

Agreement

Between

The Government of the Republic of Kosovo

And

The Government of the Federal Republic of Germany

On

Cooperation in the Field of Security

(As at 27 October 2009)

The Government of the Republic of Kosovo

And

The Government of the Federal Republic of Germany

hereinafter referred to as the "Contracting Parties" -

Desiring to further consolidate and develop the friendly relations between the Republic of Kosovo and the Federal Republic of Germany,

Convinced that cooperation is extremely important for the effective prevention of and fight against crime, in particular organized and serious crime, terrorism, drug-related crime, arms trafficking, and illegal migration and the unlawful smuggling of persons,

Motivated by the desire to protect the citizens of their countries and other persons in their territory effectively against criminal acts,

Mindful of the aims and principles of international agreements which both Contracting Parties have ratified, and of the resolutions of the United Nations and its special organizations in the field of crime prevention,

Have agreed as follows:

Article 1

Object of cooperation

(1) The Contracting Parties shall cooperate, through their competent authorities, to prevent, combat and solve organized or serious crimes and terrorism.

(2) Cooperation shall comprise in particular the following fields:

1. offences against life, body and health as well as personal freedom;
2. terrorism and terrorist financing;
3. unlawful cultivation, production, extraction, processing, storage;
4. import, export or transit of, or trafficking in, narcotics (*addictive substances, psychotropic substances*) and substances frequently used for unlawful production of narcotics and psychotropic substances, hereinafter referred to as "*precursor substances*";
5. pandering and trafficking in human beings;
6. smuggling of persons and illegal migration;
7. unlawful manufacturing of, trade in, and smuggling of weapons, ammunition, explosives and radioactive material;
8. unlawful trade in potential dual-use goods and technologies;
8. illicit trade in cultural property;
9. extortion;
10. production and dissemination of counterfeit money, falsification of means of non-cash payment or securities or use of falsified means of non-cash payment or securities;
11. forgery or falsification of official documents and certificates;
12. property-related crime;
13. international illicit vehicle trafficking;
14. fraud;
15. evasion of taxes and customs duties;
16. subsidy fraud;
17. corruption;
18. confidence games and unlawful gambling;

19. money laundering;
20. offences against the environment;
21. computer crime;
22. intellectual property crime.

(3) The Contracting Parties shall cooperate particularly in cases involving the commission of criminal activities or preparations for criminal activity on the sovereign territory of one of the Contracting Parties and if there is evidence to suggest that these activities have the capacity to adversely affect the other Contracting Party or to pose a threat to its security.

Article 2

Types of cooperation

The Contracting Parties shall cooperate in accordance with Article 5 below to prevent and combat organised crime, terrorism and other criminal offences within the meaning of Article 1 above. To this end, the Contracting Parties shall, as far as possible,

1. exchange experts, in line with demand, to provide one another with information regarding the types and methods of crime prevention and suppression, and for particular forms of crime suppression and forensic science;
2. inform each other about the particulars of those involved in criminal offences, especially of those organizing behind the scenes, structures of offender groups and criminal organizations and the links between them, typical behaviour patterns of offenders and groups of offenders, facts related to crimes, in particular when, where and how they were committed, the means and resources used by the offender, any particularities, the penal provisions which have been violated and the measures which have been taken, as far as necessary to prevent criminal offences or to avert a substantial threat to public security which may exist in a given case;
3. carry out, upon request, measures which are admissible under the law of the requested Contracting Party; they may grant representatives of the competent authorities

of the other Contracting Party permission to attend the implementation of any such operational measures.

4. cooperate in the course of operative investigations through co-ordinated police measures, granting support in terms of staff, material and organization in doing so;
5. exchange experience and information in particular on common methods of international crime and special and new forms of committing crimes.
6. exchange forensic and criminological research findings as needed;
7. cooperate in the field of criminological assessments;
8. provide the other Contracting Party with samples of objects and substances obtained from or used in criminal activities or that could be abused;
9. send experts for advanced training and exchange of experience;
10. cooperate in the field of basic and advanced technical training;
11. hold working meetings as needed and as part of concrete investigations to prepare and conduct joint measures.

Article 3

Cooperation to prevent and combat drug-related crime

In order to prevent and combat the unlawful cultivation, production, extraction, processing, storage, import, export or transit of or trafficking in *narcotics and precursor substances*, the Contracting Parties shall, in accordance with Article 5, in particular

1. provide the particulars and other case-related findings about persons involved in the unlawful production of narcotics and precursor substances and the

trafficking in such substances, about hiding places and means of transport, methods, places of origin and destination of substances and any particularities of a case, as far as necessary to combat crimes or to avert a substantial threat to public security which may exist in a given case;

2. conduct, upon request, controlled deliveries and other special investigation measures related to the unlawful trafficking in narcotics and precursor substances and provide the other Contracting Party with any helpful findings gathered;

3. provide information about common methods of unlawful cross-border trafficking in narcotics and precursor substances;

4. exchange forensic and criminological research results related to drug trafficking and drug abuse;

5. provide the other Contracting Party with information about new addictive or otherwise dangerous natural or synthetic substances which are abused;

6. share experience with regard to monitoring the lawful trade in narcotics and precursor substances which may be diverted unlawfully;

7. jointly carry out measures to prevent the unlawful diversion of drugs from legal trade and which go beyond their obligations arising from applicable narcotics control agreements;

8. carry out joint measures to combat the unlawful production of synthetic drugs;

9. cooperate in the field of witness protection.

Article 4

Information requests

(1) Information shall be transmitted, subject to the domestic law, by the responsible agencies of the Contracting Party in line with Article 6 upon a written request of the competent agencies of the other Contracting Party. In urgent cases, requests may also be made verbally; however, verbal requests must be confirmed in writing without delay.

(2) Requests in line with paragraph 1 above shall be made in German or in English or in another language agreed upon by the Contracting Parties, and shall contain

1. information concerning the purpose of the request,
2. the information needed to meet the request,
3. a statement as to what items of information are to be transmitted, and
4. any deadlines within which to meet a request, if necessary.

(3) The competent agencies of either Contracting Party shall, in line with its domestic legal provisions, also in the absence of a request, provide the competent agencies of the other Contracting Party with any information which may be of importance to combat or solve organised or serious crimes.

(4) Any information that has been transmitted must not be disclosed to third parties without prior written consent by the communicating Party.

Article 5

Compliance with laws and other provisions of the Contracting Parties and relationship to other international treaties

(1) Cooperation of the Contracting Parties in all fields mentioned in this agreement shall be governed by their domestic law.

(2) This Agreement shall not affect the obligations of the Contracting Parties arising from bilateral or multilateral agreements.

(3) This Agreement shall not affect the national regulations governing extradition, any other judicial assistance in criminal matters, administrative and judicial assistance in fiscal matters or any of the Contracting Parties' obligations arising from bilateral or multilateral agreements. This Agreement does not provide a basis for requests to communicate data or information to be used as evidence in criminal proceedings. Data or information communicated in line with this Agreement must not be used for mutual assistance in criminal matters without the prior consent of the communicating Contracting Party, which is to be given in line with domestic law and in compliance with any applicable bi- or multi-lateral agreements on mutual assistance in criminal matters.

Article 6

Competent agencies

(1) For the purpose of implementing this Agreement, cooperation between the Contracting Parties shall take place directly between the agencies referred to below and through experts designated by them.

1. For the Government of the Republic of Kosovo, the competent agencies are:

- a) The Ministry of Internal Affairs of the Republic of Kosovo;
- b) The Ministry of Economy and Finance of the Republic of Kosovo;
- c) The Ministry of Health of the Republic of Kosovo;
- d) Police of the Republic of Kosovo; and
- e) Customs of the Republic of Kosovo.

2. For the Government of the Federal Republic of Germany, the competent agencies are:

- a) Federal Ministry of the Interior (*Bundesministerium des Innern*),
- b) Federal Ministry of Finance (*Bundesministerium der Finanzen*),
- c) the Federal Ministry of Health (*Bundesministerium für Gesundheit*),
- d) Federal Criminal Police Office (*Bundeskriminalamt*),
- e) the Federal Police Headquarters (*Bundespolizeipräsidium*),
- f) Customs Criminological Office (*Zollkriminalamt*)
- g) Federal Institute for Drugs and Medical Devices (*Bundesinstitut für Arzneimittel und Medizinprodukte*).

(2) The Contracting Parties shall notify each other through diplomatic channels of any changes in competencies or designation of the public authorities responsible for implementing this Agreement.

Article 7

Consultations; Implementing Protocol

The Contracting Parties shall hold consultations to make cooperation under Articles 1 to 4 effective, if necessary. Details and proceedings with regard to cooperation under Article 1 to 4 may be laid down in a separate Implementing Protocol.

Article 8

Protection of personal data

In compliance with the domestic law of each Contracting Party, personal data, hereinafter referred to as "data", shall be communicated and used in the framework of this Agreement by the agencies of the Contracting Parties referred to in Article 6 in accordance with the following provisions:

1. The receiving agency of one Contracting Party shall, upon request, notify the communicating agency of the other Contracting Party as to how the data are to be used and of any results achieved.
2. The receiving agency shall use the data only for the purposes set forth in this Agreement and on the terms specified by the communicating agency. Furthermore, it shall be permissible to use any such data for the prevention and prosecution of serious criminal offences and for the purpose of averting serious danger to public security.
3. The communicating agency shall ensure that the data to be communicated are accurate, and that the purpose of the data communication is both necessary and appropriate. In so doing, they shall respect the communication bans applicable under the relevant national law. The data shall not be communicated if the communicating agency has any grounds to assume that doing so could violate national law or harm the interests of the affected persons which are worthy of protection. If it is found that data have been communicated that are inaccurate or may not be communicated, the recipient must be informed thereof immediately. The receiving agency must correct or delete the data without delay.
4. Upon request, the data subject shall be provided with information about the data communicated with regard to him/her and about the intended use of such data. His or her right to information shall be based on the national laws of the Contracting Party on whose territory the request for information has been filed. Such information may be refused if the interests of the party requesting the information are outweighed by the interests of the state in refusing to provide the information.

force have been fulfilled; the relevant date shall be the day on which the last notification was received.

Article 13

Duration

This Agreement shall be concluded for an unlimited period of time. It may be terminated by either Contracting Party in writing through diplomatic channels. This Agreement shall expire within three months of receipt of the notice of termination by the other Contracting Party.

Article 14

Registration

The registration of this Agreement with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations shall be arranged for by the Government of the Federal Republic of Germany immediately after the Agreement's entry into force.

Done at this day of in two originals in the German, Albanian, Serbian and English languages, all texts being authentic. In case of divergent interpretations of the German, Serbian and Albanian texts, the English text shall prevail.

For the Republic of Kosovo



For the Government of the Federal Republic of Germany

