

Act of 31 December 1987
concerning the campaign against drug trafficking
and amending certain provisions of the Penal Code

(Official Gazette, 5 January 1988, p. 159)

Art. 9

After article 44 of the Customs Code, insert article 44 bis, to read as follows:

"Art. 44 bis. In a contiguous zone lying between 12 and 24 nautical miles measured from the baselines of the territorial sea and subject to delimitation agreements with neighbouring States, the Customs Service may exercise the control necessary to:

"(a) Prevent infringement of the laws and regulations which the customs authorities are responsible for enforcing in their sphere of operations;

"(b) Punish infringement of these laws and regulations committed in their sphere of operations."

Art. 10

After article 60 of the Customs Code, insert article 60 bis, to read as follows:

"Art. 60 bis. When there is good reason to believe that a person crossing a frontier is transporting narcotic drugs concealed within his body, customs agents may require him to undergo medical examination after first obtaining his express consent thereto.

"In the event of refusal, the customs agents shall make application for a court order to the president of the court of first instance having jurisdiction in the area (tribunal de grande instance) or to a judge designated by him. Such application may be made to the judge by any means.

"The judge may authorize the customs agents to proceed with the medical examination. He shall then appoint a physician to perform the examination as quickly as possible.

"1. The sphere of operations of the customs authorities shall comprise a maritime zone and land zone.

"2. The maritime zone shall consist of the area situated between the coast and a seaward limit situated 12 nautical miles from the baseline of the territorial sea, as determined by a decree (...)."

"The results of the examination reported by the physician, the comments of the person concerned and an account of the proceedings must be included in a report submitted to the judge.

"Any person who refuses to undergo a medical examination ordered by the judge shall be given a sentence of imprisonment for between one month and one year and a fine of from 500 to 15,000 francs."

Art. 11

Article 62 of the Customs Code shall be reworded as follows:

"Art. 62. Customs agents may search any vessel under 1,000 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities and in the zone provided for in article 44 bis under the terms of that article."

"For purposes of enforcing this Code, and with a view to detecting smuggling, customs agents may carry out inspections of goods and vehicles and of persons."

"Customs agents may search any vessel under 100 net register tons or 500 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities."