

**SECURITY COOPERATION AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF HUNGARY**

The Government of the Republic of Turkey and the Government of Hungary, hereinafter referred to as the Parties,

In compliance with international agreements and the national legislation of their States,

Desirous of developing and supporting friendly relations and cooperation between their two States,

Concerned about the growth of organised crime and illegal migration,

Convinced in the major importance of international cooperation for effective prevention and combating crime,

Driven by the principle of reciprocity and mutual benefit,

Have agreed as follows:

**Article 1
Cooperation Areas and Purpose**

1) The Parties, in accordance with their national legislation, shall cooperate through their competent authorities in prevention, detection and suppression of transnational crimes against public order and security.

2) The cooperation shall include fight against transnational crimes in particular, the fight against terrorism, organized crime, illicit immigration, human trafficking and smuggling of migrants, corruption, money laundering, illicit production and smuggling of drugs or psychotropic substances and their precursors used in the production, smuggling of weapon, tobacco products and alcoholic drinks, cultural and natural properties and goods, cybercrime.

3) Cooperation under the present Agreement shall not cover mutual legal assistance falling within the competence of the judicial authorities, as well as exchange of information and intelligence gathered for national security purposes.

**Article 2
Forms of Cooperation**

1) The cooperation between the competent authorities of the Parties shall be performed in compliance with their national legislation and shall consist of the following:

1. Sharing of information, experience and criminal intelligence;
2. Controlled delivery;
3. Searching lost persons and objects, identifying persons and bodies of unknown identity;

2) The competent authorities of the Parties shall assist each other upon request in writing. In urgent cases requests can be made verbally; verbal requests shall be confirmed in writing without delay.

3) The request shall include the name of the requesting cooperating authority, the subject of the request and its description, the legal and factual grounds for it and the time limit for its execution provided by the Requesting Party. The request may also be accompanied by documents and/or data related to the content of the request.

4) The competent authority of each Party, in accordance with its national legislation, shall provide information to the competent authority of the other Party even without a request thereof, if such information is relevant to the other Party in order to prevent threats with regard to public order and security, as well as prevention, detection and suppression of transnational crimes.

Article 3

Competent authorities

1) The competent authorities for the implementation of this Agreement shall be as follows:

For the Government of the Republic of Turkey:

- Turkish National Police.

For the Government of Hungary:

- National Police;
- the National Tax and Customs Administration.

2) The competent authorities shall send their requests and responses thereto through the following central contact points:

For the Government of the Republic of Turkey:

- Department of International Relations, Turkish National Police

For the Government of Hungary:

- International Law Enforcement Cooperation Centre.

3) The following competent authorities designated are entitled to send their requests and responses thereto directly, without the notification of the central contact points:

For the Government of the Republic of Turkey:

- Department of Intelligence,
- Department of Anti-smuggling and Organized Crime,

For the Government of Hungary:

- Counterterrorism Centre,
- National Protective Service.

Article 4

Sharing of Information and Criminal Intelligence

1) The competent authorities shall share the following information and criminal intelligence:

- a) data about the persons involving in crime, including information with regard to perpetrators, members of organised crime associations and groups of criminals, the connections among and structure thereof, typical conduct of perpetrators and groups;
- b) terrorist organizations, groups and their members, who perform or have performed or plan to perform terrorist actions on or from the land of one of the Parties, prejudicing the interests of the Other Party, extensions and activities of such organizations, and finance of terrorism;
- c) data related to planned, attempted or committed criminal acts;
- d) information on the identity of persons involving in crime, their place of stay and home address;
- e) information on documents constituting the right to drive various means of transport;
- f) identification data of motor vehicles;
- g) data pertaining to the owner, operator and/or user of means of transport;
- h) data pertaining to firearms licences;
- i) data pertaining to documents constituting the right to cross state borders or to stay on the territory of the state of a Party.

2) The competent authorities may also share:

- a) information on new methods and forms of international criminal activity;
- b) criminal, criminological and other crime related research results, information on the practice, working methods and instruments used in combating crimes;
- c) information on the legal regulation on the criminal acts.

3) Requests to transfer data may be transmitted between and executed directly by any of the competent authorities stipulated in Article 3 paragraph (1) in case the exchange of information through the central contact points would suffer such delay that would severely endanger the interests of prevention, detection and suppression of transnational crimes and the public order and security.

4) In the course of the exchange of information upon this article, the competent authorities may transfer to each other and exchange requests containing classified data.

5) The Parties may use Interpol channel in emergency and necessity in police cooperation activities.

Article 5

Training

The Parties may have cooperation on In-service Training, Basic Police Training, Bachelor's Degree, Master's Degree and Doctorate Programs

Article 6

Controlled Delivery

1) The competent authorities may, by *ad hoc* arrangement, cooperate in supervising illegal and suspicious consignments to pass out of, through or into the territory of its own state in order to detect crime, and identify persons having participated in the commission of a criminal act.

2) Controlled delivery shall be executed so as to be possible to be interrupted at any time. The Parties may decide the cargo delivery to be executed accompanied by the member of the requesting competent authority in order to execute controlled delivery without any interruption. In the course of this, the members of the requesting competent authority shall act in accordance with the provisions of this Article, the laws of the state of the requested competent authority and the instructions of the person in charge of the requested competent authority. The members of the competent authorities are not entitled to carry their service weapon and service equipment, and to use means of restraint in the territory of the state of the other Party.

3) The central contact points shall also allow the execution of controlled deliveries starting out from a third state and arriving in another state. In this case, the requesting central contact point shall obtain in advance the consent of the states concerned, of which the requested central contact agency shall be notified.

Article 7

Data Protection

1) The competent authorities of the Parties shall exchange data in compliance with their national legislation and in compliance with the requirements determined by the providing authority, as well as the following conditions applicable both in cases of digital and non-digital data processing:

1. The provided data may be used exclusively for the purpose for which they have been provided.

2. Upon the request of the providing competent authority, the institution which received the data, shall provide information on their utilization.

3. The competent authority providing the data, shall ensure that the data provided is true and up-to-date accurate and the transfer was necessary for the purpose indicated, and was proportionate to it. If such data turn out to be untrue or their disclosure turns out to be forbidden under the legislation of the providing competent authority, the competent authority receiving the data shall be notified in due course, in order to delete such data or rectify the data pursuant to paragraph 4.

4. The provided data shall be destroyed or rectified respectively, in the following cases:

- a) if the inaccuracy of such data has been established, or
- b) the providing competent authority notifies that the data were collected or provided contrary to the law, or
- c) the data are no longer necessary for the completion of the task for which they were provided, unless there exists a written permission that the provided data may be used for other purposes, or
- d) when the time limit for the retention of the data determined by the providing competent authority expires.

5. If the competent authority receiving the data has reasons to consider that the provided data are incorrect or should be destroyed, it shall notify in due course the providing competent authority thereof.

6. The competent authorities are required to take all the necessary organizational and technical measures in order to provide the efficient protection of data, and against the unauthorised access, disclosure, alteration and destruction of it.

7. The authorities processing the data shall keep records of the data transferred and received under this Agreement which shall contain at least the following: the purpose and content of the data provided, the legal ground of the transmission, the type of the forwarded data, the transmitting and receiving authority and the time and date of the transfer, and the data necessary for the identification of the data subject. The records shall be kept for the period specified in the national legislation applicable to such data, but at least for five years.

8. This Agreement does not provide a basis for requests to transfer data or information to be used as evidence in criminal proceedings. Data or information transferred in line with this Agreement must not be used for mutual assistance in criminal matters without the prior consent of the transferring Party, which is to be given in line with the national legislation and in compliance with any applicable bi- or multilateral agreements on mutual assistance in criminal matters.

9. The provided data shall not be shared with or disclosed to any third party (other person(s), agency(ies) or country(ies)) without taking prior permission of the competent authority providing the data.

2) The data subject shall be enabled in accordance with the national legislation of the Parties:

- a) to request information regarding the processing of his/her personal data by the competent authorities;
- b) to request rectification, erasure or blocking of his/her personal data;
- c) to have remedy if his/her request is not complied with.

3) The supervision of data exchange pursuant to this Agreement shall be performed in accordance with each Parties' respective national legislation, their international commitments and for Hungary, in strict compliance with EU legislation

Article 8

Protection of Classified Data

To protect the classified data and information received in the course of the implementation of this Agreement, the competent authorities shall apply the following provisions:

1) The data classified according to the laws of the state of the competent authority providing the classified data shall be granted the same level of protection by the competent authority receiving the classified data as the protection accorded to the data supplied with the classification marking in accordance with its national legislation based on the table of equivalence constituting the annex to this Agreement. This annex shall constitute an integral part of this Agreement;

2) The competent authority providing the classified data shall indicate the period of validity of the transferred classified data;

3) The competent authority providing the classified data shall notify immediately the competent authority receiving the classified data in writing of any changes related to the data and of any modification in their classification marking or period of validity or the termination of the classification. The competent authority receiving the classified data shall modify the classification marking or the period of validity or shall terminate processing it as classified data in accordance with this notification;

4) Forwarding any classified data transferred under this Agreement to a third state shall be permitted only with the written consent of the authorities or person having competence according to the sender state's national legislation;

5) The competent authority providing the classified data shall be notified immediately of any violation of the laws serving the protection of the transferred classified data done by the competent authority receiving the classified data. The notification shall extend to the circumstances and consequences of the violation of the laws, the measures taken to contain such consequences and the measures taken to prevent any future violation of these provisions.

Article 9

Refusal of Assistance Request

1) Each of the Parties, in case of considering that the fulfilment of a given request or another type of cooperation may infringe the sovereignty or the security of its State, threaten essential state interests or disturb its legal order, may refuse to cooperate, either completely or partially.

2) The Parties shall notify each other immediately in case of refusal or partial fulfilment of a submitted request for cooperation.

Article 10
Relation to other International Treaties

The provisions of this Agreement shall not affect the rights and obligations arising from other international treaties binding upon the Parties.

Article 11
Joint Commission

1) The Parties shall establish a Joint Commission for coordination and evaluation of the cooperation under this Agreement. The Joint Commission shall consist of at least three representatives of the competent authorities of each Party. The Parties shall inform each other on their representatives in the Joint Commission through diplomatic channels.

2) The Joint Commission shall meet whenever necessary. Each of the Parties may initiate meetings of the Joint Commission.

3) The Joint Commission shall undertake its meetings alternately in Turkey and Hungary.

Article 12
Consultations

The competent authorities of the Parties may, if necessary, undertake consultations in order to discuss measures concerning the implementation of this Agreement.

Article 13
Settlement of Disputes

1) Discrepancies in the interpretation or implementation of this Agreement shall be settled through direct negotiations between the competent authorities of the Parties.

2) In case no consensus is reached in the process of negotiations under Paragraph (1), the issue shall be settled through diplomatic channels.

Article 14
Entry into Force and Termination

1) This Agreement shall enter into force following 30 (thirty) days after the date of receipt of last notification through diplomatic channels, by which the Parties shall notify each other on the completion of the relevant national procedures.

2) This Agreement shall remain in force for 5 (five) years. Either of the Parties may terminate unilaterally this Agreement by way of written notification, submitted to the other Party through diplomatic channels 6(six) months before the termination of this Agreement. This Agreement shall automatically be extended for one-year periods unless either Party notifies the other Party about its intention to terminate this Agreement 6 (six) months before of its termination.

3) This Agreement may be amended upon the mutual consents of the Contracting Parties. These amendments shall come into effect according to the procedure set out above in the Article 14 (1)

4) The entry into force of this Agreement shall terminate the effect of the Agreement of Cooperation on Combating Terrorism, Drug Smuggling and Organised Crime, signed in Ankara on 18th December 1992 between the Government of the Republic of Turkey and the Government of Hungary.

Signed in Ankara, on 18 December 2013, in two original identical counterparts, each one in Turkish, Hungarian and English language. In event of interpretation discrepancies the English text shall prevail.

**On behalf of the Government of
the Republic of Turkey**

On behalf of the Government of Hungary

Muammer GÜLER
Minister of Interior

Sándor PINTÉR
Minister of Interior

Annex
to Article 8 of the Security Cooperation Agreement
between the Government of the Republic of Turkey and the Government of Hungary

The Marking of Classified Data and Their Equivalence

The Parties, the Government of the Republic of Turkey and the Government of Hungary – with a view to apply the provisions of Article 8 (1) of the Security Cooperation Agreement – establish that the following classification markings of classified data are equivalent, pursuant to the laws of Turkey and Hungary .

In the Republic of Turkey	In the Republic of Hungary	English Equivalent
Çok Gizli	„Szigorúan Titkos!”	TOP SECRET
Gizli	„Titkos!”	SECRET
Özel	„Bizalmas!”	CONFIDENTIAL
Hizmete Özel	„Korlátozott terjesztésű!”	RESTRICTED