

**ZAKON**  
**O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE CRNE GORE I VLADE**  
**REPUBLIKE MAKEDONIJE O POLICIJSKOJ SARADNJI**

**Član 1**

Potvrđuje se Sporazum između Vlade Crne Gore i Vlade Republike Makedonije o policijskoj saradnji potpisan 16. marta 2012. godine u Skoplju, u originalu na crnogorskom, makedonskom i engleskom jeziku.

**Član 2**

Tekst Sporazuma iz člana 1 ovog zakona, u originalu na crnogorskom i engleskom jeziku glasi:

**SPORAZUM**  
**IZMEĐU VLADE CRNE GORE**  
**I**  
**VLADE REPUBLIKE MAKEDONIJE**  
**O POLICIJSKOJ SARADNJI**

Vlada Crne Gore i Vlada Republike Makedonije, (u daljem tekstu: Strane),

Predvođeni željom da doprinesu razvoju bilateralnih odnosa,

Ubijedeni u neophodnost jačanja saradnje i koordinacije napora organa odgovornih za održavanje bezbjednosti i javnog reda, sprečavanje i borbu protiv terorizma, organizovanog kriminala, ilegalne trgovine narkoticima, psihotropnim supstancama i prekursorima, nelegalnog prelaženja granice od strane lica, transportnih sredstava i nelegalnog prevoženja robe, kao i protiv drugih krivičnih djela,

Potvrđujući svoju odlučnost da vode borbu protiv terorizma,

Svjjesni da organizovani kriminal predstavlja ozbiljnu prijetnju razvoju država Strana,

Zabrinuti zbog porasta, ilegalne trgovine narkoticima, psihotropnim supstancama i prekursorima u svjetskim okvirima,

Sa namjerom da sarađuju efikasno u borbi protiv ilegalne migracije i trgovine ljudima,

Bazirajući se na želji da pojačaju međusobnu saradnju i pozivajući se na međunarodne obaveze svojih država, u vezi sa osnovnim međunarodnim ugovorima i konkretnije:

- Evropska konvencija za zaštitu ljudskih prava i osnovnih sloboda od 4. novembra 1950. godine i Protokole uz nju;

- Evropska konvencija o suzbijanju terorizma od 27. januara 1977. godine;

- Jedinstvena konvencija o opojnim drogama, od 20. marta 1961. godine, koja je izmijenjena Protokolom od 25. marta 1972. godine;

- Konvencija o psihotropnim supstancama od 21. februara 1971. godine;

- Konvencija Ujedinjenih nacija protiv nezakonitog prometa opojnih droga i psihotropnih supstanci od 20. decembra 1988. godine;

- Konvencija o pranju, traženju, zapleni i konfiskaciji prihoda stečenih kriminalom, od 8. novembra 1990. godine, i

- Konvencija Ujedinjenih Nacija protiv transnacionalnog organizovanog kriminala, Protokol protiv krijumčarenja migranata kopnom, morem i vazduhom i Protokol za prevenciju, suzbijanje i kažnjavanje trgovine ljudskim bićima, naročito ženama i djecom, koji dopunjuju Konvenciju UN protiv transnacionalnog organizovanog kriminala od 13. decembra 2000. godine.

- Konvencija o računarskom kriminalu, od 23. septembra 2001. godine.

Poštujući principe zaštite lica prilikom automatske obrade ličnih podataka,

Rukovođeni zakonodavstvima svojih država,

Dogovorili su se o sljedećem:

## **Član 1**

### **Predmet Sporazuma**

(1) Predmet ovog Sporazuma je saradnja Strana u borbi protiv terorizma, organizovanog kriminala, nedozvoljene trgovine narkotika, psihotropnih supstanci i prekursora, ilegalne migracije i drugih krivičnih djela, koju sprovode preko svojih nadležnih organa.

(2) Ovaj Sporazum ne odnosi se na pružanje odnosno ukazivanje međunarodne krivične pravne pomoći za krivična djela i ekstradiciju.

## **Član 2**

### **Nadležni organi**

(1) Za sprovođenje ovog Sporazuma, nadležni organi Strana su:

Za Crnu Goru:

Ministarstvo unutrašnjih poslova

Za Republiku Makedoniju:

Ministarstvo unutrašnjih poslova Republike Makedonije.

(2) O eventualnoj promjeni nadležnih organa, Strane se obavještavaju diplomatskim putem.

(3) U okviru svojih ovlašćenja, nadležni organi Strana direktno saraduju, dogovaraju konkretne oblike saradnje i načine komunikacije.

## **Član 3**

### **Oblasti saradnje**

(1) Nadležni organi Strana saraduju u sprječavanju i otkrivanju krivičnih djela u sljedećim oblastima:

1. terorizam;
2. organizovani kriminal;
3. nedozvoljena trgovina narkoticima, psihotropnim supstancama i prekursorima;
4. ilegalna migracija – nedozvoljeno prelaženje lica preko državne granice, ilegalni boravak lica, nepoštovanje režima tokom provjera na granicama

5. krivična djela protiv života, zdravlja, slobode i čovjekovog dostojanstva;
6. krivična djela protiv privatne svojine;
7. posredovanje u vršenju prostitucije, trgovine ljudima u cilju seksualne eksploatacije i krijumčarenja migranata;
8. iznuda;
9. ilegalna proizvodnja, trgovina i posjedovanje eksploziva, vatrenog oružja i municije, hemijskih, bioloških, atomskih i radioaktivnih materija, robe i tehnologija sa mogućom dvostrukom primjenom, ratne tehnike, materijala i opreme i komponenata koji mogu biti iskorišćeni za stvaranje oružja za masovno uništavanje i ostala opasna sredstva;
10. protivzakonito oduzimanje i ilegalna trgovina motornim vozilima, falsifikovanje i upotreba falsifikovanih dokumenata za ista;
11. šverc akciznom robom i druga krivična djela, povezana sa međunarodnom trgovinom i ekonomskom razmjenom;
12. falsifikovanje novca, hartija od vrijednosti i znakova za vrijednost, bezgotovinska sredstva plaćanja koja nijesu hartije od vrijednosti, kao i njihovo stavljanje u promet ili upotrebu;
13. finansijske operacije i sredstva ili imovina stečena pranjem novca, kao i saradnja pri otkrivanju, suzbijanju i sprečavanju radnji u vezi sa pranjem novca;
14. krivična djela protiv privrede, trgovinske i finansijske razmjene;
15. krivična djela iz oblasti kompjuterskog kriminala;
16. krađa i ilegalna trgovina kulturnim i istorijskim vrijednostima, umjetničkim djelima, predmetima sa kulturnom i istorijskom vrijednošću, dragocjenim metalima i mineralima i ostalim predmetima sa velikom vrijednošću;
17. krivična djela protiv životne sredine.

(2) Zajedničkom saglasnošću, nadležni organi Strana se pomažu u borbi i protiv ostalih krivičnih djela, u skladu sa zakonodavstvom dviju Strana.

(3) Druge oblasti saradnje. U skladu sa ovim Sporazumom.

## Član 4

### Oblici saradnje

Nadležni organi Strana o ciljevima saradnje prema ovom sporazumu:

1. dostavljaju informacije i podatke o osumnjičenim licima ili učesnicima u izvršavanju krivičnih djela, posebno u oblasti organizovanog kriminala, vezama izvršilaca, naročito o saučesnicima i organizatorima, strukturi kriminalnih grupa, načinu izvršenja pojedinačnih izvršilaca i grupa, odnosno vremenu, mjestu i metodu izvršenja krivičnih djela, objektima koji su predmet krivičnih djela, narušenim krivično-pravnim normama i o mjerama preduzetim za sprječavanje i suzbijanje krivičnih djela;

2. pomažu se pri sprovođenju operativno-istražnih radnji, tako što uzajamno ukazuju organizacionu i ostalu pomoć;

3. na molbu jedne od Strana ugovornica, izvršavaju provjere i ostale radnje koje su primjenljive u skladu sa zakonodavstvima njihovih država;

4. pomažu se pri praćenju lica osumnjičenih za izvršenje krivičnih djela i lica koja izbjegavaju krivičnu odgovornost ili izdržavanje presuđene kazne;

5. saraduju na utvrđivanju pretplatnika i korisnika telefona i vlasnika IP adresa, vlasnika i korisnika motornih vozila, kao i podataka u vezi sa trgovinskom djelatnošću koji podliježu registraciji u trgovinskim registrima;

6. dostavljaju kopije zvaničnih dokumenata i sprovode koordinisane radnje radi otkrivanja i dokumentovanja krivičnih djela;

7. saraduju pri izvršavanju kontrolisanih isporuka;

8. saraduju pri traganju za nestalim licima u vezi sa krivičnim djelima kao i izvršavanju radnji povezanih sa identifikacijom lica ili posmrtnih ostataka neidentifikovanih lica;

9. saraduju pri traganju za ukradenim predmetima povezanim sa krivičnim djelima, kao i motornim vozilima;

10. međusobno dostavljaju ličnu, tehničku i organizacionu pomoć pri otkrivanju izvršilaca krivičnih djela;

11. razmjenjuju informacije i iskustva o metodama i novim oblicima izvršenja krivičnih djela;

12. kada je neophodno, održavaju radne susrete u cilju pripreme i koordinacije mjera povezanih sa otkrivanjem konkretnih krivičnih djela;

13. razmjenjuju informacije o rezultatima iz kriminalističkih i kriminoloških istraživanja o krivičnim djelima, o potrebi potjera, radnim metodama, tehnikama istraživanja i primjeni metoda i sredstava, sa ciljem njihovog daljeg razvoja;

14. vrše razmjenu eksperata radi zajedničkog rada u grupi ili u cilju njihove obuke i unaprijeđivanja njihove profesionalne kvalifikacije.

## **Član 5**

### **Borba protiv terorizma**

U oblasti borbe protiv terorizma, nadležni organi Strana razmjenjuju:

1. iskustva u sprječavanju i informacije o planiranim ili izvršenim terorističkim aktima, o učesnicima u njima, o načinima i tehničkim sredstvima korišćenim prilikom tih terorističkih akata;

2. informacije o terorističkim organizacijama i grupama i njihovim članovima koji planiraju, izvršavaju ili su već izvršili krivična djela, na teritoriji države jedne od Strana i dotiču interese države druge Strane;

3. analitičke i konceptijske materijale povezane sa borbom protiv terorizma.

## **Član 6**

### **Borba protiv nedozvoljene trgovine narkoticima, psihotropnim supstancama i prekursorima**

U borbi protiv nedozvoljene trgovine narkoticima, psihotropnim supstancama i prekursorima, nadležni organi Strana:

1. razmjenjuju informacije i podatke o licima koja učestvuju u nedozvoljenoj trgovini narkoticima, psihotropnim supstancama i prekursorima, o njihovim skloništima, transportnim rutama, korišćenim prevoznim sredstvima i metodama djelovanja, o mjestima porijekla i namjene narkotika, psihotropnih supstanci i prekursora, kao i o specifičnim detaljima ovih krivičnih djela, ukoliko je to neophodno za njihovo otkrivanje;

2. međusobno dostavljaju informacije o uobičajenim i novim metodama i rutama nedozvoljene trgovine narkoticima, psihotropnim supstancama i prekursorima, kao i iskustva i podatke u vezi s tim;

3. preduzimaju koordinisane mjere radi sprječavanja nelegalne proizvodnje i nedozvoljene trgovine narkoticima, psihotropnim supstancama i prekursorima;

4. međusobno dostavljaju primjerke narkotika, psihotropnih supstanci i prekursora biljnog i sintetičkog porijekla koji mogu da se zloupotrebljavaju;

5. razmjenjuju rezultate kriminalističkih ekspertiza u vezi nedozvoljene trgovine i zloupotrebe droga i psihotropnih supstanci i prekursora, i

6. razmjenjuju informacije i podatke u vezi prelaska narkotika, psihotropnih supstanci i prekursora sa zakonske proizvodnje i trgovine ka nedozvoljenoj trgovini, prema mogućnostima za borbu protiv takve nedozvoljene trgovine.

## **Član 7**

### **Borba protiv ilegalne migracije, trgovine ljudima i krijumčarenja migranata**

Radi suprostanavljanja ilegalnoj migraciji i trgovini ljudima, nadležni organi Strana, razmjenjuju informacije, iskustva i podatke dobijene u borbi protiv ilegalne migracije, trgovine ljudima i krijumčarenja migranata, a posebno:

1. međusobno dostavljaju informacije o licima, koja organizuju nedozvoljeno prebacivanje lica preko državne granice i o kanalima ilegalne migracije, trgovine ljudima i krijumčarenja migranata;

2. dostavljaju informacije o slučajevima falsifikovanja i upotrebe lažnih i falsifikovanih dokumenata radi prekograničnog putovanja i boravka;

3. razmjenjuju analitičke i konceptijske materijale u vezi sa migracionim procesima;

4. razmjenjuju informacije o nacionalnom zakonodavstvu svojih država, o režimu kretanja i boravka stranaca.

## **Član 8**

### **Uslovi ostvarivanja saradnje**

(1) Dostavljanje informacija prema ovom ugovoru realizuje se od nadležnog organa Strane, na zahtjev dostavljen od nadležnog organa druge Strane.

(2) Zahtjev za dostavljanje informacija ili ukazivanje pomoći se dostavlja u pismenoj formi. Izuzetno, u hitnim slučajevima, zahtjev se može uputiti usmeno, gdje je nakon usmenog zahtjeva najkasnije u roku od 24 časa potrebno uputiti pismeni zahtjev.

(3) Nadležni organi Strana mogu i na svoju inicijativu da dostavljaju nadležnom organu druge Strane informacije koje mogu da pomognu prilikom otkrivanja, sprječavanja i rasvjetljavanja krivičnih djela ukoliko postoji osnov da se smatra da ta informacija predstavlja interes za drugu Stranu.

(4) Postupanje po zahtjevu za dostavljanje informacija ili ukazivanje pomoći realizuje se u najkraćim mogućim rokovima. nadležni organi Strana imaju pravo da potražuju dopunske podatke koji olakšavaju ispunjavanje zahtjeva, ukoliko je to potrebno.

## **Član 9**

### **Odbijanje ispunjavanja zahtjeva za saradnju**

(1) Zahtjev za dostavljanje informacije ili ukazivanje pomoći može biti odbijen u cjelini ili djelimično, zbog mogućnosti da isti bude razlog za povredu ljudskih prava, da šteti suverenitetu ili bezbjednosti države ili drugim važnim državnim interesima ili ako je suprotan zakonodavstvu zamoljene Strane.

(2) U slučaju neprihvatanja zahtjeva za dostavljanje informacija ili ukazivanje pomoći, nadležni organi zamoljene Strane obavještavaju u pismenom obliku nadležne organe druge Strane, i navode razloge za odbijanje.



## Tajni podaci

### Član 10

(1) U skladu sa svojim nacionalnim zakonodavstvom, nadležni organi Strana će preduzeti odgovarajuće mjere za zaštitu tajnih podataka.

(2) Sljedeći stepeni tajnosti podataka smatraju se da imaju iste vrijednosti:

<b>Za Crnu Goru:</b>	<b>Za Republiku Makedoniju:</b>
STROGO TAJNO	ДРЖАВНА ТАЈНА
TAJNO	СТРОГО ДОВЕРЉИВО
POVJERLJIVO	ДОВЕРЉИВО
INTERNO	ИНТЕРНО

(3) Nadležni organi mogu dostaviti tajne podatke putem elektronskih sistema i uređaja koji zadovoljavaju nacionalne standarde za prenos tajnih podataka, u skladu sa bezbjednosnim procedurama međusobno dogovorenim od strane nadležnih organa.

(4) Tajni podaci mogu se dostaviti drugoj strani preko kurira ili na drugi ugovoreni način u skladu sa nacionalnim zakonodavstvom nadležnih organa. Organizacione jedinice u nadležnim organima koje obavljaju razmjenu tajnih podataka, su:

a) Za Crnu Goru:

Ministarstvo unutrašnjih poslova, Uprava policije, Odsjek za međunarodnu policijsku saradnju.

b) Za Republiku Makedoniju:

Ministarstvo unutrašnjih poslova, Biro za javnu bezbjednost, Centralna policijska služba-Sektor za međunarodnu policijsku saradnju.

(5) Nadležni organi uzajamno se informišu o svim promjenama u vezi sa organizacionim jedinicama koje obavljaju razmjenu tajnih podataka.

(6) Pristup i obrada tajnih podataka ograničena je na lica koja u skladu sa nacionalnim zakonodavstvom Strana, ispunjavaju uslove za pristup takvim podacima.

(7) Nadležni organ koji je dobio tajne podatke ne može iste učiniti dostupnim trećim licima bez prethodne pismene saglasnosti nadležnog organa Strane koja je podatke dostavila.

(8) Tajni podaci se koriste isključivo u svrhu za koju se dostavljaju.

## **Član 11**

### **Zaštita ličnih podataka**

Zajednička razmjena ličnih podataka između nadležnih organa Strana realizuje se u skladu sa važećim nacionalnim zakonodavstvom, uz poštovanje ograničenja određenih od strane organa koji podatke dostavlja, i u skladu sa načelima koja se primjenjuju kako na automatski obrađene podatke tako i na one podatke koji to nisu:

1. Dostavljeni podaci se bez saglasnosti organa koji ih dostavlja ne smiju upotrebljavati u druge svrhe osim u one zbog kojih se dostavljaju;

2. Dostavljeni podaci se brišu odnosno ispravljaju, kad:

- se ustanovi netačnost podataka, ili
- nadležni organ koji ih je dostavio saopšti da su podaci utvrđeni ili dostavljeni na protipravan način, ili
- podaci više nijesu potrebni za izvršavanje službenog zadatka zbog kojeg su dostavljeni, osim u slučaju postojanja izričitog ovlašćenja za korišćenje dostavljenih podataka u druge svrhe.

3. Nadležni organ koji prima podatke (u daljem tekstu: primatelj), dostavlja informacije o upotrebi podataka, na zahtjev nadležnog organa koji dostavlja podatke;

4. Nadležni organ koji podatke dostavlja garantuje za tačnost, neophodnost i ažuriranost dostavljenih podataka. Ako se ispostavi da su dostavljeni netačni podaci ili podaci koji se nijesu smjeli dostaviti, ili ako se podaci moraju uništiti u skladu sa nacionalnim zakonodavstvom

nadležnog organa koji podatke dostavlja ili prima, tada se to bez odlaganja mora saopštiti organu koji podatke dostavlja ili prima, kako bi sproveo potrebno brisanje ili ispravku, u skladu sa stavom 2 ovog člana.

5. Primatelj je dužan da dostavljene podatke efikasno zaštititi od neovlaštenog pristupa, izmjene ili prosljeđivanja. Strane preuzimaju određene tehničke i organizacione mjere za zaštitu podataka od slučajnog gubitka, slučajnog ili neovlašćenog unuštavanja, neovlašćenog pristupa, promjena, izmjena, prosljeđivanja, uništavanja ili brisanja.

6. U slučaju neovlašćenog pristupa ili prosljeđivanja dostavljenih podataka, primatelj je dužan da obavijesti nadležni organ koji dostavlja podatke o razlozima neovlašćenog pristupa ili prosljeđivanja, kao i o mjerama koje je preduzeo da to toga ne bi došlo.

7. Nadležni organ koji prima i nadležni organ koji dostavlja su obavezni da vode registre o poslatim, primljenim, izmijenjenim i uništenim podacima;

8. Nakon dostavljanja podataka, nadležni organ koji šalje podatke određuje rokove za brisanje ili uništavanje podataka u skladu sa svojim nacionalnim zakonodavstvom. Nezavisno od rokova, preneseni podaci se brišu ukoliko nijesu više potrebni za postizanje svrhe za koju su traženi.

9. Ako je to u skladu sa nacionalnim zakonodavstvom, Strana koja je primila podatke na zahtjev druge Strane dostavlja informacije o svakoj obradi poslatih podataka i njenim rezultatima. Ako lice na koje se odnose podaci, podnese zahtjev za pristup, ispravku ili brisanje podataka, primatelj donosi odluku uz saglasnost i u skladu sa nacionalnim zakonodavstvom nadležnog organa koji podatke dostavlja.

10. Kada primatelj primi zahtjev za dostavljanje podataka od državljanina druge Strane, obavezan je da obavijesti nadležni organ druge strane o dostavljenim podacima;

11. Podatke koje su Strane primile trećoj državi mogu dostaviti samo uz odobrenje nadležnog organa Strana koja je poslala podatke;

12. Dostavljanje podataka može se odbiti u slučaju kada bi se dostavljanjem ugrozila nacionalna bezbjednost i javni red.

13. Strane preduzimaju neophodne mjere, shodno njihovom nacionalnom zakonodavstvu, sa ciljem da se izbjegne šteta koja bi se mogla nanijeti trećem licu, kao rezultat dostavljanja, primanja ili korišćenja podataka.

14. U slučaju kada primatelj ne postupa u skladu sa odredbama ovog člana, Strana koja dostavlja podatke, može da pristupi brisanju i uništenju dostavljenih podataka.

## **Član 12**

### **Mješovita komisija**

- (1) U cilju realizacije ovog Sporazuma, nadležni organi Strana formiraju Mješovitu komisiju.
- (2) Mješovita komisija se sastoji od jednakog broja predstavnika nadležnih organa svake od Strana, ali ne manje od tri.
- (3) Nadležni organi Strana se informišu o sastavu i promjenama sastava Mješovite komisije diplomatskim putem.
- (4) Redovni sastanci Mješovite komisije održavaju se jednom godišnje, naizmjenično na teritoriji država Strana.
- (5) Kada je neophodno, svaka od Strana može da predloži vanredno održavanje susreta Mješovite komisije.
- (6) Mješovita komisija donosi pravila o svom radu.

## **Član 13**

### **Lica za kontakt**

- (1) Ministar unutrašnjih poslova svake od Strana, određuje lica za kontakt sa nadležnim organima druge Strane.
- (2) Ministar unutrašnjih poslova svake od Strana može da naznači oficira za vezu radi kontakta sa nadležnim organima druge Strane.

## **Član 14**

### **Troškovi**

Strane, samostalno preuzimaju troškove u vezi sa realizacijom ovog Sporazuma, osim ako nije drugačije dogovoreno.

## **Član 15**

### **Rješavanje sporova**

Sporovi koji će eventualno proisteći iz tumačenja ili realizacije ovog Sporazuma, rješavaće se konsultacijama i pregovorima između nadležnih organa Strana.

## **Član 16**

### **Zaključivanje protokola**

Ministarstva unutrašnjih poslova Strana mogu da zaključe Protokole u okviru ovog Sporazuma.

## **Član 17**

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

Ovaj Sporazum ne utiče na prava i obaveze Strana u odnosu na druge međunarodne ugovore, čije su potpisnice njihove države.

## **Član 18**

### **Stupanje na snagu, izmjene i prestanak primjene**

(1) Ovaj Sporazum stupa na snagu na dan prijema zadnjeg pismenog obavještenja kojim se Strane uzajamno obavještavaju da su ispunjene njihove unutrašnje pravne procedure neophodne za njegovo stupanje na snagu.

(2) Ovaj Sporazum se zaključuje na neodređeno vreme.

(3) Izmjene i dopune ovog Sporazuma vršiće se međusobnom saglasnošću Strana u pismenom obliku. Izmjene i dopune stupaće na snagu u skladu sa stavom 1 ovog člana.

(4) Svaka Strana može da otkáže primjenu ovog Sporazuma uz prethodno pismeno obavještenje, dostavljeno drugoj Strani diplomatskim putem. Otkazivanje Sporazuma stupa na snagu nakon isteka 6 (šest) mjeseci od dana prijema obavještenja.

Potpisano u Skoplju 16.marta 2012. godine, u dva originalna primjerka, svaki na crnogorskom, makedonskom i engleskom jeziku, pri čemu su svi tekstovi jednako vjerodostojni. U slučaju neslaganja u interpretaciji odredbi ovog Sporazuma, mjerodavan je tekst na engleskom jeziku.

**ZA VLADU**

**CRNE GORE**

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**Ivan Brajović**

**Ministar unutrašnjih poslova**

**ZA VLADU**

**REPUBLIKE MAKEDONIJE**

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**Gordana Jankulovska**

**Ministar unutrašnjih poslova**

# AGREEMENT

## between the Government of the Republic of Macedonia and the Government of the Montenegro on police cooperation

The Government of the Republic of Macedonia and the Government of the Montenegro, hereinafter referred to as „Parties“,

Guided by the desire to contribute for the development of the bilateral relations,

Convinced of the necessity for strengthening of the cooperation and coordination of the efforts of the authorities responsible for maintaining of the security and the public order, for prevention and fight against the terrorism, the organized crime, the illegal trafficking with narcotic drugs, psychotropic substances and precursors, the illegal crossing of the border by persons, transport means and illegal transport of goods, as well as against other criminal acts,

Confirming their determination to fight against the terrorism,

Aware that the organized crime poses serious threat for the development of the states of the Parties,

Concerned of the growth of the illegal trafficking with narcotic drugs, psychotropic substances and precursors globally,

In order to cooperate effectively in the fight against the illegal migration and the trafficking in human beings,

Based on the desire to strengthen the mutual cooperation and with ferrerence to the international obligations of their countries which arises from the basic international agreements, especially from:

- The Convention on the fundamental human rights and freedoms from 4 November 1950 and the additional Protocols;

**- The European Convention on fight against the terrorism from 27 January 1977;**

- The unique Convention on narcotic drugs from 1 August 1961, amended by Protocol from 25 March 1972;

- The Convention on psychotropic substances from 21 February 1971;

- The Convention of the Organization of the United Nations on fight against the illegal trade with narcotic drugs and psychotropic substances from 20 December 1988;

**- *The Convention on laundering, following, seizure and confiscation of proceeds of crime, from 8 November 1990,***

- The Convention of the Organization of the United Nations against the transnational organized crime, the Protocol against the illegal trafficking with migrants by land, sea and air and the Protocol on preventing, countering and penalizing of the trafficking in human beings, especially women and children, which supplement the Convention of the Organization of the United Nations against the transnational organized crime from 13 December 2000, and

- The Convention on cyber crime from 23 September 2001,

Respecting the principles for protection of the persons upon automatic processing of personal data,

Governed by the legislations of their states,

Have agreed as follows:

## **Article 1**

### **Subject of the Agreement**

(1) Subject of this Agreement is the cooperation between the Parties in the fight against the terrorism, the organized crime, the illegal trafficking with narcotic drugs, psychotropic substances and precursors, the illegal migration and other criminal acts, which the Parties conduct through their Competent Authorities.

(2) This Agreement does not apply to giving or providing international criminal-legal assistance for criminal acts and extradition.



## **Article 2**

### **Competent Authorities**

(1) For the purposes of this Agreement, Competent Authorities of the Parties are as follows:

- For the Republic of Macedonia:

The Ministry of Interior of the Republic of Macedonia,

- For the Montenegro:

The Ministry of Interior of the Montenegro

(2) For the eventual change of the Competent Authorities the Parties shall be notified through diplomatic channels.

(3) In the frameworks of their competences, the competent authorities of the Parties shall directly cooperate and negotiate specific forms of cooperation and manners for communication.

## **Article 3**

### **Areas of cooperation**

(1) The Competent Authorities of the Parties, in prevention and detection of criminal acts shall cooperate in the following areas:

1. terrorism;
2. organized crime;
3. illegal trafficking in narcotic drugs, psychotropic substances and precursors;
4. illegal migration – illegal crossing through the state border by persons, illegal stay of persons, violation of the regime of border checks;
5. criminal acts against the life, the health, the freedom and the human dignity;
6. criminal acts against the private property;
7. mediation in perpetration of prostitution, trafficking in human beings aimed at sexual exploitation and smuggling of migrants;
8. extortion;

9. illegal production, trafficking and possession of explosives, fire arms and ammunition, chemical, biological, nuclear and radioactive materials, goods and technologies with possible dual use, military technique, materials and equipment and components which can be used for production of weapon for massive destruction and other hazardous means;

10. illegal confiscation and illegal trafficking with motor vehicles, forgery and use of forged documents for the same;

11. illegal trade with excise goods and other criminal acts, related with international trade and economic exchange;

12. forgery of money, securities and signs of value, non-cash means for paying which are not securities, as well as their release into trade or use;

13. financial operations and other deals by means or properties, acquired by money laundering, as well as while detection, prevention and suppression of other activities in relation with money laundering;

14. criminal acts against the economy, the financial and the trade exchange;

15. criminal acts from the area of the computer crime;

16. robberies and illegal trade with cultural and historical values, works of art, objects with cultural and historical value, precious metals and minerals, and other objects of high value, and

17. environmental criminal acts;

(2) By mutual consent, the Competent Authorities of the Parties shall assist each other in the fight against other criminal acts, that are considered as such in accordance with the legislations of the states of both Parties.

(3) Shall cooperate also in other areas which are not established in this Agreement.

## **Article 4**

### **Forms of cooperation**

The Competent Authorities of the Parties, for the purposes of the cooperation in accordance with this Agreement:

1. shall supply information and data on suspects or participants in perpetration of criminal acts – especially in the area of the organized crime, for the relations of the perpetrators – especially on the accomplices and the organizers, the structure of the criminal groups, the manner of perpetration of the

individual perpetrators and groups or the time, the place and the method of perpetration of the criminal acts, the objects which are subject of criminal acts, for violated criminal-legal norms and on the measures undertaken for prevention and suppression of the criminal acts;

2. shall assist each other in conduction of the operative-investigation activities, by which mutually provide organizational and other assistance;

3. upon request of the either Party, shall conduct checks and other activities which are applicable in accordance with their legislations;

4. shall assist each other in interception of persons suspected for perpetration of criminal acts and for persons who avoided the criminal responsibility or the serving of the court verdict;

5. shall cooperate in determination of subscribers and users of phones, owners of IP adresses, owners and users of motor vehicles, as well as for data in relation with commercial activity which are subject of registration in the commercial registries;

6. shall submit copies of the official documents and shall conduct coordinated activities for detection and documentation of criminal acts;

7. shall cooperate in conduction of controlled deliveries;

8. shall cooperate in search of missing persons in relation with criminal acts, as well as conduction of activities related with identification of persons or remains of unidentified persons;

9. shall cooperate in search of stolen objects related to criminal acts, as well as motor vehicles;

10. shall mutually provide personal, technical and organizational assistance in detection of perpetrators of criminal acts;

11. shall exchange information and experiences for the methods and the new forms of perpetration of criminal acts;

12. when necessary, shall hold working meetings in order preparation and coordination of measures related to detection of specific criminal acts;

13. shall exchange information on the results of the criminalistic and criminological investigations on criminal acts for the needs of the prosecution, the working methods, the investigation techniques and the implementation of the methods and the means aimed at their further development, and

14. shall conduct exchange of experts for joint working in group or aimed at their training and improving of their professional qualification.

## **Article 5**

### **Fight against the terrorism**

In the area of the fight against the terrorism, the Competent Authorities of the Parties shall exchange:

1. experiences in detection and information on planned or perpetrated terrorist acts, on participants in them, on the manners and on the technical means used in those terrorist acts;
2. information on terrorist organizations and groups and their members who planned, perpetrate or already perpetrated criminal acts on the territory of the state of one of the Parties and affect the interests of the state of the other Party;
3. analytical and conceptual materials related with the fight against the terrorism.

## **Article 6**

### **Fight against illegal trafficking with narcotic drugs, psychotropic substances and precursors**

In the fight against the illegal trafficking with narcotic drugs, psychotropic substances and precursors, the Competent Authorities of the Parties:

1. shall exchange information and data on persons who participate in the illegal trafficking with narcotic drugs, psychotropic substances and precursors, on their shelters, transport routes, the used transport means and the methods of acting, for the places of origin and the use of the narcotic drugs, the psychotropic substances and precursors, as well as on the specific details of this criminal acts, if it is necessary for their detection;
2. shall mutually submit information on the usual and the new methods and routes of the illegal trafficking with narcotic drugs, psychotropic substances and precursors, as well as experiences and data in relation with that;
3. shall undertake coordinated measures for prevention of the illegal production and the illegal trafficking in narcotic drugs, psychotropic substances and precursors;
4. shall mutually submit examples of narcotic drugs, psychotropic substances and precursors of vegetable and synthetic origin which can be abused;
5. shall exchange results on the criminalistic expertises in relation with the illegal trafficking and abuse of drugs, psychotropic substances and precursors, and
6. shall exchange information and data in relation with passing of narcotic drugs, psychotropic substances and precursors of legal production and trafficking towards illegal trafficking, according the possibilities for fight against the such illegal trafficking.

## **Article 7**

### **Fight against the illegal migration, the trafficking in human beings and smuggling of migrants**

For countering against the illegal migration and the trafficking in human beings, the Competent Authorities of the Parties shall exchange information, experiences and data collected in the course of the fight against the illegal migration, the trafficking in human beings and the smuggling of migrants, and especially:

1. shall mutually submit information on persons, who organize illegal transport of persons through the state border and on the routes of the illegal migration, the trafficking in human beings and the smuggling of migrants;
2. shall submit information for cases of forgery and use of forged and falsified documents for cross-border traveling and stay;
3. shall exchange analytical and conceptual materials in relation with the migration processes, and
4. shall exchange information on the national legislation of their countries for the regime of movement and stay of the foreigners.

## **Article 8**

### **Conditions for realization of the cooperation**

(1) The delivery of information, in accordance with this Agreement shall be realized by the Competent Authorities of each of the Parties, on request submitted by the Competent Authority of the other Party.

(2) The request for submitting of information or providing assistance shall be submitted in written form. As an exception, in emergencies a verbal request can be submitted, but as soon as possible, not longer than 24 hours from the submission of the verbal request a written request shall be submitted.

(3) The Competent Authorities of each of the Parties, can on its own initiative to submit information which can provide assistance to the Competent Authority of the other Party in detection, prevention and solving of criminal acts, if there are grounds to believe that this information is of interest of the other Party.

(4) Acting upon the requests on submitting of information or providing assistance shall be realized as soon as possible. The Competent Authorities of the Parties have right to request additional data which facilitate the implementation of the request, if it is necessary.

## Article 9

### Refusal for fulfillment of request for cooperation

(1) The request on submitting of information or providing of assistance may be refused in whole or partially because of the possibility of accepting of the same to become reason for violation of the human rights, to jeopardize the sovereignty or the security of the country or to other important state interests or if it is contrary with the legislation of the Requested Party.

(2) In case of rejection of the request on submitting of information or providing of assistance, the Competent Authority of the Requested Party shall notify the Competent Authority of the other Party in written form and shall indicate the reasons for the refusal.

## Article 10

### Classified information

(1) In accordance with their national legislations, the Competent Authorities of the Parties shall implement all appropriate measures for protection of the classified information.

(2) The Competent Authorities, of such classified information shall grant same degree of protection as on the national classified information with appropriate degree of security classification.

<b>For the Republic of Macedonia:</b>	<b>For the Montenegro:</b>
Top Secret	Top Secret
Strictly Confidential	Secret
Confidential	Confidential
Restricted	Restricted

(3) The Competent Authorities may transfer classified information through electronic systems and means which are in compliance with the national standards for transfer of classified information and in accordance with the security procedures which are mutually agreed by the Competent Authorities.

(4) The classified information may be transferred to the other Party through courier or through other agreed manner in accordance with the national legislation of the Parties. Organizational units, in frameworks of the Competent Authorities who conduct transfer and exchange of classified information shall be:

(a) For the Republic of Macedonia:

- Ministry of Interior, Bureau for Public Safety, Central Police Services-Sector for International Police Cooperation.

(b) For the Montenegro:

- Ministry of Interior, Police Directorate, Sector for International Police Cooperation.

(5) The Competent Authorities mutually shall inform each other for all changes which are related to the organizational units who conduct transfer and exchange of classified information.

(6) The approach and the procession of classified information is restricted to persons who in accordance with the national legislation of the Parties fulfill the conditions for access to such information.

(7) The Competent Authority who received classified information must not make them available to third party without prior written consent of the Sending-Competent Authority.

(8) The classified information shall be used only for the purpose for which they were transmitted.

## **Article 11**

### **Protection of personal data**

The mutual exchange of personal data between the Competent Authorities of the Parties shall be conducted in accordance with the relevant national legislation, by applying the conditions

defined by the Authority who shall submit the same and following the principles which are applicable also for automatic and for non-automatic data processing:

1. The provided data shall not be used for other purposes than those for which they were initially provided, without consent of the Sending Authority.

2. The submitted data shall be destroyed or corrected, if:

- It is established that the data are incorrect;

- The Sending Competent Authority has informed the Receiving Competent Authority that the data have been collected or submitted contrary to the law, and

- The data are no longer necessary for the purposes for which they have been submitted for, except in the cases when there is a stated consent by the Sending Competent Authority the data to be used also for other purposes.

3. The Competent Authority who receives the data, shall submit information on the use of the data, on request of the Sending Competent Authority.

4. The Sending Competent Authority confirms that the submitted data are correct, necessary and updated. If it is further established that the provided data have been incorrect or improper or not meant to be submitted, or in case that the data legally provided according to the national legislation of the Sending or Receiving Competent Authority should be afterwards destroyed, the Sending or Receiving Competent Authority should be immediately notified in order to destroy them or to make the appropriate modifications in compliance with item 2 of this Article;

5. The Receiving Competent Authority is obliged to protect the submitted data against unauthorized access, modifications or circulation. The Parties shall undertake the necessary technical and organizational measures to protect all exchanged data from accidental



loss, accidental or illegal destruction, unauthorized access, change, distribution, destroy or deletion.

6. In case of unauthorized access or dissemination of the submitted data, the Receiving Competent Authority shall immediately inform the Sending Competent Authority about the circumstances relevant to the unauthorized access or dissemination, as well as regarding the measures undertaken in order to prevent such incidents in the future.

7. Both the Sending and the Receiving Competent Authority are obliged to keep records of submitting, receiving, altering or destroying of data.

8. After submitting of the data, the Sending Competent Authority, in compliance with its national legislation shall specify the deadline for destroying of the data, as well as for the restrictions in relation to their use, deletion or destruction, including also possible restrictions on the access. In case when the necessity of such restrictions is established after the transfer of the data, the Parties additionally inform each other about it.

9. On written request of the person which data have been or shall be submitted, this person receives information on the submitted data and on the purposes for which they shall be used, under condition to be in accordance with the national legislation of the Parties. If the person, to whom the data refers, submits a request for accessing, modifying or destroying of the submitted data, the Receiving Competent Authority shall take a decision according to the declaration of the Sending Competent Authority and in this case such declaration should be in accordance with the existing national legislation of the Sending Competent Authority.

10. The Competent Authority of the Party who has received the request for submission of data from a citizen of the other Party is obliged immediately to inform the Competent Authority of the other Party before submitting such data.

11. The data can also be submitted to a third party only if there is a written consent from the Sending Competent Authority.

12. The submission of the data may be refused in case when such submission is a threat for the national security or for the public order.

13. The Parties shall undertake all necessary measures according to their national legislation in order to avoid any damages to a third parties, resulting from submitting, receiving or using of the data as well as to eliminate the preconditions leading to eventual adverse consequences.

14. If the Receiving Party fails to act in compliance with the provisions of this Article, the other Sending Party may request deletion or destruction of the submitted data.

## **Article 12**

### **Mixed Commission**

(1) In order to monitor the implementation of this Agreement, the Competent Authorities of the Parties shall set up Mixed Commission.

(2) The Mixed Commission shall be consist of a equal number of representatives from the Competent Authorities of the Parties, not less than three representatives.

(3) The Competent Authotrities of the Parties shall inform each other on the composition and on the changes in the composition of the Mixed Commission trough diplomatic chanel.

(4) The regular meetings of the Mixed Commission shall be held once per year, alternately on the territories of the states of the Parties.

(5) When necessary, on request of the Competent Authority of the either of the Parties, the Mixed Commission may also held urgent meetings.

(6) The Mixed Commission shall adopt the rules for its working.

## **Article 13**

### **Contact Persons**

(1) The Minister of Interior of both Parties, determines persons for contact with the Competent Authorities of the other Party.

(2) The Minister of Interior of both Parties may appoint liaison officer for contact with the Competent Authorities of the other Party.

#### **Article 14**

##### **Expenses**

The Competent Authorities of the Parties, independently shall undertake the expenses in relation with the realization of this Agreement, unless otherwise agreed.

#### **Article 15**

##### **Settlement of disputes**

All disputes emerging in the course of realization or interpretation of this Agreement, shall be settled through consultations and negotiations between the Competent Authorities of the Parties.

#### **Article 16**

##### **Implementation of protocols**

The Ministries of Interior of the Parties may conclude protocols on implementation of this Agreement.

#### **Article 17**

##### **Relation with other international agreements**

This Agreement thus not affect on the rights and the obligations of the Parties in relation with other international agreements whose signatories are their countries.

#### **Article 18**

##### **Entry into force, amendments and supplements and cancellation**

(1) This Agreement shall enter into force on the date of receipt of the last written notification by which the Parties mutually inform each other about the completion of their internal legal procedures required for its entry into force.

(2) This Agreement shall be concluded for an indefinite period of time.

(3) This Agreement may be amended and supplemented upon mutual written consent of the Parties. The amendments and the supplements shall enter into force in accordance with the procedure from Paragraph 1 of this Article.

(4) Either Party may denounced the implementation of this Agreement with prior written notification, submitted to the other Party trough diplomatic channels. The cancellation of the Agreement shall enter into force after 6 (six) months from the date of the receipt of the notification.

Signed in Skoplje on 16 March 2012, in two original copies, each of them in Macedonian, Montenegrin and English language. In case of differences in interpretation, the English text shall prevail.

**For the Government of the**

**Montenegro**

**For the Government of the**

**Republic of Macedonia**

### **Član 3**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom listu Crne Gore – Međunarodni ugovori”.