- b) for reports referred to in Paras. 5 and 6:
- in the Republic of Austria: the Federal Minister of the Interior,
 - in the Swiss Confederation: the St. Gallen cantonal police or the Grisons cantonal police,
 - in the Principality of Liechtenstein: the national police.

Art. 15

Cross-Border Hot Pursuit

1) The officers of the security authorities of a Contracting State may pursue any individual without the prior authorisation of another Contracting State across the border,

- a) if such individual is caught in the act of committing an extraditable criminal offence or is pursued for this reason, or
- b) if such individual has escaped from provisional custody or criminal detention imposed on account of a criminal offence which is extraditable in the other Contracting State,

where, given the particular urgency of the situation, it is not possible to notify the authorities of the other Contracting State in advance, or where these authorities are unable to reach the scene in time to take over the pursuit.

2) The same shall apply if an individual evades a police check within a distance of 80 kilometres from the national border, provided that, in the process, the request to stop is not complied with and provided that, subsequently, this creates a threat to public security.

3) The pursuing officers shall immediately contact the competent authorities of the other Contracting State. The pursuit shall cease as soon as they so request. At the request of the pursuing officers, the competent local authorities shall challenge the pursued individual in accordance with the national law in order to establish the individual's identity or to make an arrest.

4) If no request to cease the pursuit is made and if the competent authorities are unable to intervene quickly enough, the pursuing officers may detain the individual in accordance with the law of the other Contracting State until the competent local officers, who must be informed immediately, establish the individual's identity, make an arrest or take additional action.

5) The hot pursuit shall be carried out without limit in space or time. The border may be crossed even outside authorised crossing points and fixed opening hours.

6) The general conditions shall be:

- a) The pursuing officers shall be clearly identifiable, e.g. by their uniform, special distinctive signs or by accessories fitted to their vehicles.
- b) Once the individual has been apprehended as provided for in Para. 4, for the purpose of being brought before the local authorities, that person may only be subjected to a security search. Handcuffs may be used during the transfer. Any objects carried by the pursued individual may be temporarily seized until the competent local officers arrive.
- c) After each operation referred to in Paras. 1 to 4, the pursuing officers shall immediately appear before the competent local authorities of the other Contracting State and report on their mission. At the request of those authorities, they shall remain at their disposal in situ until the circumstances surrounding their action have been sufficiently clarified. The same shall apply even if the hot pursuit has not resulted in the arrest of the individual pursued.

d) Art. 14, Para. 8, Sub-Paras. a, b, e and f shall apply *mutatis mutandis*.

7) The arrested individual may be held for questioning in accordance with the law of the Contracting State within whose territory the individual was apprehended. National rules which, for other reasons, make it possible to order detention or provisional arrest shall remain unaffected.

8) Reports referred to in Para. 3 shall be made to:

- in the Republic of Austria: the Provincial Police Directorates (Landespolizeidirektionen) for the provinces of Tyrol and Vorarlberg,
- in the Swiss Confederation: the St. Gallen cantonal police or the Grisons cantonal police,
- in the Principality of Liechtenstein: the national police.

In cases of major importance or if the hot pursuit has crossed the limits of the border region referred to in Art. 4 Para. 3, these authorities shall inform the national central services.

9) For the security authorities of the Principality of Liechtenstein and the Swiss Confederation, the hot pursuit in the territory of the cantons of St. Gallen and Grisons and in the territory of the Principality of Liechtenstein shall also be permissible in cases of infringements of the road traffic law. The national police of the Principality of Liechtenstein shall, for important reasons, be authorised to use the national road A13 within

the territory of the Swiss Confederation along the joint state borders for official travel. The preceding paragraphs shall apply mutatis mutandis.

Art. 16

Controlled Delivery

1) The Contracting States may, at a prior request, permit controlled deliveries within their own territory for extraditable offences, in particular illicit trafficking in narcotics, weapons, explosives, counterfeit money, stolen objects, and handling stolen goods as well as money laundering, if the requesting Contracting State deems that, in the absence of any such action, it would be impossible or significantly more difficult to identify the instigators and the other participants in the acts or to uncover the distribution channels. Art. 15 Para. 5 shall apply mutatis mutandis. The controlled delivery may, following an agreement between the Contracting States, be intercepted and allowed to continue with the initial contents intact or removed or replaced in whole or in part.

2) If the good poses an unacceptable risk for the persons involved in the transport or a threat to public security, the requested Contracting State shall restrict or reject the controlled delivery.

3) The requested Contracting State shall take over control of the delivery when the goods cross the border or at an agreed hand-over point in order to avoid any interruption of surveillance. During the rest of the journey, it shall ensure that the goods are kept permanently under surveillance in such a way that at any time it has the possibility of arresting the perpetrators and seizing the goods. Officers of the requesting Contracting State may, in agreement with the requested Contracting State, continue to follow the controlled delivery together with the officers of the Contracting State who have taken over the surveillance. In this context, they are bound by the provisions set forth in this article and by the law of the requested Contracting State. They shall comply with the orders given by the officers of the requested Contracting State.

4) Requests for controlled deliveries which start or continue in a third country may be granted only if the fulfilment of the conditions set forth in Para. 3 is guaranteed by the third country.

5) Art. 14 Para. 8 Sub-Paras. b, c, e and f shall apply mutatis mutandis.

6) Requests for controlled export shall be made to the following authorities:

- in the Republic of Austria: to the Federal Minister of the Interior, or concurrently informing the Federal Minister of the Interior, to the Prosecution Service in whose district the transport starts,
- in the Swiss Confederation: to the Federal Office of Police,
- in the Principality of Liechtenstein: to the national police.

Art. 17

Covert Investigations

1) Insofar as permitted by the respective national laws, covert investigations may be continued within the territory of another Contracting State in order to prevent extraditable criminal offences of considerable importance, if the other Contracting State has authorised the cross-border covert investigation on the basis of a request submitted in advance.

2) The requirements for the deployment of undercover investigators, the conditions of such deployment as well as the criteria for the use of the results of the investigation shall be determined by the requested Contracting State in accordance with its national legal provisions.

3) Covert investigations within the territory of the requested Contracting State shall be restricted to individual operations which are limited in time and which shall be mentioned in the request referred to in Para. 1. If, when the request is submitted, it is apparent that the covert investigations will take a certain time, the covert investigations may initially be authorised for the duration of up to one month. The authorisation may be extended with or without a modification of the originally granted authorisation. The expected duration of the covert investigations shall also be set forth in the request referred to in Para. 1. The mission shall be prepared in collaboration between the authorities of the requesting Contracting State and the competent authorities of the requested Contracting State.

4) An officer of the requested Contracting State shall be the head of the mission. The requested Contracting State shall assume responsibility for the acts of the officers of the requesting Contracting State. The requested Contracting State may demand at any time that the covert investigations cease.

5) The requested Contracting State shall take the necessary action to assist the requesting Contracting State in the execution in terms of personnel, logistics and technical support and to protect the officers of the requesting Contracting State during the mission within the territory of the requested Contracting State.

6) The officers of the requesting State may carry the technical means necessary for the security of the mission, unless the requested Contracting State within whose territory the covert investigations are being carried out expressly objects. In addition, Art. 14 Para. 8 Sub-Para. f shall apply *mutatis mutandis*.

7) If, given the particular urgency of the situation, a request referred to in Para. 1 cannot be submitted prior to the crossing of the border and if there are serious grounds to fear that, without cross-border covert investigations, the identity of the operating officers would be uncovered, undercover investigators may exceptionally operate within the territory of the other Contracting State without prior authorisation, if the other requirements set forth in Paras. 1 to 3 for the deployment of undercover investigators within the territory of the other Contracting State are met. The authority of the other Contracting State set forth in Para. 10 shall immediately be notified of the mission. A request which includes the grounds which justify a mission without prior authorisation shall be submitted immediately. In such cases, the mission of the undercover investigator shall be limited to what is absolutely necessary to maintain the legend.

8) The competent authorities of the Contracting State within whose territory the mission was carried out shall be immediately informed in writing of the execution and the results of the mission of undercover investigators.

9) The Contracting States may make undercover investigators available to each other who shall operate by order and under the direction of the competent authorities of the respective other Contracting State.

10) The request shall be made to the national central services in accordance with Art. 4 Para. 2.

Art. 18

Protection of Witnesses and Victims

1) The security authorities of the Contracting States shall cooperate in accordance with their national law to ensure the protection of witnesses, the members of their families and victims (hereinafter referred to as "persons to be protected").

2) The cooperation shall in particular include the exchange of information and the transfer of persons to be protected, including administrative, technical and logistical assistance.

3) The competent authorities shall in each individual case enter into a separate agreement pursuant to Art. 57 to lay down the conditions of the cooperation including the costs associated with the transfer of persons to be protected.

4) The persons to be protected who are accepted in the protection programme of the requesting Contracting State shall not be accepted in the protection programme of the requested Contracting State. Any cooperation carried out in connection with the protection of these persons shall be governed by the law of the requested Contracting State *mutatis mutandis*.

5) The requesting Contracting State shall, for the persons to be protected, if necessary, bear the costs of living and the costs of the measures the execution of which this Contracting State has requested. The requested Contracting State shall bear the personnel and material costs for the protection of these persons.

6) If serious reasons apply and if the requesting Contracting State has been informed in advance, the requested Contracting State may end the cooperation. In such cases, the requesting Contracting State shall be obliged to take back the persons to be protected.

Art. 19

Joint Operations

1) In order to intensify the cooperation, the competent security authorities of the Contracting States may, in the fight against crime and to prevent threats to public security and order, form joint patrols, joint control, evaluation and surveillance groups as well as other joint operations in which officers take part in missions within the territory of another Contracting State.

2) In this process, officers of a Contracting State may be entrusted by the security authorities of the other Contracting State within whose territory the operation takes place with police enforcement duties including the exercise of sovereign powers.

3) The entrustment shall be subject to the fact that an agreement is reached between the security authorities of the Contracting States involved.

4) The officers so entrusted pursuant to Paras. 2 and 3 may exercise sovereign powers only under the direction of the leading service of the Contracting State within whose territory the operation takes place. In this process, they shall be bound by the law of the Contracting State within

whose territory the officers operate. The Contracting State in whose territory the operating officers operate shall assume responsibility for the measures taken by the operating officers.

5) The use of firearms shall be permissible only if its use is ordered by the head of the operation or in cases of self-defence or to lend assistance in a situation of need.

Art. 20

Deployment of Officers to exercise Sovereign Powers

1) At the request of a Contracting State, officers of the security authorities of another Contracting State may be deployed to provide their assistance and may be entrusted with police enforcement duties including the exercise of sovereign powers in order to prevent threats to public security and order and to combat criminal offences.

2) Art.19 Paras. 3 to 5 shall apply mutatis mutandis.

Art. 21

Measures in the event of Imminent Danger

1) Officers of the security authorities of a Contracting State may, in case of an imminent considerable danger, cross the border between the two States without the prior authorisation of the other Contracting State in order to take provisional measures within an area close to the border within the territory of the other Contracting State which are necessary to avert an immediate danger for life or limb or property.

2) An immediate danger as provided for in Para. 1 shall be deemed to arise if there is a risk that the danger will materialise in the event of there being any delay before the officers of the other Contracting State intervene.

3) The officers crossing the border shall immediately notify the security authorities of the other Contracting State which are competent pursuant to Para. 5. These shall confirm receipt of such notification and shall take the necessary measures without delay to avert the danger and take charge of the operations. The officers crossing the border may operate within the territory of the other Contracting State only until the latter has taken the measures necessary to avert the danger. The officers crossing the border shall be required to follow the instructions of the other Contracting State.

4) The officers crossing the border shall be required to follow the provisions set forth in this article, and the law of the Contracting State within whose territory they operate. The Contracting State within whose territory the officers crossing the border operate shall assume responsibility for the measures taken by them.

5) Notification shall be given

- in the Republic of Austria: to the Provincial Police Directorates (Landespolizeidirektionen) for the provinces of Vorarlberg or Tyrol,
- in the Swiss Confederation: to the St. Gallen cantonal police or the Grisons cantonal police,
- in the Principality of Liechtenstein: to the national police.

Art. 22

Subordination of Officers for Traffic Regulation and Traffic Safety Purposes

1) To guarantee road traffic safety and fluidity, officers of a Contracting State may, in the case of events referred to in Art. 24, be subordinated to the competent authorities of the other Contracting State in its territory for traffic regulation and traffic safety purposes. In this process, they may be entrusted with the exercise of enforcement duties, including sovereign powers.

2) Art. 19 Paras. 3 to 4 shall apply mutatis mutandis.

3) The Contracting States, upon deposit of the instruments of ratification, shall designate the authorities which shall be competent for cooperation purposes under this article. These designations may be modified via diplomatic channels at any time.

Art. 23

Cross-Border Search Operations

The competent security authorities of the Contracting States shall, in their respective territories, participate in cross-border search operations, such as searches for fugitive delinquents with a circular blockade around the crime site (Ringalarmfahndung). In cases of more than regional importance, the national central services shall be involved.

Art. 24

Assistance in connection with Major Events, Disasters and Serious Accidents

The competent security authorities of the Contracting States shall assist each other in accordance with national law in connection with mass gatherings and similar major events, as well as in connection with disasters and serious accidents,

- a) by notifying one another, as promptly as possible, of any such situations or events with a cross-border impact and by exchanging any relevant information,
- b) by taking and coordinating the necessary policing measures within their territory in events or situations with a cross-border impact,
- c) as far as possible, by providing assistance with specialists and advisers and equipment, at the request of the Contracting State within whose territory the situation or the event arises.

Art. 25

Posting of Liaison Officers

1) A Contracting State may, with the consent of the national central service of another Contracting State, post liaison officers to its security authorities.

2) The liaison officers shall operate in a supportive and advisory capacity without independent exercise of sovereign powers. They shall provide information and execute their missions in accordance with the instructions issued to them by the Contracting States involved.

3) Liaison officers posted to another Contracting State or to a third country may, by mutual agreement of the national central services concerned, also safeguard the interests of another Contracting State.

Art. 26

Air Marshals

1) On the basis of the conventions on international civil aviation, insofar as they are binding on the respective Contracting State, the Contracting States shall cooperate with regard to the deployment of air marshals in aircraft.

2) Air marshals as referred to in this Agreement shall be officers of the security authorities with suitable training responsible for maintaining security on board of the aircraft.

3) The cooperation shall, in particular, include the deployment of air marshals on flights from the territory of one Contracting State to the territory of the other Contracting State.

Art. 27

Document Advisers

1) The Contracting States shall cooperate with regard to the deployment of document advisers.

2) This cooperation shall, in particular, include:

- a) the coordinated deployment of document advisers to States classified as countries of origin or transit of illegal migration,
- b) exchanging information at regular intervals on findings about illegal migration which have been obtained from the work of their document advisers,
- c) the jointly agreed coordination, whether limited or unlimited in time, of concrete measures by a Contracting State,
- d) the assistance and follow-up of measures for consulting and training purposes, and
- e) the regular exchange of experience with regard to the deployment of document advisers and joint training measures for document advisers.

3) The tasks of the document advisers shall include:

- a) advising and training the Contracting States' representations abroad on passport and visa matters, in particular the detection of false documents, on document abuse and illegal migration,
- b) advising and training carriers in passport, border control and migration matters,
- c) advising and training the authorities and institutions of the host country responsible for police border controls in passport, border control and migration matters.

Art. 28

Assistance with Repatriation Measures

The competent authorities of the Contracting States shall assist one another with repatriation measures, in compliance with their international commitments, of third-country nationals who are subject to individual repatriation measures. They shall inform one another of planned repatriation measures in good time and, as far as possible, shall give the other Contracting States an opportunity to participate. For joint repatriation measures, the competent authorities shall agree on arrangements for escorting persons to be repatriated and on arrangements for security.

Art. 29

Transit with Police Escort

1) Officers of the competent authorities of a Contracting State shall be allowed to transit the territory of another Contracting State with individuals in their custody. This shall also concern the transit of individuals to be repatriated to an international airport located in the territory of another Contracting State. The competent authority of the other Contracting State shall be informed in time of the planned transit, including the transit route and the chosen means of transport and the personal data of the individual subject to be transferred. Any existing obligations between the Contracting States which require that a transit authorisation be obtained from the judicial authorities of the Contracting States shall remain unaffected.

2) The transit shall be made on the shortest possible route and without any unnecessary stays. In the event of transit by public means of transport, the transport company shall be informed in advance.

3) The officers may not perform any official acts in the territory of the other Contracting State beyond the transit, unless they are necessary in connection with the transit. In this process, any and all security measures shall be taken which are necessary to prevent the escape of individuals subject to a transit measure or a threat to third parties or objects or any disturbance of traffic. For this purpose, if necessary, the use of coercive measures such as putting on handcuffs shall also be permissible. The use of coercive measures shall be governed by the national law of the Contracting State within whose territory the transit takes place.

4) Individuals who are unfit for transport or may not be transported under the relevant provisions shall be excluded from this type of transport.

5) If a person subject to a transit measure escapes, the escorting officers shall be obliged to pursue him or her immediately and to immediately inform the first officer of the security authorities of the territorially competent Contracting State that can be reached. The pursuit by the escorting officers shall be limited to the vicinity of the transit route and it shall cease at the latest when the security authorities of the territorially competent Contracting State start the pursuit and they expressly demand that the pursuit cease.

6) Individuals subject to a transit measure need not carry a travel document or a visa for transit purposes.

Art. 30

Handover of Individuals at the National Border

1) The handover of individuals at the national border between the Contracting States may also take place in suitable places near the border or at airports, if the competent authorities of the Contracting State within whose territory the handover shall take place authorise this handover on a case-by-case basis. The handover shall take place in places in which there are suitable facilities for a safe handover. The security authorities of the Contracting States shall inform one another of the places and facilities which are located in their territory and are suitable for the handover of individuals.

2) Art. 29 Paras. 2 to 6 shall apply *mutatis mutandis* to the transit of individuals from the national border to the place of handover in the territory of the other Contracting State or from the place of handover in the territory of the other Contracting State to the national border.

Art. 31

Cross-Border Measures in Railway Traffic and Shipping Traffic

1) In cross-border public railway traffic, officers of the security authorities shall be authorised for purposes of maintenance of public security and order to continue an official act started in a train in their own territory in accordance with their national law until the first scheduled stop in the territory of another Contracting State.

2) The officers shall be authorised to get on the train at the last scheduled stop in the territory of another Contracting State to get the

opportunity to take measures for the purpose of maintenance of public security and order from departure from the last point of pre-border embarkation.

3) In this process, the officers shall be authorised, on the conditions set forth in Art. 15 Para. 1 Sub-Paras. a or b, or for the purpose of preventing or prosecuting a criminal act attempted or committed under the national law of the other Contracting States in their territory, to detain an individual in the territory of the other Contracting States until the officers of the other Contracting States arrive. Art. 15 Para. 6 Sub-Para. b and Para. 7 shall apply mutatis mutandis.

4) Paras. 1 to 3 shall apply to passenger shipping traffic mutatis mutandis.

Art. 32

Joint Centres

1) The Contracting States may set up and operate joint centres for the exchange of information and the support of their security authorities. These may be set up permanently or, in particular in case of events referred to in Art. 24, temporarily.

2) At the joint centres, officers of the Contracting States, within their respective responsibilities, shall cooperate in direct proximity to each other in order to exchange, analyse and forward information in matters concerning the scope of competence of the security authorities, without prejudice to the official channels and the exchange of information via the national central services, and in order to participate in a supportive manner in the coordination of the cross-border cooperation as provided for in this Agreement. They may also be entrusted with the preparation of joint analyses.

3) Acting in a supportive capacity may also include the preparation of and participation in the repatriation of third-country nationals on the basis of the agreements in force between the Contracting States.

4) The joint centres shall not be in charge of the independent execution of operative missions, they may be entrusted by the competent security authorities with the preparation and coordination of joint operations in the border regions.

5) At the joint centres, the officers may also be entrusted with non-operative activities going beyond the tasks set forth in Paras. 1 to 3, in particular measures of media and public relations, and education and further education.

6) The number and location of joint centres as well as the details of cooperation and the equal distribution of costs shall be regulated in separate agreements pursuant to Art. 57.

7) The security authorities of a Contracting State may participate in joint centres operated by another Contracting State with third countries, provided that and insofar as the other Contracting State and the third countries authorise any such participation. The details of the cooperation as well as the distribution of costs shall be regulated between all States involved.

8) The Contracting States may stipulate that third countries participate in the cooperation at joint centres. The powers of liaison officers seconded by third countries shall be governed by the national law of the Contracting State within whose territory the joint operation centre has been set up. The details of the cooperation as well as the distribution of costs shall be regulated between all States involved.

Chapter V

Legal Relationships in case of Operations in another Contracting State

Art. 33

Entry, Exit and Stay

1) Officers who temporarily operate within the territory of another Contracting State under this Agreement only need a valid professional identification card with a photograph on it to be able to cross the border and stay in the other territory.

2) The officers of a Contracting State who are deployed within the territory of another Contracting State must be able to prove their official capacity at any time. In the cases referred to in Art. 29, 30 and 31, they must also be able to prove their official capacity to public transportation employees.

Art. 34

Uniforms and Arms

1) If officers operate in the territory of another Contracting State under this Agreement, they shall be authorised to wear their uniform and to carry their arms and other coercive means, unless the other Contracting

State advises in individual cases that it does not authorise this or that it authorises this only on certain conditions.

2) The permission to wear the uniform in the territory of another Contracting State shall also apply to purposes other than those mentioned in Para. 1, such as, in particular, the attendance of honorary events or presentations. Officers who attend such events may not carry their arms or other coercive means unless authorisation to this effect has been given by the Contracting State within whose territory the event takes place.

3) With the exception of operations referred to in Art. 19 and 20, the use of firearms is permissible only in case of self-defence or to lend assistance in a situation of need.

Art. 35

Use of Vehicles

1) If, during their cooperation under this Agreement, officers make use of vehicles within the territory of another Contracting State, they shall be subject to the same regulations of road traffic law as the officers of the Contracting State within whose territory they make use of these vehicles. This shall also apply to special privileges and rights of way. The Contracting States shall inform one another of the legal situation applicable from time to time.

2) If the officers have entered the territory of another Contracting State at the invitation of such other Contracting State for purposes other than those referred to in Para. 1, such as the attendance of honorary events, presentations or similar official events, they shall be authorised to make use of their vehicles within the territory of the inviting Contracting State.

3) If use of aircraft is made, derogations from the provisions concerning controlled airspace and airspace restrictions may be made, insofar as this is necessary for the operations taking account of public security and order. Derogations from the provisions on airspace conduct may be made only to the extent that this is absolutely necessary for the fulfilment of sovereign tasks. Each Contracting State shall permit that the aircraft used from within the territory of the other Contracting State may also land and depart from outside customs airports and authorised airfields.

4) If possible, before, but no later than during, the use of aircraft, the respective competent air traffic centre shall immediately be provided with information as detailed as possible on the type and registration of the

aircraft, the crew, loading, time of departure, expected route and landing site. The respective flight plan shall include a reference to this Agreement.

5) If ships are used, the officers shall be exempt from compliance with the regulations for inland waterway traffic to the same extent as the officers of the Contracting State within whose territory they operate. They shall be authorised to send out signals insofar as this is urgently required for operations under this Agreement.

6) The official vehicles used by the officers within the territory of the other Contracting State under this Agreement shall be exempt from road and highway fees.

Art. 36

Employment Relationship

The officers of the Contracting States shall, with regard to their employment relationship and with regard to disciplinary rules, remain subject to the national law provisions.

Art. 37

Liability

1) If the officers of a Contracting State, during the execution of this Agreement, cause damage within the territory of another Contracting State, the latter shall be liable to the injured third parties on the same conditions and to the same extent as if their own officers with subject-matter and territorial competence had caused the damage.

2) The Contracting State which has paid damages to the injured parties or their legal successors shall be reimbursed by the other Contracting State for such damages, unless the mission took place at its request or the officers caused the damage with deliberate intent or gross negligence. No assertion of damage claims in respect of any damage caused to a Contracting State shall be made, unless the officers caused the damage with deliberate intent or gross negligence.

3) In the event of the subordination of officers pursuant to Art. 19, 20 and 22 and within the framework of events referred to in Art. 24, the Contracting State within whose territory the operation takes place, shall be liable for damage caused by third parties with deliberate intent or gross negligence to equipment or vehicles of the seconded officers. This shall also apply in the event of supplying equipment.

Art. 38

Legal Position of the Officers in the Area of Criminal Law

The officers who, under this Agreement, operate within the territory of another Contracting State, shall, with regard to any criminal offences committed by or against them, be treated equally as the officers of the Contracting State within whose territory they operate.

Chapter VI

Cooperation in the Prosecution of Infringements of Road Traffic Regulations

Art. 39

Definitions

The following shall be deemed to represent infringements of road traffic regulations:

- for the Republic of Austria: infringements of legal regulations on road traffic police and vehicles,
- for the Swiss Confederation: infringements of the Federal Road Traffic Act and the relevant implementation rules,
- for the Principality of Liechtenstein: infringements of regulations on road traffic including infringements of regulations on driving and rest periods and dangerous goods legislation.

Art. 40

Search for Holders and Identification of Drivers

1) In the cases referred to in Art. 13, Para. 1, Sub-Para. c, the holder of a vehicle shall be identified by means of the automated procedure.

2) The competent authorities of a Contracting State shall, at the request of the competent authorities of another Contracting State, establish the identity of the driver of a vehicle who is suspected of having committed an infringement of road traffic regulations, interview him or her on the facts and forward the findings to the requesting authority.

Art. 41

Transmission and Content of Official Documents

1) Official documents as defined by this Chapter may be transmitted to the person concerned directly. If there are grounds to believe that the addressee has no command of the language in which the document is worded, a translation of the said document - or at least of its essential elements - in the language of the Contracting State within whose territory the addressee is shall be required.

2) Official documents of which service is made and on account of which an accused natural or juristic person is granted the opportunity to state his or her or its position, must include the following information in particular:

- a) the nature, place, date and time of the infringement as well as the manner in which it was established (means of evidence),
- b) the registration number and, where possible, the type, brand and model of the motor vehicle with which the infringement was committed, or, in the absence of this information, any other information which might contribute to the identification of the vehicle,
- c) the amount of the financial penalty which may be imposed or the financial penalty which in fact has been imposed, the deadline within which it has to be paid and the method of payment, and
- d) the possible channels of appeal and the deadlines for lodging such appeal.

3) The official documents may be sent via the competent authorities of the requested Contracting State only if:

- a) the address of the person for whom the document is intended is unknown or uncertain,
- b) the relevant procedural law of the requesting Contracting State requires proof of service of the document on the addressee, other than proof that can be obtained by post,
- c) it has not been possible to serve the document by post, or
- d) the requesting Contracting State has justified reasons for considering that dispatch by post will be ineffective or is inappropriate.

Art. 42

Conditions governing a Request for the Enforcement of Decisions

1) The Contracting States shall, upon request, assist each other in the enforcement of decisions by which the competent court or the competent administrative agency of a Contracting State has found an infringement of road traffic regulations and, for this reason, imposes a penalty. In this process, the following conditions must be fulfilled:

- a) the imposed penalty amounts to no less than 70 euros or 100 Swiss francs, it being understood that this amount may also be reached by the addition of several financial penalties imposed on the same person,
- b) the request is limited to the recovery of a monetary sum,
- c) the decision is enforceable and not statute-barred by limitation under the applicable law of the requesting Contracting State,
- d) the decision concerns a person who, under the national law of the enforcing Contracting State, due to his or her age and the events for which the decision was rendered, may be subject to criminal prosecution.

2) As a result of a request for enforcement of a decision, the requesting Contracting State may not continue the enforcement proceedings until the requested Contracting State has informed the requesting Contracting State that the request has been refused or that it is unable to enforce.

3) The authorities of the Contracting States which are competent for enforcement purposes shall send to each other requests and any and all communications relating thereto directly in writing. This shall also apply in the event of a judicial decision. Any appropriate channels leaving a written record shall be permissible. The enclosures of the request shall include a copy of the decision as well as a declaration of the requesting authority confirming that the conditions set forth in Para. 1, Sub-Paras. b and c are fulfilled. The requesting Contracting State may enclose additional communications which are conducive to the transfer of enforcement, in particular information on special circumstances of the infringement such as the type of commission of which account has been taken in connection with the assessment of the financial penalty, as well as the text of the applied legal provisions.

4) No enforcement of decisions shall be granted in respect of:

- a) a decision which includes a penalty involving deprivation of liberty as the main penalty, and

- b) infringements of road traffic regulations which coincide with offences that are not related to road traffic only, unless the infringements of road traffic regulations are prosecuted separately or exclusively.

Art. 43

Grounds for Refusal, Obligation to Inform, Extent and Termination of Enforcement

- 1) The execution of a request for enforcement may be refused if:
 - a) the infringement which gives rise to the decision is not punishable under the national law of the requested Contracting State,
 - b) the execution of the request runs counter to the principle of ne bis in idem,
 - c) the law of the enforcement State provides for immunity which renders any enforcement impossible, or
 - d) enforcement has become statute-barred by limitation under the law of the requested Contracting State.
- 2) If a request is not granted, the requesting Contracting State must be informed and the grounds for the refusal must be disclosed.
- 3) Parts of a penalty which have already been enforced shall not be enforced.

Art. 44

No Delay of Enforcement and Conversion

- 1) Decisions shall be enforced by the competent authorities of the requested Contracting State without delay and in their currency. For conversion purposes, the official exchange rate available when the decision is taken shall be decisive. Should it transpire upon conversion that the amount of the financial penalty imposed exceeds the maximum amount of the penalty prescribed in respect of the same type of infringement of road traffic regulations by the law of the requested Contracting State, the enforcement of the decision shall not exceed this maximum amount.
- 2) The enforcement of a decision shall be governed by the law of the requested Contracting State.

Art. 45

Proceeds of Enforcement and Costs

The costs incurred as a result of the action taken in accordance with this chapter shall not be invoiced to the requesting Contracting State. The proceeds resulting from the enforcement as well as the amount of the costs fixed in the decision shall go to the requested Contracting State.

Art. 46

Competent Agencies

The Contracting States, upon deposit of the instruments of ratification, shall designate the services competent for the implementation of this Chapter. These designations may be modified via diplomatic channels at any time.

Art. 47

Implementing Agreement

The competent authorities of the Contracting States shall fix the administrative and technical conditions of the implementation of the cooperation provided for in this Chapter in a joint trilateral Agreement.

Chapter VII

Data Protection

Art. 48

Basic Principle

1) Unless provided otherwise in what follows, the processing of personal data transmitted on account of this Agreement shall be governed by the purposes indicated, the conditions which may be laid down by the transmitting agency as well as by the provisions applicable in the recipient State to the processing of personal data.

2) Processing as defined by this Agreement shall be any use of data and it shall include the storage, alteration, transmission, blockage, erasure and any other utilisation.

3) For the territory of the Swiss Confederation, the relevant provisions of federal law shall be applicable, unless the cantons have data protection rules of their own.

Art. 49

Specific Purpose

1) Personal data transmitted on account of this Agreement may be processed by the recipient for purposes other than those forming the basis of the transmission only with the consent of the transmitting agency. The permissibility of granting a consent shall be governed by the national law of the transmitting agency.

2) Personal data transmitted for the purpose of averting threats to public security and order or preventing criminal offences may be processed without the consent of the transmitting agency for the prosecution of serious criminal offences. Likewise, personal data transmitted for criminal prosecution purposes may be processed without the consent of the transmitting agency for the purpose of preventing serious criminal offences and averting considerable threats to public security and order.

Art. 50

Obligation to Correct and Destroy

1) Personal data transmitted on account of this Agreement shall be destroyed if:

- a) the data so transmitted turn out to be incorrect,
- b) the transmitting security authority informs the recipient of the fact that the data collection or transmission has been made illegally,
- c) it turns out that the data are not needed or no longer needed for the realisation of the task which had justified their transmission, unless an express authorisation for the processing of the data for other purposes has been given.

2) The transmitting agency shall inform the recipient of any special retention periods which may apply and which the recipient is required to respect.

Art. 51

Communication

- 1) At the request of the transmitting agency, the recipient shall provide information on any processing of the transmitted personal data.
- 2) If the security authority of a Contracting State which has transmitted personal data on account of this Agreement finds that the transmitted data are incorrect or that, as a result of unlawful processing, must be corrected or destroyed, it shall point this out to the recipient immediately.
- 3) If the recipient finds that the transmitted data has been processed unlawfully, it shall also point this out to the transmitting agency immediately.

Art. 52

Recording

- 1) The transmitting security authority and the recipient shall be obliged to record at least the ground for, the content, receiving agency and the time of the data transmission. Transmissions by means of online procedures shall be recorded with the aid of computer technology.
- 2) If data are searched in accordance with Art. 13, Para. 1, Sub-Para. c in conjunction with Art. 40, Para. 1, the obligations set out in Para. 1 shall be applicable under the provision that the searching Contracting State shall record the ground for the search.
- 3) The records shall be kept for a period of at least three years.
- 4) The protocol data may be used exclusively to verify whether the relevant data protection regulations have been complied with.

Art. 53

Procedure in the Event of Information Being Provided

- 1) The right of the person concerned to obtain information on his or her processed data shall be governed by the national law of the Contracting State in which an application for the provision of information is made.
- 2) Prior to the decision on the provision of information, the recipient shall give the transmitting agency the opportunity to state its position.

Art. 54

Processing of Data on Foreign Territory

1) The processing of personal data obtained through cross-border operations within the territory of another Contracting State shall be monitored by the competent authority of the Contracting State for whose purpose it was obtained and such monitoring shall be governed by its national law. In this context, any conditions associated with the authorisation as well as any special conditions fixed by the authorisation authority shall be respected.

2) Officers operating within the territory of another Contracting State may not be granted any direct access to personal data processed with the aid of computer technology in this Contracting State.

Chapter VIII

Implementing and Final Provisions

Art. 55

Exemption

If a Contracting State deems that the execution of a request or the implementation of a cooperation measure may result in the fact that its own security or other essential interests might be jeopardised, it shall advise the other Contracting State that it refuses the cooperation in whole or in part or that it subjects such cooperation to special conditions.

Art. 56

Meeting of Experts

Each Contracting State may demand a meeting of experts of the Contracting States in order to resolve questions in connection with the application of this Agreement and in order to submit proposals for the further development of the cooperation.

Art. 57

Implementation of Cooperation

1) Within their scope of responsibilities, the authorities of the Contracting States may, on the basis and within the framework of this

Agreement, enter into arrangements the aim of which is the administrative and technical implementation.

2) The Contracting States may lay down the practical aspects of cooperation in a manual which is not legally binding.

Art. 58

Costs

Without prejudice to other regulations in this Agreement, each Contracting State shall bear the costs incurred by its authorities as a result of the application of this Agreement on its own, unless the competent authorities agree otherwise in an individual case.

Art. 59

Common Language

The communication between the competent authorities of the Contracting States under this Agreement shall be in German. The authorities of the French-speaking and Italian-speaking cantons of the Swiss Confederation may answer requests also in French or Italian.

Art. 60

Reservation of National Law in Fiscal and Customs Matters

1) This Agreement shall not be applied to criminal matters relating to taxes, duties, customs and exchange.

2) Any information obtained within the framework of any cooperation under this Act may not be used for the assessment of taxes, duties and customs or in criminal matters relating to taxes, duties, customs and exchange, unless the requested Contracting State has made this information available for any such proceedings.

Art. 61

Entry into Force and Termination

1) This Agreement shall be ratified. The instruments of ratification shall be deposited with the Government of the Republic of Austria (depository) which shall give notice of the deposit to the Governments of the other Contracting States. The Agreement shall enter into force on the

first day of the second month following the month in which the last instrument of ratification was deposited with the depository.

2) Upon entry into force of this Agreement, the Agreement of 27 April 1999 between the Principality of Liechtenstein, the Swiss Confederation and the Republic of Austria on the Cross-Border Cooperation of the Security and Customs Authorities shall cease to be in force.

3) The Agreement shall be entered into for an indefinite period of time. By means of a notification sent to the depository, it may be terminated by each Contracting State at any time. The termination shall be notified to the other Contracting States immediately. With regard to the terminating Contracting State, the Agreement shall cease to be in force six months after the notification of termination has been received by the depository.

4) Austria will cause the Agreement to be registered with the United Nations General Secretariat in accordance with Art. 102 of the Charter of the United Nations.

Done at Vaduz, on 4 June 2012, in three original copies in German.

For the
Principality of Liechtenstein:

For the
Swiss Confederation:

signed: *Hugo Quaderer*

signed: *Simonetta Sommaruga*

For the
Republic of Austria:

signed: *Johanna Mikl-Leitner*

Declarations by the Contracting States

The following authorities pursuant to Art. 22 Para. 3 have been designated by the Contracting States as competent services pursuant to Art. 46 of the Agreement:

Liechtenstein:

The Liechtenstein national police are designated as the competent authority within the meaning of Art. 22 Para. 3 of the Agreement.

The authority competent for the implementation of Chapter VI as defined by Art. 46 of the Agreement shall also be the Liechtenstein national police.

Switzerland:

The cantonal police forces and the city police forces of the Swiss Confederation are designated as the competent authorities within the meaning of Art. 22 Para. 3 of the Agreement.

The competent authorities as defined by Art. 46 of the Agreement shall be: the Federal Roads Office (FEDRO) for the technical implementation of the planned automatic exchange of vehicle and holder data, the Prosecution Services of the cantons or, in some cantons, the cantonal police forces for the enforcement of fines which have become final, and the cantonal and city police forces for all other implementing measures as described in Chapter VI.

Austria:

The Provincial Police Directorates (Landespolizeidirektionen), the district administrative authorities (administrative bodies at district level and municipal administration offices (Magistrate)) as well as the provincial governments shall be designated as the competent authorities within the meaning of Art. 22 Para. 3 of the Agreement.

The authorities competent for the implementation of Chapter VI as defined by Art. 46 of the Agreement shall be the district administrative authorities (administrative bodies at district level and municipal administration offices) as well as the Provincial Police Directorates.