

Act (2003: 1174) on certain forms of international cooperation in criminal investigations

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Scope

§ 1 The provisions of §§ 2-9 apply to such joint investigation groups for criminal investigations that are established between authorities in Sweden and authorities in one or more states on the basis of

1. Council Framework Decision 2002/465 / JHA of 13 June 2002 on joint investigation groups,
2. the Convention of 29 May 2000 on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union;
3. the Agreement of 19 December 2003 between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual legal aid in criminal matters between the Member States of the European Union and the 2001 Protocol thereto, or
4. the Second Additional Protocol to the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters.

Sections 10-14 contain provisions on international cooperation with controlled deliveries.

The provisions in §§ 15-17 apply to agreements between authorities in Sweden and authorities in another state on cooperation relating to measures in a criminal investigation carried out by officials with a protective identity. *Lag (2013: 837)* .

Section 1 a This Act does not apply if the Act (2017: 1000) on a European Investigation Order is applicable.

That the law applies to the establishment of a joint investigation group or to the collection of evidence within such a group follows from ch. Section 5, second paragraph, of the Act (2017: 1000) on a European Investigation Order. *Lag (2017: 1006)* .

Joint investigation groups for criminal investigations

Establishment of a joint investigation team

Section 2 A joint investigation group shall be established for a special purpose and for a limited period.

Section 3 An agreement on the establishment of a joint investigation group may, if a preliminary investigation is ongoing in Sweden regarding the crime that the group is to investigate, be entered into by the prosecutor or authority leading the preliminary investigation.

If a joint investigation group cannot be established on the basis of the first paragraph, an agreement to establish such a group may be entered into by

1. the Public Prosecutor's Office,
2. the Police Authority,
3. the Security Police ,
4. the Swedish Customs, or
5. the Coast Guard.

The agreement shall state which officials are part of the joint investigation group and during which time the group shall be active. *Lag (2014: 642)* .

Investigation measures in Sweden

Section 4 If it is required for the work of the joint investigation group that an investigation measure is taken in Sweden and the measure cannot be carried out within the framework of an ongoing Swedish preliminary investigation, a Swedish official who is part of the investigation group may apply for the measure. In the case of such an application, the Act (2000: 562) on international legal assistance in criminal cases is applied in the same way as if the application had been made by a foreign authority. The application must be made directly to a prosecutor or court competent under that law.

Terms for use of information etc.

Section 5 If a Swedish authority has received information through a joint investigation group established on the basis of this Act and due to an agreement specified in section 1, first paragraph, conditions that limit the possibility of using the information, the authority shall comply with the conditions regardless of what is otherwise prescribed. in law or other constitution. *Lag (2005: 494)* .

Section 6 The transfer of information or evidence from a Swedish authority to a joint investigation group established on the basis of this Act may in individual cases be combined with conditions that are necessary for the sake of individual rights or that are necessary from a general point of view.

Conditions referred to in the first paragraph may not be set if they contravene the agreement pursuant to section 1, first paragraph, which is applicable. *Lag (2005: 494)* .

Section 7 The Swedish authority that has submitted information or evidence and set conditions in accordance with section 6 may, at the request of an authority in the other state, grant an exemption from the condition.

The same applies in the case of conditions that follow directly from the agreement pursuant to section 1, first paragraph, which is applicable. *Lag (2005: 494)* .

Damages

Section 8 If a foreign official performs tasks in a joint investigation group in Sweden, the Swedish state shall, instead of the foreign authority or official, compensate for damage that arises in connection with the joint investigation group's activities in Sweden and for which the foreign authority or official would have been liable for

damages if Swedish law has been applicable to them. However, the Swedish state shall not compensate for damage that affects the foreign authority or official.

For the purposes of the first subparagraph, Europol and an official there shall be treated on an equal footing with a foreign authority and a foreign official. *Lag (2006: 346)* .

Section 9 Provisions on the Swedish state's obligation to compensate for damages caused by Swedish officials shall not apply when the damages are caused in another state in connection with the activities carried out by a joint investigation group in that state.

Controlled deliveries

Section 10 An application from an authority in another state for assistance with a controlled delivery in Sweden shall be processed by a prosecutor. *Lag (2005: 494)* .

Section 11 An application for a controlled delivery to be carried out abroad may be made by a prosecutor or, after the prosecutor has given his permission for the measure, by the Police Authority, the Swedish Customs or the Coast Guard.
Lag (2014: 642) .

Section 12 The Government or the authority determined by the Government shall issue regulations on which prosecutors are authorized to process applications pursuant to Section 10 or to make applications and examine issues concerning permits pursuant to Section 11. *Lag (2005: 494)* .

Section 13 In the case of information that a Swedish authority has received in a case of controlled delivery in accordance with this Act, the provisions of section 5 shall apply, if this follows from an international agreement that is binding on Sweden.

The provisions of §§ 6 and 7 also apply to matters concerning controlled delivery in accordance with this Act. Conditions according to section 6 may not, however, be set if they contravene an international agreement that is binding on Sweden. *Lag (2005: 494)* .

Section 14 The provisions on damages in section 8, first paragraph, and section 9 shall be applied in a case of controlled delivery in accordance with this Act, if this follows from an international agreement that is binding on Sweden. *Lag (2006: 346)* .

Criminal investigations using a protective identity

Section 15 An agreement on assistance in a criminal investigation carried out by officials with a protective identity may, if a preliminary investigation is ongoing in Sweden about the crime to which the measure relates, be entered into by the prosecutor leading the preliminary investigation.

The police authority and the Security Police have a corresponding right if the preliminary investigation is led by one of them.

If no preliminary investigation is ongoing or initiated in Sweden as to the crime to which the measure relates, an agreement referred to in the first paragraph may be entered into by

1. the Public Prosecutor's Office,
2. the Police Authority, or
3. the Security Police .

The duration of the measure and other practical issues shall be stated in the agreement. *Lag (2014: 642)* .

Section 16 In the case of information that a Swedish authority has received in a matter of cooperation pursuant to section 15, the provisions of section 5 shall be applied, if this follows from an international agreement that is binding on Sweden.

The provisions in §§ 6 and 7 also apply to matters concerning cooperation pursuant to § 15. Conditions according to section 6 may not, however, be set if they contravene an international agreement that is binding on Sweden. *Lag (2005: 494)* .

Section 17 The provisions on damages in section 8, first paragraph, and section 9 shall be applied in cooperation pursuant to section 15, if this follows from an international agreement that is binding on Sweden.

Lag (2006: 346) .