

Joint Declaration:

Principles of Cooperation in the Field of Information-Exchange for Law Enforcement

London 2018

- I. Recognising the contribution that improved information-exchange between law enforcement agencies in the Western Balkans will make to the fight against serious and organised crime and terrorism;
- II. Acknowledging that the European Union considers essential improved and increased information-exchange between law enforcement agencies of the Western Balkans;
- III. Acknowledging that, whilst the participants of the Berlin Process already co-operate in the fields of law enforcement and security, there is an imperative to deepen cooperation in order to combat serious and organised crime and terrorism; and
- IV. Noting that this Joint Declaration is without prejudice to other regional or bilateral agreements relating to the exchange of particular types of data.

1 – Categories of Information-Sharing

- V. The six Governments of the Western Balkans, hereafter referred to as the Principal Participants, agree to share the following types of information:
 - a. Strategic assessments on serious and organised crime and terrorism, to enable shared understanding of the nature and scale of shared security threats.
 - b. Operational and tactical intelligence relating to serious and organised crime and terrorism, on a case-by-case basis and in support of operational activity.

2 – Principles

- VI. The Principal Participants agree to exchange information according to the following principles:
- a. Legal exchange. All information requested and exchanged shall be in line with existing national legal requirements, and on existing legal bases for information-exchange, including in relation to personal data protection and classified information security. Where relevant, this shall be to the standards of the requesting Principal Participant for use in any subsequent judicial proceedings. Where an operational requirement for exchanging information is not supported by appropriate legal mechanisms, the relevant Principal Participant(s) shall consider developing such a legal mechanism. A requesting Participant shall not share the requested information with a third party without prior written consent from the Principal Participant providing the information.
 - b. Timely exchange. Acknowledging the operational requirements of the requesting Principal Participants, the responding Principal Participants will adhere to existing deadlines for the exchange of information. Where a matter is urgent, where possible, the responding Principal Participants will provide requested information in the same timeframe as if it were a national request.
 - c. Proactive exchange. Where intelligence relating to a Principle Participant arises as part of a criminal or terrorist investigation conducted by another Principal Participant, that information will be shared proactively, even in the absence of a request.
 - d. Secure exchange. All law enforcement information shall be exchanged using secure channels, by personnel with the appropriate security clearance, and stored in line with existing security requirements. Where these do not exist or are inadequate, the Principal Participants shall endeavour to improve them.
 - e. High quality exchange. The requesting Principal Participants will provide as much detail and guidance as is operationally possible to the responding Principal Participants in any request for information. The responding Principal Participants will provide as much detail as is relevant in its response, even if this goes beyond the original request. The Participants shall undertake consultations regarding complex investigations to ensure that information of operational relevance to one Participant is not unintentionally held back by another.
 - f. Efficient and effective exchange. Principal Participants will respond to a request for information in the most efficient and effective way possible, in line with the above principles. All Principal Participants shall endeavour to provide sufficient resources in order to request and respond

to requests for information in line with the above principles. The decision to share a piece of information for law enforcement purposes shall be made at the level closest to operational need, bearing in mind national requirements for monitoring the exchange of information.

3 – Implementation

- VII. Recognising the importance of prioritising implementation of the provisions under this Joint Declaration to strengthen cooperation and connectivity, the Principal Participants agree to support a Berlin Process Security Commitments Steering Group to drive progress.