

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE ITALIAN REPUBLIC
AND
THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA
ON POLICE COOPERATION



Preamble

The Government of the Italian Republic and the Government of the Republic of Macedonia (hereinafter jointly referred to as the "Parties" and separately as a "Party");

AWARE of the negative effects which crime has on public order and security as well as on the welfare of their citizens;

ACKNOWLEDGING the need to strengthen international cooperation between police authorities in combating crime and terrorism;

RECALLING Resolution No 45/123 of the United Nations General Assembly dating from 14 December 1990 on International Cooperation in Combating Organized Crime, as well as the Conventions on Narcotic Drugs and Psychotropic Substances adopted by the United Nations, the Convention Against Transnational Organized Crime and its Additional Protocols against the Smuggling of Migrants by Land, Sea or Air, Trafficking in Persons, especially Women and Children, signed in Palermo by the Government of the Italian Republic and by the Government of the Republic of Macedonia on 12 December 2000, as well as the relevant United Nations Security Council Resolutions and Conventions against Terrorism adopted under the aegis of the United Nations;

RESPECTING the principle of sovereignty and equality of States and wishing to further consolidate the friendly relations existing between both countries;

HAVE AGREED as follows:

Article 1 COMPETENT AUTHORITIES

(1) The competent authorities responsible for the implementation of this Agreement shall be:

(a) For the Government of the Republic of Macedonia, **the Ministry of Interior of the Republic of Macedonia;**

(b) For the Government of the Italian Republic, **the Department of Public Security of the Ministry of the Interior of the Italian Republic.**

(2) The Parties shall cooperate in accordance with the provisions of this Agreement, acting under their jurisdiction and which are subject to their international obligations and the domestic law in force in their countries.

Article 2 AREAS OF COOPERATION

(1) The Parties shall, within their means, cooperate in the fields of prevention, combating and crime investigation, including, but not limited to, the following areas:

- (a) transnational organized crime;
- (b) illicit production, trafficking and smuggling of narcotic drugs, psychotropic substances and their precursors;
- (c) trafficking in human beings and smuggling of migrants;
- (d) stolen vehicles;



- (e) Illicit trafficking of firearms, ammunition, explosives, nuclear, radioactive and toxic materials;
- (f) Computer crimes;
- (g) Other areas of cooperation in the framework of the competences of the Parties.

(2) The Parties shall, in addition, cooperate in prevention and suppression of terrorist acts in accordance with the domestic law in force in their countries and their international obligations, including the relevant international conventions and United Nations Security Council Resolutions.

Article 3 MANNER OF COOPERATION

The Parties shall — in order to give effect to the provisions of Article 2 and subject to the domestic law in force in their countries - cooperate by:

- (a) exchanging information on crimes, criminals, criminal organizations, their *modus operandi*, structures and contacts which are of interest to both Parties;
- (b) exchanging information on the terrorist groups active in their respective territories, the persons linked to them and their related activities;
- (c) exchanging information on legislative and scientific tools to combat crime, including information on crime threat analysis;
- (d) exchanging best practices on the training of police officers and the use of specialized techniques to combat crime, with the possibility of arranging exchanges of experts and joint training activities;
- (e) exchanging and analyzing information on narcotic drugs, psychotropic substances and their precursors, on their production and manufacturing places and methods, the channels and means used by drug traffickers, including the ways of concealment, as well as on the related analysis techniques;
- (f) exchanging operational information for the purpose of identifying and locating persons, objects and money linked to activities related to the illicit trafficking in drugs and psychotropic substances, to production places and methods, channels and means used by drug traffickers, as well as to the relevant concealment techniques;
- (g) taking the necessary measures to coordinate the implementation of special investigative techniques, such as controlled deliveries, surveillance and undercover operations;
- (h) exchanging information on methods employed to combat trafficking in human beings and smuggling of migrants across borders;
- (i) exchanging information on passports and other travel documents, visas, entry and exit stamps in order to detect forged documents;
- (j) executing the concrete requests for assistance contemplated in Article 4;
- (k) the possible exchange of Liaison Officers to be posted in the relevant Countries;
- (l) the possible mutual exchange of police experts for periods agreed by the Parties in order to promote and implement joint operations;
- (m) exchanging such other information as one competent authority may deem to be of interest to the authority of the other Party



Article 4

REQUESTS FOR ASSISTANCE

- (1) Cooperation within the framework of this Agreement shall take place on the basis of requests for assistance from the interested competent authority or on the initiative of the competent authority which deems such assistance to be of interest to the other competent authority.
- (2) Requests for assistance shall be made in writing. In cases of emergency, requests may be made orally, but shall be confirmed in writing within seven (7) days.
- (3) Requests for assistance shall contain:
 - (a) the name of the competent authority of the Party which applies for assistance and the name of the competent authority of the Party to which application for assistance has been made;
 - (b) details of the case;
 - (c) the purpose of and grounds for the request;
 - (d) a description of the requested assistance;
 - (e) any other information which may assist in the effective execution of the request.
- (4) Cooperation can be carried out through the contact points established by the competent authorities of the Parties.

Article 5

REFUSAL OF ASSISTANCE

- (1) The request for assistance sent in accordance to the provisions of this Agreement may be refused if the requested competent authority deems the execution of the request to be detrimental to the human rights and fundamental freedoms, sovereignty, security, public order or other essential interests of its State or deems it to be in conflict with the domestic law in force in its Country or its international obligations.
- (2) The request for assistance may also be refused if execution of the request implies an excessive burden on the resources of the requested competent authority.
- (3) If possible, the requested competent authority - before taking a decision to refuse the requested assistance in terms of this Agreement - shall consult with the requesting competent authority in order to establish whether the assistance may be granted on the conditions determined by requested competent authority. If the requesting competent authority agrees to receive assistance under the suggested conditions, it shall comply with these conditions.
- (4) Requested competent authority shall notify the requesting competent authority in writing about full or partial refusal to execute the request with an explanation of the reasons for such refusal.



Article 6
EXECUTION OF REQUESTS

- (1) The requested competent authority shall take all the necessary measures to ensure the prompt and full execution of requests.
- (2) The requesting competent authority shall be notified immediately of any circumstances hampering the execution of the request or causing considerable delay in its execution.
- (3) If the execution of the request does not fall within the jurisdiction of the requested competent authority, it shall immediately notify the requesting competent authority accordingly.
- (4) The requested competent authority may request such further information as it deems necessary to duly execute the request.
- (5) The requested competent authority shall inform the requesting competent authority about the results of the execution of the request, as soon as possible.

Article 7
LIMITS RELATING TO THE USAGE OF PERSONAL DATA AND CLASSIFIED INFORMATION

- (1) The Parties agree that personal data transferred within the framework of this Agreement shall be used and stored only for the purposes envisaged by it and shall comply with the provisions of the national legislation and the provisions contained in international conventions on human rights to which both Parties are members.
- (2) The transfer of personal data between the competent authorities of the Parties, determined by this Agreement, shall be performed in accordance to the national legislation of the Parties, thus respecting the conditions defined by the Parties performing the personal data transfer, as well as in accordance to the conditions and principles for personal data protection.
- (3) Each Party shall ensure a level of protection of the personal data supplied under this Agreement adequate to the level ensured by the other Party. It shall adopt the necessary technical and organizational measures to safeguard personal data against any accidental or unlawful destruction, accidental loss or unauthorized disclosure, alteration, access by unauthorized persons or against any unauthorized form of processing.
- (4) Information and documents received from a competent authority in accordance with this Agreement shall not be disclosed to other subjects, States or international organizations except with the prior written consent of the providing competent authority.
- (5) At the request of the supplying Party, the receiving Party shall be obliged to correct, block or delete, consistent with its national law, data received under this Agreement that are incorrect or incomplete or if its collection or further processing contravenes this Agreement or the rules applicable to the supplying Party.



- (6) Where one of the Parties of this Agreement becomes aware that data it has received from the other Party under this Agreement are not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such data, which shall include in particular supplementation, deletion or correction of such data.
- (7) Each Party shall notify the other if it becomes aware that personal data it has transferred to the other Party or received from the other Party under this Agreement are inaccurate or unreliable or are subject to significant doubt.
- (8) The classified information shall be exchanged and protected between the Parties in accordance to the provisions from the national legislation, as well as in line to international agreements on exchange and protection of classified information to which both Parties are members.
- (9) The manner and the measures of protection of the communication information systems through which classified information shall be exchanged between the Parties are determined in accordance to national legislation and to the international agreements on exchange and protection of classified information to which both Parties are members.

Article 8 MEETINGS AND CONSULTATIONS

- (1) For the practical implementation of the provisions of this Agreement, representatives of the competent authorities of the two Parties may, when necessary, have meetings and consultations with a view of assessing progress made in terms of this Agreement and discussing and improving cooperation.
- (2) The meetings shall take place on the territory of the Republic of Macedonia, or on the territory of the Italian Republic.

Article 9 EXPENSES AND COSTS

- (1) Ordinary expenses incurred in processing a request in terms of this Agreement shall be borne by the requested Party, unless otherwise agreed upon in writing. Should the request involve high or extraordinary expenses, the Parties shall consult each other in order to establish the terms and conditions under which the request shall be processed and the way in which the expenses shall be borne.
- (2) Unless otherwise agreed, the costs of meetings shall be borne by the receiving Party. Unless otherwise agreed the travel and accommodation costs shall be borne by the sending Party.

Article 10 WORKING LANGUAGE

The competent authorities - in the course of their cooperation in accordance with this Agreement - shall use English as working language.



Article 11
SETTLEMENT OF DISPUTES

Any dispute between the Parties arising from the interpretation or implementation of this Agreement shall be settled amicably through consultation and negotiations through diplomatic channels.

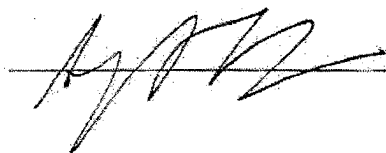
Article 12
ENTRY INTO FORCE, AMENDMENTS AND TERMINATION

- (1) This Agreement shall enter into force on the day of receipt of the last written notification whereby the Parties inform each other through diplomatic channels that their respective national legal conditions for its entry into force have been fulfilled.
- (2) This Agreement shall remain into force until one of the Parties notifies the other Party in written form through diplomatic channels for the intention to terminate this Agreement. In that case the Agreement shall cease to be effective after six (6) months from the date of the receipt of the termination note.
- (3) The Parties, upon mutual written consent may amend or supplement this Agreement. The agreed amendments and supplement shall enter into force in accordance with the same procedure set in paragraph 1 of this article.


IN WITNESS THEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed and sealed this Agreement in two originals, each in Macedonian, Italian and English languages, all texts being equally authentic. In case of differences in the interpretation the English text shall prevail.

DONE at Rome....., on this day the 1st of December.....
in this year 2014.....

FOR THE GOVERNMENT OF
THE ITALIAN REPUBLIC



FOR THE GOVERNMENT OF
THE REPUBLIC OF MACEDONIA




D'ORDINE DEL MINISTRO
Il Capo Ufficio Legislativo
Cons. Amb. Stefano Soliman

