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*This information sheet has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of facilitating international cooperation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.*

## 1. Categories of Data (subscriber information, traffic data, content data)

### 1.1. Definitions under national legislation

<b>Subscriber Information</b>  <reference to the law if applicable>	<definition if applicable>
<b>Traffic Data</b>  Electronic Communications Law Art 4 - Definitions	Traffic communication data means any data processed for the purpose of the transmission of communications on an electronic communications network or for the billing thereof.
<b>Content Data</b>  <reference to the law if applicable>	<definition if applicable>

<General comment as to whether Domestic law distinguishes subscriber information from that of traffic and / or content data, whether the same or different rules of procedure apply to obtaining of all types of data>

## 2. Procedures for preservation requests of stored computer data

### 2.1 Expedited preservation of stored computer data (Art. 29)

#### **General remarks**

#### **Procedures in place**

<step-by-step procedure if available>  
<how urgent requests are treated>

### 2.2 Expedited disclosure for stored traffic data (Art. 30)

#### **General remarks**

#### **Procedures in place**

<step-by-step procedure if available>  
<how urgent requests are treated>

## 3. Procedures for mutual legal assistance

### 3.1 Requests for stored computer data: subscriber, traffic, content data (Art. 31)

»» Go to [Subscriber information](#) | [Traffic Data](#) | [Content Data](#)

#### ► Requests for subscriber information

##### General remarks

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North Macedonia is Party to the European Convention on Mutual Assistance in Criminal Matters, 20 April 1959, Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 17 March 1978 and Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 8 November 2001.

Mutual Legal Assistance (MLA) is regulated by the Criminal Procedure Code and the Law on International Cooperation in Criminal Matters (Official Gazette No. 124 from 20 September 2010). The latter provides rules both for requests based on a treaty and no treaty circumstances.

Article 6 of the Law on International Cooperation in Criminal Matters specifies the rules regarding the ways of communication. The domestic competent authority shall send a letter rogatory for international legal assistance or a request for international cooperation in criminal matters to the foreign competent authorities. The letter rogatory or the request by the foreign competent authority shall be sent in writing through the Ministry of Justice. The domestic competent authority shall send the letter rogatory or the request directly to the foreign competent authority in terms of mutuality or if provided for by an international agreement, and a copy of the letter rogatory or the request shall be sent to the Ministry as well. In case of emergency the letter rogatory or the request shall be sent through the channels of the international police cooperation, and a copy of the letter rogatory or the request shall be sent to the Ministry. If an international agreement does not exist or if under the international agreement a diplomatic way of communication is not provided, the Ministry shall send the letter rogatory or the request using the diplomatic way through the Ministry of Interior. The letter rogatory or the request can be received electronically or through another way of telecommunication for which a record shall be kept, and the original shall be sent through a regular mail.

MLA request is the only basis for obtaining evidence located in another country that may have appropriate supporting effect before the competent court.

Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters allows for fast and direct communication between authorized state bodies in obtaining spontaneous information related to criminal proceedings and therefore, the primary evidence might be directly obtained without an MLA request.

For bilateral agreements for mutual legal assistance in criminal matters see: [http://www.pravda.gov.mk/tekstovi\\_mpp\\_dogovori.asp?lang=mak&id=bidog](http://www.pravda.gov.mk/tekstovi_mpp_dogovori.asp?lang=mak&id=bidog)

## **Competent Authorities**

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Ministry of Justice is the designated central authority for mutual legal assistance in criminal matters.

In accordance with Article 35 of the Budapest Convention the 24/7 point of contact was established in the Office of the Public Prosecutor, Department against crime and corruption.

## **Relevant contact points**

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### **Prior consultations**

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All cases are processed by the 24/7

## **Accepted legal basis / mechanisms for MLA requests**

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CPC, Law on international cooperation in a criminal matters, Conventions, Bilateral agreements

## **Content of the request**

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Summary or facts, legal provisions, court orders or confirmation that it could be obtained in the requesting state in the same circumstances

## **Applicable legal requirements**

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The Law for electronic communications gives a definition on subscriber information art.4

In a criminal matter: the Order from a Court upon the request of the PPO.

## **Confidentiality requirements**

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According to the CPC all information's regarding to the criminal procedure are confidential.

CPC requires that all the pre investigation an investigation procedure to be confidential.

## **Urgent requests**

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All requests receive urgent response, except the request regarding the political or related political crime requests.

## **Translation**

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Any languages are acceptable, but we preferred English

## **Limitations**

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The requested information must be related only with the case up on the request is submitted.

## **▶ Requests for Traffic Data**

### **General remarks**

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### **Competent Authorities**

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Public prosecutor office via Ministry of Justice

### **Relevant contact points**

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Public prosecutor office

### **Prior consultations**

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PPO have an executing authority

### **Accepted legal basis / mechanisms for MLA requests**

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CPC – freezing and seizing, confiscation, production order

### **Content of the request**

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Summary, legal ground and act of the court or PPO, according to the phase of the case.

### **Applicable legal requirements**

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1. Electronic communication network transmission and where applicable, switching or routing equipment and other resources including network elements which are not active, which permit the transmission of signals by wire, radio waves, optical or other electromagnetic means, including satellite networks, fixed (circuit switching or switching packages, including Internet) and mobile terrestrial networks, electricity

cable systems, if used for transmission of communication signals, broadcasting networks and cable television networks, irrespective of the type of information transmitted;

2. An electronic communication service is usually offered for fee, which wholly or mainly consists of transmission of signals through electronic communications networks and includes telecommunications services transmission services in networks which broadcast or rebroadcast of program content, but excludes services that enable or taken from out editorial control over content transmitted using electronic communications networks or services, and does not include any services information society, fully or in part, consisting of transmission signals via electronic communications networks;

3. E-mail is a message in the form of text, sound or image transmitted through a public electronic communications network and which can be stored in network or terminal equipment of the recipient until the recipient does not take;

4. A public electronic communications network is an electronic communications network wholly or most of it is used to provide electronic communications services available to the public which support transmission of information between network termination points;

5. Local loop is the physical communication circuit connecting the network endpoint with distribution frame or equivalent means to fixed public electronic communications network;

6. A public electronic communication service is an electronic communication service available to the public;

7. Publicly available telephone service is available to the public for calling and receiving, directly or indirectly, national or national and international calls through a number or numbers from the national or international telephone numbering plan;

8. User identification code means unique identification code assigned to the subscriber or registered user for service access internet or communication services;

9. Code means cell identity of the cell where it started or ended the phone call in a public mobile communications network;

10. Failed call communication means when the telephone call was successfully set up, but it was not answered or when there intervention for network management;

11. radio communication services are electronic communications services as provided using the radio frequencies;

12. Universal service is a minimum set of services of specified quality, available at an affordable price to all end users in the country, regardless of their geographical location;

13. universal service provider is a legal entity that provides universal service;

14. Services of Information Society services provided for compensation distance by electronic means and at the individual request of recipient of the service. "At a distance" means that the service is provided without simultaneous presence of the two sides. "By electronic means" means that service is sent from the initial / original point and gets to the final destination by electronic equipment for processing (including digital compression) and storage of data transmitted, conveyed and received via cable, radio waves, optical means or by other electromagnetic means. "On a personal request of a recipient of the service" means that the services are provided through the transmission of data on individual request;

15. Value Added Services is a service that requires the processing of data traffic volume or location data, more than is necessary to secure transmission of communications or payment thereof;

16. Geographic number is the number of the Numbering Plan of the public communication networks and services of the Republic of Macedonia where part of its structure numbers contains geographic significance used for routing calls to physical location of the network endpoint;

17. No geographic number is the number of the Numbering Plan of the public communication networks and services of the Republic of Macedonia that is not a geographic number among other things It includes mobile numbers, numbers and free service numbers access to value-added services;

18. Interconnection is a specific type of access is provided between operators public electronic communications networks and establishing physical linking of public electronic network.

## **Confidentiality requirements**

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Only the PPO can issue an Order and the ISPs are obligated to give all the needed information's but only to the prosecutor, marked as Secret.

## **Urgent requests**

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Cases with custody are handled with great urgency; the prosecutor needs information in the moment of executing the request

## **Translation**

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Preferably the request to be in English

## **Limitations**

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The requested data must be used only for that specific case.

## **▶ Requests for Content Data**

## **General remarks**

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## **Competent Authorities**

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Public prosecutor office

## **Relevant contact points**

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Public prosecutor office

## **Prior consultations**

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All cases are taken in considerations



## **Accepted legal basis / mechanisms for MLA requests**

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CPC, Law for international cooperation in criminal matters

## **Content of the request**

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Summary of facts, Legal provisions, court order or confirmation that it could be obtained in the requesting state in the same circumstances

## **Applicable legal requirements**

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Order of the Court, upon the previous request of prosecutor office.

## **Confidentiality requirements**

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The measures to request the data from the ISPs are kept confidential, level Secret. It is mandatory to maintain confidentiality during the execution of the request.

## **Urgent requests**

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Cases with custody are handled with great urgency; the prosecutor needs information in the moment of executing the request

## **Translation**

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English is accepted

## **Limitations**

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The requested data must be used only for that specific case

## **3.2 Requests for real time collection of traffic data (Art. 33)**

## **General remarks**

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## **Competent Authorities**

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Public prosecutor office

The request can be submitted via Ministry of Justice- department of international legal assistance

## **Relevant contact points**

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## **Prior consultations**

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Just the Order from the PP Office, or Court order, legal ground for conducting investigation

## **Accepted legal basis / mechanisms for MLA requests**

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Request from the designated body or state authority and Order for conducting investigation or prove for pre investigation phase of the case, and of course, legal ground for the case - in accordance with the domestic law

## **Content of the request**

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Summary of facts, Legal provisions, court order or confirmation that it could be obtained in the requesting state in the same circumstances

## **Applicable legal requirements**

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Data related to the transfer of the information from one point to another point of the communication, IP address, Geolocation

First, request under Convention, bilateral agreements, national legislation, criminal act upon the domestic CC, the concrete request not to be related to the political crime, explanation regarding the needed information or evidence

## **Confidentiality requirements**

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The needed information is under the confidential act and is Secret.

According to CPC, it is mandatory to able to maintain confidentiality during the execution of the request.

## **Urgent requests**

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All requests are considered as urgent, especially the cases with spatial measures, or the cases with custody.

The requesting country is required to give a basis for urgency so that it is better understood the time framework for responding, and for informing the requesting country about the needed evidence.

## **Translation**

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## **Limitations**

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The requesting states are obligated to explain if they are using the evidence in another case, with legal ground for the deferent case, and to provide guaranties that the case is not a political case, or a

case in which, in the requesting country, the legal evidence is not permitted to be an evidence in the concrete case – the way of collecting the evidence is not stipulated in the domestic procedural law for the specific criminal case

### 3.3 Requests for interception of content data (Art. 34)

#### **General remarks**

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#### **Competent Authorities**

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No difference from module 1

#### **Relevant contact points**

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No difference from module 1

#### **Prior consultations**

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Optional  
24/7 or Interpol

#### **Accepted legal basis / mechanisms for MLA requests**

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Request

#### **Content of the request**

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Summary of facts, Legal provisions, court order or confirmation that it could be obtained in the requesting state in the same circumstances

#### **Applicable legal requirements**

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See in Module 3

#### **Confidentiality requirements**

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Same as Module 1

#### **Urgent requests**

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Same as Module 1

#### **Translation**

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Same as Module 1

## **Limitations**

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Same as Module 1