

Police and customs cooperation across three borders

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Customs control in a trinational region depends on cooperation between administrations that answer to different governments. The legal basis for Swiss–German cooperation is the treaty on cross-border police and judicial cooperation of 27 April 1999, in force since 2002. It allows the exchange of information, joint patrols, cross-border observation and hot pursuit. At its conclusion it was regarded as one of the most far-reaching police treaties in Europe. A revised version was negotiated in the 2020s in order to adapt it to Schengen and to new forms of crime. Its ratification and entry into force should be checked at the time of reading. For the customs services, the treaty and the Schengen framework allow officers to coordinate controls on both sides of the border and to share intelligence on smuggling routes.¹

With France, cooperation rests on the Swiss–French agreement on cross-border cooperation in judicial, police and customs matters, signed in Paris in 2007. That agreement provides for a joint centre for police and customs cooperation, the *Centre de coopération policière et douanière* (CCPD), which is located at Geneva. The centre serves the whole Franco-Swiss border, including the Basel region, as a hub for the exchange of information between the French police, gendarmerie and customs and the Swiss cantonal police forces and the FOCBS. On the Franco-German side of the Upper Rhine, the corresponding centre is the joint centre at Kehl near Strasbourg, which opened in 1999. Basel thus sits at the meeting point of several cooperation structures without a single trinational centre of its own, a gap that is compensated by close informal contacts between the services.²

Customs administrations also cooperate through instruments specific to their field. The Swiss–EU Agreement on Cooperation against Fraud of 2004, which has been applied provisionally for many years, provides for administrative assistance in customs and indirect tax matters. Bilateral

protocols on mutual administrative assistance in customs matters exist with Germany and France. Within the World Customs Organization, of which Switzerland is a founding member, information is exchanged through regional intelligence liaison offices. For a customs investigator in Basel who suspects that a consignment declared for Switzerland is in fact destined for Russia, these channels are the means by which information from Hamburg, Rotterdam or Mulhouse can be obtained.³

1 Notes

1. Treaty of 27 April 1999 between the Swiss Confederation and the Federal Republic of Germany on cross-border police and judicial cooperation (SR 0.360.136.1), in force since 1 March 2002; on the revised treaty, see the communications of the Federal Department of Justice and Police. Status to be verified. ↩
2. Agreement of 9 October 2007 between the Swiss Federal Council and the Government of the French Republic on cross-border cooperation in judicial, police and customs matters (SR 0.360.349.1); on the CCPD at Geneva and the German–French joint centre at Kehl, see the publications of the FOCBS and of the Ministry of the Interior of Baden–Württemberg. Status to be verified. ↩
3. Cooperation Agreement of 26 October 2004 between the Swiss Confederation and the European Community and its Member States to combat fraud and any other illegal activity affecting their financial interests (Anti-Fraud Agreement), applied provisionally; Additional Protocol on mutual administrative assistance in customs matters to the Free Trade Agreement of 1972. Status to be verified. ↩

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