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Zagreb, 2. studenoga 2018.



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**ZASTUPNICAMA I ZASTUPNICIMA
HRVATSKOGA SABORA**

**PREDSJEDNICAMA I PREDSJEDNICIMA
RADNIH TIJELA**

Na temelju članaka 178. i 192., a u svezi članka 207.a Poslovnika Hrvatskoga sabora u prilogu upućujem *Konačni prijedlog zakona o potvrđivanju Konvencije o policijskoj suradnji u jugoistočnoj Europi*, koji je predsjedniku Hrvatskoga sabora podnijela Vlada Republike Hrvatske, aktom od 31. listopada 2018. godine.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila dr. sc. Davora Božinovića, ministra unutarnjih poslova, Žarka Katića i Tereziju Gras, državne tajnike u Ministarstvu unutarnjih poslova i Antu Delipetra, pomoćnika ministra unutarnjih poslova.


PREDSJEDNIK
Gordan Jandroković



VLADA REPUBLIKE HRVATSKE

Klasa: 022-03/18-11/91
Urbroj: 50301-29/23-18-2
Zagreb, 31. listopada 2018.

PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Konačni prijedlog zakona o potvrđivanju Konvencije o policijskoj suradnji u jugoistočnoj Europi

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske) i članka 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17 i 29/18), Vlada Republike Hrvatske podnosi Konačni prijedlog zakona o potvrđivanju Konvencije o policijskoj suradnji u jugoistočnoj Europi.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila dr. sc. Davora Božinovića, ministra unutarnjih poslova, Žarka Katića i Tereziju Gras, državne tajnike u Ministarstvu unutarnjih poslova, te Antu Delipetra, pomoćnika ministra unutarnjih poslova.



VLADA REPUBLIKE HRVATSKE

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU
KONVENCIJE O POLICIJSKOJ SURADNJI U JUGOISTOČNOJ EUROPI**

Zagreb, listopad 2018.

KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU KONVENCIJE O POLICIJSKOJ SURADNJI U JUGOISTOČNOJ EUROPI

I. USTAVNA OSNOVA

Ustavna osnova za donošenje Zakona o potvrđivanju Konvencije o policijskoj suradnji u jugoistočnoj Europi, sadržana je u odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Konvencija o policijskoj suradnji u jugoistočnoj Europi (*Police Cooperation Convention for the Southeast Europe – PCC SEE*, u daljnjem tekstu: Konvencija) je sastavljena 5. svibnja 2006. godine u Beču, kada su je, podložno ratifikaciji, potpisali ministri unutarnjih poslova Republike Albanije, Bosne i Hercegovine, Republike Makedonije, Republike Moldove, Rumunjske, kao i predstavnici tadašnje državne zajednice Srbije i Crne Gore. Konvencija predstavlja nastojanje za uspostavu moderne policijske suradnje među potpisnicama, posebno na sprječavanju i otkrivanju kaznenih djela, te u borbi protiv prijetnji javnoj sigurnosti i redu.

U skladu s člankom 40. Konvencije, ista stupa na snagu devedesetog dana od datuma polaganja druge isprave o isprave o ratifikaciji, prihvatu, odobrenju ili pristupu države potpisnice. Nakon provedenog postupka ratifikacije, Konvencija je stupila na snagu 10. listopada 2007. godine za Republiku Albaniju i Republiku Makedoniju, dok je za ostale države potpisnice Konvencija stupila na snagu devedesetog dana nakon što je pojedina država potpisnica položila svoju ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu. S obzirom da je Konvencija zaključena na neograničeno vremensko razdoblje i otvorena za naknadni pristup, između 2008. i 2013. godine Konvenciji su pristupile Republika Austrija, Republika Bugarska, Mađarska i Republika Slovenija. U ovom trenutku Konvencija broji jedanaest država stranaka.

Konvencija se u ovom trenutku smatra najjačom i najvažnijom regionalnom pravnom osnovom za međunarodnu policijsku suradnju država jugoistočne Europe. Očekuje se da će se, postupajući na temelju Konvencije, države stranke približiti standardima policijske suradnje kakvi su uspostavljeni unutar Schengenskog prostora.

S obzirom da je u odnosima postojećih država stranaka doprinijela međusobnoj policijskoj suradnji u području jugoistočne Europe, smatra se da bi pristupanje Republike Hrvatske Konvenciji dodatno pridonijelo očuvanju stabilnosti i sigurnosti na jugoistoku Europe, ali bi označilo i premosnicu državama zapadnog Balkana na putu prema Europskoj uniji. Republika Hrvatska, kao država članica na vanjskim granicama Europske unije i teritorijalno najbliža državama potpisnicama Konvencije, smatra nužnim daljnji razvoj mehanizama strateške i operativne suradnje s tim državama.

Pitanje pristupanja Republike Hrvatske Konvenciji aktualizirano je kao preduvjet ulaska u prostor Schengena. Pristupanje Schengenskom prostoru jedan je od najvažnijih strateških prioriteta Vlade Republike Hrvatske. Republika Hrvatska je stoga odlučna da do kraja 2018. godine ispuni sve preostale tehničke uvjete potrebne za ulazak u Schengenski prostor, te vjeruje kako je moguće da Vijeće u prvoj polovici 2019. godine donese političku odluku o pristupanju Republike Hrvatske Schengenskom prostoru.

Evaluacijski posjeti eksperata Europske komisije i država članica u sklopu schengenske evaluacije Republike Hrvatske, u području policijske suradnje, izvršeni su u vremenskom razdoblju od 13. do 17. lipnja 2016. godine. Između 21 preporuke, utvrđene u evaluacijskom izvješću za područje „Policijska suradnja“, posebno se ističe preporuka evaluacijskog tima da se razmotri pristupanje Konvenciji o policijskoj suradnji u jugoistočnoj Europi, a kako bi se olakšala operativna prekogranična policijska suradnja, posebice s onim susjednim zemljama koje bi s vremenom mogle postati članice Europske unije. Uvažavajući smjernice evaluacijskog tima i imajući u vidu sigurnosne izazove s kojima je suočena Republika Hrvatska i druge države jugoistočne Europe, pristupanje Konvenciji je ocjenjuje se od interesa Republike Hrvatske.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim se Zakonom potvrđuje Konvencija kako bi njezine odredbe, u smislu članka 141. Ustava Republike Hrvatske, postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Konvencijom se uspostavlja dodatan međunarodni pravni okvir za razvoj prekogranične policijske suradnje između ugovornih stranaka Konvencije prvenstveno u borbi protiv organiziranog kriminala, terorizma i nezakonitih migracija, ali i u borbi protiv ostalih prijetnji javnom redu. U tu su svrhu u Konvenciju uključene odredbe kojima se uređuje zajednička analiza prijetnji, časnici za vezu, zaštita svjedoka, razmjena podataka i iskustava, potjera, prekogranični nadzor, nadzirane isporuke, prikrivene istrage, zajednički istražni timovi, zaštita podataka, te osnivanje i rad Odbora ministara.

Prilikom polaganja isprave o pristupu, Republika Hrvatska će priopćiti rezerve u skladu s člankom 41. stavkom 1. Konvencije, obavijesti u skladu s člankom 4. i člankom 32. stavkom 2. Konvencije te izjave. Naime, pojedine odredbe Konvencije nisu u skladu sa schengenskim pravnim okvirom, te je potrebno izjaviti rezerve na iste u vidu pristupanja Republike Hrvatske Schengenskom prostoru. Nadalje, s obzirom na činjenicu da bi neovlašteno otkrivanje klasificiranih podataka stupnjeva tajnosti POVJERLJIVO i više nanijelo štetu nacionalnoj sigurnosti i vitalnim interesima Republike Hrvatske, razmjena klasificiranih podataka navedenih stupnjeva tajnosti moguća je s onim državama s kojima Republika Hrvatska ima sklopljen ugovor o razmjeni i uzajamnoj zaštiti klasificiranih podataka, te je stoga potrebno izjaviti rezervu na odredbe koje se odnose na povjerljivost informacija i klasificirane informacije. Osim toga, stupanjem na snagu Zakona o zaštiti fizičkih osoba u vezi s obradom i razmjenom osobnih podataka u svrhe sprječavanja, istraživanja, otkrivanja ili progona kaznenih djela ili izvršavanja kaznenih sankcija, potrebno je izjaviti rezerve na odredbe koje se odnose na razmjenu, obradu i zaštitu osobnih podataka zbog potrebnog usklađivanja s pravnom stečevinom Europske unije.

Republika Hrvatska će, osim rezervi, priopćiti i obavijesti o nadležnom tijelu za provedbu zakona, nacionalnoj središnjoj jedinici, kao i stupnjevima tajnosti u Republici Hrvatskoj zajedno s tablicom istoznačnih stupnjeva tajnosti.

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će priopćiti i izjave o utjecaju odredaba Konvencije na obveze Republike Hrvatske koje proizlaze iz njezinog članstva u Europskoj uniji, kao i na pitanje određivanja državnih granica među ugovornim strankama Konvencije.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU ZAKONA

Za provedbu ovoga Zakona nije potrebno osigurati dodatna financijska sredstva u državnom proračunu Republike Hrvatske.

V. ZAKONI KOJIMA SE POTVRĐUJU MEĐUNARODNI UGOVORI

Temelj za donošenje ovoga Zakona u jednom čitanju nalazi se u članku 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17 i 29/18), jer se radi o Zakonu kojim se, u skladu s Ustavom Republike Hrvatske, potvrđuje Konvencija. Donošenje ovoga Zakona pretpostavka je za ispunjenje formalno-pravnih pretpostavki kako bi Konvencija za Republiku Hrvatsku stupila na snagu.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost biti vezana već sklopljenim međunarodnim ugovorom, kao i na činjenicu da u ovoj fazi postupka nisu moguće izmjene ili dopune teksta međunarodnog ugovora, predlaže se ovaj Prijedlog zakona raspraviti i prihvatiti u jednom čitanju.

KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU KONVENCIJE O POLICIJSKOJ SURADNJI U JUGOISTOČNOJ EUROPI

Članak 1.

Potvrđuje se Konvencija o policijskoj suradnji u jugoistočnoj Europi, sastavljena u Beču 5. svibnja 2006. godine, u izvorniku na engleskom jeziku.

Članak 2.

Tekst Konvencije iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

KONVENCIJA O POLICIJSKOJ SURADNJI U JUGOISTOČNOJ EUROPI

Preambula

Republika Albanija, Bosna i Hercegovina, Republika Makedonija, Republika Moldova, Rumunjska i državna zajednica Srbije i Crne Gore

u daljnjem tekstu „ugovorne stranke“,

u želji za suradnjom s ciljem ostvarenja zajedničkih sigurnosnih interesa,

odlučne učinkovito se boriti protiv prekograničnih prijetnji javnom redu i sigurnosti i međunarodnog kriminala sklapanjem sigurnosnog partnerstva,

s ciljem daljnjeg intenziviranja i jačanja policijske suradnje,

odlučne dodatno jačati uzajamnu pomoć u policijskim pitanjima,

sporazumjele su se kako slijedi:

Članak 1.

Područje primjene Konvencije

Ugovorne stranke jačaju svoju suradnju u borbi protiv prijetnji javnoj sigurnosti i/ili redu, kao i u sprječavanju, otkrivanju i policijskim istraživanjima kaznenih djela. Navedeno se provodi u okviru nacionalnog prava, osim ako u ovoj Konvenciji nije drugačije navedeno.

Članak 2.

Definicije

U svrhu ove Konvencije

- a) „**tijela za provedbu zakona**“ znači tijela koja u skladu s nacionalnim pravom ugovornih stranaka imaju potrebne ovlasti za primjenu odredbi ove Konvencije;

- b) „**službenici**“ znači svaki pojedinac kojeg su odredila tijela za provedbu zakona;
- c) „**granice**“ znači kopnene granice ugovornih stranaka, granice na vodenim putovima, morske granice, njihove zračne luke i pomorske luke, određene nacionalnim pravom, međunarodno priznate;
- d) „**treća država**“ znači svaka država koja nije ugovorna stranka;
- e) „**dozvola boravka**“ znači odobrenje bilo koje vrste koje je izdala ugovorna stranka koja odobrava pravo boravka na svojem državnom području. Ova definicija ne uključuje privremeno dopuštenje boravka na državnom području ugovorne stranke u svrhu obrade zahtjeva za azil ili dozvole boravka;
- f) „**osobni podaci**“ znači svi podaci koji se odnose na identificiranu fizičku osobu ili fizičku osobu koju je moguće identificirati: osoba koju je moguće identificirati je ona koja se može identificirati, izravno ili neizravno, osobito prema identifikacijskom broju ili prema jednom ili više čimbenika specifičnih za njezin fizički, fiziološki, mentalni, ekonomski, kulturni ili socijalni identitet;
- g) „**obrada osobnih podataka**“ (u daljnjem tekstu „**obrada**“) znači svaka radnja ili skup radnji koje se provode na osobnim podacima, bilo automatski ili ne, kao što je prikupljanje, bilježenje, organiziranje, pohrana, prilagodba ili izmjena, pronalaženje, pretraživanje, korištenje, otkrivanje slanjem, širenjem ili omogućavanjem pristupa na drugi način, usklađivanje ili kombiniranje, blokiranje, brisanje ili uništavanje;
- h) „**informacije**“ znači osobni podaci i podaci koji nisu osobni.

Članak 3.

Opće mjere suradnje

Tijela za provedbu zakona ugovornih stranaka poduzimaju, u okviru svojih nadležnosti, sve mjere s ciljem unaprjeđenja svoje suradnje.

Tijela osobito osiguravaju:

1. jačanje razmjene informacija i komunikacijskih struktura:
 - a) međusobnim obavještanjem o činjenicama u vezi sa slučajevima, vezama među osumnjičenicima i tipičnom sumnjivom ponašanju bez navođenja osobnih podataka;
 - b) međusobnim izravnim obavještanjem, u najprimjerenijem mogućem roku, o nadolazećim događajima i slučajevima od važnosti za policiju bez navođenja osobnih podataka, s ciljem olakšavanja borbe protiv prijetnji javnom redu i sigurnosti kako bi se pravovremeno mogle poduzeti potrebne mjere;
 - c) razmjenom važnih informacija, osim osobnih podataka, s ciljem olakšavanja operativnog planiranja, kako rutinskih aktivnosti, tako i specijalnih operacija,

- uključujući, kao zaštitnu mjeru, obavještajne podatke o događajima i slučajevima koji bi mogli imati utjecaj na državnom području druge ugovorne stranke;
- d) pripremom i redovnim ažuriranjem zajedničkih direktorija koji sadržavaju podatke o nadležnostima i ovlastima te kontaktne podatke;
 - e) održavanjem radio komunikacije i, u tom smislu, razmjenom opreme dok se u sve europske zemlje ne uvedu jedinstvena radio oprema i frekvencije, te pripremanjem zajedničkih prijedloga za niskobudžetno unapređenje telekomunikacija, osobito radio komunikacije duž granica.
2. jačanje suradnje za vrijeme operacija i istraživanja u svrhu sprječavanja, otkrivanja i istraživanja te borbe protiv prijetnji:
- a) raspoređivanjem snaga u susjednim pograničnim područjima u skladu s koordiniranim planiranjem;
 - b) planiranjem i provođenjem zajedničkih programa na području sprječavanja kriminala;
 - c) održavanjem redovitih sastanaka i razgovora, s ciljem praćenja i održavanja kvalitete suradnje, rasprava o novim strategijama, koordinacije planova djelovanja, potrage i ophodnje, razmjene statističkih podataka i koordinacije radnih programa;
 - d) olakšavanjem uzajamne obuke/studijskih posjeta prema dogovoru relevantnih službi;
 - e) pozivanjem predstavnika drugih ugovornih stranaka da sudjeluju u specijalnim operacijama kao promatrači.

POGLAVLJE I.: OPĆE ODREDBE

Članak 4.

Suradnja na zahtjev

- (1) Tijela za provedbu zakona ugovornih stranaka pružaju, na zahtjev, uzajamnu pomoć u okviru svojih nadležnosti s ciljem poduzimanja mjera protiv prijetnji javnom redu i/ili sigurnosti, sprječavanja, otkrivanja i istraživanja kaznenih djela osim ako takav zahtjev, ili njegovo izvršenje, mogu riješiti samo pravosudna tijela sukladno pravu predmetne ugovorne stranke. Ako tijelo kojem je upućen zahtjev nije nadležno za rješavanje zahtjeva, ono prosljeđuje zahtjev nadležnom tijelu te o tome obavještava tijelo koje je podnijelo zahtjev.
- (2) Tijela za provedbu zakona u smislu ove Konvencije navedena su u popisima u prilogu. U svakom slučaju, u nadležnosti drugih ministarstava ne smije se uplitati.
- (3) Ugovorne stranke osnivaju ili imenuju nacionalne središnje jedinice. Do osnivanja ili imenovanja nacionalnih središnjih jedinica, koriste se postojeće strukture u predmetnim zemljama.

(4) Zahtjevi i odgovori na te zahtjeve također se mogu razmjenjivati, ako se izravna suradnja smatra svrsishodnom, obavještanjem nacionalne središnje jedinice ili postojećih struktura za takav postupak, a koje su među tijelima navedenima u popisima u prilogu,

- a) ako se službene prekogranične aktivnosti odnose na kaznena djela koja će najvjerojatnije istraživati tijela za provedbu zakona pograničnog područja ili
- b) ako se zahtjevi za pomoć u otklanjanju neposrednih prijetnji javnom redu i/ili sigurnosti ne mogu drugačije na vrijeme uputiti uobičajenim putem između nacionalnih središnjih jedinica.

(5) Zahtjevi se, osobito, mogu odnositi na:

- a) identifikaciju vlasnika i korisnika motornih vozila svih vrsta plovila i zrakoplova.

Na zahtjev jedne ugovorne stranke, ugovorna stranka kojoj je upućen zahtjev šalje pohranjene podatke o motornim vozilima, svim vrstama plovila i zrakoplova, kao i podatke o vlasnicima i korisnicima ako su ti podaci potrebni za identifikaciju osobe u svojstvu vlasnika/korisnika ili identifikaciju vozila koje osoba koristi, ili podatke o vozilu potrebne za sprječavanje i borbu protiv kaznenih djela odnosno zaštitu od prijetnji javnom redu i/ili sigurnosti.

Tijelo za provedbu zakona ugovorne stranke koja je podnijela zahtjev mogu proslijediti zahtjev tijelu(ima) koja vodi(e) bazu podataka o registriranim vozilima, ili u hitnim i sličnim slučajevima ako su potrebne informacije od odgovarajućih tijela o svim vrstama registarskih brojeva plovila, tijelu za provedbu zakona ugovorne stranke kojoj je upućen zahtjev.

- b) informacije o vozačkim dozvolama i isprave o vozilu kao i usporedivim vozačkim dozvolama i ispravama;
- c) utvrđivanje mjesta boravišta, mjesta prebivališta i dozvole boravka;
- d) utvrđivanje telefonskih pretplatnika ili pretplatnika druge telekomunikacijske opreme;
- e) utvrđivanje pojedinaca, preminulih osoba ili dijelova tijela preminulih osoba;
- f) informacije o porijeklu predmeta, kao što su vatreno oružje, streljivo i eksplozivi, eksplozivne naprave, motorna vozila, sve vrste plovila i zrakoplovi i kulturna dobra;
- g) potragu za traženim osobama i imovinom;
- h) pokretanje i koordinaciju mjera potrage;
- i) policijske intervju i ispitivanja, osobito kako bi se utvrdila spremnost osobe na pružanje informacija;
- j) informacije o istragama mjesta počinjenja kaznenog djela, prikupljanje dokaza, procjenu i analizu dokaza;
- k) konkretne mjere osiguranja zaštite svjedoka;
- l) razmjenu informacija u slučajevima prekogranične potjere;
- m) suradnju i razmjenu informacija o kontroli masa prilikom javnih okupljanja.

- (6) Zahtjevi i odgovori na te zahtjeve upućuju se u pisanom obliku (telefaksom ili elektroničkom poštom). Ako se dostavljaju osobni podaci mora se odabrati siguran način slanja uzimajući u obzir osjetljivost podataka. U hitnim slučajevima zahtjevi se mogu uputiti usmenim putem. Međutim, odmah potom treba uputiti pisanu potvrdu. Pisani odgovor uputit će se tek po primitku pisane potvrde. Ugovorne stranke vode računa o tome da pristup komunikacijskom uređaju koji se koristi imaju samo ovlaštene osobe.

Članak 5.

Opseg razmjene informacija

- (1) Tijekom suradnje, s ciljem sprječavanja, otkrivanja i istraživanja kaznenih djela, osobito organiziranog kriminala, tijela za provedbu zakona ugovornih stranaka, na zahtjev razmjenjuju sljedeće informacije:
- a) o podacima o osobama uključenima u organizirani kriminal, obavještajne podatke o vezama između osumnjičenika i osoba za koje se sumnja da su povezane s počinjenjem kaznenih djela, svojim saznanjima o strukturi zločinačkih organizacija i skupina, te o tipičnim obrascima ponašanja osumnjičenika odnosno osoba pod sumnjom ili osumnjičenih skupina odnosno skupina pod sumnjom, informacije o kaznenim djelima koja su se pripremala, pokušala izvršiti ili su izvršena, osobito, o vremenu, mjestu i vrsti kaznenog djela, podacima o žrtvama ili imovini na kojoj je počinjeno kazneno djelo, obavještajnim podacima o konkretnim okolnostima i relevantnim zakonskim odredbama, ako je to potrebno s ciljem sprječavanja, otkrivanja i istraživanja kaznenih djela,
 - b) o metodama i novim oblicima prekograničnog kriminala,
 - c) o kriminološkim i drugim rezultatima istraživanja povezanim s kriminalom, pojedinostima o praksi provođenja istraživanja, sredstvima i metodama rada s ciljem njihova daljnjeg razvoja,
 - d) o obavještajnim podacima i/ili uzorcima stvari ili imovine koji su oštećeni tijekom počinjenja kaznenog djela ili koji su bili korišteni ili su se namjeravali koristiti za počinjenje kaznenog djela ili koji su bili rezultat počinjenja kaznenog djela,
 - e) o važećem zakonodavstvu vezanom uz kaznena djela koja su predmet ove Konvencije,
 - f) o dobiti i imovini stečenoj počinjenjem kaznenih djela ili sudjelovanjem u počinjenju kaznenog djela.
- (2) Kad se informacije dobivaju posebnim metodama, tijela ugovornih stranaka surađuju u skladu sa svojim nacionalnim zakonodavstvom. Ugovorne stranke obvezuju se osigurati najmanje isti standard zaštite podataka koji se šalju tijekom takve razmjene informacija, kakav je propisan odgovarajućim nacionalnim zakonskim odredbama.

Članak 6.

Razmjena informacija bez zahtjeva

U određenim slučajevima, tijela za provedbu zakona ugovornih stranaka pružaju informacije jedna drugima bez upućivanja zahtjeva ako se, na temelju dokazanih činjenica, može s razlogom pretpostaviti da su takve informacije potrebne u borbi protiv konkretnih prijetnji javnom redu i/ili sigurnosti, ili za sprječavanje, otkrivanje i istraživanje kaznenih djela. U pogledu razmjene informacija, članak 4. stavak 3. (nacionalne središnje jedinice), stavak 4. (zahtjevi i odgovori na te zahtjeve), i stavak 6. (zahtjevi upućeni u pisanom obliku (telefaksom ili elektroničkom poštom) primjenjuju se na odgovarajući način.

Članak 7.

Zajednička analiza prijetnje

Tijela za provedbu zakona ugovornih stranaka nastoje imati ujednačenu razinu informacija o stopi kriminaliteta. U tu svrhu, razmjenjuju periodično ili prema potrebi statusna izvješća, te najmanje jednom godišnje izrađuju zajedničke analize.

Članak 8.

Redovna razmjena informacija s ciljem borbe protiv nezakonitih migracija

- (1) Ugovorne stranke redovito razmjenjuju obavještajne podatke s ciljem borbe protiv nezakonitog prelaska državne granice i krijumčarenja ljudi.
- (2) Informacije koje se razmjenjuju prije svega odnose se na migracijska kretanja, opseg, strukturu i moguća odredišta, najvjerojatnije migracijske rute i prijevozna sredstva koji se koriste za nezakonit prelazak državne granice te oblike organizacija krijumčara. Nadalje, upućuju se obavještajni podaci i analize koji se odnose na trenutnu situaciju, kao i sve planirane mjere koje bi mogle biti od važnosti za drugu ugovornu stranku.

Članak 9.

Časnici za vezu

- (1) Ugovorne stranke mogu sklopiti dvostrane sporazume kojima se omogućuje upućivanje časnika za vezu iz jedne ugovorne stranke, na određeno ili neodređeno vrijeme, u tijela za provedbu zakona druge ugovorne stranke.
- (2) Časnici za vezu upućuju se na određeno ili neodređeno vrijeme s ciljem unaprjeđenja i ubrzanja suradnje između ugovornih stranaka, posebno pružanjem pomoći:
 - a) u obliku razmjene informacija u svrhu ove Konvencije;
 - b) u izvršavanju zahtjeva za uzajamnu policijsku pomoć u kaznenim stvarima;

- c) u zadacima koje izvršavaju tijela nadležna za nadzor granice.
- (3) Časnici za vezu izvršavaju zadatke pružanja savjeta i pomoći. Nisu ovlašteni poduzimati samostalne policijske akcije. Časnici za vezu pružaju informacije i izvršavaju svoje dužnosti u skladu s uputama koje su dobili od ugovorne stranke koja ih upućuje i ugovorne stranke u koju su upućeni.
- (4) Ugovorne stranke mogu dogovoriti u dvostranim i mnogostranim okvirima da časnici za vezu koji su iz jedne od ugovornih stranaka upućeni u treće države također predstavljaju interese jedne ili više ugovornih stranaka. U skladu s tim sporazumima, časnici za vezu upućeni u treće države pružaju informacije drugim ugovornim strankama na zahtjev ili na vlastitu inicijativu te, unutar svojih ovlasti, obavljaju dužnosti u ime tih stranaka. Ugovorne stranke obavještavaju jedna drugu o svojim namjerama upućivanja časnika za vezu u treće države.

Članak 10.

Zaštita svjedoka

- (1) Tijela za provedbu zakona ugovornih stranaka određena za zaštitu svjedoka izravno surađuju u programima zaštite svjedoka.
- (2) Suradnja posebno uključuje razmjenu informacija, pomoć u logistici te preuzimanje osoba koje treba zaštititi.
- (3) Za svaki pojedinačan slučaj preuzimanja osoba koje treba zaštititi potpisuje se sporazum kako bi se uredila međusobna prava i obaveze.
- (4) Osoba koju treba zaštititi mora biti u programu zaštite svjedoka ugovorne stranke koja upućuje zahtjev. Osoba koju treba zaštititi neće se uvrstiti u program zaštite svjedoka ugovorne stranke kojoj je upućen zahtjev. Kod poduzimanja mjera potpore u vezi sa zaštitom navedenih osoba, primjenjuje se nacionalno zakonodavstvo ugovorne stranke kojoj je upućen zahtjev.
- (5) Ugovorna stranka koja upućuje zahtjev u načelu snosi troškove života osoba koje treba zaštititi. Ugovorna stranka kojoj je upućen zahtjev snosi troškove osoblja i materijalnih resursa za zaštitu navedenih osoba.
- (6) Ugovorna stranka kojoj je upućen zahtjev može prekinuti mjere potpore ako postoje ozbiljni razlozi te nakon što je pravovremeno o tome obavijestila ugovornu stranku koja upućuje zahtjev. U tom slučaju, ugovorna stranka koja upućuje zahtjev ponovno preuzima dotičnu osobu.

Članak 11.

Osnovna obuka, usavršavanje i razmjena iskustva

Tijela za provedbu zakona ugovornih stranaka surađuju u području osnovne obuke i usavršavanja, među ostalim,

- a) razmjenom nastavnih planova za osnovnu obuku i usavršavanje;
- b) dogovaranjem zajedničkih seminara osnovne obuke i usavršavanja i prekograničnih vježbi kao dijela suradnje utvrđene ovom Konvencijom;
- c) pozivanjem predstavnika tijela za provedbu zakona druge ugovorne stranke na sudjelovanje u vježbama i specijalnim operacijama u svojstvu promatrača te omogućavanjem međusobnih posjeta u svrhu praktičnog osposobljavanja;
- d) omogućavanjem predstavnicima tijela za provedbu zakona druge ugovorne stranke da pohađaju tečajeve usavršavanja.

Članak 12.

Sprječavanje

Tijela za provedbu zakona ugovornih stranaka razmjenjuju iskustva u području sprječavanja kaznenih djela te pokreću i provode zajedničke programe u tu svrhu.

Članak 13.

Prekogranična potjera

- (1) Službenicima jedne od ugovornih stranaka koji u svojoj zemlji progone pojedinca koji je zatečen u počinjenju ili sudjelovanju u počinjenju kaznenog djela dopušteno je, podložno dvostranim provedbenim sporazumima sklopljenima u skladu s člankom 34. stavkom 1. ove Konvencije, nastaviti s potjerom na državnom području druge ugovorne stranke bez ishođenja prethodnog odobrenja te ugovorne stranke, ako uzimajući u obzir hitnost navedene situacije nije moguće obavijestiti tijela za provedbu zakona druge ugovorne stranke nekim od sredstava predviđenima u članku 24. ove Konvencije prije ulaska na navedeno državno područje, ili ako navedena tijela ne mogu pravovremeno stići na mjesto događaja kako bi preuzela potjeru.

Isto se primjenjuje ako je bjegunac pobjegao iz istražnog zatvora ili za vrijeme služenja kazne zatvora.

Službenici koji provode potjeru kontaktiraju, najkasnije po prelasku državne granice, tijela za provedbu zakona ugovorne stranke na čijem se državnom području treba provesti prekogranična potjera. Prekogranična potjera će se okončati čim to zatraži ugovorna stranka na čijem državnom području se provodi potjera. Na zahtjev službenika koji provode potjeru, nadležna lokalna tijela traže od bjeGUNCA identifikacijske isprave kako bi utvrdila njegov identitet ili kako bi ga uhitila.

- (2) Kaznena djela za koja će se provoditi prekogranična potjera određuju se u dvostranim provedbenim sporazumima iz stavka 1. ovoga članka iscrpnim popisom ili njegovim proširenjem kaznenih djela za koja je moguće izručenje.
- (3) Prekogranična potjera provodi se u skladu s jednim od postupaka navedenih u nastavku, a koji su određeni u dvostranim provedbenim sporazumima iz stavaka 1. i 2. ovoga članka:
 - a) službenici koji provode potjeru nisu ovlašteni uhititi bjeGUNCA;
 - b) ako nije zatraženo da se prekogranična potjera prekine te ako lokalna nadležna tijela nisu u mogućnosti reagirati dovoljno brzo, službenici koji provode potjeru mogu zadržati bjeGUNCA dok službenici ugovorne stranke na čijem državnom području se odvija potjera, a koje se mora odmah obavijestiti, nisu u mogućnosti utvrditi identitet navedene osobe ili ju uhititi.
- (4) Prekogranična potjera provodi se u skladu sa stavcima 1. i 3. i na jedan od načina navedenih u nastavku kako je uređeno dvostranim provedbenim sporazumima iz stavaka 1. i 2. ovoga članka:
 - a) na području ili u razdoblju od trenutka nakon prelaska granice, što se utvrđuje u dvostranom provedbenom sporazumu;
 - b) bez prostornog ili vremenskog ograničenja.
- (5) Prekogranična potjera provodi se samo u sljedećim općim uvjetima:
 - a) Službenici koji provode potjeru moraju poštovati odredbe ovoga članka te pravo ugovorne stranke na čijem državnom području provode potjeru; dužni su pridržavati se uputa koje su izdala nadležna lokalna tijela.
 - b) Potjera se provodi isključivo preko kopnene i plave granice.
 - c) Zabranjen je ulazak u privatne kuće i prostore koji nisu dostupni za javnost.
 - d) Službenici koji provode potjeru moraju biti lako prepoznatljivi na temelju svoje odore, trake za postavljanje oko rukava ili dodatne opreme postavljene na vozila; zabranjeno je nošenje civilne odjeće uz upotrebu neoznačenih vozila bez

prethodno navedenih identifikacijskih obilježja; službenici koji provode potjeru u svakom trenutku moraju moći dokazati da djeluju u službenom svojstvu.

- e) Službenici koji provode potjeru mogu nositi službeno oružje; upotreba službenog oružja zabranjena je osim u slučajevima opravdane samoobrane.
 - f) Nakon uhićenja bjegunca kako je predviđeno stavkom 3. podstavkom b), navedenu osobu može se podvrgnuti samo sigurnosnom pregledu radi dovođenja pred lokalna nadležna tijela; za vrijeme transfera smiju se koristiti lisice; predmeti koje osoba nosi sa sobom mogu se zaplijeniti.
 - g) Nakon svake operacije iz stavaka 1., 3. i 4. službenici koji provode potjeru dolaze pred nadležna lokalna tijela ugovorne stranke na čijem su državnom području djelovali te ih izvješćuju o svojoj zadaći; na zahtjev navedenih tijela, stoje im na raspolaganju dok se okolnosti njihova djelovanja dostatno ne razjasne; ovaj uvjet primjenjuje se i ako prekogranična potjera nije dovela do uhićenja bjegunca.
 - h) Tijela ugovorne stranke iz koje dolaze službenici koji provode potjeru, na zahtjev tijela ugovorne stranke na čijem se državnom području odvijala prekogranična potjera, pomažu u istrazi koja slijedi nakon operacije u kojoj su sudjelovali, uključujući sudske postupke, pod uvjetom da je identitet navedenog službenika koji je provodio potjeru zaštićen.
- (6) Osoba koju su nadležna lokalna tijela uhitila nakon postupka predviđenog u stavku 3. može biti zadržana radi ispitivanja, neovisno o svojem državljanstvu. Za navedeno primjenjuju se odgovarajuća pravila nacionalnog prava *mutatis mutandis*. Ako osoba nije državljanin ugovorne stranke na čijem državnom području je uhićena, navedenu osobu mora se pustiti na slobodu najkasnije šest sati nakon uhićenja, ne uključujući sate između ponoći i 09:00 sati ujutro, osim ako su nadležna lokalna tijela unaprijed dobila zahtjev za privremeno uhićenje navedene osobe radi izručenja u bilo kakvom obliku.
- (7) Službenici navedeni u prethodnim stavcima pobliže se određuju u dvostranim provedbenim sporazumima.
- (8) Ugovorne stranke mogu dvostrano proširiti opseg stavka 1. i donijeti dodatne odredbe u odnosu na provedbu ovoga članka.

Članak 14.

Prekogranični nadzor

- (1) Službenici jedne od ugovornih stranaka koji, u okviru kaznenog istraživanja, u svojoj zemlji nadziru osobu za koju se pretpostavlja da je sudjelovala u kaznenom djelu za koje je moguće izručenje, prema dvostranim provedbenim sporazumima sklopljenima u skladu s člankom 34. stavkom 1. ove Konvencije, ovlašteni su nastaviti nadzor na državnom području druge ugovorne stranke ako je druga ugovorna stranka odobrila prekogranični nadzor kao odgovor prethodno upućen zahtjev za pomoć. Uz odobrenje mogu postojati određeni uvjeti. Nadzor se na zahtjev povjerava službenicima ugovorne stranke na čijem se državnom području nadzor provodi. Zahtjev za pomoć iz prvog podstavka mora se poslati tijelu koje svaka od ugovornih stranaka odredi te koje ima ovlasti odobriti traženo odobrenje ili ga proslijediti.
- (2) Ako, zbog posebne žurnosti, ugovorna stranka koja upućuje zahtjev ne može unaprijed podnijeti zahtjev za odobrenje, službenicima koji provode nadzor, prema dvostranim provedbenim sporazumima navedenima u stavku 1. ovoga članka, dopušteno je preko granice nastaviti nadzor osobe za koju se pretpostavlja da je počinila kazneno djelo iz stavka 3. U tim slučajevima, tijelo ugovorne stranke na čijem se državnom području nastavlja nadzor, mora odmah biti obaviješteno da je granica prijeđena, te se zahtjev za pomoć u kojemu se navode razlozi prelaska granice bez prethodnog odobrenja podnosi bez odgovora.
- (3) Kaznena djela spomenuta u stavku 2. određuju se u dvostranim provedbenim sporazumima navedenim u stavcima 1. i 2. ovoga članka iscrpnim popisom ili njegovim proširenjem na kaznena djela za koja je moguće izručenje.
- (4) Nadzor se prekida čim ugovorna stranka na čijem državnom području se nadzor odvija to zatraži, nastavno na obavijest ili zahtjev iz prethodnih stavaka, ako odobrenje nije dobiveno u roku od pet sati nakon prelaska granice.
- (5) Nadzor iz stavaka 1. i 2. provodi se samo u sljedećim općim uvjetima:
 - a) Službenici koji provode nadzor moraju poštovati odredbe ovoga članka te pravo ugovorne stranke na čijem državnom području djeluju; oni su dužni se pridržavati uputa nadležnih lokalnih tijela.
 - b) Osim u slučajevima opisanima u stavku 2., službenici su tijekom nadzora dužni imati kod sebe imati dokument kojim se potvrđuje da posjeduju odobrenje.
 - c) Službenici koji provode nadzor moraju u svakom trenutku moći dokazati da obnašaju službene dužnosti.

- d) Službenici koji provode nadzor mogu nositi službeno oružje tijekom nadzora osim ako ugovorna stranka kojoj je upućen zahtjev nije izričito odlučila drugačije; upotreba službenog oružja zabranjena je, osim u slučajevima opravdane samoobrane.
 - e) Zabranjen je ulazak u privatne domove i mjesta zatvorena za javnost.
 - f) Službenici koji provode nadzor ne smiju provjeriti identitet ni uhititi osobu koju nadziru.
 - g) Sve operacije podliježu obvezi izvještavanja tijelima ugovorne stranke na čijem državnom području se provode; od službenika koji provode nadzor može se zatražiti osobni dolazak.
 - h) Tijela ugovorne stranke iz kojeg su službenici koji provode nadzor, na zahtjev tijela ugovorne stranke na čijem državnom području se provodi nadzor, pomažu u istrazi koja slijedi nakon operacije u kojoj su sudjelovali, uključujući sudski postupak, pod uvjetom da je identitet dotičnog službenika zaštićen.
- (6) Službenici iz prethodnih stavaka pobliže se određuju u dvostranim provedbenim sporazumima.
- (7) Ugovorne stranke mogu, u okviru dvostranog provedbenog sporazuma, proširiti opseg ovoga članka i usvojiti dodatne mjere za njegovu primjenu.

Članak 15.

Nadzirana isporuka

- (1) Na pismeni zahtjev jedne od ugovornih stranaka, druga ugovorna stranka može u slučaju istraživanja kaznenih djela za koja je moguće izručenje, prema potrebi, dopustiti nadziranu isporuku na svojem državnom području, osobito ako se radi o prijevozu opojnih droga, prekursora, vatrenog oružja, eksploziva, krivotvorenog novca i predmeta koji potječu od počinjenja kaznenog djela ili su namijenjena počinjenju kaznenog djela, ako ugovorna stranka koja je podnijela zahtjev obrazloži da bi bez te mjere utvrđivanje počinitelja ili distribucijskih puteva bilo nemoguće ili znatno otežano. Ako sadržaj nadzirane isporuke predstavlja osobit rizik za upućene osobe ili opasnost za javnost, ugovorna stranka kojoj je upućen zahtjev ima pravo prije nego što odobri zahtjev ili u potpunosti odbije zahtjev, zahtijevati ispunjavanje određenih uvjeta.

- (2) Ugovorna stranka kojoj je upućen zahtjev preuzima nadzor nad isporukom po prelasku granice ili na mjestu preuzimanja koje su dogovorila tijela za provedbu zakona kako bi se izbjegao prekid nadzora, te jamči stalni nadzor isporuke na način koji omogućava intervenciju policije u svakom trenutku. Nakon što ugovorna stranka kojoj je upućen zahtjev preuzme nadzor nad isporukom, službenici ugovorne stranke koja upućuje zahtjev mogu nastaviti pratiti nadziranu isporuku zajedno sa službenicima ugovorne stranke kojoj je upućen zahtjev u dogovoru s ugovornom strankom kojoj je upućen zahtjev.
- (3) Službenici ugovorne stranke koja upućuje zahtjev dužni su pridržavati se zakona ugovorne stranke kojoj je upućen zahtjev.
- (4) Ako nadležna tijela za provedbu zakona ugovorne stranke kojoj je upućen zahtjev ne mogu pravovremeno intervenirati, te ako bi nastavak nadzirane isporuke predstavljao ozbiljan rizik za život ili zdravlje osoba, ili bi mogao prouzročiti ozbiljnu štetu na imovini ili ako se isporuka više ne može držati pod nadzorom, službenik ugovorne stranke koja upućuje zahtjev može zaplijeniti nadziranu isporuku. Ako je potrebno, službenici ugovorne stranke koja upućuje zahtjev mogu zaustaviti i uhititi osobe koje prate isporuku sve dok ne interveniraju tijela za provedbu zakona ugovorne stranke kojoj je upućen zahtjev. U svakom slučaju, ugovorna stranka koja upućuje zahtjev bez odgode obavještava tijela za provedbu zakona ugovorne stranke kojoj se upućuje zahtjev.
- (5) Kad se nadzirana isporuka zapljene na državnom području ugovorne stranke kojoj je upućen zahtjev, ona se može predati ugovornoj stranci koja upućuje zahtjev na temelju pismenog zahtjeva.
- (6) Osoba koju su, sukladno mjeri iz stavka 4., uhitila nadležna lokalna tijela može bez obzira na svoje državljanstvo biti zadržana u svrhu ispitivanja. Relevantne odredbe nacionalnog prava primjenjuju se *mutatis mutandis*.
- (7) Ako osoba nije državljanin ugovorne stranke na čijem državnom području je uhićena, ta se osoba pušta najkasnije šest sati nakon uhićenja, što ne uključuje sate između ponoći i 09:00 ujutro, osim ako nadležna lokalna tijela nisu ranije primila zahtjev za privremeno uhićenje te osobe u svrhu izručenja u bilo kojem obliku.
- (8) Tijekom nadzirane isporuke, na službenike ugovorne stranke koja upućuje zahtjev na odgovarajući način primjenjuju se odredbe članka 14. stavka 4. podstavaka od a) do c) i od e) do h).
- (9) Službeni pismeni zahtjev u kojem se traži nadzirana isporuka, nad kojom počinje nadzor ili se nadzor nastavlja u trećoj državi, odobrava se samo ako je u zahtjevu navedeno da uvjete iz stavka 2. ispunjava i ta treća država.

Članak 16.

Prikrivene istrage u svrhu istraživanja kaznenih djela

- (1) Tijekom istraživanja kaznenih djela, jedna ugovorna stranka može, na temelju unaprijed primljenog zahtjeva, pristati na raspoređivanje službenika ugovorne stranke koja upućuje zahtjev sukladno svojem zakonodavstvu, koji mogu biti u ulozi istražitelja ili osobe koja obavlja nadziranu kupnju (u daljnjem tekstu „prikriveni istražitelj“). Ugovorna stranka koja upućuje zahtjev, takav zahtjev upućuje samo ako bi u protivnom istraživanje kaznenog djela bilo nemoguće ili znatno otežano. Stvarni identitet službenika ne treba se otkriti u zahtjevu.
- (2) Prikrivene istrage na državnom području ugovorne stranke kojoj je upućen zahtjev ograničavaju se na pojedinačne privremene operacije. Takve se operacije pripremaju koordinacijom između uključenih službenika ugovornih stranaka. Raspoređivanjem prikrivenog istražitelja i izvršavanjem radnji koje provodi prikriveni istražitelj upravlja ugovorna stranka kojoj je upućen zahtjev. Ugovorna stranka kojoj je upućen zahtjev odgovorna je za radnje koje provodi prikriveni istražitelj ugovorne stranke koja upućuje zahtjev te može u svakom trenutku zahtijevati okončanje operacije.
- (3) Raspoređivanje prikrivenih istražitelja u skladu s ovim člankom, uvjeti pod kojim se provodi operacija i uvjeti korištenja rezultata istrage ovise o zakonodavstvu one ugovorne stranke na čije je državno područje raspoređen prikriveni istražitelj.
- (4) Ugovorna stranka kojoj je upućen zahtjev pruža prikrivenom istražitelju svu potrebnu pomoć u obliku osoblja, uključujući prisutnost njegovog voditelja, logističku i tehničku opremu, te poduzima sve potrebne mjere za zaštitu prikrivenog istražitelja tijekom operacije na svojem državnom području.
- (5) U izuzetno hitnim slučajevima, ako postoji ozbiljna opasnost od mogućeg otkrivanja identiteta prikrivenog istražitelja dopušteno je raspoređivanje prikrivenog istražitelja na državno područje druge ugovorne stranke i bez prethodnog pristanka iz stavka 1. U tim slučajevima moraju biti ispunjeni preduvjeti za raspoređivanje prikrivenog istražitelja na državno područje druge ugovorne stranke. Djelovanje prikrivenog istražitelja mora se ograničiti na mjeru koja je apsolutno nužna za očuvanje njegova prikrivenog identiteta ili sigurnosti. Ugovorna stranka kojoj je upućen zahtjev bez odgode se obavještava o raspoređivanju te može u svakom trenutku zahtijevati okončanje operacije.
- (6) Stavci od 1. do 4. primjenjuju se na odgovarajući način u slučajevima kad ugovorna stranka zahtijeva raspoređivanje prikrivenog istražitelja druge ugovorne stranke na svojem državnom području. U takvim slučajevima, ugovorna stranka koja upućuje zahtjev snosi troškove operacije osim ako nije drugačije dogovoreno.

- (7) Ugovorne stranke poduzimaju sve potrebne mjere opreza kako bi identitet prikrivenog istražitelja ostao tajan te kako bi mu se zajamčila sigurnost, i nakon okončanja njegovog raspoređivanja.

Članak 17.

Prikrivene istrage u svrhu sprječavanja kaznenih djela

- (1) Prikrivene istrage u svrhu sprječavanja počinjenja kaznenih djela za koje je moguće izručenje, mogu se u mjeri u kojoj to dopušta relevantno nacionalno zakonodavstvo provoditi na državnom području druge ugovorne stranke, ako je za tu prekograničnu prikrivenu istragu dano dopuštenje nastavno na primitak prethodnog zahtjeva.
- (2) Članak 14. primjenjuje se na odgovarajući način.

Članak 18.

Zahtjev za prikupljanje dokaza u slučaju neposredne opasnosti

- (1) U slučaju neposredne opasnosti, odgovarajuća tijela za provedbu zakona mogu u mjeri u kojoj su za to ovlaštena sukladno nacionalnom pravu uputiti zahtjeve za prikupljanje dokaza, uključujući tjelesne preglede kao i pretrage i zapljene, u mjeri u kojoj je to predviđeno nacionalnim zakonodavstvom. Zahtjevi se upućuju izravno nadležnom tijelu za provedbu zakona.
- (2) Izvršenje zahtjeva, uključujući odluku postoji li zaista neposredna opasnost, ovisi o pravu ugovorne stranke kojoj se upućuje zahtjev, a koja će o tome bez odgode obavijestiti ugovornu stranku koja upućuje zahtjev.
- (3) Ako zahtjev iz stavka 1. nije uputilo pravosudno tijelo, nadležno pravosudno tijelo bez odgode obavještava se da je zahtjev upućen, uključujući i o posebnim okolnostima slučaja koje ukazuju na neposrednu opasnost.
- (4) Ako pravo ugovorne stranke kojoj se upućuje zahtjev zahtijeva sudski nalog za provedbu odnosno nastavak ove mjere na državnom području ugovorne stranke kojoj je upućen zahtjev, a naknadno se bez odgode dostavlja nalog ili objašnjenje nadležnog suda ugovorne stranke koja upućuje zahtjev. Ugovorne stranke međusobno se obavještavaju o relevantnim odredbama svojeg nacionalnog prava.
- (5) Za prosljeđivanje rezultata mjera ugovornoj stranci koja upućuje zahtjev potrebna je službena zamolnica nadležnog pravosudnog tijela. Ako se rezultati provedenih mjera trebaju žurno proslijediti, tijelo kojem je upućen zahtjev može proslijediti rezultate izravno tijelu koje je uputilo zahtjev. Ako tijelo kojem je upućen zahtjev nije pravosudno tijelo, prosljeđivanje rezultata zahtijeva prethodno odobrenje nadležnog pravosudnog tijela.

Članak 19.

Zahtjev za tjelesni pregled

- (1) U mjeri kojoj je to dozvoljeno u okviru prava ugovorne stranke kojoj je upućen zahtjev, ugovorne stranke pružaju preko tijela za provedbu zakona jedna drugoj uzajamnu pomoć u pogledu tjelesnog pregleda osumnjičenika i ostalih pojedinaca.
- (2) Zahtjevi iz stavka 1. odobravaju se samo ako:
 - a) pregled je nužan kako bi se utvrdile činjenice relevantne za slučaj i razmjerni težini kaznenog djela;
 - b) nalog za tjelesni pregled podnosi služba koja je za to ovlaštena sukladno nacionalnom pravu ugovorne stranke koja upućuje zahtjev ili je iz poruke koju šalje takva služba vidljivo da su zadovoljeni preduvjeti za pregled, ako osumnjičenik ili druge osobe borave na državnom području ugovorne stranke koja upućuje zahtjev.

Članak 20.

Prijenos i usporedba DNK profila i ostalog identifikacijskog materijala

- (1) Za vrijeme istraživanja ili kaznenih postupaka koji su u tijeku, a u vezi s nestalim osobama i neidentificiranim tijelima, nadležne službe ugovornih stranaka pružaju jedna drugoj uzajamnu pomoć kroz razmjenu i pretraživanje DNK profila i drugog identifikacijskog materijala u svojim bazama podataka kao što je propisano njihovim nacionalnim zakonodavstvom. Nadležne službe ugovorne stranke koja upućuje zahtjev obavještava se o rezultatima navedenog što je prije moguće. U tu svrhu koristi se Interpolov DNK obrazac koji je važeći u vrijeme podnošenja zahtjeva. Ako se smatra da je za povećanje biostatičke točnosti potrebna tipizacija biološkog materijala, ugovorna stranka kojoj je upućen zahtjev pobrinut će se za tipizaciju biološkog materijala u mjeri u kojoj je to izvedivo i razmjerno. Sve troškove koji proizlaze iz takvog djelovanja snosi ugovorna stranka kojoj je upućen zahtjev.
- (2) Ako pretraživanje DNK baze podataka kako je navedeno u stavku 1. ne daje rezultate, ugovorna stranka kojoj je upućen zahtjev sačuvat će u svojoj bazi podataka dobiveni DNK profil dobiven sukladno stavku 1. u svrhu pretraživanja DNK baze podataka kako je propisano njezinim nacionalnim zakonodavstvom ako to zatraži ugovorna stranka koja upućuje zahtjev.
- (3) Ako DNK profil određene osobe koja boravi u ugovornoj stranci kojoj je upućen zahtjev nije dostupan, ugovorna stranka kojoj je upućen zahtjev pruža pravnu pomoć uzimanjem i analiziranjem molekularno-genetičkog materijala te osobe i slanjem dobivenih DNK profila ako:

- a) ugovorna stranaka koja upućuje zahtjev navede svrhu istog;
 - b) ugovorna stranka koja upućuje zahtjev dostavi nadležnoj službi zahtjev za analizu ili nalog sukladno svojem pravu, navodeći da bi postojali opravdani razlozi za prikupljanje i analizu molekularno-genetičkog materijala, bi osoba boravila na državnom području ugovorne stranke koja upućuje zahtjev, i
 - c) ispunjeni su uvjeti za uzimanje i analizu molekularno-genetičkog materijala sukladno pravu ugovorne stranke kojoj je upućen zahtjev;
 - d) se ugovornoj stranci kojoj je upućen zahtjev nadoknađuju svi troškovi proizašli iz navedenog.
- (4) Zahtjeve mogu slati i nadležna policijska tijela obiju ugovornih stranaka i obrađivati ih istim putem.

Članak 21.

Tijela nadležna za zahtjeve kako su određena u poglavlju I.

- (1) Odgovarajuća tijela za provedbu zakona koja su ugovorne stranke navele u popisima u prilogu iz članka 37. nadležna su za zahtjeve iz članka 15., 16., 17., 18., 19. i 20.
- (2) Preslike zahtjeva iz stavka 1. šalju se u nacionalnu središnju jedinicu opisanu u članku 4. stavku 3.

Članak 22.

Pravni status angažiranih službenika

U svrhu ove Konvencije, službenici koji djeluju na državnom području druge ugovorne stranke smatraju se službenicima te ugovorne stranke u odnosu na kažnjiva djela koja su počinjena protiv njih ili su ih oni počinili.

Članak 23.

Odgovornost angažiranih službenika

- (1) Ako, u svrhu ove Konvencije, službenici jedne ugovorne stranke djeluju na državnom području druge ugovorne stranke, prva ugovorna stranka odgovorna je za svaku štetu koju su ti službenici prouzročili tijekom svojeg djelovanja, sukladno pravu ugovorne stranke na čijem državnom području djeluju.
- (2) Ugovorna stranka na čijem je državnom području prouzročena šteta iz stavka 1. omogućuje popravak ili nadoknadu navedene štete pod jednakim uvjetima koji se primjenjuju na štetu koju prouzroče njezini službenici.

- (3) Ugovorna stranka čiji su službenici prouzročili štetu bilo kojoj osobi na državnom području druge ugovorne stranke, nadoknađuje joj u potpunosti svaki iznos koji je druga ugovorna stranka platila žrtvama ili osobama koje imaju pravo na takvu nadoknadu u njihovo ime.

Članak 24.

Tehničke mjere za olakšavanje prekogranične suradnje

- (1) U skladu s relevantnim međunarodnim sporazumima i uzimajući u obzir lokalne okolnosti i tehničke mogućnosti, ugovorne stranke instaliraju, osobito u pograničnim područjima, telefonske, radio i teleks linije i druge izravne linije radi olakšavanja policijske suradnje, osobito pravovremenog prijenosa informacija u svrhu policijske suradnje, kako je propisano ovom Konvencijom.
- (2) Uz ove kratkoročne mjere, razmotrit će osobito sljedeće mogućnosti:
- a) razmjenu opreme ili upućivanje časnika za vezu opremljenih odgovarajućom radio opremom;
 - b) proširivanje frekvencijskih pojasa koji se koriste u pograničnim područjima;
 - c) uspostavu zajedničkih veza za policijske službe koje djeluju u tim istim područjima;
 - d) koordinaciju svojih programa za nabavu komunikacijske opreme, kako bi se instalirali standardizirani i kompatibilni komunikacijski sustavi.
- (3) U skladu sa zajedničkim sporazumima, ugovorne stranke također mogu dogovoriti zajedničko korištenje drugih vrsta tehničke opreme i drugih sredstava koje posjeduje jedna ili više ugovornih stranaka.

Članak 25.

Ustanove za pružanje smještaja

- (1) Ugovorne stranke usvajaju potrebne mjere kako bi osigurale da:
- a) voditelji objekata koji pružaju smještaj ili njihovi posrednici jamče da će stranci ispuniti i potpisati obrasce za prijavu te potvrditi svoj identitet predocjenjem valjane identifikacijske isprave;
 - b) ispunjene obrasce za prijavu čuvati će tijelo za provedbu zakona ili će im isti biti proslijeđeni ako ta tijela to smatraju potrebnim za sprječavanje prijetnji,

kriminalističke istrage ili razjašnjavanje okolnosti kad se radi o nestalim osobama ili žrtvama nesreća, osim ako nacionalno pravo ne propisuje drugačije.

- (2) Stavak 1. primjenjuje se *mutatis mutandis* na osobe koje borave u svakoj vrsti komercijalnih smještajnih objekata, osobito šatorima, kamp-kućicama i plovilima. Stranci su osobe koje nisu državljani ugovorne stranke u kojoj se pruža smještaj i u kojoj je izvršena prijava.

POGLAVLJE II.: UVJETI SURADNJE

Članak 26.

Zajednička suradnja i prekogranične potrage

- (1) Po potrebi tijela za provedbu zakona ugovornih stranaka osnivaju mješovite analitičke radne skupine i druge radne skupine, kao i kontrolne i nadzorne timove, u kojima službenici ugovorne stranke preuzimaju ulogu potpore i savjetnika s ciljem intenziviranja suradnje tijekom djelovanja na državnom području druge ugovorne stranke, bez da neovisno primjenjuju suverene ovlasti.
- (2) Tijela za provedbu zakona ugovornih stranaka iz pograničnih područja sudjeluju u prekograničnim potragama za osumnjičenicima u bijegu. Nacionalne središnje jedinice uključene su u slučajeve od iznimne regionalne važnosti.
- (3) Tijela surađuju u potrazi za nestalim osobama.
- (4) Ako službene osobe jedne ugovorne stranke djeluju na državnom području druge ugovorne stranke, bit će ovlaštene nositi odoru i službeno oružje kao i druga sredstva prisile, osim ako druga ugovorna stranka na čijem se državnom području provodi djelovanje izjavi da to nije dopušteno ili da je dopušteno samo u određenim okolnostima.
- (5) Korištenje službenog oružja dopušteno je samo u slučaju samoobrane.

Članak 27.

Zajednički istražni timovi

- (1) Uzajamnim sporazumom tijela za provedbu zakona dvije ili više ugovornih stranaka mogu osnovati zajednički istražni tim u posebnu svrhu i na ograničeno vremensko razdoblje koje se može produžiti uzajamnim pristankom s ciljem provođenja kriminalističkih istraživanja u jednoj ili više ugovornih stranaka koje osnivaju tim. Sastav tima navodi se u sporazumu kojim se tim osniva.

- (2) Zajednički istražni tim može osobito biti osnovan ako:
 - a) istraživanja kaznenih djela jedne ugovorne stranke zahtijevaju teška i zahtjevna istraživanja povezana s drugim ugovornim strankama;
 - b) veći broj ugovornih stranaka provodi istraživanja kaznenih djela u kojima okolnosti slučaja zahtijevaju koordinirano zajedničko djelovanje u uključenim ugovornim strankama.
- (3) Zahtjev za osnivanje zajedničkog istražnog tima može podnijeti bilo koja od uključenih ugovornih stranaka. Tim se osniva u jednoj od ugovornih stranaka u kojoj se očekuje provedba istraživanja.
- (4) Zahtjevi za osnivanje zajedničkog istražnog tima uključuju tijelo koje postavlja zahtjev, svrhu zajedničkog istražnog tima, ugovorne stranke u kojima će zajednički istražni tim djelovati i prijedloge sastava zajedničkog istražnog tima.
- (5) Zajednički istražni tim djeluje na državnom području ugovornih stranaka koje osnivaju tim pod sljedećim općim uvjetima:
 - a) vođa tima predstavnik je tijela za provedbu zakona koje sudjeluje u kriminalističkom istraživanju iz ugovorne stranke u kojoj tim djeluje. Vođa tima djeluje u okviru svojih nadležnosti u skladu s nacionalnim pravom;
 - b) tim provodi svoje djelovanje u skladu s pravom ugovorne stranke u kojoj djeluje. Članovi tima provode svoje zadaće pod vodstvom osobe iz podstavka (a) uzimajući u obzir uvjete koje su propisala njihova tijela u sporazumu o osnivanju tima.
- (6) U ovom članku, članovi zajedničkog istražnog tima iz ugovornih stranaka koje nisu ugovorna stranka u kojoj tim djeluje, nazivaju se „upućenima“ u tim.
- (7) Upućeni članovi zajedničkog istražnog tima imaju pravo biti prisutni prilikom poduzimanja istražnih mjera u ugovornoj stranci u kojoj se provodi djelovanje. Međutim, vođa tima može iz određenih razloga u skladu s pravom ugovorne stranke u kojoj tim djeluje odlučiti drugačije.
- (8) Upućenim članovima zajedničkog istražnog tima, vođa tima, u skladu s pravom ugovorne stranke u kojoj tim djeluje, može povjeriti zadatak obavljanja određenih istražnih mjera ako su to odobrila tijela za provedbu zakona ugovorne stranke u kojoj se provodi djelovanje i ugovorne stranke koja upućuje članove tima.
- (9) Ako zajednički istražni tim mora provoditi istražne mjere u jednoj od ugovornih stranaka koje osnivaju tim, članovi koje je u tim uputila ta ugovorna stranka mogu zahtijevati od svojih vlastitih tijela za provedbu zakona da poduzmu te mjere. Te

mjere razmatraju se u toj ugovornoj stranci pod uvjetima koji bi se primjenjivali da su mjere zatražene u okviru nacionalnog istraživanja.

- (10) Ako zajednički istražni tim treba pomoć ugovorne stranke koja nije ugovorna stranka koja je osnovala tim, ili treće države, zahtjev za pomoć tijela za provedbu zakona ugovorene stranke u kojoj se provodi djelovanje mogu uputiti tijelima za provedbu zakona druge upućene ugovorne stranke u skladu s relevantnim instrumentima ili dogovorima.
- (11) Član zajedničkog istražnog tima može u skladu sa svojim nacionalnim pravom i u okviru svoje nadležnosti dostaviti timu informacije dostupne u ugovornoj stranci koja ga je uputila kako bi tim proveo kriminalistička istraživanja.
- (12) Informacije koje je član ili upućeni član tima zakonito dobio dok je bio dio zajedničkog istražnog tima, a koje na drugi način nisu dostupne tijelima za provedbu zakona dotičnih ugovornih stranaka, mogu se koristiti za sljedeće svrhe:
 - a) u svrhe za koje je tim osnovan;
 - b) uz prethodnu suglasnost ugovorne stranke u kojoj su informacije postale dostupne, u svrhu otkrivanja, istraživanja i procesuiranja ostalih kaznenih djela. Takva suglasnost može se uskratiti samo u slučajevima kad bi takvo korištenje ugrozilo kriminalistička istraživanja u uključenoj ugovornoj stranci ili u odnosu na koje bi ta ugovorna stranka mogla odbiti uzajamnu pomoć;
 - c) sprječavanje neposredne i velike prijetnje javnoj sigurnosti te ne dovodeći u pitanje podstavak (b) ako je naknadno otvoreno kriminalističko istraživanje;
 - d) u druge svrhe u mjeri u kojoj je to dogovoreno između ugovornih stranaka koje osnivaju tim.
- (13) Ovaj članak ne dovodi u pitanje ni jednu drugu važeću odredbu ili dogovor o osnivanju ili djelovanju zajedničkih istražnih timova.
- (14) U mjeri u kojoj to dopuštaju zakoni uključene ugovorne stranke ili odredbe bilo kojeg pravnog instrumenta koji se primjenjuje između njih, moguće je postići dogovore da osobe koje nisu predstavnici tijela za provedbu zakona ugovornih stranaka koje osnivaju zajednički istražni tim sudjeluju u aktivnostima tima. Takve osobe mogu, na primjer, uključivati djelatnike međunarodnih organizacija koje priznaju ugovorne stranke. Prava prenesena na članove ili upućene članove tima u skladu s ovim člankom ne primjenjuju se na te osobe osim ako sporazum izričito navodi drugačije.

Članak 28.

Mješovite ophodnje duž državne granice

- (1) Tijela za provedbu zakona ugovornih stranaka mogu obavljati mješovite ophodnje duž zajedničke granice s ciljem borbe protiv prijetnji javnoj sigurnosti i borbe protiv nezakonitih prekograničnih aktivnosti.
- (2) Tijekom obavljanja mješovitih ophodnji, službenici druge ugovorne stranke ovlašteni su u mjeri u kojoj to dopušta nacionalno zakonodavstvo ugovorne stranke na čijem državnom području djeluju, određivati identitet osoba i zaustavljati ih ako one pokušaju izbjeći kontrolu. Službenici ugovorne stranke na čijem državnom području se provodi djelovanje poduzimaju druge mjere osim ako bi te mjere bile neučinkovite ili bi ih bilo nemoguće provesti bez intervencije službenika druge ugovorne stranke.
- (3) Tijekom mješovitih ophodnji iz stavaka 1. i 2. primjenjuje se zakonodavstvo ugovorne stranke na čijem državnom području službenici aktivno djeluju.
- (4) Ako službene osobe jedne ugovorne stranke djeluju na državnom području druge ugovorne stranke, bit će ovlaštene nositi odoru i službeno oružje kao i druga sredstva prisile, osim ako druga ugovorna stranka na čijem se državnom području provodi djelovanje ne izjavi da to nije dopušteno ili da je dopušteno samo u određenim okolnostima.
- (5) Korištenje službenog oružja dopušteno je samo u slučaju samoobrane.

Članak 29.

Suradnja u zajedničkim centrima

- (1) Zajednički centri mogu se osnivati s ciljem olakšavanja razmjene informacija i suradnje između tijela za provedbu zakona ugovornih stranaka u okviru ove Konvencije.
- (2) U zajedničkim centrima, službenici ugovornih stranaka zajednički surađuju u okviru svojih nadležnosti s ciljem razmjene analize i prenošenja informacija kao i pružanje potpore u koordinaciji ili prekograničnoj suradnji sukladno ovoj Konvenciji, neovisno o službenim kontaktima, korespondenciji i razmjeni obavještajnih podataka putem nacionalnih i središnjih jedinica. Na prijenos osobnih podataka između službenika na odgovarajući način primjenjuju se članci 3. i 4. Konvencije, kao i odredbe članka 30. ove Konvencije.
- (3) Aktivnosti potpore mogu također uključivati pripremu i pomoć u predaji osoba u okviru međunarodnih ugovora sklopljenih između ugovornih stranaka.

- (4) Službenici koji surađuju u zajedničkim centrima isključivo djeluju po uputi svojih nacionalnih tijela i na njih se primjenjuju disciplinske ovlasti tih tijela. Službenici u zajedničkim centrima operativno ne djeluju samostalno. Zajedničke operacije mogu se provoditi samo na temelju sporazuma između nadležnih tijela za provedbu zakona ugovornih stranaka i na načine koji su mogući sukladno ovoj Konvenciji.
- (5) Osnivanje zajedničkih centara i način suradnje pa čak i raspodjela troškova uređuju se provedbenim sporazumima predviđenim u članku 34. stavku 1.

Članak 30.

Ograničavanje suradnje

- (1) Ako jedna ugovorna stranka smatra da bi odobravanje izvršenja zahtjeva ili bilo koji drugi oblik suradnje mogao ugroziti njezinu sigurnost ili druge važne interese ili nacionalno zakonodavstvo, obavještava drugu ugovornu stranku da u potpunosti ili djelomično odbija suradnju ili da pristaje na suradnju pod određenim uvjetima. Ugovorne stranke jedna drugu bez odgode obavještavaju u pisanom obliku o razlozima potpunog ili djelomičnog odbijanja suradnje.
- (2) Tehnička oprema i pripadajuća tehnička dokumentacija koja se ustupa tijelima za provedbu zakona u okviru ove Konvencije ne smije se proslijediti trećim državama bez prethodne suglasnosti tijela koje su ju donirale.

Članak 31.

Zaštita podataka

- (1) U odnosu na automatsku obradu osobnih podataka dostavljenih u skladu s ovom Konvencijom, svaka ugovorna stranka, najkasnije do datuma stupanja na snagu ove Konvencije, usvaja potrebne nacionalne odredbe kako bi se postigla razina zaštite osobnih podataka koja odgovara načelima Preporuke br. R (87) 15 od 17. rujna 1987. Odbora ministara Vijeća Europe o upotrebi osobnim podataka u policijskom sektoru.
- (2) Osim toga, mora se postići razina zaštite osobnih podataka koja je jednaka najmanje onoj koja proizlazi iz Konvencije Vijeća Europe za zaštitu pojedinaca u vezi s automatskom obradom osobnih podataka od 28. siječnja 1981.
- (3) Do prijenosa osobnih podataka u okviru ove Konvencije ne može doći dok odredbe za zaštitu osobnih podataka kako je navedeno u stavku 1. ne stupe na snagu na državnim područjima ugovornih stranaka uključenih u taj prijenos.

- (4) Sljedeće odredbe primjenjuju se na prijenos podataka sukladno uvjetima iz poglavlja I. i II. ove Konvencije i njihovu daljnju upotrebu i obradu:
- a) podatke dostavljene u okviru ove Konvencije ugovorne stranke koriste isključivo u svrhe za koje su dostavljeni ili za sprječavanje neposredne i velike opasnosti za javnu sigurnost ili za sprječavanje teških kaznenih djela. Obrada u druge svrhe dopuštena je isključivo uz prethodno odobrenje ugovorne stranke koja podatke dostavlja;
 - b) pri prijenosu podataka, tijelo koje prenosi podatke određuje rokove za brisanje i/ili uništavanje (u daljnjem tekstu „uništavanje“) podataka u skladu sa svojim nacionalnim zakonodavstvom. Bez obzira na navedene rokove, dostavljeni podaci uništavaju se ako više nisu potrebni za izvršavanje zadataka zbog kojih su poslani ili za bilo koju drugu svrhu u skladu s podstavkom a). Dostavljeni podaci uništavaju se najkasnije na dan prestanka valjanosti ove Konvencije osim ako se ona zamijeni novom Konvencijom;
 - c) ako se uspostavi da su dostavljeni netočni podaci ili da su podaci dobiveni na nezakonit način, tijelo koje je podatke dostavilo dužno je o tome bez odgode obavijestiti primatelja. Primatelj smjesta uništava podatke koji su dobiveni ili preneseni na nezakonit način ili ispravlja netočne podatke. Ako primatelj sazna za nezakonitu obradu dostavljenih podataka o tome je dužan bez odgode obavijestiti tijelo koje dostavlja podatke. Ako primatelj ima razloga vjerovati da su dostavljeni podaci netočni ili da moraju biti uništeni o tome bez odlaganja obavještava tijelo koje dostavlja podatke. Tijelo koje dostavlja podatke i primatelj obavještavaju jedni druge o svim okolnostima koje su važne kako bi dostavljeni podaci i dalje bili točni i ažurirani;
 - d) primatelj je dužan učinkovito zaštititi dostavljene podatke od slučajnog ili neovlaštenog uništavanja, slučajnog gubitka, slučajne ili neovlaštene izmjene, slučajnog ili neovlaštenog širenja, slučajnog ili neovlaštenog pristupa ili slučajnog ili neovlaštenog objavljivanja;
 - e) tijelo koje dostavlja podatke i primatelj dužni su voditi dnevnik prijenosa, primitka i uništavanja podataka. Dnevnik sadržavaju razloge slanja, sadržaje, tijelo koje podatke dostavlja i primatelja, vrijeme prijenosa i uništavanja podataka. Online prijenosi bilježe se računalno potpomognutim metodama. Zapisi se čuvaju najmanje tri godine. Podaci iz zapisa mogu se koristiti isključivo kako bi se potvrdilo da se pridržavalo relevantnih pravnih odredbi o zaštiti podataka;
 - f) na zahtjev, primatelj obavještava tijelo koje dostavlja podatke o svakoj obradi dostavljenih podataka i o dobivenim rezultatima;

- g) na zahtjev svaka osoba ima pravo da je tijelo nadležno za obradu podataka obavijesti o podacima koji se na nju odnose, koji su dostavljeni ili obrađeni u okviru ove Konvencije te ima pravo na ispravljanje netočnih podataka ili uništavanje nezakonito obrađenih podataka. Iznimke od ovoga pravila i praktični postupak ovise o nacionalnom pravu ugovorne stranke od koje su zatražene informacije, ispravljanje ili uništavanje. Prije donošenja odluke u odnosu na takav zahtjev, primatelj pruža tijelu koje dostavlja informacije mogućnost za očitovanje;
 - h) ugovorne stranke osiguravaju da se svaka osoba u slučaju kršenja njezinih prava na zaštitu podataka može žaliti neovisnom sudu ili drugom neovisnom tijelu te da može potraživati naknadu štete;
 - i) informacije koje su ugovorne stranke dobile prosljeđuju se dalje trećim državama samo uz prethodno odobrenje ugovorne stranke koja je informacije dostavila.
- (5) Ugovorne stranke odgovorne su u skladu sa svojim zakonodavstvom za štetu nanesenu osobi kao posljedica obrade podataka koji se tiču te osobe, a koji su dostavljeni u okviru ove Konvencije u slučajevima kad su dostavljeni podaci bili netočni ili su dostavljeni na nezakonit način. Kad se smatraju krivima u skladu sa svojim zakonodavstvom, ugovorne stranke ne mogu izjaviti u odnosu na oštećenu osobu da su dostavljeni podaci bili netočni ili da ih je druga ugovorna stranka dostavila na nezakonit način. Ako ugovorna stranka koja prima podatke nadoknadi gubitak prouzročen korištenjem netočnih podataka ili podataka dostavljenih na nezakonit način, ugovorna stranka koja dostavlja podatke nadoknađuje ukupan iznos odštete.
- (6) Nadzor nad primjenom pravnih odredaba vezanih uz zaštitu podataka, pri obradi podataka koje su dobili službenici koji djeluju na državnom području druge ugovorne stranke u okviru provedbe ove Konvencije, obveza je tijela za provedbu zakona ugovorne stranke u čije ime su podaci dobiveni te podliježu njezinom zakonodavstvu.
- (7) Službenici koji djeluju na državnom području druge ugovorne stranke nemaju izravan pristup računalnim podacima te ugovorne stranke.

Članak 32.

Povjerljivost informacija i klasificirane informacije

- (1) Ugovorne stranke u načelu osiguravaju osnovnu zaštitu za sve informacije primljene od druge ugovorne stranke svim neophodnim mjerama uključujući obvezu diskrecije i povjerljivosti, ograničavanje pristupa informacijama samo na ovlašteno osoblje, zaštitu osobnih podataka i opće tehničke i postupovne mjere za zaštitu sigurnosti informacija.

- (2) Informacijama koje su predmet službene klasifikacije ugovorne stranke koja ih dostavlja, što je naznačeno posebnom oznakom, primatelj informacija daje jednakovrijednu zaštitu u skladu s tablicom istoznačnih stupnjeva tajnosti ugovornih stranaka u popisima iz priloga.
- (3) Pri izboru razine klasifikacije, svaka ugovorna stranka pridržava se klasifikacije informacija u skladu sa svojim nacionalnim pravom ili važećim propisima te uzima u obzir potrebu za fleksibilnošću i uvjet da klasifikacija informacija tijela za provedbu zakona bude izuzetak i, ako se takve informacije moraju klasificirati, da im se dodijeli najniža moguća razina.
- (4) Tijelo koje dostavlja informacije bez odgode obavještava primatelja u pisanom obliku o promjeni razine klasifikacije ili odustajanju od klasifikacije. Primatelj se obvezuje prilagoditi razinu klasifikacije u skladu s tom porukom ili odustati od klasifikacije.
- (5) Dostavljene klasificirane informacije koriste se isključivo u svrhu za koju su dostavljene te se otkrivaju samo onim osobama kojima su te informacije potrebne za djelovanje ili koje su u skladu s nacionalnim pravom ovlaštene imati saznanje o takvim klasificiranim informacijama.
- (6) O svim povredama pravnih odredbi ugovorne stranke koja prima informacije vezano uz zaštitu dostavljenih klasificiranih informacija upoznaje se bez odgode tijelo koje dostavlja informacije. Navedeno priopćenje sadržava okolnosti i posljedice takvih povreda te mjere koje su poduzete kako bi se ograničile posljedice i spriječile buduće povrede takve prirode.
- (7) Klasificirane informacije dostavljaju se drugoj ugovornoj stranci dostavnom službom ili na bilo koji drugi dogovoren način koji je dopušten prema odgovarajućem nacionalnom zakonodavstvu ugovornih stranaka.

POGLAVLJE III.: ZAVRŠNE ODREDBE

Članak 33.

Odbor ministara

- (1) Osnovat će se Odbor sastavljen od nadležnih ministara ugovornih stranaka. Odbor ministara jednoglasno odlučuje o tumačenju, provedbi i primjeni ove Konvencije.
- (2) Odbor ministara osniva stručnu radnu skupinu koja će nadzirati primjenu i provedbu Konvencije, davati preporuke Odboru ministara za tumačenje i poboljšanje odredbi Konvencije i provoditi neke druge aktivnosti za potrebe Odbora.

- (3) Odbor ministara sastaje se na zahtjev jedne ugovorne stranke, ali najmanje jednom godišnje. Naizmjenice se sastaje na državnom području svake ugovorne stranke.

Članak 34.

Provedbeni sporazumi i priopćenja

- (1) Ugovorne stranke mogu sklopiti provedbene sporazume u svrhu ove Konvencije.
- (2) Ugovorne stranke obavještavaju depozitara o promjenama nadležnosti i imenovanjima tijela navedenih u tekstu ove Konvencije i njoj priloženim propisima.

Članak 35.

Troškovi

Svaka ugovorna stranka podmiruje u skladu sa svojim nacionalnim zakonodavstvom troškove svojih tijela nastalih provedbom ove Konvencije osim ako u ovoj Konvenciji ili provedbenim sporazumima ne stoji drugačije ili nije unaprijed drugačije dogovoreno između tijela za provedbu zakona.

Članak 36.

Odnos prema drugim međunarodnim ugovorima

Ova Konvencije ne utječe na prava i obveze ugovornih stranaka koja proizlaze iz drugih međunarodnih ugovora.

Članak 37.

Popisi u prilogu

Popisi u prilogu čine sastavni dio ove Konvencije.

Članak 38.

Depozitar

- (1) Depozitar ove Konvencije je Republika Albanija.
- (2) Depozitar dostavlja ovjerenu presliku ove Konvencije svakoj državi potpisnici ili državi pristupnici.
- (3) Depozitar obavještava druge ugovorne stranke o polaganju svake isprave o ratifikaciji, prihvatu, odobrenju ili pristupu, o svim rezervama i izjavama i o svakoj drugoj obavijesti dostavljenoj u vezi s ovom Konvencijom.

- (4) Depozitar obavještava sve ugovorne stranke o svakom datumu stupanja na snagu Konvencije u skladu s člankom 40.
- (5) Depozitar provodi registraciju ove Konvencije, nakon njezina stupanja na snagu, u Tajništvu Ujedinjenih naroda u skladu s člankom 102. Povelje Ujedinjenih naroda.
- (6) Prvi sastanak Odbora ministara saziva depozitar nakon stupanja na snagu Konvencije.

Članak 39.

Ratifikacija, prihvata, odobrenje ili pristup

- (1) Ova Konvencija podliježe ratifikaciji, prihvatu ili odobrenja potpisnica. Isprave o ratifikaciji, prihvatu ili odobrenju polažu se kod depozitara.
- (2) Ova Konvencija otvorena je za pristupanje. Isprava o pristupu polaže se kod depozitara.

Članak 40.

Stupanje na snagu

- (1) Ova Konvencija stupa na snagu devedesetog dana nakon datuma polaganja druge isprave o ratifikaciji, prihvatu, odobrenju ili pristupu.
- (2) Za svaku državu koja ratificira, prihvati, odobri ili pristupi ovoj Konvenciji nakon polaganja druge isprave o ratifikaciji, prihvatu, odobrenju ili pristupu, Konvencija stupa na snagu devedesetog dana nakon što ta država položi svoju ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu.
- (3) Svi provedbeni sporazumi, koji su obvezujući za sve ugovorne stranke, sklopljeni pod uvjetima iz članka 34. ove Konvencije, postaju obvezujući za svaku državu koja ratificira, prihvati, odobri ili pristupi ovoj Konvenciji nakon stupanja na snagu ove Konvencije na datum stupanja na snagu ove Konvencije za tu državu.

Članak 41.

Rezerve

- (1) Svaka država može, u vrijeme ratifikacije, prihvata, odobrenja ili pristupa ovoj Konvenciji, priopćiti rezerve.
- (2) Rezerve se mogu povući u svako doba upućivanjem obavijesti depozitaru. Takva obavijest proizvodi učinak na dan kad je zaprimljena.

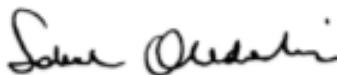
Članak 42.

Povlačenje i suspenzija

- (1) Ova Konvencija sklapa se na neodređeno vrijeme.
- (2) Svaka ugovorna stranka može se povući iz ove Konvencije u svako doba upućivanjem pisane obavijesti depozitaru. Povlačenje proizvodi učinak šest mjeseci nakon datuma kad depozitar primi obavijest.
- (3) Svaka ugovorna stranka može u potpunosti ili djelomično suspendirati primjenu ove Konvencije ako je to potrebno za održanje sigurnosti države, javnog reda ili sigurnosti, ili života i tijela osoba. Ugovorne stranke bez odgode obavještavaju depozitara o poduzimanju ili ukidanju takve mjere. Sve mjere poduzete u skladu s ovim stavkom proizvode učinak 15 dana nakon datuma kad depozitar primi obavijest.

U potvrdu toga niže potpisani, za to propisno ovlašteni, potpisali su ovu Konvenciju:

Za Republiku Albaniju:



Za Bosnu i Hercegovinu:



Za Republiku Makedoniju:



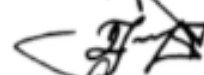
Za Republiku Moldovu:



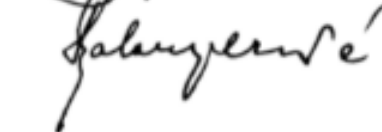
Za Rumunjsku:



Za Republiku Srbiju:



Za Republiku Crnu Goru:



Sastavljeno u Beču, dana 5. svibnja 2006., u jednom izvorniku, na engleskom jeziku.

POPISI U PRILOGU**Članak 4. stavak 2. (Tijela za provedbu zakona)**

Republika Albanija: Ministarstvo unutarnjih poslova
Bosna i Hercegovina: Ministarstvo sigurnosti
Republika Moldova: Ministarstvo unutarnjih poslova
Republika Makedonija: Ministarstvo unutarnjih poslova
Rumunjska: Ministarstvo uprave i unutarnjih poslova
Republika Srbija: Ministarstvo unutarnjih poslova Republike Srbije
Republika Crna Gora: Uprava policije

Članak 4. stavak 3. (Nacionalne središnje jedinice)

Zahtjevi i odgovori na zahtjeve propisani u članku 4. Konvencije dostavljaju se nacionalnim središnjim jedinicama. „Nacionalne središnje jedinice“ su:

Za Republiku Albaniju: Ministarstvo unutarnjih poslova
Za Bosnu i Hercegovinu: Ministarstvo sigurnosti
Za Republiku Makedoniju: Ministarstvo unutarnjih poslova
Za Republiku Moldovu: Ministarstvo unutarnjih poslova
Za Rumunjsku: Ministarstvo uprave i unutarnjih poslova
Za Republiku Srbiju: Ministarstvo unutarnjih poslova
Za Republiku Crnu Goru: Uprava policije

Članak 4. stavak 4. (Postojeće strukture)

Za Republiku Albaniju: Ministarstvo unutarnjih poslova
Za Bosnu i Hercegovinu: Ministarstvo sigurnosti
Za Republiku Makedoniju: Ministarstvo unutarnjih poslova
Za Republiku Moldovu: Ministarstvo unutarnjih poslova
Za Rumunjsku: Ministarstvo uprave i unutarnjih poslova
Za Republiku Srbiju: Uprava granične policije i Vatrogasna uprava
Za Republiku Crnu Goru: Uprava policije

Članak 32. Stupnjevi tajnosti							
Razina	Albanija	Bosna i Hercegovina	Makedonija	Moldova	Rumunjska	Srbija	Crna Gora
OGRANIČENO	_____	INTERNO	INTERNAL	DE SERVICIU / SERVICE	SECRET DE SERVICIU	INTERNAL	RESTRICTED
POVJERLJIVO	KONFIDENCIAL	POVJERLJIVO	CONFIDENTIAL	CONFIDENTIAL / CONFIDENTIAL	SECRET	SERVICE SECRET / CONFIDETAL	CONFIDENTIAL
TAJNO	SEKRET	TAJNO	TOP SECRET	SECRET / SECRET	STRICT SECRET	SERVICE SECRET / TOP SECRET	SECRET
VRLO TAJNO	TEPER SEKRET	VRLO TAJNO	STATE SECRET	STRICT SECRET / TOP SECRET	STRICT SECRET DE IMPORTANTA DEOSEBITA	STATE SECRET	TOP SECRET

POLICE COOPERATION CONVENTION FOR SOUTHEAST EUROPE

Preamble

The Republic of Albania, Bosnia and Herzegovina, the Republic of Macedonia, the Republic of Moldova, Romania and the State Union of Serbia and Montenegro

Hereafter referred to as "Contracting Parties",

Desiring to cooperate in order to pursue common security interests,

Resolved to effectively combat cross-border threats to public order and security and international crime by entering into a security partnership,

Aiming at further intensifying and enhancing the police cooperation,

Determined to further strengthen mutual assistance in police matters,

Have agreed on the following:

Article 1

Scope of the Convention

The Contracting Parties shall strengthen their cooperation with respect to fighting threats to public security and/or order as well as with respect to prevention, detection and police investigation of criminal offences. This is done under national law, unless otherwise indicated in this Convention.

Article 2

Definitions

For the purpose of this Convention

- a) "**Law enforcement authorities**" shall mean the authorities which in accordance with the national law of the Contracting Parties have the necessary competence to apply the provisions of this Convention;
- b) "**Officials**" shall mean any individual designated by the law enforcement authorities;
- c) "**Borders**" shall mean the Contracting Parties' land borders, borders on water courses, maritime borders, their airports and sea ports, defined by national law, internationally recognised;
- d) "**Third State**" shall mean any State other than the Contracting Parties;

- e) **"Residence permit"** shall mean an authorisation of whatever type issued by a Contracting Party which grants right of residence within its territory. This definition shall not include temporary permission to reside in the territory of a Contracting Party for the purposes of processing an application for asylum or a residence permit;
- f) **"Personal data"** shall mean any data relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;
- g) **"Processing of personal data"** (hereafter referred to as "processing") shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- h) **"Information"** shall mean personal and non-personal data.

Article 3

General Cooperation Measures

The law enforcement authorities of the Contracting Parties shall, within their jurisdiction, take all measures aiming at enhancing their cooperation.

In particular, the authorities shall provide for:

1. enhancing information exchange and communication structures by:
 - a) informing each other about facts of cases, links between suspects, and typical suspect behaviour without indicating person-related data;
 - b) informing each other directly, as timely as possible, about upcoming events and incidents of police relevance, without indication of person-related data, to facilitate combating threats to public order and security so that the necessary measures can be taken in time;
 - c) sharing significant information, except person-related data, to facilitate operational planning both for routine activities and for special operations, including as a precautionary measure intelligence about events and incidents that might have an impact on the territory of the respective other Contracting Party;
 - d) by preparing and regularly updating common directories containing data on jurisdictions and competences, and contact data;
 - e) maintaining radio communication and, in this respect by exchanging equipment until a uniform radio equipment and frequencies will be introduced in all

European countries, and preparing joint proposals for low-cost improvement of telecommunication, especially radio communication along the borders.

2. enhancing cooperation during operations and investigations for the purpose of prevention, detection and investigation and for countering threats by:
 - a) deploying the forces in the neighbouring border areas in line with coordinated planning;
 - b) planning and carrying joint programmes in the field of crime prevention;
 - c) holding meetings and talks at regular intervals, in order to control and maintain the quality of cooperation, discuss new strategies, coordinate operation-, search- and patrol plans, exchange statistical data, and coordinate working programmes;
 - d) facilitating mutual training/study visits as upon agreement by the departments concerned;
 - e) inviting representatives of the other Contracting Parties to participate in special operations as observers.

CHAPTER I: GENERAL PROVISIONS

Article 4

Cooperation upon Request

- (1) The law enforcement authorities of the Contracting Parties shall, upon request, render mutual assistance in the framework of their respective jurisdiction to take measures against threats to public order and/or security, to prevent, detect and investigate criminal offences, unless such a request, or the execution of it, can only be dealt with by the judicial authorities under the law of the respective Contracting Party. If the requested authority is not competent to deal with the request, it shall forward the request to the competent authority and inform the requesting authority accordingly.
- (2) Law enforcement authorities in the sense of this Convention are mentioned in the Attached Lists. In any case, the competence of other Ministries is not to be interfered.
- (3) The Contracting Parties shall establish or appoint National Central Units. Until the establishment or appointment of National Central Units the existing structures in the respective countries shall be used.
- (4) Requests and replies to such requests can also be exchanged, if direct cooperation appears expedient, by informing the National Central Unit or existing structures to such a procedure, among the authorities named in the Attached Lists,
 - a) if official cross-border activities refer to criminal offences which will in all likelihood be investigated by the law enforcement authorities of the border region or

b) if requests to assist in averting imminent threats to public order and/or security cannot otherwise be transmitted in time through the usual channels between the National Central Units.

(5) Requests can, in particular, concern:

a) Identification of owners and users of motor-vehicles, of all types of vessels and aircrafts.

Upon request of a Contracting Party, the requested Contracting Party shall transmit stored data on motor-vehicles, on all types of vessels and aircrafts, as well as data of the owners and users, if these data are needed to identify a person in his/her capacity as owner/user of or to identify the vehicles used by a person, or the vehicle data required for the prevention and combating criminal offences, and protection from threats to the public order and/or security.

The law enforcement authorities of the requesting Contracting Party may forward the request to the authority(ies) which maintain(s) the vehicle registration database, or in urgent cases, and likewise, if information from the respective authorities of all types of vessels registration numbers is required, to a law enforcement authority of the requested Contracting Party.

b) Information on driving-licences and vehicle documents as well as comparable driving permits and documents;

c) Establishment of the place of abode, of the place of residence and residence permits;

d) Identification of subscribers of telephones or other telecommunication equipment;

e) Identification of individuals, dead bodies, or parts of dead bodies;

f) Information on the origin of items, such as firearms, ammunition and explosives, explosive devices, motor-vehicles, all types of vessels and aircrafts and cultural property;

g) Search for wanted persons and property;

h) Initiation and coordination of search measures;

i) Police interviews and interrogations, especially in order to determine the willingness of a person to give information;

j) Information on crime scene investigation, collection of evidence, evaluation and analysis of evidence;

k) Concrete measures to ensure witness protection;

l) Information exchange in cases of hot pursuit;

m) Cooperation and information exchange on crowd control at all public gatherings.

- (6) Requests and replies to such requests shall be made in writing (by fax or e-mail). In case person-related data are transmitted, a secure transmission method must be chosen taking into account the sensitivity of the data. In urgent cases, requests can be made orally. However, immediately afterwards a confirmation in writing must be made. The written reply will be given only after receiving the written confirmation. The Contracting Parties shall make sure that only authorized personnel has access to the communication device used.

Article 5

Scope of Information Exchange

- (1) In the course of cooperation aiming at preventing, detecting and investigating criminal offences, in particular organised crime, the law enforcement authorities of the Contracting Parties shall, upon request, exchange the following information:
- a) on data of individuals involved in organised crime, intelligence on links between the suspects and persons under suspicion in relation to commission of criminal offences, their knowledge on the structure of criminal organisations and groups, and about typical behaviour patterns of suspects and persons under suspicion or suspect groups and groups under suspicion, information on prepared, attempted, or accomplished criminal offences, especially time, scene and type of crime, details on victims or victimized property, intelligence on the particular circumstances and about the relevant legal provisions, if required to prevent, detect and investigate criminal offences,
 - b) on methods and new forms of transborder crime,
 - c) on criminological and other crime-related research results, details on practice of conducting investigations, working means and methods aiming at their further development,
 - d) on intelligence and/or samples of items or property that were damaged during the crime, or were used or intended to commit a crime or which were the result of a committed crime,
 - e) on legislation in force relating to the crimes that are subject of this Convention,
 - f) on criminal proceeds and assets acquired through commission of or involvement in crime.
- (2) When obtaining information by means of special methods, the authorities of the Contracting Parties shall cooperate in compliance with their national legislation. The Contracting Parties undertake to ensure at least the same standard of protection for data transmitted in the course of such information exchange as prescribed by the respective national legal provisions.

Article 6

Information Exchange without Request

In certain cases, the law enforcement authorities of the Contracting Parties shall provide each other with information without being requested, if, based on proven facts, there is reason to assume that such information is needed to counter concrete threats to public order and/or security, or to prevent, detect and investigate criminal offences. Regarding the information exchange, Article 4, paragraphs 3 (National Central Units), 4 (requests and replies to such requests), and 6 (requests in writing by fax or e-mail) shall apply accordingly.

Article 7

Joint Threat Analysis

The law enforcement authorities of the Contracting Parties shall aspire-to possess a uniform level of information about the crime rate situation. To this end, they shall exchange status reports periodically or if a need arises, and make joint analyses at least once a year.

Article 8

Regular Information Exchange to Combat illegal Migration

- (1) The Contracting Parties shall exchange intelligence regularly to combat illegal border crossing and smuggling of human beings.
- (2) The information to be exchanged primarily refers to migratory movements, extent, structure and possible destinations, likely migratory routes and means of transport used to illegally cross the border, and forms of organisations of the smugglers. Furthermore, intelligence and analyses that refer to the current situation shall be communicated, and, likewise, any planned measures that might be of relevance for the other Contracting Party.

Article 9

Liaison Officers

- (1) The Contracting Parties may conclude bilateral agreements providing for the secondment, for a specified or unspecified period of time, of liaison officers from one Contracting Party to the law enforcement authorities of another Contracting Party.
- (2) The secondment of liaison officers for a specified or unspecified period of time is intended to advance and accelerate cooperation between the Contracting Parties, particularly by providing assistance:
 - a) in the form of the exchange of information for the purposes of this Convention;
 - b) in executing requests for mutual police assistance in criminal matters;
 - c) with the tasks carried out by the authorities responsible for border surveillance.

- (3) Liaison officers shall have the task of providing advice and assistance. They shall not be empowered to take independent police action. They shall supply information and perform their duties in accordance with the instructions given to them by the seconding Contracting Party and by the Contracting Party to which they are seconded.
- (4) The Contracting Parties may agree within a bilateral or multilateral framework that liaison officers from a Contracting Party seconded to third States shall also represent the interests of one or more other Contracting Parties. Under such agreements, liaison officers seconded to third States shall supply information to other Contracting Parties when requested to do so or on their own initiative and shall, within the limits of their powers, perform duties on behalf of such Parties. The Contracting Parties shall inform one another of their intentions with regard to the secondment of officers to third States.

Article 10

Witness Protection

- (1) The law enforcement authorities of the Contracting Parties designated for the witness protection shall directly cooperate in the area of witness protection programmes.
- (2) The cooperation shall, in particular, include the exchange of information, assistance as regards logistics, and taking over of persons to be protected.
- (3) An Agreement will be signed for each particular case of taking over of persons to be protected, in order for mutual rights and obligations to be regulated.
- (4) The person to be protected must have been placed under the witness protection programme of the requesting Contracting Party. The person to be protected will not be included in the witness protection programme of the requested Contracting Party. When taking supportive measures in connection with the protection of these persons the national legislation of the requested Contracting Party shall apply accordingly.
- (5) In principle the requesting Contracting Party shall bear the costs of living for the persons to be protected. The requested Contracting Party shall bear the expenses for personnel and material resources for the protection of these persons.
- (6) For serious reasons and after having duly notified the requesting Contracting Party, the requested Contracting Party can cease the supportive measures. In this case, the requesting Contracting Party shall retake the person concerned.

Article 11

Basic and Advanced Training and Exchange of Experience

The law enforcement authorities of the Contracting Parties shall cooperate in the field of basic and advanced training, by, *inter alia*,

- a) exchanging syllabi for basic and advanced training;
- b) arranging joint basic and advanced training seminars and cross-border exercises as part of the cooperation laid down in this Convention;
- c) inviting representatives of the law enforcement authorities of the other Contracting Party to participate in exercises and special operations as observers, and providing for mutual practical training visits;
- d) permitting representatives of the law enforcement authorities of the other Contracting Party to attend advanced training courses.

Article 12

Prevention

The law enforcement authorities of the Contracting Parties shall exchange experience in the field of crime prevention and shall launch and carry out joint programmes to this effect.

Article 13

Hot Pursuit

- (1) Officers of one of the Contracting Parties who are pursuing in their country an individual caught in the act of committing or participating in a criminal offence shall be allowed, subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention, to continue pursuit in the territory of another Contracting Party without the latter's prior authorisation, where given the particular urgency of the situation, it is not possible to notify the law enforcement authorities of the other Contracting Party by one of the means provided for in Article 24 of the Convention prior to entry into that territory or where these authorities are unable to reach the scene in time to take over the pursuit.

The same shall apply where the person being pursued has escaped from provisional custody or while serving a sentence involving deprivation of liberty.

The pursuing officers shall, not later than when they cross the border, contact the law enforcement authorities of the Contracting Party in whose territory the hot pursuit is to take place. The hot pursuit will cease as soon as the Contracting Party in whose territory the pursuit is taking place so requests. At the request of the pursuing officers, the competent local authorities shall challenge the pursued person in order to establish the person's identity or to make an arrest.

- (2) The bilateral Implementation agreements as referred to in paragraph 1 of this Article shall define the criminal offences for which the hot pursuit will be applicable either by way of an exhaustive list or by extending it to all extraditable criminal offences.
- (3) Hot pursuit shall be carried out in accordance with one of the following procedures, defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:

- a) The pursuing officers shall not have the right to apprehend the pursued person;
 - b) If no request to cease the hot pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may detain the person pursued until the officers of the Contracting Party in whose territory the pursuit is taking place, who must be informed immediately, are able to establish the person's identity or make an arrest.
- (4) Hot pursuit shall be carried out in accordance with paragraphs 1 and 3 and in one of the following ways as defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:
- a) in an area or during a period as from the crossing of the border, to be established in the bilateral Implementation Agreement;
 - b) without limit in space or time.
- (5) Hot pursuit shall be carried out only under the following general conditions:
- a) The pursuing officers must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions issued by the competent local authorities.
 - b) Pursuit shall be solely over land and blue borders.
 - c) Entry into private homes and places not accessible to the public is prohibited.
 - d) The pursuing officers shall be easily recognisable, either by their uniform, by means of an armband or by accessories fitted to their vehicles; the use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification is prohibited; the pursuing officers must at all times be able to prove that they are acting in an official capacity.
 - e) The pursuing officers may carry their service weapons; their use shall be prohibited except in cases of legitimate self-defence.
 - f) Once the pursued person has been apprehended as provided for in paragraph 3(b), for the purpose of being brought before the competent local authorities that person may only be subjected to a security search; handcuffs may be used during the transfer; objects carried by the pursued person may be seized.
 - g) After each operation referred to in paragraphs 1, 3 and 4, the pursuing officers shall appear before the competent local authorities of the Contracting Party in whose territory they were operating and shall report on their mission; at the request of those authorities, they shall remain at their disposal until the circumstances surrounding their action have been sufficiently clarified; this condition shall apply even where the hot pursuit has not resulted in the arrest of the person pursued.
 - h) The authorities of the Contracting Party from which the pursuing officers have come shall, when requested by the authorities of the Contracting Party in whose territory the hot pursuit took place, shall assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, providing that the identity of the involved pursuing officer is protected.

- (6) A person who, following the action provided for in paragraph 3, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply *mutatis mutandis*. If the person is not a national of the Contracting Party in whose territory the person was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.
- (7) The officers referred to in the previous paragraphs shall be specified in the bilateral Implementation Agreements.
- (8) The Contracting Parties may, on a bilateral basis, extend the scope of paragraph 1 and adopt additional provisions in implementation of this Article.

Article 14

Cross-border Surveillance

- (1) Officers of one of the Contracting Parties who, as part of a criminal investigation, are keeping under surveillance in their country a person who is presumed to have participated in an extraditable criminal offence shall subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention be authorised to continue their surveillance in the territory of another Contracting Party where the latter has authorised cross-border surveillance in response to a request for assistance made in advance. Conditions may be attached to the authorisation. On request, the surveillance will be entrusted to officers of the Contracting Party in whose territory this is carried out. The request for assistance referred to in the first subparagraph must be sent to an authority designated by each of the Contracting Parties and empowered to grant or to pass on the requested authorisation.
- (2) Where, for particularly urgent reasons, prior request for authorisation can not be submitted from the requesting Contracting Party, the Officers carrying out the surveillance shall subject to bilateral Implementation Agreements mentioned in paragraph 1 of this Article be allowed to continue beyond the border the surveillance of a person presumed to have committed a criminal offence as mentioned in paragraph 3. In these cases, the authority of the Contracting Party in whose territory the surveillance is to be continued, must be notified immediately that the border has been crossed, and a request for assistance outlining the grounds for crossing the border without prior authorisation shall be submitted with no delay.
- (3) The bilateral Implementation agreements as referred to in paragraphs 1 and 2 of this Article shall define the criminal offences mentioned in paragraph 2 either by way of an exhaustive list or by extending it to all extraditable criminal offences.

- (4) Surveillance shall cease as soon as the Contracting Party in whose territory it is taking place so requests, following the notification or the request referred to in the previous paragraphs, where authorisation has not been obtained, five hours after the border was crossed.
- (5) The surveillance referred to in paragraphs 1 and 2 shall be carried out only under the following general conditions:
 - a) The officers carrying out the surveillance must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions of the competent local authorities.
 - b) Except in the situations outlined in paragraph 2, the officers shall, during the surveillance, carry a document certifying that authorisation has been granted.
 - c) The officers carrying out the surveillance must at all times be able to prove that they are acting in an official capacity.
 - d) The officers carrying out the surveillance may carry their service weapons during the surveillance unless specifically otherwise decided by the requested Party; their use shall be prohibited except in cases of legitimate self-defence.
 - e) Entry into private homes and places not accessible to the public is prohibited.
 - f) The officers carrying out the surveillance may neither challenge nor arrest the person under surveillance.
 - g) All operations shall be the subject of a report to the authorities of the Contracting Party in whose territory they took place; the officers carrying out the surveillance may be required to appear in person.
 - h) The authorities of the Contracting Party from which the surveillance officers have come shall, when requested by the authorities of the Contracting Party in whose territory the surveillance took place, assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, provided that the identity of the involved officer is protected.
- (6) The officers referred to in the previous paragraphs shall be specified in the bilateral Implementation Agreements.
- (7) The Contracting Parties may, by way of bilateral Implementation. Agreement, extend the scope of this Article and adopt additional measures in application thereof.

Article 15

Controlled Delivery

- (1) Upon Letter of Request from a Contracting Party, another Contracting Party can, in case of investigations for extraditable offences, if appropriate, permit controlled delivery on its territory, especially of transport of narcotic drugs, precursors, firearms, explosives, counterfeit currency, and items originating from

a crime, *or* intended to be used to commit a crime, if the requesting Contracting Party explains that, without such a measure, identification of perpetrators or of distributing routes would be impossible or extremely hampered. If the content of a controlled delivery presents a particular risk for the persons involved, or a danger to the public, the requested Contracting Party has the right to ask that certain conditions be met before granting the request or refuse the request altogether.

- (2) The requested Contracting Party shall take control over the delivery when it crosses the border, or at a place of taking over agreed by the law enforcement authorities, in order to avoid interruption of control, and guarantees permanent surveillance of the shipment in a manner that enables police intervention at any time. After takeover by the requested Contracting Party, officers of the requesting Contracting Party can continue to follow the controlled delivery together with officers of the requested Contracting Party, upon agreement with the requested Contracting Party.
- (3) The officers of the requesting Contracting Party are obliged to observe the laws of the requested Contracting Party.
- (4) If the competent law enforcement authorities of the requested Contracting Party cannot intervene in due time, and if continuation of the controlled delivery would present a serious risk for life *or* health of persons, or cause serious damage to property, or if the delivery could no longer be kept under control, the officer of the requesting Contracting Party can seize the controlled delivery. If necessary, the officers of the requesting Contracting Party can stop and apprehend persons who escort the shipment until intervention by law enforcement authorities of the requested Contracting Party. In any case the requesting Contracting Party shall inform the law enforcement authorities of the requested Contracting Party without delay.
- (5) When a controlled delivery has been seized on the territory of the requested Contracting Party, it may be handed over to the requesting Contracting Party on the basis of a Letter of Request.
- (6) A person who, following the action provided for in paragraph 4, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply *mutatis mutandis*.
- (7) If the person is not a national of the Contracting Party in whose territory he/she was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.
- (8) In the course of a controlled delivery, the provisions of Article 14, paragraph 4, subparagraph a) to c) and e) to h) shall apply accordingly for the officers of the requesting Contracting Party.

- (9) An official Letter of Request, demanding a controlled delivery, over which control begins or is continued into a third State, shall be granted only if in the request is indicated that the conditions set out in paragraph 2 are also met by the third State.

Article 16

Undercover Investigations to Investigate Crimes

- (1) In the course of investigations for criminal offences, a Contracting Party can, on the basis of a request received in advance, consent to the deployment of officers of the requesting Contracting Party under the terms of its legislation, who can play the role of an agent, or a person performing a controlled purchase (hereafter referred to as "undercover investigator"). The requesting Contracting Party shall make such a request only if the investigation of the criminal offence would otherwise be impossible or extremely impeded. The true identity of the officer need not be revealed in the request.
- (2) Undercover investigations on the territory of the requested Contracting Party shall be restricted to single, temporary operations. Preparations of these operations shall be done by way of coordination between the officers involved from the Contracting Parties. The deployment of an undercover investigator and the execution of the actions taken by the under cover investigator shall be-managed by the requested Contracting Party. The requested Contracting Party is responsible for the action taken by an undercover investigator of the requesting Contracting Party, and can, at any time, demand the termination of the operation.
- (3) The deployment of undercover investigators under this Article, the conditions under which the operation is carried out and the terms for the use of the investigation results shall depend upon the legislation of that Contracting Party on whose territory the undercover investigator is deployed.
- (4) The requested Contracting Party shall grant the undercover investigator all necessary support in form of personnel, including the presence of his handler, logistics and technical equipment, and shall take all necessary measures to protect the undercover investigator during the operation on its territory.
- (5) Due to extreme urgency, in case there is a serious danger that the identity of the undercover investigator can be revealed, the deployment of an undercover investigator on the territory of the other Contracting Party shall be admissible without prior consent as outlined in paragraph 1. In these cases, the preconditions for the deployment of the undercover investigator on the territory of the other Contracting Party must be met. The activities of the undercover investigator must be restricted to the extent absolutely essential for maintaining his/her cover story or his/her security. The requested Contracting Party shall be notified of the deployment without delay, and *can*, at any time, demand the termination of the operation.
- (6) Paragraphs 1 to 4 shall apply accordingly in cases where a Contracting Party requests the deployment of an undercover investigator of the other Contracting

Party on its territory. In such cases, unless otherwise agreed upon, the requesting Contracting Party shall bear the costs of the operation.

- (7) The Contracting Parties shall take all necessary precautions to keep the undercover investigator's identity secret and to guarantee his/her security, also after his/her deployment is over.

Article 17

Undercover Investigations to Prevent Criminal Offences

- (1) As far as permissible under the respective national legislation, undercover investigations to prevent extraditable crimes can be carried out on the territory of the other Contracting Party, if consent has been given to this cross-border undercover investigation upon prior receipt of a request.
- (2) Article 14 shall apply accordingly.

Article 18

Request to Collect Evidence in Case of Imminent Danger

- (1) In case of imminent danger, requests can be made by the respective law enforcement authorities as far as authorized to do so under national law, to collect evidence including physical examinations, as well as searches and seizures, as far as provided for by national legislation. The requests shall be addressed directly to the competent law enforcement authority.
- (2) The execution of the request, including the determination whether there is indeed imminent danger, shall depend on the law of the requested Contracting Party, which will inform, without delay, the requesting Contracting Party about it.
- (3) If the request referred in paragraph 1 was not made by a judicial authority, the judicial authority in charge shall be notified without delay that the request was made, including of the special circumstances of the case implying imminent danger.
- (4) As far as the law of the requested Contracting Party requires a court order for giving or upholding the measure on the requested Contracting Party's territory, an order or explanation by the competent court of the requesting Contracting Party shall be filed subsequently, without delay. The Contracting Parties shall inform each other about the relevant provisions of their national law.
- (5) The transmission of the results of the measures taken to the requesting Contracting Party shall require an official letter rogatory by the competent judicial authority. If the results of the measures taken need to be transmitted as a matter of urgency, the requested authority can transmit the results directly to the requesting authority. In case the requested authority is not a judicial authority, the transmission of the results shall require prior consent by the competent judicial authority.

Article 19

Request for Physical Examination

- (1) As far as permitted under the law of the requested Contracting Party, the Contracting Parties, through the law enforcement authorities, shall provide each other mutual assistance with regard to physical examination of the suspect and other individuals.
- (2) Requests under paragraph 1 shall be granted only if,
 - a) the examination is required to determine facts of relevance to the case and is commensurate to the seriousness of the criminal offence;
 - b) an order for physical examination is submitted by a service authorized to do so under national law of the requesting Contracting Party, or it is obvious from a message sent by such a service that the preconditions for an examination have been met, if the suspect or the other persons are staying on the territory of the requesting Contracting Party.

Article 20

Transmission and Comparison of DNA-Profiles and other Identification Material;

- (1) In the course of pending investigations or penal proceedings, and with respect to missing persons and unidentified bodies, the competent services of the Contracting Parties shall grant, each other mutual assistance by exchange and searching DNA-profiles and other Identification Material in their databases as provided for under their respective national legislation. The results thereof shall be made known as soon as possible to the competent services of the requesting Contracting Party. For this purpose, the Interpol-DNA-form in the version valid at the time of the request shall be used. If typing of the biological material is considered necessary to increase the bio-statistical accuracy, the requested Contracting Party shall, as far as feasible and commensurate, take care of such typing of the biological material. Any expenses arising from such action shall be refunded to the requested Contracting Party.
- (2) If DNA-database search as outlined in paragraph T has remained negative, the requested Contracting Party shall save the DNA-profile obtained as laid down in paragraph 1 for the purpose of DNA-database-search as provided for under its national law in its database, if asked to do so by requesting Contracting Party.
- (3) If the DNA-profile of a certain person staying in the requested Contracting Party is not available, the requested Contracting Party shall grant legal assistance by obtaining and analysing molecular-genetic material of this person, and transmitting the DNA-profiles obtained therefore, if
 - a) the requesting Contracting Party advises the purpose of the same;

- b) the requesting Contracting Party submits an analysis request or order as required under its law to the competent service, indicating that there would be justified grounds for collecting and analysing the molecular-genetic material, would the person be staying on the territory of the requesting Contracting Party, and
 - c) the conditions for obtaining and analysing molecular-genetic material under the law of the requested Contracting Party have been met;
 - d) the requested Contracting Party shall be refunded any costs arising from doing so.
- (4) Requests can also be transmitted by the competent police authorities of both Contracting Parties and dealt with through the same channels.

Article 21

Authorities responsible for Requests as defined in Chapter I

- (1) The respective Law Enforcement Authorities which have been listed by the Contracting Parties in the Attached Lists referred to in Article 37 shall be responsible for requests referred to in Articles 15, 16, 17, 18, 19 and 20.
- (2) Copies of the requests referred to in paragraph 1 shall be transmitted to the National Central Unit described in Article 4 paragraph 3.

Article 22

Legal Status of operating Officers

For the purpose of this Convention, officers operating in the territory of another Contracting Party shall be regarded as officers of that Party with respect to offences committed against them or by them.

Article 23

Liability of operating Officers

- (1) Where, for the purpose of this Convention, officers of a Contracting Party are operating in the territory of another Contracting Party, the first Contracting Party shall be liable for any damage caused by them during their operations, under the law of the Contracting Party in whose territory they are operating.
- (2) The Contracting Party in whose territory the damage referred to in paragraph 1 was caused shall provide for its reparation or compensation under same conditions applicable to damages caused by its own officers.
- (3) The Contracting Party whose officers have caused damage to any person in the territory of another Contracting Party shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

Article 24

Technical Measures for Facilitating Transborder Cooperation

- (1) In accordance with the relevant international agreements and account being taken of local circumstances and technical possibilities, the Contracting Parties shall install, in particular in border areas, telephone, radio, and telex lines and other direct links to facilitate police cooperation, in particular for the timely transmission of information for the purposes of police cooperation, as stipulated in this Convention.
- (2) In addition to these short-term measures, they will consider, in particular, the following options:
 - a) exchange equipment or post liaison offers provided with appropriate radio equipment;
 - b) widen the frequency bands used in border areas;
 - c) establish common links for police services operating in these same areas;
 - d) coordinate their programmes for the procurement of communications equipment, with a view to installing standardised and compatible communications systems.
- (3) In accordance with mutual agreements, Contracting Parties may also arrange joint use of other types of technical equipment and other means, owned by one or more of the Contracting Parties.

Article 25

Establishments providing Accommodations

- (1) The Contracting Parties shall adopt the necessary measures in order to ensure that:
 - a) the managers of establishments providing accommodation or their agents warrant that aliens complete and sign registration forms and confirm their identity by producing a valid identity document;
 - b) the completed registration forms will be kept by the law enforcement authorities Or forwarded to them where such authorities deem' this necessary for the prevention of threats, for criminal investigations or for clarifying the circumstances of missing persons or accident victims, save where national law provides otherwise.
- (2) Paragraph 1 shall apply mutatis mutandis to persons staying in any commercially rented accommodation, in particular tents, caravans and boats. Aliens are persons who are not nationals of the Contracting Party where the accommodation is provided and registration made.

CHAPTER II: TERMS OF COOPERATION

Article 26

Joint Cooperation and Cross-border Search Operations

- (1) If the need arises, the law enforcement authorities of the Contracting Parties shall form mixed analysis working groups and other working groups, as well as, control and surveillance teams in which officers of a Contracting Party take a supportive and advisory role, in order to intensify the cooperation during operations in the territory of the other Contracting Party, without independently exercising sovereign powers.
- (2) The law enforcement authorities of the Contracting Parties in the border regions shall participate in cross-border search operations for fugitive suspects. The National Central Units shall be involved in cases of super-regional significance.
- (3) The authorities shall cooperate in the search for missing persons.
- (4) When officials of a Contracting Party are operating in the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of force, except if the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.
- (5) The use of service weapons is only allowed in the case of self defence.

Article 27

Joint Investigation Teams

- (1) By mutual agreement, the law enforcement authorities of two or more Contracting Parties may set up a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Contracting Parties setting up the team. The composition of the team shall be set out in the agreement setting up the team.
- (2) A joint investigation team may, in particular, be set up where:
 - a) a Contracting Party's investigations into criminal offences require difficult and demanding investigations having links with other Contracting Parties;
 - b) a number of Contracting Parties are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the Contracting Parties involved.

- (3) A request for the setting up of a joint investigation team may be made by any of the Contracting Party concerned. The team shall be set up in one of the Contracting Party in which the investigations are expected to be carried out.
- (4) Requests for the setting up of a joint investigation team shall include the authority making the request, the purpose of the joint investigation team, the Contracting Parties in which the joint investigation team will operate and proposals for the composition of the joint investigation team.
- (5) A joint investigation team shall operate in the territory of the Contracting Parties setting up the team under the following general conditions:
 - a) the leader of the team shall be a representative of the law enforcement authority participating in criminal investigations from the Contracting Party in which the team operates. The leader of the team shall act within the limits of his or her competence under national law;
 - b) the team shall carry out its operations in accordance with the law of the Contracting Party in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team.
- (6) In this Article, members of the joint investigation team from Contracting Parties other than the Contracting Party in which the team operates are referred to as being "seconded" to the team.
- (7) Seconded members of the joint investigation team shall be entitled to be present when investigative measures are taken in the Contracting Party of operation. However, the leader of the team may, for particular reasons, in accordance with the law of the Contracting Party where the team operates, decide otherwise.
- (8) Seconded members of the joint investigation team may, in accordance with the law of the Contracting Party where the team operates, be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the law enforcement authorities of the Contracting Party of operation and the seconding Contracting Party.
- (9) Where the joint investigation team needs investigative measures to be taken in one of the Contracting Parties setting up the team, members seconded to the team by that Contracting Party may request their own law enforcement authorities to take those measures. Those measures shall be considered in that Contracting Party under the conditions which would apply if they were requested in a national investigation.
- (10) Where the joint investigation team needs assistance from a Contracting Party other than these which have set up the team, or from a third State, the request for assistance may be made by the law enforcement authorities of the Contracting Party of operations to the law enforcement authorities of the other

Contracting Party concerned in accordance with the relevant instruments or arrangements.

- (11) A member of the joint investigation team may, in accordance with his or her national law and within the limits of his or her competence, provide the team with information available in the Contracting Party which has seconded him or her for the purpose of the criminal investigations conducted by the team.
- (12) Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the law enforcement authorities of the Contracting Parties concerned may be used for the following purposes:
 - a) for the purposes for which the team has been set up;
 - b) subject to the prior consent of the Contracting Party where the information became available, for detecting, investigation and prosecuting other criminal offences. Such consent may be withheld only in cases where such use would endanger criminal investigations in the Contracting Party concerned or in respect of which that Contracting Party could refuse mutual assistance;
 - c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;
 - d) for other purposes to the extent that this is agreed between Contracting Parties setting up the team.
- (13) This Article shall be without prejudice to any other existing provisions or arrangements on the setting up or operation of joint investigation teams.
- (14) To the extent that the laws of the Contracting Party concerned or the provisions of any legal instrument applicable between them permit, arrangements may be agreed for persons other than representatives of the law enforcement authorities of the Contracting Parties setting up the joint investigation team to take part in the activities of the team. Such persons may, for example, include officials of international organisations recognized by Contracting Parties. The rights conferred upon the members or seconded members of the team by virtue of this Article shall not apply to these persons unless the agreement expressly states otherwise.

Article 28

Mixed Patrols along the State Border

- (1) The law enforcement authorities of the Contracting Parties can perform mixed patrols along the common border in order to fight threats to public security and to combat illegal transborder activities.
- (2) When performing mixed patrols, the officers of the other Contracting Party shall be authorized, as far as permitted by the national legislation of the Contracting Party on whose territory they are acting, to determine the identity of persons and

to stop them should they attempt to avoid control. Other measures shall be taken by officers of the Contracting Party, on whose territory the operation is carried out, unless the measures would be ineffective or impossible without the intervention of the officers of the other Contracting Party.

- (3) During mixed patrols referred to in paragraphs 1 and 2, the legislation of that Contracting Party, on whose territory the officers become active, shall apply.
- (4) When officials of a Contracting Party *are* operating on the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of force, except the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.
- (5) The use of service weapons is only allowed in the case of self defence.

Article 29

Cooperation in Common Centres

- (1) Common centres can be established to facilitate information exchange and cooperation between the law enforcement authorities of the Contracting Parties in the framework of this Convention.
- (2) In the common centres, officers of the Contracting Parties shall cooperate side-by side in the framework of their respective competencies, in order to exchange, analyse and pass on information, and also to play a supportive role in the coordination or cross-border cooperation as laid down in this Convention, irrespective of the official contacts, correspondence and exchange of intelligence through the National Central Units. Articles 3 and 4 of the Convention shall apply accordingly for the transmission of person-related data between the officers, as well as, the provisions of Article 30 of the Convention.
- (3) Supportive activities can also comprise preparation of and assistance in handing over persons under treaties concluded between the Contracting Parties.
- (4) The officers cooperating in the common centres shall be exclusively subject to the instruction and disciplinary power of their national authorities. The officers in the common centres shall not carry out operational activities on their own. Joint operations can only be carried out upon agreement between the competent law enforcement authorities of the Contracting Parties and in the ways made possible under this Convention.
- (5) The establishment of common Centres and the modalities of cooperation and even distribution of costs shall be regulated in the Implementation Agreements specified in Article 34 paragraph 1.

Article 30

Restriction of Cooperation

- (1) If a Contracting Party considers that granting the execution of a request or any other form of cooperation might jeopardise its security or other important interests or the national legislation, it shall inform the other Contracting Party that it refuses the cooperation in full or in part, or that it agrees to cooperate under certain conditions. The Contracting Parties shall inform each other, without delay, in writing, stating the ground for complete or partial refusal of cooperation.
- (2) Technical equipment and pertinent technical documentation given to law enforcement authorities under this Convention must not be passed on to third States without prior consent of the donating authorities.

Article 31

Data Protection

- (1) As regards the automatic processing of personal data communicated pursuant to this Convention, each Contracting Party shall, no later than the date of entry into force of this Convention, adopt the necessary national provisions in order to achieve a level of protection of personal data which complies with the principles of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.
- (2) Furthermore a level of protection of personal data at least equal to that resulting from the Council of Europe Convention for the Protection of Individuals, with regard to Automatic Processing of Personal Data of 28 January 1981 must be achieved.
- (3) The communication of personal data provided for in this Convention shall not take place until the provisions for the protection of personal data as specified in paragraph 1 entered into force in the territories of the Contracting Parties involved in such communication.
- (4) The following provisions, shall apply for the transmission of data under the terms of Chapters I and II of this Convention and for their further use and processing:
 - a) Data communicated under this Convention shall be used by the Contracting Parties solely' for the purposes for which it has been supplied or for preventing an immediate and serious threat to public security or for preventing a serious offence. Processing for other purposes shall be permitted solely with the prior authorisation of the communicating Contracting Party;
 - b) When transmitting data, the transmitting authority shall set deadlines for deletion and/or destruction (hereafter referred to as "destruction") of the data in line with its national legislation. Irrespective of these deadlines, the-transmitted data shall be destroyed if no longer required for fulfilling the

tasks which constituted the reason for their transmission, or for any other purposes in accordance with sub-paragraph a). The transmitted data shall be destroyed at the very latest on the day of the termination of the validity this Convention, unless it will be replaced by a new Convention;

- c) Should it turn out that incorrect data have been transmitted, or unlawfully obtained the transmitting authority shall be obliged to inform the recipient accordingly without delay. The recipient shall forthwith destroy the unlawfully obtained or transmitted data, or rectify the incorrect data. If the recipient learns of unlawful processing of the transmitted data, it shall be obliged to notify the transmitting authority accordingly, without delay. If the recipient has reasons to believe that the transmitted data are incorrect, or that they need to be destroyed, it will notify the transmitting authority accordingly without delay. The transmitting authority and the recipient shall inform each other about all circumstances that are of relevance for keeping the transmitted data accurate and updated;
- d) The recipient is obliged to effectively protect the transmitted data from accidental or unauthorised destruction, accidental loss, accidental or unauthorised change, accidental or unauthorised dissemination, accidental or unauthorised access, or accidental or unauthorised publication;
- e) The transmitting authority and the recipient shall be obliged to keep log-files of transmission, receipt and destruction of the data. The logging shall comprise the reasons for sending, the contents, the transmitting authority and the recipient, the time of transmission and of destruction of the data. Online transmissions are to be logged by means of computer-aided methods. The logging records shall be kept for a minimum period of three years. The logging data may be used only for authentication that relevant legal provisions on data protection have been observed;
- f) Upon request, the recipient shall inform the transmitting authority about each processing of the transmitted data and about the results obtained;
- g) Upon request, every person shall be entitled to be informed by the authority responsible for data-processing, with regard to the data concerning him/her, transmitted or processed in the framework of this Convention, and shall be entitled to rectification of incorrect data or destruction, of unlawfully processed data. Exceptions from this rule and the practical process depend on the national law of the Contracting Party asked for information, rectification or destruction. Before a decision is taken with regard to such an application, the recipient shall give the transmitting authority an opportunity to comment;
- h) The Contracting Parties shall make sure that each person in case of a violation of his/her data protection rights can complain to an independent court or another independent authority, and that he/she can claim damages;
- i) Information received by the Contracting Parties shall only be further transmitted to third States with the prior authorisation of the Contracting Party which provided the information.

- (5) The Contracting Parties shall be liable/ in conformity with their respective legislation, for harm inflicted upon a person as a consequence of processing of. data concerning him/her that were transmitted in the framework of this Convention in cases where the data transmitted were incorrect *or* unlawfully transmitted. When held liable under their legislation, the Contracting Parties cannot plead vis-a-vis the prejudiced person that the transmitted data had been incorrect *or* unlawfully transmitted by another Contracting Party. If the receiving Contracting Party indemnifies a loss caused by use of incorrect or unlawfully transmitted data, the transmitting Contracting Party shall refund the entire amount of indemnification granted.
- (6) Control of observance of the legal provisions on data protection, when processing data obtained by officers active on the territory of the other Contracting Party in the framework of the implementation of this Convention, shall be incumbent upon the law enforcement authority of that Contracting Party on whose behalf the data had been obtained and shall be subject to its legislation.
- (7) Officers who are active on the territory of the other Contracting Party shall not have direct access to computerised data of this Contracting Party.

Article 32

Confidentiality of information and Classified Information

- (1) The Contracting Parties shall, in principle, ensure a basic protection for all information received from another Contracting Party, by all necessary measures, including the obligation of discretion and confidentiality, limiting access to information to authorised personnel, protection of personal data and general technical and procedural measures to safeguard the security of the information.
- (2) Information subject to a formal classification level of the transmitting Contracting Party, which is indicated by a specific marking, shall receive an equivalent protection by the recipient of the information in accordance with the table of equivalence of the classification levels of the Contracting Parties in the Attached Lists.
- (3) In choosing the classification level, each Contracting Party shall adhere to the classification of the information under its national law or applicable regulations and take into account the need for flexibility and the requirement that classification of law enforcement information should be the exception and that, if such information must be classified, the lowest possible level should be assigned.
- (4) The transmitting authority shall inform the recipient, without delay, in writing, about a change of the classification level, or withdrawal of the classification. The recipient shall undertake to adapt the classification level in compliance with this message, *or* to withdraw the classification.
- (5) The transmitted classified information shall be used solely for the purpose for which they were transmitted, and shall be disclosed only to those persons who

require this information for their activity and who are authorised, under national law, to have knowledge of such classified information.

- (6) All violations of the legal provisions of the receiving Contracting Party concerning the protection of the transmitted classified information shall be made known to the transmitting authority without delay. This communication shall also contain the circumstances and the consequences of such violation, and the measures taken to limit the consequences and-to prevent future violations of that nature.
- (7) The classified information shall be transmitted to the other Contracting Party by courier or in any other way agreed upon, which is admissible under the respective national legislation of the Contracting Parties.

CHAPTER III: FINAL PROVISIONS

Article 33

Committee of Ministers

- (1) A Committee composed of the competent Ministers of the Contracting Parties shall be set up. The Committee of Ministers decides unanimously on the interpretation, implementation and application of this Convention.
- (2) The Committee of Ministers shall establish an expert working group, which will observe application and implementation of the Convention, give recommendations to the Committee of Ministers for interpretation and improvements of the Convention provisions, and carry out some other activities for the needs of the Committee.
- (3) The Committee of Ministers shall be convened upon request of a Contracting Party, but at least once a year. It will meet in the territory of each Contracting Party in turn.

Article 34

Implementation Agreements and Communications

- (1) The Contracting Parties may conclude Implementation Agreements for the purpose of this Convention.
- (2) The Contracting Parties shall notify the Depositary of changes of jurisdictions and designations of the authorities mentioned in the text of this Convention and its Attached Lists.

Article 35**Expenses**

Each Contracting Party shall meet in accordance with its national legislation the costs arising for its authorities from the implementation of this Convention, unless otherwise stated in this Convention or the Implementation Agreements, or otherwise agreed upon in advance between the law enforcement authorities.

Article 36**Relation to Other International Treaties**

This Convention shall not affect any rights and obligations of the Contracting Parties arising out of other international treaties.

Article 37**Attached Lists**

The Attached Lists form an integral part of this Convention.

Article 38**Depositary**

- (1) Depositary of this Convention is the Republic of Albania.
- (2) The Depositary shall send a certified copy of this Convention to each signatory or acceding state.
- (3) The Depositary shall notify the other Contracting Parties of the deposit of any instrument of ratification, acceptance, approval or accession, of any reservations and declarations, and of any other notification made in connection with this Convention.
- (4) The Depositary shall notify all Contracting Parties on any date of entry into force of the Convention in accordance with Article 40.
- (5) The Depositary shall arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.
- (6) The first meeting of the Committee of Ministers shall be convened by the Depositary after entry into force of the Convention.

Article 39**Ratification, Acceptance, Approval or Accession**

- (1) This Convention is subject to ratification, acceptance, or approval of the Signatories. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

- (2) This Convention shall be open for accession. The instrument of accession shall be deposited with the Depositary.

Article 40

Entry into Force

- (1) This Convention shall enter into force on the ninetieth day following the date of the deposit of the second instrument of ratification, acceptance, approval, or accession.
- (2) For each State ratifying, accepting, approving, or acceding to this Convention after the deposit of the second instrument of ratification, acceptance, approval, or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification, acceptance, approval, or accession.
- (3) All Implementation Agreements, binding all Contracting Parties, concluded under the terms of Article 34 of this Convention shall become binding for every State ratifying, accepting, approving, or acceding to this Convention after the entry into force of this Convention on the date of entry into force of this Convention for such State.

Article 41

Reservations

- (1) Each State may, at the time of ratification, acceptance, approval, or accession, formulate reservations.
- (2) Reservations may be withdrawn at any time by notification to the Depositary. Such notification shall take effect on the date on which it is received.

Article 42

Withdrawal and Suspension

- (1) This Convention shall be concluded for an indefinite period of time.
- (2) Any Contracting Party may withdraw from this Convention at any time by written notification to the Depositary. The withdrawal shall take effect six months after the date of receipt of the notification by the Depositary.
- (3) Any Contracting Party may suspend the operation of this Convention in full or in part if necessary to maintain the security of the state, the public order *or* security, or life and limb of persons. The Contracting Parties shall notify the depositary without delay of taking or revoking such a measure. Any measure taken under this paragraph shall take effect 15 days after the date of receipt of the notification by the Depositary.

In witness whereof the undersigned, being duly authorized have signed this Convention:

For the Republic of Albania:

Sami Qeremzi

For Bosnia and Herzegovina:

Blaskić

For the Republic of Macedonia:

Milovancević

For the Republic of Moldova:

Grigore

For Romania:

[Signature]

For the Republic of Serbia:

[Signature]

For the Republic of Montenegro:

Galunović

Done at Vienna, on the 5th day of May, 2006, in a single original, in the English language.

ATTACHED LISTS

Article 4 (2) (Law Enforcement Authorities)

Republic of Albania: Ministry of the Interior

Bosnia and Herzegovina: Ministry of Security

Republic of Moldova: Ministry of the Interior

Republic of Macedonia: Ministry of Internal Affairs

Romania: Ministry of Administration and Interior

Republic of Serbia: Ministry of Interior of the Republic of Serbia

Republic of Montenegro: Police Directorate

Article 4 (3) (National Central Units)

Requests and replies to requests regulated in Article 4 of the Convention shall be transmitted to the National Central Units. The "National Central Units" are:

For the Republic of Albania: The Ministry of the Interior

For Bosnia and Herzegovina: The Ministry of Security

For the Republic of Macedonia: Ministry of the Interior

For the Republic of Moldova: The Ministry for Internal Affairs

For Romania: The Ministry of Administration and Interior

For the Republic of Serbia: The Ministry of Interior

For the Republic of Montenegro: Police Directorate

Article 4 (4) (Existing Structures)

For the Republic of Albania: Ministry of the Interior

For the Bosnia and Herzegovina: The Ministry of Security

For the Republic of Macedonia: Ministry of the Interior

For the Republic of Moldova: Ministry of Internal Affairs

For Romania: Ministry of Administration and Interior

For the Republic of Serbia: Border Police Directorate and Fire fighting Directorate

Republic of Montenegro: Police Directorate

Article 32 Classification Levels							
Level	Albania	Bosnia & Herzegovina	Macedonia	Moldova	Romania	Serbia	Montenegro
RESTRICTED	_____	INTERNO	INTERNAL	DE SERVICIU / SERVICE	SECRET DE SERVICIU	INTERNAL	RESTRICTED
CONFIDENTIAL	KONFIDENCIAL	POVJERLJIVO	CONFIDENTIAL	CONFIDENTIAL / CONFIDENTIAL	SECRET	SERVICE SECRET / CONFIDENTAL	CONFIDENTIAL
SECRET	SEKRET	TAJNO	TOP SECRET	SECRET / SECRET	STRICT SECRET	SERVICE SECRET / TOP SECRET	SECRET
TOP SECRET	TEPER SEKRET	VRLO TAJNO	STATE SECRET	STRICT SECRET / TOP SECRET	STRICT SECRET DE IMPORTANTA DEOSEBITA	STATE SECRET	TOP SECRET

Članak 3.

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će na Konvenciju iz članka 1. ovoga Zakona priopćiti sljedeće rezerve:

REZERVE

u skladu s člankom 41. Konvencije

U skladu s člankom 41. Konvencije, Republika Hrvatska izražava sljedeće rezerve:

Republika Hrvatska primjenjivat će odredbe članka 3. stavka 2. podstavka 1. točke e) i podstavka 2. točke a), isključivo u odnosu na ugovorne stranke Konvencije koje su članice Europske unije, dok će u odnosu na ugovorne stranke Konvencije koje nisu članice Europske unije navedenu materiju biti potrebno urediti dvostranim međunarodnim ugovorima.

Republika Hrvatska neće primjenjivati odredbe članka 4. stavka 5. Konvencije vezano za zahtjeve koji se odnose na dostavu podataka o identifikaciji vlasnika i korisnika motornih vozila svih vrsta plovila i zrakoplova, ako su isti zatečeni na području u vezi kojeg postoje sporna pitanja vezana za međusobno razgraničenje.

Republika Hrvatska primjenjivat će odredbe članka 13. „Prekogranična potjera“, članka 14. „Prekogranični nadzor“, članka 15. „Nadzirana isporuka“, članka 16. „Prikrivene istrage u svrhu istraživanja kaznenih djela“, članka 17. „Prikrivene istrage u svrhu sprečavanja kaznenih djela“ i članka 28. „Mješovite ophodnje duž državne granice“, samo u odnosu na ugovorne stranke Konvencije s kojima Republika Hrvatska ima sklopljene dvostrane međunarodne ugovore o policijskoj suradnji koji uređuju navedena područja suradnje. Pored navedenoga, Republika Hrvatska će primjenjivati odredbe članka 13. samo na djelu državnog područja u vezi kojeg ne postoje sporna pitanja vezana za međusobno razgraničenje.

Republika Hrvatska primjenjivat će odredbe članka 32. „Povjerljivost informacija i klasificirane informacije“ samo u odnosu na ugovorne stranke Konvencije s kojima Republika Hrvatska ima sklopljen dvostrani međunarodni ugovor kojim se uređuje razmjena i zaštita klasificiranih podataka.

Suradnja temeljem članka 13. „Prekogranična potjera“, članka 14. „Prekogranični nadzor“, članka 15. „Nadzirana isporuka“, članka 16. „Prikrivene istrage u svrhu istraživanja kaznenih djela“, članka 17. „Prikrivene istrage u svrhu sprečavanja kaznenih djela“ i članka 27. „Zajednički istražni timovi“, moguća je samo po prethodnom odobrenju nadležnog pravosudnog tijela Republike Hrvatske.

U vezi s odredbom članka 13. stavka 6., kojom se uređuje dužina trajanja zadržavanja osobe uhićene u prekograničnoj potjeri, kao i u vezi s odredbom članka 15. stavka 7., kojom se uređuje dužina trajanja zadržavanja osobe uhićene pri kontroliranoj isporuci radi njezinog ispitivanja, Republika Hrvatska primjenjivat će svoje nacionalno pravo.

U vezi s odredbom članka 16. stavka 5., kojom se u slučaju ozbiljne opasnosti od otkrivanja identiteta uređuju pretpostavke za raspoređivanje prikrivenog istražitelja na državno područje druge ugovorne stranke, Republika Hrvatska primjenjivat će svoje nacionalno pravo.

U vezi s člankom 25. „Ustanove za pružanje smještaja“, Republika Hrvatska će, od trenutka svog pristupanja Schengenskom prostoru, primjenjivati odredbe članka 25. isključivo u odnosu na državljane država koje nisu članice Schengenskog prostora.

Republika Hrvatska će primjenjivati odredbe Konvencije koje se odnose na razmjenu i obradu osobnih podataka samo u slučaju da su iste u skladu s pravnom stečevinom Europske unije.

U vezi s odredbom članka 31. stavka 6. kojom se uređuje nadzor nad primjenom pravnih odredaba vezanih uz zaštitu podataka, u slučaju da su osobni podaci dobiveni u ime tijela za provedbu zakona Republike Hrvatske, nadzor će vršiti nadzorno tijelo u Republici Hrvatskoj osnovano zakonom kojim se uređuje zaštita osobnih podataka, te će na taj nadzor primjenjivati nacionalno pravo Republike Hrvatske.

Članak 4.

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će u vezi Konvencije iz članka 1. ovoga Zakona priopćiti sljedeće obavijesti:

OBAVIJESTI

u skladu s člankom 4. Konvencije

U skladu s člankom 4. stavkom 2. Konvencije, tijelo za provedbu zakona Republike Hrvatske u smislu ove Konvencije je:

- Ministarstvo unutarnjih poslova Republike Hrvatske,
Ravnateljstvo policije.

U skladu s člankom 4. stavkom 3. Konvencije, nacionalna središnja jedinica za Republiku Hrvatsku je:

- Ministarstvo unutarnjih poslova Republike Hrvatske,
Ravnateljstvo policije,
Uprava kriminalističke policije,
Sektor općeg kriminaliteta i međunarodne policijske suradnje,
Služba za međunarodnu policijsku suradnju.

OBAVIJEST

u skladu s člankom 32. stavkom 2. Konvencije

U skladu s člankom 32. stavkom 2. Konvencije, stupnjevi tajnosti i tablica istoznačnih stupnjeva tajnosti za Republiku Hrvatsku su sljedeći:

Croatian	English translation
VRLO TAJNO	TOP SECRET
TAJNO	SECRET
POVJERLJIVO	CONFIDENTIAL
OGRANIČENO	RESTRICTED

Članak 5.

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će na Konvenciju iz članka 1. ovoga Zakona priopćiti sljedeće izjave:

Pristupanje Konvenciji ne utječe na bilo kakve obveze Republike Hrvatske koje proizlaze iz njezinog članstva u Europskoj uniji.

Republika Hrvatska smatra da odredbe Konvencije, kao i njihova primjena, ni na koji način ne utječu na pitanje određivanja državnih granica među ugovornim strankama Konvencije.

Članak 6.

Provedba ovoga Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za unutarnje poslove.

Članak 7.

Na dan stupanja na snagu ovoga Zakona, Konvencija iz članka 1. ovoga Zakona nije na snazi te će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

Članak 8.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

O B R A Z L O Ž E N J E

Člankom 1. utvrđuje se da Hrvatski sabor potvrđuje Konvenciju o policijskoj suradnji u jugoistočnoj Europi, sukladno odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske) i članka 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, br. 28/96), čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana njezinim odredbama, na temelju čega će taj pristanak biti izražen na međunarodnoj razini polaganjem isprave o pristupu kod Vlade Republike Albanije, kao depozitara.

Članak 2. sadrži tekst Konvencije o policijskoj suradnji u jugoistočnoj Europi, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

U članku 3. su navedene rezerve koje priopćava Republika Hrvatska, prilikom polaganja svoje isprave o pristupu, u skladu s člankom 41. Konvencije.

U članku 4. su navedene obavijesti koje priopćava Republika Hrvatska, prilikom polaganja svoje isprave o pristupu, u skladu s člankom 4. i člankom 32, stavkom 2. Konvencije.

U članku 5. su navedene izjave koje priopćava Republika Hrvatska, prilikom polaganja svoje isprave o pristupu.

Člankom 6. utvrđuje se da je provedba Zakona u djelokrugu središnjeg tijela državne uprave u čiji djelokrug ulaze pitanja unutarnjih poslova.

Člankom 7. utvrđuje se da na dan stupanja na snagu Zakona, Konvencija iz članka 1. Zakona nije na snazi, te će se podaci o njezinom stupanju na snagu objaviti naknadno sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Člankom 8. uređuje se stupanje na snagu Zakona.

PRILOG – Preslika teksta Konvencije na engleskom jeziku

POLICE COOPERATION CONVENTION FOR SOUTHEAST EUROPE

Preamble

The Republic of Albania, Bosnia and Herzegovina, the Republic of Macedonia, the Republic of Moldova, Romania and the State Union of Serbia and Montenegro

Hereafter referred to as "Contracting Parties",

Desiring to cooperate in order to pursue common security interests,

Resolved to effectively combat cross-border threats to public order and security and international crime by entering into a security partnership,

Aiming at further intensifying and enhancing the police cooperation,

Determined to further strengthen mutual assistance in police matters,

Have agreed on the following:

Article 1

Scope of the Convention

The Contracting Parties shall strengthen their cooperation with respect to fighting threats to public security and/or order as well as with respect to prevention, detection and police investigation of criminal offences. This is done under national law, unless otherwise indicated in this Convention.

Article 2

Definitions

For the purpose of this Convention

- a) "**Law enforcement authorities**" shall mean the authorities which in accordance with the national law of the Contracting Parties have the necessary competence to apply the provisions of this Convention;
- b) "**Officials**" shall mean any individual designated by the law enforcement authorities;
- c) "**Borders**" shall mean the Contracting Parties' land borders, borders on water courses, maritime borders, their airports and sea ports, defined by national law, internationally recognised;
- d) "**Third State**" shall mean any State other than the Contracting Parties;
- e) "**Residence permit**" shall mean an authorisation of whatever type issued by a Contracting Party which grants right of residence within its territory. This definition shall not include temporary permission to reside in the territory of a Contracting Party for the purposes of

processing an application for asylum or a residence permit;

- f) **"Personal data"** shall mean any data relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;
- g) **"Processing of personal data"** (hereafter referred to as "processing") shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- h) **"Information"** shall mean personal and non-personal data.

Article 3

General Cooperation Measures

The law enforcement authorities of the Contracting Parties shall, within their jurisdiction, take all measures aiming at enhancing their cooperation.

In particular, the authorities shall provide for:

1. enhancing information exchange and communication structures by:
 - a) informing each other about facts of cases, links between suspects, and typical suspect behaviour without indicating person-related data;
 - b) informing each other directly, as timely as possible, about upcoming events and incidents of police relevance, without indication of person-related data, to facilitate combating threats to public order and security so that the necessary measures can be taken in time;
 - c) sharing significant information, except person-related data, to facilitate operational planning both for routine activities and for special operations, including as a precautionary measure intelligence about events and incidents that might have an impact on the territory of the respective other Contracting Party;
 - d) by preparing and regularly updating common directories containing data on jurisdictions and competences, and contact data;
 - e) maintaining radio communication and, in this respect by exchanging equipment until a uniform radio equipment and frequencies will be introduced in all European countries, and preparing joint proposals for low-cost improvement of telecommunication, especially radio communication along the borders.
2. enhancing cooperation during operations and investigations for the purpose of prevention, detection and investigation and for countering threats by:
 - a) deploying the forces in the neighbouring border areas in line with coordinated planning;
 - b) planning and carrying joint programmes in the field of crime prevention;
 - c) holding meetings and talks at regular intervals, in order to control and maintain the quality of cooperation, discuss new strategies, coordinate operation-, search- and patrol plans, exchange statistical data, and coordinate working programmes;
 - d) facilitating mutual training/study visits as upon agreement by the departments concerned;
 - e) inviting representatives of the other Contracting Parties to participate in special operations as observers.

CHAPTER I: GENERAL PROVISIONS

Article 4

Cooperation upon Request

- (1) The law enforcement authorities of the Contracting Parties shall, upon request, render mutual assistance in the framework of their respective jurisdiction to take measures against threats to public order and/or security, to prevent, detect and investigate criminal offences, unless such a request, or the execution of it, can only be dealt with by the judicial authorities under the law of the respective Contracting Party. If the requested authority is not competent to deal with the request, it shall forward the request to the competent authority and inform the requesting authority accordingly.
- (2) Law enforcement authorities in the sense of this Convention are mentioned in the Attached Lists. In any case, the competence of other Ministries is not to be interfered.
- (3) The Contracting Parties shall establish or appoint National Central Units. Until the establishment or appointment of National Central Units the existing structures in the respective countries shall be used.
- (4) Requests and replies to such requests can also be exchanged, if direct cooperation appears expedient, by informing the National Central Unit or existing structures to such a procedure, among the authorities named in the Attached Lists,
 - a) if official cross-border activities refer to criminal offences which will in all likelihood be investigated by the law enforcement authorities of the border region or
 - b) if requests to assist in averting imminent threats to public order and/or security cannot otherwise be transmitted in time through the usual channels between the National Central Units.
- (5) Requests can, in particular, concern:
 - a) Identification of owners and users of motor-vehicles, of all types of vessels and aircrafts.

Upon request of a Contracting Party, the requested Contracting Party shall transmit stored data on motor-vehicles, on all types of vessels and aircrafts, as well as data of the owners and users, if these data are needed to identify a person in his/her capacity as owner/user of or to identify the vehicles used by a person, or the vehicle data required for the prevention and combating criminal offences, and protection from threats to the public order and/or security.

The law enforcement authorities of the requesting Contracting Party may forward the request to the authority(ies) which maintain(s) the vehicle registration database, or in urgent cases, and likewise, if information from the respective authorities of all types of vessels registration numbers is required, to a law enforcement authority of the requested Contracting Party.

- b) Information on driving-licences and vehicle documents as well as comparable driving permits and documents;
- c) Establishment of the place of abode, of the place of residence and residence permits;
- d) Identification of subscribers of telephones or other telecommunication equipment;

- e) Identification of individuals, dead bodies, or parts of dead bodies;
 - f) Information on the origin of items, such as firearms, ammunition and explosives, explosive devices, motor-vehicles, all types of vessels and aircrafts and cultural property;
 - g) Search for wanted persons and property;
 - h) Initiation and coordination of search measures;
 - i) Police interviews and interrogations, especially in order to determine the willingness of a person to give information;
 - j) Information on crime scene investigation, collection of evidence, evaluation and analysis of evidence;
 - k) Concrete measures to ensure witness protection;
 - l) Information exchange in cases of hot pursuit;
 - m) Cooperation and information exchange on crowd control at all public gatherings;
- (6) Requests and replies to such requests shall be made in writing (by fax or e-mail). In case person-related data are transmitted, a secure transmission method must be chosen taking into account the sensitivity of the data. In urgent cases, requests can be made orally. However, immediately afterwards a confirmation in writing must be made. The written reply will be given only after receiving the written confirmation. The Contracting Parties shall make sure that only authorized personnel has access to the communication device used.

Article 5

Scope of Information Exchange

- (1) In the course of cooperation aiming at preventing, detecting and investigating criminal offences, in particular organised crime, the law enforcement authorities of the Contracting Parties shall, upon request, exchange the following information:
- a) on data of individuals involved in organised crime, intelligence on links between the suspects and persons under suspicion in relation to commission of criminal offences, their knowledge on the structure of criminal organisations and groups, and about typical behaviour patterns of suspects and persons under suspicion or suspect groups and groups under suspicion, information on prepared, attempted, or accomplished criminal offences, especially time, scene and type of crime, details on victims or victimized property, intelligence on the particular circumstances and about the relevant legal provisions, if required to prevent, detect and investigate criminal offences,
 - b) on methods and new forms of transborder crime,
 - c) on criminological and other crime-related research results, details on practice of conducting investigations, working means and methods aiming at their further development,
 - d) on intelligence and/or samples of items or property that were damaged during the crime, or were used or intended to commit a crime or which were the result of a committed crime,
 - e) on legislation in force relating to the crimes that are subject of this Convention,
 - f) on criminal proceeds and assets acquired through commission of or involvement in crime.

- (2) When obtaining information by means of special methods, the authorities of the Contracting Parties shall cooperate in compliance with their national legislation. The Contracting Parties undertake to ensure at least the same standard of protection for data transmitted in the course of such information exchange as prescribed by the respective national legal provisions.

Article 6

Information Exchange without Request

In certain cases, the law enforcement authorities of the Contracting Parties shall provide each other with information without being requested, if, based on proven facts, there is reason to assume that such information is needed to counter concrete threats to public order and/or security, or to prevent, detect and investigate criminal offences. Regarding the information exchange, Article 4, paragraphs 3 (National Central Units), 4 (requests and replies to such requests), and 6 (requests in writing by fax or e-mail) shall apply accordingly.

Article 7

Joint Threat Analysis

The law enforcement authorities of the Contracting Parties shall aspire to possess a uniform level of information about the crime rate situation. To this end, they shall exchange status reports periodically or if a need arises, and make joint analyses at least once a year.

Article 8

Regular Information Exchange to Combat illegal Migration

- (1) The Contracting Parties shall exchange intelligence regularly to combat illegal border crossing and smuggling of human beings.
- (2) The information to be exchanged primarily refers to migratory movements, extent, structure and possible destinations, likely migratory routes and means of transport used to illegally cross the border, and forms of organisations of the smugglers. Furthermore, intelligence and analyses that refer to the current situation shall be communicated, and, likewise, any planned measures that might be of relevance for the other Contracting Party.

Article 9

Liaison Officers

- (1) The Contracting Parties may conclude bilateral agreements providing for the secondment, for a specified or unspecified period of time, of liaison officers from one Contracting Party to the law enforcement authorities of another Contracting Party.
- (2) The secondment of liaison officers for a specified or unspecified period of time is intended to advance and accelerate cooperation between the Contracting Parties, particularly by providing assistance:
 - a) in the form of the exchange of information for the purposes of this Convention;

- b) in executing requests for mutual police assistance in criminal matters;
 - c) with the tasks carried out by the authorities responsible for border surveillance.
- (3) Liaison officers shall have the task of providing advice and assistance. They shall not be empowered to take independent police action. They shall supply information and perform their duties in accordance with the instructions given to them by the seconding Contracting Party and by the Contracting Party to which they are seconded.
- (4) The Contracting Parties may agree within a bilateral or multilateral framework that liaison officers from a Contracting Party seconded to third States shall also represent the interests of one or more other Contracting Parties. Under such agreements, liaison officers seconded to third States shall supply information to other Contracting Parties when requested to do so or on their own initiative and shall, within the limits of their powers, perform duties on behalf of such Parties. The Contracting Parties shall inform one another of their intentions with regard to the secondment of liaison officers to third States.

Article 10

Witness Protection

- (1) The law enforcement authorities of the Contracting Parties designated for the witness protection shall directly cooperate in the area of witness protection programmes.
- (2) The cooperation shall, in particular, include the exchange of information, assistance as regards logistics, and taking over of persons to be protected.
- (3) An Agreement will be signed for each particular case of taking over of persons to be protected, in order for mutual rights and obligations to be regulated.
- (4) The person to be protected must have been placed under the witness protection programme of the requesting Contracting Party. The person to be protected will not be included in the witness protection programme of the requested Contracting Party. When taking supportive measures in connection with the protection of these persons the national legislation of the requested Contracting Party shall apply accordingly.
- (5) In principle the requesting Contracting Party shall bear the costs of living for the persons to be protected. The requested Contracting Party shall bear the expenses for personnel and material resources for the protection of these persons.
- (6) For serious reasons and after having duly notified the requesting Contracting Party, the requested Contracting Party can cease the supportive measures. In this case, the requesting Contracting Party shall retake the person concerned.

Article 11

Basic and Advanced Training and Exchange of Experience

The law enforcement authorities of the Contracting Parties shall cooperate in the field of basic and advanced training, by, *inter alia*,

- a) exchanging syllabi for basic and advanced training;
- b) arranging joint basic and advanced training seminars and cross-border exercises as part of

the cooperation laid down in this Convention;

- c) inviting representatives of the law enforcement authorities of the other Contracting Party to participate in exercises and special operations as observers, and providing for mutual practical training visits;
- d) permitting representatives of the law enforcement authorities of the other Contracting Party to attend advanced training courses.

Article 12

Prevention

The law enforcement authorities of the Contracting Parties shall exchange experience in the field of crime prevention and shall launch and carry out joint programmes to this effect.

Article 13

Hot Pursuit

- (1) Officers of one of the Contracting Parties who are pursuing in their country an individual caught in the act of committing or participating in a criminal offence shall be allowed, subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention, to continue pursuit in the territory of another Contracting Party without the latter's prior authorisation, where given the particular urgency of the situation, it is not possible to notify the law enforcement authorities of the other Contracting Party by one of the means provided for in Article 24 of the Convention prior to entry into that territory or where these authorities are unable to reach the scene in time to take over the pursuit.

The same shall apply where the person being pursued has escaped from provisional custody or while serving a sentence involving deprivation of liberty.

The pursuing officers shall, not later than when they cross the border, contact the law enforcement authorities of the Contracting Party in whose territory the hot pursuit is to take place. The hot pursuit will cease as soon as the Contracting Party in whose territory the pursuit is taking place so requests. At the request of the pursuing officers, the competent local authorities shall challenge the pursued person in order to establish the person's identity or to make an arrest.

- (2) The bilateral Implementation agreements as referred to in paragraph 1 of this Article shall define the criminal offences for which the hot pursuit will be applicable either by way of an exhaustive list or by extending it to all extraditable criminal offences.
- (3) Hot pursuit shall be carried out in accordance with one of the following procedures, defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:
- a) The pursuing officers shall not have the right to apprehend the pursued person;
 - b) If no request to cease the hot pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may detain the person pursued until the officers of the Contracting Party in whose territory the pursuit is taking place, who must be informed immediately, are able to establish the person's identity or make an arrest.
- (4) Hot pursuit shall be carried out in accordance with paragraphs 1 and 3 and in one of the

following ways as defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:

- a) in an area or during a period as from the crossing of the border, to be established in the bilateral Implementation Agreement;
- b) without limit in space or time.

(5) Hot pursuit shall be carried out only under the following general conditions:

- a) The pursuing officers must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions issued by the competent local authorities.
- b) Pursuit shall be solely over land and blue borders.
- c) Entry into private homes and places not accessible to the public is prohibited.
- d) The pursuing officers shall be easily recognisable, either by their uniform, by means of an armband or by accessories fitted to their vehicles; the use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification is prohibited; the pursuing officers must at all times be able to prove that they are acting in an official capacity.
- e) The pursuing officers may carry their service weapons; their use shall be prohibited except in cases of legitimate self-defence.
- f) Once the pursued person has been apprehended as provided for in paragraph 3(b), for the purpose of being brought before the competent local authorities that person may only be subjected to a security search; handcuffs may be used during the transfer; objects carried by the pursued person may be seized.
- g) After each operation referred to in paragraphs 1, 3 and 4, the pursuing officers shall appear before the competent local authorities of the Contracting Party in whose territory they were operating and shall report on their mission; at the request of those authorities, they shall remain at their disposal until the circumstances surrounding their action have been sufficiently clarified; this condition shall apply even where the hot pursuit has not resulted in the arrest of the person pursued.
- h) The authorities of the Contracting Party from which the pursuing officers have come shall, when requested by the authorities of the Contracting Party in whose territory the hot pursuit took place, shall assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, providing that the identity of the involved pursuing officer is protected.

(6) A person who, following the action provided for in paragraph 3, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply *mutatis mutandis*.
If the person is not a national of the Contracting Party in whose territory the person was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.

(7) The officers referred to in the previous paragraphs shall be specified in the bilateral

Implementation Agreements.

- (8) The Contracting Parties may, on a bilateral basis, extend the scope of paragraph 1 and adopt additional provisions in implementation of this Article.

Article 14

Cross-border Surveillance

- (1) Officers of one of the Contracting Parties who, as part of a criminal investigation, are keeping under surveillance in their country a person who is presumed to have participated in an extraditable criminal offence shall subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention be authorised to continue their surveillance in the territory of another Contracting Party where the latter has authorised cross-border surveillance in response to a request for assistance made in advance. Conditions may be attached to the authorisation. On request, the surveillance will be entrusted to officers of the Contracting Party in whose territory this is carried out. The request for assistance referred to in the first subparagraph must be sent to an authority designated by each of the Contracting Parties and empowered to grant or to pass on the requested authorisation.
- (2) Where, for particularly urgent reasons, prior request for authorisation can not be submitted from the requesting Contracting Party, the Officers carrying out the surveillance shall subject to bilateral Implementation Agreements mentioned in paragraph 1 of this Article be allowed to continue beyond the border the surveillance of a person presumed to have committed a criminal offence as mentioned in paragraph 3. In these cases, the authority of the Contracting Party in whose territory the surveillance is to be continued, must be notified immediately that the border has been crossed, and a request for assistance outlining the grounds for crossing the border without prior authorisation shall be submitted with no delay.
- (3) The bilateral Implementation agreements as referred to in paragraphs 1 and 2 of this Article shall define the criminal offences mentioned in paragraph 2 either by way of an exhaustive list or by extending it to all extraditable criminal offences.
- (4) Surveillance shall cease as soon as the Contracting Party in whose territory it is taking place so requests, following the notification or the request referred to in the previous paragraphs, where authorisation has not been obtained, five hours after the border was crossed.
- (5) The surveillance referred to in paragraphs 1 and 2 shall be carried out only under the following general conditions:
- a) The officers carrying out the surveillance must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions of the competent local authorities.
 - b) Except in the situations outlined in paragraph 2, the officers shall, during the surveillance, carry a document certifying that authorisation has been granted.
 - c) The officers carrying out the surveillance must at all times be able to prove that they are acting in an official capacity.
 - d) The officers carrying out the surveillance may carry their service weapons during the surveillance unless specifically otherwise decided by the requested Party; their use shall be prohibited except in cases of legitimate self-defence.
 - e) Entry into private homes and places not accessible to the public is prohibited.

- f) The officers carrying out the surveillance may neither challenge nor arrest the person under surveillance.
 - g) All operations shall be the subject of a report to the authorities of the Contracting Party in whose territory they took place; the officers carrying out the surveillance may be required to appear in person.
 - h) The authorities of the Contracting Party from which the surveillance officers have come shall, when requested by the authorities of the Contracting Party in whose territory the surveillance took place, assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, provided that the identity of the involved officer is protected.
- (6) The officers referred to in the previous paragraphs shall be specified in the bilateral Implementation Agreements.
- (7) The Contracting Parties may, by way of bilateral Implementation Agreement, extend the scope of this Article and adopt additional measures in application thereof.

Article 15

Controlled Delivery

- (1) Upon Letter of Request from a Contracting Party, another Contracting Party can, in case of investigations for extraditable offences, if appropriate, permit controlled delivery on its territory, especially of transport of narcotic drugs, precursors, firearms, explosives, counterfeit currency, and items originating from a crime, or intended to be used to commit a crime, if the requesting Contracting Party explains that, without such a measure, identification of perpetrators or of distributing routes would be impossible or extremely hampered. If the content of a controlled delivery presents a particular risk for the persons involved, or a danger to the public, the requested Contracting Party has the right to ask that certain conditions be met before granting the request or refuse the request altogether.
- (2) The requested Contracting Party shall take control over the delivery when it crosses the border, or at a place of taking over agreed by the law enforcement authorities, in order to avoid interruption of control, and guarantees permanent surveillance of the shipment in a manner that enables police intervention at any time. After takeover by the requested Contracting Party, officers of the requesting Contracting Party can continue to follow the controlled delivery together with officers of the requested Contracting Party, upon agreement with the requested Contracting Party.
- (3) The officers of the requesting Contracting Party are obliged to observe the laws of the requested Contracting Party.
- (4) If the competent law enforcement authorities of the requested Contracting Party cannot intervene in due time, and if continuation of the controlled delivery would present a serious risk for life or health of persons, or cause serious damage to property, or if the delivery could no longer be kept under control, the officer of the requesting Contracting Party can seize the controlled delivery. If necessary, the officers of the requesting Contracting Party can stop and apprehend persons who escort the shipment until intervention by law enforcement authorities of the requested Contracting Party. In any case the requesting Contracting Party shall inform the law enforcement authorities of the requested Contracting Party without delay.
- (5) When a controlled delivery has been seized on the territory of the requested Contracting Party,

it may be handed over to the requesting Contracting Party on the basis of a Letter of Request.

- (6) A person who, following the action provided for in paragraph 3, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply *mutatis mutandis*.
- (7) If the person is not a national of the Contracting Party in whose territory he/she was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.
- (8) In the course of a controlled delivery, the provisions of Article 14, paragraph 4, sub-paragraph a) to c) and e) to h) shall apply accordingly for the officers of the requesting Contracting Party.
- (9) An official Letter of Request, demanding a controlled delivery, over which control begins or is continued into a third State, shall be granted only if in the request is indicated that the conditions set out in paragraph 2 are also met by the third State.

Article 16

Undercover Investigations to Investigate Crimes

- (1) In the course of investigations for criminal offences, a Contracting Party can, on the basis of a request received in advance, consent to the deployment of officers of the requesting Contracting Party under the terms of its legislation, who can play the role of an agent, or a person performing a controlled purchase (thereafter referred to as "undercover investigator"). The requesting Contracting Party shall make such a request only if the investigation of the criminal offence would otherwise be impossible or extremely impeded. The true identity of the officer need not be revealed in the request.
- (2) Undercover investigations on the territory of the requested Contracting Party shall be restricted to single, temporary operations. Preparations of these operations shall be done by way of coordination between the officers involved from the Contracting Parties. The deployment of an undercover investigator and the execution of the actions taken by the under cover investigator shall be managed by the requested Contracting Party. The requested Contracting Party is responsible for the action taken by an undercover investigator of the requesting Contracting Party, and can, at any time, demand the termination of the operation.
- (3) The deployment of undercover investigators under this Article, the conditions under which the operation is carried out and the terms for the use of the investigation results shall depend upon the legislation of that Contracting Party on whose territory the undercover investigator is deployed.
- (4) The requested Contracting Party shall grant the undercover investigator all necessary support in form of personnel, including the presence of his handler, logistics and technical equipment, and shall take all necessary measures to protect the undercover investigator during the operation on its territory.
- (5) Due to extreme urgency, in case there is a serious danger that the identity of the undercover investigator can be revealed, the deployment of an undercover investigator on the territory of the other Contracting Party shall be admissible without prior consent as outlined in paragraph 1. In these cases, the preconditions for the deployment of the undercover investigator on the territory of the other Contracting Party must be met. The activities of the undercover investigator must be restricted to the extent absolutely essential for maintaining his/her cover story or

his/her security. The requested Contracting Party shall be notified of the deployment without delay, and can, at any time, demand the termination of the operation.

- (6) Paragraphs 1 to 4 shall apply accordingly in cases where a Contracting Party requests the deployment of an undercover investigator of the other Contracting Party on its territory. In such cases, unless otherwise agreed upon, the requesting Contracting Party shall bear the costs of the operation.
- (7) The Contracting Parties shall take all necessary precautions to keep the undercover investigator's identity secret and to guarantee his/her security, also after his/her deployment is over.

Article 17 **Undercover Investigations to Prevent Criminal Offences**

- (1) As far as permissible under the respective national legislation, undercover investigations to prevent extraditable crimes can be carried out on the territory of the other Contracting Party, if consent has been given to this cross-border undercover investigation upon prior receipt of a request.
- (2) Article 14 shall apply accordingly.

Article 18

Request to Collect Evidence in Case of Imminent Danger

- (1) In case of imminent danger, requests can be made by the respective law enforcement authorities as far as authorized to do so under national law, to collect evidence including physical examinations, as well as searches and seizures, as far as provided for by national legislation. The requests shall be addressed directly to the competent law enforcement authority.
- (2) The execution of the request, including the determination whether there is indeed imminent danger, shall depend on the law of the requested Contracting Party, which will inform, without delay, the requesting Contracting Party about it.
- (3) If the request referred in paragraph 1 was not made by a judicial authority, the judicial authority in charge shall be notified without delay that the request was made, including of the special circumstances of the case implying imminent danger.
- (4) As far as the law of the requested Contracting Party requires a court order for giving or upholding the measure on the requested Contracting Party's territory, an order or explanation by the competent court of the requesting Contracting Party shall be filed subsequently, without delay. The Contracting Parties shall inform each other about the relevant provisions of their national law.
- (5) The transmission of the results of the measures taken to the requesting Contracting Party shall require an official letter rogatory by the competent judicial authority. If the results of the measures taken need to be transmitted as a matter of urgency, the requested authority can transmit the results directly to the requesting authority. In case the requested authority is not a judicial authority, the transmission of the results shall require prior consent by the competent judicial authority.

Article 19

Request for Physical Examination

- (1) As far as permitted under the law of the requested Contracting Party, the Contracting Parties, through the law enforcement authorities, shall provide each other mutual assistance with regard to physical examination of the suspect and other individuals.
- (2) Requests under paragraph 1 shall be granted only if,
 - a) the examination is required to determine facts of relevance to the case and is commensurate to the seriousness of the criminal offence;
 - b) an order for physical examination is submitted by a service authorized to do so under national law of the requesting Contracting Party, or it is obvious from a message sent by such a service that the preconditions for an examination have been met, if the suspect or the other persons are staying on the territory of the requesting Contracting Party.

Article 20

Transmission and Comparison of DNA-Profiles and other Identification Material

- (1) In the course of pending investigations or penal proceedings, and with respect to missing persons and unidentified bodies, the competent services of the Contracting Parties shall grant each other mutual assistance by exchange and searching DNA-profiles and other Identification Material in their databases as provided for under their respective national legislation. The results thereof shall be made known as soon as possible to the competent services of the requesting Contracting Party. For this purpose, the Interpol-DNA-form in the version valid at the time of the request shall be used. If typing of the biological material is considered necessary to increase the bio-statistical accuracy, the requested Contracting Party shall, as far as feasible and commensurate, take care of such typing of the biological material. Any expenses arising from such action shall be refunded to the requested Contracting Party.
- (2) If DNA-database search as outlined in paragraph 1 has remained negative, the requested Contracting Party shall save the DNA-profile obtained as laid down in paragraph 1 for the purpose of DNA-database-search as provided for under its national law in its database, if asked to do so by requesting Contracting Party.
- (3) If the DNA-profile of a certain person staying in the requested Contracting Party is not available, the requested Contracting Party shall grant legal assistance by obtaining and analysing molecular-genetic material of this person, and transmitting the DNA-profiles obtained therefore, if
 - a) the requesting Contracting Party advises the purpose of the same;
 - b) the requesting Contracting Party submits an analysis request or order as required under its law to the competent service, indicating that there would be justified grounds for collecting and analysing the molecular-genetic material, would the person be staying on the territory of the requesting Contracting Party, and
 - c) the conditions for obtaining and analysing molecular-genetic material under the law of the requested Contracting Party have been met;
 - d) the requested Contracting Party shall be refunded any costs arising from doing so.

- (4) Requests can also be transmitted by the competent police authorities of both Contracting Parties and dealt with through the same channels.

Article 21

Authorities responsible for Requests as defined in Chapter I

- (1) The respective Law Enforcement Authorities which have been listed by the Contracting Parties in the Attached Lists referred to in Article 37 shall be responsible for requests referred to in Articles 15, 16, 17, 18, 19 and 20.
- (2) Copies of the requests referred to in paragraph 1 shall be transmitted to the National Central Unit described in Article 4 paragraph 3.

Article 22

Legal Status of operating Officers

For the purpose of this Convention, officers operating in the territory of another Contracting Party shall be regarded as officers of that Party with respect to offences committed against them or by them.

Article 23

Liability of operating Officers

- (1) Where, for the purpose of this Convention, officers of a Contracting Party are operating in the territory of another Contracting Party, the first Contracting Party shall be liable for any damage caused by them during their operations, under the law of the Contracting Party in whose territory they are operating.
- (2) The Contracting Party in whose territory the damage referred to in paragraph 1 was caused shall provide for its reparation or compensation under same conditions applicable to damages caused by its own officers.
- (3) The Contracting Party whose officers have caused damage to any person in the territory of another Contracting Party shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

Article 24

Technical Measures for Facilitating Transborder Cooperation

- (1) In accordance with the relevant international agreements and account being taken of local circumstances and technical possibilities, the Contracting Parties shall install, in particular in border areas, telephone, radio, and telex lines and other direct links to facilitate police cooperation, in particular for the timely transmission of information for the purposes of police cooperation, as stipulated in this Convention.
- (2) In addition to these short-term measures, they will consider, in particular, the following options:
 - a) exchange equipment or post liaison offers provided with appropriate radio equipment;

- b) widen the frequency bands used in border areas;
 - c) establish common links for police services operating in these same areas;
 - d) coordinate their programmes for the procurement of communications equipment, with a view to installing standardised and compatible communications systems.
- (3) In accordance with mutual agreements, Contracting Parties may also arrange joint use of other types of technical equipment and other means, owned by one or more of the Contracting Parties.

Article 25

Establishments providing Accommodations

- (1) The Contracting Parties shall adopt the necessary measures in order to ensure that:
- a) the managers of establishments providing accommodation or their agents warrant that aliens complete and sign registration forms and confirm their identity by producing a valid identity document;
 - b) the completed registration forms will be kept by the law enforcement authorities or forwarded to them where such authorities deem this necessary for the prevention of threats, for criminal investigations or for clarifying the circumstances of missing persons or accident victims, save where national law provides otherwise.
- (2) Paragraph 1 shall apply mutatis mutandis to persons staying in any commercially rented accommodation, in particular tents, caravans and boats. Aliens are persons who are not nationals of the Contracting Party where the accommodation is provided and registration made.

CHAPTER II: TERMS OF COOPERATION

Article 26

Joint Cooperation and Cross-border Search Operations

- (1) If the need arises, the law enforcement authorities of the Contracting Parties shall form mixed analysis working groups and other working groups, as well as, control and surveillance teams in which officers of a Contracting Party take a supportive and advisory role, in order to intensify the cooperation during operations in the territory of the other Contracting Party, without independently exercising sovereign powers.
- (2) The law enforcement authorities of the Contracting Parties in the border regions shall participate in cross-border search operations for fugitive suspects. The National Central Units shall be involved in cases of super-regional significance.
- (3) The authorities shall cooperate in the search for missing persons.
- (4) When officials of a Contracting Party are operating in the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of

force, except if the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.

- (5) The use of service weapons is only allowed in the case of self defence.

Article 27

Joint Investigation Teams

- (1) By mutual agreement, the law enforcement authorities of two or more Contracting Parties may set up a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Contracting Parties setting up the team. The composition of the team shall be set out in the agreement setting up the team.
- (2) A joint investigation team may, in particular, be set up where:
- a) a Contracting Party's investigations into criminal offences require difficult and demanding investigations having links with other Contracting Parties;
 - b) a number of Contracting Parties are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the Contracting Parties involved.
- (3) A request for the setting up of a joint investigation team may be made by any of the Contracting Party concerned. The team shall be set up in one of the Contracting Party in which the investigations are expected to be carried out.
- (4) Requests for the setting up of a joint investigation team shall include the authority making the request, the purpose of the joint investigation team, the Contracting Parties in which the joint investigation team will operate and proposals for the composition of the joint investigation team.
- (5) A joint investigation team shall operate in the territory of the Contracting Parties setting up the team under the following general conditions:
- a) the leader of the team shall be a representative of the law enforcement authority participating in criminal investigations from the Contracting Party in which the team operates. The leader of the team shall act within the limits of his or her competence under national law;
 - b) the team shall carry out its operations in accordance with the law of the Contracting Party in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team.
- (6) In this Article, members of the joint investigation team from Contracting Parties other than the Contracting Party in which the team operates are referred to as being "seconded" to the team.
- (7) Seconded members of the joint investigation team shall be entitled to be present when investigative measures are taken in the Contracting Party of operation. However, the leader of the team may, for particular reasons, in accordance with the law of the Contracting Party where the team operates, decide otherwise.
- (8) Seconded members of the joint investigation team may, in accordance with the law of the Contracting Party where the team operates, be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the law enforcement authorities of the Contracting Party of operation and the seconding Contracting Party.

- (9) Where the joint investigation team needs investigative measures to be taken in one of the Contracting Parties setting up the team, members seconded to the team by that Contracting Party may request their own law enforcement authorities to take those measures. Those measures shall be considered in that Contracting Party under the conditions which would apply if they were requested in a national investigation.
- (10) Where the joint investigation team needs assistance from a Contracting Party other than those which have set up the team, or from a third State, the request for assistance may be made by the law enforcement authorities of the Contracting Party of operations to the law enforcement authorities of the other Contracting Party concerned in accordance with the relevant instruments or arrangements.
- (11) A member of the joint investigation team may, in accordance with his or her national law and within the limits of his or her competence, provide the team with information available in the Contracting Party which has seconded him or her for the purpose of the criminal investigations conducted by the team.
- (12) Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the law enforcement authorities of the Contracting Parties concerned may be used for the following purposes:
 - a) for the purposes for which the team has been set up;
 - b) subject to the prior consent of the Contracting Party where the information became available, for detecting, investigation and prosecuting other criminal offences. Such consent may be withheld only in cases where such use would endanger criminal investigations in the Contracting Party concerned or in respect of which that Contracting Party could refuse mutual assistance;
 - c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;
 - d) for other purposes to the extent that this is agreed between Contracting Parties setting up the team.
- (13) This Article shall be without prejudice to any other existing provisions or arrangements on the setting up or operation of joint investigation teams.
- (14) To the extent that the laws of the Contracting Party concerned or the provisions of any legal instrument applicable between them permit, arrangements may be agreed for persons other than representatives of the law enforcement authorities of the Contracting Parties setting up the joint investigation team to take part in the activities of the team. Such persons may, for example, include officials of international organisations recognized by Contracting Parties. The rights conferred upon the members or seconded members of the team by virtue of this Article shall not apply to these persons unless the agreement expressly states otherwise.

Article 28

Mixed Patrols along the State Border

- (1) The law enforcement authorities of the Contracting Parties can perform mixed patrols along the common border in order to fight threats to public security and to combat illegal transborder activities.
- (2) When performing mixed patrols, the officers of the other Contracting Party shall be authorized, as far as permitted by the national legislation of the Contracting Party on whose territory they are acting, to determine the identity of persons and to stop them should they attempt to avoid control. Other measures shall be taken by officers of the Contracting Party, on whose territory the operation is carried out, unless the measures would be ineffective or impossible without the

intervention of the officers of the other Contracting Party.

- (3) During mixed patrols referred to in paragraphs 1 and 2, the legislation of that Contracting Party, on whose territory the officers become active, shall apply.
- (4) When officials of a Contracting Party are operating on the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of force, except the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.
- (5) The use of service weapons is only allowed in the case of self defence.

Article 29

Cooperation in Common Centres

- (1) Common centres can be established to facilitate information exchange and cooperation between the law enforcement authorities of the Contracting Parties in the framework of this Convention.
- (2) In the common centres, officers of the Contracting Parties shall cooperate side-by side in the framework of their respective competencies, in order to exchange, analyse, and pass on information, and also to play a supportive role in the coordination or cross-border cooperation as laid down in this Convention, irrespective of the official contacts, correspondence and exchange of intelligence through the National Central Units. Articles 3 and 4 of the Convention shall apply accordingly for the transmission of person-related data between the officers, as well as, the provisions of Article 30 of the Convention.
- (3) Supportive activities can also comprise preparation of and assistance in handing over persons under treaties concluded between the Contracting Parties.
- (4) The officers cooperating in the common centres shall be exclusively subject to the instruction and disciplinary power of their national authorities. The officers in the common centres shall not carry out operational activities on their own. Joint operations can only be carried out upon agreement between the competent law enforcement authorities of the Contracting Parties and in the ways made possible under this Convention.
- (5) The establishment of common Centres and the modalities of cooperation and even distribution of costs shall be regulated in the Implementation Agreements specified in Article 34 paragraph 1.

Article 30

Restriction of Cooperation

- (1) If a Contracting Party considers that granting the execution of a request or any other form of cooperation might jeopardise its security or other important interests or the national legislation, it shall inform the other Contracting Party that it refuses the cooperation in full or in part, or that it agrees to cooperate under certain conditions. The Contracting Parties shall inform each other, without delay, in writing, stating the ground for complete or partial refusal of cooperation.
- (2) Technical equipment and pertinent technical documentation given to law enforcement authorities under this Convention must not be passed on to third States without prior consent of the donating authorities.

Article 31

Data Protection

- (1) As regards the automatic processing of personal data communicated pursuant to this Convention, each Contracting Party shall, no later than the date of entry into force of this Convention, adopt the necessary national provisions in order to achieve a level of protection of personal data which complies with the principles of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.
- (2) Furthermore a level of protection of personal data at least equal to that resulting from the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 must be achieved.
- (3) The communication of personal data provided for in this Convention shall not take place until the provisions for the protection of personal data as specified in paragraph 1 entered into force in the territories of the Contracting Parties involved in such communication.
- (4) The following provisions shall apply for the transmission of data under the terms of Chapters I and II of this Convention and for their further use and processing:
 - a) Data communicated under this Convention shall be used by the Contracting Parties solely for the purposes for which it has been supplied or for preventing an immediate and serious threat to public security or for preventing a serious offence. Processing for other purposes shall be permitted solely with the prior authorisation of the communicating Contracting Party;
 - b) When transmitting data, the transmitting authority shall set deadlines for deletion and/or destruction (hereafter referred to as "destruction") of the data in line with its national legislation. Irrespective of these deadlines, the transmitted data shall be destroyed if no longer required for fulfilling the tasks which constituted the reason for their transmission, or for any other purposes in accordance with sub-paragraph a). The transmitted data shall be destroyed at the very latest on the day of the termination of the validity this Convention, unless it will be replaced by a new Convention;
 - c) Should it turn out that incorrect data have been transmitted, or unlawfully obtained the transmitting authority shall be obliged to inform the recipient accordingly without delay. The recipient shall forthwith destroy the unlawfully obtained or transmitted data, or rectify the incorrect data. If the recipient learns of unlawful processing of the transmitted data, it shall be obliged to notify the transmitting authority accordingly, without delay. If the recipient has reasons to believe that the transmitted data are incorrect, or that they need to be destroyed, it will notify the transmitting authority accordingly without delay. The transmitting authority and the recipient shall inform each other about all circumstances that are of relevance for keeping the transmitted data accurate and updated;
 - d) The recipient is obliged to effectively protect the transmitted data from accidental or unauthorised destruction, accidental loss, accidental or unauthorised change, accidental or unauthorised dissemination, accidental or unauthorised access, or accidental or unauthorised publication;
 - e) The transmitting authority and the recipient shall be obliged to keep log-files of transmission, receipt and destruction of the data. The logging shall comprise the reasons for sending, the contents, the transmitting authority and the recipient, the time of

transmission and of destruction of the data. On-line transmissions are to be logged by means of computer-aided methods. The logging records shall be kept for a minimum period of three years. The logging data may be used only for authentication that relevant legal provisions on data protection have been observed;

- f) Upon request, the recipient shall inform the transmitting authority about each processing of the transmitted data and about the results obtained;
 - g) Upon request, every person shall be entitled to be informed by the authority responsible for data-processing, with regard to the data concerning him/her, transmitted or processed in the framework of this Convention, and shall be entitled to rectification of incorrect data or destruction of unlawfully processed data. Exceptions from this rule and the practical process depend on the national law of the Contracting Party asked for information, rectification or destruction. Before a decision is taken with regard to such an application, the recipient shall give the transmitting authority an opportunity to comment;
 - h) The Contracting Parties shall make sure that each person in case of a violation of his/her data protection rights can complain to an independent court or another independent authority, and that he/she can claim damages;
 - i) Information received by the Contracting Parties shall only be further transmitted to third States with the prior authorisation of the Contracting Party which provided the information.
- (5) The Contracting Parties shall be liable, in conformity with their respective legislation, for harm inflicted upon a person as a consequence of processing of data concerning him/her that were transmitted in the framework of this Convention in cases where the data transmitted were incorrect or unlawfully transmitted. When held liable under their legislation, the Contracting Parties cannot plead vis-à-vis the prejudiced person that the transmitted data had been incorrect or unlawfully transmitted by another Contracting Party. If the receiving Contracting Party indemnifies a loss caused by use of incorrect or unlawfully transmitted data, the transmitting Contracting Party shall refund the entire amount of indemnification granted.
- (6) Control of observance of the legal provisions on data protection, when processing data obtained by officers active on the territory of the other Contracting Party in the framework of the implementation of this Convention, shall be incumbent upon the law enforcement authority of that Contracting Party on whose behalf the data had been obtained and shall be subject to its legislation.
- (7) Officers who are active on the territory of the other Contracting Party shall not have direct access to computerised data of this Contracting Party.

Article 32

Confidentiality of information and Classified Information

- (1) The Contracting Parties shall, in principle, ensure a basic protection for all information received from another Contracting Party, by all necessary measures, including the obligation of discretion and confidentiality, limiting access to information to authorised personnel, protection of personal data and general technical and procedural measures to safeguard the security of the information.
- (2) Information subject to a formal classification level of the transmitting Contracting Party, which is indicated by a specific marking, shall receive an equivalent protection by the recipient of the information in accordance with the table of equivalence of the classification levels of the Contracting Parties in the Attached Lists.

- (3) In choosing the classification level, each Contracting Party shall adhere to the classification of the information under its national law or applicable regulations and take into account the need for flexibility and the requirement that classification of law enforcement information should be the exception and that, if such information must be classified, the lowest possible level should be assigned
- (4) The transmitting authority shall inform the recipient, without delay, in writing, about a change of the classification level, or withdrawal of the classification. The recipient shall undertake to adapt the classification level in compliance with this message, or to withdraw the classification.
- (5) The transmitted classified information shall be used solely for the purpose for which they were transmitted, and shall be disclosed only to those persons who require this information for their activity and who are authorised, under national law, to have knowledge of such classified information.
- (6) All violations of the legal provisions of the receiving Contracting Party concerning the protection of the transmitted classified information shall be made known to the transmitting authority without delay. This communication shall also contain the circumstances and the consequences of such violation, and the measures taken to limit the consequences and to prevent future violations of that nature.
- (7) The classified information shall be transmitted to the other Contracting Party by courier or in any other way agreed upon, which is admissible under the respective national legislation of the Contracting Parties.

CHAPTER III: FINAL PROVISIONS

Article 33

Committee of Ministers

- (1) A Committee composed of the competent Ministers of the Contracting Parties shall be set up. The Committee of Ministers decides unanimously on the interpretation, implementation and application of this Convention.
- (2) The Committee of Ministers shall establish an expert working group, which will observe application and implementation of the Convention, give recommendations to the Committee of Ministers for interpretation and improvements of the Convention provisions, and carry out some other activities for the needs of the Committee.
- (3) The Committee of Ministers shall be convened upon request of a Contracting Party, but at least once a year. It will meet in the territory of each Contracting Party in turn.

Article 34

Implementation Agreements and Communications

- (1) The Contracting Parties may conclude Implementation Agreements for the purpose of this Convention.
- (2) The Contracting Parties shall notify the Depositary of changes of jurisdictions and designations of the authorities mentioned in the text of this Convention and its Attached Lists.

Article 35

Expenses

Each Contracting Party shall meet in accordance with its national legislation the costs arising for its authorities from the implementation of this Convention, unless otherwise stated in this Convention or the Implementation Agreements, or otherwise agreed upon in advance between the law enforcement authorities.

Article 36

Relation to Other International Treaties

This Convention shall not affect any rights and obligations of the Contracting Parties arising out of other international treaties.

Article 37

Attached Lists

The Attached Lists form an integral part of this Convention.

Article 38

Depositary

- (1) Depositary of this Convention is the Republic of Albania.
- (2) The Depositary shall send a certified copy of this Convention to each signatory or acceding state.
- (3) The Depositary shall notify the other Contracting Parties of the deposit of any instrument of ratification, acceptance, approval or accession, of any reservations and declarations, and of any other notification made in connection with this Convention.
- (4) The Depositary shall notify all Contracting Parties on any date of entry into force of the Convention in accordance with Article 40.
- (5) The Depositary shall arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.
- (6) The first meeting of the Committee of Ministers shall be convened by the Depositary after entry into force of the Convention.

Article 39

Ratification, Acceptance, Approval or Accession

- (1) This Convention is subject to ratification, acceptance, or approval of the Signatories. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
- (2) This Convention shall be open for accession. The instrument of accession shall be deposited with the Depositary.

Article 40

Entry into Force

- (1) This Convention shall enter into force on the ninetieth day following the date of the deposit of the second instrument of ratification, acceptance, approval, or accession.
- (2) For each State ratifying, accepting, approving, or acceding to this Convention after the deposit of the second instrument of ratification, acceptance, approval, or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification, acceptance, approval, or accession.
- (3) All Implementation Agreements, binding all Contracting Parties, concluded under the terms of Article 34 of this Convention shall become binding for every State ratifying, accepting, approving, or acceding to this Convention after the entry into force of this Convention on the date of entry into force of this Convention for such State.

Article 41

Reservations


- (1) Each State may, at the time of ratification, acceptance, approval or accession, formulate reservations.
- (2) Reservations may be withdrawn at any time by notification to the Depositary. Such notification shall take effect on the date on which it is received.


Article 42


Withdrawal and Suspension


- (1) This Convention shall be concluded for an indefinite period of time.
- (2) Any Contracting Party may withdraw from this Convention at any time by written notification to the Depositary. The withdrawal shall take effect six months after the date of receipt of the notification by the Depositary.
- (3) Any Contracting Party may suspend the operation of this Convention in full or in part if necessary to maintain the security of the state, the public order or security, or life and limb of persons. The Contracting Parties shall notify the depositary without delay of taking or revoking such a measure. Any measure taken under this paragraph shall take effect 15 days after the date of receipt of the notification by the Depositary.

In witness whereof the undersigned, being duly authorised have signed this Convention:

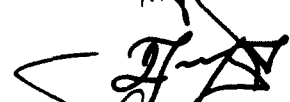
For the Republic of Albania: 

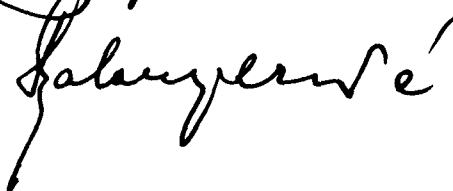
For Bosnia and Herzegovina: 

For the Republic of Macedonia: 

For the Republic of Moldova: 

For Romania: 

For the Republic of Serbia: 

For the Republic of Montenegro: 

Done at Vienna, on the 5th day of May, 2006, in a single original, in the English language.

ATTACHED LISTS

Article 4 (2) (Law Enforcement Authorities)

Republic of Albania: Ministry of the Interior
Bosnia and Herzegovina: Ministry of Security
Republic of Moldova: Ministry of the Interior
Republic of Macedonia: Ministry of Internal Affairs
Romania: Ministry of Administration and Interior
Republic of Serbia: Ministry of Interior of the Republic of Serbia
Republic of Montenegro: Police Directorate

Article 4 (3) (National Central Units)

Requests and replies to requests regulated in Article 4 of the Convention shall be transmitted to the National Central Units. The "National Central Units" are:

For the Republic of Albania: The Ministry of the Interior
For Bosnia and Herzegovina: The Ministry of Security
For the Republic of Macedonia: Ministry of the Interior
For the Republic of Moldova: The Ministry for Internal Affairs
For Romania: The Ministry of Administration and Interior
For the Republic of Serbia: The Ministry of Interior
For the Republic of Montenegro: Police Directorate

Article 4 (4) (Existing Structures)

For the Republic of Albania: Ministry of the Interior
For the Bosnia and Herzegovina: The Ministry of Security
For the Republic of Macedonia: Ministry of the Interior
For the Republic of Moldova: Ministry of Internal Affairs
For Romania: Ministry of Administration and Interior
For the Republic of Serbia: Border Police Directorate and Fire fighting Directorate
Republic of Montenegro: Police Directorate

Article 32 Classification Levels

Level	Albania	Bosnia & Herzegovina	Macedonia	Moldova	Romania	Serbia	Montenegro
RESTRICTED	_____	INTERNO	INTERNAL	DE SERVICIU / SERVICE	SECRET DE SERVICIU	INTERNAL	RESTRICTED
CONFIDENTIAL	KONFIDENCIAL	POVJERLJIVO	CONFIDENTIAL	CONFIDENTIAL / CONFIDENTIAL	SECRET	SERVICE SECRET / CONFIDENTIAL	CONFIDENTIAL
SECRET	SEKRET	TAJNO	TOP SECRET	SECRET / SECRET	STRICT SECRET	SERVICE SECRET / TOP SECRET	SECRET
TOP SECRET	TEPËR SEKRET	VRLO TAJNO	STATE SECRET	STRICT SECRET / TOP SECRET	STRICT SECRET DE IMPORTANTA DEOSEBITA	STATE SECRET	TOP SECRET

This is a certified true copy
of the Convention



Ledia Hysi
Director of the Department of
Treaties and International Law
Ministry of Foreign Affairs
Albania



REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS

No. *extra*

Tirana, November 23, 2010

Process-verbal of rectification of the Police Cooperation Convention for Southeast Europe, done at Vienna, on May 5, 2006.

The Ministry of Foreign Affairs of the Republic of Albania acting on behalf of the Depository of the "Police Cooperation Convention for Southeast Europe", done at Vienna on 5 May 2006, in accordance with Article 79 of Vienna Convention on the Law of the Treaties, circulated to the Contracting States of the above mentioned convention a technical error identified in Article 15 paragraph 6.

Article 15, Paragraph 6 of this Article wrongly references Article 15, Paragraph 3. The correct reference is to Article 15, Paragraph 4.

The Article 15, Paragraph 6 should therefore be corrected to read:

"A person who, following the action provided for in paragraph 4, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply mutatis mutandis."

Considering that no objection has been raised to the correction proposed in that letter before the expiry of the time limited indicated therein,

In witness whereof this process-verbal has been drawn up, a copy of which will be addresses to the States Parties to the said Convention.

Gazmend Turdiu
Secretary General

Gazmend Turdiu

