

AGREEMENT

Between

THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA AND THE GOVERNMENT OF THE REPUBLIC OF MONTENEGRO

"On trans-border police cooperation"

The Council of Ministers of the Republic of Albania and the Government of the Republic of Montenegro (hereinafter referred to as the "Contracting Parties"),

- respecting friendly relations between the two States;
- taking into consideration the domestic legislation and international legal obligations of both States;
- aiming at the intensification of mutual relations and enhancement of the cooperation between the two border police services;
- Being certain that cooperation between border police services is extremely important for the internal security and stability of public order and law;
- aiming at a more effective action through joint measures, plans and actions against illegal migration, trafficking in human beings and other forms of trans-border crime;
- in an effort to facilitate trans-border movement to the highest level;

have agreed as follows:

GENERAL PROVISIONS

Article 1

Object of the Agreement

In accordance with this Agreement and their respective domestic legislations, the Contracting Parties enhance the cooperation between their Border Police services to prevent danger and ensure public order in border areas, particularly to prevent and detect criminal offences (hereafter: prevent trans-border crime) and violations that endanger border security, respecting at the same time Regulations that define data protection as well as their respective domestic legislation and this Agreement.

Article 2

Scope of the Agreement

The scope of this Agreement is to:

- strengthen the security along the shared state borders;
- prevent illegal migration more effectively;
- prevent trans-border crime more effectively;
- prevent other risks on public security more comprehensively;

- facilitate procedures of border crossing control, and
- strengthen the cooperation on shared state borders.

Article 3

Competent Institutions and Authorities

1. The competent institutions and authorities (hereafter referred to as: "responsible institutions and authorities") for the implementation of this Agreement are hereby:

In the Republic of Albania:

- Ministry of Interior
- General Directorate of the State Police
- Directorate of Border and Migration Police
- Other institutions involved in the Integrated Border Management (Customs, phytosanitary and veterinary services)

In the Republic of Montenegro:

- Ministry of the Interior
- Public Security Service, and
- Directorate of the State Border and Border Related Affairs.

2. The Contracting parties shall inform each other reciprocally on changes regarding the institutions and authorities referred to in paragraph 1 of this Article. These Institutions and Authorities shall inform each other directly on the competencies of each Party in relation to the implementation of the Agreement.

GENERAL COOPERATION

Article 4

Coordination of Police Activities

In order to improve the efficiency of the cooperation under this Agreement, the Police Authorities of the Parties are committed to:

- inform each other on focus working issues to prevent trans-border crime as well as significant measures undertaken for the surveillance of the State Border or control the trans-border traffic, which may impact the interests of the Contracting Parties;
- appoint Coordinative Entities or Persons for the fight against organised transborder crime along Border Area;
- draft joint analyses on trans-border concerns and make plans on operational activities at border area;
- perform coordinated and harmonised activities along the shared State Border.

Article 5

Mutual Communication and Telecommunication Connection

1. For the purpose of the implementation of this Agreement, the Police Authorities may improve their mutual communication by means of :

- appointing Liaison Officers, who have adequate knowledge about the other Party;
 - dispatching short-term experts in the territory of the other Contracting Party upon a special additional request;
 - reciprocal study visits by experts;
 - exchanging information on significant telecommunication connection and e-mail addresses of Police Authorities.
2. For the purpose of the implementation of this Agreement, Police Authorities may improve the mutual telecommunication connections by:
- providing direct connection for the data transfer in graphic, photographic and video format;
 - cooperating to provide a regular functioning of the Police radio system;
 - establishing radio connection in previously agreed frequencies where appropriate.

Article 6 Information Exchange between the Parties

1. Police Authorities shall exchange important information for the purpose of the implementation of this Agreement, in particular with regard to:
- criminal offences committed across the border, suspect perpetrators or accomplices, circumstances and the nature of the criminal offence and the measures taken;
 - wanted persons and objects;
 - new forms of crime in the Border Area;
 - mutual similar events and activities on security in the Border Area;
 - current literature and expert technical and business issues relevant to the cooperation in accordance with this Agreement;
 - effective Domestic Legislation and other Regulations of Parties regarding the subject of this Agreement as well as their amendments.
2. Police Authorities of the Parties shall exchange, on agreed dates (as stipulated in the Protocol), important information for elaborating joint risk analyses on security concerns within the Border Area.

Article 7 Use of Special Police Equipment

1. Police Authorities of Parties, in accordance with this Agreement or additional agreements, with a view to enhance the efficiency of cooperation, may use on temporary basis and without a financial refund special equipment and devices of the Police of the other Party, where appropriate.
2. Equipment or devices shall be used by the expert of the Party that owns them. The equipment referred to in paragraph 1 of this Article do not require a special importing and exporting licence, duty, or taxes, when taken in or out the respective territories.

Article 8 Education, Advanced Training and Training

Parties may decide to cooperate within the field of education, advanced training and training, especially by:

- exchanging experience and information on methods and forms of Police work;
- mutual assistance for learning the language of the other Party;
- joint working meetings;
- specialised training at experts' level;
- participation of experts in exercises;
- exchange of trainers.

Article 9

Assistance in case of accidents and civil and natural disasters

1. Police Authorities of the Parties may provide reciprocal assistance in cases of accidents and civil and natural disasters that affect the security situation in the State territory of the other party, so that:

- a. whenever possible, they immediately and mutually inform each other on such events and related detailed information they have;
- b. they undertake and coordinate with the other Party necessary police actions and measures in this regard;
- c. at the request of the Party in whose territory the disaster has taken place, they provide assistance within the framework of their real capacities, namely, by sending experts or providing equipment or devices.

2. In the cases specified in Paragraph 1, section c, the border may be possible to cross when emergency appears, in or out regular border crossing points and working hours. In such a case, visiting police officers must follow the same Regulations as the local officers.

SPECIAL FORMS OF CROSS-BORDER POLICE COOPERATION

Article 10

Designation of Contact Points between Border Polices

Each Contracting Party, according to this Agreement, shall designate its Contact Point with the authorities of the Border Police service of the other Contracting Party.

The Contact Point shall function under implementation of a Special Protocol the Parties shall sign "On establishing and functioning of the Contact Point between Border Police services".

Article 11

Organisation and conduct of meetings at national, regional and local level between Border Police services

Each Contracting Party, according to this agreement, shall organise and hold meetings at national, regional and local level between Border Police services.

Procedures regarding the organisation and conduct of meetings at these three levels shall be specified in the Special Protocol "On establishing and holding meetings at all three levels between Border Police services" to be signed by the parties.

Where necessary, Police Authorities of the Contracting Parties may establish at all levels special Working Boards on the performance of special police duties as well as on providing a solution for border-related incidents or violations of the state border. Officials of the Police Authority of a Contracting Party may operate in the state territory of the other Contracting Party providing advice and expertise for each request.

Article 12

Appointment of liaison officers

1. Each Contracting Party, in accordance with this Agreement, may appoint a Liaison Officer in the State of the other Contracting Party.
2. The Liaison Officer in the territory of the other Contracting Party shall act only providing suggestions and exchanging information as well as performing other duties within the framework of the special instructions by Contracting Parties. Procedures for the establishment and functioning of liaison officers shall be stipulated in a Special Protocol on "Appointment of Liaison Officers" to be signed by the Parties.
3. Police Officers, who are dispatched by either Contracting Party to a third country, upon agreement of the relevant police authorities of the contracting parties, may represent the interests of the other Contracting Party.

Article 13

Joint patrolling along the state borders

Police authorities of the Contracting Parties, in compliance with the special Protocol "On joint patrolling along the border", with a view to prevent threats against public order, combat all forms of crime and upgrade the supervision of the State Border, may agree to establish Joint Patrols of Border Police services and other authorities that operate at the border.

Article 14

Establishment and functioning of joint Border Crossing Points

Police authorities of the Contracting Parties, in compliance with the special Protocol "On establishment and functioning of Joint Border Crossing Points", with a view to realise the objectives for an improved infrastructure of the regional and European transportation, to simplify and facilitate border control operations of the border crossing traffic between states, may agree on the establishment and functioning of joint Border Crossing Points.

Article 15

Establishment and functioning of joint offices for immediate exchange of information

In the state territory of the Contracting Parties, near or at the State Border, in compliance with the Special Protocol "On establishment and functioning of joint offices for immediate exchange of information", parties agree, temporarily or permanently, to establish joint official facilities, where official persons of Police Authorities of the Contracting Parties shall exchange and analyse important information of mutual interest on the State Border.

Article 16

Data exchange and risk analysis

Police Authorities of the Contracting Parties, in compliance with the Special Protocol "On data exchange and risk analysis", with a view to prevent any danger on the public order on both sides of the border and beyond, fight all forms of crime and a better State Border Management, may agree on data exchange and risk analysis in accordance with the procedures envisaged in the Protocol.

Article 17

Organisation and implementation of joint operations at the border

Police Authorities of the Contracting Parties, in compliance with the special Protocol, with a view to harmonise and boost combative power against illegal activities at the border, may agree to organise and carry out joint operations at the border in accordance with the procedures envisaged in the Special Protocol "On the organisation and conduct of joint operations at the border".

Article 18

Planning and conduct of joint investigation

Aiming at performing the tasks for an Integrated Border Management, when necessary, the Parties establish Joint Investigative Working Groups composed of Border Police representatives and summoned experts.

Procedures for planning and conducting joint investigation shall be specified in the Special Protocol that the parties shall sign "On the organisation and conduct of joint investigations at the state border".

LEGAL RELATIONS

Article 19

Relations between competent authorities

1. Competent legal authorities mentioned in article 3, who, within the framework of cooperation in accordance with this Agreement, operate in the sovereign territory of the other Contracting Party, shall deal only with authorities established and envisaged by this Agreement.
2. In taking and implementing all the measures, actions, and procedures, the legislation in force of the other Contracting Party shall be strictly respected.
3. Officials specified in Paragraph 1 of this Article, are authorised to:
 - a. wear their official uniform and carry a gun or additional means permitted by the Law of the other Contracting Party, except for cases when the Police Authorities mentioned in Article 3 informs whether it permits or not under certain circumstances;
 - b. use official guns for self-defence in the territory of the other Contracting Party when this is indispensable;
 - c. enter the sovereign territory of the other Contracting Party and stay without a visa or a travel document until the distance of 10 km (miles) from the State border while performing the duties in cooperation with the other Party, in accordance with this Agreement, if they possess an official Identification Document with a photograph and signature on it;

- d. use police vehicles and vessels of their Police Authority. In this case, the officials are obliged to respect the Regulations of the traffic of the Party in whose territory they are operating.
4. If necessary, in order to perform the tasks in accordance with this Agreement, officials, mentioned in Paragraph 1 of this Article, may cross the State border outside border crossing points.
5. Each Contracting Party is obliged to protect, in addition to its own officers, the officers of the other Contracting Party that are officially dispatched to its territory.
6. Equal relations of officials, mentioned in Paragraph 1 of this Article, are regulated in compliance with the legislation in force of the contracting parties.
7. Officials, mentioned in Paragraph 1 of this Article, as regards their activity in accordance with this Agreement in the sovereign territory of the other Contracting Party, carry out the charged duties operating in conformity with the specifications in agreements and protocols.
8. Official police vehicles and vessels, according to a special Protocol signed previously between Police Authorities, without a special notification may cross the state border of the other Contracting Party in order to operate in its state territory, when, for specific reasons, it is not possible to cross in that part of the state territory from its territory.

Procedures for going through the territory of the other contracting party are envisaged in a separate Protocol.

Article 20

Exemption from Duties or other Taxes

All objects, official motorised vehicles and vessels, as well as objects for personal use, which are brought in or taken out through the border crossing points by officials of Police Authorities that, in the framework of this the cooperation in accordance with this Agreement, during the performance of their functional duties operating in the sovereign territory of the other Contracting party are exempted from special permits, duties, taxes, VAT, port tax, or any other taxes or permits.

Article 21

Liability for Compensation of Damage

1. Contracting Parties mutually give up all rights to claim compensation for a damage resulting in loss or damage of property, which belongs to them, if the damage is caused by an official of Police Authorities from Article 3, when performing the duties regarding the implementation of this Agreement.
2. Contracting parties mutually give up all the rights to claim compensation for damage in the case of injury or death of an official from Article 3, when the injury or death came as a result of performing the duties regarding the implementation of this Agreement. Therefore, the right to submit a request for compensation of the damage on behalf of the official or his/her family is not valid.
3. Should the official of the Police Authorities of a Contracting Party, pursuant to Article 3, while performing the duties regarding the implementation of this Agreement causes damage to a third person, the Contracting Party, on whose territory the damage was caused, is liable for compensating the damage in compliance with legal regulations in effect if the damage is caused by its officer.

4. The Contracting party, whose official caused the damage, shall compensate the other Contracting Party the total amount for the damage, which that Contracting Party had paid to the one who suffered the damage or his/her legal heir.
5. The competent police authorities of the contracting parties shall closely cooperate in order to facilitate requests for the compensation of the damage. In this case, they shall exchange the necessary information for compensatory actions in accordance with this Article.
6. Stipulations of paragraphs 1 and 2, are not applicable if the damage is caused deliberately or because of obvious negligence or beyond official duties.

Article 22
Liability within the field of criminal law

When officials according to Article 3, while performing their duties in compliance with this Agreement, commit a criminal offence in the sovereign territory, or when a criminal offence is committed against them, they have equal rights and liabilities with the officials of the other Contracting Party.

Article 23
Right not to cooperate and other liabilities

1. If one of the Contracting Parties thinks that a proceeding according to a request or application of the other Contracting Party regarding the implementation of the specific liabilities stemming from this Agreement may result in endangering the sovereignty, security or other vital interests or may be against legal regulations, it may refuse the request partially or completely, or make it subject to special conditions.
2. Documentation, information and police devices, which Police Authorities from Article 3 have obtained in accordance with this Agreement, may not be delivered to third countries without a prior permission of those who provided or forwarded the document.
3. Protection of the secrecy of the documentation, information and police devices given or forwarded to the other Contracting Party shall be made either in compliance with national regulations or defined in a separate agreement.

Article 24
Data protection

Taking into consideration the principles of the "Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data" (Strasbourg, 28 January 1981) and the Recommendation No. R 87 (15) of the Committee of Ministers of the Council of Europe to Member States regulating the use of personal data in the police sector (Strasbourg, 17 September 1987), the competent police authorities of the contracting parties define the other conditions for the protection of personal data that are exchanged within the framework of cooperation.

Any information gathered and documented as a result of the activity and work performed in implementing this Agreement is property of the signatory states and may not be delivered or forwarded to third states without the approval of both Parties.

FINAL PROVISIONS

Article 25

Implementation of special forms of cooperation

1. The Ministry of Interior on behalf of the Republic of Albania and the Ministry of Interior Affairs on behalf of the Republic of Montenegro shall sign the protocols for the implementation of the special forms of trans-border police cooperation in conformity with articles 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this Agreement and, if necessary, may sign a Protocol on implementation of other forms of cooperation foreseen in accordance with this Agreement.
2. Competent Police Bodies shall mutually inform each other on all significant circumstances regarding the implementation of this Agreement.

Article 26 Dispute settlement

1. Disputes regarding the implementation of this Agreement shall be settled through direct contacts of the relevant authorities of both contracting parties: The Ministry of Interior of the Republic of Albania and the Ministry of Interior Affairs of the Republic of Montenegro.
2. If the disputes may not be settled by the respective Institutions according to Paragraph 1 of this Article, it shall be solved via diplomatic ways.

Article 27 Entry into force, Duration and Termination of the Agreement

1. This Agreement shall enter into force and shall be applied 30 days after the receipt of the last Diplomatic Note by which the Contracting Parties inform each other on the accomplishment of conditions foreseen by the domestic legislation pertaining to the entry into force of this Agreement.
2. This Agreement is concluded for an indefinite period of time. Each Contracting Party may annul the Agreement at any moment in a written form, via diplomatic ways. The annulment comes into force 3 months after the receipt of the notification of annulment from the other party.
3. Each contracting party may temporarily, partly, or completely suspend the implementation of this Agreement. It is necessary that the other party be immediately informed on the cessation of the suspension, in a written form via diplomatic channels.

Signed in _____ on _____ 2007, in three original copies in the official languages of the two countries and in the English language, in such a way that all three texts are equally authentic. In cases of divergence in interpretation of the text of this Agreement, the English version shall prevail.

**ON BEHALF OF
THE COUNCIL OF MINISTERS OF
THE REPUBLIC OF ALBANIA**

Minister

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THE GOVERNMENT OF
THE REPUBLIC OF MONTENEGRO**

Minister