IMPLEMENTING AGREEMENT OF THE AGREEMENT BETWEEN THE PARTIES TO THE POLICE COOPERATION CONVENTION FOR SOUTHEAST EUROPE ON THE AUTOMATED EXCHANGE OF DNA DATA, DACTYLOSCOPIC DATA AND VEHICLE REGISTRATION DATA

The Parties to this Implementing Agreement,

Based on the Police Cooperation Convention for Southeast Europe (hereinafter referred to as: "the PCC SEE"),

In accordance with Article 20 of the Agreement between the Parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data (hereinafter referred to as: "the Agreement"),

Have agreed as follows:

Article 1
Aim

The aim of this Implementing Agreement is to lay down the necessary administrative and technical provisions for the implementation of the Agreement.

Article 2
Definitions

For the purposes of this Implementing Agreement the definitions in Article 1 of the Agreement are used.

Article 3
Technical specifications

(1) The Parties shall observe common technical specifications in connection with all requests and answers related to searches and comparisons of DNA profiles, dactyloscopic data and vehicle registration data. For request and provision of further personal data and other information after confirmed dactyloscopic or DNA hits via national contact points in accordance with Articles 7 and 8 of the Agreement, the designation and structure of core personal data, relevant criminal information and/ or crime case data could be agreed for simplification and acceleration of such core data provision.

(2) These technical specifications are laid down in User manuals, as referred to in Article 20 of the Agreement (hereinafter referred to as: "the User manuals").

Article 4
Communications network

(1) The electronic exchange of DNA data, dactyloscopic data and vehicle registration data between the Parties shall take place using secure virtual private networks with encryption.

(2) The technical details on the communication network and the contact details and availability of the technical contact points shall be set forth in the User manuals.

Article 5
Availability of automated data exchange

The Parties shall take all necessary measures to ensure that automated searching or comparison of DNA data, dactyloscopic data and vehicle registration data is possible 24 hours a day and seven days a week. In the event of a technical fault, the Parties' national contact points shall immediately inform each other and shall agree on temporary alternative information exchange arrangements in accordance with the legal provisions applicable. Automated data exchange shall be re-established as quickly as possible.

Article 6
Principles of DNA data exchange

(1) The Parties shall use existing standards for DNA data exchange, such as the European Standard Set (ESS) or the Interpol Standard Set of Loci (ISSOL).

(2) The transmission procedure, in the case of automated searching and comparison of DNA profiles, shall take place within a decentralised structure.

(3) Appropriate measures shall be taken to ensure confidentiality and integrity for data being sent to other Parties, including their encryption.

(4) The Parties shall take the necessary measures to guarantee the integrity of the DNA profiles made available or sent for comparison to the other Parties and to ensure that these measures comply with international standards such as ISO 17025.

(5) Parties shall use Party codes in accordance with the ISO 3166-1 alpha-2 standard.

Article 7
Rules for requests and answers

(1) A request for an automated search or comparison, as referred to in Articles 3 and 4 of the Agreement, shall include only the following information:

(a) the Party code of the requesting Party;

(b) the date, time and indication number of the request;

(c) DNA profiles and their reference numbers;

(d) the types of DNA profiles transmitted (unidentified DNA profiles or reference DNA profiles); and

(e) information required for controlling the database systems and quality control for the automatic search processes.

(2) The answer (matching report) to the request referred to in paragraph 1 shall contain only the following information:

(a) an indication as to whether there were one or more matches (hits) or no matches (no hits);

(b) the date, time and indication number of the request;

(c) the date, time and indication number of the answer;

(d) the Party codes of the requesting and requested Parties;

(e) the reference numbers of the requesting and requested Parties;

(f) the type of DNA profiles transmitted (unidentified DNA profiles or reference DNA profiles);

(g) the requested and matching DNA profiles; and

(h) information required for controlling the database systems and quality control for the automatic search processes.

(3) Automated notification of a match shall only be provided if the automated search or comparison has resulted in a match of a minimum number of loci. This minimum is set out in the User manuals.

(4) The Parties shall ensure that requests comply with declarations issued pursuant to Article 2(3) of the Agreement. These declarations shall be reproduced in the User manuals.

Article 8
Transmission procedure for automated searching of unidentified or reference DNA profiles

(1) If, in a search with an unidentified or reference DNA profile, no match has been found in the national database or a match has been found with a DNA profile, the DNA profile may then be transmitted to all other Parties' databases and if, in a search with this DNA profile, matches are found with reference DNA profiles and/or unidentified DNA profiles in other Parties' databases, these matches shall be automatically communicated and the DNA reference data transmitted to the requesting Party; if no matches can be found in other Parties' databases, this shall be automatically communicated to the requesting Party.

(2) If, in a search with an unidentified DNA profile, a match is found in other Parties' databases, each Party concerned may insert a note to this effect in its national database.

Article 9
Principles for the exchange of dactyloscopic data

(1) The digitalisation of dactyloscopic data and their transmission to the other Parties shall be carried out in accordance with the uniform data format specified in the User manuals.

(2) Each Party shall ensure that the dactyloscopic data it transmits are of sufficient quality for a comparison by the automated fingerprint identification systems (AFIS).

(3) The transmission procedure for the exchange of dactyloscopic data shall take place within a decentralised structure.

(4) Appropriate measures shall be taken to ensure the confidentiality and integrity of dactyloscopic data being sent to other Parties, including their encryption.

(5) The Parties shall use Party codes in accordance with the ISO 3166-1 alpha-2 standard.

Article 10
Search capacities for dactyloscopic data

(1) Each Party shall ensure that its search requests do not exceed the search capacities specified by the requested Party. Parties shall submit declarations in which they lay down their maximum search capacities per day for dactyloscopic data of identified persons and for dactyloscopic data of persons not yet identified.

(2) The maximum numbers of candidates accepted for verification per transmission are set out in the User manuals.

Article 11
Rules for requests and answers in connection with dactyloscopic data

(1) The requested Party shall check the quality of the transmitted dactyloscopic data without delay by a fully automated procedure. Should the data be unsuitable for an automated comparison, the requested Party shall inform the requesting Party without delay.

(2) The requested Party shall conduct searches in the order in which requests are received. Requests shall be processed within 24 hours by a fully automated procedure. The requesting Party may, if its national law so prescribes, ask for accelerated processing of its requests and the requested Party shall conduct these searches without delay. If deadlines cannot be met for reasons of vis major, the comparison shall be carried out without delay as soon as the impediments have been removed.

Article 12
Principles of automated searching of vehicle registration data

(1) For automated searching of vehicle registration data Parties shall use a version of the European Car and Driving Licence Information System (EUCARIS) software application especially designed for the purposes of Article 12 of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and amended versions of this software.

(2) Automated searching of vehicle registration data shall take place within a decentralised structure.

(3) The information exchanged via the EUCARIS system shall be transmitted in encrypted form.

(4) The data elements of the vehicle registration data to be exchanged are specified in the User manuals.

(5) In the implementation of Article 9 of the Agreement, Parties may give priority to searches related to combating serious crime.

Article 13
Costs

Each Party shall bear its own costs arising from the administration, use and maintenance of this Implementing Agreement, especially of the EUCARIS software application referred to in Article 12.

Article 14
User Manuals

Further details concerning administrative and technical information needed for efficient and effective exchange of data are set out in the User manuals.

Article 15
Independent data protection authorities

The Parties shall inform the Depositary of the Agreement of the independent data protection authorities as referred to in Article 17 of the Agreement.

Article 16
Final provisions

(1) This Implementing Agreement shall take effect with entry into force of the Agreement, according to Article 26 of the Agreement.

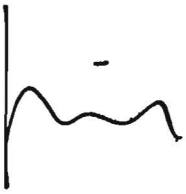
(2) This Implementing Agreement is concluded for an indefinite period of time. This Implementing Agreement shall cease to apply at the same time as the Agreement.

(3) This Implementing Agreement may be amended by the Parties. Such an amendment shall be initiated in writing and shall enter into force according to the procedures described in paragraph 1 of this Article.

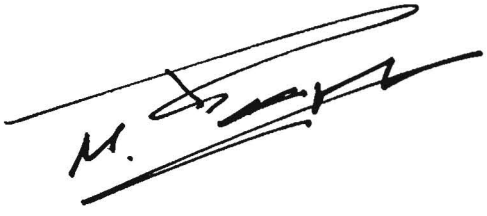
(4) This Implementing Agreement shall be open for accession, subject to previous accession to the Agreement.

In witness whereof the undersigned, being duly authorised have signed this Implementing Agreement:

For the Republic of Albania 

For the Republic of Austria 

For Bosnia and Herzegovina

For the Republic of Bulgaria 

For Hungary

For the Republic of Macedonia

For the Republic of Moldova

For Montenegro

For Romania

For the Republic of Serbia

For the Republic of Slovenia

Done in Vienna, on the 13th day of September 2018, in a single original copy in the English language.

Министарство спољних послова
Републике Србије

Ministry of the Foreign Affairs of
The Republic of Serbia

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