

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
LITHUANIA AND THE GOVERNMENT OF THE REPUBLIC OF SERBIA  
ON COOPERATION IN COMBATING CRIME**

The Government of the Republic of Lithuania and the Government of the Republic of Serbia, hereinafter referred to as "Parties".

*seeking* to promote the relations of friendship and cooperation between the Parties,

*aware* of the fact that international organised crime, terrorism, illegal circulation of narcotic and psychotropic substances as well as crime in other forms poses a major threat to the social and economic development of the Parties' States as well as public security;

*convinced* that effective bilateral cooperation facilitates the achievement of the objectives of combating crime set for the competent authorities of the Parties,

*having regard* to the objective of the Republic of Serbia to become a full member of the European Union and to apply the EU *acquis*.

*seeking* to develop a mechanism for such cooperation as well as the special measures used for that purpose,

*guided* by the principles of equality and mutual benefit,

*guided* by the legislation in force in the territory of the State of the Party and with regard to the international obligations undertaken by their States, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and its protocols, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No 108) of 28 January 1981, the United Nations Single Convention on Narcotic Drugs of 30 March 1961, the United Nations Convention on psychotropic substances of 21 February 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

of 20 December 1988,

have agreed as follows:

### Article 1 Definitions

For the purposes of this Agreement:

- 1) **competent authority** shall mean a public authority of a Party specified in Article 4 of this Agreement, entrusted to carry out, within its competence, certain functions related to combating crime;
- 2) **officer** shall mean a representative of the competent authority entrusted with certain functions related to combating crime;
- 3) **liaison officer** shall mean an officer of one of the Parties appointed to the other Party or a third State or an international organisation to initiate and maintain relations with the institutions of those States or international organisations in order to assist them in combating crime;
- 4) **information** shall mean any data on natural person or a legal person, information on events, circumstances and characteristics as well as all other data necessary under this Agreement;
- 5) **personal data** shall mean any information on a natural person whose identity is known or may be established;
- 6) **processing of personal data** shall mean any act performed with personal data or the entirety of such acts.

**Article 2**  
**Areas of cooperation**

1. The Parties undertake to cooperate under this Agreement in detecting and preventing criminal acts specified in the documents listed in the preamble to this Agreement, in particular:

- 1) criminal acts against human life and health;
- 2) criminal acts related to terrorism;
- 3) illegal production and circulation of narcotic and psychotropic substances and precursors;
- 4) human trafficking, also unlawful deprivation of freedom of movement and involvement into prostitution;
- 5) child pornography and sexual abuse of children;
- 6) theft and unlawful production, trade in and possession of weapons, ammunition, explosives, chemical, poisonous, biological, radioactive and other hazardous substances and military equipment, dual-use technologies and related services and goods;
- 7) illicit financial transactions and other offences against the financial system;
- 8) illegal migration;
- 9) criminal acts against the security of electronic data and information systems;
- 10) criminal acts against property, including extortion and theft as well as illegal trade in cultural goods;

11) forgery and use of forged personal identification and travel documents;

12) counterfeiting of money and other instruments of payment, financial documents, securities and other documents, release thereof into circulation or use thereof as genuine;

13) contraband and other criminal acts against the economy and business order;

14) corruption-related criminal acts.

2. The Parties also agree to cooperate:

1) in searching for missing persons and in assisting in the identification of persons and unidentified bodies;

2) in searching for persons suspected of criminal acts or avoiding punishment for committed criminal acts;

3) in searching, in the national territory of one Party, for crime-related items or other unlawfully acquired property that was illegally appropriated in the national territory of the other Party;

4) by providing effective protection to persons who are under protection from criminal influence or those who assist the competent authorities of the Parties;

5) by helping each other to ensure public order and public security during mass events, especially sport events, held in the national territories of the Parties.

3. By mutual consent, the Parties may also cooperate in other areas under this Agreement, without prejudice to the objectives of this Agreement.

**Article 3**  
**Forms of cooperation**

When cooperating under this Agreement, the Parties:

- 1) shall exchange information related this Agreement and necessary to implement it,
- 2) shall provide each other with assistance via liaison officers,
- 3) shall provide scientific and technical assistance in performing laboratory criminal investigations and/or forensics.
- 4) shall exchange know-how on the working methods and equipment used,
- 5) shall provide assistance in the area of vocational training and qualification advancement,
- 6) shall implement other measures of cooperation.

**Article 4**  
**Competent authorities**

1. In implementing this Agreement, the Parties' competent authorities and the officers appointed by them shall cooperate directly. The following shall be the Parties' competent authorities:

- in the Republic of Lithuania:

Ministry of the Interior of the Republic of Lithuania,

Police Department under the Ministry of the Interior of the Republic of Lithuania,

State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania,

Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania,

Customs Department under the Ministry of Finance of the Republic of Lithuania,

Special Investigation Service of the Republic of Lithuania.

- in the Republic of Serbia:

Ministry of Interior of the Republic of Serbia,

General Police Directorate in the Ministry of Interior of the Republic of Serbia,

Border Police Directorate in the Ministry of Interior of the Republic of Serbia,

Criminal Police Directorate in the Ministry of Interior of the Republic of Serbia,

Customs Directorate in the Ministry of Finance and Economy of the Republic of Serbia.

2. The Parties shall notify each other in writing through diplomatic channels without delay of any changes in the contact details of the competent authorities.

3. In implementing this Agreement, the competent authorities of the Parties may, within their competence, conclude additional technical protocols for specific areas or forms of cooperation.

**Article 5**  
**Liaison officers**

1. With a view to encouraging cooperation and implementing this Agreement properly, the Parties may, by mutual consent, second their liaison officers to the national territory of the other Party for a determined or indefinite period of time.

2. Liaison officers shall supply information and perform other actions according to the instructions given by the seconding Party and shall, within their competence, respond to the requests for assistance received from the Party to whose national territory they have been posted. In performing their functions, liaison officers shall observe the legislation valid in the national territory of the Party to which they have been posted.

3. Liaison officers shall be regarded as officials of the Party to the national territory of which they have been seconded with respect to offences committed due to their fault or by them during the performance of the functions referred to in paragraph 2 of this Article.

4. The seconding Party shall be liable for any damage caused by its liaison officers during the performance of the functions referred to in paragraph 2 of this Article, in accordance with the national legislation of the Party to the national territory of which they have been seconded. The Party in whose national territory the damage was caused shall make good such damage under the conditions applicable to damage caused by its own officials and the seconding Party shall reimburse the latter in full any sums it has paid to the victims or other persons entitled to them.

**Article 6**  
**Requests for assistance**

1. Competent authorities shall transmit information related to this Agreement and necessary for its implementation and carry out other forms of cooperation envisaged in Article 3 of this Agreement by responding to the received requests for assistance by post or via a courier or by transmitting the information via other terminal equipment for telecommunications, provided that text security is ensured and the signature of the requesting Party may be identified. Such co-operation may also be maintained through liaison officers, if any.

2. A request for assistance shall contain extensive information required for the execution thereof. A request for assistance shall be accompanied by documents related to its content or by copies thereof. A request for assistance shall specify the name of the requesting competent authority, the subject-matter of the request and its substantiation.

3. When a competent authority receives a request for assistance which does not fall within its competence, it shall as soon as possible transmit such a request to another authority of the same Party which can execute it and shall notify the requesting competent authority of the other Party accordingly.

4. The requested competent authority shall execute a request for assistance as soon as possible. It may request the requesting competent authority of the other Party for additional information when it appears necessary for the execution of the request or when it can facilitate such execution.

5. If there are grounds for the requested competent authority to believe that the request, if granted, is likely to prejudice its national sovereignty or security or that it would be contrary to its national legislation, international commitments or other essential national interests, it may refuse to execute it in full or in part, or impose conditions on its execution (restrict the use of the provided information or request that the results of the use of the information provided be made available to it). A request for assistance may also be declined if the act for which the request for assistance has been made is not considered to be criminal under the national legislation valid in the State of the requested authority. In



the event of refusal, the requested competent authority shall promptly inform in writing the requesting competent authority of the other Party accordingly, stating the reasons for such refusal.

6. In implementing this Agreement, competent authorities may, on their own initiative, transmit information to the competent authorities of the other Party or perform other actions envisaged in Article 3 of this Agreement.

#### Article 7

#### Protection of personal data

In processing personal data under this Agreement, the competent authorities of the Parties shall comply with the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 (ETS No 108), legislation in force in the territories of the States of the Parties and the following provisions:

1) the competent authority of the Party transmitting personal data shall be responsible for the accuracy, completeness and correctness of the personal data transmitted and shall ensure that they are transmitted only to the extent necessary for the purposes of this Agreement;

2) the competent authority of the Party receiving data shall use the transmitted personal data only for the purposes it has been transmitted for, in compliance with the provisions of this Agreement and the conditions imposed by the transmitting Party's competent authority; only the competent authorities of the Parties listed in Article 4 of this Agreement may use personal data;

3) if requested by the competent authority of the transmitting Party, the competent authority of the receiving Party shall supply it with information on the use of personal data and the results achieved;

4) where it turns out that the transmitted personal data are incorrect or inaccurate or that these personal data should not have been transmitted pursuant to the legislation in force in the territory of the State of the Party of competent authority of the transmitting Party, the competent authority of the transmitting Party shall immediately notify this fact to the receiving competent authority of the other Party and the latter shall rectify or destroy them without delay;

5) at the request of the person whose personal data were transmitted and pursuant to the requirements laid down in the legislation applicable in the territory of the respective Party, he shall be provided with information as to what personal data of his are held, what are the purposes of actual or envisaged use thereof and to whom they have been made available or transmitted: exercise of the rights of personal data subjects may be refused where such refusal is necessary to ensure a Party's national security, defence, public order, crime prevention, clarification and detection of criminal acts, significant national economic and financial interests, detection and clarification of official or professional ethics violations, also to protect the rights and freedoms of the data subject or third parties;

6) with regard to the requirements imposed by legislation in force in the territory of the State of the Party . the competent authority of the transmitting Party shall prescribe a time limit upon expiry of which the transmitted personal data shall be immediately destroyed; regardless of that, the transmitted personal data shall be destroyed when they become unnecessary for the purposes they were transmitted for; the competent authority of the transmitting Party shall be immediately informed about any cases of destruction of personal data together with the reasons for such destruction;

7) the competent authorities of the transmitting and receiving Party shall keep records of personal data transmission, receipt and destruction as well as refusal to transmit personal data;

8) the competent authorities of the transmitting and receiving Party shall

properly protect them against illicit access, modification without the consent of the transmitting Party's competent authority, accidental or illegal destruction, modification, making public, and any other illegal processing.

## Article 8

### Protection of classified information

1. Competent authorities shall guarantee to each other protection of the information supplied under this Agreement. The competent authority of the Party receiving classified information must mark the received classified information with a respective classification marking prescribed by the legislation applicable in its national territory in accordance with the classification marking equivalents listed in the Annex to this Agreement. The specified requirements shall be applicable to any form of expression of classified information irrespective of the manner of storage thereof or the medium in which such information is stored.

2. The national classification markings of the Parties are listed in the Annex to this Agreement. The Parties shall provide the classified information received under this Agreement with the same level of protection that it must apply, pursuant to the legislation valid in its national territory, to its own classified information bearing the respective classification marking.

3. The Party receiving classified information must make sure that the classification markings of the received classified information are not changed, information is not declassified or transmitted to a third party without prior written consent of the competent authority of the Party that transmitted the information.

4. In case classified information transmitted by the competent authority of one of the Parties may be disclosed or is disclosed, the competent authority of the other Party shall notify this fact to the competent authority of the transmitting Party and shall inform it about the circumstances and consequences of the incident as well as the steps taken to

avoid similar incidents in the future.

5. Classified information received from the other Party's competent authority may be used only for the purposes for which it was transmitted.

#### Article 9

##### Languages for co-operation and validity of documents

1. Requests for assistance and other documents under this Agreement shall be drawn up in the official language of the Party of the transmitting authority and shall be submitted accompanied by a translation into English.

2. Documents drawn up or certified by the competent authorities of one Party according to the procedure prescribed by the legislation applicable in its national territory shall be accepted in the national territory of the other Party without requiring additional certification or authentication.

#### Article 10

##### Costs

Costs resulting from the implementation of this Agreement shall be covered by each Party to the extent necessary to fulfil its obligations under this Agreement. Where appropriate, the competent authorities of the Parties in each individual case may decide otherwise.

#### Article 11

##### Other international commitments

1. This Agreement shall not affect the commitments arising from other

international bilateral or multilateral agreements signed by either of the Parties, including the ones listed in the preamble to this Agreement.

2. This Agreement shall apply with regard to membership of the Republic of Lithuania in the European Union.

#### **Article 12**

##### **Dispute settlement**

Any dispute between the Parties concerning the interpretation or the application of this Agreement shall be settled through negotiation or consultation.

#### **Article 13**

##### **Final Provisions**

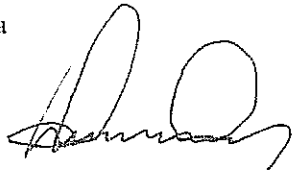
1. This Agreement shall enter into force 30 (thirty) days after the date on which the Parties have notified each other in writing through diplomatic channels that the necessary legal procedures for the entry into force of the Agreement have been fulfilled in accordance with the legislation in force in the territories of the States of the Parties.

2. This Agreement may be amended by mutual agreement of the Parties. Such amendments shall come into force in accordance with the procedure laid down in paragraph 1 of this Article.

3. This Agreement is concluded for an unlimited period of time and may be terminated by either Party by giving the other Party at least 6 (six) months' notice in writing through diplomatic channels. Termination of this Agreement shall not affect the performance of the obligations of the Parties taken on up to the effective date of such termination, unless otherwise agreed.

DONE on *16 April*.....2013 in two copies in the Lithuanian, Serbian and English languages, all these texts being equally authentic. In case of any divergence in the interpretation of this Agreement, the English text shall prevail.

For the Government of the Republic of  
Lithuania



For the Government of the Republic of  
Serbia



Annex to the Agreement between  
the Government of the Republic of  
Lithuania and the Government of  
the Republic of Serbia on  
Cooperation in Combating Crime

**CORRESPONDENCE BETWEEN THE CLASSIFICATION  
MARKINGS USED IN THE REPUBLIC OF LITHUANIA AND IN THE  
REPUBLIC OF SERBIA**

**For the Republic of Lithuania**

**For the Republic of Serbia**

*Riboto naudojimo*

Interno

This classification marking is applied to information amounting to an official secret, loss or illegal disclosure of which may harm the interests of public authorities.

*Konfidencialiai*

Poverljivo

This classification marking shall be applied to information amounting to an official secret, loss or illegal disclosure of which may harm national interests or cause damage to the activities of public authorities or create preconditions for illegal disclosure of information amounting to a State secret.

*Slaptai*

Strogo poverljivo

This classification marking shall be applied

to information amounting to a State secret, loss or illegal disclosure of which may impair the national defensive capacity or cause damage to national interests or create preconditions for danger to human life or health.

*Visiškai slaptai*

Državna tajna

This classification marking shall apply to information amounting to a State secret, loss or illegal disclosure of which may pose a threat to the sovereignty or territorial integrity of the Republic of Lithuania or have grave consequences for national interests or pose a danger to human life.





MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF LITHUANIA

No. 5-426/2014

The Ministry of Foreign Affairs of the Republic of Lithuania presents its compliments to the Ministry of Foreign Affairs of the Republic of Serbia and, with reference to the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Serbia on Cooperation in Combating Crime, done at Vilnius on 16 April 2013, has the honour to inform that an error requiring correction has been identified in the text of the above-mentioned Agreement.

The provisions of Article 8 of the said Agreement deal with the protection of classified information. However, the word "classified" has been omitted in the first sentence of Article 8, paragraph 1, which reads: "1. Competent authorities shall guarantee to each other protection of the information supplied under this Agreement." but should read instead as follows: "1. Competent authorities shall guarantee to each other protection of the **classified** information supplied under this Agreement."

If the Serbian side concurs with the above proposal, the Ministry of Foreign Affairs of the Republic of Lithuania further proposes that this Note together with the reply Note of the Ministry of Foreign Affairs of the Republic of Serbia shall constitute the correction of the first sentence of Article 8, paragraph 1 of the English and Serbian, if necessary, text of the aforementioned Agreement, in accordance with subparagraph b, paragraph 1 and paragraph 4 of Article 79 of the Vienna Convention on the Law of Treaties.

The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Serbia the assurances of its highest consideration.

Vilnius, 21 July 2014



MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF SERBIA  
Belgrade



**MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF SERBIA**

No. 43850

The Ministry of Foreign Affairs of the Republic of Serbia presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and has the honour to acknowledge the receipt of the Note No. 5-426/2014 of 21 July 2014, which reads as follows:

"The Ministry of Foreign Affairs of the Republic of Lithuania presents its compliments to the Ministry of Foreign Affairs of the Republic of Serbia and, with reference to the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Serbia on Cooperation in Combating Crime, done at Vilnius on 16 April 2013, has the honour to inform that an error requiring correction has been identified in the text of the above-mentioned Agreement.

The provisions of Article 8 of the said Agreement deal with the protection of classified information. However, the word "classified" has been omitted in the first sentence of Article 8, paragraph 1, which reads: "1. Competent authorities shall guarantee to each other protection of the information supplied under this Agreement." but should read instead as follows: "1. Competent authorities shall guarantee to each other protection of the classified information supplied under this Agreement."

If the Serbian side concurs with the above proposal, the Ministry of Foreign Affairs of the Republic of Lithuania further proposes that this Note together with the reply Note of the Ministry of Foreign Affairs of the Republic of Serbia shall constitute the correction of the first sentence of Article 8, paragraph 1 of the English and Serbian, if necessary, text of the aforementioned Agreement, in accordance with subparagraph b, paragraph 1 and paragraph 4 of Article 79 of the Vienna Convention on the Law of Treaties.

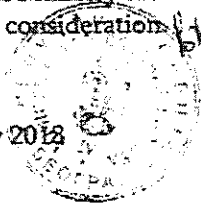
The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew the Ministry of Foreign Affairs of the Republic of Serbia the assurances of its highest consideration."

The Ministry of Foreign Affairs of the Republic of Serbia has further the honour to inform that, upon consultations with The Ministry of Interior Affairs of the Republic of Serbia, it agrees with the proposed correction and it agrees that this Note and the quoted Note of the Ministry of Foreign Affairs of the Republic of Lithuania shall, in accordance with subparagraph b, paragraph 1 and paragraph 4 of Article 79 of the Vienna Convention on the Law of Treaties, constitute the correction of the Agreement between the Government of the Republic of Lithuania and the

Government of the Republic of Serbia on Cooperation in Combating Crime, done at  
Vilnius on 16 April 2013.

The Ministry of Foreign Affairs of the Republic of Serbia avails itself of this  
opportunity to renew the Ministry of Foreign Affairs of the Republic of Lithuania the  
assurances of its highest consideration. 1/10

Belgrade, 23 May 2013



MINISTRY OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF LITHUANIA  
Vilnius