

Protocol

amending the Agreement between the Parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data

The Republic of Albania, the Republic of Austria, the Republic of Bulgaria, Hungary, the Republic of Moldova, Montenegro, the Republic of North Macedonia, Romania and the Republic of Serbia,

Desiring to amend the Agreement between the Parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data (hereafter referred to as "Agreement") in order to clarify provisions on the primacy of European Union law for members of the European Union and the exclusive competence of the European Commission to take adequacy decisions concerning the data protection level in third states,

Have agreed on the following:

Article 1

In Article 12 of the Agreement, the current text shall be designated as paragraph 1 and the following new paragraph 2 shall be inserted:

"(2) This Agreement is not meant to certify whether or not a third country to the European Union ensures an adequate level of data protection according to EU legislation and, in particular, within the meaning of the Directive (EU) 2016/680."

Article 2

In Article 22 of the Agreement the following new paragraph 3 shall be inserted:

"(3) With regard to this Agreement or any agreement implementing it, the Parties which are members of the European Union shall, in their mutual relations, apply the rules of the European Union, in so far as there are European Union rules governing the particular subject concerned."

Article 3

- (1) This Protocol shall be open for signature by any Party to the Police Cooperation Convention for Southeast Europe (PCC SEE Party).
- (2) This Protocol is subject to ratification, acceptance or approval of its Signatories. The instruments of ratification, acceptance or approval shall be deposited with the Depositary of the Agreement.
- (3) A PCC SEE Party may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted, approved or acceded to the Agreement.
- (4) After the signature of this Protocol and before its entry into force, a PCC SEE Party may not ratify, accept, approve or accede to the Agreement unless it has simultaneously ratified, accepted or approved this Protocol.
- (5) No reservations may be made to this Protocol.

Article 4

- (1) This Protocol shall enter into force after ratification, acceptance or approval by all Parties to the Agreement as of the date of signature of this Protocol on the sixtieth day following the date of the deposit of the last instrument of ratification, acceptance or approval. For each Signatory subsequently expressing its consent to be bound by this Protocol, it shall enter into force on the sixtieth day after the deposit of its instrument of ratification, acceptance or approval.
- (2) Each PCC SEE Party signing, ratifying, accepting or approving this Protocol may declare to apply Articles 1 and 2 of this Protocol provisionally until the entry into force of the Protocol.
- (3) As soon as this Protocol enters into force, the Depositary shall establish the text of the Agreement as amended by this Protocol and shall send a certified copy of the amended Agreement to all PCC SEE Parties.
- (4) Any PCC SEE Party acceding to the Agreement after the entry into force of this Protocol may only become a Party to the Agreement as amended by this Protocol.

(5) This Protocol is concluded for an indefinite period of time. However, it shall cease to be in force at the same time as the Agreement ceases to be in force.

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

For the Republic of Albania

For the Republic of Austria

For the Republic of Bulgaria

For Hungary

For the Republic of Moldova

For Montenegro

For the Republic of North Macedonia

For Romania

For the Republic of Serbia

Done at, this day of 2021, in a single original in the English language.