

**No. 55922\***

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## **Multilateral**

**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. Vienna, 13 September 2018**

**Entry into force:** *11 August 2019, in accordance with article 26*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Serbia, 11 August 2019*

**Note:** *See also annex A, No. 55922.*

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## **Multilatéral**

**Accord entre les parties à la convention de coopération policière pour l'Europe du Sud-Est relatif au transfert automatisé des profils ADN, des données dactyloscopiques et relatives à l'immatriculation des véhicules. Vienne, 13 septembre 2018**

**Entrée en vigueur :** *11 août 2019, conformément à l'article 26*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Serbie, 11 août 2019*

**Note :** *Voir aussi annexe A, No. 55922.*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

**Participant**

**Ratification**

Albania

12 Jun 2019

Serbia

25 Dec 2018

**Note:** The texts of the declarations and reservations are published after the list of Parties -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

**Participant**

**Ratification**

Albanie

12 juin 2019

Serbie

25 déc 2018

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**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 Agreement,

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

Desirous of strengthening cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration and endeavouring the implementation of the PCC SEE, in particular on the transmission and comparison of DNA profiles, dactyloscopic data and vehicle registration data,

Having in mind the Conclusions of the 11<sup>th</sup> PCC SEE Committee of Ministers (01/2014), the Conclusions of the 12<sup>th</sup> PCC SEE Committee of Ministers (05/2014) and the Conclusions of the 15<sup>th</sup> PCC SEE Committee of Ministers (01/2016), highlighting the strong need for the development of automated DNA data, dactyloscopic data and vehicle registration data information exchange, within the PCC SEE legal framework,

Acknowledging the PCC SEE developments in the Area of Data Protection, where all Parties have successfully passed the evaluations in the area of personal data protection and have, consequently, fulfilled the preconditions to exchange personal data, while taking into account the common European data protection principles and standards as enshrined in Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (hereinafter referred to as: "Directive (EU) 2016/680") and the relevant Convention of the Council of Europe on Protection of Personal Data and relevant Council of Europe recommendation for protection of personal data for the Police sector (hereinafter referred to as: "relevant Council of Europe Convention and recommendations"),

Having in mind the provisions deriving from the Treaty of 27 May 2005 between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (hereinafter referred to as: "the Prüm Treaty"), the Implementing Agreement of the Prüm Treaty, the 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 (hereinafter referred to as: "the Prüm Decision") and the Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in

combating terrorism and cross-border crime (hereinafter referred to as: "the Prüm Implementing Decision"),

Have agreed as follows:

**CHAPTER I**  
**General Provisions**

**Article 1**  
**Aim, scope and definitions**

(1) By means of this Agreement, the Parties intend to strengthen cross-border police cooperation with respect to fighting threats to public security with respect to prevention, detection and investigation of criminal offences as laid down in the PCC SFE. To this end, this Agreement contains rules for automated exchange of DNA data, dactyloscopic data and vehicle registration data and exchange of available subsequent personal and case-related data in case of a hit.

(2) For supporting the implementation of the transmission and comparison of DNA data, dactyloscopic data and vehicle registration data the Parties lay down:

- (a) provisions on the conditions and procedure for the automated transfer of DNA profiles, dactyloscopic data and vehicle registration data;
- (b) the necessary administrative and technical provisions for the implementation of automated exchange of DNA data, dactyloscopic data and vehicle registration data.

(3) For the purposes of this Agreement:

- (a) "search" and "comparison" mean the procedures by which it is established whether there is a match between, respectively, DNA data or dactyloscopic data which have been communicated by one Party and DNA data or dactyloscopic data stored in the databases of one, several, or all of the Parties;
- (b) "automated searching" means an online access procedure for consulting the databases of one, several, or all of the Parties;
- (c) "DNA profile" means a letter or number code which represents a set of identification characteristics of the non-coding part of an analysed human DNA sample, i.e. the particular molecular structure at the various DNA locations (loci);
- (d) "non-coding part of DNA" means chromosome regions not genetically expressed, i.e. not known to provide for any functional properties of an organism;
- (e) "DNA data" mean DNA profile, reference number and personal identification data;
- (f) "DNA reference data" mean DNA profile and reference number;
- (g) "reference DNA profile" means the DNA profile of an identified person;
- (h) "unidentified DNA profile" means the DNA profile obtained from traces collected during the investigation of criminal offences and belonging to a person not yet identified;