

Z A K O N

**O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE
REPUBLIKE SRBIJE I VLADE REPUBLIKE
AUSTRIJE O SARADNJI U OBLASTI ZAŠTITE OD
KATASTROFA**

Član 1.

Potvrđuje se Sporazum između Vlade Republike Srbije i Vlade Republike Austrije o saradnji u oblasti zaštite od katastrofa, potpisan u Beogradu, dana 29. aprila 2021. godine, u originalu na engleskom jeziku.

Član 2.

Tekst Sporazuma u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

AGREEMENT

between

the Government of the Republic of Serbia

and

the Government of the Republic of Austria

on cooperation in protection against disasters

The Government of the Republic of Serbia

and

the Government of the Republic of Austria
(hereinafter referred to as "the Parties");

Convinced of the necessity of mutual cooperation in preventing and mitigating the consequences of disasters;

Recognising the efforts of the United Nations in the field of disaster prevention and consequence mitigation, as well as international acts adopted by the United Nations and other international organisations in this area;

Bearing in mind the Civil Protection Mechanism of the European Union and its contribution to developing capacities for rapid and effective response aimed at ensuring protection against disasters;

Have agreed as follows:

Article 1

Purpose of the Agreement

(1) This Agreement shall regulate the framework and conditions for cooperation in disaster prevention and preparedness, for the voluntary provision of mutual assistance in the event of disasters in the territory of one of the Parties, and other forms of mutual cooperation in this area.

(2) Cooperation between the Parties shall follow the principle of reciprocity and shall be conducted within the capacities of the Parties.

Article 2

Areas of Cooperation

(1) Cooperation between the Parties shall mainly include the following areas:

(a) assistance in the event of disasters and performance of protection and rescue activities, as well as mitigating and eliminating their consequences;

(b) mutual notification of disaster risks and their consequences;

(c) exchange of scientific and technical knowledge as well as the transfer of expertise and experience in protection against disasters;

(d) education and training of personnel who participate in protection and rescue activities;

(2) The Parties shall advance cooperation between national authorities, governmental and nongovernmental institutions and organisations engaged in protection against disasters.

Article 3

Other Forms of Cooperation

(1) The Parties shall cooperate, in accordance with national law, in particular to prevent and reduce the consequences of natural hazards and technical or technological accidents by carrying out the following activities in the territory of both Parties:

(a) exchange of scientific-technical information as well as

(b) expert meetings,

(c) research and training programs,

(d) specialist courses and exercises in relief operations.

(2) Cooperation shall also include the sharing of information on risks and damages that may arise and affect the territory of the other Party.

Article 4

Definitions

The terms used in this Agreement shall have the following meaning:

a) "disaster" is a natural hazard or a technical or technological accident the consequences of which endanger security, life and health of a large number of people, material and cultural assets or the environment on a larger scale, and the occurrence or consequences of which cannot be prevented or eliminated through regular activity of competent authorities and services;

b) "data and information on hazards" are data on disasters whose purpose is early notification of imminent danger and implementation of protection and other measures in ensuring safety for people, property, and the environment;

c) "rescue and disaster relief" are the activities of all rescue forces and resources whose purpose is direct and indirect mitigation and elimination of the consequences of disasters;

d) "rescue teams and individual experts" are adequately trained and equipped teams and individuals designated by the Sending State for the provision of assistance;

e) "protection, rescue, and other equipment" are means of personal and collective protection, including rescue equipment, means of transport (vehicles, vessels and aircraft), and technical and other means used by rescue teams and individual experts;

f) "humanitarian aid" is food, potable water, medications, medical supplies and other items intended for free distribution to the affected or threatened population and provided as assistance in mitigating the consequences of disasters by the Receiving State;

- g) "Receiving State" is the Party whose competent authorities request assistance disaster relief from the other Party;
- h) "Sending State" is the Party whose competent authorities grant the other Party's request for assistance;
- i) "transit country" is a country whose territory is crossed by rescue teams, individual experts and equipment for the needs of the Parties.

Article 5

Competent Authorities

- (1) The competent authorities for the implementation of this Agreement shall be:
 - in the Republic of Serbia: Ministry of the Interior – Sector for Emergency Management
 - in the Republic of Austria: Federal Minister of the Interior;
- (2) The competent authorities shall meet as necessary for the efficient implementation of this Agreement.
- (3) In implementing this Agreement, the competent authorities shall be authorised to establish direct contacts and connections. In this regard, the competent authorities shall exchange addresses and information on telecommunication links and contact points.
- (4) The Parties shall inform each other in writing of any subsequent changes to the competent authorities and their addresses, telecommunication links, and contact points, no later than 30 days following the date of change.

Article 6

Notification of Threats and Disasters

- (1) The competent authorities of the Parties shall inform each other of threats and disasters that may threaten or affect either Party.
- (2) Notification of a threat or disaster shall contain: a description of the threat or disaster, information on the location, time, scale, and consequences of the disaster as well as on preventive measures taken.
- (3) In the event of a disaster, the competent authorities of the Parties shall also inform each other about the required and available assistance and the possibilities and manner of its provision.
- (4) Notification of a threat or disaster may be communicated in writing or orally in the official language of the other Party or/and in the English language. Oral notification must be confirmed in writing.
- (5) In order to facilitate the exchange of information on meteorological and hydrological hazards, direct links may be established between the authorities of the Parties competent in that area.

Article 7

Providing Assistance

- (1) The competent authority of the Party affected by a disaster may request assistance from the competent authority of the other Party. Assistance may include rescue teams and individual experts, protection and rescue equipment, and

humanitarian aid.

(2) A request for assistance referred to in paragraph 1 of this Article should contain information on the type and scope of a disaster, information on the type and scope of requested assistance, information on institutions and persons with whom a connection is to be established and who are responsible for accepting particular types of assistance, as well as a proposal for the manner of providing assistance and should be submitted in writing in the official language of the other Party or/and in the English language.

(3) In addition to information referred to in paragraph 2 of this Article, a request for humanitarian aid in the form of medication and medical supplies must also include a list of all necessary documents required for the import of medication and medical supplies into the territory of the Receiving State.

(4) Assistance shall be provided in accordance with the national law of the Parties.

Article 8

Crossing the State Border and Stay in the Territory of the Other Party

(1) In order to provide faster and more efficient assistance in protection and rescue as well as elimination of disaster consequences, the Parties shall grant rescue teams and individual experts providing assistance a simplified procedure for crossing the state border of the Receiving Party in accordance with the relevant legislation.

(2) The competent authorities shall agree on the time and location of crossing the state border, on the manner of arrival and departure, and on the duration of the stay of rescue teams and individual experts providing assistance in the territory of the other Party.

(3) Members of rescue teams and individual experts providing assistance must possess valid travel documents or other documents prescribed for crossing the state border of the Receiving State that proves their identity. Where the legal system of the Receiving State requires entry visas, the Receiving State shall ensure in accordance with the national legislation to issue the required visas as soon as possible.

(4) Members of rescue teams and individual experts providing assistance shall be entitled to wear their uniforms in the territory of the other Party.

(5) It shall be prohibited to bring weapons, ammunition, or explosive ordnance to the territory of the other Party.

(6) The Parties shall also ensure the implementation of this Article in the event that one of them is a country of transit. The competent authorities of the Parties shall, within the shortest time possible, inform each other of transit requirements, specify implementation procedures, and, if necessary, provide the rescue teams and individual experts with official escort during transit.

Article 9

Temporary Import and Export of Protection, Rescue and Other Equipment

(1) In the event of disasters, the Parties shall simplify procedures regarding the temporary import, export, and transportation of protection, rescue, and other equipment across their state borders. When crossing the state border of the Receiving State, the rescue team leader and individual expert must submit a list of protection, rescue, and other equipment to the competent authority of the Receiving State.

(2) Rescue teams and individual experts providing assistance may take protection, rescue, and other equipment they need for the provision of international assistance, as well as the means and supplies necessary to meet their own needs and to ensure self-sufficiency of the teams across the state border of the Receiving State.

(3) No international prohibitions or restrictions that apply to the temporary import and export of commercial goods shall apply to the import and export of protection, rescue, and other equipment into the Receiving State. Should protection, rescue, and other equipment go unused, it must be returned to the Sending State. In the case of protection, rescue, and other equipment remaining as aid in the Receiving State, the competent authority of the Receiving State must be notified of the type, quantity, and location of the said equipment. This authority shall relay this information to the relevant customs authorities. In this case, the regulations of the Receiving State shall apply.

(4) The provisions of paragraph 3 of this Article shall also apply to the import into the Receiving State of medications containing narcotics and psychotropic substances, and to the return of unused quantities thereof to the Sending State. The import and export of narcotics and psychotropic substances within international agreements shall not be considered as import and export of goods in foreign trade. Medications containing narcotics and psychotropic substances may only be imported in the quantities required for urgent medical assistance and used under the supervision of medical professionals with proper medical training, in accordance with the regulations of the Receiving State.

(5) The Parties shall simplify procedures regarding the temporary import, export, and transportation of protection, rescue, and other equipment across their state borders for conducting joint education and training in protection and rescue under Article 3 of this Agreement.

Article 10

Use of Aircraft and Vessels

(1) Aircraft and vessels may be used for emergency transportation of rescue teams or individual experts providing assistance, of protection, rescue, and other equipment, and of other types of assistance in accordance with this Agreement.

(2) The competent authority of the Receiving State must be informed about the provision of disaster relief and the use of aircraft and vessels for protection and rescue, and given detailed information on the types and codes of the aircraft or vessels, their crews, cargo, and other required parameters. The Receiving State shall specify the time, planned flight or navigation route, and location of the arrival.

(3) The provisions of Article 8 of this Agreement shall apply as appropriate to aircraft and vessel crews, and to rescue teams and individual experts providing assistance, with regard to crossing the state border. The provisions of Article 9 of this Agreement shall apply to aircraft and vessels, protection and rescue equipment transported, and disaster relief.

(4) The regulations of the Parties managing aircraft flights shall apply to the use of aircraft. Each flight plan must contain required information concerning the planned aircraft flight or part thereof and must be submitted to Air Traffic Service units. The Parties shall be bound by the standards and guidelines of the International Civil Aviation Organization.

(5) Regulations of the Parties regarding inland water traffic and international regulations and standards shall apply for the use of vessels.

Article 11

Use of Military Aircraft and Military Vessels

The use of military aircraft and military vessels for the purposes of this Agreement shall only be permitted in agreement with the Receiving State.

Article 12

Responsible Management Authorities

(1) The competent authorities of the Receiving State shall in all cases be responsible for the management of rescue operations and the provision of assistance.

(2) The authorities referred to in paragraph 1 of this Article shall only entrust tasks to heads of rescue teams and individual experts of the Sending State, who shall in turn inform their subordinates of the details of execution.

Article 13

Protection and Support of Rescue Teams' and Individual Experts' Operations

The authorities of the Receiving State shall provide those rescue teams and individual experts of the Sending State who perform rescue tasks and provide assistance with emergency medical care as well as proper protection and support.

Article 14

Costs of Provided Assistance

(1) The Sending State shall not be entitled to claim reimbursement of costs from the Receiving State for the provided assistance. This shall also apply to costs incurred through the use, damage, or loss of protection, rescue, and other equipment, including means of transportation.

(2) Should rescue teams and individual experts providing assistance run out of the means and supplies brought with them, the Receiving State shall cover the costs of their upkeep and the needed means and supplies until the completion of their task of assistance. If necessary, they shall be provided with proper logistical support and medical care.

Article 15

Reimbursements and Damages

(1) The Parties shall renounce all claims for reimbursement for damage to protection, rescue, and other equipment, provided that the said damage is caused by the rescue team or individual expert assisting in performing rescue and disaster relief tasks according to this Agreement, when such damage is not inflicted intentionally or due to gross negligence.

(2) The Parties shall renounce every entitlement to reimbursement in the case of personal injuries and permanent consequences for the health and in the case of death of a participant in a rescue operation, when this occurs during the performance of rescue tasks under this Agreement, except in cases when such damage was inflicted intentionally or due to gross negligence.

(3) In the case of damage inflicted on third persons when performing tasks covered

by this Agreement, the Receiving State shall assume responsibility as if the damage was caused by its rescue teams and individual experts in providing assistance, except in cases when such damage is inflicted intentionally or due to gross negligence of the Sending State's rescue teams or individual experts providing assistance.

(4) The liability for damage specified in paragraphs 1, 2, and 3 of this Article shall arise upon arrival in the territory or airspace of the Receiving State and continue until departure from its territory or airspace.

(5) The Parties shall also implement the provisions of this Article in the case they are countries of transit.

Article 16

Use of Information and Communication Means

(1) The competent authorities of the Parties shall provide mutual information and communication links, in particular telephone, radio, and other links with rescue teams and individual experts providing assistance, in accordance with this Agreement, while respecting internationally agreed rules of communication. The competent authorities of the Parties shall also provide internet access to rescue teams and individual experts providing assistance.

(2) The Parties shall exchange lists of radio frequencies authorised for use in their territories for the purposes of mutual communication, based on previously obtained radio licences.

Article 17

Protection of Personal Data

(1) As far as it is necessary in the case of a disaster or an emergency, the Parties are permitted to mutually transmit personal data in accordance with the respective national law. Mutual transmission of personal data between the Parties as well as any further processing of transmitted personal data shall be carried out in compliance with any conditions issued by the transmitting authority and in accordance with the following principles, which apply to the processing of data by automated and non-automated means:

a) Personal data shall be processed lawfully and fairly and in a way, the data subject can verify. They shall only be processed for the specified, explicit and legitimate purposes of this Agreement. They must be adequate, relevant and not excessive in relation to the purposes for which they are processed.

b) Transmitted personal data shall only be processed for the purposes, for which it was transmitted, unless the transmitting Party explicitly authorises its processing for a different purpose.

c) Personal data has to be accurate and, as far as necessary, up-to-date; all necessary measures shall be taken to erase or rectify personal data that turns out to be inaccurate with regard to the purpose of its processing. Personal data shall be kept in such a way that the data subject can only be identified for as long as the purpose of the processing requires it.

(2) Personal data shall be processed and kept in such a way that ensures its adequate safety, including protection from unauthorised or unlawful processing and from accidental loss, accidental erasure or accidental destruction, through adequate technical and organisational measures.

(3) The Parties shall maintain a record of every transfer or receipt of personal data. These records shall include the purpose, content and time of the transfer or receipt as well as the transmitting and the receiving authority. This applies accordingly to the erasure of personal data. The records shall be protected with suitable measures against unauthorised use and other forms of improper use and shall be kept for three years. After this period, the records shall be deleted without any delay. The records shall only be used to control compliance with the applicable data protection rules.

(4) Every data subject shall have the right, upon proof of his/her identity, to obtain from the authority responsible for processing the data free of charge and without undue delay information in an intelligible form about any personal data transmitted or processed in the framework of this Agreement, their origin, any recipients or categories of recipients, their intended purpose and the legal basis. Furthermore, every data subject shall have the right to obtain the rectification of inaccurate personal data and the erasure of unlawfully processed personal data. Moreover, the Parties shall ensure that every data subject has the right to lodge an effective complaint with an independent and impartial tribunal established by law as laid down in Article 6 paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms as well as an independent supervisory authority as laid down in Article 1 of the Additional Protocol of 8 November 2001 to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal data, where his or her rights to data protection are infringed and that the data subject is given the possibility to seek an effective remedy and compensation. The detailed rules for the procedure to assert these rights shall be governed by the relevant national legal provisions of the Party where the data subject asserts his/her rights. In case of a request to assert these rights, the authority possessing the data in question gives the transmitting authority the opportunity to comment before a decision is taken.

(5) Transmitted personal data shall only be further transmitted to third parties, if the transmitting Party has given their written authorisation.

(6) Transmitted personal data shall be erased as soon as they no longer serve the purpose of the transmission or the reason for the transmission ceased.

(7) On request of the transmitting authority, the receiving authority shall inform about any processing of the received data and the results achieved therewith.

Article 18

Entry into Force

(1) The Agreement is concluded for an indefinite period of time.

(2) The Agreement shall enter into force on the first day of the third month following the date of the receipt of the last notification that the internal legal requirements necessary for its entry into force have been fulfilled.

Article 19

Impact of this Agreement on Other Agreements

This Agreement does not prejudice the rights and obligations of the Parties arising from other international agreements.

Article 20
Settlement of Disputes

The Parties shall resolve disputes regarding the interpretation or implementation of this Agreement through mutual consultation and negotiation.

Article 21
Amendments

(1) The Parties may amend this Agreement by concluding a separate protocol that shall enter into force in accordance with paragraph 2 of Article 18 of this Agreement.

(2) Written notices from the Parties regarding changes to the contact information on competent authorities and their addresses, telecommunication links, and points of contact shall not be regarded as amendments to this Agreement.

Article 22
Termination of the Agreement

(1) Either Party has the right to terminate this Agreement in writing through diplomatic channels. Termination of the Agreement shall take effect three months from the date of receipt of the notification of its termination.

(2) Termination of this Agreement shall not prejudice obligations resulting from its implementation, which are still applicable at the date of the termination.

Signed at Belgrade, on 29. 4, 2021. in two original copies in the English language.

For the Government of
the Republic of Serbia:

For the Government of
the Republic of Austria:

SPORAZUM

između

Vlade Republike Srbije

i

Vlade Republike Austrije

o saradnji u oblasti zaštite od katastrofa

Vlada Republike Srbije

i

Vlada Republike Austrije

(u daljem tekstu: Strane);

Uverene u neophodnost uzajamne saradnje u sprečavanju i ublažavanju posledica katastrofa;

Uvažavajući napore Organizacije Ujedinjenih nacija u oblasti sprečavanja katastrofa i ublažavanja njihovih posledica, kao i međunarodne akte usvojene u okviru Ujedinjenih nacija i drugih međunarodnih organizacija u ovoj oblasti;

Imajući u vidu Mehanizam civilne zaštite Evropske unije i njegov doprinos razvoju kapaciteta za brzo i efikasno reagovanje u cilju zaštite od katastrofa;

Dogovorile su se o sledećem:

Član 1.

Svrha Sporazuma

(1) Ovaj sporazum uređuje okvir i uslove za saradnju u oblasti sprečavanja katastrofa i pripremljenosti za katastrofe, za dobrovoljno pružanje uzajamne pomoći u slučaju katastrofa na teritoriji jedne od Strana i druge oblike uzajamne saradnje u ovoj oblasti.

(2) Saradnja između Strana sledi načela uzajamnosti i sprovodi se u okviru mogućnosti Strana.

Član 2.

Oblasti saradnje

(1) Saradnja između Strana pretežno obuhvata sledeće oblasti:

(a) pomoć u slučaju katastrofa i sprovođenju aktivnosti zaštite i spasavanja, kao i ublažavanje i uklanjanje njihovih posledica;

(b) uzajamno obaveštavanje o rizicima od katastrofa i njihovim posledicama;

(v) razmena naučnih i tehničkih znanja i transfer stručnog znanja i iskustva u oblasti zaštite od katastrofa;

(g) obrazovanje i obuka zaposlenih koji učestvuju u aktivnostima zaštite i spasavanja;

(2) Strane unapređuju saradnju između nacionalnih organa, vladinih i nevladinih institucija i organizacija koje učestvuju u zaštiti od katastrofa.

Član 3.

Drugi oblici saradnje

(1) Strane sarađuju u skladu sa nacionalnim propisima, posebno na sprečavanju i smanjenju posledica elementarnih nepogoda ili tehničko-tehnoloških nesreća sprovođenjem sledećih aktivnosti na teritoriji obe Strane:

(a) razmena naučno-tehničkih informacija, kao i

(b) ekspertske sastanci,

(v) programi istraživanja i obuke,

(g) specijalistički kursevi i vežbe u oblasti pružanja pomoći.

(2) Saradnja takođe obuhvata razmenu informacija o rizicima i šteti koja može nastati i pogoditi teritoriju druge Strane.

Član 4.

Definicije

Izrazi korišćeni u ovom sporazumu imaju sledeće značenje:

a) „katastrofa“ predstavlja elementarnu nepogodu ili tehničko-tehnološku nesreću čije posledice ugrožavaju bezbednost, život i zdravlje većeg broja ljudi, materijalna i kulturna dobra ili životnu sredinu u većem obimu, a čiji nastanak ili posledice nije moguće sprečiti ili otkloniti redovnim delovanjem nadležnih organa i službi;

b) „podaci i informacije o opasnostima“ su podaci o katastrofama čija je svrha rano obaveštavanje o neposrednoj opasnosti i sprovođenje mera zaštite i drugih mera kako bi se obezbedila sigurnost za ljude, imovinu i životnu sredinu;

v) „spasavanje i pružanje pomoći u katastrofama“ su aktivnosti svih spasilačkih snaga i resursi čija je svrha neposredno i posredno ublažavanje i uklanjanje posledica katastrofa;

g) „spasilački timovi i stručni pojedinci“ su adekvatno obučeni i opremljeni timovi i lica koje je Država pošiljalac odredila da pružaju pomoć;

d) „zaštitna, spasilačka i druga oprema“ su sredstva za ličnu i kolektivnu zaštitu, uključujući opremu za spasavanje, prevozna sredstva (vozila, plovila i vazduhoplovi) i tehnička i druga sredstva koja koriste spasilački timovi i stručni pojedinci;

đ) „humanitarna pomoć“ je hrana, voda za piće, lekovi, sanitetski materijal i drugi artikli namenjeni slobodnoj distribuciji pogođenom ili ugroženom stanovništvu koju država primalac daje kao pomoć za ublažavanje posledica katastrofa;

e) „Država primalac“ je Strana čiji nadležni organi traže pružanje pomoći u katastrofama od druge Strane;

ž) „Država pošiljalac“ je Strana čiji nadležni organi odobravaju zahtev za pomoć druge Strane;

z) „zemlja tranzita“ je zemlja čiju teritoriju prelaze spasilački timovi, stručni pojedinci i oprema za potrebe Strana.

Član 5.

Nadležni organi

- (1) Nadležni organi za sprovođenje ovog sporazuma su:
- u Republici Srbiji: Ministarstvo unutrašnjih poslova – Sektor za vanredne situacije;
 - u Republici Austriji: Savezni ministar unutrašnjih poslova.
- (2) Nadležni organi sastaju se prema potrebi radi efikasnog sprovođenja ovog sporazuma.
- (3) Prilikom sprovođenja ovog sporazuma, nadležni organi su ovlašćeni da uspostave neposredne kontakte i veze. U tom smislu, nadležni organi razmenjuju adrese i informacije o telekomunikacionim vezama i osobama za kontakt.
- (4) Strane obaveštavaju jedna drugu pisanim putem o svim naknadnim promenama u pogledu nadležnih organa i njihovih adresa, telekomunikacionih veza i osoba za kontakt najkasnije 30 dana od dana promene.

Član 6.

Obaveštavanje o pretnjama i katastrofama

- (1) Nadležni organi Strana obaveštavaju jedni druge o pretnjama i katastrofama koje mogu ugroziti ili pogoditi bilo koju Stranu.
- (2) Obaveštenje o pretnji ili katastrofi sadrži: opis pretnje ili katastrofe, informacije o mestu, vremenu, razmerama i posledicama katastrofe kao i o preduzetim merama prevencije.
- (3) U slučaju katastrofe, nadležni organi Strana obaveštavaju jedni druge i o potrebnoj i dostupnoj pomoći i mogućnostima i načinima pružanja iste.
- (4) Obaveštenje o pretnji ili katastrofi može se dostaviti pisanim putem ili usmeno na zvaničnom jeziku druge Strane i/ili na engleskom jeziku. Usmeno obaveštenje mora biti potvrđeno pisanim putem.
- (5) Kako bi se olakšala razmena informacija o meteorološkim i hidrološkim opasnostima, mogu se uspostaviti direktne veze između organa Strana koji su nadležni za tu oblast.

Član 7.

Pružanje pomoći

- (1) Nadležni organ Strane koja je pogođena katastrofom može zatražiti pomoć od nadležnog organa druge Strane. Pomoć može obuhvatiti spasilačke timove i stručne pojedince, zaštitnu i spasilačku opremu i humanitarnu pomoć.
- (2) Zahtev za pružanje pomoći iz stava 1. ovog člana treba da sadrži: informacije o vrsti i obimu katastrofe, informacije o vrsti i obimu tražene pomoći, informacije o institucijama i osobama sa kojima će se uspostaviti veza i koje su nadležne za prijem određene vrste pomoći kao i predlog načina pružanja pomoći i treba da bude dostavljen pisanim putem na zvaničnom jeziku druge Strane i/ili na engleskom jeziku.
- (3) Pored informacija iz stava 2. ovog člana, zahtev za humanitarnu pomoć u vidu

lekova i sanitetskog materijala mora sadržati i spisak svih dokumenata potrebnih za uvoz lekova i sanitetskog materijala na teritoriju Države primaoca.

(4) Pomoć se pruža u skladu sa nacionalnim zakonodavstvom Strana.

Član 8.

Prelazak preko granice i boravak na teritoriji druge Strane

(1) U cilju pružanja brže i efikasnije pomoći prilikom zaštite i spasavanja kao i uklanjanja posledica katastrofe, Strane odobravaju spasilačkim timovima i stručnim pojedincima koji pružaju pomoć pojednostavljenu proceduru prelaska državne granice Države primaoca u skladu sa relevantnim zakonodavstvom.

(2) Nadležni organi se dogovaraju o vremenu i mestu prelaska državne granice, o načinu dolaska i odlaska i o dužini boravka spasilačkih timova i stručnih pojedinaca koji pružaju pomoć na teritoriji druge Strane.

(3) Pripadnici spasilačkih timova i stručni pojedinci koji pružaju pomoć moraju posedovati važeće putne isprave ili druge isprave propisane za prelazak državne granice Države primaoca, koje dokazuju njihov identitet. U slučajevima kada pravni sistem Države primaoca zahteva ulazne vize, Država primalac se stara da u skladu sa nacionalnim zakonodavstvom potrebne vize izda u što kraćem roku.

(4) Pripadnici spasilačkih timova i stručni pojedinci koji pružaju pomoć imaju pravo da nose svoje uniforme na teritoriji druge Strane.

(5) Zabranjeno je unošenje oružja, municije i eksplozivnih sredstava na teritoriju druge Strane.

(6) Strane se takođe staraju da se ovaj član sprovodi i u slučaju da je jedna od njih zemlja tranzita. Nadležni organi Strana u najkraćem roku obavestavaju jedni druge o uslovima tranzita, preciziraju postupak sprovođenja i, prema potrebi, spasilačkim timovima i stručnim pojedincima obezbeđuju službenu pratnju tokom tranzita.

Član 9.

Privremeni uvoz i izvoz zaštitne, spasilačke i druge opreme

(1) U slučaju katastrofa, Strane pojednostavljuju procedure u vezi sa privremenim uvozom, izvozom i prevozom zaštitne, spasilačke i druge opreme preko državnih granica. Prilikom prelaska državne granice Države primaoca, vođa spasilačkog tima i stručni pojedinac mora da dostavi spisak zaštitne, spasilačke i druge opreme nadležnom organu Države primaoca.

(2) Spasilački timovi i stručni pojedinci koji pružaju pomoć mogu preneti preko državne granice zaštitnu, spasilačku i drugu opremu koja im je potrebna za pružanje međunarodne pomoći, kao i sredstva i zalihe koja su potrebna kako bi se zadovoljile njihove potrebe i obezbedila samodovoljnost timova preko državne granice Države primaoca.

(3) Nijedna međunarodna zabrana niti ograničenje koje se primenjuje na privremeni uvoz i izvoz komercijalne robe ne primenjuje se na uvoz i izvoz zaštitne, spasilačke i druge opreme u Državu primaoca. Ukoliko se zaštitna, spasilačka i druga oprema ne upotrebi, ona se mora vratiti Državi pošiljaocu. U slučaju da zaštitna, spasilačka i druga oprema ostaje kao pomoć u Državi primaocu, nadležni organ Države primaoca

mora biti obavešten o vrsti i količini opreme i mestu gde se ona nalazi. Taj organ prosleđuje tu informaciju relevantnim carinskim organima. U tom slučaju primenjuju se propisi Države primaoca.

(4) Odredbe stava 3. ovog člana primenjuju se i na uvoz u Državu primaoca lekova koji sadrže opojne droge i psihotropne supstance i na vraćanje neupotrebljenih količina navedenih lekova Državi pošiljaocu. Uvoz i izvoz opojnih droga i psihotropnih supstanci u okviru međunarodnih sporazuma ne smatraju se spoljnotrgovinskim prometom. Lekovi koji sadrže opojne droge i psihotropne supstance mogu se uvoziti samo u količinama koje su potrebne za hitnu medicinsku pomoć i koristiti pod nadzorom medicinskih stručnjaka koji su prošli odgovarajuću medicinsku obuku, u skladu sa propisima Države primaoca.

(5) Strane pojednostavljaju procedure u vezi sa privremenim uvozom, izvozom i prevozom zaštitne, spasilačke i druge opreme preko njihovih državnih granica radi izvođenja zajedničke edukacije i obuke u oblasti zaštite i spasavanja u skladu sa članom 3. ovog sporazuma.

Član 10.

Korišćenje vazduhoplova i plovila

(1) Vazduhoplovi i plovila se mogu koristiti za hitan transport spasilačkih timova ili stručnih pojedinaca koji pružaju pomoć, zaštitne, spasilačke i druge opreme i drugih vrsta pomoći u skladu sa ovim sporazumom.

(2) Nadležni organ Države primaoca mora biti obavešten o pružanju pomoći u katastrofama i korišćenju vazduhoplova i plovila za zaštitu i spasavanje i moraju mu se dati detaljne informacije o vrstama i oznakama vazduhoplova ili plovila, posadi, teretu i drugi potrebni parametri. Država primalac određuje vreme, planiranu trasu leta ili plovidbe i mesto dolaska.

(3) U pogledu prelaska državne granice, odgovarajuće odredbe člana 8. ovog sporazuma primenjuju se po potrebi na posadu vazduhoplova i plovila i na spasilačke timove i stručne pojedince koji pružaju pomoć. Odredbe člana 9. ovog sporazuma primenjuju se na vazduhoplove i plovila, zaštitnu i spasilačku opremu koja se prevozi i na pomoć u katastrofama.

(4) Propisi strana kojima se uređuju letovi vazduhoplova primenjuju se na korišćenje vazduhoplova. Svaki plan leta mora sadržati potrebne informacije vezano za planirani let vazduhoplova ili njegov deo i mora se dostaviti jedinicama službe za vazdušni saobraćaj. Strane su obavezane standardima i smernicama Međunarodne organizacije za civilno vazduhoplovstvo.

(5) Propisi Strana u oblasti unutrašnjeg vodnog saobraćaja i međunarodni propisi i standardi primenjuju se na upotrebu plovila.

Član 11.

Korišćenje vojnih vazduhoplova i vojnih plovila

Korišćenje vojnih vazduhoplova i vojnih plovila u svrhu ovog sporazuma dozvoljeno je samo u dogovoru sa Državom primaocem.

Član 12.

Organi odgovorni za upravljanje

(1) Nadležni organi Države primaoca su u svim slučajevima odgovorni za upravljanje poslovima spasavanja i pružanje pomoći.

(2) Organi iz stava 1. ovog člana poveravaju zadatke isključivo šefovima spasilačkih timova i stručnim pojedincima Države pošiljaoca, koji pak obaveštavaju svoje podređene o detaljima izvršenja.

Član 13.

Zaštita i podrška radu spasilačkih timova i stručnih pojedinaca

Organi Države primaoca pružaju hitno zdravstveno zbrinjavanje kao i odgovarajuću zaštitu i podršku spasilačkim timovima i stručnim pojedincima Države pošiljaoca koji izvršavaju zadatke spasavanja i pružanja pomoći.

Član 14.

Troškovi pružene pomoći

(1) Država pošiljalac nema prava na potraživanje naknade troškova za pruženu pomoć od Države primaoca. Ovo takođe važi i za troškove nastale zbog upotrebe, oštećenja ili gubitka zaštitne, spasilačke i druge opreme, uključujući prevozna sredstva.

(2) Ukoliko spasilačkim timovima i stručnim pojedincima koji pružaju pomoć nestane sredstava i zaliha koje su poneli sa sobom, Država primalac snosi troškove njihovog održavanja u dobrom stanju i potrebnih sredstava i zaliha do završetka zadatka pružanja pomoći. Po potrebi, pružaju im se odgovarajuća logistička podrška i zdravstveno zbrinjavanje.

Član 15.

Naknade i odštete

(1) Strane se odriču svih potraživanja za naknadu štete nanete zaštitnoj, spasilačkoj i drugoj opremi, pod uslovom da štetu prouzrokuje spasilački tim ili stručni pojedinac koje pomaže u izvršavanju zadataka spasavanja i pružanja pomoći u katastrofama saglasno ovom sporazumu kada šteta nije naneta namerno niti grubom nepažnjom.

(2) Strane se odriču svakog prava na naknadu u slučaju telesnih povreda i trajnih posledica po zdravlje i u slučaju smrti učesnika u operaciji spasavanja, ukoliko se to desilo tokom izvršavanja zadataka spasavanja saglasno ovom sporazumu, izuzev u slučaju kada je šteta naneta namerno ili grubom nepažnjom.

(3) U slučaju štete nanete trećim licima tokom vršenja zadataka obuhvaćenih ovim sporazumom, Država primalac preuzima odgovornost kao da su štetu naneli njeni spasilački timovi i stručni pojedinci prilikom pružanja pomoći, izuzev u slučajevima kada su štetu namerno ili grubom nepažnjom naneli spasilački timovi ili stručni pojedinci koji pružaju pomoć, a koji pripadaju Državi pošiljaocu.

(4) Odgovornost za štetu iz stavova 1, 2. i 3. ovog člana nastupa po stupanju na teritoriju ili u vazdušni prostor Države primaoca i traje do napuštanja njene teritorije ili vazdušnog prostora.

(5) Strane takođe sprovode odredbe ovog člana u slučaju da su zemlje tranzita.

Član 16.

Korišćenje sredstava informisanja i komunikacije

(1) Nadležni organi Strana obezbeđuju veze za međusobno informisanje i komunikaciju, naročito telefonske, radio i druge veze između spasilačkih timova i stručnih pojedinaca koji pružaju pomoć, u skladu sa ovim sporazumom, uz poštovanje međunarodno usaglašenih pravila komunikacije. Nadležni organi Strana takođe obezbeđuju pristup internetu spasilačkim timovima i stručnim pojedincima koji pružaju pomoć.

(2) Strane razmenjuju spiskove radio frekvencija koje je dozvoljeno koristiti na njihovim teritorijama u svrhu međusobne komunikacije, na osnovu prethodno pribavljenih radio-licenci.

Član 17.

Zaštita podataka o ličnosti

(1) U meri u kojoj je to neophodno u slučaju katastrofe ili vanredne situacije, Stranama se dozvoljava da međusobno prenose podatke o ličnosti u skladu sa nacionalnim propisima. Međusobni prenos podataka o ličnosti između Strana, kao i svaka dalja obrada prenetih podataka o ličnosti vrši se u skladu sa uslovima koje odredi organ koji ih prenosi i u skladu sa sledećim principima koji važe za automatizovanu i neautomatizovanu obradu podataka:

(a) Podaci o ličnosti se obrađuju na zakonit i pravičan način i tako da lice na koje se podaci odnose može da ih proveri. Oni se obrađuju u cilju konkretnog, izričitog i zakonitog sprovođenja ovog sporazuma. Podaci moraju biti odgovarajući, relevanti i u okvirima svrhe za koju se prikupljaju.

(b) Preneti podaci o ličnosti obrađuju se samo u svrhe za koje su preneti, osim ako Strana koja ih prenosi izričito ne odobri njihovu obradu u drugu svrhu.

(v) Podaci o ličnosti moraju biti tačni i po potrebi ažurni; preduzimaju se sve neophodne mere za brisanje ili ispravku podataka o ličnosti za koje se ispostavi da su netačni u pogledu svrhe njihove obrade. Podaci o ličnosti čuvaju se na takav način da se lice na koje se podaci odnose može identifikovati samo ukoliko to zahteva svrha obrade.

(2) Podaci o ličnosti se obrađuju i čuvaju na način koji obezbeđuje odgovarajuću sigurnost, uključujući zaštitu od neovlašćene ili nezakonite obrade i slučajnog gubitka, slučajnog brisanja ili slučajnog uništavanja, kroz odgovarajuće tehničke i organizacione mere.

(3) Strane vode evidenciju o svakom prenosu ili prijemu podataka o ličnosti. Te evidencije sadrže svrhu, sadržaj i vreme prenosa ili prijema, kao i organ koji prenosi i organ koji prima podatke. Ovo se shodno odnosi i na brisanje podataka o ličnosti. Evidencije su odgovarajućim merama zaštićene od neovlašćene upotrebe i drugih oblika nepravilne upotrebe i čuvaju se tri godine. Nakon ovog perioda, evidencije se bez odlaganja brišu. Evidencije se koriste samo za kontrolu usklađenosti sa važećim pravilima o zaštiti podataka.

(4) Svako lice na koje se podaci odnose ima pravo, nakon što dokaže svoj identitet, da od organa nadležnog za obradu podataka dobije besplatno i bez nepotrebnog odlaganja informacije u bilo kom razumljivom obliku o svim podacima o ličnosti koji se prenose ili obrađuju u okviru ovog sporazuma, njihovom poreklu, primaocima ili kategorijama primalaca, nameravanoj svrsi i pravnoj osnovi. Uz to, svako lice na koje se podaci odnose ima pravo na ispravku netačnih podataka o ličnosti i na brisanje nezakonito obrađenih podataka o ličnosti. Štaviše, Strane svakom licu na koje se podaci odnose obezbeđuju pravo da podnese tužbu nezavisnom i nepristrasnom tribunalu koji je osnovan u skladu sa zakonom, kako je utvrđeno u članu 6. stav 1. Konvencije za zaštitu ljudskih prava i osnovnih sloboda, kao i nezavisnom

nadzornom organu kako je utvrđeno u članu 1. Dodatnog protokola uz Konvenciju Saveta Evrope o zaštiti pojedinca u pogledu obrade podataka o ličnosti od 8. novembra 2001. godine, u kome su potvrđena njegova prava na zaštitu podataka i koje licu na koje se podaci odnose daje mogućnost da traži delotvorno pravno sredstvo i kompenzaciju. Detaljna pravila postupka ostvarivanja ovih prava uređena su relevantnim odredbama nacionalnog zakonodavstva Strane u kojoj lice na koje se podaci odnose ostvaruje svoja prava. U slučaju zahteva za ostvarivanje ovih prava, organ koji poseduje ove podatke pruža organu koji ih je poslao mogućnost da dostavi komentare pre nego što se donese odluka.

(5) Preneti podaci o ličnosti dalje se prenose trećim stranama samo uz pismeno odobrenje Strane koja ih je prenela.

(6) Preneti podaci o ličnosti se brišu kada više nisu potrebni za svrhu za koju su preneti ili kada prestanu razlozi zbog kojih su preneti.

(7) Na zahtev organa koji prenosi podatke, organ koji prima podatke obaveštava o obradi primljenih podataka i na taj način postignutim rezultatima.

Član 18.

Stupanje na snagu

(1) Sporazum se zaključuje na neodređeni vremenski period.

(2) Sporazum stupa na snagu prvog dana trećeg meseca nakon prijema poslednjeg obaveštenja o ispunjenju domaćih pravnih uslova neophodnih za njegovo stupanje na snagu.

Član 19.

Uticao ovog sporazuma na druge sporazume

Ovaj sporazum ne dovodi u pitanje prava i obaveze Strana koji proističu iz drugih međunarodnih sporazuma.

Član 20.

Rešavanje sporova

Strane rešavaju sporove u vezi sa tumačenjem i sprovođenjem ovog sporazuma međusobnim konsultacijama i pregovorima.

Član 21.

Izmene i dopune

(1) Strane mogu menjati i dopunjavati ovaj sporazum zaključivanjem zasebnog protokola koji stupa na snagu saglasno članu 18. stav 2. ovog sporazuma.

(2) Pisana obaveštenja Strana u vezi sa izmenama kontakt informacija o nadležnim organima i njihovim adresama, telekomunikacionim vezama i kontakt tačkama ne smatraju se izmenama i dopunama ovog sporazuma.

Član 22.

Raskid Sporazuma

(1) Obe Strane imaju pravo da raskinu ovaj sporazum pisanim putem diplomatskim kanalima. Raskid Sporazuma stupa na snagu tri meseca od datuma prijema obaveštenja o raskidu.

(2) Raskid Sporazuma ne dovodi u pitanje obaveze koje nastanu u vezi sa njegovim sprovođenjem, a koje još uvek važe na dan njegovog raskida.

Potpisano u Beogradu, dana 29.4.2021. u dva originalna primerka na engleskom jeziku.

**Za Vladu
Republike Srbije:**

**Za Vladu
Republike Austrije:**

Član 3.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.