

# **Z A K O N**

## **O POTVRĐIVANJU KONVENCIJE O POLICIJSKOJ SARADNJI U JUGOISTOČNOJ EVROPI**

### **Član 1.**

Ovim zakonom potvrđuje se Konvencija o policijskoj saradnji u jugoistočnoj Evropi, potpisana 5. maja 2006. godine, u Beču, u originalu na engleskom jeziku.

Konvencija je sastavni deo zakona.

### **Član 2.**

Konvencija se potvrđuje zakonom Republike Srbije, jer je Republika Srbija pravni sledbenik državne zajednice Srbija i Crna Gora.

### **Član 3.**

Tekst Konvencije, u originalu na engleskom jeziku i u prevodu na srpski jezik, glasi:

## **"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 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, siib-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 undercover 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 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 biostatistical 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 ether 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.

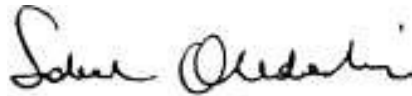
### **Article 42**

#### **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 authorised have signed this Convention:

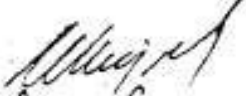
For the Republic of Albania:



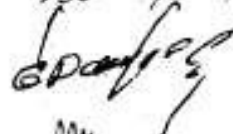
For Bosnia and Herzegovina:



For the Republic of Macedonia:



For the Republic of Moldova:



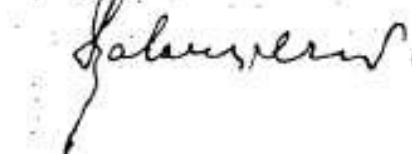
For Romania:



For the Republic of Serbia:



For the Republic of Montenegro:



Done at Vienna, on the 5<sup>th</sup> 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

<b>Article 32 Classification Levels</b>							
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	TEPER SEKRET	VRLO TAJNO	STATE SECRET	STRICT SECRET/ TOP SECRET	STRICT SECRET DE IMPORTANTA DEOSEBITA	STATE SECRET	TOP SECRET



It is certified the authenticity of this copy to the original text of the Convention

Director



Department

## KONVENCIJA O POLICIJSKOJ SARADNJI U JUGOISTOČNOJ EVROPI

### UVOD

Republika Albanija, Bosna i Hercegovina, Republika Makedonija, Republika Moldavija, Rumunija i državna zajednica Srbija i Crna Gora,

U daljem tekstu "ugovorne strane",

U želji da sarađuju radi ispunjenja zajedničkih bezbednosnih interesa,

Odlučne da se efikasno bore protiv prekograničnih pretnji po javni red i bezbednost, kao i protiv međunarodnog kriminala, time što će stupiti u bezbednosno partnerstvo,

U cilju daljeg jačanja i unapređenja policijske saradnje,

Odlučne da dalje jačaju uzajamnu pomoć vezanu za policijska pitanja,

Složile su se o sledećem:

### Član 1

#### Obim Konvencije

Ugovorne strane jačaju svoju saradnju u borbi protiv pretnji po javnu bezbednost i/ili mir i u prevenciji, otkrivanju i policijskoj istrazi krivičnih dela. Ovo se čini u skladu sa nacionalnim zakonodavstvom, osim ukoliko nije drugačije predviđeno ovom Konvencijom.

### Član 2

#### Definicije

U cilju ove Konvencije:

- a) "**Organ za sprovođenje zakona**" je svaki službeni organ koji u skladu sa nacionalnim zakonodavstvom ugovornih strana ima nadležnost neophodnu za primenu odredbi ove Konvencije;
- b) "**Službeno lice**" je svako lice koje su imenovali organi za sprovođenje zakona;
- c) "**Granice**" su kopnene granice ugovornih strana, vodene granice, njihovi aerodromi i pomorske luke, definisani nacionalnim zakonom, međunarodno priznati.
- d) "**Treća država**" je svaka država koja nije ugovorna strana;
- e) "**Dozvola za boravak**" je odobrenje bilo koje vrste izdato od ugovorne strane koja odobrava boravak unutar svoje teritorije. Ova definicija ne obuhvata privremenu dozvolu boravka na teritoriji ugovorne strane u cilju obrade molbe za davanje azila ili dozvole boravka;
- f) "**Lični podaci**" su svi podaci koji se odnose na identifikovano fizičko lice ili fizičko lice koje se može identifikovati: ovo drugo je lice koje se može identifikovati, posredno ili neposredno, posebno na osnovu identifikacionog broja ili na osnovu jednog ili više faktora specifičnih za njegov fizički, fiziološki, mentalni, ekonomski, kulturni ili socijalni identitet;
- g) "**Obrada ličnih podataka**" (u daljem tekstu "obrada") je svaka operacija ili niz operacija koji se obavljaju nad ličnim podacima, bez obzira da li se to čini automatski ili ne, kao što su prikupljanje, evidentiranje, organizacija, arhiviranje, prilagođavanje ili izmena, ponovno pronalaženje, konsultacija, korišćenje,

otkrivanje slanjem, širenjem ili stavljanjem na raspolaganje na drugi način, svrstavanje ili kombinovanje, blokiranje, brisanje ili uništavanje;

h) "Informacije" su lični i nelični podaci.

### Član 3

#### Opšte mere saradnje

Organi za sprovođenje zakona ugovornih strana u okviru svojih nadležnosti preduzimaju sve mere u cilju unapređenja njihove saradnje.

Službeni organi se posebno brinu o:

1. unapređenju razmene informacija i struktura komunikacije, tako što:
  - a) informišu jedni druge o činjenicama slučajeva, vezama između osumnjičenih i tipičnom ponašanju osumnjičenih bez ukazivanja na podatke u vezi sa licima,
  - b) informišu neposredno jedni druge, blagovremeno, o predstojećim događajima i incidentima od značaja za policiju, bez ukazivanja na podatke u vezi sa licima, kako bi olakšali borbu protiv pretnji po javni red i bezbednost tako da se neophodne mere mogu preduzeti na vreme,
  - c) razmenjuju značajne informacije, osim podataka u vezi sa licima, da bi olakšali operativno planiranje rutinskih aktivnosti i specijalnih operacija, uključujući – kao meru predostrožnosti – obaveštajne podatke o događajima i incidentima koji bi mogli imati uticaja na teritoriji druge ugovorne strane sa kojom saraduju,
  - d) pripremaju i redovno ažuriraju zajedničke baze sa podacima o jurisdikcijama i nadležnostima, kao i kontakt podatke, i
  - e) održavaju radio komunikaciju razmenom opreme dok se ne uvede jedinstvena radio oprema i frekvencije u svim evropskim zemljama, i pripremaju zajedničke predloge za finansijski povoljno poboljšanje telekomunikacija, naročito radio komunikacija duž granica.
2. unapređenju saradnje tokom operacija i istraga u cilju prevencije, otkrivanja, istrage i suprotstavljanja pretnjama, tako što:
  - a) raspoređuju snage u susednim graničnim oblastima u skladu sa koordiniranim planiranjem,
  - b) planiraju i sprovode zajedničke programe u oblasti prevencije kriminala,
  - c) održavaju redovne sastanke i razgovore u cilju kontrolisanja i održavanja kvaliteta saradnje, raspravljanja o novim strategijama, koordiniranja planova operacija, potraga i patroliranja, razmene statističkih podataka i koordiniranja programa rada,
  - d) omogućavaju uzajamne posete radi obuke i studijske posete na osnovu sporazuma nadležnih uprava,
  - e) pozivaju predstavnike drugih ugovornih strana da učestvuju u specijalnim operacijama kao posmatrači.

## POGLAVLJE 1: OPŠTE ODREDBE

### Član 4

#### Saradnja po zahtevu

- (1) Organi za sprovođenje zakona ugovornih strana po zahtevu pružaju uzajamnu pomoć u okviru svojih nadležnosti u vidu mera protiv pretnji po javni red i/ili bezbednost<sup>1</sup>, prevencije, otkrivanja i istrage krivičnih dela, osim ako se takvim zahtevom, ili njegovim izvršenjem, mogu baviti samo pravosudni organi u skladu sa zakonima svoje

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<sup>1</sup> Pretnja po javni red i/ili bezbednost može se razmatrati i s aspekta prekršaja i upravnih poslova u datoj nadležnosti organa za sprovođenje zakona.

države. Ako organ kome je upućen zahtev nije nadležan za rad po tom zahtevu, on prosleđuje zahtev nadležnom službenom organu, i o tome obaveštava organ koji je uputio zahtev.

(2) Organi za sprovođenje zakona u smislu ove Konvencije navedeni su u prilogu ove Konvencije. U svakom slučaju ne sme se mešati u nadležnost drugih ministarstava.

(3) Ugovorne strane osnivaju ili imenuju nacionalne centralne jedinice.

Do osnivanja ili imenovanja nacionalnih centralnih jedinica, koristiće se postojeće strukture u zemljama.

(4) Zahtevi i odgovori na zahteve takođe se mogu razmenjivati, ukoliko se pokaže da je neposredna saradnja svrsishodna, informisanjem Nacionalne centralne jedinice ili postojećih struktura koje se bave takvom procedurom, među službenim organima navedenim u Prilogu, u vezi sa sledećim:

a) ukoliko se službene prekogranične aktivnosti odnose na krivična dela koja će po svojoj prilici biti istražena od strane organa za sprovođenje zakona granične regije, ili

b) ukoliko se zahtevi za pomoć u sprečavanju neposrednih pretnji po javni red i/ili bezbednost ne mogu inače poslati na vreme preko uobičajenih kanala između nacionalnih centralnih jedinica.

(5) Zahtevi se posebno mogu odnositi na:

a) Identifikaciju vlasnika i korisnika motornih vozila, svih tipova plovila i vazduhoplova,

- na zahtev jedne ugovorne strane, ugovorna strana kojoj je upućen zahtev šalje podatke iz arhive o motornim vozilima, svim tipovima plovila i vazduhoplova, kao i podatke o vlasnicima i korisnicima, ukoliko su ovi podaci potrebni radi identifikacije lica u svojstvu vlasnika/korisnika istih, ili radi identifikacije vozila koje koristi lice, ili podatke o vozilu koji su potrebni radi prevencije i borbe protiv krivičnih dela, i zaštite od pretnji po javni red i/ili bezbednost.

- organi za sprovođenje zakona ugovorne strane koja upućuje zahtev mogu proslediti zahtev organu/organima koji održava/ju bazu podataka o registracijama vozila, ili, u hitnim i sličnim slučajevima, ukoliko se od odgovarajućih organa traži informacija o registarskim brojevima svih tipova plovila, organu za sprovođenje zakona ugovorne strane kojoj je upućen zahtev.

b) Informacije o vozačkim dozvolama i dokumentima o vozilima kao i o odgovarajućim vozačkim odobrenjima i dokumentima,

c) Utvrđivanje mesta prebivališta, mesta boravišta i boravišne dozvole,

d) Identifikaciju pretplatnika na telefone i drugu telekomunikacionu opremu,

e) Identifikaciju pojedinaca, mrtvih tela ili delova mrtvih tela,

f) Informacije o poreklu predmeta kao što su vatreno oružje, municija i eksplozivi, eksplozivne naprave, motorna vozila, svi tipovi plovila i vazduhoplova i kulturna dobra,

g) Potragu za traženim licima i imovinom,

h) Iniciranje i koordinaciju mera potrage,

i) Policijske informativne razgovore i saslušanja, posebno one na osnovu kojih se utvrđuje spremnost lica da pruži informacije,

j) Informacije o istrazi na mestu zločina, sakupljanju dokaza, proceni i analizi dokaza,

k) Konkretno mere radi obezbeđenja zaštite svedoka,

l) Razmenu informacija u slučajevima vruće potrage,

m) Saradnju i razmenu informacija u vezi sa kontrolisanjem mase na javnim okupljanjima.

- (6) Zahtevi i odgovori na zahteve upućuju se u pisanom obliku (faksom ili imejlom). U slučaju slanja podataka koji se odnose na lica, mora se odabrati bezbedan način prenosa uzimajući u obzir osetljivost podataka. U hitnim slučajevima, zahtevi se mogu uputiti usmeno, međutim, odmah zatim mora se poslati pismena potvrda. Pismeni odgovor će uslediti samo nakon prijema pismene potvrde. Ugovorne strane Konvencije obezbeđuju da samo ovlašćeno osoblje ima pristup sredstvu komunikacije koje se koristi.

## **Član 5**

### **Obim razmene informacija**

- (1) Tokom saradnje u cilju prevencije, otkrivanja i istrage krivičnih dela, naročito na polju organizovanog kriminala, službeni organi ugovornih strana po zahtevu razmenjuju sledeće informacije:
- a) o podacima pojedinaca umešanih u organizovani kriminal, obaveštajnim podacima o vezama između osumnjičenih i lica pod sumnjom u vezi sa izvršenjem krivičnih dela, njihovim saznanjima o strukturi kriminalnih organizacija i grupa, kao i o tipičnim obrascima ponašanja osumnjičenih i lica pod sumnjom ili osumnjičenih grupa ili grupa pod sumnjom; informacije o krivičnim delima u pripremi, u pokušaju ili izvršenim krivičnim delima, posebno o vremenu, mestu i tipu krivičnog dela, detalji o žrtvama ili oštećenoj imovini, o obaveštajnim podacima o posebnim okolnostima i o relevantnim zakonskim odredbama, ukoliko je to neophodno radi prevencije, otkrivanja i istrage krivičnih dela,
  - b) o metodama i novim oblicima prekograničnog kriminala,
  - c) o kriminološkim i drugim rezultatima istraživanja o kriminalu, ` detaljima o praksi vođenja istrage, radnim sredstvima i metodama koje imaju za cilj njihov dalji razvoj,
  - d) po zahtevu one jedna drugoj pružaju obaveštajne podatke i/ili uzorke predmeta ili imovine koja je oštećena tokom izvršenja krivičnih dela, ili je korišćena ili nameravana da bude korišćena da se izvrši krivično delo ili koja je posledica izvršenog zločina,
  - e) o zakonima na snazi koji se odnose na krivična dela koja su predmet ove Konvencije,
  - f) o prihodima od krivičnih dela i imovini stečenoj putem izvršenja ili učestvovanja u izvršenju krivičnih dela.
- (2) Pri dobijanju informacija korišćenjem specijalnih metoda, službeni organi ugovornih strana sarađuju u skladu sa svojim nacionalnim zakonodavstvima. Ugovorne strane preuzimaju obavezu da obezbede barem isti standard zaštite podataka prenetih tokom takve razmene informacija kao što to propisuju odredbe nacionalnih zakona njihovih država.

## **Član 6**

### **Razmena informacija bez zahteva**

U određenim slučajevima, organi za sprovođenje zakona ugovornih strana pružaju jedni drugima informacije bez upućenog zahteva, ukoliko, na osnovu dokazanih činjenica, postoji razlog za pretpostavku da je takva informacija neophodna u borbi protiv konkretnih pretnji po javni red i/ili bezbednost, ili radi prevencije, otkrivanja i istrage krivičnih dela. U vezi sa razmenom informacija, Član 4, stavovi 3 (Nacionalne centralne jedinice), 4 (Zahtevi i odgovori na zahteve) i 6 (Zahtevi u pisanom obliku poslati faksom ili imejlom) primenjuju se u skladu s tim.

## Član 7

### Zajednička analiza pretnje

Organi za sprovođenje zakona ugovornih strana nastoje da imaju ujednačen nivo informacija o stopi kriminaliteta. U tom cilju, one razmenjuju izveštaje o stanju periodično ili ukoliko se javi potreba, i rade zajedničke analize najmanje jednom godišnje.

## Član 8

### Redovna razmena informacija u borbi protiv ilegalnih migracija

- (1) Ugovorne strane redovno razmenjuju obaveštajne podatke u cilju borbe protiv ilegalnog prelaska granice i krijumčarenja ljudi.
- (2) Informacije koje se razmenjuju prvenstveno se odnose na migraciona kretanja, obim, strukturu i moguća odredišta, moguće migracione maršute i prevozna sredstva koja se koriste radi ilegalnog prelaska granice, i na način organizovanja krijumčara. Uz to se šalju obaveštajni podaci i analize koji se odnose na trenutnu situaciju, kao i bilo kakve planirane mere koje bi mogle biti od značaja za drugu ugovornu stranu.

## Član 9

### Oficiri za vezu

- (1) Ugovorne strane mogu zaključiti bilateralne sporazume koji predviđaju postavljenje, na određeni ili neodređeni period, oficira za vezu jedne ugovorne strane pri organima za sprovođenje zakona druge ugovorne strane.
- (2) Postavljenje oficira za vezu na određeni ili neodređeni period ima za cilj da produbi i ubrza saradnju između ugovornih strana, naročito pružanjem pomoći:
  - (a) U obliku razmene informacija u svrhu ove Konvencije;
  - (b) U ispunjenju zahteva za uzajamnu policijsku pomoć u krivičnim pitanjima;
  - (c) U zadacima koje izvršavaju službeni organi nadležni za kontrolu granice.
- (3) Oficiri za vezu imaju zadatak da pruže savete i pomoć. Oni nemaju ovlašćenja da preduzimaju nezavisne policijske akcije. Oni pružaju informacije i obavljaju svoje dužnosti u skladu sa instrukcijama koje im daje ugovorna strana koja ih je rasporedila kao i ugovorna strana u kojoj su raspoređeni.
- (4) Ugovorne strane mogu se složiti, u bilateralnom ili multilateralnom okviru, da oficiri za vezu neke ugovorne strane koji su postavljeni u trećim zemljama takođe zastupaju interese jedne ili više drugih ugovornih strana. Prema takvim sporazumima, oficiri za vezu postavljeni u trećim zemljama pružaju informacije drugim ugovornim stranama kada se to od njih zatraži ili na sopstvenu inicijativu, i obavljaju, u granicama svojih ovlašćenja, zadatke u ime tih strana. Ugovorne strane obaveštavaju jedna drugu o svojim namerama u vezi sa postavljenjem oficira za vezu u trećim državama.

## Član 10

### Zaštita svedoka

- (1) Organi za sprovođenje zakona ugovornih strana određeni da štite svedoke neposredno sarađuju u okviru programa zaštite svedoka.
- (2) Saradnja posebno uključuje razmenu informacija, logističku pomoć i preuzimanje lica koja treba štiti.
- (3) Potpisivaće se sporazum za svaki pojedinačni slučaj preuzimanja lica koja treba štiti, radi regulisanja uzajamnih prava i obaveza.

- (4) Lice koje treba štiti mora prethodno biti stavljeno u program zaštite svedoka ugovorne strane koja upućuje zahtev. Lice koje treba štiti neće biti uključeno u program zaštite svedoka ugovorne strane kojoj je zahtev upućen. Kada se preduzimaju mere pomoći u vezi sa zaštitom tih lica, u skladu s tim se primenjuje nacionalno zakonodavstvo ugovorne strane kojoj je zahtev upućen.
- (5) U principu, ugovorna strana koja upućuje zahtev snosi troškove života lica koja treba štiti. Ugovorna strana kojoj je zahtev upućen snosi troškove za zaposlene i materijalne troškove zaštite ovih lica.
- (6) Ugovorna strana kojoj je zahtev upućen može, ukoliko postoje ozbiljni razlozi i nakon što je na propisan način obavestila ugovornu stranu koja upućuje zahtev, prestati da pruža mere pomoći. U tom slučaju, ugovorna strana koja upućuje zahtev preuzima nazad dotično lice.

## **Član 11**

### **Osnovna i viša obuka i razmena iskustava**

Organi za sprovođenje zakona ugovornih strana saraduju u oblasti osnovne i više obuke, između ostalog:

- a) razmenom nastavnih programa za osnovnu i višu obuku,
- b) planiranjem zajedničkih seminara o osnovnoj i višoj obuci, i prekograničnih vežbi kao deo saradnje navedene u ovoj Konvenciji,
- c) pozivanjem predstavnika organa za sprovođenje zakona druge ugovorne strane da učestvuju u vežbama i specijalnim operacijama kao posmatrači, i omogućavanjem uzajamnih praktičnih poseta u cilju obuke,
- d) omogućavanjem predstavnicima organa za sprovođenje zakona drugih ugovornih strana da pohađaju više kurseve obuke.

## **Član 12**

### **Prevenција**

Organi za sprovođenje zakona ugovornih strana razmenjuju iskustva u oblasti prevencije kriminala, i u tom cilju započinju i sprovode zajedničke programe.

## **Član 13**

### **Hitna potraga**

- (1) Službenim licima jedne od ugovornih strana koja u svojoj zemlji gone lice uhvaćeno u činu izvršenja ili učestvovanja u krivičnom delu, dozvoljava se, u okviru bilateralnih sporazuma o primeni zaključenih u skladu sa Članom 34, stav 1 ove Konvencije, da nastave gonjenje na teritoriji druge ugovorne strane bez njenog prethodnog odobrenja, onda kada s obzirom na posebnu hitnost situacije, nije moguće obavestiti organe za sprovođenje zakona druge ugovorne strane na neki od načina predviđenih Članom 24 Konvencije pre ulaska na tu teritoriju ili onda kada ti službeni organi nisu u mogućnosti da stignu na vreme na lice mesta radi preuzimanja gonjenja.

Isto se primenjuje i u slučajevima kada je gonjeno lice pobeglo iz privremenog zatvora, ili dok je služilo kaznu koja uključuje lišavanje slobode.

Službena lica koja učestvuju u gonjenju, najkasnije po prelasku granice, stupaju u kontakt sa organima za sprovođenje zakona ugovorne strane na čijoj teritoriji treba da se obavi hitna potraga. Hitna potraga će prestati čim ugovorna strana na čijoj se teritoriji ona obavlja to zatraži. Na zahtev službenih lica koja učestvuju u gonjenju, nadležni lokalni službeni organi zaustavljaju gonjeno lice radi utvrđivanja njegovog/njenog identiteta ili njegovog/njenog hapšenja.

- (2) Bilateralni sporazumi o primeni, o kojima je reč u stavu 1 ovog Člana, definišu krivična dela za koja će biti moguće sprovesti hitnu potragu tako što daju bilo iscrpan spisak tih dela, bilo tako što ga proširuju na sva krivična dela koja zahtevaju ekstradiciju.
- (3) Hitna potraga vrši se u skladu sa jednom od sledećih procedura, definisanim bilateralnim Sporazumima o primeni iz stava 1 i 2 ovog Člana:
  - (a) Službena lica koja učestvuju u gonjenju nemaju pravo da gonjeno lice liše slobode;
  - (b) Ukoliko nije upućen zahtev za okončanje hitne potrage i ukoliko nadležni lokalni službeni organi nisu u mogućnosti da intervenišu dovoljno brzo, službena lica koja učestvuju u gonjenju mogu zadržati gonjeno lice sve dok službena lica ugovorne strane na čijoj se teritoriji obavlja gonjenje, a koja moraju odmah biti obaveštena, ne budu mogla da utvrde identitet tog lica ili ga uhapsu.
- (4) Hitna potraga se sprovodi u skladu sa stavovima 1 i 3, na jedan od sledećih načina, definisanih bilateralnim Sporazumima o primeni, iz stavova 1 i 2 ovog Člana:
  - (a) Na teritoriji ili tokom perioda počev od prelaska granice, što treba utvrditi bilateralnim Sporazumom o primeni;
  - (b) Bez ograničenja u prostoru ili vremenu.
- (5) Hitna potraga sprovodi se isključivo pod sledećim opštim uslovima:
  - (a) Službena lica koja učestvuju u gonjenju moraju se povinovati odredbama ovog Člana i zakonima ugovorne strane na čijoj teritoriji rade; ona moraju postupati u skladu sa instrukcijama koje daju nadležni lokalni službeni organi.
  - (b) Gonjenje se obavlja isključivo preko kopnenih i vodenih granica.
  - (c) Zabranjen je ulazak u privatne domove i mesta koja nisu dostupna javnosti.
  - (d) Službena lica koja učestvuju u gonjenju lako se prepoznaju, po uniformi, trakama oko ruke ili oznakama na njihovim vozilima; zabranjena je upotreba civilne odeće u kombinaciji sa neobebeženim vozilima bez gore pomenutih identifikacija; službena lica koja učestvuju u gonjenju moraju u svakom trenutku biti u stanju da dokažu da postupaju po službenoj dužnosti.
  - (e) Službena lica koja učestvuju u gonjenju mogu nositi svoje službeno oružje; njegovo korišćenje je zabranjeno osim u slučajevima legitimne samoodbrane.
  - (f) Onog trenutka kada je gonjeno lice lišeno slobode onako kako je predviđeno stavom 3(b), radi izvođenja pred nadležne lokalne službene organe, ta osoba može biti podvrgnuta samo bezbednosnom pretresu; lisice se mogu koristiti za vreme transfera; predmeti koje nosi gonjeno lice mogu se oduzeti.
  - (g) Posle svake operacije pomenute u stavovima 1, 3 i 4 službena lica koja učestvuju u gonjenju pojavljuju se pred nadležnim lokalnim službenim organima ugovorne strane na čijoj teritoriji su radila i podnose izveštaj o svojoj misiji; na zahtev tih službenih organa, oni su na raspolaganju sve dok okolnosti njihove akcije ne budu dovoljno razjašnjene; ovaj uslov se primenjuje čak i u slučajevima kada hitno gonjenje nije dovelo do hapšenja gonjenog lica.
  - (h) Službeni organi ugovorne strane iz koje su došla službena lica koja učestvuju u gonjenju, na zahtev službenih organa ugovorne strane na čijoj je teritoriji obavljena hitna potraga, pružaju pomoć u istraživanju koje se sprovodi nakon operacije u kojoj su učestvovali, uključujući i sudski proces, pod uslovom da je identitet službenog lica koje je učestvovalo u gonjenju zaštićen.
- (6) Lice koje su, nakon akcije o kojoj je reč u stavu 3, uhapsili nadležni lokalni službeni organi, može biti zadržano radi ispitivanja bez obzira na njegovo/njeno državljanstvo. Relevantne odredbe nacionalnog zakonodavstva primenjuju se mutatis mutandis.

Ukoliko to lice nije državljanin ugovorne strane na čijoj je teritoriji uhapšeno, ono se pušta na slobodu najkasnije šest sati nakon hapšenja, ne uključujući sate između ponoći i 09.00 časova, osim ako nadležni lokalni službeni organi nisu prethodno primili zahtev za privremeno hapšenje tog lica radi ekstradicije u bilo kom obliku.



- (7) Službena lica o kojima je reč u prethodnim stavovima se preciziraju bilateralnim Sporazumima o primeni.
- (8) Ugovorne strane mogu, na bilateralnoj osnovi, proširiti obim stava 1 i usvojiti dodatne odredbe za primenu ovog Člana.

## Član 14

### Prekogranična prisмотра

- (1) Službena lica jedne od ugovornih strana koja, u okviru krivične istrage, u svojoj zemlji drže pod prismotrom lice za koje se smatra da je učestvovalo u krivičnom delu za koje je predviđena ekstradicija, imaju ovlašćenje da, u okviru bilateralnog Sporazuma o primeni, zaključenog u skladu sa Članom 34, stav 1 ove Konvencije, nastave prisмотрu na teritoriji druge ugovorne strane, onda kada je ona odobrila prekograničnu prisмотрu kao odgovor na prethodno upućen zahtev za pomoć. Uslovi mogu biti priloženi uz ovlašćenje. Na zahtev, prisмотра će biti poverena službenim licima ugovorne strane na čijoj se teritoriji obavlja. Zahtev za pomoć o kojem je reč u prvom podstavu mora biti poslat službenom organu koji je imenovala svaka od ugovornih strana i koji ima ovlašćenje da zatraženo ovlašćenje odobrava ili prosleđuje dalje.
- (2) U slučajevima kada ugovorna strana koja upućuje zahtev, iz posebno hitnih razloga, ne može prethodno podneti zahtev za ovlašćenje, službena lica koja vrše prisмотрu imaju dozvolu da, u okviru bilateralnih Sporazuma o primeni pomenutih u stavu 1 ovog Člana, nastave van granica prisмотрu lica za koje se pretpostavlja da je izvršilo krivično delo o kojem je reč u stavu 3. U ovakvim slučajevima, službeni organ ugovorne strane na čijoj teritoriji prisмотра treba da se nastavi, odmah mora biti obavешten da je granica pređena, a zahtev za pomoć u kojem se ukratko iznose razlozi za prelazak granice bez prethodnog ovlašćenja podnosi se bez odlaganja.
- (3) Bilateralni sporazumi o primeni o kojima je reč u stavovima 1 i 2 ovog Člana definišu krivična dela pomenuta u stavu 2 bilo tako što daju iscrpan spisak tih dela, bilo tako što ga proširuju na sva krivična dela koja zahtevaju ekstradiciju.
- (4) Prisмотра prestaje čim ugovorna strana na čijoj se teritoriji ona vrši to zatraži, nakon obavешtenja ili zahteva o kojima je bilo reči u prethodnom stavu, u slučajevima kada ovlašćenje nije dobijeno, pet sati nakon prelaska granice.
- (5) Prisмотра o kojoj je reč u stavovima 1 i 2 vrši se isključivo pod sledećim opštim uslovima:
  - (a) Službena lica koja vrše prisмотрu moraju se povinovati odredbama ovog Člana i zakonima ugovorne strane na čijoj teritoriji deluju; ona moraju postupati u skladu sa instrukcijama koje daju nadležni lokalni službeni organi.
  - (b) Osim u situacijama izloženim u stavu 2, ovlašćena lica, tokom prismotre, nose dokumenta koja potvrđuju da je ovlašćenje odobreno.
  - (c) Službena lica koja vrše prisмотрu moraju u svakom trenutku biti u stanju da dokažu da postupaju po službenoj dužnosti.
  - (d) Službena lica koja vrše prisмотрu mogu nositi svoje službeno oružje tokom prismotre osim ako strana kojoj je upućen zahtev nije izričito drugačije odlučila; njegovo korišćenje je zabranjeno osim u slučajevima legitimne samoodbrane.
  - (e) Zabranjen je ulazak u privatne domove i mesta koja nisu dostupna javnosti.
  - (f) Službena lica koja vrše prisмотрu ne mogu ni zaustavljati ni hapsiti lice pod prismotrom.
  - (g) Sve operacije su predmet izveštaja koji se podnosi službenim organima ugovorne strane na čijoj su se teritoriji one odvijale; od službenih lica koja su vršila prisмотрu može biti zatraženo da se pojave lično.
  - (h) Službeni organi ugovorne strane iz koje su došla službena lica koja vrše prisмотрu, na zahtev službenih organa ugovorne strane na čijoj je teritoriji vršena prisмотра,

pružaju pomoć u istrazi koja se sprovodi nakon operacije u kojoj su učestvovali, uključujući i sudski proces, pod uslovom da je identitet službenog lica koje je vršilo prismostru zaštićen.

- (6) Službena lica o kojima je reč u prethodnim stavovima se preciziraju bilateralnim Sporazumima o primeni.
- (7) Ugovorne strane mogu, bilateralnim Sporazumom o primeni, da prošire obim ovog Člana i usvoje dodatne mere za njegovu primenu.

## Član 15

### Kontrolisana isporuka

- (1) Na zahtevno pismo jedne ugovorne strane, druga ugovorna strana može u slučaju istrage krivičnih dela čiji počinioci moraju biti izručeni, ukoliko je to moguće, da dozvoli kontrolisanu isporuku na svojoj teritoriji, posebno za transport narkotika, prekursora, vatrenog oružja, eksploziva, falsifikovanog novca, i predmeta proisteklih iz izvršenja krivičnih dela ili je nameravano da budu upotrebljeni prilikom izvršenja krivičnog dela, ukoliko ugovorna strana koja upućuje zahtev objasni da bi bez takvih mera identifikacija prestupnika ili ruta za distribuciju bila nemoguća ili izuzetno otežana. Ukoliko sadržaj kontrolisane isporuke predstavlja poseban rizik za lica koja je obavljaju, opasnost za javnost, ugovorna strana koja je primila zahtev ima pravo da traži da se ispune određeni uslovi pre odobrenja ili odbijanja zahteva.
- (2) Ugovorna strana koja je uputila zahtev preuzima kontrolu nad isporukom kada ona pređe granicu, ili na mestu preuzimanja dogovorenom od strane organa za sprovođenje zakona, kako bi se izbegao prekid kontrole, i garantuje se stalni nadzor isporuke na takav način koji omogućava policiji da interveniše u svakom trenutku. Nakon što ugovorna strana koja je primila zahtev preuzme pošiljku, službena lica ugovorne strane koja je zahtev uputila mogu i dalje da prate kontrolisanu isporuku zajedno sa službenim licima ugovorne strane koja je primila zahtev ukoliko se o tome međusobno slože.
- (3) Službena lica ugovorne strane koja je zahtev uputila obavezna su da poštuju zakone ugovorne strane koja je primila zahtev.
- (4) Ukoliko nadležni organi za sprovođenje zakona ugovorne strane koja je primila zahtev ne mogu da intervenišu na vreme, i ako bi nastavak kontrolisane isporuke predstavljao rizik po život i zdravlje lica, ili napravio veliku štetu imovini, ili ukoliko isporuka više ne bi mogla da se kontroliše, službeno lice ugovorne strane koja je zahtev uputila može da prekine kontrolisanu isporuku. Ako je to neophodno, službena lica ugovorne strane koja je zahtev uputila mogu zaustaviti i uhapsiti osobe koje su u pratnji isporuke dok ne intervenišu organi za sprovođenje zakona ugovorne strane koja je primila zahtev. U svakom slučaju ugovorna strana koja je uputila zahtev bez odlaganja obaveštava organe za sprovođenje zakona ugovorne strane koja je primila zahtev.
- (5) Kada se kontrolisana isporuka prekine na teritoriji ugovorne strane koja je primila zahtev, može je preuzeti ugovorna strana koja je uputila zahtev na osnovu zahtevnog pisma.
- (6) Lice koje, nakon akcije opisane u stavu 3, bude uhapšeno od strane nadležnih službenih organa može, bez obzira kojeg je državljanstva, biti zadržano na razgovoru. Relevantne odredbe nacionalnog zakona se primenjuju *mutatis mutandis*.
- (7) Ukoliko lice nije po državljanstvu pripadnik ugovorne strane na čijoj teritoriji je uhapšeno, ono će biti pušteno najkasnije šest sati po hapšenju, ne uključujući sate između ponoći i 9.00 pre podne, osim ako nadležni lokalni organi nisu dobili zahtev za privremeno hapšenje u svrhu ekstradicije u bilo kom obliku.
- (8) Tokom kontrolisane isporuke se tako, na službena lica ugovorne strane koja je uputila zahtev, primenjuju odredbe Člana 14, stav 45, podstav od a) do c) i od e) do h).

- (9) Zvanično zahtevno pismo, kojim se traži kontrolisana isporuka, nad kojom kontrola počinje ili se nastavlja u trećoj državi, odobrava se samo ako se u zahtevu ističe da treća država ispunjava uslove postavljene u stavu 2.

## **Član 16**

### **Tajne istrage u cilju istrage krivičnih dela**

- (1) Tokom istrage krivičnih dela, ugovorna strana može da, na osnovu prethodno primljenog zahteva, prihvati raspoređivanje službenih lica ugovorne strane koja je uputila zahtev pod uslovima svog zakonodavstva, koja mogu imati ulogu agenta, ili lica koje vrši kontrolisanu kupovinu (u daljem tekstu "prikriveni islednik"). Ugovorna strana koja upućuje takav zahtev, uputiće ga samo ukoliko bi istraga krivičnog dela na bilo koji drugi način bila nemoguća ili izuzetno otežana. Pravi identitet službenog lica se ne mora otkriti u zahtevu.
- (2) Tajne istrage na teritoriji ugovorne strane koja je primila zahtev se ograničavaju na pojedinačne i privremene operacije. Te operacije se pripremaju u bliskoj saradnji angažovanih službenih lica ugovornih strana. Raspoređivanjem prikrivenog islednika i akcijama koje on preduzima upravlja ugovorna strana koja je primila zahtev. Ugovorna strana koja je primila zahtev je odgovorna za akcije koje preduzima prikriveni islednik strane koja je uputila zahtev, i može u bilo kom trenutku tražiti prekid operacije.
- (3) Raspoređivanje prikrivenih islednika, prema ovom članu, uslovi pod kojima se operacija sprovodi, i odredbe za korišćenje rezultata istrage zavise od zakonodavstva ugovorne strane na čiju teritoriju je raspoređen prikriveni islednik.
- (4) Ugovorna strana koja je primila zahtev pruža prikrivenom isledniku svu neophodnu pomoć u vidu kadrova, uz prisustvo njihovog rukovodioca, logistike i tehničke opreme, i preduzima sve neophodne mere zaštite tokom operacije na svojoj teritoriji.
- (5) U izuzetno hitnim slučajevima, kada preči ozbiljna opasnost da se otkrije identitet prikrivenog islednika, raspoređivanje prikrivenog islednika na teritoriji druge ugovorne strane se dozvoljava bez prethodnog pristanka, kako je istaknuto u paragrafu 1. U tim slučajevima, moraju se ispuniti preduslovi za raspoređivanje prikrivenog islednika na teritoriji druge ugovorne strane. Aktivnosti prikrivenog islednika moraju se svesti na apsolutno neophodan obim potreban za održavanje njegove/njene tajne priče ili njegove/njene bezbednosti. Ugovorna strana koja je primila zahtev će biti obaveštena o raspoređivanju bez odlaganja, i može u bilo kom trenutku tražiti prekid operacije.
- (6) Stavovi od 1 do 4 se stoga sprovode u slučajevima kada ugovorna strana traži raspoređivanje prikrivenog islednika druge ugovorne strane na svojoj teritoriji. U tim slučajevima, ukoliko nije drugačije dogovoreno, ugovorna strana koja upućuje zahtev snosi troškove operacije.
- (7) Ugovorne strane preduzimaju sve mere predostrožnosti da identitet prikrivenog islednika ostane u tajnosti i da mu/joj garantuju bezbednost, i nakon što se njegovo/njeno raspoređivanje završi.

## **Član 17**

### **Tajne istrage u cilju prevencije krivičnih dela**

- (1) Dokle god su nacionalnim zakonodavstvom date države dozvoljene, tajne istrage u cilju prevencije teških zločina koji zahtevaju ekstradiciju, mogu se sprovoditi na teritoriji druge ugovorne strane, ukoliko je saglasnost za tu preko-graničnu tajnu istragu data prethodno primljenim zahtevom.
- (2) U skladu s tim se primenjuje Član 14.

## Član 18

### Zahtev za prikupljanje dokaza u slučaju neposredne opasnosti

- (1) U slučaju neposredne opasnosti, organi za sprovođenje zakona mogu uputiti zahteve, u meri u kojoj su za to ovlašćeni nacionalnim zakonom, za prikupljanje dokaza koji podrazumevaju i lekarski pregled, kao i pretrage i zaplene, u onoj meri u kojoj to nacionalno zakonodavstvo omogućava. Zahtevi se upućuju direktno nadležnim organima za sprovođenje zakona.
- (2) Izvršenje zahteva uključujući i utvrđivanje da li zaista postoji neposredna opasnost, zavisi od zakona ugovorne strane koja prima zahtev, a koja će bez odlaganja o tome obavestiti ugovornu stranu koja je uputila zahtev.
- (3) Ako zahtev o kojem je reč u stavu 1 nije uputio sudski organ, nadležni sudski organ će bez odlaganja biti obavešten o upućivanju zahteva i o posebnim okolnostima slučaja koje ukazuju na neposrednu opasnost.
- (4) Sve dok je po zakonu ugovorne strane koja je primila zahtev, potreban sudski nalog za preduzimanje ili održavanje mera na teritoriji ugovorne strane koja je primila zahtev, nadležni sud ugovorne strane koja je uputila zahtev će shodno tome bez odlaganja podneti nalog ili objašnjenje. Ugovorne strane jedna drugu obaveštavaju o relevantnim odredbama svog nacionalnog zakona.
- (5) Za prenos rezultata preduzetih mera ugovornoj strani koja je uputila zahtev potrebno je zvanično molbeno pismo nadležnog sudskog organa. Ukoliko rezultati preduzetih mera treba hitno da se pošalju, organ kojem je upućen zahtev ih može direktno preneti organu koji ih je tražio. U slučaju da organ kojem je upućen zahtev nije sudski, za prenos rezultata neophodna je prethodna saglasnost nadležnog sudskog organa.

## Član 19

### Zahtev za lekarski pregled

- (1) Ukoliko je to zakonom ugovorne strane koja je primila zahtev dozvoljeno, organi za sprovođenje zakona ugovornih strana pružaju jedni drugima pomoć pri lekarskim pregledima osumnjičenih i drugih lica.
- (2) Zahtevi iz stava 1 se odobravaju samo ako,
  - (a) se lekarski pregled traži radi utvrđivanja činjenica bitnih za slučaj i ako odgovara težini krivičnog dela,
  - (b) nalog za lekarski pregled podnosi služba koja je u okviru nacionalnog zakona ugovorne strane koja upućuje zahtev nadležna za to, ili se iz poruke takve službe vidi da su ispunjeni preduslovi za pregled, ukoliko osumnjičeni, ili druga lica borave na teritoriji ugovorne strane koja je uputila zahtev.

## Član 20

### Prenos i poređenje DNK-profila i drugog identifikacionog materijala

- (1) U toku otvorene istrage ili krivičnog postupka, i u vezi sa nestalim licima i neidentifikovanim telima, nadležne službe ugovornih strana pomažu jedne drugima tako što razmenjuju i traže DNK-profile i drugi identifikacioni materijal u svojim bazama podataka, na način predviđen njihovim nacionalnim zakonodavstvima. Nadležne službe ugovorne strane koja je uputila zahtev dobijaju rezultate što je pre moguće. U tu svrhu se koristi verzija Interpol-DNK-obrasca koja važi u trenutku podnošenja zahteva. Ukoliko se smatra za neophodno da se biološki materijal klasifikuje kako bi se poboljšala bio-statička preciznost, ugovorna strana koja je primila zahtev klasifikuje biološki materijal u meri u kojoj je to izvodljivo i odgovarajuće. Mogući troškovi tokom takve akcije se nadoknađuju ugovornoj strani kojoj je upućen zahtev.

- (2) Ukoliko je pretraga DNK-baze podataka opisana u stavu 1 negativna, ugovorna strana koja je primila zahtev čuva dobijeni DNK-profil na način opisan u stavu 1, u svrhu pretrage DNK-baze podataka onako kako je to regulisano nacionalnim zakonom u njenoj bazi podataka, ukoliko je to tražila ugovorna strana koja je uputila zahtev.
- (3) Ukoliko DNK-profil određene osobe koja boravi u zemlji ugovornoj strani koja je primila zahtev nije dostupan, ugovorna strana kojoj je upućen zahtev pruža pravnu pomoć tako što dobija i analizira molekularno-genetički materijal te osobe, i šalje tako dobijeni DNK-profil ukoliko:
  - (a) je ugovorna strana koja je uputila zahtev obavesti o svrsi istog,
  - (b) ugovorna strana koja je uputila zahtev podnese zahtev za analizu ili nalog nadležnoj službi na zakonom predviđen način, ukazujući da postoje osnovani razlozi za sakupljanje i analiziranje molekularno-genetičkog materijala, ukoliko bi osoba boravila na teritoriji ugovorne strane koja je uputila zahtev, i
  - (c) su zakonski uslovi za pribavljanje i analiziranje molekularno-genetičkog materijala ugovorne strane koja je primila zahtev ispunjeni;
  - (d) ugovornoj strani koja je primila zahtev se nadoknađuju svi troškovi do kojih može doći tokom ovog procesa.
- (4) Nadležni policijski organi obeju ugovornih strana mogu prenositi zahteve i istim putevima sa njima dalje raditi.

## Član 21

### Službeni organi odgovorni za zahteve definisane u poglavlju I

- (1) Svaki od organa za sprovođenje zakona koje su nabrojale ugovorne strane u Prilogu o kojem je reč u Članu 37 odgovoran je za zahteve u članovima 15, 16, 17, 18, 19 i 20.
- (2) Primerci zahteva o kojima je reč u stavu 1 se šalju Nacionalnoj centralnoj jedinici opisanoj u Članu 4, stav 3.

## Član 22

### Pravni status operativnih službenih lica

U svrhu ove Konvencije, službena lica koja rade na teritoriji druge ugovorne strane se, u pogledu protivpravnih radnji izvršenih nad njima ili koje su oni izvršili, tretiraju kao službena lica te strane.

## Član 23

### Odgovornost operativnih službenih lica

- (1) Kada, u svrhu ove Konvencije, službena lica jedne ugovorne strane rade na teritoriji druge ugovorne strane, prva ugovorna strana je odgovorna za bilo kakvu štetu koju su napravili tokom operacije, a u okviru zakona ugovorne strane na čijoj teritoriji rade.
- (2) Ugovorna strana na čijoj je teritoriji šteta o kojoj je bilo reči u stavu 1 napravljena, popravlja ili nadoknađuje tu štetu pod uslovima koji se primenjuju na štetu koju naprave njena službena lica.
- (3) Ugovorna strana čija su službena lica napravila štetu bilo kom licu na teritoriji druge ugovorne strane, nadoknađuje ovoj drugoj strani u potpunosti štetu, u iznosima koje isplaćuje žrtvama ili licima koja su žrtve ovlastle.

## Član 24

### Tehničke mere za unapređenje prekogranične saradnje

- (1) U skladu sa relevantnim međunarodnim sporazumima i uzimajući u obzir lokalne okolnosti i tehničke mogućnosti, ugovorne strane uvode, posebno u graničnim područjima, telefonske, radio i teleks linije kao i druge direktne veze da bi unapredile policijsku saradnju, posebno radi pravovremenog prenosa informacija u svrhu policijske saradnje određene ovom Konvencijom.
- (2) Uz ove kratkoročne mere, posebno će se razmatrati sledeće mogućnosti:
  - (a) razmena opreme ili postavljanje oficira za vezu koji imaju odgovarajuću radio opremu;
  - (b) proširivanje opsega frekvencije koja se koristi u graničnim oblastima;
  - (c) uspostavljanje zajedničkih veza za policijske službe koje rade u istim oblastima;
  - (d) koordiniranje njihovih programa za nabavku komunikacione opreme, u cilju uspostavljanja standardizovanih i kompatibilnih komunikacionih sistema.
- (3) U skladu sa međusobnim sporazumima, ugovorne strane takođe mogu dogovoriti i zajedničku upotrebu drugih vrsta tehničke opreme i ostalih sredstava, koje poseduju jedna ili više ugovornih strana.

## Član 25

### Ustanove koje pružaju smeštaj

- (1) Ugovorne strane preuzimaju na sebe usvajanje svih sledećih mera neophodnih da se:
  - (a) rukovodioci ustanova koje pružaju smeštaj ili njihovi agenti pobrinu da strani državljani popune i potpišu registracioni formular, i da potvrde svoj identitet pokazivanjem važećeg identifikacionog dokumenta;
  - (b) popunjeni registracioni obrasci čuvaju za organe za sprovođenje zakona ili im se prosleđuju onda kada ih oni procene kao neophodne za prevenciju pretnji, krivične istrage ili rasvetljavanje okolnosti nestanka osoba ili žrtava nesreća, osim ako nacionalni zakon ne predviđa drugačije.
- (2) Stav 1 se primenjuje mutatis mutandis na lica koja borave u bilo kom komercijalno iznajmljenom smeštaju, posebno u šatorima, karavanima i čamcima. Stranci su lica koja nisu po nacionalnosti pripadnici ugovorne strane gde su smešteni i registrovani.

## POGLAVLJE II: ODREDBE SARADNJE

## Član 26

### Zajednička saradnja i prekogranične operacije potrage

- (1) Ukoliko se ukaže potreba, organi za sprovođenje zakona ugovornih strana formiraju mešovite analitičke i druge radne grupe, kao i timove za kontrolu i nadzor u kojima službena lica ugovorne strane imaju potpunu i savetodavnu ulogu, u cilju jačanja saradnje tokom operacija na teritoriji druge ugovorne strane, bez nezavisnog sprovođenja suverenih ovlašćenja.
- (2) Organi za sprovođenje zakona ugovornih strana u graničnim regijama učestvuju u prekograničnim operacijama traganja za osumnjičenima u bekstvu. Nacionalne centralne jedinice će učestvovati u slučajevima od nad-regionalnog značaja.
- (3) Službeni organi sarađuju u potrazi za nestalim licima.
- (4) Kada službena lica jedne ugovorne strane rade na teritoriji druge ugovorne strane, ovlašćeni su da nose svoje uniforme, službeno oružje i ostala sredstva za prinudu, osim ako ugovorna strana na čijoj teritoriji se sprovodi operacija ne izjavi da to nije dozvoljeno ili je dozvoljeno pod određenim okolnostima.

- (5) Korišćenje službenog oružja je dozvoljeno jedino u slučaju samoodbrane.

## Član 27

### Zajednički istražni timovi

- (1) Zajedničkim sporazumom, organi za sprovođenje zakona dve ili više ugovornih strana mogu formirati zajednički istražni tim za specifične potrebe i na određeni period, koji se može produžiti uz uzajamni pristanak, u cilju sprovođenja policijske istrage u jednoj ili više ugovornih strana koje formiraju tim. Sastav tima se određuje sporazumom kojim se on i formira.
- (2) Zajednički istražni tim se, posebno, može uspostaviti onda kada:
  - (a) je istraga krivičnih dela koju sprovodi jedna ugovorna strana teška, zahtevna, i povezana sa drugim ugovornim stranama;
  - (b) izvestan broj ugovornih strana sprovodi istragu krivičnih dela čije okolnosti nalažu koordiniranu i usmerenu akciju uključenih ugovornih strana.
- (3) Zahtev za formiranje zajedničkog istražnog tima može da uputi svaka od ugovornih strana koja ustanovi takvu potrebu. Tim se formira u jednoj od ugovornih strana u kojoj se očekuje sprovođenje istrage.
- (4) Zahtevi za formiranje zajedničkog istražnog tima podrazumevaju: službeni organ koji upućuje zahtev, svrhu zajedničkog istražnog tima, ugovorne strane u kojima će zajednički istražni tim raditi i predloge za sastav zajedničkog istražnog tima.
- (5) Zajednički istražni tim radi na teritoriji ugovornih strana koje ga formiraju pod sledećim opštim uslovima:
  - (a) vođa tima je predstavnik organa za sprovođenje zakona koji učestvuje u policijskoj istrazi iz ugovorne strane u kojoj tim radi. Vođa tima radi u granicama svoje nadležnosti u okviru nacionalnog zakona;
  - (b) tim sprovodi operacije u skladu sa zakonom ugovorne strane u kojoj radi. Članovi tima obavljaju svoje zadatke pod vođstvom lica o kojem je reč u podstavu (a), uzimajući u obzir uslove koje postavljaju njihovi službeni organi u sporazumu o formiranju tima.
- (6) U ovom članu, članovi zajedničkog istražnog tima iz ugovornih strana koje nisu ugovorna strana u kojoj tim radi nazivaju se članovima "raspoređenim" u tim.
- (7) Raspoređeni članovi zajedničkog istražnog tima su ovlašćeni da budu prisutni kada se u ugovornoj strani u kojoj se radi sprovode istražne mere. Ipak, vođa tima može, iz posebnih razloga, u skladu sa zakonom ugovorne strane u kojoj tim radi, da odluči drugačije.
- (8) Raspoređenim članovima zajedničkog istražnog tima vođa može, u skladu sa zakonom ugovorne strane u kojoj tim radi, da poveri zadatak preuzimanja određenih istražnih mera ukoliko je to odobreno od strane organa za sprovođenje zakona ugovorne strane u kojoj se radi i ugovorne strane koja je rasporedila članove.
- (9) Kada je zajedničkom istražnom timu potrebno sprovođenje istražnih mera u jednoj od ugovornih strana koje su formirale tim, članovi koje je ta ugovorna strana rasporedila u tim mogu tražiti od svojih organa za sprovođenje zakona da preduzmu takve mere. Mere će se u toj ugovornoj strani posmatrati u okviru uslova koji bi se primenjivali da su zahtevane za potrebe nacionalne istrage.
- (10) Kada je zajedničkom istražnom timu potrebna pomoć ugovorne strane koja nije učestvovala u formiranju tima, ili treće države, zahtev za pomoć mogu uputiti organi za sprovođenje zakona ugovorne strane u kojoj se radi organima za sprovođenje zakona druge uključene ugovorne strane, a u skladu sa relevantnim instrumentima ili aranžmanima.

- (11) Član zajedničkog istražnog tima može, u skladu sa svojim nacionalnim zakonom, i u okviru svoje nadležnosti, da pruži timu informacije dostupne u ugovornoj strani koja ga je rasporedila, a u svrhu policijske istrage koju sprovodi tim.
- (12) Informacije koje su na zakonit način dobijene od člana ili raspoređenog člana dok je deo zajedničkog istražnog tima a koje inače ne bi bile dostupne organima za sprovođenje zakona uključenih ugovornih strana mogu se koristiti u sledeće svrhe:
  - (a) u svrhu u koju je tim formiran;
  - (b) uz prethodni pristanak ugovorne strane u kojoj je informacija bila dostupna, za otkrivanje, istragu i gonjenje drugih krivičnih dela. Taj pristanak se može povući jedino u slučaju kada bi takva upotreba ugrozila policijske istrage u okviru te ugovorne strane, ili u pogledu kojih bi ta ugovorna strana mogla da odbije uzajamnu pomoć;
  - (c) za prevenciju neposredne i ozbiljne pretnje po javnu bezbednost, a bez štete po podstav (b) ukoliko se naknadno otvori policijska istraga;
  - (d) u druge svrhe u granicama koje su dogovorene među ugovornim stranama koje su formirale tim.
- (13) Ovaj član ne šteti nijednoj drugoj postojećoj odredbi ili aranžmanu o formiranju ili radu zajedničkih istražnih timova.
- (14) Ukoliko zakoni uključenih ugovornih strana ili odredbe nekog pravnog instrumenta koji je moguće primeniti između njih to dozvoljavaju, mogu se sklopiti aranžmani i da lica koja nisu predstavnici organa za sprovođenje zakona ugovornih strana koje formiraju tim učestvuju u aktivnostima tima. Ta lica mogu, npr., da budu predstavnici međunarodnih organizacija koje ugovorne strane priznaju. Prava, koja su ovim Članom data članovima ili raspoređenim članovima tima, ne primenjuju se na ta lica osim ako sporazum jasno ne odredi drugačije.

## Član 28

### Mešovite patrole duž državne granice

- (1) Organi za sprovođenje zakona ugovornih strana mogu se u mešovitim patrolama kretati duž zajedničke granice, kako bi otklonili opasnosti po javnu bezbednost i borili se protiv ilegalnih prekograničnih aktivnosti.
- (2) Dok se kreću u mešovitim patrolama, službena lica druge ugovorne strane su ovlašćena da, ukoliko je to dozvoljeno nacionalnim zakonodavstvom ugovorne strane na čijoj teritoriji rade, utvrđuju identitet lica i da ih zaustavljaju ukoliko pokušaju da izbegnu kontrolu. Ostale mere će preduzimati službena lica ugovorne strane na čijoj teritoriji se sprovodi operacija, osim ako bi bez intervencije službenih lica druge ugovorne strane mere bile bezuspešne ili nemoguće.
- (3) Tokom mešovitih patrola o kojima je reč u stavovima 1 i 2, primenjuje se zakonodavstvo one ugovorne strane na čijoj teritoriji se odvija aktivnost službenih lica.
- (4) Kada službena lica ugovorne strane operišu na teritoriji druge ugovorne strane, ovlašćeni su da nose svoje uniforme, službeno oružje i ostala sredstva za prinudu, osim ako ugovorna strana na čijoj teritoriji se sprovodi operacija ne izjavi da to nije dozvoljeno ili je dozvoljeno pod određenim okolnostima.
- (5) Korišćenje službenog oružja je dozvoljeno jedino u slučaju samoodbrane.

## Član 29

### Saradnja u zajedničkim centrima

- (1) Zajednički centri se mogu osnovati radi bolje razmene informacija i saradnje između organa za sprovođenje zakona ugovornih strana u okviru ove Konvencije.



- (2) U zajedničkim centrima, službena lica ugovornih strana ravnopravno sarađuju svako u okviru svoje nadležnosti, razmenjuju, analiziraju, prosleđuju informacije, i pružaju podršku u koordinaciji prekogranične saradnje kao što je to i određeno ovom Konvencijom, nezavisno od zvaničnih kontakata, korespondencije i razmene obaveštajnih podataka kroz nacionalne Centralne jedinice. Članovi 3 i 4 Policijske konvencije se stoga primenjuju na proces prenosa podataka o osobama između službenih lica, a odredbe Člana 30 Konvencije se primenjuju u potpunosti.
- (3) Potporne aktivnosti takođe podrazumevaju pripremu i pomoć u predaji lica u okviru sporazuma sklopljenih između ugovornih strana.
- (4) Službena lica koja sarađuju u zajedničkim centrima podređeni su isključivo instrukcijama i disciplinskim ovlašćenjima svojih nacionalnih službenih organa. Službena lica u zajedničkim centrima ne sprovode nikakve samostalne operativne aktivnosti. Zajedničke operacije se mogu samo sprovesti po dogovoru između nadležnih organa za sprovođenje zakona ugovornih strana i na načine koji su ovom Konvencijom omogućeni.
- (5) Uspostavljanje zajedničkih centara, modaliteti saradnje i podjednake raspodele troškova se regulišu sporazumima o primeni koji su precizirani u Članu 34, stav 1.

### **Član 30**

#### **Ograničenje saradnje**

- (1) Ukoliko ugovorna strana smatra da odobrenje za izvršenje zahteva ili bilo kakvog drugog vida saradnje može da ugrozi njenu bezbednost, druge bitne interese, ili nacionalno zakonodavstvo, ona obaveštava drugu ugovornu stranu da u potpunosti ili delimično odbija saradnju, ili da pristaje na saradnju pod određenim uslovima. Ugovorne strane bez odlaganja pismeno obaveštavaju jedna drugu o osnovama za potpuno ili delimično odbijanje saradnje.
- (2) Tehnička oprema i odgovarajuća tehnička dokumentacija koja je u okviru ove Konvencije data organima za sprovođenje zakona ne sme se davati trećim državama bez prethodnog pristanka službenih organa koji su je obezbedili.

### **Član 31**

#### **Zaštita podataka**

- (1) Kada je reč o automatskoj obradi ličnih podataka poslatih za potrebe ove Konvencije, svaka ugovorna strana, najkasnije do dana stupanja na snagu ove Konvencije, usvaja neophodne nacionalne odredbe kako bi dostigla nivo zaštite ličnih podataka koji je u skladu s principima Preporuke br. R(87), 15-17. septembra 1987.g. Komiteta ministara Saveta Evrope koja reguliše korišćenje ličnih podataka u policijskom sektoru.
- (2) Osim toga, mora se dostići nivo zaštite ličnih podataka koji je barem jednak nivou zaštite koji određuje Konvencija Saveta Evrope za zaštitu lica u vezi sa automatskom obradom podataka od 28. januara 1981.
- (3) Prenos ličnih podataka predviđen ovom Konvencijom se ne može obavljati sve dok odredbe za zaštitu ličnih podataka precizirane u stavu 1 ne stupe na snagu na teritoriji svih ugovornih strana uključenih u taj prenos.
- (4) Za prenos podataka pod uslovima Poglavlja I i II ove Konvencije, za njihovu dalju upotrebu i obradu, primenjuju se sledeće odredbe:
  - (a) Ugovorne strane koriste podatke prenete u okviru ove Konvencije samo u one svrhe za koje su podaci dostavljeni ili za sprečavanje neposredne i ozbiljne pretnje po javnu bezbednost ili za sprečavanje ozbiljne protivpravne radnje. Obrada podataka u druge svrhe dozvoljava se samo uz prethodno odobrenje ugovorne strane koja je saopštila podatke;

- (b) Prilikom prenosa podataka, službeni organ koji ih šalje postavlja rokove za brisanje i/ili uništavanje (u daljem tekstu 'uništavanje') podataka u skladu sa svojim nacionalnim zakonodavstvom. Nezavisno od rokova, preneseni podaci se uništavaju ukoliko nisu više potrebni za obavljanje zadataka zbog kojih su bili poslani, ili za bilo koju drugu svrhu u skladu sa podstavom a). Poslani podaci se uništavaju najkasnije onog dana kada ova Konvencija prestane da važi, osim ako ne bude zamenjena drugom Konvencijom;
  - (c) Ako se ispostavi da su poslani podaci netačni, ili su nezakonito pribavljeni, organ koji ih šalje ima obavezu da o tome bez odlaganja obavesti primaoca. Primalac smesta uništava nezakonito pribavljene i poslate podatke, ili ih ispravlja ako su netačni. Ako primalac sazna za nezakonitu obradu poslatih podataka, obavezan je da o tome bez odlaganja obavesti službeni organ koji ih je poslao. Ako primalac ima razloga da veruje da su poslani podaci netačni, ili da treba da se unište, on o tome bez odlaganja obaveštava službeni organ koji ih je poslao. Službeni organ koji je poslao podatke i primalac obaveštavaju jedan drugoga o svim okolnostima bitnim za to da poslani podaci budu uvek tačni i ažurirani;
  - (d) Primalac je obavezan da efikasno štiti poslate podatke od slučajnog ili neovlašćenog uništavanja, slučajnog gubitka, slučajnih ili neovlašćenih izmena, slučajnog ili neovlašćenog širenja, slučajnog ili neovlašćenog pristupa, ili slučajnog ili neovlašćenog objavljivanja;
  - (e) Službeni organ koji šalje i primalac obavezni su da vode operativne registre sa bazama podataka o poslatim, primljenim i uništenim podacima. U operativnim registrima se nalaze razlozi slanja podataka, sadržaj, službeni organ koji ih šalje, kao i primalac, vreme slanja i uništavanja podataka. On-line prenosi podataka se registruju računarskim metodama. Operativni registri se čuvaju najmanje tri godine. Registrovani podaci se mogu koristiti samo da se proveri da li su odgovarajuće zakonske odredbe o zaštiti podataka bile ispoštovane;
  - (f) Na zahtev, primalac pruža informacije službenom organu koji je poslao podatke o svakoj obradi poslatih podataka i njenim rezultatima;
  - (g) Svako lice je, na zahtev, ovlašćeno da mu službeni organ zadužen za obradu podataka pruži informacije o podacima vezanim za njega/nju, koji su poslani ili obrađeni u okviru ove Konvencije, i ovlašćeno je za ispravljanje netačnih podataka ili uništavanje nezakonito obrađenih podataka. Izuzeci od ovog pravila i proces u praksi zavise od nacionalnog zakona one ugovorne strane od koje je zatražena informacija, ispravljanje ili uništenje. Pre nego što se donese odluka o takvom zahtevu, primalac omogućava službenom organu koji šalje podatke da da komentar;
  - (h) Ugovorne strane obezbeđuju da svako lice, u slučaju povrede njegovih/njenih prava na zaštitu podataka, može da se žali nezavisnom sudu ili drugom nezavisnom službenom organu, i da može da traži odštetu;
  - (i) Informacije koje ugovorne strane prime dalje se šalju trećim zemljama samo uz prethodno odobrenje ugovorne strane koja je pružila informaciju.
- (5) Ugovorne strane su odgovorne, svaka u skladu sa svojim zakonodavstvom, za štetu nanetu licu proisteklu iz obrade podataka u vezi sa njim/njom, poslatih u okviru Konvencije, u slučajevima kada su poslani podaci bili netačni ili nezakonito poslani. Ukoliko su pred svojim zakonodavstvom odgovorne, ugovorne strane ne mogu pred oštećenim licem u sudu da tvrde da je druga ugovorna strana poslala netačne podatke ili da ih je nezakonito poslala. Ukoliko ugovorna strana-primalac nadoknadi gubitak nastao upotrebom netačnih ili nezakonito prenetih podataka, ugovorna strana koja je poslala podatke nadoknađuje ceo iznos odobrene odštete.
- (6) Kontrola poštovanja zakonskih odredbi o zaštiti podataka tokom obrade podataka dobijenih od službenih lica aktivnih na teritoriji druge ugovorne strane u okviru primene Konvencije, dužnost je organa za sprovođenje zakona one ugovorne strane za koju su pribavljeni podaci i podleže njenom zakonodavstvu.

- (7) Službena lica aktivna na teritoriji druge ugovorne strane nemaju direktan pristup kompjuterskim podacima te ugovorne strane.

## **Član 32**

### **Poverljivost informacija i njihove službene kategorije**

- (1) Ugovorne strane u principu obezbeđuju osnovnu zaštitu za sve informacije primljene od druge ugovorne strane, svim neophodnim merama, uključujući obavezu diskrecije i poverljivosti, ograničavajući pristup informacijama na ovlašćena lica, zaštitu ličnih podataka i opšte tehničke i proceduralne mere radi očuvanja bezbednosti informacija.
- (2) Informacija koja podleže formalnoj službenoj kategorizaciji ugovorne strane koja je šalje, što se vidi po specifičnoj oznaci, dobija ekvivalentnu zaštitu kod primaoca informacije u skladu sa tabelom ekvivalencije nivoa službenih kategorija ugovornih strana datom u Prilogu.
- (3) Pri odabiru nivoa poverljivosti, svaka ugovorna strana se pridržava kategorizacije poverljivosti informacija u skladu sa svojim nacionalnim zakonodavstvom ili propisima koje je moguće primeniti, i uzima u obzir potrebu za fleksibilnošću kao i potrebu da bi poverljivost informacija u vezi sa sprovođenjem zakona trebalo da bude izuzetak, i da bi im trebalo dodeliti najniži mogući nivo poverljivosti, ukoliko takva informacija mora da bude poverljiva.
- (4) Službeni organ koji šalje informacije bez odlaganja obaveštava primaoca u pismenoj formi o promeni nivoa poverljivosti ili povlačenju poverljivosti. Primalac prilagođava nivo poverljivosti u skladu sa ovom porukom ili povlači poverljivost.
- (5) Poslate poverljive informacije koriste se isključivo u onu svrhu u koju su poslate, i otkrivaju se samo onim licima koja traže te informacije radi svojih aktivnosti i koja su ovlašćena u okviru svog nacionalnog zakonodavstva da znaju takve poverljive informacije.
- (6) Sva kršenja zakonskih odredbi ugovorne strane-primaoca u vezi sa zaštitom poslatih poverljivih informacija saopštavaju se službenom organu koji ih šalje bez odlaganja. To saopštenje takođe sadrži okolnosti i posledice kršenja, i mere preduzete radi ograničenja posledica i sprečavanja budućih kršenja takve prirode.
- (7) Poverljive informacije se drugoj ugovornoj strani šalju kurirom ili na neki drugi način koji je dogovoren i moguć u okviru nacionalnih zakonodavstava ugovornih strana.

## **POGLAVLJE III: FINALNE ODREDBE**

### **Član 33**

#### **Odbor ministara**

- (1) Obrazuje se Odbor koji se sastoji od nadležnih ministara ugovornih strana. Ministarski odbor jednoglasno odlučuje o tumačenju, implementaciji i primeni ove Konvencije.
- (2) Ministarski odbor uspostavlja ekspertsku radnu grupu koja će nadgledati primenu i implementaciju Konvencije, davati preporuke Ministarskom odboru za tumačenja i poboljšanja odredbi Konvencije, i sprovoditi druge aktivnosti za potrebe Odbora.
- (3) Ministarski odbor se saziva na zahtev jedne ugovorne strane, a barem jednom godišnje. Sastaje se redom na teritoriji svake od ugovornih strana.

### **Član 34**

#### **Sporazumi o implementaciji i prepiska**

- (1) Ugovorne strane mogu zaključiti sporazume o implementaciji u svrhu ove Konvencije.

- (2) Ugovorne strane obaveštavaju poverenika o izmenama u nadležnostima i postavljajima službenih organa pomenutih u tekstu ove Konvencije i u njenom prilogu.

### **Član 35**

#### **Troškovi**

Svaka ugovorna strana, u skladu sa svojim nacionalnim zakonodavstvom, podmiruje troškove koji za njene službene organe proističu iz implementacije ove Konvencije, osim ako drugačije nije navedeno u Konvenciji ili u Sporazumima o implementaciji, ili ako se organi za sprovođenje zakona međusobno nisu unapred drugačije dogovorili.

### **Član 36**

#### **Odnos prema drugim međunarodnim sporazumima**

Ova Konvencija neće uticati na prava i obaveze ugovornih strana koja proističu iz drugih međunarodnih sporazuma.

### **Član 37**

#### **Prilog**

Prilozi predstavljaju integralni deo ove Konvencije.

### **Član 38**

#### **Poverenik**

- (1) Poverenik ove Konvencije je Republika Albanija.
- (2) Poverenik šalje overen primerak ove Konvencije svakoj državi potpisnici ili pristupajućoj državi.
- (3) Poverenik bez odlaganja obaveštava ostale ugovorne strane o deponovanju svakog instrumenta ratifikacije, usvajanja, odobrenja ili pristupa, rezervama i deklaracijama, kao i o svim ostalim obaveštenjima u vezi sa ovom Konvencijom.
- (4) Poverenik obaveštava sve ugovorne strane o svakom datumu stupanja na snagu Konvencije u skladu sa članom 40.
- (5) Poverenik ugovara registraciju Konvencije, nakon njenog stupanja na snagu, sa Sekretarijatom Ujedinjenih Nacija, u skladu sa Članom 102 Povelje Ujedinjenih Nacija.
- (6) Prvi sastanak Ministarskog odbora saziva poverenik nakon što Konvencija stupi na snagu.

### **Član 39**

#### **Ratifikacija, prihvatanje, odobrenje ili pristupanje**

- (1) Ova Konvencija podleže ratifikaciji, prihvatanju ili odobrenju potpisnica. Instrumenti ratifikacije, prihvatanja ili odobrenja se deponuju kod poverenika.
- (2) Ova Konvencija je otvorena za pristupanje. Instrument pristupanja se deponuje kod poverenika.

### **Član 40**

#### **Stupanje na snagu**

- (1) Ova Konvencija stupa na snagu 90 dana nakon deponovanja drugog dokumenta ratifikacije, prihvatanja, odobrenja ili pristupanja.

- (2) Za svaku državu koja ratifikuje, prihvata, odobrava ili pristupa ovoj Konvenciji nakon deponovanja drugog instrumenta ratifikacije, prihvatanja, odobrenja ili pristupanja, Konvencija stupa na snagu devedesetog dana od dana deponovanja instrumenta ratifikacije, prihvatanja, odobrenja ili pristupanja te države.
- (3) Svi sporazumi o implementaciji, obavezujući za sve ugovorne strane, zaključeni pod odredbama člana 34 ove Konvencije, postaju obavezujući za svaku državu koja ratifikuje, prihvata, odobrava ili pristupa ovoj Konvenciji nakon njenog stupanja na snagu, na datum stupanja na snagu ove Konvencije za tu državu.

## **Član 41**

### **Rezerve**

- (1) Svaka država može, u trenutku ratifikacije, prihvatanja, odobrenja ili pristupanja, da izrazi rezerve.
- (2) Rezerve mogu biti povučene bilo kada obaveštavanjem poverenika. To obaveštenje stupa na snagu dana kada je primljeno.

## **Član 42**

### **Povlačenje i suspenzija**

- (1) Ova Konvencija se zaključuje na neodređeni vremenski period.
- (2) Svaka ugovorna strana se može u bilo kom trenutku povući iz Konvencije uz pismeno obaveštenje povereniku. Konvencija ostaje na snazi još šest meseci od datuma kada je poverenik primio obaveštenje o raskidu.
- (3) Svaka ugovorna strana može potpuno ili delimično suspendovati primenu Konvencije ukoliko je to neophodno za očuvanje bezbednosti države, javnog reda ili bezbednosti, ili života i tela osoba. Ugovorne strane obaveštavaju poverenika bez odlaganja o preduzimanju ili opozivu takve mere. Svaka mera preduzeta u okviru ove odredbe stupa na snagu 15 dana od datuma kada je poverenik primio takvo obaveštenje.

U potvrdu čega su dole potpisani, propisno ovlašćeni svako od svoje Vlade, potpisali ovu Konvenciju:

Za Republiku Albaniju:

Za Bosnu i Hercegovinu:

Za Republiku Makedoniju:

Za Republiku Moldaviju:

Za Rumuniju:

Za Republiku Srbiju:

Za Republiku Crnu Goru:

U Beču, dana 5. maja 2006. godine, u jednom originalu, na engleskom jeziku.

PRILOG
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Član 4 (2) (Službeni organi za sprovođenje zakona)

- Republika Albanija: Ministarstvo unutrašnjih poslova
- Bosna i Hercegovina: Ministarstvo sigurnosti, NCB Interpol Sarajevo, Trg Bosne i Hercegovine 1, Sarajevo, 71000
- Republika Moldavija: Ministarstvo unutrašnjih poslova
- Republika Makedonija: Ministarstvo unutrašnjih poslova
- Rumunija: Ministarstvo uprave i unutrašnjih poslova
- Republika Srbija: Ministarstvo unutrašnjih poslova Republike Srbije
- Republika Crna Gora: Uprava policije

Član 4(3) (Nacionalne centralne jedinice)

Zahtevi i odgovori na zahteve, regulisani Članom 4 Konvencije, šalju se Nacionalnim centralnim jedinicama. "Nacionalne centralne jedinice" su:

- Za Republiku Albaniju: Ministarstvo unutrašnjih poslova
- Za Bosnu i Hercegovinu: Ministarstvo sigurnosti
- Za Republiku Makedoniju: Ministarstvo unutrašnjih poslova
- Za Republiku Moldaviju: Ministarstvo unutrašnjih poslova
- Za Rumuniju: Ministarstvo uprave i unutrašnjih poslova
- Za Republiku Srbiju: Ministarstvo unutrašnjih poslova
- Za Republiku Crnu Goru: Uprava policije

Član 4 (4) (postojeće strukture)

- Za Republiku Albaniju: Ministarstvo unutrašnjih poslova
- Za Bosnu i Hercegovinu: Ministarstvo sigurnosti
- Za Republiku Makedoniju: Ministarstvo unutrašnjih poslova
- Za Republiku Moldaviju: Ministarstvo unutrašnjih poslova
- Za Rumuniju: Ministarstvo uprave i unutrašnjih poslova
- Za Republiku Srbiju: Uprava granične policije i Uprava za zaštitu od požara
- Za Republiku Crnu Goru: Uprava policije

Član 32 Službene kategorije							
Nivo	Albanija	Bosna i Hercegovina	Makedonija	Moldavija	Crna Gora	Rumunija	Srbija
Interno	-	INTERNO	INTERNO	SLUŽBENO	OGRANIČENO/ INTERNO	SLUŽBENA TAJNA	INTERNO
Poverljivo	POVERLjIVO	POVERLjIVO	POVERLjIVO	POVERLjIVO	POVERLjIVO	TAJNA	SLUŽBENA TAJNA/ POVERLjIVO
Tajna	TAJNA	TAJNO	STROGO POVERLjIVO	TAJNA	TAJNA	STROGA TAJNA	SLUŽBENA TAJNA/ STROGO POVERLjIVO
Strogo poverljivo	STROGO POVERLjIVO	VRLO TAJNO	DRŽAVNA TAJNA	STROGA TAJNA/ STROGO POVERLjIVO	STROGO POVERLjIVO	STROGA TAJNA OD DRŽAVNOG ZNAČAJA	DRŽAVNA TAJNA

**Član 4.**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u "Službenom glasniku Republike Srbije – Međunarodni ugovori".