

AGREEMENT
BETWEEN
THE AUSTRIAN FEDERAL GOVERNMENT
AND
THE GOVERNMENT OF MONTENEGRO
ON THE IMPLEMENTATION OF THE CONVENTION ON POLICE
COOPERATION FOR SOUTHEAST EUROPE

The Austrian Federal Government and the Government of Montenegro (hereinafter referred to as the “Contracting Parties“),

- Reaffirming their will to intensify cooperation in the fight against threats to public security and / or public order, as well as with respect to prevention, detection, and police investigations of criminal offenses,
- Desiring to, in bilateral cooperation, provide prompt and comprehensive implementation of the Convention on Police Cooperation for Southeast Europe, signed in Vienna on 5th May 2006 (hereinafter referred to as "the Convention"),
- Determined to contribute to the full implementation of the Convention through the other Contracting Parties,
- Taking into account the manual developed for the implementation of the Convention,
- Aiming to increase the safety of the citizens of the Republic of Austria and Montenegro,
- Pursuant to Article 34 Paragraph 1 of the Convention,

have agreed as follows:

Objective of the Cooperation

Article 1

This Agreement is aimed at establishing a written definition of the provisions for the implementation of the Convention.

Liaison Officers

Article 2

- (1) Pursuant to Article 9 of the Convention, the Contracting Parties shall cooperate with respect to the secondment of liaison officers.
- (2) Liaison officers seconded to a third state may, by mutual written agreement of the competent authorities, also represent the interests of the other Contracting Party.

Witness Protection

Article 3

- (1) Where reference is made to witness protection in the Convention, this applies to persons who have been placed under the national witness protection programme or shall be included in such a programme.
- (2) Cooperation in the field of logistics includes in particular administrative and technical assistance within the framework of the necessary protection measures, and, if necessary, a change of identity of the protected persons in accordance with the internal state law of the requested Contracting Party. Having regard to the national provisions of the other Contracting Party, certificates or other documents may be provided to establish or maintain a temporarily altered identity ("change of identity").

Cross-border Surveillance

Article 4

- (1) The Contracting Parties shall cooperate in carrying out cross-border surveillance pursuant to Article 14 of the Convention.

(2) Pursuant to Article 14 Paragraph 6 of the Convention, officers are:

- on the side of the Republic of Austria:

Members of the Federal Ministry of the Interior – Directorate-General for Public Security – Criminal Investigation Service Austria,

- on the Montenegrin side:

Members of the Ministry of the Interior, Police Directorate – Crime Police Sector.

(3) Pursuant to Article 14 Paragraph 3 of the Convention cooperation refers to extraditable criminal offenses in the requested state.

(4) Officers of one Contracting Party are allowed to take all necessary technical equipment with them at the state territory of the other Contracting Party, provided that this equipment is permitted by the internal state law and given that the head officer of the Contracting Party in whose state territory technical equipment is going to be taken approved in the individual case. The Contracting Parties shall mutually provide information on the technical equipment carried in the individual case.

Undercover Investigations

Article 5

(1) In the framework of cooperation pursuant to Articles 16 and 17 of the Convention, protection and cover story measures taken by the requesting Contracting Party are recognised by the requested Contracting Party, in accordance with its national law.

(2) Pursuant to Articles 16 and 17 of the Convention, officers are:

- on the side of the Republic of Austria:

Members of the Federal Ministry of the Interior – Directorate-General for Public Security – Federal Criminal Police Office,

- on the Montenegrin side:

Members of the Ministry of the Interior, Police Directorate – Crime Police Sector.

Cooperation in Common Centres

Article 6

- (1) Without prejudice to the provision of Article 29 of the Convention on the establishment of common centres, the Contracting Parties may, by mutual agreement, second officials of one Contracting Party to existing common centres of the other Contracting Party with third states, provided that the third states agree with the secondment.
- (2) The competences of liaison officers seconded to common centres are regulated in Article 29 Paragraph 2 and the other provisions of the Convention.

Settlement of Disputes

Article 7

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

Relation to Other International Agreements

Article 8

This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties.

Entry into Force, Beginning of Implementation, Amendments and Termination

Article 9

- (1) This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other in writing that the necessary conditions have been fulfilled within the country.
- (2) This Agreement shall be concluded for an unspecified period of time. The agreement can be changed or supplemented with mutual agreement of the Contracting Parties.
- (3) Either of the Contracting Parties may terminate this Agreement by way of written notification submitted to the other Contracting Party. In that case, the termination shall

become effective six (6) months after the receipt of the notification by the other Contracting Party.

- (4) From the date of entry into force of this Agreement, the Agreement on police cooperation between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of the Interior of the Republic of Montenegro, signed on 11th November 2004 in Vienna, shall cease to have effect.

Signed in Podgorica, on 19.02.2015 in two original copies, each in German, Montenegrin and English language, all texts being equally authentic. In case of any discrepancies in interpretation of the provisions of this Agreement, the English text shall prevail.

For the
Austrian Federal Government
Mikl-Leitner

For the
Government of Montenegro
Konjević