

## PRIJEDLOG

### **ZAKON O POTVRĐIVANJU SPORAZUMA IZMEĐU CRNE GORE I ČEŠKE REPUBLIKE O SARADNJI U OBLASTI BORBE PROTIV KRIMINALA**

#### **Član 1**

Potvrđuje se Sporazum između Crne Gore i Češke Republike o saradnji u oblasti borbe protiv kriminala potpisan 22. juna 2012. godine u Podgorici, u originalu na crnogorskom, češkom i engleskom jeziku.

#### **Član 2**

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

### **SPORAZUM IZMEĐU CRNE GORE I ČEŠKE REPUBLIKE O SARADNJI U OBLASTI BORBE PROTIV KRIMINALA**

Crna Gora i Češka Republika (u daljem tekstu: Strane ugovornice) u namjeri da doprinesu razvoju međusobnih odnosa,

zabrinute širenjem organizovanog kriminala na međunarodnom nivou, posebno zloupotebom narkotika i psihotropnih supstanci, te njihovim sve većim međunarodnim prometom, kao i trgovinom ljudima,

uvjerene kako je saradnja u oblasti borbe protiv bilo kojeg oblika organizovanog kriminala i terorizma i drugih vrsta kriminalnih aktivnosti ili njihova efikasna prevencija od suštinskog značaja,

svjesne ozbiljnosti povećanog broja ilegalnih migracija i bezbjednosnih rizika u vezi sa njima,

poštujući međunarodne obaveze i svoja zakonodavstva,

Saglasne su o sljedećem:

#### **Član 1**

(1) Svrha ovog Sporazuma je unaprijeđivanje i jačanje policijske saradnje u prevenciji i otkrivanju krivičnih djela i njihovih počinitelaca, konkretno kroz razmjenu strateških i operativnih informacija, kao i direktnih kontakata nadležnih organa na svim nivoima.

(2) Saradnja po ovom Sporazumu će se odvijati u skladu sa zakonodavstvima Strana ugovornica i međunarodnim sporazumima, koji su obavezujući po strane ugovornice, a

neće uključivati pravnu pomoć u krivičnim pitanjima, koja su u nadležnosti pravosudnih organa.

## Član 2

Saradnja po ovom Sporazumu će se odnositi na sve oblike kriminalnih aktivnosti, a posebno na:

- a) organizovani kriminal;
- b) terorizam i njegovo finansiranje;
- c) krivična djela protiv života i tijela;
- d) trgovinu ljudima, navođenje na prostituciju, trgovinu ljudskim organima i tkivima;
- e) seksualnu zloupotrebu djece i dječju pornografiju;
- f) kriminal u vezi sa ilegalnim migracijama;
- g) nelegalni promet narkoticima i psihotropnim supstancama, u smislu Konvencije UN protiv nelegalnog prometa narkoticima i psihotropnim supstancama, (20 decembra, 1988. godine);
- h) kompjuterski kriminal;
- i) nelegalna proizvodnja, potraživanje, posjedovanje, uvoz, izvoz, tranzit i trgovina oružjem, municijom i eksplozivima, hemijskim, biološkim, radioaktivnim i nuklearnim materijalima, robama i tehnologijama strateškog značaja, kao i ostalim visoko rizičnim materijama, uključujući opasni otpad;
- j) falsifikovanje novca, žigova i hartije od vrijednosti, sredstava bezgotovinskog plaćanja, kao i njihova distribucija i korišćenje;
- k) falsifikovanje službenih dokumenata, naročito putnih isprava, kao i njihova distribucija i korišćenje;
- l) legalizacija prihoda stečenih na kriminalni način i privredni kriminal;
- m) korupcija;
- n) kriminal u vezi sa predmetima kulturno istorijske vrijednosti;
- o) kriminal u vezi sa motornim vozilima;
- p) različiti oblici kriminala protiv intelektualne svojine.

## Član 3

Nadležni organi Strana ugovornica će jedni drugima pružiti podršku kroz razmjenu ličnih i drugih podataka i dokumenata, posebno o:

- a) krivičnim djelima, uključujući podatke o licima osumnjičenim ili uključenim u kriminalne aktivnosti, vezama među počiniocima, organizovanim grupama uključenim u kriminalne aktivnosti i njihovoj strukturi, tipičnom ponašanju pojedinačnih počinitelaca i grupa, kršenju krivičnog zakona i preduzetim mjerama;
- b) planiranju krivičnih djela, uključujući terorističke akte usmjerene protiv interesa Strana ugovornica;
- c) prevenciji i borbi protiv nelegalnih migracija;
- d) predmetima koji su korišćeni za vršenje kriminalnih aktivnosti ili potiču iz ovih aktivnosti, te će, ukoliko je to moguće, jedni drugima obezbjeđivati uzorke takvih predmeta;

- e) planiranju specijalnih akcija i operacija koje mogu biti od interesa za drugu stranu ugovornicu;
- f) saznanjima o novim oblicima kriminala zajedno sa stručnim analizama i stručnom literaturom;
- g) rezultatima forenzičkih i kriminoloških istraživanja, istražne prakse, metoda i sredstava rada;
- h) zakonskim odredbama koje su predmet ovog Sporazuma.

#### **Član 4**

Po potrebi, nadležni organi Strana ugovornica će koordinirati svoje aktivnosti i jedni drugima pružati podršku, posebno u:

- a) potragama za licima osumnjičenim za krivična djela, kao i licima koja izbjegavaju krivično gonjenje ili služenje kazne;
- b) potragama za nestalim licima, uključujući proceduru koje se odnose na identifikaciju lica ili posmrtnih ostataka;
- c) potragama za predmetima, uključujući primjenu mjera sa ciljem otkrivanja i oduzimanja prihoda stečenih kriminalnim putem;
- d) pripremi i organizaciji primjene specijalnih istražnih tehnika poput kontrolisanih ispruka, nadzora i tajnih (undercover) operacija;
- e) zaštiti svjedoka, žrtava krivičnih djela i drugih lica koja saradnjom ili svjedočenjem u cilju dokazivanja krivičnog djela mogu biti izložena stvarnoj i ozbiljnoj opasnosti po život, zdravlje, fizički integritet, slobodu ili se mogu suočiti sa bilo kojom drugom opasnošću, i pod uslovom da druge mjere zaštite nijesu dovoljne (u daljem tekstu „zaštićeno lice“);
- f) planiranju i primjeni zajedničkih programa prevencije kriminala.

#### **Član 5**

- (1) U svrhu pružanja podrške drugoj Strani ugovornici ili koordinacije aktivnosti koje se odnose na posebne oblike kriminala, nadležni organi Strana ugovornica će slati saradnike nadležnim organima druge Strane ugovornice ili osnivati mješovite analitičke i druge radne timove.

- (2) Službenici nadležnih organa jedne od Strana ugovornica će na teritoriju druge Strane ugovornice vršiti poslovi u cilju davanja podrške i savjeta. Oni će se prilikom obavljanja navedenih poslova pridržavati uputstva nadležnih organa Strane ugovornice na čiju teritoriju su poslani.

## **Član 6**

- (1) Radi poboljšanja i ubrzanja policijske saradnje, nadležni organi Strana ugovornica mogu u svrhu unaprijeđenja i jačanja policijske saradnje, zaključivati posebne sporazume o dodjeli policijskih oficira za vezu nadležnim organima druge Strane ugovornice na određen ili neodređen vremenski period.
- (2) Oficiri za vezu Strana ugovornica će na teritoriju druge Strane ugovornice vršiti poslove davanja podrške i savjeta, kao i pružanje pomoći u uspostavljanju kontakta i učestvovati u organizovanju radnih sastanaka. Oni će svoje zadatke izvršavati u skladu sa upustvima Strane ugovornica koja ih šalje.
- (3) Oficiri za vezu jedne od Strana ugovornica koji su poslani u treću zemlju mogu uz saglasnost Strana ugovornica i uz pisanu dozvolu treće zemlje takođe zastupati interese druge Strane ugovornice.

## **Član 7**

Strane ugovornice će sarađivati u oblasti obuke i edukacije, a takva saradnja će konkretno uključivati:

- a) učešće oficira jedne od Strana ugovornica na trening kursovima druge Strane ugovornice;
- b) održavanje zajedničkih seminara, vježbi i trening kurseva;
- c) specijalističke obuke;
- d) razmjenu eksperata, kao i koncepcija i programa obuka;
- e) učešće posmatrača na vježbama.

## **Član 8**

- (1) Informacije i ostali oblici podrške u skladu sa ovim Sporazumom će se pružiti na zahtjev. Takvi zahtjevi i odgovori na zahtjeve slaće se u pisanoj formi (fax ili elektronskim putem). U slučaju da se vrši razmjena ličnih podataka, nivo zaštite mora biti određen u odnosu na stepen osjetljivosti tih podataka. U hitnim slučajevima, zahtjev može biti

usmen nakon čega će odmah uslijediti njegova pisana potvrda. Strane ugovornice moraju osigurati da samo ovlaštena lica imaju pristup sredstvima komunikacija.

- (2) Nadležni organi zamoljene Strane ugovornice će u najkraćem roku, odgovoriti na zahtjev iz stava (1) ovog člana. Nadležni organi zamoljene Strane ugovornice mogu po potrebi zahtjevati dodatne informacije za odobrenje zahtjeva. Ako organ koji je primio zahtjev za podršku nije nadležan za postupanje po takvom zahtjevu, on će se obratiti organu koji je za to nadležan.
- (3) Nadležni organi ugovornih strana će, u određenim slučajevima, jedni druge informisati o konkretnim slučajevima bez podnošenja zahtjeva, ako, na osnovu utvrđenih činjenica, postoji razlog da je ova informacija neophodna u borbi protiv konkretne opasnosti po javni red i bezbjednost, ili prevenciju i otkrivanje krivičnih djela i njihovih počinitelaca.
- (4) Svaka od Strana ugovornica može, ako smatra da će se time dovesti u opasnost njen suverenitet, nacionalna bezbjednost ili drugi interes od javnog značaja ili je to suprotno nacionalnom zakonodavstvu ili njenim međunarodnim obavezama, u potpunosti ili djelimično odbiti da pruži podršku. U cilju ispunjenja zahtjeva, Zamoljena strana ugovornica može navesti uslove koji su obavezujući za Stranu molilju.
- (5) U slučaju odbijanja ili djelimičnog ispunjenja zahtjeva, Strane ugovornice će o tome odmah obavijestiti drugu u pisanoj formi.
- (6) U primjeni ovog Sporazuma, nadležni organi Strana ugovornica koriste engleski jezik, osim ako nije drugačije dogovoreno.

## **Član 9**

- (1) Saradnja u skladu sa članom 4 tačka e) ovog Sporazuma konkretno uključuje razmjenu podataka, obezbjeđenje prikriivenih dokumenata, logističku podršku, kao i preuzimanje zaštićenih lica.
- (2) Prilikom primjene mjera u vezi sa zaštitom zaštićenih lica, na odgovarajući način se primjenjuje zakonodavstvo Zamoljene strane ugovornice.
- (3) Zaštićena lica moraju biti od Strane ugovornice molilje uključena u program zaštite svjedoka.
- (4) Strana ugovornica molilja obezbjeđuje sredstva neophodna za životne troškove zaštićenih lica. Zamoljena strana ugovornica snosi sve troškove u vezi sa ličnim i materijalnim troškovima mjera u vezi zaštite tih lica.

- (5) U slučaju kada za to postoje opravdani razlozi, Zamoljena strana ugovornica može prekinuti primjenu mjera u smislu stava (2) ovog člana uz prethodno informisanje Strane ugovornice molilje. U tim slučajevima, Strana ugovornica molilja će odmah preduzeti mjere za preuzimanje zaštićenih lica.

## Član 10

Na razmjenu ličnih podataka (u daljem tekstu „podaci“) i rukovanje dostavljenim podacima će se primjenjivati sljedeće mjere:

- a) Strana ugovornica koja je primalac može podatke koristiti isključivo u svrhu borbe protiv kriminala i zaštite javnog reda i mira u skladu sa uslovima koje definiše Strana ugovornica koja dostavlja podatke; takvi podaci se mogu koristiti u drugu svrhu isključivo uz pisanu dozvolu Strane ugovornice koja dostavlja podatke, a u skladu sa zakonodavstvima obije Strane ugovornice.
- b) Osjetljivi podaci u skladu sa definicijom iz Člana 6 Konvencije Savjeta Evrope o zaštiti pojedinaca u vezi sa AOP od 28 januara 1981. godine, mogu se razmjenjivati jedino ako je to apsolutno neophodno.
- c) Na zahtjev Strane ugovornice koja dostavlja podatke, Strana ugovornica primalac će pružiti informacije o korišćenju dostavljenih podataka i postignutim rezultatima.
- d) Strana ugovornica koja dostavlja podatke obezbijediće da podaci koji se dostavljaju budu ispravni i vršiće provjeru da li je dostava neophodna i da li odgovara namjeravanoj upotrebi. Pri tome, neophodno je da se ispoštuje nacionalno zakonodavstvo Strana ugovornica kojim mogu biti nametnuta ograničenja u vezi sa dostavljanjem podataka. Ako se naknadno utvrdi da su dostavljeni podaci netačni ili nije trebalo izvršiti njihovo dostavljanje, o tome mora odmah biti obaviještena Strana ugovornica koja je primila podatke. Ona će izvršiti ispravku netačnih podataka, a podatke koji nijesu trebali biti dostavljeni, uništiti.
- e) Svako ima pravo da, na zahtjev organa odgovornog za obradu podataka, dobije informaciju o podacima koji se tiču njega/nje, a koji su dostavljeni ili obrađeni u vezi sa ovim Sporazumom, kao i pravo na ispravku netačnih podataka ili uništenje onih koji su obrađeni na nezakonit način. Pružanje takve informacije može biti odbijeno u slučajevima definisanim nacionalnim zakonodavstvom Strana ugovornica. Organ koji obrađuje zahtjev pružiće informaciju uz prethodnu dozvolu druge Strane ugovornice.

f) Prilikom dostavljanja podataka, Strana ugovornica koja dostavlja podatke, može u skladu sa svojim nacionalnim zakonodavstvom, drugoj Strani ugovornici odrediti rok za njihovo uništenje. Bez obzira na rok podaci moraju biti uništeni čim prestane potreba. U slučaju raskida ovog Sporazuma, osim ako nije zamijenjen novim međunarodnim ugovorom ili drugim aktom koji je obavezujući za obje Strane ugovornice, svi podaci koji su dobijeni po tom osnovu, moraju biti uništeni.

g) Strane ugovornice će voditi registar dostavljenih, primljenih i uništenih podataka. U registru će konkretno biti naznačena svrha dostavljanja i obima podataka, uključeni organi i razlozi uništenja.

h) Strane ugovornice će na efikasan način zaštititi podatke od slučajnog ili neovlašćenog uništenja, slučajnih ili neovlašćenih izmjena, slučajne ili neovlašćene dostave, slučajnog ili neovlašćenog otkrivanja sadržaja ili protiv slučajnog ili neovlašćenog pristupa.

i) Strane ugovornice će saradivati u zaštiti dostavljenih podataka, konkretno one će jedna drugu informisati o mogućnostima lica da zatraže zaštitu u skladu sa tačkom e) ovog člana.

### **Član 11**

(1) Razmjena i zaštita tajnih podataka uređena je posebnim sporazumom.

(2) Tajni podaci se mogu dostavljati direktno između kontakt tačke, određene diplomatskim putem.

### **Član 12**

(1) Informacije i dokumenta koji se dostavljaju, u okviru ovog Sporazuma, mogu biti prosljeđeni trećim zemljama i međunarodnim organizacijama isključivo uz pisanu saglasnost Strane ugovornice pošiljaoca.

(2) U pogledu prosljeđivanja informacija drugim zemljama članicama EU ili zemljama Šengenske zone ili evropskim agencijama uz korišćenje informacionih sistema koji su uspostavljeni u skladu sa evropskim pravom radi saradnje u zaštiti javnog reda i bezbjednosti kao i borbe protiv kriminala, posebno Šengenskog informacionog sistema, smatra se davanje saglasnosti u skladu sa stavom 1, ukoliko strana koja predaje informacije ne odredi drugačije. Prosljeđivanje informacija od crnogorske Strane ugovornice Europolu rukovodiće se Sporazumom između Crne Gore i Eurola o operativnoj saradnji.

### **Član 13**

Izuzetno od člana 9 osim ako nadležni organi Strana ugovornica unaprijed ne dogovore drugačije, troškove u vezi sa implementacijom svih oblika saradnje po ovom Sporazumu snosi

Strana ugovornica, koja pruža pomoć, pri čemu će Strane ugovornice voditi računa o reciprocitetu u troškovima.

#### **Član 14**

(1) Za sprovođenje ovog Sporazuma, su nadležni sjedeći organi, koji u okviru svojih nadležnosti međusobno direktno i operativno sarađuju:

za Crnu Goru:

- a) Ministarstvo unutrašnjih poslova,
- b) Uprava policije,
- c) Uprava carina,
- d) Uprava za sprječavanje pranja novca i finansiranje terorizma.

za Češku Republiku:

- a) Ministarstvo unutrašnjih poslova,
- b) Organi Policije Češke Republike,
- c) Generalna direkcija carine,
- d) Generalna inspekcija bezbjednosnih snaga.

(2) U roku od 30 dana od stupanja na snagu ovog Sporazuma, nadležni organi Strana ugovornica će razmijeniti kontakt adrese, telefone i brojeve faksova ili ostale kontakt detalje, a kad god je to moguće, imenovati kontakt osobu koja zna jezik druge Strane ugovornice ili engleski jezik.

(3) Nadležni organi Strana ugovornica će jedini druge odmah informisati o bilo kakvim promjenama podataka iz stava (2) ovog člana.

#### **Član 15**

Nadležni organi Strana ugovornica, mogu po potrebi, na osnovu ovog Sporazuma, zaključivati implementacione protokole.

#### **Član 16**

Bilo kakvi sporovi koji se mogu javiti u vezi sa interpretacijom ili implementacijom ovog Sporazuma će se rješavati pregovorima među nadležnim organima Strana ugovornica. Ako se spor ne može riješiti na taj način, on će se naknadno rješavati diplomatskim putem.



## **Član 17**

Ovaj Sporazum neće imati uticaja na obaveze Strana ugovornica koje proizlaze iz drugih međunarodnih bilateralnih ili multilateralnih sporazuma, a koji su obavezujući po Strane ugovornice.

## **Član 18**

Svaka Strana ugovornica može djelimično ili u potpunosti, obustaviti primjenu ovog Sporazuma, ako to zahtijevaju razlozi nacionalne bezbjednosti, javnog mira ili javnog zdravlja. Obustava će se ukinuti odmah nakon što razlozi za obustavu prestanu da postoje. Strane ugovornice će diplomatskim putem odmah jedna drugu obavijestiti o usvajanju ili povlačenju takvih mjera. Navedena obavještenja proizvode posljedice petnaest dana od dostavljanja obavještenja drugoj Strani ugovornici.

## **Član 19**

(1) Ovaj Sporazum podliježe ratifikaciji. Ovaj Sporazum stupa na snagu prvog dana drugog mjeseca od dana razmjene ratifikacionih instrumenata. Ovaj Sporazum se zaključuje na neodređen vremenski period.

(2) Svaka Strana ugovornica može uz pisanu izjavu raskinuti ovaj Sporazum. U tom slučaju Sporazum prestaje da važi 6 (šest) mjeseci od dostavljanja takvog obavještenja drugoj Strani ugovornici.

Potpisan u Podgorici dana 22.juna 2012.godine, u dva istovjetna primjerka, svaki na crnogorskom, češkom i engleskom jeziku. U slučaju neslaganja u interpretaciji odredbi ovog Sporazuma, tekst na engleskom jeziku je mjerodavan.

**Za Crnu Goru**

**Za Češku Republiku**

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**Milan Roćen**

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**Karel Schwarzenberg**

**Ministar vanjskih poslova i EU integracija**

**Ministar vanjskih poslova**

## **A G R E E M E N T**

### **between Montenegro and the Czech Republic on Cooperation in the Fight against Crime**

Montenegro and the Czech Republic (hereinafter referred to as “Contracting Parties”),  
with the aim of contributing to the development of mutual relations,  
concerned by international proliferation of organized crime, in particular the increasing  
abuse of narcotic drugs and psychotropic substances and the increase in their international traffic,  
as well as trafficking in human beings,  
convinced that cooperation in the area of fight against any form of organized crime and  
terrorism and other kinds of criminal activities, or in their effective prevention is of crucial  
importance,  
being aware of the seriousness of the increase in illegal migration and the related security  
risks,  
abiding by international obligations and their respective legislation,  
have agreed as follows:

#### **Article 1**

- (1) The purpose of this Agreement is to deepen and strengthen police cooperation in preventing and detecting criminal offences and establishing their perpetrators, in particular through the exchange of both strategic and operational information and direct contacts between the competent bodies at all appropriate levels.
- (2) Cooperation under this Agreement shall take place as provided in the national legislation of the Contracting Parties and the international agreements by which the Contracting Parties are

bound and shall not include legal assistance in criminal matters, which falls under the competence of judicial bodies.

## **Article 2**

Cooperation under this Agreement shall relate to all forms of criminal activities, in particular:

- a) organized crime;
- b) terrorism and its financing;
- c) crime against life and limb ;
- d) trafficking in human beings, procuring, trafficking in human organs and tissues;
- e) sexual abuse of children and child pornography;
- f) crime related to illegal migration;
- g) illicit trafficking in narcotic drugs and psychotropic substances in the sense of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988;
- h) cyber-crime;
- i) illegal production, solicitation, possession, import, export, transit of and trade in weapons, ammunition and explosives, chemical, biological, radioactive and nuclear materials, in goods and technologies of a strategic importance, as well as other highly dangerous substances, including hazardous waste;
- j) counterfeiting of money, stamps and securities, means of non-cash payments and their distribution and use;

- k) counterfeiting of official documents, in particular travel documents, and their distribution and use;
- l) legalization of the proceeds of crime and economic crime;
- m) corruption;
- n) crime related to objects of cultural and historical value;
- o) crime related to motor vehicles;
- p) crimes against intellectual property.

### **Article 3**

The competent authorities of the Contracting Parties shall provide each other with mutual support by exchanging personal and other data and documents, particularly on:

- a) criminal acts, including data on persons suspected of or involved in a criminal activity, links between offenders, the organization of groups involved in criminal activities and their structure, the typical behaviour of individual offenders and groups, violations of criminal law and the adopted measures;
- b) the planning of criminal acts, including acts of terrorism, directed against the interests of the Contracting Parties;
- c) prevention and fight against illegal migration;
- d) objects used as instruments of crime or proceeding from crime, and where possible they shall provide each other with samples of these objects;

- e) the planning of special actions and operations that may be of interest to the other Contracting Party;
- f) the knowledge on new forms of crime, together with expert analysis and specialist literature;
- g) results of forensic and criminological research, investigation practice, methods and means of work;
- h) legal provisions related to the subject matter of this Agreement.

#### **Article 4**

When necessary, the competent authorities of the Contracting Parties shall coordinate their activities and support each other, in particular:

- a) in searching for persons suspected of a crime as well as persons absconding from criminal prosecution or the service of a sentence;
- b) in searching for missing persons, including procedures related to the identification of persons or mortal remains;
- c) in searching for objects, including the implementation of measures aimed at the tracing and recovery of the proceeds of crime;
- d) in preparing and organizing the implementation of special investigative techniques such as controlled deliveries, surveillance and undercover operations;
- e) in protecting witnesses, victims of criminal offences and other persons who by cooperating or giving testimonies aimed at proving criminal offences might be exposed to real and serious risk concerning their life, health, physical integrity, freedom or might face any other serious danger, and provided that other protecting measures are not sufficient (hereinafter referred to as “protected person”);

f) in planning and implementing joint crime-prevention programmes.

### **Article 5**

- (1) For the purpose of supporting the other Contracting Party or coordinating activities related to specific crimes, the competent authorities of the Contracting Parties shall send consultants to the competent authorities of the other Contracting Party or establish mixed analytical and other working teams.
- (2) Officials of the competent authorities of one Contracting Party shall be active on the territory of the other Contracting Party in an advisory and support capacity. When exercising their advisory and support capacity, they shall abide by the instructions of the competent authorities of the Contracting Party to whose territory they have been sent.

### **Article 6**

- (1) For the purpose of improving and accelerating police cooperation, the competent authorities of the Contracting Parties may conclude special agreements on the assignment of police liaison officers of one Contracting Party to the competent authorities of the other Contracting Party for limited or unlimited periods of time.
- (2) The liaison officers shall be active in the territory of the other Contracting Party in advisory and support capacity, provide assistance in establishing contacts and participate in the organization of working meetings. They shall carry out their tasks in accordance with the instructions they receive from the sending Contracting Party.
- (3) The liaison officers of one Contracting Party sent to a third state may upon a mutual agreement of the Contracting Parties and upon a written consent of the third state represent also the interests of the other Contracting Party.

### **Article 7**

The Contracting Parties shall cooperate in the area of training and education, and this cooperation shall include in particular:

- a) participation of officers of one Contracting Party in training courses of the other Contracting Party;
- b) the holding of joint seminars, exercises and training courses;
- c) training of specialists;
- d) exchange of experts, as well as training concepts and programmes;
- e) participation of observers at exercises.

## **Article 8**

- (1) Information and other forms of support under this Agreement shall be provided upon request. The requests and replies to such requests shall be made in writing (by fax or e-mail). In case personal 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 Contracting Parties shall make sure that only authorized personnel has access to the communication device used.
- (2) The competent authorities of the requested Contracting Party shall answer the request specified in paragraph (1) as soon as possible. The competent authorities of the requested Contracting Party may ask for further information if necessary for granting the request. If the authority which has received a request for support is not the competent authority to deal with this request, it shall refer the request to the authority which is competent thereto.
- (3) In certain cases the competent 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 or security, or to prevent or detect criminal offences and establish their perpetrators.
- (4) Each of the Contracting Parties may refuse, wholly or partly, a request for support should it believe that granting the same might threaten its sovereignty, security or another vital

interest, or if it contravened its legislation or its international obligations. In order to grant the request, the requested Contracting Party may stipulate conditions by which the requesting Contracting Party shall be bound.

- (5) Should a request be refused or granted only partially, the Contracting Parties shall immediately inform each other thereof in writing.
- (6) In implementing this Agreement, the competent authorities of the Contracting Parties shall use the English language, unless agreed otherwise.

### **Article 9**

- (1) Cooperation under Article 4 e) hereof includes in particular exchange of information, provision of cover documents, logistic support as well as taking over of the protected persons.
- (2) When implementing measures connected with the protection of a protected person, the legislation of the requested Contracting Party shall be applied as appropriate.
- (3) The protected person must be included in the witness protection programme in the requesting Contracting Party.
- (4) The requesting Contracting Party shall cover the necessary living costs of the protected person. The requested Contracting Party shall cover the costs associated with the personnel and material costs of measures connected with the protection of that person.
- (5) The requested Contracting Party may, in the event of serious reasons, terminate the measures in the sense of paragraph (2) after informing the requesting Contracting Party in advance. In such cases, the requesting Contracting Party shall take the necessary measures for taking the protected person back without delay.



## Article 10

The following provisions shall apply to the exchange of personal data (hereinafter referred to as “data”) and the handling of the transmitted data:

- a) The recipient Contracting Party may use the data solely for the purposes of the fight against crime and the protection of public order and security and under the conditions determined by the data-transmitting Contracting Party; such data may be used for other purposes only with the prior written consent of the data-transmitting Contracting Party and in compliance with the legislation of both Contracting Parties.
- b) Sensitive data, as defined in Article 6 of the Convention of the Council of Europe for the Protection of Individuals with Regard to Automatic Processing of Personal Data of 28 January 1981, may only be exchanged if absolutely necessary.
- c) Upon the request of the data-transmitting Contracting Party, the recipient Contracting Party shall provide information on the use of the transmitted data and the results thus achieved.
- d) The data-transmitting Contracting Party shall ensure that the transmitted data are correct and check that the transmission is necessary and appropriate to the intended purpose. In doing so, it is necessary to respect the national legislation of the Contracting Parties which may restrict the data transmission. Should it be subsequently ascertained that the transmitted data were incorrect or should not have been transmitted, the recipient Contracting Party must be notified immediately. It shall correct the wrong data and destroy the data which should not have been transmitted.
- e) Each person has the right to receive, upon request, from the authority responsible for the data processing information on the data concerning him or her transmitted or processed under this Agreement, as well as the right to the correction of incorrect data or the destruction of data processed unlawfully. Provision of such information may be refused only in cases defined by the national legislation of the Contracting Parties. The authority handling the request for information shall provide the information upon the previous consent of the other Contracting Party.
- f) When transmitting data, the data-transmitting Contracting Party may, in accordance with its national legislation, set the other Contracting Party a deadline for the destruction thereof. Regardless of the deadline, the data must be destroyed as soon as they cease to

be needed. In the event of the termination of this Agreement, unless it is replaced by a new international agreement or another regulation binding upon both Contracting Parties, all data received on its basis must be destroyed.

- g) The Contracting Parties shall keep records on the transmissions, receipt and destruction of data. The records shall in particular indicate the purpose of the transmission, the scope of the data, the authorities involved and the reasons for destruction.
- h) The Contracting Parties shall effectively protect the transmitted data against accidental or unauthorised access, accidental loss, accidental or unauthorised change, against accidental or unauthorised transmission, or against accidental or unauthorised disclosure.
- i) The Contracting Parties shall cooperate in the protection of the transmitted data; in particular, they shall inform each other of the possibilities of persons to seek protection of their rights under e).

#### **Article 11**

- (1) Exchange and protection of classified information shall be governed by a special agreement.
- (2) The classified information may be transmitted directly between the points of contact announced through diplomatic channels.

#### **Article 12**

- (1) Information and documents transmitted in the framework of cooperation under this Agreement may be provided to third states and international organizations only with a written consent of the transmitting Contracting Party.
- (2) The consent under paragraph (1) is presumed as regards sharing the transferred information with other Member States of the European Union, or the Schengen Area, or with European agencies, when using the information systems established under the European Union Law for the purposes of cooperation in protecting public order and security as well as fight against crime, in particular the Schengen Information System, unless explicitly indicated otherwise by the transmitting Contracting Party. The sharing of the information by the Montenegrin Contracting Party with the European Police Office shall be governed by the Agreement on Operational Cooperation between Montenegro and the European Police Office.

### **Article 13**

Without prejudice to Article 9, unless the competent authorities of the Contracting Parties agree otherwise in advance, the costs associated with the implementation of all forms of cooperation under this Agreement shall be borne by the Contracting Party which provides the support; the Contracting Parties shall be mindful of reciprocity of costs.

### **Article 14**

(1) For the implementation of this Agreement, the following authorities, which shall directly and operatively cooperate in the framework of their respective competence, shall be competent:

For Montenegro:

- a) Ministry of the Interior,
- b) Police Directorate,
- c) Customs Directorate,
- d) Directorate for the Prevention of Money Laundering.

For the Czech Republic:

- a) Ministry of the Interior,
- b) bodies of the Police of the Czech Republic,
- c) General Directorate of Customs,
- d) General Inspection of Security Forces.

(2) Within 30 days of the entry of this Agreement into force, the competent authorities of the Contracting Parties shall exchange the contact addresses, telephone and fax numbers or other

contact details and, as far as possible, name a contact person having the knowledge of the language of the other Contracting Party or the English language.

- (3) The competent authorities of the Contracting Parties shall immediately notify each other of any changes in the data conveyed under paragraph (2).

### **Article 15**

The competent authorities of the Contracting Parties may, when necessary, conclude implementing protocols on the basis of this Agreement.

### **Article 16**

Any disputes which might arise in connection with the interpretation or implementation of this Agreement shall be resolved by negotiations between the competent authorities of the Contracting Parties. Should the disputes not be resolved this way, they shall be further solved through diplomatic channels.

### **Article 17**

This Agreement is without prejudice to the obligations of the Contracting Parties arising from other international bilateral or multilateral agreements by which the Contracting Parties are bound.

### **Article 18**

Either Contracting Party may suspend the implementation of this Agreement in full or in part should the concerns of national security, public order or public health require so. The suspension shall be revoked as soon as the reasons for the suspension cease to exist. The Contracting Parties shall immediately notify each other of the adoption or revocation of such measures by diplomatic channels. The suspension of the implementation of the Agreement and the revocation of that suspension shall become effective upon the lapse of fifteen days from the delivery of such notification to the other Contracting Party.

## **Article 19**

- (1) This Agreement is subject to ratification. This Agreement shall enter into force on the first day of the second month following the date of exchange of the ratification instruments. This Agreement is concluded for an indefinite period of time.
  
- (2) This Agreement may be terminated by either Contracting Party by means of a written notice. This Agreement shall terminate six months after the date of delivery of such written notice to the other Contracting Party.

Done in Podgorica on this 22 June day of 2012 in two originals, each in the Montenegrin, Czech and English languages. In case of divergence in the interpretation, the English version shall prevail.

**For  
Montenegro**

**For  
the Czech Republic**

## **Član 3**

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