

# **A G R E E M E N T**

## **between the Czech Republic and Georgia on Cooperation in Combating Crime**

The Czech Republic and Georgia (hereinafter referred to as “Contracting Parties”).

Aiming at developing and strengthening friendly relations and mutually beneficial bilateral cooperation.

Concerned by the increasing scale and trends of the international crime especially the forms of organized crime and terrorism,

Being aware that any form of crime endangers public order and state security, impedes development of economy, establishment of investment environment, democratic values and justice,

Proceeding from the desire to provide reliable protection from criminal offences against life, health, freedom and human dignity, legal interests of citizens, interests of the society and the state,

Convinced of advantages of international cooperation as an important factor in prevention and effective fight against organized crime,

Abiding by their international obligations and national legislation,

Have agreed as follows:

### **Article 1**

(1) The purpose of this Agreement is to deepen and strengthen cooperation in preventing and detecting criminal offences and establishing their perpetrators, in particular through the exchange of both strategic and operational information and direct contacts between the competent bodies at all appropriate levels.

(2) Cooperation under this Agreement shall take place as provided in the national legislation of the Contracting Parties and the international agreements by which the Contracting Parties are bound and shall not include legal assistance in criminal matters, which falls under the competence of judicial bodies.

## **Article 2**

Cooperation under this Agreement shall relate to all forms of criminal activities, in particular:

- a) organized crime;
- b) terrorism and its financing;
- c) crime against life and health;
- d) trafficking in human beings and trafficking in human organs and tissues;
- e) sexual abuse of children and child pornography;
- f) crime related to illegal migration;
- g) illicit trafficking in narcotic drugs and psychotropic substances in the sense of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988;
- h) cyber-crime;
- i) illegal production, solicitation, possession, import, export, transit of and trade in weapons, ammunition and explosives, chemical, biological, radioactive and nuclear materials, in goods and technologies of strategic importance, as well as other highly dangerous substances, including hazardous waste;
- j) crime against property;
- k) counterfeiting of money, securities, means of non-cash payments and their distribution and use;
- l) counterfeiting of official documents, in particular identity documents, and their distribution and use;
- m) economic and financial crime;
- n) money laundering;
- o) corruption;
- p) crimes against intellectual property;
- q) crime related to objects of cultural and historical value;
- r) crime related to motor vehicles;
- s) crimes against the environment.

## **Article 3**

The competent authorities of the Contracting Parties may provide each other with mutual support by exchanging personal and other data and documents, particularly on:

- a) criminal acts, including data on persons suspected of or involved in a criminal activity, links between offenders, the organization of groups involved in criminal activities and their structure, the typical behaviour of individual offenders and groups, violations of criminal law and the adopted measures;
- b) the planning of criminal acts, including acts of terrorism, directed against the interests of the Contracting Parties;
- c) prevention and fight against illegal migration;
- d) objects used as instruments of crime or proceeding from crime; where possible they shall provide each other with samples of these objects;

- e) bank accounts and financial transactions related to economic crime and money laundering, acquired by the competent authorities in accordance with the national legislation;
- f) the planning of special actions and operations that may be of interest to the other Contracting Party;
- g) the knowledge on new forms of crime, together with expert analysis and specialist literature;
- h) results of forensic and criminological research, investigation practice, methods and means of work;
- i) legal provisions related to the subject matter of this Agreement.

#### **Article 4**

When necessary, the competent authorities of the Contracting Parties may coordinate their activities and support each other, in particular:

- a) in searching for persons suspected of a crime, as well as persons absconding from criminal prosecution or the service of a sentence;
- b) in searching for missing persons, including procedures related to the identification of persons or mortal remains;
- c) in searching for objects, including the implementation of measures aimed at the tracing and recovery of the proceeds of crime;
- d) in preparing and organizing the implementation of special investigative techniques such as controlled deliveries, surveillance and undercover operations;
- e) in providing security on board an aircraft;
- f) in planning and implementing joint crime-prevention programmes.

#### **Article 5**

(1) For the purpose of supporting the other Contracting Party or coordinating activities related to specific crimes, the competent authorities of the Contracting Parties may send consultants to the competent authorities of the other Contracting Party or establish mixed analytical and other working teams.

(2) Officials of the competent authorities of one Contracting Party may be active on the territory of the other Contracting Party in an advisory and support capacity. When exercising their advisory and support capacity, they shall abide by the instructions of the competent authorities of the Contracting Party to whose territory they have been sent. They shall not exercise any enforcement power in the territory of the other Contracting Party.

#### **Article 6**

(1) Either Contracting Party may detach one or more police/security attachés at its diplomatic mission or consular post in the territory of the other Contracting Party for a definite or an indefinite time period.

(2) The police/security attachés shall be active in the territory of the other Contracting Party in advisory and support capacity, provide assistance in establishing contacts and participate in the organization of working meetings. They shall carry out their tasks in accordance with the instructions they receive from the sending Contracting Party.

(3) Police/security attachés of one Contracting Party sent to a third state may upon a mutual agreement of the Contracting Parties and upon a written consent of the third state represent also the interests of the other Contracting Party.

(4) The police/security attachés shall not exercise any enforcement power in the territory of the other Contracting Party.

#### **Article 7**

The Contracting Parties shall cooperate in the area of training and education, and this cooperation shall include in particular:

- a) participation of officers of one Contracting Party in training courses of the other Contracting Party;
- b) holding of joint seminars, exercises and training courses;
- c) training of specialists;
- d) exchange of experts, as well as training concepts and programmes, best practices and experience;
- e) participation of observers at exercises.

#### **Article 8**

The Contracting Parties may decide to cooperate in deploying of Air Marshals on board an aircraft registered in the respective Contracting Party. Such deployment shall be in conformity with the relevant multilateral international instruments binding upon the Contracting Parties. If the Contracting Parties agree to cooperate in this field, the cooperation can be implemented only when the relevant authorities of the Contracting Parties conclude a separate arrangement regulating the rules and modalities of this cooperation, including carrying of weapons.

#### **Article 9**

(1) Information and other forms of support under this Agreement shall be provided upon request. The requests and replies to such requests shall be made in writing (by fax or e-mail). In case personal data are transmitted, a secure transmission method must be chosen taking into account the sensitivity of the data. In urgent cases, requests can be made orally. However, immediately afterwards a confirmation in writing must be made. The Contracting Parties shall make sure that only authorized personnel has access to the communication device used.

(2) The competent authorities of the requested Contracting Party shall answer the request specified in paragraph (1) as soon as possible. The competent authorities of the requested Contracting Party may ask for further information if necessary for granting the request. If the authority which has received a request for support is not the competent authority to deal with this request, it shall refer the request to the authority which is competent thereto.

(3) In certain cases the competent authorities of the Contracting Parties shall provide each other with information without being requested, if, based on proven facts, there is reason to assume that such information is needed to counter concrete threats to public order or state security, or to prevent or detect criminal offences and establish their perpetrators.

(4) Each of the Contracting Parties may refuse, wholly or partly, a request for support should it believe that granting the same might threaten its sovereignty, security or another vital interest, or if it contravened its national legislation or its international obligations. In order to grant the request, the requested Contracting Party may stipulate conditions by which the requesting Contracting Party shall be bound.

(5) Should a request be refused or granted only partially, the Contracting Parties shall immediately inform each other thereof in writing.

(6) In implementing this Agreement, the competent authorities of the Contracting Parties shall use the English language, unless agreed otherwise.

## **Article 10**

The Contracting Parties shall mutually protect personal data (hereinafter referred to as “data”), exchanged under this Agreement, in accordance with their national legislation and following principles:

- a) the recipient Contracting Party may use the data solely for the purposes of the fight against crime, the protection of public order and state security and under the conditions determined by the data-transferring Contracting Party; transferred data may not be used for other purposes without the prior written consent of the data-transferring Contracting Party;
- b) data revealing racial origin, political opinions or religious or other beliefs, as well as data concerning health or sexual life, may only be transferred if absolutely necessary;
- c) upon the request of the data-transferring Contracting Party, the recipient Contracting Party shall inform on the use of the transferred data and the results thus achieved;
- d) the data-transferring Contracting Party shall ensure that the transferred data are correct and check that the transfer is necessary and appropriate to the intended purpose;
- e) should it be subsequently ascertained that the transferred data were incorrect or should not have been transferred, the recipient Contracting Party must be notified immediately; it shall correct the wrong data and destroy the data which should not have been transferred;
- f) the Contracting Parties shall effectively protect transferred data from unauthorized or accidental access, accidental loss, unauthorized or accidental change, unauthorized or accidental transfer, or from unauthorized or accidental disclosure;
- g) the Contracting Parties shall keep records on the transfer, receipt and destruction of data; the records shall in particular indicate the purpose of the transfer, the scope of the data, the authorities involved and the reasons for destruction;
- h) when transferring data, the data-transferring Contracting Party may set the other Contracting Party a deadline for the destruction thereof in accordance with its national legislation; regardless of the deadline, the data must be destroyed as soon as they cease to be needed; in the event of the termination of this Agreement, unless it is replaced by a new international agreement or another regulation binding upon both Contracting Parties, all data received on its basis must be destroyed;
- i) each person has the right to receive, upon request, from the authority responsible for the data processing information on the data concerning him/her transferred or processed under this Agreement, as well as the right to the correction of incorrect data, or the destruction of data

processed unlawfully; provision of such information may be refused only in cases defined by the national legislation of the Contracting Parties; the authority handling the request for information shall provide the information upon the previous consent of the other Contracting Party;

- j) the Contracting Parties shall cooperate in the protection of the transferred data; in particular, they shall inform each other of the possibilities of persons to seek protection of their rights under lit. i).

### **Article 11**

Exchange of classified information between the Contracting Parties and its protection shall be performed in accordance with the Agreement between the Czech Republic and Georgia on the exchange and mutual protection of classified information of 22 January 2009.

### **Article 12**

(1) Information and documents transmitted in the framework of cooperation under this Agreement may be provided to third states and international organizations only with a written consent of the transmitting Contracting Party.

(2) The Czech side may share the information that had been transferred in the framework of cooperation under this Agreement by the Georgian side with other Member States of the European Union or the Schengen area or with European agencies while using information systems established under the law of the European Union for the purposes of cooperation in protecting public order and state security as well as combating crime, in particular, while using the Schengen Information System.

### **Article 13**

Unless the competent authorities of the Contracting Parties agree otherwise in advance, the costs associated with the implementation of all forms of cooperation under this Agreement shall be borne by the Contracting Party which provides the support; the Contracting Parties shall be mindful of reciprocity of costs.

### **Article 14**

(1) Competent authorities for the implementation of this Agreement shall be the following:

For the Czech Republic:

- a) Ministry of the Interior,
- b) bodies of the Police of the Czech Republic,
- c) General Directorate of Customs,
- d) General Inspection of Security Units.

For Georgia:

- a) Ministry of Internal Affairs of Georgia,
- b) State Security Service of Georgia,
- c) Investigation Service of the Ministry of Finance of Georgia.

(2) Within 30 days of the entry of this Agreement into force, the Contracting Parties shall exchange through diplomatic channels the contact addresses, telephone and fax numbers or other contact details and, as far as possible, name a contact person having the knowledge of the language of the other Contracting Party or the English language.

(3) The competent authorities of the Contracting Parties shall immediately notify each other of any changes in the data conveyed under paragraph (2).

#### **Article 15**

The competent authorities of the Contracting Parties may, when necessary, conclude implementing protocols on the basis of this Agreement.

#### **Article 16**

Any disputes which might arise in connection with the interpretation or application of this Agreement shall be resolved by consultations between the competent authorities of the Contracting Parties. Should the disputes not be resolved this way, they shall be further solved through diplomatic channels.

#### **Article 17**

This Agreement is without prejudice to the obligations of the Contracting Parties arising from other international bilateral or multilateral agreements binding upon the Contracting Parties.

#### **Article 18**

Amendments and supplements may be introduced to this Agreement upon mutual consent of the Contracting Parties, which shall be formed as a separate document and enter into force in accordance with Article 20 of this Agreement. The document formed thereby, shall constitute an integral part of this Agreement.

#### **Article 19**

Either Contracting Party may suspend the implementation of this Agreement in full or in part, should the concerns of national security, public order or public health require so. The suspension shall be revoked as soon as the reasons for the suspension cease to exist. The Contracting Parties shall immediately notify each other of the adoption or revocation of such measures through diplomatic channels. The suspension of the implementation of the Agreement and the revocation of that suspension shall become effective upon the lapse of fifteen days from the delivery of such notification to the other Contracting Party.

#### **Article 20**

(1) This Agreement shall enter into force on the first day of the second month following the day of the receipt of the last written notification through diplomatic channels by which the Contracting Parties notify each other on the completion of internal procedures necessary for the entry into force of this Agreement.

(2) This Agreement is concluded for an indefinite period of time.

(3) This Agreement may be terminated by either Contracting Party by means of a written notification sent through diplomatic channels. This Agreement shall terminate six months after the date of receipt of such written notification by the other Contracting Party.

Done in .....Tbilisi..... on this .....July 10<sup>th</sup>..... day of 2019 in two originals, each in the Czech, Georgian and English languages, all texts being equally authentic. In case of divergence in the interpretation, the English version shall prevail.

For the Czech Republic

Tomáš Petříček  
Minister of Foreign Affairs

For Georgia

David Zalkaliani  
Minister of Foreign Affairs