



**ADDITIONAL PROTOCOL ON COMBATING TERRORISM TO THE AGREEMENT AMONG
THE GOVERNMENTS OF THE BLACK SEA ECONOMIC COOPERATION PARTICIPATING
STATES ON COOPERATION IN COMBATING CRIME, IN PARTICULAR IN ITS
ORGANIZED FORMS**

PREAMBLE

The Governments of the Organization of the Black Sea Economic Cooperation (BSEC) Member States: the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova, Romania, the Russian Federation, Serbia and Montenegro, the Republic of Turkey, Ukraine hereinafter referred to as "The Parties";

Being Contracting Parties to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, signed in Kerkyra on October 2nd 1998, called shortly "the BSEC Agreement";

Following the provisions of the BSEC Charter, the Istanbul Decennial Summit Declaration, the Statement of the Fifth Meeting of the Council of Ministers of Foreign Affairs of the BSEC Member States, dated October 26th 2001, as well as the Statement of the Council of Ministers of Foreign Affairs of the BSEC Member States on the BSEC Contribution to Security and Stability, dated June 25th 2004, which severely condemn international terrorism as a global threat to peace and security;

Conscious that terrorism in all its forms and manifestations poses a serious threat to international peace and security, political, economic and social stability of the Parties, to their territorial integrity and safety of the BSEC Member States, as well as to the development of friendly and good neighborhood relations and bilateral and multilateral cooperation between the States of the Black Sea Region;

Taking into consideration the provisions of the United Nations documents on combating terrorism and fully supporting the Security Council Resolutions in this field, in particular Resolution 1373;

Underlining that the fight against terrorism must be conducted in full respect of the rule of law and human rights;

Confirming their unambiguous support to the universal principles of international law;

Have agreed upon the following:

Article 1

For the aims of the present Additional Protocol terrorism means those crimes stipulated in the United Nations Conventions and Protocols on combating terrorism.

Article 2

The Parties shall cooperate for the prevention, detection, suppression, disclosure and investigation of acts of terrorism on the basis of the BSEC Agreement and the present Additional Protocol, and in accordance with the internal legislation, as well as with the international commitments of their States.

Article 3

1 The Parties shall determine their competent authority(ies) and/or contact point(s) through which direct communication is ensured.

2 Each Party shall submit to the Depository a list of the names and coordinates of its competent authority(ies) and contact point(s) within a two-month period following the entry into force of the present Additional Protocol for that Party. The Parties shall inform the Depository of any changes in this list.

Article 4

1 In order to implement the present Additional Protocol, the Parties shall interact in accordance with Article 5 of the BSEC Agreement and the Additional Protocol to the BSEC Agreement, done in Kyiv on 15 March 2002.

2 If necessary, the Parties may set up urgent communication lines, conduct regular or extraordinary meetings and consultations.

Article 5

Within the framework of the BSEC Agreement and the present Additional Protocol the Parties shall exchange information of mutual interest, in particular to:

- a)** acts of terrorism planned and directed against state leadership, persons being under international protection, members of the diplomatic missions and consulates, officials of international inter-governmental organizations, against participants of state visits, as well as of national/international events and against other officials and civilians;
- b)** terrorist organizations, groups and persons posing threat to the security of their States, as well as contacts between such terrorist organizations, groups and persons;
- c)** terrorist attempts and actions aimed against the sovereignty and territorial integrity of the Parties' States;
- d)** acts of terrorism and threats of committing such acts in the territory of the Parties States, against economic, technological and ecological units and facilities of vital importance.
- e)** terrorist organizations and groups acting in the territory of the Parties States, their tactics and methods, leaders, members, as well as to the persons involved in and/or supporting the activities of such groups or organizations;
- f)** organizations and institutions supporting terrorism, mechanisms, extensions and directions of such support ;
- g)** illicit trafficking of weapons, including ammunition, explosive substances and devices, nuclear and radioactive materials and sources, chemical and biological weapons and their components, committed by organized criminal groupings and persons, channels used for their illegal transportation through the territory of the Parties' States;

- h)** detected and suspected sources and channels of financial, logistical or other kinds of material support to terrorist organizations and groups;
- i)** practice and legislation on counter- terrorism.

Article 6

The Parties shall work out and conduct close cooperation, in particular to:

- a)** suppression of the preparation and perpetration of acts of terrorism, as well as of the providing to terrorists with any form of support, including financial;
- b)** deny safe havens to those who finance, plan, support or commit acts of terrorism;
- c)** disclosure and suppression of the places where training of terrorists, planning and preparing of acts of terrorism are conducted, if the concrete evidences are submitted;
- d)** prevention of the movement and suppression of travel routes of terrorists and terrorist groups;
- e)** detection and identification of the structures used by terrorist groups or organizations for covering their activities;
- f)** prevention, disclosure and suppression of financial support, delivery of weapons and ammunitions, explosive substances and devices, nuclear and radioactive materials and sources, chemical and biological weapons and their components as well as granting any assistance to any persons and organizations for planning, preparing and committing acts of terrorism. The Parties shall notify each other of the results of the cooperative actions.

Article 7

The Parties shall take all the necessary measures to prevent preparation of acts of terrorism in the territory of their own states, when those acts of terrorism are to be committed in the territory of the States of the other Parties, as well as to deny asylum to those who have planned, facilitated or participated in the perpetration of acts of terrorism.

Article 8

The Parties may cooperate to enhance the implementation of the present Additional Protocol in the following forms:

- a)** education, training and skill enhancement of personnel;
- b)** exchange of information and experiences concerning the use of scientific and technological methods for criminal researches;
- c)** conducting joint trainings, seminars consultations and scientific researches;
- d)** exchange of relevant internal legislation, analytical and statistical data;
- e)** and other forms provided for in the BSEC Agreement.

Article 9

1 The information and documents obtained under the present Additional Protocol shall be afforded the same degree of confidentiality by the requesting Party that applies to similar information of the requested Party.

2 The information and documents obtained under the present Additional Protocol as well as

information on methods of investigation and tactics of applying of special equipment or/and materials shall not be transmitted to a third party without the prior authorization of the providing Party.

3 The information or results of the compliance with the request obtained from another Party on basis of the present Additional Protocol may not be used for purposes other than those they were requested or submitted for without prior authorization in writing of the providing Party.

4 Delivery and protection of classified information shall be conducted by the Parties in accordance with their national legislation and/or relevant international agreements.

5 Without prejudice to the relevant international commitments of the BSEC Member States - parties to the BSEC Agreement and to the present Additional Protocol, personal data received under the present Additional Protocol will have protection at least equivalent to that afforded by the supplying Party.

Article 10

Each Party shall independently bear expenses arising in the course of the implementation of the present Additional Protocol, unless mutually decided otherwise in each particular case.

Article 11

In order to ensure the cooperation in the framework of the present Additional Protocol, the Parties shall use the English language during the written procedure, the English and Russian language in the oral procedure, unless the Parties have mutually agreed otherwise.

Article 12

1 The implementation of the present Additional Protocol is subject to the legislation of the State of each Party.

2 The present Additional Protocol shall not hinder the other international obligations of the States of the Parties.

3. Disputable questions which may arise in connection with the interpretation or implementation of the present Additional Protocol shall be resolved by the Parties concerned, through consultations and negotiations, according to the relevant rules of international law.

Article 13

1 The BSEC Permanent International Secretariat (PERMIS) shall be the Depository of the present Additional Protocol.

2 The original of the present Additional Protocol in a single copy in the English language shall be deposited with the BSEC PERMIS, which shall transmit a certified copy to each Party.

3 The BSEC PERMIS shall inform the BSEC Member States of:

- a) each act of signature;
- b) the submission of each instrument of ratification, acceptance, approval or accession;
- c) each date of entry of the present Additional Protocol into force in accordance with Article 15 of the present Additional Protocol;
- d) any other act or document of notification related to the present Additional Protocol.

Article 14

- 1 The present Additional Protocol shall be open for signature by any BSEC Member State.
- 2 The Party which has signed the present Additional Protocol may not become party to it, if it does not become party to the BSEC Agreement.
- 3 The present Additional Protocol is subject to ratification, acceptance, approval or accession.
- 4 The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 15

- 1 The present Additional Protocol shall enter into force on the thirtieth day following the date on which the third instrument of ratification, acceptance, approval or accession is deposited with the BSEC PERMIS.
- 2 For each Party, which ratifies, accepts, approves or accedes to the present Additional Protocol after the date of its entry into force, the present Additional Protocol shall enter into force on the thirtieth day after the date of the deposit by that Party of its respective instruments.

Article 16

- 1 Each Party may propose amendments to the present Additional Protocol.
- 2 Such amendments shall be accepted upon the consent of all the Parties and shall enter into force in accordance with paragraphs 3 and 4 of Article 14 and with Article 15 of the present Additional Protocol.

Article 17

Each party may withdraw from or denounce of the present Additional Protocol by formal notification to the BSEC PERMIS. The withdrawal or denunciation shall take effect within three months after the date on which the withdrawal or denunciation notification is received by the BSEC PERMIS.

IN WITNESS THEREOF, the undersigned, being duly authorized to that effect, have signed the present Additional Protocol.

Done in Athens/Greece on this third day of December two thousand four in a single copy in English language.

For the Government of the Republic of Albania

For the Government of the Republic of Armenia

For the Government of the Republic of Azerbaijan

For the Government of the Republic of Bulgaria

For the Government of Georgia

For the Government of the Hellenic Republic

For the Government of the Republic of Moldova

For the Government of Romania For the Government of the Russian Federation

For the Government of Serbia and Montenegro

For the Government of the Republic of Turkey

For the Government of Ukraine