

MEMORANDUM

Between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia on Cooperation in Fighting Terrorism, Organized Crime, Illicit Traffic in Drugs¹ and Precursors, Illegal Migration and Other Criminal Offences

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

Wishing to contribute to the development of bilateral relations,

Having confidence in significant importance of cooperation and coordination of the efforts of institutions which are responsible for maintaining security and public order, prevention and fight against terrorism, organized crime and illicit traffic in drugs and precursors, illegal border crossing of people, means of transport and illegal transportation of goods, as well as other criminal offences,

Confirming their determination to combat terrorism,

Realizing that organized crime demonstrates a serious threat for the development of the region and the Parties,

Concerned with the increase of illicit traffic in drugs and precursors,

With intention to efficiently cooperate in the fight against illegal migration and human trafficking, aiming to coordinate their activities, having due regard to their international commitments and referring particularly to the:

- Convention on Protection of Human Rights and Fundamental Freedoms from November 4th 1950, and supplementary Protocol;
European Convention on the Suppression of Terrorism, from January 27 1977;
- Single Convention on Narcotic Drugs from August 1st 1961, amended by the Protocol from March 25th 1972;
- Convention on Psychotropic Substances from February 21st 1971;
- UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances from December 20th 1988;
- Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime, from November 8th 1990;
- The International Convention for the Suppression of the Financing of Terrorism, from 9th December 1999;

¹ The term "Drugs" according to Bulgarian legislation includes "narcotic and psychotropic substances

- UN Convention against Transnational Organized Crime, Protocol against Smuggling of Migrants by land, sea and air and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, which supplement UN Convention against Transnational Organized Crime from December 12th - 15th 2000,

Respecting the principles of personal data protection in the course of their automatic processing,

In conformity with their national laws, have agreed on the following:

Article 1 **Subject of Cooperation**

- (1) The Parties shall, respecting laws and international obligations of their respective States, and through competent authorities, cooperate in the fight against terrorism, organized crime, illicit traffic in drugs and their precursors illegal migrations and other criminal offences, in conformity with the provisions of this Memorandum,

Article 2 **Competent Authorities**

- (1) Competent authorities of the Parties responsible for implementation of cooperation envisaged by this Memorandum are the following:

On behalf of the Government of the Republic of Serbia:

- Minister of Internal Affairs and persons authorized by him;

On behalf of the Government of the Republic of Bulgaria:

- Minister of Internal Affairs and persons authorized by him;

- (2) Each Party shall inform the other of the alterations in the list of its competent authorities.
- (3) Within the frame of its powers, competent authorities shall cooperate directly and shall agree on specific forms of cooperation and ways of communication.

Article 3 **Areas of Cooperation**

(1) The Parties shall, in conformity with their national legislation, cooperate in the prevention and detection of:

1. Terrorism and financing of terrorism;
2. Organized crime;

3. Illicit traffic in drugs and precursors;
 4. Illegal migration - illegal transportation of people across the state border, illegal residence of persons, irreverence of the passport and visa regimes;
 5. Human trafficking;
 6. Criminal offences directed against life, health, freedom of persons and human dignity;
 7. Criminal offences against private property;
 8. Kidnapping for ransom; -
 9. Extortion;
 10. Illegal production, trafficking and possession of explosives, firearms and ammunition, chemical, biological, atomic and radioactive materials goods and technologies with possible binary application, military techniques, equipment and components, as well as other materials and equipment, which can be used for weapons for mass destruction and other dangerous devices;
 11. Illegal seizure and illicit traffic of motor vehicles, forgery and use of forged documents for idem;
 12. Smuggling of excise products;
 - 13 Criminal offences related to international trade and economic exchange;
 14. Forgery of money, securities and stamps, and other means of non-cash payment which are not securities, as well as the distribution or use of those items;
 15. Financial operations and other activities related to proceeds of crime (money laundering);
 16. Criminal offences against economy, trade and financial and credit system;
 17. Theft and illegal trade of objects of cultural and historical value, works of art, precious metals and minerals and other objects of high value;
 18. Environment related criminal offences;
 18. Computer crime.
- (2) By common approval, the Parties shall also extend mutual assistance in fight against other criminal offences, which are as such anticipated in national legislation of the Parties.

Article 4

Forms of Cooperation

In order to achieve cooperation in prevention and detection of criminal offences in the areas defined by this Memorandum, the Parties shall, in conformity with their national laws:

1. Inform each other of all relevant data that are related to persons involved in

organized crime and their connections, about criminal organizations and groups, typical attitude of perpetrators and groups, facts, particularly ones related to the time, place and way of committing of criminal offences, objects of criminal offences, particular circumstances and provisions of the criminal legislation that are being violated, and about measures taken in order to prevent and suppress serious crime;

2. Assist each other in implementation of the operational-investigative activities, extend organizational and other type of assistance;
3. Assist each other in tracing of persons suspected to have committed crimes and persons who are avoiding their criminal liability or serving a sentence;
4. In cases of investigation cooperate to determine of subscribers and users of the telephone lines, owners and users of motor vehicles and information related to the commercial activities that are subjected to registration;
5. Communicate each other copies of official documents and carry out coordinated activities in relation to detection and documentary of the criminal offences;
6. Undertake compatible measures with the aim to achieve controlled delivery;
7. Cooperate during search for missing persons in relation to criminal offences, and in performance of activities related to identification of persons or post-mortem remains of the unidentified persons;
8. Cooperate during search for stolen objects related to criminal offences, as well as motor vehicles;
9. Mutually extend personal, technical and organizational assistance upon occasion in detecting of the perpetrators of criminal offences;
10. Exchange information and experiences related to methods and new forms of committing of criminal offences;
11. When necessary, hold working meetings with the aim of preparation and coordination of measures related to detection of the specific criminal offences;
12. Exchange information on the results of the criminal and criminological researches on criminal offences, prosecution practice, working methods, research techniques and application of means and methods with the aim of their further development,
13. Organize joint training and exchange experts from relevant fields, for the purpose of professional training; exchange information on the curriculum and teaching programs in police educational institutions.

Article 5

Fight against Terrorism

In the area of the fight against terrorism, the Parties shall, in accordance with their respective legislation and provisions of this Memorandum, duly exchange:

1. Experiences in prevention and information on planned or committed terrorist acts, their perpetrators, ways and technical means used in those terrorist acts;

2. Information on terrorist groups, their financial resources and their members who plan, commit or have committed criminal offences on the territory of one of the Parties at its prejudice and against its interests;
3. Analytical and conceptual materials in order to fight terrorism.

Article 6

Fight against Illicit Traffic in Drugs and Precursors

In the area of the fight against illicit traffic in drugs and precursors and in accordance with their legislation and provisions of this Memorandum, Parties shall:

1. Exchange information and data on persons who participate in illicit traffic in drugs and their precursors, transportation routes; means of transportation and operational methods, origin, production and storing, as well as other details related to this type of crime, when necessary for its detection;
2. Provide information on usual and new methods and routes of illegal trade of drugs and precursors, as well as experiences and data related;
3. Undertake coordinate measures to prevent illegal production and illicit traffic in drugs and precursors;
4. Provide each other samples of drugs, precursors, raw materials and semifinished products used for their production;
5. Exchange results of criminal-technical investigations on illicit traffic in drugs and its misuse;
6. Exchange information and data on how legal production and trade of drugs and precursors turned into illegal in the context of the possibilities for the fight against it.

Article 7

Fight against Human Trafficking and Illegal Migrations

In order to suppress human trafficking and illegal migrations, the Parties shall exchange information, experiences and data derived from the activities in combating human trafficking and illegal migrations, in accordance with their national legislation and provisions of this Memorandum, more concretely:

1. Provide each other information on persons, organizers, perpetrators and methods of criminal groups conducting organized illegal transfer of persons across the State borders, channels of illegal migrations and specially data related to human trafficking;
2. Provide each other information on cases of forgery and use of false and forged documents for travelling and residence outside the country;
3. Exchange analytical and conceptual materials;

4. Exchange information on national legislation and regulations related to regime of movements and stay of aliens;

Article 8 **Fight Against Money Laundering**

The Parties shall, in accordance with their national legislation and provisions of this Memorandum, cooperate in disclosure, prevention and suppression activities related to money laundering.

Article 9 **Conditions for Cooperation**

- (1) Competent authority of the Requested Party shall submit the information upon the request of the competent authority of the Requesting Party, in accordance with provisions of this Memorandum.
- (2) The request for information or assistance shall be submitted in writing unless otherwise agreed.
- (3) Competent authority of the Party may at its own initiative, provide the competent authority of the other Party with information that might help it in detecting, preventing and clarifying a criminal offence if it considers that the information in question is of interest for the other Party.
- (4) The competent authority of the Requested Party shall fulfill such request without delay. Additional information may be asked if deemed necessary for the fulfillment of the request.

Article 10 **Refusal of the Request for Cooperation**

- (1) Each Party may refuse, completely or partially, to provide information or assistance, if it estimates that fulfilling the same might threaten sovereignty, security or any other important interest of its state, or in case the request is not in accordance with its national legislation or if such fulfilling may contradict its national legislation or international obligations,
- (2) The competent authorities shall inform each other in writing in case of the refusal of the request for the information and assistance, stating the reasons.

Article 11 **Protection of Information**

- (1) Each Party shall insure that the information transmitted, except the information that has specifically been marked “for public access”, shall be subject to a basic level of protection (“for official use”) in accordance with its national legislation.
- (2) The Parties shall exchange classified information after the conclusion of an Agreement on the exchange and protection of classified information.

- (3) Transmission of information, materials, data and technical equipment provided in accordance with this Memorandum to a third state is possible only with the specific approval in writing of the competent authority of the Requested Party.

Article 12

Protection of Personal Data

The Competent authorities of the Parties shall, in accordance with their national legislation, apply the following requirements for the protection of personal data:

1. The Competent authority of the Requesting Party may use the data solely for the purpose and under the conditions determined by the competent authority of the Requested Party;

2. Upon the request of the competent authority of the Requested Party, the competent authority of the Requesting Party shall give information on the use of the transmitted data and the results thus achieved;

3. The Party shall submit personal data only to the competent authority determined by the other Party;

4. Competent authority of the Requested Party is obliged to submit valid and correct data. In case it is subsequently ascertained that incorrect data have been transmitted or data that should not have been transmitted, the Requesting Party must be notified immediately; The Requesting Party shall then correct the errors or, in case the data should not have been transmitted, destroy them;

5. When transmitting the data, the competent authority of the Requested Party shall notify the other Party for the destruction or removal of the data in accordance with its national legislation; Regardless of the timeframe for storage, the data relating to the person concerned must be destroyed or removed as soon as they cease to be needed for the purpose they have been provided. The competent authority of the Requested Party must be informed about the destruction and removal of the transmitted data and about the reasons for that. In case of termination of this Memorandum, all data received on its basis must be destroyed;

6. The Party shall have the duty to record the transmission, receipt, removal and destruction of personal data;

7. The competent authority of the Party shall have the duty to protect efficiently personal data against authorized access, loss, and publishing, altering or destroying.

Article 13

Joint Commission

(1) The Party shall establish a Joint Commission composed of at least three members from each Party in order to establish the cooperation envisaged by this Memorandum.

(2) The Parties will be informed dully about the composition and all alterations in the composition of the Joint Commission.

(3) When necessary, each Party may initiate meetings of Joint Commission,

(4) The Joint Commission shall meet alternately in the Republic of Bulgaria and the Republic of Serbia.

(5) Joint Commission shall adopt its rules of procedure.

Article 14 Contact Persons

The Minister of the Interior of each Party shall appoint a contact person for communication with the other Party.

Article 15 Costs

The Parties shall bear their own costs that might arise from this Memorandum, unless otherwise agreed.

Article 16 Settlement of Disputes

Any dispute concerning the interpretation or application of this Memorandum shall be settled by way of consultations and negotiations between competent authorities of the Parties.

Article 17 Relationship to the other International Agreements

This Memorandum shall not affect the rights and obligations derived for the Parties from international agreements, by which their states may be bound.

Article 18 Entering into Force, Beginning of Application, Alterations, Amendment and Denunciation of Implementation

- (1) This Memorandum is concluded for an indefinite period of lime and enters into force upon signature.
- (2) Alterations or amendments of this Memorandum shall be done following mutual written agreement.
- (3) Each of the Parties may denounce this Memorandum by written notification addressed to the other Party. The denunciation shall enter into force three months after the receipt of the notification.

Done at Sofia on the 26 September 2003 in two originals, in Bulgarian and Serbian languages, both texts being equally authentic.

**For the Government of the Republic of
Bulgaria**

**For the Government of the Republic of
Serbia**

