



REPUBLIC OF SERBIA

Ministry of Interior

A G R E E M E N T
ON COOPERATION IN COMBATING INTERNATIONAL
ORGANIZED CRIME, INTERNATIONAL ILLICIT TRAFFIC IN
NARCOTIC DRUGS, AND INTERNATIONAL TERRORISM

Stipulated between

The MINISTRY OF INTERIOR OF THE REPUBLIC OF SERBIA

and

The FEDERAL MINISTRY OF INTERIOR OF THE REPUBLIC OF AUSTRIA

Prepared by

Jugoslovenski pregled / Yugoslav Survey

Belgrade, 2008

Note: This is a true translation of the original document

Original title:

*SPORAZUM O SARADNJI U BORBI PROTIV MEĐUNARODNOG ORGANIZOVANOG
KRIMINALA, MEĐUNARODNE ILEGALNE TRGOVINE DROGAMA I MEĐUNARODNOG
TERORIZMA IZMEĐU MINISTARSTVA UNUTRAŠNJIH POSLOVA REPUBLIKE SRBIJE I
SAVEZNOG MINISTARSTVA UNUTRAŠNJIH POSLOVA REPUBLIKE AUSTRIJE*

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A G R E E M E N T
ON COOPERATION IN COMBATING INTERNATIONAL
ORGANIZED CRIME, INTERNATIONAL ILLICIT TRAFFIC IN
NARCOTIC DRUGS, AND INTERNATIONAL TERRORISM

Stipulated between

The MINISTRY OF INTERIOR OF THE REPUBLIC OF SERBIA

and

The FEDERAL MINISTRY OF INTERIOR OF THE REPUBLIC OF AUSTRIA

The Ministry of Interior of the Republic of Serbia, represented by the Minister of Interior
and

The Federal Ministry of Interior of the Republic of Austria, represented by the Minister
of Interior of the Republic of Austria

Hereinafter referred to as the “Contracting Parties”,

Intending to contribute to development of their mutual relations,
Recognizing the cooperation in combating international crime essential for both parties,
Alarmed by threat of extension of illicit traffic in narcotic drugs and psychotropic
substances, as well as of other forms of international crime posing a threat to security and
other vital interests of both parties,
Wishing to coordinate activities in combating organized international crime and illegal
migrations,
in consideration of the:

United Nations General Assembly resolution 45/123 of 14 December 1990 on
international cooperation in combating organized crime, the Single Convention on Narcotic
Drugs of 30 March 1961 as amended by the Protocol of 25 March 1972, The Convention on
Psychotropic Substances of 21 February 1971 and the United Nations Conventions against
Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988

HAVE AGREED AS FOLLOWS:

Article 1.

Scope and Aim of Cooperation

(1) The Contracting Parties hereby undertake to cooperate and offer official assistance to defend from the threats to public order and security, as well as to prevent and clarify criminal offences, in accordance with the provisions of their domestic legislation. This cooperation shall especially include the following areas:

1. illicit growing, illicit production, import, export, illicit transportation and traffic in narcotic drugs, psychotropic substances and precursors;
2. international terrorism;
3. other forms of international organized crime, trafficking in humans, illegal migrations, economic criminal and money laundry included.

(2) The Contracting Parties shall also assist each other in searching of persons and objects, in accordance with the provisions of their domestic legislation.

Article 2.

Forms of Cooperation

(1) The cooperation of the Contracting Parties, in sense of this Agreement, is carried out in conformity with the corresponding national regulations and particularly includes:

1. the reciprocal exchange of information on circumstances and facts that can contribute defense from threats to public order and security, as well as to prevention of commitment of crime and to punishment for committed crimes. However, the data on a person can be delivered only if they are necessary for defense from aforementioned threats as well as for investigation of the said crimes;
2. the exchange of experience in implementation of regulations, the exchange of experiences in prevention of criminality, as well as exchange of experiences on application of methods, means and procedures from the field of criminology techniques;
3. the exchange of experiences of experts for certain forms of crime and holding of joint meetings of those experts;
4. implementation of harmonized police measures of the Contracting Parties in their territories, for defending from dangers threatening to public order and security, as well as for prevention of perpetration of crimes and more successful clarification of committed crimes;
reciprocal assistance in combating illegal migrations particularly in cases related to the citizens of the Contracting Parties, as well as creation of necessary legal and organizational frameworks for providing of such assistance.

(2) The Contracting Parties shall provide assistance to each other based on a rogatory.

Each Contracting Party shall, in accordance with the provisions of their domestic legislation, shall provide to another party information referred to in the para.1 points 1 and 2 of this Article, even without a rogatory, when there are real indications that such information is vital for another party in order to eliminate threats to public order and security or to prevent commitment of crimes and to solve them.

The Contracting Parties offer assistance to each other, especially, when in the territory of one of them, a crime is being committed or prepared, and when there are information about connection for the territory of another Contracting Party.

Article 3.

Competent Authorities

The Contracting Parties shall inform each other on the state authorities, which in accordance with the provisions of their domestic legislation, are competent for realization of cooperation predicted with this Agreement. They undertake as well to inform another party within a reasonable period on possible changes of names or competencies of authorities which should realize cooperation subject to this Agreement.

(1) The exchange of information between the Contracting Parties in the framework of the International Criminal Police Organization ICPO-Interpol, can be completed by direct contact between the competent services.

(2) Realization of cooperation between the Contracting Parties can also be realized through a liaison officer. A liaison officer performs informative and consulting activities but he has no executive powers. The tasks of a liaison officer are established by the competent authorities, in accordance with the provisions of their domestic legislation.

Article 4

Data protection

The reciprocal exchange of data on persons between the Contracting Parties shall be made pursuant to the requests and in conformity with the following principles, which are equally applied for both automatic and manual data elaboration:

1. the forwarded data must not be used without a prior consent of the authorities that sent them for other purposes except for the intended ones;

2. the received data must be cancelled i.e. corrected when:

- a) found out that they are not accurate;
- b) when the authority forwarding the data notifies that the forwarded data have been unlawfully obtained or that they were forwarded contrary to the law;
- c) the data are not needed any more for execution of an official task which was base for forwarding, except in case of an explicit authorization that the forwarded data can be used for other purposes.

In case of a request from the competent authority which forwards the data to another Contracting Party, the authority receiving the data gives notice on each usage of the received data.

(1) The Contracting Parties shall reciprocally exchange information on all circumstances relevant for ensuring accurate and updated data pertaining to the persons.

(2) The authority which forwards the data, as well as the recipient, is obliged to record in a protocol forwarding, receipt and destroying of data. The protocol recording includes: reason of sending of the data, content, authority forwarding the data and recipient, time of delivery and time of their destroying.

Online delivery is recorded in protocol by automatic support. Protocol records are preserved for at least three years. The data from the protocol can exclusively be used for control whether the relevant legal regulations for data protection have been applied.

(3) Each person concerned is entitled, when proving his identity, to obtain from the competent service in charge for data elaboration, at his own request, the notice, in generally comprehensible form and without an unjustified delay, about data forwarded on him or those elaborated within the agreement, as well as information on the data source, intended purpose of their usage and legal grounds. Additionally, he is entitled to right to correct inaccurate data and to delete the inaccurate or unlawfully used data.

The details of the procedure for implementation of these rights is to be harmonized with the respective national legislation of the Contracting party that realizes such rights. In doing so, the Contracting parties ensure at least the level of protection as defined in the European Council Convention n° 108 on protection of individuals at automatic elaboration of personal data. In case of petition for realization of these rights, the authority disposing of the data, offers the possibility to the authority that forwarded the data, to take a position, prior to decision making about the petition.

(4) The service that receives the data undertakes to properly protect the forwarded data on a person, from accidental or unauthorized destroying, unintentional loss, unauthorized or unintentional modification or further forwarding, unauthorized access or unauthorized publication.

(5) The Contracting Parties hereby grant, that, in case of violation of the rights to protection of personal data, a person concerned, can turn to an independent court or other independent body with an effective complaint and thus realize the right to a possible compensation of damages.

Article 5.

Confidentiality

The data forwarded for the purpose of realization of the provisions of this Agreement are subject to rules of confidentiality maintenance. The Contracting Party, which pursuant to the provisions of this Agreement, receives the data, undertakes to ensure for those data the same security and confidentiality level as the level provided by the party forwarding the data.

Article 6.

Consultations

If necessary, the officials of the state authorities of the Contracting parties are authorized to organize meetings for consultations in order to discuss the means and manners for efficient application of this memorandum, as well as possible measures for further development and improvement of cooperation.

Article 7.

Regulation of exceptions

(1) Should one of the Contracting Parties consider that meeting of the requirements from a rogatory, or another way of cooperation, might impair its sovereignty, national security or

other vital national interests or that it contravenes the basic principles of law and order of that Contracting Party, the requested Contracting Party may fully or partially refuse to act upon a rogatory or may condition such actions by fulfillment of certain conditions.

(2) In each individual case, a requesting Contracting Party must be informed on the decision related to actions upon such a rogatory.

Article 8.

Relations towards other obligations

The Provisions of this Agreement shall not prejudice fulfillment of obligations from previous or subsequent bilateral or multilateral international agreements signed by the Contracting Parties.

Article 9.

Entry into Force and Termination

(1) This Agreement shall enter into force on the first day of the second month from the date of notification by the Contracting Parties, informing each other that the requirements for entry into force of this Agreement in their respective domestic legislation have been met.

(2) This Agreement shall remain in force indefinitely and it may be modified and amended upon prior agreement of the Contracting Parties.

(3) The Contracting Parties may denounce this Agreement by diplomatic channels. The denunciation shall take effect six months after the date on which one Contracting Party receives a diplomatic notice from another Contracting Party.

Agreed upon and drawn up in two identical copies in the Serbian and German languages, both texts being equally authentic, in Vienna, on November 11. 2004.

Minister of the Internal Affairs
of the Republic of Serbia

Minister of the Internal Affairs
of the Republic of Austria