

**SPORAZUM MED**  
**VLADO REPUBLIKE SLOVENIJE**  
**IN VLADO REPUBLIKE SRBIJE**  
**O POLICIJSKEM SODELOVANJU**

Vlada Republike Slovenije in Vlada Republike Srbije (v nadaljnjem besedilu: pogodbenici) sta se

v prizadevanju, da prispevata k razvoju dvostranskih odnosov,

ob upoštevanju Konvencije Sveta Evrope o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov, sklenjene 28. januarja 1981 v Strasbourgu, in Priporočila Odbora ministrov Sveta Evrope št. R (87) 15 z dne 17. septembra 1987, ki ureja uporabo osebnih podatkov v policijskem sektorju in se nanaša tudi na primere neavtomatske obdelave podatkov,

v želji, da poglobita in okrepiata policijsko sodelovanje,

dogovorili:

### **1. člen** **Obseg sodelovanja**

(1) Pogodbenici v skladu z notranjo zakonodajo okrepiata sodelovanje pri preprečevanju nevarnosti in zagotavljanju javne varnosti, zlasti javnega reda in prometne varnosti, in pri preprečevanju, odkrivanju in preiskovanju kaznivih dejanj, zlasti organiziranega kriminala, terorizma, trgovine z ljudmi in nezakonitih migracij, računalniške kriminalitete, nezakonite trgovine s prepovedanimi drogami, psihotropnimi snovmi in predhodnimi sestavinami, ter drugih kaznivih dejanj mednarodne narave (v nadaljnjem besedilu: policijsko sodelovanje).

(2) Pogodbenici sodelujeta zlasti v primerih, ko so kazniva dejanja storjena ali priprave nanje potekajo ali so potekale na ozemlju države ene od pogodbenic, podatki pa kažejo, da obstaja verjetnost, da se podobna kazniva dejanja ali priprave nanje izvajajo ali so se izvajala na ozemlju države druge pogodbenice.

### **2. člen** **Oblike sodelovanja**

(1) Policijsko sodelovanje med pogodbenicama temelji na načelu vzajemnosti in obsega izmenjavo informacij, vključujoč osebne podatke, ter druge ukrepe v skladu z namenom tega sporazuma in notranjo zakonodajo pogodbenic ter sprejetimi mednarodnimi obveznostmi.

(2) Policijsko sodelovanje obsega ob upoštevanju načela vzajemnosti tudi sodelovanje pri vseh oblikah policijskega opazovanja, kontroliranih pošiljkah, prikitem delovanju, zaščiti prič, v skupnih preiskovalnih skupinah, sodelovanje v primerih ugrabitve talcev in pogajanjih, pri ocenah ogroženosti javne varnosti ob večjih dogodkih, varnosti cestnega prometa, usposabljanju in napotitvi uradnikov za zvezo.

(3) Policijsko sodelovanje obsega ob upoštevanju načela vzajemnosti tudi izmenjavo izkušenj o ukrepih za preprečevanje kriminala in boj proti njemu, skupne analize stanja na področju kriminala, izmenjavo strokovnjakov, zagotavljanje informacij in dejstev o stanju ter gibanjih na področju kriminala v obeh državah.

### **3. člen** **Izmenjava osebnih podatkov**

Za izvajanje tega sporazuma si pogodbenici skladno s svojo notranjo zakonodajo lahko izmenjujeta naslednje osebne podatke:

- a) osebne podatke posameznikov, ki sodelujejo pri storitvi kaznivega dejanja ali pripravi nanj, in drugih posameznikov, povezanih s storitvijo kaznivega dejanja: priimek, prejšnji priimek, ime, druga imena (psevdonimi, vzdevki), spol, datum in kraj rojstva, prebivališče, sedanja in prejšnja državljanstva ter biometrične podatke posameznika;
- b) podatke o dokumentu, ki potrjuje identiteto posameznika iz točke a) tega člena, tj. potnega lista ali drugega potovalnega dokumenta (številka, datum izdaje, organ izdaje, kraj izdaje, obdobje veljavnosti, območje veljavnosti);
- c) podatke o prstnem odtisu ali odtisu dlani osebe, ki je vpletena v storitev kaznivega dejanja, profil ali vzorec DNK, osebni opis, fotografijo;
- d) podatke, ki jih lahko zbirajo, obdelujejo ali si jih izmenjujejo policijski organi.

### **4. člen** **Pristojna organa**

(1) Pristojna organa za izvajanje tega sporazuma sta:

v Republiki Sloveniji: Ministrstvo za notranje zadeve, Generalna policijska uprava, in

v Republiki Srbiji: Ministrstvo za notranje zadeve, Generalna policijska uprava.

(2) Zaposila za sodelovanje si pristojna organa izmenjujeta neposredno. Pristojna organa se o načinih sporočanja dogovorita za vsak posamezen primer.

(3) Zaposila in odgovori nanje se praviloma pošiljajo pisno. Za pošiljanje osebnih podatkov se izbere način pošiljanja, ki ustreza občutljivosti takšnih podatkov. V nujnih primerih so dovoljena ustna zaposila, ki jim nemudoma sledi pisno zaposilo.

(4) Pristojna organa pogodbenic lahko v skladu s svojo notranjo zakonodajo za vsak posamezni primer izmenjata informacije tudi brez zaprosila, če se na podlagi ugotovljenih dejstev upravičeno domneva, da so take informacije potrebne za preprečitev konkretnih groženj za javno varnost in javni red ali za preiskovanje kaznivih dejanj ali da lahko pripomorejo k predložitvi zaprosila za pravno pomoč.

(5) Pristojna organa se sporazumevata v angleščini, če ni dogovorjeno drugače.

(6) Pogodbenici si podatke za sporočanje izmenjata po diplomatski poti.

## 5. člen

### Varstvo osebnih podatkov

(1) Pristojna organa pogodbenic se v skladu s svojo notranjo zakonodajo zavezujeta, da bosta zagotavljala takšno raven varstva osebnih podatkov, da bodo izpolnjeni pogoji iz Konvencije o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov.

(2) V tem sporazumu:

a) "osebni podatek" pomeni vsak podatek, ki se nanaša na določeno ali določljivo fizično osebo ("posameznik, na katerega se podatki nanašajo"); določljiva oseba je oseba, ki jo je mogoče neposredno ali posredno določiti, tudi na podlagi glasu, posnetkov, telesnih značilnosti ali videza, zlasti pa na podlagi identifikacijske številke ali enega ali več dejavnikov, značilnih za njeno fizično, fiziološko, psihološko, ekonomsko, kulturno ali socialno identiteto;

b) "obdelava osebnih podatkov" pomeni vsak postopek ali niz postopkov, ki se izvajajo z osebnimi podatki, z avtomatiziranimi sredstvi ali brez njih, kot so zbiranje, evidentiranje, prepisovanje, razmnoževanje, kopiranje, prenos, iskanje, razvrščanje, shranjevanje, ločevanje, uparjanje, združevanje, prilagajanje, spreminjanje, zagotavljanje, uporaba, omogočanje dostopa, razkrivanje, objava, širjenje, organiziranje, ohranjanje, urejanje, razkritje s prenosom ali kako drugače, zadrževanje, premeščanje ali druga dejanja, s katerimi se onemogoči dostop do podatkov, ter druga dejanja, ki se izvajajo v povezavi s takimi podatki.

(3) Za obdelavo osebnih podatkov, ki se pošiljajo po tem sporazumu, se uporabljajo naslednje določbe:

a) pogodbenica prejemnica lahko obdeluje osebne podatke le za namene tega sporazuma in v skladu z zahtevami, ki jih določi pogodbenica, ki je podatke poslala;

b) pogodbenica, ki je podatke poslala, zagotovi, da so podatki točni, popolni in osveženi ter primerni, ustrezni in ne preobsežni glede na namene pošiljanja. Pri tem upošteva omejitve, ki jih glede sporočanja podatkov določa notranja zakonodaja. Podatki se ne sporočajo, če pristojna organa upravičeno domnevata, da bi se s tem kršila notranja zakonodaja ali bi to škodovalo interesom pogodbenic, ki jih je smiselno zaščititi;

- c) osebne podatke lahko uporabljajo le pravosodni in drugi pristojni organi, ki smejo v skladu z notranjo zakonodajo osebne podatke obdelovati za namene tega sporazuma;
- d) pristojni organi pogodbenice prejemnice smejo uporabiti osebne podatke za druge namene le ob izrecni predhodni in pisni privolitvi pristojnih organov pogodbenice, ki je podatke poslala, in v skladu z notranjo zakonodajo pogodbenice prejemnice;
- e) pogodbenici se obvestita o organu, ki nadzoruje obdelavo in izmenjavo osebnih podatkov;
- f) sporočanje osebnih podatkov drugim pristojnim organom pogodbenice se dovoli le ob izrecni predhodni in pisni privolitvi pogodbenice, ki je podatke poslala;
- g) nadaljnji prenos osebnih podatkov drugim organom tretje države za namene tega sporazuma se dovoli le, če je v skladu z notranjo zakonodajo in ob predhodnem soglasju pogodbenice, ki je podatke poslala. Če je prenos podatkov bistvenega pomena za preprečitev neposredne in resne grožnje za javno varnost ali temeljne interese pogodbenice prejemnice, soglasja pa ni mogoče dobiti pravočasno, se lahko v posameznem primeru prenos opravi brez predhodnega soglasja ob izvajanju dodatnih varovalnih ukrepov. Država pošiljateljica mora biti o tem nemudoma obveščena;
- (h) pogodbenici zagotovita, da se podatki ne hranijo dlje, kot je potrebno za namene njihovega pošiljanja. Pristojni organ pogodbenice pošiljateljice obvesti pristojni organ pogodbenice prejemnice o posebnih rokih za izbris, ki jih za poslane podatke določa notranja zakonodaja. Če se ugotovi, da so bili poslani nepravilni podatki ali da so bili podatki poslani nezakonito, pogodbenica o tem nemudoma obvesti drugo pogodbenico. Če se potrdi, da so poslani podatki netočni, pogodbenica, ki podatke obdeluje, sprejme ustrezne ukrepe in podatke popravi. Če pogodbenica podatke pošlje nezakonito ali pomotoma, jih pogodbenica prejemnica izbriše takoj, ko to izve;
- i) vsako pošiljanje in prejem osebnih podatkov je treba evidentirati in dokumentirati. Ti podatki morajo biti na voljo nadzornemu organu, ki je odgovoren za obdelavo podatkov ter integriteto in varnost podatkov;
- j) posameznik, na katerega se podatki nanašajo, ima pravico do vpogleda v poslane podatke, njihovega popravka in/ali izbrisa. V ta namen mora imeti pogodbenica, v kateri posameznik uveljavlja to pravico, na voljo posebne in dostopne postopke, ki omogočajo izvrševanje njegovih pravic.

## **6. člen**

### **Izmenjava in vzajemno varstvo tajnih podatkov**

Pogodbenici si za namene tega sporazuma izmenjujeta tajne podatke in jih varujeta v skladu z določbami posebnega sporazuma o vzajemni izmenjavi in varstvu tajnih podatkov.

**7. člen**  
**Izjeme**

(1) Če pogodbenica meni, da lahko ukrepanje na podlagi določenega zaprosila ali izvajanje posebnih ukrepov pri sodelovanju po tem sporazumu omeji njeno suverenost, ogrozi njeno nacionalno varnost ali druge pomembne interese ali krši notranjo zakonodajo, sporoči drugi pogodbenici, da v celoti ali delno odklanja sodelovanje ali da je zanj določila posebne pogoje.

(2) Pogodbenico, ki pošlje tako zaprosilo, je treba čim prej obvestiti o razlogih, zakaj zaprosila ni mogoče izpolniti v celoti ali deloma.

**8. člen**  
**Stroški**

Vsaka pogodbenica krije stroške svojih organov, ki nastanejo pri izvajanju tega sporazuma.

**9. člen**  
**Izvedbeni protokoli**

Pogodbenici se lahko dogovorita o protokolih za namene izvajanja tega sporazuma.

**10. člen**  
**Reševanje sporov**

Spori glede izvajanja tega sporazuma, ki jih ni mogoče rešiti s posvetovanjem med pristojnima organoma pogodbenic, se rešujejo po diplomatski poti.

**11. člen**  
**Razmerje do drugih mednarodnih sporazumov**

(1) Določbe tega sporazuma ne vplivajo na druge dvostranske ali večstranske sporazume, ki zavezujejo pogodbenici.

(2) Ta sporazum ne vpliva na mednarodno pravno pomoč v kazenskih zadevah ali na izročitve.

**12. člen**  
**Končne določbe**

- (1) Ta sporazum začne veljati trideseti dan po dnevu prejema zadnjega uradnega obvestila, s katerim se pogodbenici obvestita o izpolnitvi notranjepravnih zahtev za začetek njegove veljavnosti.
- (2) Pogodbenici se o spremembah tega sporazuma dogovorita pisno.
- (3) Z začetkom veljavnosti tega sporazuma preneha veljati Sporazum med Vlado Republike Slovenije in Zvezno vlado Zvezne republike Jugoslavije o sodelovanju v boju proti organiziranemu kriminalu, nezakoniti trgovini z mamili, psihotropnimi snovmi in predhodnimi sestavinami, terorizmu in drugim hujšim kaznivim dejanjem, sklenjen v Ljubljani 6. aprila 2001.
- (4) Sporazum se sklene za nedoločen čas. Vsaka pogodbenica ga lahko kadar koli odpove z uradnim obvestilom po diplomatski poti. Odpoved začne veljati šest mesecev po datumu prejema takšnega uradnega obvestila.

Sklenjeno v Ljubljani dne 14. 11. 2012 v dveh izvornikih v slovenskem, srbskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah pri razlagi prevlada angleško besedilo.

Za Vlado Republike Slovenije



Za Vlado Republike Srbije



**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF**  
**SLOVENIA**  
**AND THE GOVERNMENT OF THE REPUBLIC OF**  
**SERBIA**  
**ON POLICE COOPERATION**



The Government of the Republic of Slovenia and the Government of the Republic of Serbia (hereinafter referred to as the Contracting Parties)

endeavouring to contribute to the development of bilateral relations;

observing the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data done at Strasbourg on 28 January 1981 and Recommendation no. R(87)15 of the Committee of Ministers of the Council of Europe of 17 September 1987 regulating the use of personal data in the police sector, which also refers to the cases where the data is not processed automatically;

desiring to intensify and enhance police cooperation;

have agreed as follows:

### **Article 1** **Scope of Cooperation**

(1) The Contracting Parties shall, in accordance with their national legislation, foster their cooperation towards preventing danger and ensuring public safety, particularly regarding public order and traffic safety, as well as the prevention, detection and investigation of criminal offences, especially organised crime, terrorism, people trafficking and illegal migration, computer crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, as well as other criminal offences of international character (hereinafter referred to as police cooperation).

(2) The Contracting Parties shall cooperate especially in cases when criminal offences are committed or preparations for criminal offences are taking place, or have taken place, on the territory of the State of one of the Contracting Parties and there is an indication of a possibility that similar offences or preparations for similar offences are taking place, or have taken place, on the territory of the State of the other Contracting Party.

### **Article 2** **Forms of Cooperation**

(1) Police cooperation between the Contracting Parties shall be based on the principle of reciprocity and shall encompass the exchange of information, including personal data, and other measures in accordance with the purpose of this Agreement and the national legislation of the Contracting Parties and international obligations undertaken.

(2) Police cooperation, in accordance with the principle of reciprocity, shall also encompass cooperation in all forms of police surveillance, controlled delivery, undercover operations, witness protection, joint investigation teams, cooperation in cases of hostage taking situations and negotiations, public security threat

assessments for major events, road traffic safety, training and secondment of liaison officers.

(3) Police cooperation, in accordance with the principle of reciprocity, shall also encompass the exchange of experience on measures for preventing and combating crime, joint analyses of the crime situation, exchange visits by experts, sharing information and facts on the crime situation and trends in the two states.

### **Article 3** **Exchange of Personal Data**

To implement this Agreement the Contracting Parties may exchange the following personal data in accordance with their national legislation:

a) personal data of individuals taking part in the commission or preparation of a criminal offence and their connections as regards the commission of a criminal offence: surname, former surname, first name, other names (aliases, nicknames), gender, date and place of birth, residence, current and former nationalities, and biometric data of an individual;

b) data on the document proving the identity of the individual under item a) of this Article, i.e. a passport or another travel document (number, date of issue, the issuing authority, place of issue, validity period, area of validity);

c) data referring to a fingerprint or palm print of a person involved in the commission of a criminal offence, DNA profile or sample, personal description, photograph;

d) data that police authorities are authorised to collect, process and exchange.

### **Article 4** **Competent Authorities**

(1) The Competent Authorities for the implementation of this Agreement shall be:

in the Republic of Slovenia: Ministry of the Interior, General Police Directorate, and

in the Republic of Serbia: Ministry of the Interior, General Police Directorate.

(2) Requests for cooperation shall be exchanged directly by the Competent Authorities. The modalities of communication shall be agreed by the Competent Authorities on a case-by-case basis.

(3) As a rule, requests and replies to them shall be submitted in writing. If personal data are submitted, such modality of submission shall be selected which

takes into account the sensitivity of such data. Verbal requests are permissible in urgent cases, but shall be followed by a written request without delay.

(4) The Competent Authorities of the Contracting Parties, in accordance with their national legislation, may exchange information without request on a case-by-case basis, if it is reasonably assumed that, on the grounds of established facts, such information is necessary to eliminate concrete threats to public safety and public order or to investigate criminal offences or that the information may lead to submitting a request for legal assistance.

(5) The Competent Authorities shall communicate in English, unless otherwise agreed.

(6) The Contracting Parties shall exchange the information needed for communication through diplomatic channels.

#### **Article 5 Personal Data Protection**

(1) Pursuant to their national legislation, the Competent Authorities of the Contracting Parties commit themselves to ensuring a personal data protection level meeting the conditions of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

(2) For the purposes of this Agreement:

a) "personal data" shall mean any information relating to an identified or identifiable natural person ("data subject"); an identifiable person is one who can be identified, directly or indirectly, also with reference to sound, images, body elements or aspects, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

b) "processing of personal data" shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, transcription, multiplication, copying, transmission, searching, classification, storage, separation, crossing, merging, adaptation, modification, provision, use, granting access, disclosure, publication, dissemination, organising, keeping, editing, disclosure through transmission or otherwise, withholding, dislocation or other actions aimed at rendering the data inaccessible, as well as other actions carried out in connection with such data.

(3) As regards the processing of personal data transmitted pursuant to this Agreement, the following provisions shall apply:

a) personal data may only be processed by the receiving Contracting Party for the purposes mentioned in this Agreement, and in accordance with the conditions imposed by the Contracting Party which transmitted the data;

b) the Contracting Party which transmitted the data shall ensure that data are accurate, complete and updated as well as adequate, relevant and not excessive in relation to the purposes for which they are transmitted. In doing so, it shall observe any bans on data communication imposed by the national legislation. The data shall not be communicated if the Competent Authorities have any grounds to assume that this could violate the national legislation or impair interests of the parties concerned which are worthy of protection;

c) personal data may only be used by the judicial and other competent authorities that are authorized by national legislation to process personal data for the purposes mentioned in this Agreement;

d) the use of personal data for further purposes by the competent authorities of the receiving Contracting Party shall only be authorized after prior express and written approval of the Competent Authorities of the Contracting Party which transmitted the data and in accordance with the national legislation of the receiving Contracting Party;

e) the Contracting Parties shall inform each other about the authority supervising the processing and exchange of personal data;

f) the communication of personal data to other competent authorities of one Contracting Party shall only be authorized after prior express and written approval of the Contracting Party which transmitted the data;

g) onward transfers of personal data to other authorities of a Third Country for the purposes mentioned in this Agreement shall only be permitted in compliance with the national legislation and with the prior consent of the Contracting Party which transmitted the data. If the transfer of the data is essential for the prevention of an immediate and serious threat to public security or to essential interests of the receiving Contracting Party and consent cannot be obtained in time, the transfer can occur without prior consent, on a case-by-case basis, subject to further safeguards. The transmitting Country must be informed without delay;

h) the Contracting Parties shall ensure that data are kept for no longer than necessary with a view to the purposes for which data are transmitted; the Competent Authorities of the transmitting Contracting Party shall notify the Competent Authorities of the receiving Contracting Party of any particular periods of erasure under the national legislation concerning the transferred personal data. If it emerges that incorrect data have been transmitted or data have been unlawfully transmitted, each Contracting Party must notify the other Contracting Party without delay. Where it is confirmed that data transmitted is inaccurate, each Contracting Party processing the data shall take the necessary measures to rectify the information. In the case of an unlawful or erroneous transmission by a Contracting Party, the receiving Contracting Party shall delete the data immediately upon becoming aware of such an event;

i) all transmissions and receptions of personal data are to be logged or documented. The data must be kept at disposal to the supervisory authority in charge of ensuring data processing as well as data integrity and security;

j) the rights to access the transferred data, to have them rectified and/or erased shall be granted to the individual the data refer to. To this end the Contracting Party before which the said individual invokes this right must have in place specific and accessible procedures enabling him/her to exercise his/her rights.

#### **Article 6** **Exchange and Mutual Protection of Classified Information**

The Contracting Parties shall exchange and protect classified information for the purposes of this Agreement in accordance with the provisions of a separate agreement on the exchange and mutual protection of classified information.

#### **Article 7** **Exceptions**

(1) If one Contracting Party believes that acting upon a specific request or taking specific cooperation measures under this Agreement may limit its sovereignty, threaten its national security or other important interests or violate the national legislation, that Contracting Party shall inform the other Contracting Party that it refuses, in whole or in part, cooperation or imposes certain conditions for it.

(2) The Contracting Party that sends such a request shall be informed as soon as possible of the reasons why the request cannot be complied with in whole or in part.

#### **Article 8** **Expenses**

Each Contracting Party shall bear the expenses incurred by its own authorities in implementing this Agreement.

#### **Article 9** **Implementing Protocols**

The Contracting Parties may agree on protocols for the purpose of implementing this Agreement.

#### **Article 10** **Settlement of Disputes**

Disputes regarding the implementation of this Agreement that cannot be settled through consultations between the Competent Authorities of the Contracting Parties shall be settled through diplomatic channels.

**Article 11**  
**Relation to Other International Agreements**

- (1) The provisions of this Agreement shall not affect any bilateral or multilateral agreements binding the Contracting Parties.
- (2) This Agreement shall not affect international legal assistance in criminal matters or extraditions.

**Article 12**  
**Final Provisions**

- (1) This Agreement shall enter into force on the thirtieth day following the day of the receipt of the later notification by which the Contracting Parties inform each other of the fulfilment of the internal legal requirements for its entry into force.
- (2) The Contracting Parties shall agree in writing to any amendments to this Agreement.
- (3) Upon entry into force of this Agreement, the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Slovenia on Cooperation in the Fight against Organised Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and other Serious Crimes done at Ljubljana on 6 April 2001 shall cease to have effect.
- (4) This Agreement is concluded for an indefinite period of time. Either Contracting Party may terminate it by sending a notification through diplomatic channels. The termination shall become effective six months following the date when the notification of such termination is received.

Done at Ljubljana on 14. 11. 2012 in two original copies in the Slovene, Serbian and English languages, all texts being equally authentic. In case of divergence in interpretation the English text shall prevail.

For the Government  
of the Republic of Slovenia:



For the Government  
of the Republic of Serbia:

