

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Justice Agency or authority designated to handle comments regarding the notification can be indicated if different from above: National enquiry point
3.	Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Pistols
5.	Title, number of pages and language(s) of the notified document: Regulation of the Minister of Justice for the Appointment of ECAD Officers as Special Criminal Investigators (1995 Decree Relating to Special Criminal Investigators with the ECAD) (available in English)
6.	Description of content: The Code of Criminal Procedure indicates those who are authorized to investigate punitive actions. They are, in addition to the "traditional" criminal investigators (such as police officers and public prosecutors) also the so-called "special criminal investigator". They are <i>inter alia</i> persons who belong to categories or bodies appointed by the Minister of Justice (e.g. specific persons employed by Customs or the Dutch Railways Security Department). The 1993 Police Act provides some general rules relating to the duties exercised by these criminal investigators. Pursuant to Article 8.7 of the 1993 Police Act, the Minister of Justice may upon appointment of persons as special criminal investigators also authorize that they may use force when carrying out their duties. He may therefore provide them with specific means of force. The general ban forbidding the possession or use of such weapons does not in this case apply to said persons (Article a, paragraph 3, Weapons and Munitions Act). The draft Regulation referred to in point 5 appoints officers employed by the Economic Inspection Service as special criminal investigators. According to the Dutch Government, this Regulation probably contains technical regulations within the Agreement on Technical Barriers to Trade.

6.	<p>Description of content (cont'd): An indicative summary of these technical Regulations appears below. Article 7 specifies that the special criminal investigators employed by the Economic Inspection Service may carry a semi-automatic pistol bearing the Walther mark etc. Similar Regulations which are also being notified include:</p> <ul style="list-style-type: none"> <li>- 1995 Decree relating to special criminal investigators with the Tax/Customs Office;</li> <li>- 1995 Decree relating to special criminal investigators with Amsterdam Policing, Security and Transport Department;</li> <li>- 1995 Decree relating to special criminal investigators with the FIOD/Tax Department, 1995 Decree relating to special criminal investigators with the NS Security Services;</li> <li>- 1997 Decree relating to special criminal investigators with the National Transport Department of Justice;</li> <li>- 1995 Decree relating to special criminal investigators with the HDTP; and the</li> <li>- 1995 Decree relating to special criminal investigators with the National Special Service for the Provision of Assistance.</li> </ul>
7.	<p>Objective and rationale: Insofar as the draft Regulation contains technical barriers to trade, these measures are justified in the interests of ensuring that public order is maintained. The Regulations concerning those weapons to be used have particular consideration for the adequate arming of special criminal investigators to ensure both effective action and offer protection to those officers concerned.</p>
8.	<p>Relevant documents: Article 141 and Article 142 Code of Criminal procedure, Article 7 to 11 of the 1993 Police Act, Article 3a of the Weapons and Munitions Act (an explanatory note to the original Decree does not exist).</p>
9.	<p>Proposed date of adoption:                    }  Proposed date of entry into force:        } 26 October 1997</p>
10.	<p>Final date for comments: 25 October 1997</p> <p>The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time-limit have been received from other Members within that time.</p>
11.	<p>Texts available from: National enquiry point [X] or address and telefax number of other body:</p>