MUTUAL LEGAL ASSISTANCE

Agreement Between the
UNITED STATES OF AMERICA
and SLOVENIA

Signed at Ljubljana October 17, 2005

with

Annex

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

SLOVENIA

Mutual Legal Assistance

Agreement signed at Ljubljana October 17, 2005;
Transmitted by the President of the United States of America to the Senate September 28, 2006 (Treaty Doc. 109-13, 109th Congress, 2d Session);
Reported favorably by the Senate Committee on Foreign Relations July 29, 2008 (Senate Executive Report No. 110-13, 110th Congress, 2d Session);
Advice and consent to ratification by the Senate September 23, 2008;
Ratified by the President December 11, 2008;
Exchange of Instruments of Ratification at Washington July 29, 2009;
Entered into force February 1, 2010.
With annex.

Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on 25 June 2003

The Government of the United States of America and the Government of the Republic of Slovenia have agreed as follows:

Article 1

As contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Mutual Legal Assistance Agreement"), the Governments of the United States of America and the Republic of Slovenia acknowledge that, in accordance with the provisions of this Agreement, the U.S.-EU Mutual Legal Assistance Agreement is applied between them under the following terms:

(a) Article 4 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 1 of the Annex to this Agreement shall govern the identification of financial accounts and transactions;

(b) Article 5 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 2 of the Annex to this Agreement shall govern the formation and activities of joint investigative teams;

(c) Article 6 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 3 of the Annex to this Agreement shall govern the taking of testimony of a person located in the requested State by use of video transmission technology between the requesting and requested States;

(d) Article 7 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 4 of the Annex to this Agreement shall govern the use of expedited means of communication;

(e) Article 8 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 5 of the Annex to this Agreement shall govern the providing of mutual legal assistance to the administrative authorities concerned;

(f) Article 9 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 6 of the Annex to this Agreement shall govern the limitation on use of information or evidence provided to the requesting State, and governing the conditioning or refusal of assistance on data protection grounds;

(g) Article 10 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 7 of the Annex to this Agreement shall govern the circumstances under which a requesting State may seek the confidentiality of its request;

(h) Article 13 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 8 of the Annex to this Agreement shall govern the invocation by the requested State of grounds for refusal.

Article 2

The Annex, which is an integral part of this Agreement, reflects the provisions of the U.S.-EU Mutual Legal Assistance Agreement that shall apply between the United States of America and the Republic of Slovenia upon entry into force of this Agreement.

Article 3

In accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, this Agreement shall apply to offenses committed before as well as after it enters into force.

Article 4

This Agreement shall not apply to requests made prior to its entry into force; except that, in accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, Articles 3 and 4 of the Annex shall be applicable to requests made prior to such entry into force.

Article 5

(a) This Agreement shall be subject to completion by the United States of America and the Republic of Slovenia of their respective applicable internal procedures for entry into force. The Governments of the United States of America and the Republic of Slovenia shall thereupon exchange instruments indicating that such measures have been completed. This Agreement shall enter into force on the date of entry into force of the U.S.-EU Mutual Legal Assistance Agreement.

(b) In the event of termination of the U.S.-EU Mutual Legal Assistance Agreement, this Agreement shall be terminated. The Governments of the United States of America and the Republic of Slovenia nevertheless may agree to continue to apply some or all of the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Ljubljana in duplicate, this 17 day of October, 2005, in the English and Slovenian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA:

ANNEX

Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Governments of the United States of America and the Republic of Slovenia

Article 1
Identification of bank information

1. (a) Upon request of the requesting State, the requested State shall, in accordance with the terms of this Article, promptly ascertain if the banks located in its territory possess information on whether an identified natural or legal person suspected of or charged with a criminal offense is the holder of a bank account or accounts. The requested State shall promptly communicate the results of its enquiries to the requesting State.

(b) The actions described in subparagraph (a) may also be taken for the purpose of identifying:

(i) information regarding natural or legal persons convicted of or otherwise involved in a criminal offense;
(ii) information in the possession of non-bank financial institutions; or
(iii) financial transactions unrelated to accounts.

2. A request for information described in paragraph 1 of this Article shall include:

(a) the identity of the natural or legal person relevant to locating such accounts or transactions;

(b) sufficient information to enable the competent authority of the requested State to:

(i) reasonably suspect that the natural or legal person concerned has engaged in a criminal offense and that banks or non-bank financial institutions in the territory of the requested State may have the information requested; and
(ii) conclude that the information sought relates to the criminal investigation or proceeding; and

(c) to the extent possible, information concerning which bank or non-bank financial institution may be involved, and other information the availability of which may aid in reducing the breadth of the enquiry.

3. Unless subsequently modified by exchange of diplomatic notes between the United States of America and the European Union, requests for assistance under this Article shall be transmitted between:

(a) for the United States of America, the attaché responsible for the Republic of Slovenia of the:

(i) U.S. Department of Justice, Drug Enforcement Administration, with respect to matters within its jurisdiction;
(ii) U.S. Department of Homeland Security, Bureau of Immigration

and Customs Enforcement, with respect to matters within its jurisdiction;

(iii) U.S. Department of Justice, Federal Bureau of Investigation, with respect to all other matters; and

(b) for the Republic of Slovenia, the Ministry of Justice of the Republic of Slovenia.

4. The United States of America and the Republic of Slovenia shall provide assistance under this Article with respect to money laundering and terrorist activity punishable under the laws of both the requesting and requested States, and with respect to such other criminal activity as they may notify each other.

5. Assistance may not be refused under this Article on grounds of bank secrecy.

6. The requested State shall respond to a request for production of the records concerning the accounts or transactions identified pursuant to this Article in accordance with the requirements of its domestic law.

Article 2
Joint investigative teams

1. Joint investigative teams may be established and operated in the respective territories of the United States of America and the Republic of Slovenia for the purpose of facilitating criminal investigations or prosecutions involving the United States of America and one or more Member States of the European Union where deemed appropriate by the United States of America and the Republic of Slovenia.

2. The procedures under which the team is to operate, such as its composition, duration, location, organization, functions, purpose, and terms of participation of team members of a State in investigative activities taking place in another State's territory shall be as agreed between the competent authorities responsible for the investigation or prosecution of criminal offenses, as determined by the respective States concerned.

3. The competent authorities determined by the respective States concerned shall communicate directly for the purposes of the establishment and operation of such team except that where the exceptional complexity, broad scope, or other circumstances involved are deemed to require more central coordination as to some or all aspects, the States may agree upon other appropriate channels of communications to that end.

4. Where the joint investigative team needs investigative measures to be taken in one of the States setting up the team, a member of the team of that State may request its own competent authorities to take those measures without the other States having to submit a request for mutual legal assistance. The required legal standard for obtaining the measure in that State shall be the standard applicable to its domestic investigative activities.

Article 3
Video conferencing

1. The use of video transmission technology shall be available between the United States of America and the Republic of Slovenia for taking testimony in a proceeding for which mutual legal assistance is available of a witness or expert located in the requested State. To the extent not specifically set forth in this Article, the modalities governing such procedure shall be as provided under the law of the requested State.

2. Unless otherwise agreed by the requesting and requested States, the requesting State shall bear the costs associated with establishing and servicing the video transmission. Other costs arising in the course of providing assistance (including costs associated with travel of participants in the requested State) shall be borne as agreed upon by the requesting and requested States.

3. The requesting and requested States may consult in order to facilitate resolution of legal, technical or logistical issues that may arise in the execution of the request.

4. Without prejudice to any jurisdiction under the law of the requesting State, making an intentionally false statement or other misconduct of the witness or expert during the course of the video conference shall be punishable in the requested State in the same manner as if it had been committed in the course of its domestic proceedings.

5. This Article is without prejudice to the use of other means for obtaining of testimony in the requested State available under applicable treaty or law.

6. The requested State may permit the use of video conferencing technology for purposes other than those described in paragraph 1 of this Article, including for purposes of identification of persons or objects, or taking of investigative statements.

Article 4
Expedited transmission of requests

Requests for mutual legal assistance, and communications related thereto, may be made by expedited means of communications, including fax or e-mail, with formal confirmation to follow where required by the requested State. The requested State may respond to the request by any such expedited means of communication.

Article 5
Mutual legal assistance to administrative authorities

1. Mutual legal assistance shall also be afforded to a national administrative authority, investigating conduct with a view to a criminal prosecution of the conduct, or referral of the conduct to criminal investigation or prosecution authorities, pursuant to its specific administrative or regulatory authority to undertake such investigation. Mutual legal assistance may also be afforded to

other administrative authorities under such circumstances. Assistance shall not be available for matters in which the administrative authority anticipates that no prosecution or referral, as applicable, will take place.

2. Requests for assistance under this article shall be transmitted between the United States Department of Justice and the Ministry of Justice of the Republic of Slovenia, or between such other authorities as may be agreed by the Department of Justice and the Ministry of Justice.

Article 6
Limitations on use to protect personal and other data

1. The requesting State may use any evidence or information obtained from the requested State:

(a) for the purpose of its criminal investigations and proceedings;
(b) for preventing an immediate and serious threat to its public security;
(c) in its non-criminal judicial or administrative proceedings directly related to investigations or proceedings:
  (i) set forth in subparagraph (a); or
  (ii) for which mutual legal assistance was rendered under Article 5 of this Annex;
(d) for any other purpose, if the information or evidence has been made public within the framework of proceedings for which they were transmitted, or in any of the situations described in subparagraphs (a), (b) and (c); and
(e) for any other purpose, only with the prior consent of the requested State.

2. (a) This Article shall not prejudice the ability of the requested State to impose additional conditions in a particular case where the particular request for assistance could not be complied with in the absence of such conditions. Where additional conditions have been imposed in accordance with this subparagraph, the requested State may require the requesting State to give information on the use made of the evidence or information.

(b) Generic restrictions with respect to the legal standards of the requesting State for processing personal data may not be imposed by the requested State as a condition under subparagraph (a) to providing evidence or information.

3. Where, following disclosure to the requesting State, the requested State becomes aware of circumstances that may cause it to seek an additional condition in a particular case, the requested State may consult with the requesting State to determine the extent to which the evidence and information can be protected.

Article 7
Requesting State's request for confidentiality

The requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the requesting State. If the request cannot be executed without breaching the requested confidentiality, the Department or

Ministry of Justice of the requested State shall so inform the requesting State, which shall then determine whether the request should nevertheless be executed.

Article 8
Refusal of assistance

Subject to Article 1(5) and 6(2)(b) of this Annex, the provisions of this Annex are without prejudice to the invocation by the requested State of grounds for refusal of assistance available pursuant to its applicable legal principles, including where execution of the request would prejudice its sovereignty, security, ordre public or other essential interests.

Sporazum med Vlado Združenih držav Amerike in Vlado Republike Slovenije o instrumentu iz tretjega odstavka 3. člena Sporazuma o medsebojni pravni pomoči med Združenimi državami Amerike in Evropsko unijo, podpisanega 25. junija 2003 v Washingtonu

Vlada Združenih držav Amerike in Vlada Republike Slovenije sta se dogovorili naslednje:

1. člen

Kot je predvideno v tretjem odstavku 3. člena Sporazuma o medsebojni pravni pomoči med Združenimi državami Amerike in Evropsko unijo, podpisanega 25. junija 2003 (v nadaljevanju "Sporazum o medsebojni pravni pomoči med ZDA in EU"), vladi Združenih držav Amerike in Republike Slovenije potrjujeta, da se Sporazum o medsebojni pravni pomoči med ZDA in EU v skladu z določbami tega sporazuma med ZDA in Republiko Slovenijo uporablja pod temi pogoji:

(a) 4. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 1. členu priloge k temu sporazumu, ureja identifikacijo finančnih računov in transakcij;

(b) 5. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 2. členu priloge k temu sporazumu, ureja oblikovanje in delovanje skupnih preiskovalnih skupin;

(c) 6. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 3. členu priloge k temu sporazumu, ureja zaslišanje osebe v zaprošeni državi z uporabo tehnologije videoprenosa med državo prosilko in zaprošeno državo;

(d) 7. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 4. členu priloge k temu sporazumu, ureja uporabo sredstev za hitrejše komuniciranje;

(e) 8. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 5. členu priloge k temu sporazumu, ureja zagotavljanje medsebojne pravne pomoči ustreznim upravnim organom;

(f) 9. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 6. členu priloge k temu sporazumu, ureja omejitve uporabe podatkov ali dokazov, poslanih državi prosilki, in pogojevanje ali zavrnitev pomoči zaradi varstva podatkov;

(g) 10. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 7. členu priloge k temu sporazumu, ureja okoliščine, v katerih lahko država prosilka zahteva, da se njeno zaprosilo obravnava kot zaupno;

(h) 13. člen Sporazuma o medsebojni pravni pomoči med ZDA in EU, kot je določeno v 8. členu priloge k temu sporazumu, ureja sklicevanje zaprošene države na razloge za zavrnitev pomoči.

2. člen

Priloga, ki je sestavni del tega sporazuma, upošteva določbe Sporazuma o medsebojni pravni pomoči med ZDA in EU, ki se uporabljajo med Združenimi državami Amerike in Republiko Slovenijo po začetku veljavnosti tega sporazuma.

3. člen

Ta sporazum se v skladu z 12. členom Sporazuma o medsebojni pravni pomoči med ZDA in EU uporablja tudi za kazniva dejanja, storjena pred začetkom njegove veljavnosti.

4. člen

Ta sporazum se ne uporablja za zaprosila, poslana pred začetkom njegove veljavnosti; 3. in 4. člen priloge pa se v skladu z 12. členom Sporazuma o medsebojni pravni pomoči med ZDA in EU uporabljata tudi za zaprosila, poslana pred začetkom veljavnosti tega sporazuma.

5. člen

(a) Za začetek veljavnosti tega sporazuma morajo Združene države Amerike in Republika Slovenija izpolniti svoje notranjepravne postopke. Vladi Združenih držav Amerike in Republike Slovenije si nato izmenjata listini o dokončanju teh postopkov. Ta sporazum začne veljati z dnem začetka veljavnosti Sporazuma o medsebojni pravni pomoči med ZDA in EU.

(b) Če preneha veljati Sporazum o medsebojni pravni pomoči med ZDA in EU, preneha veljati tudi ta sporazum. Vladi Združenih držav Amerike in Republike Slovenije pa se lahko dogovorita, da bosta nekatere ali vse določbe tega sporazuma uporabljali še naprej.

V POTRDITEV TEGA sta spodaj podpisana, ki sta ju za to pravilno pooblastili njuni vladi, podpisala ta sporazum.

SESTAVLJENO v Ljubljani dne 17. oktobra 2005 v dveh izvodih v angleškem in slovenskem jeziku, pri čemer sta besedili enako verodostojni.

ZA VLADO ZDRUŽENIH DRŽAV AMERIKE	ZA VLADO REPUBLIKE SLOVENIJE
	Lovro Šturm

PRILOGA

Pogodba o določenih vidikih medsebojne pravne pomoči v kazenskih zadevah med vladama Združenih držav Amerike in Republike Slovenije

1. člen
Identifikacija bančnih podatkov

1. (a) Zaprošena država na zaprosilo države prosilke v skladu z določbami tega člena nemudoma preveri, ali imajo banke na njenem ozemlju podatke o tem, ali ima identificirana fizična ali pravna oseba, osumljena ali obdolžena kaznivega dejanja, enega ali več bančnih računov. Zaprošena država takoj sporoči ugotovitve svojih poizvedb državi prosilki.

(b) Ukrepi iz pododstavka a se lahko uporabijo tudi za ugotavljanje:

(i) podatkov o fizičnih ali pravnih osebah, obsojenih ali drugače vpletenih v kaznivo dejanje;
(ii) podatkov, ki jih imajo nebančne finančne ustanove, ali
(iii) finančnih transakcij, ki niso povezane z računi.

2. Zaprosilo za podatke iz prvega odstavka tega člena vsebuje:

(a) podatke o fizični ali pravni osebi, potrebne, da se najdejo taki računi ali transakcije;

(b) dovolj podatkov, da pristojni organ v zaprošeni državi:

(i) utemeljeno sumi, da je fizična ali pravna oseba storila kaznivo dejanje in da banke ali nebančne finančne ustanove na ozemlju zaprošene države utegnejo imeti zahtevane podatke, in
(ii) sklepa, da se želeni podatki nanašajo na preiskavo kaznivega dejanja ali sodni postopek, ter

(c) če je mogoče, podatke o tem, katera banka ali nebančna finančna ustanova bi lahko bila vpletena, in druge podatke, ki bi lahko pomagali zožiti obseg preiskave.

3. Razen če se pozneje z izmenjavo diplomatskih not med Združenimi državami Amerike in Evropsko unijo ne določi drugače, zaprosila za pomoč na podlagi tega člena pošiljajo:

(a) za Združene države Amerike ataše, odgovoren za Republiko Slovenijo, pri:

(i) Uradu za boj proti drogam Ministrstva za pravosodje ZDA v zvezi z zadevami, ki so v njegovi pristojnosti,
(ii) Uradu za imigracijsko politiko in carino Ministrstva za domovinsko varnost ZDA v zvezi z zadevami, ki so v njegovi pristojnosti,
(iii) Zveznem preiskovalnem uradu Ministrstva za pravosodje ZDA v zvezi z vsemi drugimi zadevami, in

(b) za Republiko Slovenijo Ministrstvo za pravosodje Republike Slovenije.

4. Združene države Amerike in Republika Slovenija zagotavljajo pomoč po tem členu v zvezi s pranjem denarja in terorističnimi dejanji, ki se preganjajo po zakonodaji države prosilke in zaprošene države, in v zvezi z drugimi kaznivimi dejanji, o katerih se državi obvestita.

5. Pomoč po tem členu se ne sme zavrniti zaradi bančne tajnosti.

6. Zaprošena država odgovori na zaprosilo za izpiske o računih ali transakcijah, ugotovljenih po tem členu v skladu z zahtevami njenega notranjega prava.

2. člen
Skupne preiskovalne skupine

1. Združene države Amerike in Republika Slovenija lahko na svojih ozemljih, če menijo, da je to primerno, ustanovijo in omogočijo delovanje skupnim preiskovalnim skupinam, da bi se olajšalo preiskovanje kaznivih dejanj ali njihov pregon, ki zadeva Združene države Amerike in eno ali več držav članic Evropske unije.

2. O postopkih, po katerih bodo skupine delovale, kot so sestava, trajanje, kraj, organizacija, naloge, namen in pogoji sodelovanja članov skupine ene države pri preiskavah, ki potekajo na ozemlju druge države, se dogovorijo pristojni organi, odgovorni za preiskave ali pregon kaznivih dejanj, kot jih določi vsaka država.

3. Pristojni organi, ki jih določi vsaka država, se neposredno dogovarjajo o ustanovitvi in delovanju takih skupin, razen če se šteje, da izjemna zapletenost, širok obseg ali druge okoliščine zahtevajo v nekaterih ali vseh pogledih enotno usklajevanje in se državi lahko dogovorita za druge primerne načine dogovarjanja v ta namen.

4. Kadar skupna preiskovalna skupina ugotovi, da je treba uvesti preiskovalne ukrepe v eni od držav, ki sestavljajo skupino, lahko član skupine iz tiste države zaprosi svoje pristojne organe, da sprejmejo navedene ukrepe, ne da bi za to morale druge države poslati zaprosilo za medsebojno pravno pomoč. Zahtevani zakonski pogoji za uvedbo ukrepov v navedeni državi so pogoji, ki se uporabljajo pri notranjih preiskavah.

3. člen
Videokonference

1. Omogoči se uporaba tehnologije za videoprenos med Združenimi državami Amerike in Republiko Slovenijo za zaslišanje priče ali izvedenca v zaprošeni državi v postopku, za katerega je na voljo medsebojna pravna pomoč. Če v tem členu to ni natančno določeno, je način izvedbe takega postopka tak, kot ga sicer določa pravo zaprošene države.

2. Če se država prosilka in zaprošena država ne dogovorita drugače, država prosilka krije stroške, povezane z vzpostavitvijo in delovanjem videoprenosa. Drugi stroški, nastali med zagotavljanjem pomoči (vključno s stroški, povezanimi s potovanjem udeležencev v zaprošeno državo), se krijejo v skladu z dogovorom med državo prosilko in zaprošeno državo.

3. Država prosilka in zaprošena država se lahko posvetujeta, da bi olajšali reševanje pravnih, tehničnih ali logističnih vprašanj, ki bi se pojavila pri uresničevanju zaprosila.

4. Brez poseganja v pristojnosti, ki jih ima država prosilka po svojem pravu, se namerna lažna izjava ali drugo neprimerno vedenje priče ali izvedenca med videokonferenco kaznuje v zaprošeni državi tako, kot če bi bilo storjeno med domačim postopkom.

5. Ta člen ne posega v uporabo drugih načinov za pridobivanje izjav v zaprošeni državi, ki so na voljo na podlagi veljavne pogodbe ali zakona.

6. Zaprošena država lahko dovoli uporabo videokonferenčne tehnologije tudi za druge namene poleg tistih, opisanih v prvem odstavku tega člena, vključno za prepoznavo oseb ali predmetov ali pridobivanje izjav v preiskavi.

4. člen
Hitro pošiljanje zaprosil

Zaprosila za medsebojno pravno pomoč in z njimi povezana obvestila se lahko pošiljajo s sredstvi za hitro povezavo, vključno s telefaksom ali elektronsko pošto, ki jim, če tako zahteva zaprošena država, sledi uradna potrditev. Zaprošena država lahko odgovori na zaprosilo s katerim koli sredstvom za hitro povezavo.

5. člen
Medsebojna pravna pomoč upravnim organom

1. Medsebojna pravna pomoč se zagotovi tudi državnemu upravnemu organu, ki na podlagi upravnih ali zakonskih pristojnosti za začetek take preiskave preiskuje neko ravnanje zaradi morebitnega kazenskega pregona ali zaradi predaje obravnave takega ravnanja organom za preiskavo ali pregon. Medsebojna pravna pomoč se lahko zagotovi tudi drugim upravnim organom v takih okoliščinah. Pomoč ni na voljo pri zadevah, pri katerih upravni organ ne predvideva pregona ali predaje obravnave pristojnim organom.

2. Zaprosila za pomoč na podlagi tega člena pošiljata Ministrstvo za pravosodje Združenih držav Amerike in Ministrstvo za pravosodje Republike Slovenije ali drugi organi, kot se dogovorita ameriško in slovensko ministrstvo za pravosodje.

6. člen
Omejitve uporabe zaradi varstva osebnih in drugih podatkov

1. Država prosilka lahko uporabi katere koli dokaze ali podatke, ki jih pridobi od zaprošene države:

(a) za preiskave kaznivih dejanj in kazenske postopke;

(b) za preprečevanje neposrednega in resnega ogrožanja javne varnosti;

(c) v nekazenskih sodnih ali upravnih postopkih, ki se neposredno navezujejo na preiskave kaznivih dejanj ali kazenske postopke:
(i) iz pododstavka a ali

(ii) za katere je bila na podlagi 5. člena te priloge zagotovljena pomoč;

(d) za kateri koli drug namen, če so postali podatki ali dokazi javni med postopkom, za katerega so bili poslani, ali v okoliščinah iz pododstavkov a, b in c, ter

(e) za kateri koli drug namen, toda samo s predhodnim dovoljenjem zaprošene države.

2. (a) Ta člen ne izključuje možnosti, da zaprošena država v posameznih primerih določi dodatne pogoje, če zaprosilu za pomoč ne bi mogla ugoditi brez njih. Če so bili določeni dodatni pogoji v skladu s tem pododstavkom, lahko zaprošena država od države prosilke zahteva, da ji pošlje podatke o tem, kako uporablja dokaze ali podatke.

(b) V zvezi z zakonskimi pogoji države prosilke za obdelavo osebnih podatkov zaprošena država ne more določiti splošnih omejitev kot pogoj iz pododstavka a za pošiljanje dokazov ali podatkov.

3. Če zaprošena država potem, ko je že razkrila dokaze ali podatke, ugotovi okoliščine, zaradi katerih bi morala v posameznem primeru zahtevati dodaten pogoj, se lahko posvetuje z državo prosilko, da bi določila obseg, v katerem je mogoče dokaze in podatke zavarovati.

7. člen
Zaprosilo države prosilke za zaupno obravnavo

Zaprošena država po najboljših močeh varuje zaupnost zaprosila in njegove vsebine, če to zahteva država prosilka. Če zaprosilu ni mogoče ugoditi, ne da bi bila kršena zahtevana zaupnost, ministrstvo za pravosodje zaprošene države o tem obvesti državo prosilko, ki nato odloči, ali naj se zaprosilu kljub temu ugodi.

8. člen
Zavrnitev pomoči

Ob upoštevanju petega odstavka 1. člena in pododstavka b drugega odstavka 6. člena te priloge njene določbe ne izključujejo možnosti, da se zaprošena država sklicuje na razloge za zavrnitev pomoči v skladu s svojimi veljavnimi pravnimi načeli tudi takrat, ko bi ugoditev zaprosilu škodovala njeni suverenosti, varnosti, javnemu redu ali drugim bistvenim interesom.