

Klasa: 018-05/10-01/17

Urbroj: 5030106-12-1

Zagreb, 12. travnja 2012.

PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Protokola o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, s Konačnim prijedlogom zakona

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, broj 85/2010 – pročišćeni tekst) i članaka 129. i 159. Poslovnika Hrvatskoga sabora, Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Protokola o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Slavka Linića, ministra financija, mr. sc. Borisa Lalovca, zamjenika ministra financija i mr. sc. Zlatka Grabara, pomoćnika ministra financija i ravnatelja Carinske uprave.

PREDSJEDNIK

Zoran Milanović

**PRIJEDLOG ZAKONA O POTVRĐIVANJU
PROTOKOLA O POVLASTICAMA I IMUNITETIMA CENTRA
ZA PROVEDBU ZAKONA U JUGOISTOČNOJ EUROPI,
S KONAČNIM PRIJEDLOGOM ZAKONA**

**PRIJEDLOG ZAKONA O POTVRĐIVANJU
PROTOKOLA O POVLASTICAMA I IMUNITETIMA CENTRA
ZA PROVEDBU ZAKONA U JUGOISTOČNOJ EUROPI**

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Protokola o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi sadržana je u odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, broj 85/2010 – pročišćeni tekst).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Republika Hrvatska je 1. studenoga 2001. godine postala strankom Ugovora o suradnji u sprječavanju i suzbijanju prekograničnog kriminala i Povelje o organizaciji i djelovanju Inicijative za suradnju u jugoistočnoj Europi - SECI Regionalnog centra za suzbijanje prekograničnog kriminala, sklopljenog u Bukureštu 26. svibnja 1999. godine (u daljnjem tekstu: SECI Ugovor). SECI Centar je regionalni centar za policijsku i carinsku suradnju u sprječavanju prekograničnog kriminala osnovan 2000. godine sa sjedištem u Bukureštu, Rumunjska. Smatrajući da je u zajedničkom interesu ostvariti koristi od mogućnosti koje je stvorio SECI Centar za suzbijanje prekograničnog kriminala, te očekujući daljnje razvijanje i promicanje mehanizma za učinkovitu suradnju, države sudionice SECI Centra iskazale su potrebu za osnivanjem nove međunarodne organizacije - Centra za provedbu zakona u jugoistočnoj Europi (u daljnjem tekstu: SELEC), a koja bi bila pravni slijednik SECI Centra.

SELEC, sa sjedištem u Bukureštu, Rumunjska, utemeljen je odredbama Konvencije Centra za provedbu zakona u jugoistočnoj Europi (u daljnjem tekstu: SELEC Konvencija) koja je sklopljena u Bukureštu, 9. prosinca 2009. godine. Konvenciju su potpisali predstavnici 13 država stranaka SECI Ugovora, odnosno Republike Albanije, Bosne i Hercegovine, Republike Bugarske, Crne Gore, Helenske Republike, Republike Hrvatske, Mađarske, Republike Makedonije, Republike Moldove, Rumunjske, Republike Srbije, Republike Slovenije i Republike Turske. SELEC Konvencija predstavlja pravni okvir kojim se uređuje i olakšava suradnja nadležnih tijela država članica kroz SELEC, a koja je sklopljena između dotadašnjih stranaka SECI Ugovora.

Donošenjem Zakona o potvrđivanju Konvencije Centra za provedbu zakona u jugoistočnoj Europi (Narodne novine - Međunarodni ugovori, broj 5/2011), Republika Hrvatska potvrdila je ovu Konvenciju dajući jasan znak o svojoj opredijeljenosti za regionalnu međunarodnu suradnju usmjerenu prema cilju daljnjeg razvijanja i promicanja mehanizama za učinkovitu suradnju između država članica Konvencije, a u svrhu prevencije i suzbijanja prekograničnog kriminala. SELEC Konvencija stupila je na snagu u odnosu na Republiku Hrvatsku 7. listopada 2011. godine.

SELEC je utemeljen kao međunarodna organizacija ovlaštena, sukladno odredbama SELEC Konvencije, pružiti potporu državama članicama i poboljšati koordinaciju u sprječavanju i suzbijanju kriminala, uključujući teški i organizirani kriminal, gdje taj kriminal uključuje ili se čini da uključuje element prekogranične aktivnosti. SELEC Konvencijom određeno je da se SELEC sastoji od slijedećih tijela: Vijeća i Tajništva.

Članak 5. SELEC Konvencije predviđa da SELEC ima međunarodnopravnu osobnost, te da u svakoj državi članici ima pravnu i ugovornu sposobnost prema nacionalnom pravu te države članice. Članak 6. SELEC Konvencije uređuje krug osoba koji uživaju povlastice i imunitete koji su neophodni u obavljanju njihovih zadaća i ostvarenje ciljeva SELEC-a, u skladu s Protokolom kojeg će sklopiti države članice.

Protokol o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi (u daljnjem tekstu: SELEC Protokol) usvojen je na 33. sastanku Odbora za zajedničku suradnju SECI Centra, održanom 26. i 27. svibnja 2010. godine. SELEC Protokol sklopljen je u Bukureštu, 24. studenoga 2011. godine. Protokol su potpisali predstavnici 12 država potpisnica SELEC Konvencije, odnosno Republike Albanije, Bosne i Hercegovine, Republike Bugarske, Crne Gore, Helenske Republike, Republike Hrvatske, Mađarske, Republike Makedonije, Rumunjske, Republike Srbije, Republike Slovenije i Republike Turske.

Osnovni cilj koji se SELEC Protokolom želi postići je detaljno urediti koje se povlastice, imuniteti i druge olakšice odobravaju određenom krugu osoba koje obnašaju službene dužnosti SELEC-a, kao i drugim osobama čija je nazočnost u skladu s odredbama SELEC Konvencije potrebna u sjedištu SELEC-a, a sve u svrhu olakšanja obavljanja zadaća i ostvarivanja ciljeva SELEC-a.

U skladu s Odlukom o pokretanju postupka za sklapanje Protokola o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, klase: 018-05/10-01/17, urbroja: 5030105-10-1, od 28. listopada 2010. godine, ovlašteno izaslanstvo Republike Hrvatske obavilo je završne pregovore u okviru Stručne radne skupine za izradu SELEC Protokola, osnovane temeljem Odluke Odbora za zajedničku suradnju SECI Centra. Sukladno navedenoj Odluci SELEC Protokol je, u ime Vlade Republike Hrvatske, potpisala Ivana Soić, pomoćnica ravnatelja Carinske uprave Ministarstva financija.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se SELEC Protokol, kako bi njegove odredbe u smislu članka 141. Ustava Republike Hrvatske, nakon ispunjenja uvjeta za njegovo stupanje na snagu, postale dio unutarnjeg pravnog poretka Republike Hrvatske.

SELEC Protokol predstavlja pravni okvir kojim se detaljno uređuju povlastice, imuniteti i druge olakšice koje se odobravaju osobama koje obnašaju službene dužnosti SELEC-a, kao i drugim osobama u skladu s odredbama SELEC Konvencije.

SELEC Protokol se sastoji od 24 članka, kojima su uređeni provedba Protokola, imuniteti od pravnih postupaka, nepovredivost prostorija i ostale imovine SELEC-a, korištenje zastave i grba, pogodnosti i imunitet u vezi s komunikacijama i publikacijama, izuzeća od poreznih i ostalih javnih davanja, oslobođanje financijskih sredstava od ograničenja, povlastice i imuniteti predstavnika država članica, službenika za vezu, glavnoga ravnatelja, ravnatelja i osoblja SELEC-a, te predstavnika operativnih partnera, ulazak, boravak, odlazak i provoz na području država stranaka, trajanje povlastica i imuniteta, ograničenje i odricanje od imuniteta, postupak potpisivanja, ratifikacije, prihvata, odobrenja i pristupanja, uvjeti za stupanje na snagu, postupak izmjene SELEC Protokola, rješavanja

sporova, kao i odredbe o depozitaru i službenom jeziku. SELEC Protokol je sastavljen u jednom izvorniku na engleskom jeziku.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU ZAKONA

Provedba ovoga Zakona neće zahtijevati dodatna financijska sredstva iz državnog proračuna Republike Hrvatske.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskoga sabora, i to u drugim osobito opravdanim državnim razlozima. Naime, s obzirom na razloge navedene u točkama II. i III. ovog Prijedloga, te uzimajući u obzir da je SELEC Konvencija u odnosu na Republiku Hrvatsku stupila na snagu, cijeni se da postoji interes da Republika Hrvatska što skorije okonča svoj unutarnji pravni postupak, kako bi se stvorile pretpostavke da SELEC Protokol, u skladu sa svojim odredbama, stupi na snagu.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka ne mogu vršiti izmjene i dopune teksta međunarodnog ugovora, predlaže se da se ovaj Prijedlog zakona raspravi i prihvati po hitnom postupku, objedinjavajući prvo i drugo čitanje.

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU PROTOKOLA O
POVLASTICAMA I IMUNITETIMA CENTRA ZA PROVEDBU ZAKONA U
JUGOISTOČNOJ EUROPI**

Članak 1.

Potvrđuje se Protokol o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, sklopljen u Bukureštu, Rumunjska, 24. studenoga 2010. godine, u izvorniku na engleskom jeziku.

Članak 2.

Tekst Protokola o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, u izvorniku na engleskom i u prijevodu na hrvatski jezik, glasi:

PROTOKOL O POVLASTICAMA I IMUNITETIMA CENTRA ZA PROVEDBU ZAKONA U JUGOISTOČNOJ EUROPI

Stranke ovoga Protokola,

uzimajući u obzir da Konvencija Centra za provedbu zakona u jugoistočnoj Europi, sastavljena u Bukureštu, Rumunjska, 9. prosinca 2009. godine, predviđa da će države članice sklopiti Protokol o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi,

sporazumjele su se kako slijedi:

Glava I. Opće odredbe

Članak 1. Definicije

U svrhe ovoga Protokola:

- (a) „**Konvencija SELEC-a**“ znači Konvenciju Centra za provedbu zakona u jugoistočnoj Europi, sastavljenu u Bukureštu, Rumunjska, 9. prosinca 2009. godine;
- (b) „**SELEC**“ znači Centar za provedbu zakona u jugoistočnoj Europi;
- (c) „**zemlja domaćin**“ znači državu u kojoj se nalazi sjedište SELEC-a;
- (d) „**predstavnici država članica**“ znači članove nacionalnih izaslanstava koji sudjeluju na sastancima koje saziva SELEC;
- (e) „**osoblje SELEC-a**“ znači sve osobe koje rade pod vodstvom i nadzorom glavnoga ravnatelja i ravnatelja;
- (f) „**glavni ravnatelj**“ znači glavnoga ravnatelja SELEC-a;
- (g) „**ravnatelji**“ znači ravnatelje SELEC-a;
- (h) „**službenici za vezu**“ znači službenike koje države članice postavljaju u sjedište SELEC-a;
- (i) „**sastanak kojeg saziva SELEC**“ znači bilo koji sastanak bilo kojeg tijela ili pomoćnog tijela SELEC-a ili bilo koju sjednicu koju saziva SELEC;
- (j) „**imovina**“ znači sve prihode SELEC-a i svu imovinu, uključujući fondove, sredstva i ostalu imovinu koja pripada SELEC-u, koja je bilo u vlasništvu SELEC-a bilo on njome raspolaže/upravlja, u skladu sa službenim dužnostima koje obavlja SELEC;

(k) „**prostorije**“ znači zgrade ili dijelove zgrada, uključujući i dodano zemljište, koje se koriste samo u službi SELEC-a, bez obzira na njihovo vlasništvo;

(l) „**arhivi**“ znači sve zapise, prepisku, dokumente, rukopise, računalne i medijske podatke, fotografije, filmove, video i zvučne zapise i sve ostale podatke u vlasništvu ili posjedu SELEC-a.

Članak 2. Provedba Protokola

SELEC će u svakom trenutku surađivati s nadležnim vlastima stranaka kako bi olakšao pravilan rad pravosuđa, te će spriječiti svaku zlouporabu povlastica i imuniteta koji su dodijeljeni sukladno odredbama ovoga Protokola.

Glava II. Povlastice i imuniteti SELEC-a

Članak 3. Imunitet od pravnih postupaka

(1) SELEC i njegova imovina, bez obzira gdje se nalaze i u čijem su posjedu, uživaju imunitet od svih oblika pravnih postupaka osim ako je u bilo kojem određenome slučaju Vijeće svojom odlukom odobrilo odricanje od imuniteta. Takvo odricanje od imuniteta ne odnosi se na bilo koju mjeru ovrhe, za koju je potrebno posebno odricanje.

(2) Ne dovodeći u pitanje prethodni stavak, SELEC ne uživa imunitet u odnosu na:

- (a) tužbu u građanskome postupku na temelju ugovorne obveze SELEC-a;
- (b) protutužbu izravno povezanu s postupcima koje je pokrenuo SELEC;
- (c) tužbu u građanskome postupku u vezi kršenja pravila o zaštiti osobnih podataka kako je to utvrđeno u Konvenciji SELEC-a;
- (d) tužbu u građanskome postupku za naknadu štete nastale u nesreći koju je uzrokovalo vozilo, plovilo ili letjelica u vlasništvu SELEC-a ili kojom se upravljalo u ime SELEC-a ukoliko se ta šteta ne može nadoknaditi iz osiguranja.

Članak 4. Nepovredivost

(1) Prostorije SELEC-a su nepovredive. Njegova imovina, bez obzira gdje se nalazi i u čijem je posjedu, uživa imunitet od pretrage, oduzimanja, zapljene, izvlaštenja ili bilo kojeg oblika uplitanja, bilo da se radi o izvršnoj, upravnoj, sudskoj ili zakonskoj mjeri.

(2) Arhivi SELEC-a su nepovredivi bez obzira gdje se nalaze i u čijem su posjedu.

Članak 5. Zastava i grb

SELEC ima pravo isticati svoju zastavu i grb u svojim prostorijama i na svojim prijevoznim sredstvima kada se koriste u službene svrhe. Zastave država članica istaknut će se u prostorijama SELEC-a.

Članak 6. Olakšice i imunitet u vezi s komunikacijama i publikacijama

(1) Stranke će SELEC-u omogućiti da komunicira slobodno i bez potrebe za posebnim dopuštenjem, u sve službene svrhe, te će štiti pravo SELEC-a da to i čini. SELEC ima pravo koristiti šifrirane sustave kao i kodove te slati i primati službenu prepisku i ostala službena priopćenja putem kurira ili u zapečaćenim valizama koje podliježu istim povlasticama i imunitetima kao i diplomatski kuriri i valize.

(2) SELEC će u svojim službenim komunikacijama uživati tretman ne manje povoljan od onoga koji stranke pružaju diplomatskim predstavništvima bilo koje države.

(3) Stranke priznaju pravo SELEC-a da na njihovim državnim područjima objavljuje publikacije u svrhe navedene u Konvenciji SELEC-a. Sve službene komunikacije upućene SELEC-u i sve službene komunikacije koje SELEC upućuje prema van, bez obzira kojim sredstvima i u kojem se obliku one prenose, su nepovredive.

Članak 7. Izuzeća

(1) U opsegu njegovih službenih aktivnosti, SELEC i njegova imovina izuzeti su od:

(a) svih izravnih poreza, bez obzira na to ubiru li ih nacionalne, regionalne ili mjesne vlasti; podrazumijeva se, međutim, da SELEC neće tražiti izuzeće od pristojbi, poreza ili nameta koji nisu ništa nego naknade za javne komunalne usluge;

(b) carinskih pristojbi, zabrana ili ograničenja na uvoz ili izvoz roba namijenjenih službenoj upotrebi, pod uvjetom da se uvezene robe neće prodati ili na drugi način otuđiti na državnom području odnosno stranke, osim pod uvjetima koje odobri ta stranka;

(c) carinskih pristojbi, zabrana ili ograničenja na uvoz ili izvoz publikacija za službene svrhe;

(d) neizravnih poreza na robe i usluge, koje se nabavljaju u službene svrhe, uključujući porez na dodanu vrijednost na te robe i usluge, pod istim uvjetima koji se primjenjuju na diplomatska predstavništva na državnom području odnosno stranke.

(2) Izuzeća predviđena u stavku (1) točke (d) ovoga članka mogu se dodijeliti u obliku povrata prema istim postupcima koji se primjenjuju na diplomatska predstavništva na državnom području odnosno stranke.

Članak 8.
Oslobađanje financijskih sredstava od ograničenja

Bez da podliježe bilo kakvom financijskom nadzoru ili bilo kakvom moratoriju, SELEC na državnom području stranaka slobodno može:

- (a) kupovati bilo koju valutu ovlaštenim kanalima te njome raspolagati; i
- (b) imati račune u bilo kojoj valuti.

Glava III.
Povlastice i imuniteti osoba uključenih u rad SELEC-a

Članak 9.
Povlastice i imuniteti predstavnika država članica

(1) Predstavnici država članica, dok obavljaju svoje zadaće u SELEC-u i za vrijeme putovanja na mjesto sastanaka koje saziva SELEC i s njega, uživaju sljedeće povlastice i imunitete:

- (a) imunitet od uhićenja ili pritvora te od zapljene njihove osobne prtljage;
- (b) imunitet od bilo kakvog pravnog postupka u vezi s izgovorenim ili napisanim riječima i svih postupaka koje su poduzeli u svojstvu predstavnika; taj se imunitet i dalje zadržava neovisno o tome da su odnosne osobe prestale vršiti dužnost predstavnika;
- (c) nepovredivost službene dokumentacije, podataka i drugih službenih materijala u njihovome posjedu;
- (d) pravo uporabe kodova i primanja spisa ili prepiske putem kurira ili u zapečaćenim valizama;
- (e) izuzeće za sebe i svoje supružnike od ograničenja useljavanja i od službenih postupaka za registraciju stranaca u stranci koju posjećuju ili kroz koju prolaze pri obavljanju njihovih dužnosti;
- (f) jednake pogodnosti u vezi s valutnim ili deviznim ograničenjima kakve se primjenjuju na predstavnike stranih vlada u privremenim službenim misijama;
- (g) jednake imunitete i olakšice u vezi s njihovom osobnom prtljagom kakve se dodjeljuju diplomatskim predstavnicima.

(2) Stavak (1) ovoga članka ne primjenjuje se između predstavnika i države članice čiji je on/ona državljanin ili u kojoj je on/ona trajno nastanjen ili čiji je on/ona predstavnik ili je to bio.

Članak 10.

Povlastice i imuniteti službenika za vezu

- (1) Službenicima za vezu dodjeljuje se, u zemlji domaćinu, u odnosu na njih same i članove njihovih obitelji koji su dio njihovoga kućanstva, povlastice i imuniteti, izuzeća i olakšice koji se dodjeljuju diplomatskim predstavnicima i članovima njihovih obitelji u skladu s Bečkom konvencijom o diplomatskim odnosima od 18. travnja 1961.
- (2) Službenici za vezu u zemlji domaćinu neće obavljati dohodovne djelatnosti osim onih koje proizlaze iz njihovih službenih dužnosti u SELEC-u.
- (3) Službenici za vezu koji su državljani zemlje domaćina ili su u njoj trajno nastanjeni uživaju imunitet od pravnih postupaka i nepovredivost samo u odnosu na službene postupke izvršene pri obavljanju njihovih dužnosti.
- (4) Na državnom području stranaka osim zemlje domaćina, službenici za vezu, u obavljanju njihovih dužnosti povezanih s radom SELEC-a, uživaju povlastice i imunitete koji su primjenjivi na predstavnike država članica kako je navedeno u članku 9., s izuzetkom točaka (e) i (g) stavka (1) članka 9.

Članak 11.

Povlastice i imuniteti glavnoga ravnatelja, ravnatelja i osoblja SELEC-a

- (1) Glavni ravnatelj, ravnatelji i osoblje SELEC-a:
 - (a) imaju imunitet od pravnih postupaka, i nakon prestanka njihovih dužnosti u SELEC-u, u vezi s izgovorenim ili napisanim riječima i svih postupaka koje su poduzeli u svome službenome svojstvu i u okviru njihovih ovlasti;
 - (b) izuzeti su od plaćanja poreza na plaće, prihode i naknade koje im isplaćuje SELEC;
 - (c) izuzeti su, zajedno s članovima njihovih obitelji koji su dio njihovog kućanstva, od ograničenja useljavanja i od službenih postupaka za registraciju stranaca;
 - (d) imaju jednake olakšice u vezi s valutnim ili deviznim ograničenjima kakve se dodjeljuju članovima diplomatskih misija usporedivog ranga;
 - (e) imaju, zajedno s članovima njihovih obitelji koji su dio njihovoga kućanstva, iste olakšice u vezi s repatrijacijom u vrijeme međunarodnih kriza kakve se dodjeljuju članovima diplomatskih misija usporedivog ranga;
 - (f) imaju pravo, u zemlji domaćinu, u skladu s njezinim zakonima i propisima, bescarinski uvesti svoj namještaj i stvari, uključujući motorno vozilo, prilikom prvotnoga preuzimanja njihovih dužnosti te iste bescarinski izvesti po prestanku njihovih dužnosti u SELEC-u;
 - (g) nisu obvezni dati iskaz kao svjedoci u vezi s njihovim službenim zadaćama, i

(h) uživaju nepovredivost svih spisa, dokumenata i drugih službenih materijala u vezi sa SELEC-om.

(2) Uz povlastice i imunitete navedene u stavku (1) ovoga članka, glavnom ravnatelju i ravnateljima dodjeljuju se u zemlji domaćinu, u odnosu na njih same i članove njihovih obitelji koji čine dio njihovoga kućanstva, povlastice i imuniteti, izuzeća i olakšice koji se dodjeljuju diplomatskim predstavnicima i članovima njihovih obitelji u skladu s Bečkom konvencijom o diplomatskim odnosima od 18. travnja 1961.

(3) Povlastice i imuniteti glavnoga ravnatelja, ravnatelja i osoblja SELEC-a koji su navedeni u stavku (1) ovoga članka, od točke (b) do točke (f), i u stavku (2) ovoga članka, ne primjenjuje se u odnosu na stranku čiji je pojedinac državljanin ili u kojoj je trajno nastanjen.

Članak 12.

Povlastice i imuniteti predstavnika operativnih partnera

Predstavnici operativnih partnera koji su postavljeni pri SELEC-u prema sporazumu o suradnji imaju iste povlastice i imunitete koji se primjenjuju na službenike za vezu država članica, osim u mjeri u kojoj su te povlastice i imuniteti ograničeni sporazumom o suradnji koji su sklopili operativni partner i SELEC.

Članak 13.

Obavješćivanje

(1) Svaka stranka će obavijestiti glavnog ravnatelja i depozitara o imenima i položajima/dužnostima svojih predstavnika i službenika za vezu, kao i članova obitelji službenika za vezu koji čine dio njihovoga kućanstva.

(2) Svaki operativni partner će obavijestiti glavnoga ravnatelja i depozitara o imenima svojih predstavnika.

(3) Glavni ravnatelj će na ažuriranome popisu koji se dostavlja svakoj stranci navesti imena i položaje dolje navedenih osoba:

- (a) glavnoga ravnatelja;
- (b) ravnatelja;
- (c) članova osoblja SELEC-a;
- (d) službenika za vezu; i
- (e) predstavnika operativnih partnera.

Članak 14.

Ulazak, boravak, odlazak i provoz

Stranke će olakšati, prema potrebi, ulazak i boravak na državnom području stranke te neće postavljati nikakve prepreke odlasku iz stranke dolje navedenih osoba kada je taj ulazak ili boravak povezan sa službenom djelatnosti SELEC-a, te će osigurati da se ne postavljaju nikakve prepreke njihovom tranzitu do mjesta službenoga posla u vezi sa SELEC-om ili s njega:

- (a) predstavnika država članica;

(b) službenika za vezu; i

(c) glavnoga ravnatelja, ravnatelja i osoblja SELEC-a.

Članak 15.

Trajanje povlastica i imuniteta

(1) Na državnom području zemlje domaćina, svaka osoba koja ima pravo na povlastice i imunitete u skladu s ovom Glavom uživat će te povlastice i imunitete od trenutka kada on/ona uđe u zemlju domaćina u postupku preuzimanja njegove/njezine dužnosti ili, ako je on/ona već u zemlji domaćinu, od trenutka kada stranka šiljateljica o tome dolasku obavijesti nadležne vlasti zemlje domaćina. Po isteku dužnosti tih osoba, povlastice i imuniteti koje uživaju u zemlji domaćinu u pravilu prestaju u trenutku kada napuste zemlju domaćina, ili po isteku razumnoga razdoblja u kojemu to trebaju učiniti. Međutim, u odnosu na postupke koje su te osobe izvršile u obavljanju njihovih dužnosti, imunitet se i dalje zadržava.

(2) Pri obavljanju službenih poslova u vezi sa SELEC-om na državnom području stranaka osim zemlje domaćina, svaka osoba koja ima pravo na povlastice i imunitete u skladu s ovom Glavom uživat će te povlastice i imunitete od trenutka kada on/ona uđe na državno područje i za vrijeme boravka na državnom području odnosne stranke. Međutim, podrazumijeva se da ništa u ovome Protokolu ne priječi nadležne vlasti stranaka da zatraže da SELEC dostavi zadovoljavajuće dokaze koji potvrđuju da osobe koje traže tretman predviđen ovim Protokolom putuju službenim poslom SELEC-a.

Članak 16.

Ograničenje imuniteta

Imunitet od pravnih postupaka ne odnosi se na tužbu u građanskome postupku za naknadu štete nastale u nesreći na državnom području stranke koju je uzrokovalo vozilo, plovilo ili letjelica kojom je upravljao bilo koji predstavnik države članice, službenik za vezu, glavni ravnatelj, ravnatelj, član osoblja SELEC-a, ili predstavnik operativnoga partnera, niti se imunitet od pravnih postupaka primjenjuje na prometne prekršaje.

Članak 17.

Odricanje od imuniteta

(1) Povlastice i imuniteti iz ovoga Protokola ne dodjeljuju se radi osobne koristi pojedinaca, nego da bi se osiguralo neovisno obavljanje njihovih dužnosti u vezi sa SELEC-om.

(2) Ne dovodeći u pitanje njihove povlastice i imunitete, dužnost je svih osoba koje uživaju takve povlastice i imunitete u skladu s ovim Protokolom poštivati zakone i propise zemlje domaćina i drugih stranaka.

(3) Nadležnost nad odricanjem od imuniteta je kako slijedi:

(a) u odnosu na predstavnike država članica i službenike za vezu, odricanje od imuniteta u nadležnosti je stranke šiljateljice. Ta stranka ima pravo i dužnost odreći se imuniteta u slučajevima gdje bi, prema njezinome mišljenju, imunitet ometao tijek pravde i ne bi bile dovedene u pitanje svrhe radi kojih je imunitet dodijeljen;

(b) u odnosu na glavnoga ravnatelja i ravnatelja, Vijeće ima pravo i dužnost odreći se imuniteta ako bi taj imunitet ometao tijek pravde i može ga se odreći ne dovodeći u pitanje interese SELEC-a;

(c) u odnosu na člana osoblja SELEC-a, glavni ravnatelj ima pravo i dužnost odreći se imuniteta ako bi taj imunitet ometao tijek pravde i može ga se odreći ne dovodeći u pitanje interese SELEC-a;

(d) u odnosu na predstavnike operativnoga partnera, odricanje od imuniteta u nadležnosti je operativnoga partnera šiljatelja. Taj operativni partner ima pravo i dužnost odreći se imuniteta u slučajevima gdje bi, prema njegovome mišljenju, imunitet ometao tijek pravde i ne bi bile dovedene u pitanje svrhe radi kojih je imunitet dodijeljen;

(4) Niti jedno takvo odricanje od imuniteta ne obuhvaća bilo koju mjeru ovrhe, za koje je potrebno posebno odricanje.

(5) SELEC će u svakom trenutku surađivati s nadležnim službama stranaka i operativnih partnera kako bi olakšao pravilan rad pravosuđa te će spriječiti sve zlouporabe povlastica i imuniteta koje su dodijeljene prema odredbama ovoga Protokola.

Glava IV. Završne odredbe

Članak 18.

Potpisivanje, ratifikacija, prihvata, odobrenje i pristupanje

(1) Ovaj Protokol otvoren je za potpisivanje državama potpisnicama Konvencije SELEC-a.

(2) Ovaj Protokol podliježe ratifikaciji, prihvatu ili odobrenju od strane država potpisnica u skladu s njihovim odgovarajućim pravnim zahtjevima.

(3) Nakon njegovoga stupanja na snagu, bilo koja druga stranka Konvencije SELEC-a može pristupiti ovome Protokolu.

(4) Isprave o ratifikaciji, prihvatu, odobrenju ili pristupu polažu se kod depozitara.

Članak 19.
Rezerve

Nisu dopuštene nikakve rezerve na ovaj Protokol.

Članak 20.
Stupanje na snagu i trajanje Protokola

- (1) Ovaj Protokol stupa na snagu šezdesetoga dana od datuma kada devet država potpisnica položi svoje isprave o ratifikaciji, prihvatu ili odobrenju.
- (2) Za svaku državu koja ratificira, prihvati, odobri ili pristupi ovome Protokolu nakon datuma njegovoga stupanja na snagu, ovaj Protokol stupa na snagu na datum kada ta država položi svoje odgovarajuće isprave.
- (3) Ovaj Protokol ostaje na snazi sve dok je na snazi Konvencija SELEC-a.

Članak 21.
Izmjene i dopune

- (1) Ovaj se Protokol može izmijeniti i dopuniti na prijedlog bilo koje stranke.
- (2) Glavni ravnatelj svaki takav prijedlog dostavlja državama članicama najmanje šest mjeseci prije podnošenja Vijeću na razmatranje i odobrenje.
- (3) Izmjene i dopune ovoga Protokola odobrene prema gore navedenome stavku (2) podliježu ratifikaciji, prihvatu ili odobrenju stranaka i stupaju na snagu u skladu s postupcima utvrđenima člankom 20.

Članak 22.
Rješavanje sporova

U slučaju spora između dvije ili više stranaka ili između stranke i SELEC-a u vezi s tumačenjem ili primjenom ovoga Protokola, te stranke će tražiti rješenje putem međusobnih konzultacija i pregovora. Ukoliko se takvim konzultacijama i pregovorima u roku od šest mjeseci ne postigne rješenje spora, stranke će podnijeti spor Vijeću na razmatranje i poduzimanje primjerenih mjera.

Članak 23.
Povlačenje

- (1) Svaka stranka može se u bilo kojem trenutku povući iz ovoga Protokola putem pisane obavijesti Tajništvu i depozitaru SELEC-a, koji zatim svakoj stranci dostavlja ovjerenu presliku te obavijesti.
- (2) Svaka stranka koja se povuče iz Konvencije SELEC-a, u skladu s postupcima iz članka 51. te Konvencije, istovremeno se povlači iz ovoga Protokola.
- (3) Povlačenje stupa na snagu tri mjeseca od datuma kada depozitar primi takvu obavijest.

Članak 24.
Depozitar

(1) Vlada Rumunjske je depozitar ovoga Protokola.

(2) Depozitar će ovjerenu presliku izvornika dostaviti Tajništvu Ujedinjenih naroda radi registracije i objave u skladu s člankom 102. Povelje Ujedinjenih naroda.

Jedini primjerak izvornika ovoga Protokola na engleskom jeziku polaže se kod depozitara koji će svakoj stranci dostaviti ovjerenu presliku.

U POTVRDU TOGA, dolje potpisani, valjano ovlašteni za to od strane njihovih vlada, potpisali su ovaj Protokol.

Sastavljeno u Bukureštu, Rumunjska, dana 24. studenog 2010.



otpravnik poslova – Veleposlanstvo

Nj. E. g. Luan Topciu, v.r.



zamjenik ministra – Ministarstvo sigurnosti

Nj. E. g. Samir Rizvo, v.r.



Izvanredni i opunomoćeni
Veleposlanik

Nj.E. g. Valentin Radomirski, v.r.



pomoćnica ravnateljica – Carinska
uprava

gđa. Ivana Soić, v.r.



Izvanredni i opunomoćeni
Veleposlanik

Nj.E. g. Ljupco Arsovski, v.r.



Izvanredni i opunomoćeni
Veleposlanik

Nj.E. g. Georgios Poukamissas v.r.



Glavni policijski brigadir, Zamjenik
visokog povjerenika - Policija

g. Attila Petofi, v.r.



zamjenik ministra – Ministarstvo unutarnjih
poslova i javne uprave

Nj.E. g Vladimir Vukotić, v.r.



Voditelj Schengenskog odjela –
Ministarstvo uprave i unutarnjih poslova

g. Marian Tutilescu, v.r.



Izvanredni i opunomoćeni
Veleposlanik

Nj.E. g. Zoran Popović, v.r.



Zamjenik ravnatelja - Policija

gđa. Tatjana Bobnar, v.r.



Zamjenik ravnatelja
– Podtajništvo za carinu

g. Mehmet Guzel, v.r.

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE
SOUTHEAST EUROPEAN LAW ENFORCEMENT CENTER**

The Parties to this Protocol,

Considering that the Convention of the Southeast European Law Enforcement Center, done at Bucharest, Romania on December 9, 2009, provides that the Member States shall conclude a Protocol on the Privileges and Immunities of the Southeast European Law Enforcement Center,

Have agreed as follows:

**Title I
General Provisions**

**Article 1
Definitions**

For the purposes of this Protocol:

- (a) “**SELEC Convention**” means the Convention of the Southeast European Law Enforcement Center, done at Bucharest, Romania on December 9, 2009;
- (b) “**SELEC**” means the Southeast European Law Enforcement Center;
- (c) “**Host Country**” means the country where the headquarters of SELEC is located;
- (d) “**Representatives of the Member States**” means members of national delegations participating in meetings convened by SELEC;
- (e) “**SELEC Staff**” means all persons working under the authority and control of the Director General and Directors;
- (f) “**Director General**” means the Director General of SELEC;
- (g) “**Directors**” means the Directors of the SELEC;
- (h) “**Liaison Officers**” means the officers posted by the Member States to the SELEC headquarters;
- (i) “**Meeting convened by SELEC**” means any meeting of any SELEC organ or a subsidiary body or any conference convened by SELEC;
- (j) “**Property**” means all income of SELEC and all property, including funds, assets and other properties that belong to SELEC, either owned or held/administered by the SELEC, in accordance with the official duties performed by the SELEC;

(k) "**Premises**" means the buildings or parts of buildings including the land ancillary thereto, used only for the purposes of the SELEC, irrespective of ownership;

(l) "**Archives**" means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video, sound recordings and any other data, belonging to or held by SELEC.

Article 2
Implementation of the Protocol

SELEC shall cooperate at all times with the appropriate authorities of the Parties to facilitate the proper administration of justice and shall prevent any abuse of the privileges and immunities granted under the provisions of this Protocol.

Title II
Privileges and Immunities of SELEC

Article 3
Immunity from Legal Process

(1) SELEC and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case, the Council, by its decision, has authorized the waiver of this immunity. No such waiver of immunity shall extend to any measure of execution, for which a separate waiver shall be necessary.

(2) Without prejudice to the previous paragraph, SELEC shall not enjoy immunity in respect of:

(a) a civil action based on a contractual obligation of SELEC;

(b) a counter-claim directly connected to proceedings instituted by SELEC;

(c) a civil action related to a breach of the rules on the protection of personal data as defined in the SELEC Convention;

(d) a civil action for damages arising out of an accident caused by a vehicle, vessel, or aircraft belonging to or operated on behalf of the SELEC, where these damages are not recoverable from insurance.

Article 4
Inviolability

(1) The premises of the SELEC shall be inviolable. Its property, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.

(2) The archives of the SELEC shall be inviolable wherever located and by whomsoever held.

Article 5
Flag and Emblem

SELEC shall be entitled to display its flag and emblem in its premises and on its means of transport when used for official purposes. The flags of the Member States shall be displayed in the SELEC premises.

Article 6
Facilities and Immunities in Respect of Communications and Publications

(1) The Parties shall permit SELEC to communicate freely and without the need for special permission, for all official purposes, and shall protect the right of SELEC to do so. SELEC shall have the right to use encrypted systems as well as codes and to dispatch and receive official correspondence and other official communications by courier or in sealed bags which shall be subject to the same privileges and immunities as diplomatic couriers and bags.

(2) SELEC shall enjoy, for its official communications, treatment not less favorable than that accorded by the Parties to the diplomatic missions of any state.

(3) The Parties recognize the right of SELEC to publish within their territories for purposes specified in the SELEC Convention. All official communications directed to SELEC and all outward official communications of SELEC, by whatever means or whatever form transmitted shall be inviolable.

Article 7
Exemptions

(1) Within the scope of its official activities, SELEC and its property shall be exempt from:

(a) all direct taxes, whether levied by national, regional or municipal authorities; it is understood, however, that the SELEC shall not claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) customs duties, prohibitions or restrictions on the import or export of goods for official usage, provided that the goods imported are not to be sold or otherwise disposed of in the territory of the Party concerned, except under conditions approved by that Party;

(c) customs duties, prohibitions or restrictions on the import or export of publications for official purposes;

(d) indirect taxation on goods and services, provided for official purposes, including value added tax on these goods and services, under the same conditions as are applied to diplomatic missions in the territory of the Party concerned.

(2) The exemptions provided for in paragraph (1), point (d) of this Article may be granted by way of a refund under the same procedures as are applied to diplomatic missions in the territory of the Party concerned.

Article 8
Freedom of Financial Assets from Restrictions

Without being subject to any financial controls or moratoria of any kind, SELEC may, within the territory of the Parties, freely:

- (a) purchase any currencies through authorized channels and hold and dispose of them;
and
- (b) operate accounts in any currency.

Title III
Privileges and Immunities of the Persons Involved in the Work of SELEC

Article 9
Privileges and Immunities of the Representatives of the Member States

(1) The Representatives of the Member States, while exercising their mission at SELEC and during their journey to and from the place of the meetings convened by SELEC, shall enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) immunity from legal process of any kind in respect of words spoken or written and all acts done by them in their capacity as Representatives; this immunity shall continue to be accorded notwithstanding that the persons concerned may have ceased the exercise of their functions as representatives;
- (c) inviolability of official documentation, data and other official material in their possession;
- (d) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) exemption in respect of themselves and their spouse from immigration restrictions and formalities for aliens registration in the Party they are visiting or through which they are passing in the exercise of their functions;
- (f) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

(2) Paragraph (1) of this Article shall not apply between a Representative and the Member State of which he/she is a national or permanent resident or he/she is or has been a Representative.

Article 10
Privileges and Immunities of Liaison Officers

- (1) Liaison Officers shall be accorded, in the Host Country, in respect of themselves and the members of their family forming part of their household the privileges and immunities, exemptions and facilities accorded to diplomatic agents and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (2) Liaison Officers shall not engage in any gainful occupation in the Host Country other than the one resulting from their official functions at SELEC.
- (3) Liaison Officers who are nationals of or permanent residents in the Host Country shall enjoy immunity from legal process and inviolability only in respect of official acts performed in the exercise of their functions.
- (4) In the territory of Parties other than the Host Country, Liaison Officers, while exercising their functions related to the work of the SELEC, shall enjoy the privileges and immunities applicable for Representatives of the Member States as specified in Article 9 with the exceptions of points (e) and (g) of Article 9, paragraph (1).

Article 11
Privileges and Immunities of the Director General, Directors and SELEC Staff

- (1) The Director General, Directors, and SELEC Staff shall:
- (a) be immune from legal process, even after termination of their duties at the SELEC, in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;
 - (b) be exempt from taxation on the salaries, remuneration, and emoluments paid to them by the SELEC;
 - (c) be exempt, together with the members of their family forming part of their household, from immigration restrictions and formalities for aliens registration;
 - (d) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to members of comparable rank of diplomatic missions;
 - (e) be given, together with the members of their family forming part of their household, the same repatriation facilities in time of international crisis as accorded to members of comparable rank of diplomatic missions;
 - (f) have the right, in the Host Country, in accordance with its laws and regulations, to import free of duty their furniture and effects, including a motor vehicle, at the time of first taking up their post and the right to export them free of duty upon termination of their functions in SELEC;
 - (g) not be obliged to give evidence as a witness in connection to their official tasks;
and

(h) enjoy inviolability of all papers, documents and other official material related to SELEC.

(2) In addition to the privileges and immunities specified in paragraph (1) of this Article, the Director General and the Directors shall be accorded in the Host Country in respect of themselves and the members of their family forming part of their household the privileges and immunities, exemptions and facilities accorded to diplomatic agents and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.

(3) The privileges and immunities of the Director General, Directors, and SELEC Staff set forth in paragraph (1) of this Article, points (b) through (f), and paragraph (2) of this Article, shall not apply vis-à-vis the Party of which the individual is a national or permanent resident.

Article 12

Privileges and Immunities of Representatives of Operational Partners

Representatives of Operational Partners who are posted to SELEC under a cooperation agreement shall be accorded the privileges and immunities that are accorded to Liaison Officers of the Member States, except to the extent those privileges and immunities are limited by the cooperation agreement concluded between the Operational Partner and SELEC.

Article 13

Notification

(1) Each Party shall notify the names and positions/functions of its Representatives and Liaison Officers, as well as the members of the Liaison Officers' family forming part of their household to the Director General and Depositary.

(2) Each Operational Partner shall notify the names of its Representatives to the Director General and Depositary.

(3) Director General shall specify on an updated list that shall be communicated to each Party the names and positions of persons listed below:

- (a) Director General;
- (b) Directors;
- (c) Members of SELEC Staff;
- (d) Liaison Officers; and
- (e) Representatives of Operational Partners.

Article 14

Entry, Stay, Departure and Transit

The Parties shall facilitate, if necessary, the entry into and stay in the territory of a Party and shall not put any impediment in the way of the departure from that Party of the persons listed below where that entry or stay is related to SELEC's official activity, and shall ensure that no impediment is put in the way of their transit to or from a place of official business in connection with SELEC:

- (a) the Representatives of Member States;

(b) the Liaison Officers; and

(c) the Director General, Directors, and SELEC Staff.

Article 15 Duration of Privileges and Immunities

(1) In the territory of the Host Country, each person entitled to privileges and immunities in accordance with this Title shall enjoy those privileges and immunities from the moment he/she enters the Host Country on proceeding to take up his/her post or, if already in the Host Country, from the moment his/her arrival is notified by the sending Party to the competent authorities of the Host Country. When the functions of these persons come to an end, privileges and immunities that they enjoy in the Host Country shall normally cease at the moment when they leave the Host Country, or on expiry of a reasonable period in which to do so. However, with respect to the acts done by those persons in the exercise of their functions, immunity shall continue to subsist.

(2) While exercising his/her official business in a connection with SELEC in the territory of the Parties other than the Host Country, each person entitled to privileges and immunities in accordance with this Title shall enjoy those privileges and immunities from the moment he/she enters the territory and during his/her stay in the territory of the Party concerned. However, it is understood that nothing in this Protocol shall prevent the relevant authorities of the Parties to require a reasonable evidence provided by SELEC confirming that the persons claiming the treatment provided in this Protocol are traveling on the official business of SELEC.

Article 16 Limitation of Immunities

Immunity from legal process shall not apply in respect of a civil action for damages arising from an accident in the territory of a Party caused by a vehicle, vessel or aircraft operated by any Representative of a Member State, Liaison Officer, Director General, Director, member of the SELEC Staff, or Representative of an Operational Partner, nor shall immunity from legal process apply in respect of a traffic offense.

Article 17 Waiver of Immunities

(1) Privileges and immunities in this Protocol are accorded not for the personal benefit of individuals themselves, but in order to safeguard the independent exercise of their functions in connection with SELEC.

(2) Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities in accordance with this Protocol to respect the laws and regulations of the Host Country and other Parties.

(3) Competence of waiving immunity shall be as follows:

(a) in respect of Representatives of the Member States and Liaison Officers the waiving of immunity shall be within the competence of the sending Party. Such Party shall have the right and duty to waive the immunity in cases where, in its opinion, the immunity would impede the course of justice and would not prejudice the purposes for which the immunity is accorded;

(b) in respect of the Director General and the Directors, the Council shall have the right and duty to waive the immunity where the immunity would impede the course of justice and can be waived without prejudice to the interests of SELEC;

(c) in respect of a member of the SELEC Staff, the Director General shall have the right and duty to waive the immunity where the immunity would impede the course of justice and can be waived without prejudice to the interests of SELEC;

(d) in respect of Representatives of an Operational Partner, the waiving of immunity shall be within the competence of the sending Operational Partner. Such Operational Partner shall have the right and duty to waive the immunity in cases where, in its opinion, the immunity would impede the course of justice and would not prejudice the purposes for which the immunity is accorded.

(4) No such waiver of immunity shall extend to any measure of execution, for which a separate waiver shall be necessary.

(5) SELEC shall cooperate at all times with the competent authorities of the Parties and Operational Partners in order to facilitate the proper administration of justice and shall prevent any abuse of the privileges and immunities granted under the provisions of this Protocol.

Title IV **Final provisions**

Article 18

Signature, Ratification, Acceptance, Approval and Accession

(1) This Protocol shall be open for signature by the signatory States to the SELEC Convention.

(2) This Protocol is subject to ratification, acceptance or approval by the signatory States in accordance with their respective legal requirements.

(3) After its entry into force, any other Party to the SELEC Convention may accede to this Protocol.

(4) Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 19
Reservations

No reservations may be made to this Protocol.

Article 20
Entry into Force and Duration of the Protocol

- (1) This Protocol shall enter into force on the sixtieth day following the date when nine signatory States have deposited their instruments of ratification, acceptance or approval.
- (2) For each State which ratifies, accepts, approves or accedes to this Protocol after the date of its entry into force, this Protocol shall enter into force on the date of the deposit by that State of its respective instruments.
- (3) This Protocol shall remain in force so long as the SELEC Convention remains in force.

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Amendments

- (1) This Protocol may be amended on the proposal of any Party.
- (2) Any such proposal shall be communicated by the Director General to the Parties at least six months before submission to the Council for consideration and approval.
- (3) Amendments to this Protocol approved pursuant to paragraph (2) above shall be subject to ratification, acceptance or approval by the Parties and shall enter into force according to the procedures set forth in Article 20.

Article 22
Settlement of Disputes

In case of a dispute between two or more Parties or between a Party and SELEC concerning the interpretation or application of this Protocol, the parties concerned shall seek a solution through mutual consultations and negotiations. Should such consultations and negotiations fail to resolve the dispute within six months, the parties shall submit the dispute to the Council for consideration and appropriate action.

Article 23
Withdrawal

- (1) Each Party may withdraw from this Protocol at any time by written notification to the SELEC Secretariat and to the Depositary, which shall then transmit a certified copy of that notification to each Party.
- (2) Each Party that withdraws from the SELEC Convention, according to the procedures set forth in Article 51 of that Convention, withdraws at the same time from this Protocol.
- (3) Withdrawal shall take effect three months from the date on which the notification was received by the Depositary.

Article 24
Depositary

(1) The Government of Romania shall act as Depositary of this Protocol.

(2) The Depositary shall transmit a certified copy of the original to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

The original of this Protocol in a single copy in the English language shall be deposited with the Depositary which shall transmit a certified copy to each Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol

Done at Bucharest, Romania on November 24, 2010.



Charge d'affaires – Embassy

H.E. Mr. Luan Topciu



Deputy Minister – Ministry of Security

H.E. Mr. Samir Rizvo



Ambassador Extraordinary and
Plenipotentiary

H.E. Mr. Valentin Radomirski



Assistant Director General – Customs
Administration

Mrs. Ivana Soić



Ambassador Extraordinary and
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H.E. Mr. Ljupco Arsovski



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H.E. Mr. Georgios Poukamissas



Police Brigadier general, Deputy High
Commissioner – Police

Mr. Attila Petofi



Deputy Minister – Ministry of Interior
Affairs and Public Administration

H.E. Mr. Vladimir Vukotić



Head of Schengen Department –
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Mr. Marian Tutilescu



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H.E. Mr. Zoran Popović



Deputy Director General – Police

Mrs. Tatjana Bobnar



Deputy Director General –
Undersecretariat of Customs

Mr. Mehmet Guzel

Članak 3.

Provedba ovoga Zakona u djelokrugu je središnjih tijela državne uprave nadležnih za vanjske poslove, pravosuđe, financije i unutarnje poslove.

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Protokol iz članka 1. ovoga Zakona nije na snazi, te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Članak 5.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

OBRAZLOŽENJE**Uz članak 1.**

Člankom 1. potvrđuje se Protokol o povlasticama i imunitetima Centra za provedbu zakona u jugoistočnoj Europi, sukladno odredbi članka 140. stavka 1. Ustava Republike Hrvatske, čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana ovim Protokolom, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

Uz članak 2.

Članak 2. sadrži tekst SELEC Protokola u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Uz članak 3.

Člankom 3. utvrđuje se da je provedba ovoga Zakona u djelokrugu središnjih tijela državne uprave nadležnih za vanjske poslove, pravosuđe, financije i unutarnje poslove.

Uz članak 4.

Člankom 4. utvrđuje se da na dan stupanja na snagu ovoga Zakona, Protokol iz članka 1. ovoga Zakona nije na snazi, te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Uz članak 5.

Člankom 5. uređuje se stupanje Zakona na snagu.

**PRILOG - PRESLIKA TEKSTA PROTOKOLA U IZVORNIKU
NA ENGLLESKOM JEZIKU**

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE
SOUTHEAST EUROPEAN LAW ENFORCEMENT CENTER**

The Parties to this Protocol,

Considering that the Convention of the Southeast European Law Enforcement Center, done at Bucharest, Romania on December 9, 2009, provides that the Member States shall conclude a Protocol on the Privileges and Immunities of the Southeast European Law Enforcement Center,

Have agreed as follows:

**Title I
General Provisions**

**Article 1
Definitions**

For the purposes of this Protocol:

- (a) **"SELEC Convention"** means the Convention of the Southeast European Law Enforcement Center, done at Bucharest, Romania on December 9, 2009;
- (b) **"SELEC"** means the Southeast European Law Enforcement Center;
- (c) **"Host Country"** means the country where the headquarters of SELEC is located;
- (d) **"Representatives of the Member States"** means members of national delegations participating in meetings convened by SELEC;
- (e) **"SELEC Staff"** means all persons working under the authority and control of the Director General and Directors;
- (f) **"Director General"** means the Director General of SELEC;
- (g) **"Directors"** means the Directors of the SELEC;
- (h) **"Liaison Officers"** means the officers posted by the Member States to the SELEC headquarters;
- (i) **"Meeting convened by SELEC"** means any meeting of any SELEC organ or a subsidiary body or any conference convened by SELEC;
- (j) **"Property"** means all income of SELEC and all property, including funds, assets and other properties that belong to SELEC, either owned or held/administered by the SELEC in accordance with the official duties performed by the SELEC;



(k) "Premises" means the buildings or parts of buildings including the land ancillary thereto, used only for the purposes of the SELEC, irrespective of ownership;

(l) "Archives" means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video, sound recordings and any other data, belonging to or held by SELEC.

Article 2 Implementation of the Protocol

SELEC shall cooperate at all times with the appropriate authorities of the Parties to facilitate the proper administration of justice and shall prevent any abuse of the privileges and immunities granted under the provisions of this Protocol.

Title II Privileges and Immunities of SELEC

Article 3 Immunity from Legal Process

(1) SELEC and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case, the Council, by its decision, has authorized the waiver of this immunity. No such waiver of immunity shall extend to any measure of execution, for which a separate waiver shall be necessary.

(2) Without prejudice to the previous paragraph, SELEC shall not enjoy immunity in respect of:

(a) a civil action based on a contractual obligation of SELEC;

(b) a counter-claim directly connected to proceedings instituted by SELEC;

(c) a civil action related to a breach of the rules on the protection of personal data as defined in the SELEC Convention;

(d) a civil action for damages arising out of an accident caused by a vehicle, vessel, or aircraft belonging to or operated on behalf of the SELEC, where these damages are not recoverable from insurance.

Article 4 Inviolability

(1) The premises of the SELEC shall be inviolable. Its property, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.

(2) The archives of the SELEC shall be inviolable wherever located and by whomsoever held.



Article 5
Flag and Emblem

SELEC shall be entitled to display its flag and emblem in its premises and on its means of transport when used for official purposes. The flags of the Member States shall be displayed in the SELEC premises.

Article 6
Facilities and Immunities in Respect of Communications and Publications

(1) The Parties shall permit SELEC to communicate freely and without the need for special permission, for all official purposes, and shall protect the right of SELEC to do so. SELEC shall have the right to use encrypted systems as well as codes and to dispatch and receive official correspondence and other official communications by courier or in sealed bags which shall be subject to the same privileges and immunities as diplomatic couriers and bags.

(2) SELEC shall enjoy, for its official communications, treatment not less favorable than that accorded by the Parties to the diplomatic missions of any state.

(3) The Parties recognize the right of SELEC to publish within their territories for purposes specified in the SELEC Convention. All official communications directed to SELEC and all outward official communications of SELEC, by whatever means or whatever form transmitted shall be inviolable.

Article 7
Exemptions

(1) Within the scope of its official activities, SELEC and its property shall be exempt from:

(a) all direct taxes, whether levied by national, regional or municipal authorities; it is understood, however, that the SELEC shall not claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) customs duties, prohibitions or restrictions on the import or export of goods for official usage, provided that the goods imported are not to be sold or otherwise disposed of in the territory of the Party concerned, except under conditions approved by that Party;

(c) customs duties, prohibitions or restrictions on the import or export of publications for official purposes;

(d) indirect taxation on goods and services, provided for official purposes, including value added tax on these goods and services, under the same conditions as are applied to diplomatic missions in the territory of the Party concerned.

(2) The exemptions provided for in paragraph (1), point (d) of this Article may be granted by way of a refund under the same procedures as are applied to diplomatic missions in the territory of the Party concerned.



Article 8
Freedom of Financial Assets from Restrictions

Without being subject to any financial controls or moratoria of any kind, SELEC may, within the territory of the Parties, freely:

- (a) purchase any currencies through authorized channels and hold and dispose of them; and
- (b) operate accounts in any currency.

Title III
Privileges and Immunities of the Persons Involved in the Work of SELEC

Article 9
Privileges and Immunities of the Representatives of the Member States

(1) The Representatives of the Member States, while exercising their mission at SELEC and during their journey to and from the place of the meetings convened by SELEC, shall enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) immunity from legal process of any kind in respect of words spoken or written and all acts done by them in their capacity as Representatives; this immunity shall continue to be accorded notwithstanding that the persons concerned may have ceased the exercise of their functions as representatives;
- (c) inviolability of official documentation, data and other official material in their possession;
- (d) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) exemption in respect of themselves and their spouse from immigration restrictions and formalities for aliens registration in the Party they are visiting or through which they are passing in the exercise of their functions;
- (f) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

(2) Paragraph (1) of this Article shall not apply between a Representative and the Member State of which he/she is a national or permanent resident or he/she is or has been a Representative.



Article 10
Privileges and Immunities of Liaison Officers

- (1) Liaison Officers shall be accorded, in the Host Country, in respect of themselves and the members of their family forming part of their household the privileges and immunities, exemptions and facilities accorded to diplomatic agents and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (2) Liaison Officers shall not engage in any gainful occupation in the Host Country other than the one resulting from their official functions at SELEC.
- (3) Liaison Officers who are nationals of or permanent residents in the Host Country shall enjoy immunity from legal process and inviolability only in respect of official acts performed in the exercise of their functions.
- (4) In the territory of Parties other than the Host Country, Liaison Officers, while exercising their functions related to the work of the SELEC, shall enjoy the privileges and immunities applicable for Representatives of the Member States as specified in Article 9 with the exceptions of points (e) and (g) of Article 9, paragraph (1).

Article 11
Privileges and Immunities of the Director General, Directors and SELEC Staff

- (1) The Director General, Directors, and SELEC Staff shall:
 - (a) be immune from legal process, even after termination of their duties at the SELEC, in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;
 - (b) be exempt from taxation on the salaries, remuneration, and emoluments paid to them by the SELEC;
 - (c) be exempt, together with the members of their family forming part of their household, from immigration restrictions and formalities for aliens registration;
 - (d) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to members of comparable rank of diplomatic missions;
 - (e) be given, together with the members of their family forming part of their household, the same repatriation facilities in time of international crisis as accorded to members of comparable rank of diplomatic missions;
 - (f) have the right, in the Host Country, in accordance with its laws and regulations, to import free of duty their furniture and effects, including a motor vehicle, at the time of first taking up their post and the right to export them free of duty upon termination of their functions in SELEC;
 - (g) not be obliged to give evidence as a witness in connection to their official tasks; and



(h) enjoy inviolability of all papers, documents and other official material related to SELEC.

(2) In addition to the privileges and immunities specified in paragraph (1) of this Article, the Director General and the Directors shall be accorded in the Host Country in respect of themselves and the members of their family forming part of their household the privileges and immunities, exemptions and facilities accorded to diplomatic agents and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.

(3) The privileges and immunities of the Director General, Directors, and SELEC Staff set forth in paragraph (1) of this Article, points (b) through (f), and paragraph (2) of this Article, shall not apply vis-à-vis the Party of which the individual is a national or permanent resident.

Article 12

Privileges and Immunities of Representatives of Operational Partners

Representatives of Operational Partners who are posted to SELEC under a cooperation agreement shall be accorded the privileges and immunities that are accorded to Liaison Officers of the Member States, except to the extent those privileges and immunities are limited by the cooperation agreement concluded between the Operational Partner and SELEC.

Article 13

Notification

(1) Each Party shall notify the names and positions/functions of its Representatives and Liaison Officers, as well as the members of the Liaison Officers' family forming part of their household to the Director General and Depositary.

(2) Each Operational Partner shall notify the names of its Representatives to the Director General and Depositary.

(3) Director General shall specify on an updated list that shall be communicated to each Party the names and positions of persons listed below:

- (a) Director General;
- (b) Directors;
- (c) Members of SELEC Staff;
- (d) Liaison Officers; and
- (e) Representatives of Operational Partners.

Article 14

Entry, Stay, Departure and Transit

The Parties shall facilitate, if necessary, the entry into and stay in the territory of a Party and shall not put any impediment in the way of the departure from that Party of the persons listed below where that entry or stay is related to SELEC's official activity, and shall ensure that no impediment is put in the way of their transit to or from a place of official business in connection with SELEC:

- (a) the Representatives of Member States;



(b) the Liaison Officers; and

(c) the Director General, Directors, and SELEC Staff.

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Duration of Privileges and Immunities

(1) In the territory of the Host Country, each person entitled to privileges and immunities in accordance with this Title shall enjoy those privileges and immunities from the moment he/she enters the Host Country on proceeding to take up his/her post or, if already in the Host Country, from the moment his/her arrival is notified by the sending Party to the competent authorities of the Host Country. When the functions of these persons come to an end, privileges and immunities that they enjoy in the Host Country shall normally cease at the moment when they leave the Host Country, or on expiry of a reasonable period in which to do so. However, with respect to the acts done by those persons in the exercise of their functions, immunity shall continue to subsist.

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(2) Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities in accordance with this Protocol to respect the laws and regulations of the Host Country and other Parties.



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(a) in respect of Representatives of the Member States and Liaison Officers the waiving of immunity shall be within the competence of the sending Party. Such Party shall have the right and duty to waive the immunity in cases where, in its opinion, the immunity would impede the course of justice and would not prejudice the purposes for which the immunity is accorded;

(b) in respect of the Director General and the Directors, the Council shall have the right and duty to waive the immunity where the immunity would impede the course of justice and can be waived without prejudice to the interests of SELEC;

(c) in respect of a member of the SELEC Staff; the Director General shall have the right and duty to waive the immunity where the immunity would impede the course of justice and can be waived without prejudice to the interests of SELEC;

(d) in respect of Representatives of an Operational Partner, the waiving of immunity shall be within the competence of the sending Operational Partner. Such Operational Partner shall have the right and duty to waive the immunity in cases where, in its opinion, the immunity would impede the course of justice and would not prejudice the purposes for which the immunity is accorded.

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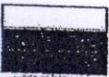
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*Confirma cu digitalul
V. Gavrilescu
VICTORIA GAVRILESCU, director BIT*