

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V BOJU PROTI ORGANIZIRANEMU KRIMINALU, NEZAKONITI TRGOVINI S PREPOVEDANIMI DROGAMI, PSIHOTROPNIMI SNOVMI IN PREDHODNIMI SESTAVINAMI, TERORIZMU IN DRUGIM HUJŠIM KAZNIVIM DEJANJEM (BBOBOK)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v boju proti organiziranemu kriminalu, nezakoniti trgovini s prepovedanimi drogami, psihotropnimi snovmi in predhodnimi sestavinami, terorizmu in drugim hujšim kaznivim dejanjem (BBOBOK), ki ga je sprejel Državni zbor Republike Slovenije na seji 28. februarja 2002.

Št. 001-22-19/02

Ljubljana, 8. marca 2002

Predsednik Republike Slovenije Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V BOJU PROTI ORGANIZIRANEMU KRIMINALU, NEZAKONITI TRGOVINI S PREPOVEDANIMI DROGAMI, PSIHOTROPNIMI SNOVMI IN PREDHODNIMI SESTAVINAMI, TERORIZMU IN DRUGIM HUJŠIM KAZNIVIM DEJANJEM (BBOBOK)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v boju proti organiziranemu kriminalu, nezakoniti trgovini s prepovedanimi drogami, psihotropnimi snovmi in predhodnimi sestavinami, terorizmu in drugim hujšim kaznivim dejanjem, podpisan v Ljubljani 5. novembra 2001.

2. člen

Sporazum se v izvirniku v slovenskem in angleškem jeziku glasi: *

S P O R A Z U M

MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V BOJU PROTI ORGANIZIRANEMU KRIMINALU, NEZAKONITI TRGOVINI S PREPOVEDANIMI DROGAMI, PSIHOTROPNIMI SNOVMI IN PREDHODNIMI SESTAVINAMI, TERORIZMU IN DRUGIM HUJŠIM KAZNIVIM DEJANJEM

Vlada Republike Slovenije

in

Vlada Republike Bolgarije,

v nadaljevanju pogodbenici,

sta se

v želji, da prispevata k razvoju dvostranskih odnosov,

da sodelujeta v boju proti kriminalu, posebno še organiziranemu kriminalu, proti nezakoniti trgovini s prepovedanimi drogami, psihotropnimi snovmi in predhodnimi sestavinami, terorizmu in drugim hujšim kaznivim dejanjem,

da okrepita svoja skupna prizadevanja za preprečevanje terorizma in zlorabe prepovedanih drog

in da uskladita svoje skupno delovanje proti mednarodnemu organiziranemu kriminalu,

dogovorili, kot sledi:

1. člen

(1) Pogodbenici v skladu s svojim notranjim pravom sodelujeta pri preprečevanju terorizma, nezakonite trgovine s prepovedanimi drogami, psihotropnimi snovmi in predhodnimi sestavinami ter organiziranega kriminala, pri odkrivanju, zatiranju in kazenskem pregonu takšnih kaznivih dejanj ter pri preprečevanju, odkrivanju, zatiranju in kazenskem pregonu drugih hujših kaznivih dejanj.

(2) Pogodbenici sodelujeta predvsem v primerih, ko so kazniva dejanja ali priprave nanje storjena na ozemlju ene od pogodbenic, informacije pa nakazujejo možnost, da so bila pripravljena ali storjena na ozemlju druge pogodbenice.

2. člen

Pogodbenici sodelujeta pri odkrivanju in zatiranju kriminala, predvsem organiziranega kriminala, in:

- a) se obveščata o vseh podatkih o osebah, vpletenih v organiziran kriminal, in njihovih povezavah, o kriminalnih organizacijah in z družbah, o značilnem vedenju storilcev in združb, o dejstvih s posebnim poudarkom na času, kraju in načinu storitve kaznivih dejanj, o žrtvah napadov, o posebnih okoliščinah in o določbah kazenske zakonodaje, ki so bile kršene, ter o sprejetih ukrepih, če je to v določenih primerih potrebno za preprečitev hujših kaznivih dejanj;
- b) na zaprosilo izvajata določene policijske dejavnosti v skladu z notranjim pravom zaprosene pogodbenice;
- c) sodelujeta pri preiskavah v skladu s tem sporazumom in svojim notranjim pravom s pomočjo usklajenih policijskih ukrepov, vključno z vzajemno pomočjo v osebju, tehnični opremi in organizaciji;
- d) izmenjujeta informacije in izkušnje glede novih oblik in metod, ki jih uporablja mednarodni organizirani kriminal;
- e) izmenjujeta izsledke kriminalistično-tehničnih preiskav in študij, kriminoloških in drugih raziskav kriminala ter se obveščata o svoji preiskovalni praksi, metodah in sredstvih, ki jih uporabljata pri svojem delu;

- f) na zaprosilo izmenjujeta pisno gradivo, vzorce uradnih dokumentov in predmete, ki so bili uporabljeni pri storitvi kaznivih dejanj ali iz njih izvirajo;
- g) izmenjujeta strokovnjake za izboljšanje kakovosti dela in omogočata njihovo nadaljnje usposabljanje, da bi dosegli višjo raven strokovnega znanja za boj proti organiziranemu kriminalu;
- h) organizirata delovna srečanja za razgovore o pripravi in izvedbi potrebnih ukrepov.

3. člen

Za preprečevanje nedovoljenega pridelovanja, proizvodnje, izvoza, uvoza in prevoza prepovedanih drog, psihotropnih snovi in predhodnih sestavin (v nadaljevanju mamila) ter boj proti temu in nezakoniti trgovini s takšnimi snovmi pogodbenici v skladu s svojim notranjim pravom:

- a) sporočata kakršne koli informacije o osebah, vpletenih v nedovoljeno pridelovanje, proizvodnjo in trgovino z mamili, o skrivališčih mamil, sredstvih in načinu prevoza, o kraju izvora mamil in namembnem kraju, vključno z drugimi podrobnostmi o takšnih kaznivih dejanjih, če je to potrebno za preprečevanje kriminala ali v določenih primerih za preprečevanje drugih hujših kaznivih dejanj;
- b) izmenjujeta informacije o običajnih in novih načinih in poteh nezakonite mednarodne trgovine z mamili in vse druge pomembne informacije;
- c) izmenjujeta izsledke kriminalistično-tehničnih preiskav o trgovini z mamili in njihovi zlorabi;
- d) izmenjujeta vzorce novih mamil;
- e) izmenjujeta svoje izkušnje pri nadzoru nad zakonitim trgovanjem z mamili glede možnosti boja proti nedovoljeni trgovini s takšnimi snovmi;
- f) usklajujeta svoje policijske dejavnosti v skladu s svojim notranjim pravom.

4. člen

Za preprečevanje terorizma in boj proti njemu pogodbenici v skladu s svojim notranjim pravom in po tem sporazumu:

- a) izmenjujeta informacije o načrtovanih ali storjenih terorističnih dejanjih, vanje vpletenih osebah in skupinah, načinih storitve in tehničnih sredstvih, uporabljenih pri takšnih dejanjih;
- b) izmenjujeta informacije o terorističnih skupinah, njihovih članih, ki načrtujejo, izvajajo ali so izvedli svoja dejanja na ozemlju ene od pogodbenic v njeno škodo, proti njenim interesom, pri čemer so takšne informacije koristne za zatiranje terorizma in preprečevanje drugih nasilnih kaznivih dejanj, kot jih opredeljuje Evropska konvencija o zatiranju terorizma (Strasbourg, 27. januar 1977).

5. člen

V skladu s svojim notranjim pravom in s tem sporazumom pogodbenici sodelujeta tudi pri preprečevanju, odkrivanju in zatiranju drugih hujših kaznivih dejanj, vključno s pranjem denarja.

6. člen

Sodelovanje med pogodbenicama obsega tudi:

- a) izmenjavo informacij o zakonodaji, ki se nanaša na boj proti kaznivim dejanjem, ki je predmet sodelovanja po tem sporazumu;
- b) izmenjavo informacij o koristih, pridobljenih s kriminalno dejavnostjo;
- c) izmenjavo kakršnih koli informacij, pomembnih za katero od pogodbenic v boju proti trgovini z ljudmi, in izmenjavo zakonodaje in izkušenj glede tujcev in migracije.

7. člen

(1) Za izvajanje določb tega sporazuma pogodbenici določita pristojne organe in jih pooblastita za neposredno in operativno sodelovanje v skladu z njihovimi pristojnostmi, kar se lahko opredeli v dvostranskih pisnih protokolih.

(2) Izmenjava informacij med pristojnimi organi poteka v angleškem jeziku, razen če je dogovorjeno drugače.

8. člen

Pristojni organi pogodbenic v skladu z njunim notranjim pravom in ob upoštevanju Konvencije o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov (Strasbourg, 28. januar 1981) in Priporočila št. R 87-(15) Sveta ministrov Sveta Evrope državam članicam, ki ureja varstvo osebnih podatkov v policijskem sektorju (Strasbourg, 17. september 1987), uporabljajo naslednje izraze in pogoje za varstvo osebnih podatkov, ki jih izmenjujejo v okviru sodelovanja:

- a) pristojni organi, ki prejmejo takšne podatke, jih smejo uporabljati samo za namene in pogoje, ki jih določijo pristojni organi, ki so jih poslali;
- b) pristojni organ, ki je podatke prejel, na zahtevo pristojnega organa, ki je podatke poslal, slednjega obvesti o uporabi takšnih podatkov in o njenih rezultatih;
- c) osebni podatki se smejo posredovati samo organom ali organizacijam, ki so pristojne za zatiranje kriminala, boj proti terorizmu, kaznivim dejanjem, povezanih z mamili, in organiziranemu kriminalu. Takšni podatki se smejo posredovati drugim organom samo po predhodnem pisnem soglasju pristojnega organa, ki je te podatke poslal;
- d) pristojni organ, ki je poslal zahtevane podatke, mora zagotoviti, da so podatki pravilni, da je posredovanje podatkov nujno potrebno in da je posredovanje v skladu s svojim namenom. Če bi se izkazalo, da so bili posredovani neresnični podatki ali podatki, ki se ne smejo razkriti, se o tem takoj obvesti pristojni organ, ki je podatke prejel, in ta nemudoma uniči vse podatke, ki so bili posredovani pomotoma ali brez dovoljenja, ali popravi neresnične podatke;
- e) na zahtevo upravičene osebe se vsi obstoječi podatki o njej in nameravana uporaba teh podatkov tej osebi obrazložijo. Glede dajanja informacij o osebnih podatkih prevlada notranje pravo, ki velja v državi pristojnega organa, ki je podatke posredoval;
- f) pristojni organ, ki preskrbi podatke v skladu s svojim notranjim pravom, ob posredovanju določi tudi veljavne roke za izbris takšnih podatkov. Ne glede na to je treba vse podatke, ki se nanašajo na določeno osebo, izbrisati, potem ko niso več potrebni. Pristojni organ, ki je

podatke poslal, mora biti obveščen o izbrisu in razlogih zanj. Vsi prejeti osebni podatki se uničijo po prenehanju veljavnosti tega sporazuma;

g) pristojni organi so dolžni voditi evidenco o posredovanju, prejemu in izbrisu osebnih podatkov;

h) pristojni organi zagotovijo učinkovito varstvo osebnih podatkov, da bi nepooblaščenim osebam preprečili dostop do njih, in jih ne smejo spreminjati ali objavljati.

9. člen

(1) Pogodbenici jamčita za zaupnost vseh posredovanih podatkov, ki jih je katera koli pogodbenica označila kot zaupne v skladu s svojim notranjim pravom.

(2) Pošiljanje gradiv, podatkov in tehnične opreme, posredovanih v skladu s tem sporazumom, tretji državi je mogoče samo s pisnim soglasjem pristojnega organa pogodbenice, ki je podatke posredovala.

10. člen

(1) Pogodbenici oblikujeta skupni odbor za izvajanje in ocenjevanje sodelovanja po tem sporazumu. Pogodbenici se po diplomatski poti obvestita o sestavi skupnega odbora, v katerem so vsaj trije člani iz vsake pogodbenice.

(2) Skupni odbor se sestaja, kadar je to potrebno. Vsaka pogodbenica lahko po potrebi predlaga sestanke skupnega odbora. Skupni odbor se sestaja izmenično v Republiki Sloveniji in Republiki Bolgariji.

(3) Skupni odbor sprejme svoj poslovnik.

11. člen

Ministra za notranje zadeve pogodbenic imenujeta kontaktno osebo, ki bo v stikih s pristojnimi organi druge pogodbenice.

12. člen

Vsaka pogodbenica lahko v celoti ali deloma odpove svoje sodelovanje in svojo podporo ali za to postavi določene pogoje, če je to omejeno z njenim notranjim pravom, če to ogroža varnost ali druge bistvene interese države ali krši njeno notranje pravo.

13. člen

Določbe tega sporazuma ne vplivajo na noben drug dvostranski ali večstranski sporazum, ki zavezuje pogodbenici.

14. člen

(1) Ta sporazum začne veljati na dan prejema zadnjega od uradnih obvestil, s katerima se pogodbenici obvestita o izpolnitvi vseh notranjepravnih pogojev, potrebnih za začetek njegove veljavnosti.

(2) Ta sporazum je sklenjen za nedoločen čas. Vsaka pogodbenica ga lahko odpove po diplomatski poti. Odpoved začne veljati šest mesecev po dnevu prejema uradnega obvestila o odpovedi.

Sklenjeno v Ljubljani dne 5. novembra 2001 v dveh izvornikih v slovenskem, bolgarskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi prevlada angleško besedilo.

ZA VLADO REPUBLIKE SLOVENIJE dr. Dimitrij Rupel l.r. ZA VLADO REPUBLIKE
BOLGARIJE dr. Solomon Isaac Passy l.r.

A G R E E M E N T

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON CO-OPERATION IN THE FIGHT AGAINST ORGANISED CRIME, ILLICIT DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSORS TRAFFICKING, TERRORISM AND OTHER SERIOUS CRIMES

The Government of the Republic of Slovenia

And

The Government of the Republic of Bulgaria,

Hereinafter referred to as the Contracting Parties,

Having the wish to contribute to the development of bilateral relations,

To co-operate in the fight against crime, especially organised crime, illicit drugs, psychotropic substances and precursors trafficking, terrorism and other serious crimes,

To enhance their joint efforts in the prevention of terrorism and illicit drugs abuse,

To harmonise joint actions against international organised crime,

Have agreed as follows:

Article 1

(1) The Contracting Parties shall, in accordance with their national law, co-operate in the prevention of terrorism, illicit drugs, psychotropic substances, and precursors trafficking and organised crime, in the detection, oppression and prosecution of such crimes, as well as the prevention, detection, oppression and prosecution of other serious crimes.

(2) The Contracting Parties shall co-operate especially in cases when criminal offences or preparations thereof are committed on the territory of one of the Contracting Parties and the information indicates a possibility of preparing or committing the same on the territory of the other Contracting Party.

Article 2

The Contracting Parties shall co-operate in the detection and suppression of crime, especially organised crime, and shall:

- a) inform each other about all data on persons, involved in organised crime and their connections; about criminal organisations and groups; typical behaviour of perpetrators and groups; facts, with special attention to the time, place and modus operandi of criminal offences; subjects of attack; special circumstances, and about the provisions of the penal legislation which were violated and of the measures taken, if this is necessary in certain occasions in order to prevent serious crimes;
- b) upon request perform certain police activities in accordance with the national law of the requested Contracting Party;
- c) co-operate in investigations in accordance with the present Agreement and their national law through co-ordinated police measures, including mutual assistance in personnel, technical equipment and organisation;
- d) exchange information and experience concerning new forms and methods used in the international organised crime;
- e) exchange the results of forensic and criminalistic investigations and expertise, criminological and other studies of crime, inform each other of their investigative practice, as well as of the methods and means of their work;
- f) exchange, upon request, written materials, samples of official documents and objects used in the perpetration of or deriving from criminal offences;
- g) exchange experts for improvement of the quality of work, and to enable their further training in order to obtain higher degree of professional knowledge, for the fight against organised crime;
- h) organise working meetings in order to discuss the preparation and implementation of necessary measures.

Article 3

For the prevention of and fight against illicit cultivation, production, export, import and transit of drugs, psychotropic substances and precursors (hereinafter referred to as drugs), as well as illicit trafficking of such substances, the Contracting Parties, in accordance with their national law, shall:

- a) communicate any information relating to persons involved in illicit drug cultivation, production and trafficking, to drug hideouts, to transportation means and modus operandi, to places of origin and destination of drugs, including any other particular details connected with criminal offences, if this is necessary for crime prevention or, in certain cases, for the prevention of other serious criminal offences;
- b) exchange information concerning usual and new ways and routes of illicit international drug trafficking and all other relevant information;
- c) exchange the results of forensic and criminalistic investigations of illicit drug trafficking and drug abuse;
- d) exchange samples of new drugs;
- e) exchange their experience relating to the supervision of legal trading in drugs with regard to the possibilities to fight the illegal trafficking in such substances;

f) co-ordinate their police activities, in accordance with their national law.

Article 4

In order to prevent and counter terrorism, the Contracting Parties shall, in accordance with their national law and subject to the present Agreement:

- a) exchange information relating to planned or committed terrorist actions, persons and groups involved, ways of performance and technical means used in such acts;
- b) exchange information about terrorist groups, their members who plan, execute or have executed their deeds on the territory of one of the Contracting Parties to its detriment, against its interests, such information being useful for suppression of terrorism and for prevention of other violent criminal offences as defined by the European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1977).

Article 5

In accordance with their national law and the present Agreement the Contracting Parties shall co-operate also in the prevention, detection and suppression of other serious crimes, including money laundering.

Article 6

The co-operation between the Contracting Parties shall also include:

- a) exchange of information regarding the legislation dealing with the fight against criminal offences, which is subject of co-operation under this Agreement;
- b) exchange of information concerning benefits obtained by criminal activity;
- c) exchange of any information important to one of the Contracting Parties in the fight against trade and trafficking in human beings, as well as exchange of legislation and experience relating to aliens or migration.

Article 7

(1) For the purpose of implementing the provisions of the present Agreement the Contracting Parties shall assign their competent authorities and duly authorise them to co-operate directly and operatively in accordance with their competencies, which can be specified through bilateral written protocols.

(2) The exchange of information between the competent authorities shall be performed in English, unless otherwise agreed.

Article 8

The competent authorities of the Contracting Parties in accordance with their national law and in consideration of the Convention for the Protection of Persons with Regard to the Automatic Processing of Personal Data (Strasbourg 28 January 1981) and the Recommendation No. R 87-(15) of the Council of Ministers of the Council of Europe to the

Member States regulating the protection of personal data in the police sector (Strasbourg 17 September 1987) shall apply the following terms and conditions for the protection of personal data exchanged within their co-operation:

- a) the competent authorities receiving such data may process them only for the purposes and under the conditions defined by the sending competent authorities;
- b) upon request by the sending competent authority the receiving competent authority shall inform the latter of the processing of such data and of its results;
- c) personal data may be delivered only to the authorities or organisations competent for crime suppression, fighting against terrorism, drug-related crimes and organised crime. Such data may be transferred to any other authorities only upon previous written consent of the sending competent authority;
- d) the competent authority sending the requested data must make sure that the data are correct, that the delivery of the data is absolutely necessary and that the delivery is in accordance with its aim. Should it turn out that untrue data or data that should not have been disclosed were delivered, the receiving competent authority shall be immediately informed of the fact and shall immediately destroy any data delivered by mistake or without permission or correct any untrue data;
- e) upon request by an entitled individual all existing data about him/her, as well as the planned processing thereof, shall be explained to such individual. With respect to giving information on personal data, the national law in force in the state of the delivering competent authority shall prevail;
- f) the competent authority that provides the data in compliance with its national law shall also determine upon delivery the valid terms for the deletion of such data. Regardless of the latter fact, all data concerning a certain person must be deleted after they are no longer needed. The sending competent authority must be informed of the deletion and the reasons thereof. All personal data received shall be destroyed upon termination of the present Agreement;
- g) the competent authorities are obliged to keep record of the delivery, receipt and deletion of personal data;
- h) the competent authorities shall provide efficient protection of personal data to prevent the access of unauthorised persons to such data and are not allowed to change or publish them.

Article 9

(1) The Contracting Parties guarantee the confidentiality of all delivered data, determined as confidential by any of the Contracting Parties in accordance with their national law.

(2) The forwarding of materials, data and technical equipment delivered in accordance with the present Agreement to a Third State is possible only upon a written consent of the competent authority of the delivering Contracting Party.

Article 10

(1) The Contracting Parties shall form a Joint Committee for the implementation and evaluation of the co-operation under this Agreement. The Contracting Parties shall inform each

other through diplomatic channels of the composition of the Joint Committee, which shall consist of at least three members from each Contracting Party.

(2) The Joint Committee shall meet when needed. Any of the Contracting Parties may initiate, if necessary, meetings of the Joint Committee. The Joint Committee shall hold its meetings alternately in the Republic of Slovenia and in the Republic of Bulgaria.

(3) The Joint Committee shall adopt its own Rules of Procedure.

Article 11

The Ministers of Interior of the Contracting Parties shall appoint a contact person to keep contacts with the competent authorities of the other Contracting Party.

Article 12

Either Contracting Party may deny, in whole or in part, its co-operation and its support or may set certain conditions thereof if this is restricted by its national law, if this endangers the security or other essential interests of the State or violates its national law.

Article 13

The provisions of this Agreement shall not affect any bilateral or multilateral agreement binding the Contracting Parties.

Article 14

(1) The present Agreement shall enter into force on the date of the receipt of the last notification by which the Contracting Parties inform each other of the fulfilment of the internal legal requirements necessary for its entry into force.

(2) The present Agreement is concluded for an indefinite period of time. Either Contracting Party may terminate the present Agreement through diplomatic channels. The termination shall become effective six months following the day the notification of termination was received.

Done in Ljubljana on 5 November 2001 in two original copies, each in Slovenian, Bulgarian and English language, all texts being equally authentic. In case of any divergence of interpretation the English text shall prevail.

FOR THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA Dr Dimitrij Rupel (s) FOR THE GOVERNMENT OF THE REPUBLIC OF BULGARIA Dr Solomon Isaac Passy (s)

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za notranje zadeve.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Ljubljana, dne 28. februarja 2002

Predsednik Državnega zbora Republike Slovenije Borut Pahor l. r.

* Besedilo sporazuma v bolgarskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.