



UNITED NATIONS

E/NL.1996/63
14 October 1996

ENGLISH ONLY*
ORIGINAL: PORTUGUESE

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,
the Secretary-General has the honour to communicate the following legislative text.*

PORTUGAL

Communicated by the Government of Portugal

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

DECREE-LAW No. 81/95 OF 22 APRIL 1995

MINISTRY OF INTERNAL ADMINISTRATION

Decree-law No. 81/95
of 22 April

Decree-law No. 15/93^{1/} of 22 January and Implementing Decree No. 61/94^{2/} of 12 October fix the new legal regime applicable to the traffic in and consumption of narcotic drugs and psychotropic substances.

Combating the traffic in such substances nevertheless demands the permanent adaptation of legislative and operational solutions, bearing in mind their respective efficiency.

It is therefore urgent, in view of the extent of the phenomenon, to involve other officers of the criminal investigation department who have been given technical training in the direct effort to combat supply and consumption, without losing sight of the need, for reasons of efficiency, to continue to assign information centralization and operational coordination functions to the Judicial Police.

Experience to date in the application of the legislation, and study of the present situation, show the advisability of establishing methods which, without prejudice to the powers of the judicial authorities, should be applied in the area of intervention of the Judicial Police, the Republican National Guard, the Public Security Police, the Aliens and Frontier Service and the Directorate-General of Customs, and the modalities of such intervention by them.

Therefore:

Pursuant to Article 201, 1 a) of the Constitution, the Government decrees as follows:

Article 1

Article 57 of Decree-law No. 15/93 of 23 January shall be reworded as follows:

Article 57

Criminal investigation

1 – Competence shall be deemed to have been transferred to the Judicial Police through the Central Directorate for the Investigation of Traffic in Narcotic Drugs for the investigation of the crimes specified in Articles 21, 22, 23, 27 and 28 of this decree and of other crimes that are communicated to them or of which they may have been notified.

2 – Competence shall be deemed to have been transferred to the National Republican Guard and the Public Security Police for the investigation of the following crimes

1/ E/NL.1994/46

2/ E/NL.1995/10

committed in their respective areas of jurisdiction, when they have been informed or notified of them:

- a) The crime specified and punished under Article 21 of this decree, when the plants, substances or preparations referred to therein are distributed to the consumers direct, in any whatsoever;
- b) The crimes specified and punished under Articles 26, 29, 30, 32, 33 and 40 of this decree.

Article 2

Crime prevention

1 – The Judicial Police shall have special responsibility for:

- a) The prevention of the introduction into and transit through the national territory of narcotic drugs or psychotropic substances;
- b) The prevention of the establishment of organized networks for domestic traffic in those substances.

2 – The National Republican Guard and the Public Security Police shall have special competence in their respective areas of action, with a view to the detection of traffic in and the consumption of narcotic drugs or psychotropic substances, for:

- a) Surveillance of premises predominantly frequented by risk groups;
- b) Surveillance and patrolling of zones usually reputed to be locations for traffic or consumption.

3 – The National Republican Guard, through the Fiscal Brigade, shall direct its activities as a priority to the maritime frontier, namely, through the surveillance and control system, especially at the points that offer favourable conditions for the clandestine landing of drugs.

4 – The Directorate-General of Customs shall carry out its action in the prevention of drug traffic through information units, undertaking the identification and appropriate control of merchandise and means of transportation, in import, export and transit by road, maritime, air and postal routes, mobilizing all available means for the purpose.

Article 3

Duty of communication

The officers of the criminal investigation department and the customs and security services that receive notice of a crime, either through their own investigation or through notification shall communicate it in the shortest possible time to the criminal prosecution service and to the officer of the criminal investigation department competent for the investigation.

Article 4

Centralization of information

1 – The Judicial Police, through the Central Directorate for the Investigation of Traffic in Narcotic Drugs, shall centralize and process all information concerning the offences specified in Decree-law No. 15/93 of 22 January.

2 – The officers of the criminal investigation department and the customs and security services shall transmit to the Central Directorate for the Investigation of Traffic in Narcotic Drugs of the Judicial Police all the information that they obtain, and must do so immediately when notified of the preparation or the commencement of the execution of any of the offences covered by the decree mentioned in the previous paragraph.

3 – The prior transmission to the Central Directorate for the Investigation of Traffic in Narcotic Drugs of the Judicial Police [of information] concerning action planned in this context by any of the officers of the criminal investigation department shall be mandatory.

4 – Without prejudice to the provisions of paragraph 2 above, the National Republican Guard and the Public Security Police shall immediately transmit to the Central Directorate for the Investigation of Traffic in Narcotic Drugs of the Judicial Police copies of the notes or information and of the final reports on the inquiries that they make and any other information requested by the Directorate.

Article 5

Anti-crime brigades

1 – The anti-crime brigades are special units with specific competence for the prevention and investigation of traffic in narcotic drugs or psychotropic substances.

2 – Anti-crime brigades shall be set up in each territorial brigade of the National Republican Guard, subordinate to the respective Brigade Command.

3 – Anti-crime brigades subordinate to the respective Command shall be set up in each Regional Command, Metropolitan Command and Police Command of the Public Security Police.

Article 6

Joint coordination and intervention units

Joint coordination and intervention units shall be created, under the coordination and strategic and tactical direction of the Judicial Police, incorporating the Judicial Police, the National Republican Guard, the Public Security Police, the Aliens and Frontiers Service and the Directorate-General of Customs; these units shall be responsible for control and practical action

in the pooling of information originating from each of those forces and for the coordination of action to be taken jointly.

Article 7

Training

The appropriate specific training for carrying out the duties of prevention and investigation of traffic in narcotic drugs and psychotropic substances given to staff of the National Republican Guard and of the Public Security Police that make up the respective anti-crime brigades and of the mixed joint coordination and intervention units shall be the responsibility of the National Police and Criminal Sciences Institute of the Judicial Police, with the collaboration of the training structures of the Directorate-General of Customs.

Seen and approved by the Council of Ministers on 2 March 1995. –

*Aníbal António Cavaco Silva – Manuel Dias Loureiro – Eduardo de Almeida Catroga
– Álvaro José Brilhante Laborinho Lúcio.*

Promulgated on 4 April 1995.

May it be published.

MÁRIO SOARES, President of the Republic.

Countersigned on 18 March 1995.

Aníbal António Cavaco Silva, Prime Minister.