

Table of contents

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[reference to the provisions of the Budapest Convention]

Chapter I – Use of terms

Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”

Chapter II – Measures to be taken at the national level

Section 1 – Substantive criminal law

Article 2 – Illegal access

Article 3 – Illegal interception

Article 4 – Data interference

Article 5 – System interference

Article 6 – Misuse of devices

Article 7 – Computer-related forgery

Article 8 – Computer-related fraud

Article 9 – Offences related to child pornography

Article 10 – Offences related to infringements of copyright and related rights

Article 11 – Attempt and aiding or abetting

Article 12 – Corporate liability

Article 13 – Sanctions and measures

Section 2 – Procedural law

Article 14 – Scope of procedural provisions

Article 15 – Conditions and safeguards

Article 16 – Expedited preservation of stored computer data

Article 17 – Expedited preservation and partial disclosure of traffic data

Article 18 – Production order

Article 19 – Search and seizure of stored computer data

Article 20 – Real-time collection of traffic data

Article 21 – Interception of content data

Section 3 – Jurisdiction

Article 22 – Jurisdiction

Chapter III – International co-operation

Article 24 – Extradition

Article 25 – General principles relating to mutual assistance

Article 26 – Spontaneous information

Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements

Article 28 – Confidentiality and limitation on use

Article 29 – Expedited preservation of stored computer data

Article 30 – Expedited disclosure of preserved traffic data

Article 31 – Mutual assistance regarding accessing of stored computer data

Article 32 – Trans-border access to stored computer data with consent or where publicly available

Article 33 – Mutual assistance in the real-time collection of traffic data

Article 34 – Mutual assistance regarding the interception of content data

Article 35 – 24/7 Network

This profile has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Budapest Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.

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Signature of the Budapest Convention:	N/A
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BUDAPEST CONVENTION	DOMESTIC LEGISLATION
Chapter I – Use of terms	
<p>Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”:</p> <p>For the purposes of this Convention:</p> <p>a “computer system” means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data;</p> <p>b “computer data” means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;</p> <p>c “service provider” means:</p> <p>i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and</p> <p>ii any other entity that processes or stores computer data on behalf of such communication service or users of such service;</p> <p>d “traffic data” means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication’s origin, destination, route, time, date, size, duration, or type of underlying service</p>	<p>Law on Electronic Commerce and Electronic Signature, Article 2, Paragraph 11:</p> <p>Information system is software, hardware, communications and other equipment, which can operate independently or in a network and is intended the collection, processing, distribution, use and other processing of data in electronic form.</p> <p>Law on Electronic Commerce and Electronic Signature, Article 2, Paragraph 1:</p> <p>Data in electronic form are data designed, stored, sent, received or removable in electronic means.</p> <p>Law on Electronic Commerce, Article 3, Paragraph 6</p> <p>service provider is any natural or legal person providing information services: information society service "is a service that is normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services. This "distance" means that the service is provided without the side present at the same time. "By electronic means" means that the service is initially sent and the place of destination by electronic equipment for the processing, including digital compression, and storage of data, sent, transmitted and received by wire, radio, optical or other electromagnetic means . "At the individual request of a recipient of services" it means that the service is provided through the transmission of data on individual request. Information society services include in particular the sale of goods or services, access to information or advertising on the Internet, and access to a communication</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>network, data transmission or storage of recipient data in a communication network.</p> <p>Electronic Communication Act; Aarticle 3, definition no. 25</p> <p>Traffic data are any data processed for the transmission of communications in an electronic communications network or for the billing process. Traffic data contain information relating to the:</p> <ul style="list-style-type: none"> - routing, duration, time or volume of communication, - protocol used, - location of the terminal equipment of the sender or recipient, - network on which the communication originates or terminates, - beginning, end or duration of a connection. <p>They may also contain the format in which the message is transmitted by means of its network.</p>
Chapter II – Measures to be taken at the national level	
Section 1 – Substantive criminal law	
Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems	
<p>Article 2 – Illegal access</p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.</p>	<p>Criminal Code, Article 221 – Attack on information system</p> <p>Paragraph 1: Whoever without authorization enters or breaks in the information system or who unduly intercepts the data transfer to, from or within non-public information system, shall be punished with imprisonment up to one year.</p>
<p>Article 3 – Illegal interception</p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence</p>	<p>Criminal Code, Article 221 – Attack on information system</p> <p>Paragraph 1: Whoever without authorization enters or breaks in the information system or who unduly intercepts the data transfer to, from or within non-public information system, shall be punished with imprisonment up to one year.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.	
<p>Article 4 – Data interference</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.</p> <p>2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.</p>	<p>Criminal Code, Article 221 – Attack on information system Paragraph 2: Whoever without authorization <u>used, changed, copied, transported, destroyed data</u> in an information system or unduly entered data in the information system, hinders data transfer or operation of an information system is punishable by imprisonment of up to two years.</p>
<p>Article 5 – System interference</p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data</p>	<p>Criminal Code, Article 221 – Attack on information system Paragraph 2: Whoever without authorization used, changed, copied, transported, destroyed data in an information system or <u>unduly entered data in the information system, hinders data transfer or operation of an information system</u> is punishable by imprisonment of up to two years.</p>
<p>Article 6 – Misuse of devices</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:</p> <p>a the production, sale, procurement for use, import, distribution or otherwise making available of:</p> <p>i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5;</p> <p>ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and</p> <p>b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.</p> <p>2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise</p>	<p>Criminal Code, Article 306 - Production and acquisition of weapons and instruments intended for offense Paragraph 3: As in the previous paragraph shall be punished , whoever with the intent of a criminal offense possess, manufacture, sell, use, making available, importing, exporting or otherwise providing tools for intrusion or unauthorized entry into the information system.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.</p> <p>3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.</p>	
Title 2 – Computer-related offences	
<p>Article 7 – Computer-related forgery Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.</p>	<p>There are no special provisions for computer-related forgery, those criminal acts are defined in other articles of Penal Code (Article 221 – Attack on information system, Article 243 - Money forgery/counterfeiting, Article 244 - Counterfeiting and use of counterfeit valuables or securities, Article 247 - Counterfeiting non-cash means of payment, Article 251 and 252 - Falsification of documents)</p>
<p>Article 8 – Computer-related fraud Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by:</p> <ul style="list-style-type: none"> a any input, alteration, deletion or suppression of computer data; b any interference with the functioning of a computer system, <p>with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.</p>	<p>Article 211 - Fraud (1) Whoever, with the intention of acquiring unlawful property benefit for himself or a third person by false representation, or by the suppression of facts leads another person into error or keeps him in error, thereby inducing him to perform an act or to omit to perform an act to the detriment of his or another's property, shall be sentenced to imprisonment for not more than three years. (2) Whoever, with the intention as referred to in the preceding paragraph of this Article, concludes an insurance contract by stating false information, or suppresses any important information, concludes a prohibited double insurance, or concludes an insurance contract after the insurance or loss event have already taken place, or misrepresents a harmful event, shall be sentenced to imprisonment for not more than one year. (3) If the fraud was committed by at least two persons who colluded with the intention of fraud, or if the perpetrator committing the offence referred to in</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

paragraph 1 of this Article caused large-scale property damage, the perpetrator shall be sentenced to imprisonment for not less than one, and not more than eight years.

(4) If the offence referred to in paragraphs 1 or 3 of this Article was committed within a criminal association, the perpetrator shall be sentenced to imprisonment for not less than one, and not more than ten years

(5) If a minor loss of property has been incurred by the committing of the offence under paragraph 1 of this Article and if the perpetrator's intention was to acquire a minor property benefit, he shall be punished by a fine or sentenced to imprisonment for not more than one year.

(6) Whoever, with the intention of causing damage to another person by false representation or the suppression of facts, leads a person into error or keeps him in error, thereby inducing him to perform an act or to omit to perform an act to the detriment of his or another's property shall be punished by a fine or sentenced to imprisonment for not more than one year.

(7) The prosecution for the offences under paragraphs 5 and 6 of this Article shall be initiated upon a complaint.

Article 228 - Business Fraud

(1) Whoever, in the performance of an economic activity, when concluding or implementing a contract or a service, defrauds another by representing the obligations as that they will be fulfilled, or by concealment of the fact that the obligations will not be or will not be able to be fulfilled, gains a property benefit or causes loss of property to a client or a third person on account of such partial or complete non-fulfilment of obligations, shall be sentenced to imprisonment for not more than five years.

(2) If the offence under the preceding paragraph has resulted in a large property benefit acquired or a large loss of property, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

(3) If the act referred to in paragraph 1 of this Article resulted in a small property benefit acquired or a small loss of property, the perpetrator shall be punished by a fine or sentenced to imprisonment for not more than one year.

Title 3 – Content-related offences**Article 9 – Offences related to child pornography****Criminal Code, Article 176 - Presentation, Manufacture, Possession and**[Back to the Table of Contents](#)

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:</p> <ul style="list-style-type: none"> a producing child pornography for the purpose of its distribution through a computer system; b offering or making available child pornography through a computer system; c distributing or transmitting child pornography through a computer system; d procuring child pornography through a computer system for oneself or for another person; e possessing child pornography in a computer system or on a computer-data storage medium. <p>2 For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:</p> <ul style="list-style-type: none"> a a minor engaged in sexually explicit conduct; b a person appearing to be a minor engaged in sexually explicit conduct; c realistic images representing a minor engaged in sexually explicit conduct <p>3 For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.</p> <p>4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.</p>	<p>Distribution of Pornographic Material</p> <p>Paragraph 3:</p> <p>The same as in the preceding paragraph shall be punished, whoever himself or for another acquires, produces, distributes, sells, imports, exports or otherwise offers pornographic or other sexual materials involving minors or their realistic images, or who possesses such material or gains access to such material by means of information or communication technology, or disclose the identity of juveniles in such material.</p>
Title 4 – Offences related to infringements of copyright and related rights	
<p>Article 10 – Offences related to infringements of copyright and related rights</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971</p>	<p>Criminal Code, Article 147 – 149</p> <p>Article 147 - Violation of Moral Copyright</p> <p>(1) Whoever publishes, presents, performs or transmits the work of another author under his own name or the name of a third person, or whoever gives permission for this to be done shall be punished by a fine or sentenced to imprisonment for not more than one year.</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.

2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.

3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.

(2) Whoever deforms, truncates or otherwise interferes with the content of the work of another person without his authorisation shall be punished by a fine or sentenced to imprisonment for not more than six months.

(3) The prosecution shall be initiated upon a complaint.

Article 148 - Violation of Material Copyright

(1) Whoever uses without authorisation one or more copyrighted material or copies thereof of a high (*5.000 EUR and more*) total market value shall be given a prison sentence of up to three years.

(2) If the market value of copyrighted material from the preceding paragraph is very high (*50.000 EUR and more*), the perpetrator shall be given a prison sentence of up to five years.

(3) If a very large pecuniary benefit has been unlawfully gained through committing an offence under paragraphs 1 or 2 of this Article and the perpetrator's intention was to secure this pecuniary benefit for himself or another person, the perpetrator shall be given a prison sentence of between one and eight years.

(4) Copies of copyrighted works and the equipment used to reproduce them shall be seized.

(5) In determining the asset value under the provisions of this Article and Article 149 of this Code shall take into account the benefit of unauthorized use of copyright material, or undue reproduction, making available to the public, dissemination or rental of copyright-related rights for commercial purposes.

Article 149 - Violation of Copyright and Related Rights

(1) Whoever reproduces, makes available to the public, distributes or leases one or more performances, phonograms, video recordings, radio and television broadcasts or databases of a high total market value and without authorisation shall be given a prison sentence of up to three years.

(2) Whoever reproduces, makes available to the public, distributes or leases one or more performances, phonograms, video recordings, radio and television broadcasts or databases of a very high total market value and without authorisation shall be given a prison sentence of up to five years.

(3) If a very large pecuniary benefit has been unlawfully gained through committing an offence under paragraphs 1 or 2 of this Article and the

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>perpetrator's intention was to secure this pecuniary benefit for himself or another person, the perpetrator shall be given a prison sentence of between one and eight years.</p> <p>(4) Copies of performances, phonograms, video recordings, radio and television broadcasts or databases and the equipment used to reproduce them shall be seized.</p>
Title 5 – Ancillary liability and sanctions	
<p>Article 11 – Attempt and aiding or abetting</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention.</p> <p>3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.</p>	<p style="text-align: center;">Attempt Article 34</p> <p>(1) Any person, who intentionally initiated a criminal offence but did not complete it, shall be punished for the criminal attempt, provided that such an attempt involved a criminal offence, for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute; attempts involving any other criminal offences shall be punishable only when so expressly stipulated by the statute.</p> <p>(2) Against the perpetrator, who attempted to commit a criminal offence, the sentence shall be applied within the limits prescribed for such an offence or it may be reduced.</p> <p style="text-align: center;">Inappropriate Attempt Article 35</p> <p>If the perpetrator has attempted to commit a criminal offence by inappropriate means or to harm an inappropriate object, his sentence may be withdrawn.</p> <p style="text-align: center;">Voluntary Abandonment of Attempt Article 36</p> <p>(1) If the perpetrator has attempted to commit a criminal offence but voluntarily desisted to go through with it, his sentence may be withdrawn.</p> <p>(2) If the perpetrator voluntarily desists from committing a criminal offence, he</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>shall be punished for those acts, which present some other independent criminal offence.</p> <p style="text-align: center;">Criminal Solicitation Article 37</p> <p>(1) Any person who intentionally solicits another person to commit a criminal offence shall be punished as if he himself had committed it.</p> <p>2) Any person who intentionally solicits another person to commit a criminal offence, for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute, shall be punished for the criminal attempt even if the committing of such an offence had never been attempted.</p> <p style="text-align: center;">Criminal Support Article 38</p> <p>(1) Any person who intentionally supports another person in the committing of a criminal offence shall be punished as if he himself had committed it, or his sentence shall be reduced, as the case may be.</p> <p>(2) Support in the committing of a criminal offence shall be deemed to be constituted, in the main, by the following: counselling or instructing the perpetrator, on how to carry out the criminal offence; providing the perpetrator with instruments of criminal offence or removing the obstacles for the committing of criminal offence; a priori promises to conceal the perpetrator's criminal offence or any traces thereof; instruments of the criminal offence or objects gained through the committing of criminal.</p>
<p>Article 12 – Corporate liability</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on:</p> <p style="padding-left: 20px;">a a power of representation of the legal person;</p>	<p>According to the Article 25 of <u>Law on liability of legal persons for criminal acts</u> legal persons are liable for the following criminal acts covered by Articles 2-11 and in our Penal Code:</p> <ul style="list-style-type: none"> - Article 221 – Attack on information system (Article 2-5 Budapest Convention) - Article 228 – Business Fraud (Article 8 Budapest Convention)

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>b an authority to take decisions on behalf of the legal person; c an authority to exercise control within the legal person.</p> <p>2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.</p> <p>3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.</p> <p>4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.</p>	<p>- Articles 243, 244, 247, 251, 252 of Penal Code (in connection with Article 7 Budapest Convention)</p> <p>According to the Article 12 of <u>Law on liability of legal persons for criminal acts</u> the sanctions are:</p> <ol style="list-style-type: none"> 1. fine (from 10.000 to 1.000.000 EUR) 2. deprivation of property 3. the termination of a legal person 4. a ban on participation in tenders for public procurement 5. a ban on trading with financial instruments <ol style="list-style-type: none"> 1. Law.
<p>Article 13 – Sanctions and measures</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty.</p> <p>2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.</p>	<p>According to the Article 26 of <u>Law on liability of legal persons for criminal acts</u> the sanctions are:</p> <ol style="list-style-type: none"> 1. the offenses for which the offender is punishable by up to three years in prison, a fine of up to 500,000 euros or up to a hundred times the amount of damage caused or the proceeds of crime; 2. the offenses for which the offender is punishable by over three years and a fine of at least 50,000 euros or up to the two hundred times of amount caused the damage or illegal proceeds obtained by crime; 3. for criminal offenses for which the offender is punishable by five years imprisonment or more, instead of penalty can be imposed deprivation of property 4. for the offenses referred to in the first paragraph instead of a penalty may impose a penalty of termination of legal persons, provided that the conditions set out in Article 15 of this Law.
<p>Section 2 – Procedural law</p>	
<p>Article 14 – Scope of procedural provisions</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings.</p> <p>2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to:</p>	<p>Criminal Procedure Code, 148th Article</p> <p>(1) If there are grounds for suspicion that a crime was committed for which the offender is prosecuted ex officio, the police must take steps necessary to trace the offender, that the offender or participant does not hide or flee, to detect and protect the traces of a criminal offense and objects which may be used as evidence and to collect all information that could be useful for the successful conduct of criminal proceedings.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>a the criminal offences established in accordance with Articles 2 through 11 of this Convention;</p> <p>b other criminal offences committed by means of a computer system; and</p> <p>c the collection of evidence in electronic form of a criminal offence.</p> <p>3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20.</p> <p>b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system:</p> <p>i is being operated for the benefit of a closed group of users, and</p> <p>ii does not employ public communications networks and is not connected with another computer system, whether public or private,</p> <p>that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21</p>	<p>"Explanation": That's general provision, which dictate police that it must do all to also protect (i.e. preserve) traces and objects (i.e. digital data) which can be evidence (i.e. digital evidence).</p> <p>Criminal Procedure Code, Article 164 (1) The police may even prior to the initiation seize items at 220th of this Act, if it would be dangerous to delay, and the conditions of the 218th of this Act to make home and personal investigation.</p> <p>"Explanation": This is general provision that allows police to seize items (i.e. digital evidence) and do a house and/or personal search.</p> <p>Criminal Procedure Code, 220th Article (seizure of items) (1) Items which must be take under criminal or may be evidence in criminal proceedings shall be seized and deposited with the court or otherwise protect their storage.</p> <p>(2) A person who has such items must delivered them at the request of the court. If he does not deliver the items, they can to be punished by a fine specified in the first paragraph of Article 78 of this Act, if he still don't want to do, he can be put in prison. Prison lasts until the surrender of items or until the end of criminal proceedings, but more than one month.</p> <p>(4) Police officers may seize items mentioned in the first paragraph of this Article, when act in connection with 148 and 164 Article of this Act or when they issuing the court order.</p> <p>"Explanation": This provision allows police to seize (also temporary) items (i.e. digital evidence).</p>
<p>Article 15 – Conditions and safeguards</p> <p>1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are</p>	<p>Criminal Procedure Code Article 1</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality.

2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia*, include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure.

3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.

(1) This Act establishes rules to ensure that no one who is innocent, not convicted, the offender could impose criminal penalties under conditions laid down by the criminal law and on the basis of legal proceedings.

(2) Before a final judgment, the defendant should be limited in their freedom and their rights only under the conditions stipulated by this Act.

Article 2

Criminal sanction be imposed on the offender by law established by the competent court in proceedings which are initiated and carried out under this Act.

Article 3

(1) Everyone charged with a criminal offense shall be presumed innocent until found guilty by a final judgment.

(2) The court may convict the accused only if it is convinced of his guilt.

Article 4

(1) A person deprived of liberty must be in the native language or a language which he understands, immediately informed of the reasons for his arrest. It must be informed that it is not obliged to say anything, it has the right to immediate legal counsel of his own choice and that the competent authority at its request, be obliged to arrest to inform her loved ones.

(2) The suspect has the right to counsel from detention.

(3) In order to arrest the suspect is considered to be any restriction of liberty that is the forced detention.

(4) If you suspect that he is deprived of liberty, regardless of their financial circumstances, can not provide a counsel himself to him at his request and expense of the state police put, if it is in the interests of justice. Positioned supporter performs this duty in proceedings under Article 204 of this law and in the criminal proceedings against the accused under the same conditions as counsel by the court.

Article 5

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

(1) The accused must be at the first hearing to say which act is charged and what is the basis for the accusation.

(2) The defendant should be allowed to make a statement on all the facts and evidence that burden, and to state all facts and evidence that are in his favor.

(3) The accused is not obliged to defend themselves and answer questions if he pleads not to incriminate himself or his family or to confess guilt.

Article 6

(1) The criminal action is pending in the Slovenian language.

(2) If the court in accordance with the Constitution in the official use of the language of the Italian or Hungarian national community, may in the manner prescribed by law, criminal proceedings are conducted in the languages of these communities.

Article 7

(1) Charges, complaints and other submissions to the court in the Slovenian language.

(2) In areas inhabited by the Italian or Hungarian national community, the members of these ethnic communities to file applications in the Italian or Hungarian language if the court language of the minority in official use.

(3) An alien who has been deprived of his liberty has the right to the role of the court in their own language, in other cases, foreign citizens can submit claims in their own language only on condition of reciprocity.

Article 8

(1) Parties, witnesses and other participants in the proceedings have the right to use the investigative and other court actions and the main hearing their own language. If court action or the main treatment is not running in the language of such persons must be guaranteed interpreting what they or others are saying, and documents and other written evidence.

(2) The right to translation must be a person from the preceding paragraph

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

informed; they may waive the translation, if they understand the language of the proceedings. The minutes must be recorded that they were trained and what they have stated.

(3) The court interpreter translates.

Article 9

(1) Invitations, decisions and other documents distributed by the court in the Slovenian language.

(2) The court, in which the official use of the Italian or Hungarian language, serve summons in the language of the decision and other documents in that language only when court proceedings are conducted in both official languages. The participants in the proceedings may waive the right to a service of judgments and other documents in Hungarian and Italian. Cancellation must be recorded in the minutes.

(3) A person deprived of liberty shall be served on the translation of the documents referred to in the first paragraph of this Article in the language used in the procedure if the second paragraph of the preceding Article shall not waived the right to translation.

Article 10

(1) No person shall be prosecuted and punished again for an offense for which he has been a final judicial ruling acquitted or convicted of the criminal proceedings against him were finally discontinued the charge was finally rejected.

(2) The final judgment may be amended in proceedings involving extraordinary legal remedies only in the prisoner's favor.

Article 11

It is forbidden to force the accused or any other participant in the process of recognition or any other statement.

Article 12

(1) The accused has the right to defend himself in person or with the technical

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

assistance of a lawyer of his choice of lawyers.

(2) If you do not take counsel accused himself, by the court, where stipulated by this Act, to ensure its defense.

(3) (repealed)

(4) The defendant must provide adequate time and facilities to prepare a defense.

Article 13

Anyone who has been wrongly convicted of an offense or has been unjustifiably deprived of their liberty have the right to be rehabilitated, the right to compensation and other rights provided by law.

Article 14

The accused or any other participant in the proceedings that from ignorance to omit an act in process or losing the advantage of their rights, inform the court on the rights, which go under this Act and the consequences if they failed to act.

Article 15

The Court must strive to carry out the procedure without delay and to disable any abuse of rights by the participants in the process.

Article 16

(1) In criminal proceedings, the accused and the prosecutor have the status of equal parties, to the extent that the law provides otherwise.

(2) The prosecutor must state the facts on which his claim is based and propose evidence to prove this fact.

(3) The accused has the right to state facts and propose evidence which is in his favor.

Article 17

(1) Court of Justice and national bodies participating in criminal proceedings

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>must truthfully and completely establish the facts relevant to the issue of legal decision.</p> <p>(2) The same caution should try and determine both the facts that burden the accused, as well as the fact that he was in favor.</p> <p>Article 18</p> <p>(1) The right of courts and government bodies involved in criminal proceedings to assess whether any given fact or not, is not bound by any special formal rules of evidence and is not limited to them.</p> <p>(2) The court may not base its decision on evidence that has been obtained in breach of constitutional human rights and fundamental freedoms, and not on evidence which had been obtained in violation of the provisions of the criminal proceedings and is subject to this Act provides that judgment shall not rely on them, or which have been obtained on the basis of such illicit evidence.</p>
<p>Article 16 – Expedited preservation of stored computer data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification.</p> <p>2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person’s possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law.</p>	<p>Criminal Procedure Code, Article 164</p> <p>(1) The police may even prior to the initiation seize items at 220th of this Act, if it would be dangerous to delay, and the conditions of the 218th of this Act to make home and personal investigation.</p> <p>"Explanation": This is general provision that allows police to seize items (i.e. digital evidence) and do a house and/or personal search.</p> <p>Criminal Procedure Code, 220th Article (seizure of items)</p> <p>(1) Items which must be take under criminal or may be evidence in criminal proceedings shall be seized and deposited with the court or otherwise protect their storage.</p> <p>(2) A person who has such items must delivered them at the request of the court. If he does not deliver the items, they can to be punished by a fine specified in the first paragraph of Article 78 of this Act, if he still don't want to do, he can be put in prison. Prison lasts until the surrender of items or until the end of criminal proceedings, but more than one month.</p> <p>(4) Police officers may seize items mentioned in the first paragraph of this</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>Article, when act in connection with 148 and 164 Article of this Act or when they issuing the court order.</p> <p>"Explanation": This provision allows police to seize (also temporary) items (i.e. digital evidence).</p>
<p>Article 17 – Expedited preservation and partial disclosure of traffic data</p> <p>1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to:</p> <p>a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and</p> <p>b ensure the expeditious disclosure to the Party’s competent authority, or a person designated by that authority, of a sufficient amount of traffic data to enable the Party to identify the service providers and the path through which the communication was transmitted.</p> <p>2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>Criminal Procedure Code, Article 164</p> <p>(1) The police may even prior to the initiation seize items at 220th of this Act, if it would be dangerous to delay, and the conditions of the 218th of this Act to make home and personal investigation.</p> <p>"Explanation": This is general provision that allows police to seize items (i.e. digital evidence) and do a house and/or personal search.</p> <p>Criminal Procedure Code, 220th Article (seizure of items)</p> <p>(1) Items which must be take under criminal or may be evidence in criminal proceedings shall be seized and deposited with the court or otherwise protect their storage.</p> <p>(2) A person who has such items must delivered them at the request of the court. If he does not deliver the items, they can to be punished by a fine specified in the first paragraph of Article 78 of this Act, if he still don't want to do, he can be put in prison. Prison lasts until the surrender of items or until the end of criminal proceedings, but more than one month.</p> <p>(4) Police officers may seize items mentioned in the first paragraph of this Article, when act in connection with 148 and 164 Article of this Act or when they issuing the court order.</p> <p>"Explanation": This provision allows police to seize (also temporary) items (i.e. digital evidence).</p>
<p>Article 18 – Production order</p> <p>1 Each Party shall adopt such legislative and other measures as may be</p>	<p>Criminal Procedure Code, Article 149b</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

necessary to empower its competent authorities to order:

a a person in its territory to submit specified computer data in that person's possession or control, which is stored in a computer system or a computer-data storage medium; and

b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider's possession or control.

2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

3 For the purpose of this article, the term "subscriber information" means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established:

a the type of communication service used, the technical provisions taken thereto and the period of service;

b the subscriber's identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement;

c any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.

(1) If there are reasonable grounds for suspecting that a criminal offence for which a perpetrator is prosecuted ex officio has been committed, is being committed or is being prepared or organised, and information on communications using electronic communications networks needs to be obtained in order to uncover this criminal offence or the perpetrator thereof, the investigating judge may, at the request of the state prosecutor adducing reasonable grounds, order the operator of the electronic communications network to furnish him with information on the participants in and the circumstances and facts of electronic communications, such as: number or other form of identification of users of electronic communications services; the type, date, time and duration of the call or other form of electronic communications service; the quantity of data transmitted; and the place where the electronic communications service was performed.

(2) The request and order must be in written form and must contain information that allows the means of electronic communication to be identified, an adducement of reasonable grounds, the time period for which the information is required and other important circumstances that dictate use of the measure.

(3) If there are reasonable grounds for suspecting that a criminal offence for which a perpetrator is prosecuted ex officio has been committed or is being prepared, and information on the owner or user of a certain means of electronic communication whose details are not available in the relevant directory, as well as information on the time the means of communication was or is in use, needs to be obtained in order to uncover this criminal offence or the perpetrator thereof, the police may demand that the operator of the electronic communications network furnish it with this information, at its written request and even without the consent of the individual to whom the information refers.

(4) The operator of electronic communications networks may not disclose to its clients or a third party the fact that it has given certain information to an investigating judge (first paragraph of this article) or the police (preceding paragraph), or that it intends to do so.

Article 19 – Search and seizure of stored computer data

1 Each Party shall adopt such legislative and other measures as may be

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>necessary to empower its competent authorities to search or similarly access:</p> <ul style="list-style-type: none"> a a computer system or part of it and computer data stored therein; and b a computer-data storage medium in which computer data may be stored <p>in its territory.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to:</p> <ul style="list-style-type: none"> a seize or similarly secure a computer system or part of it or a computer-data storage medium; b make and retain a copy of those computer data; c maintain the integrity of the relevant stored computer data; d render inaccessible or remove those computer data in the accessed computer system. <p>4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2.</p> <p>5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	
<p>Article 20 – Real-time collection of traffic data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:</p> <ul style="list-style-type: none"> a collect or record through the application of technical means on 	<p>Criminal Procedure Code, Article 219.a</p> <p>(1) Investigation of electronic and related devices and media electronic data (electronic device), such as telephone, fax, computer, floppy disk, optical media and memory cards, as a result of the acquisition of data in electronic form can</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

the territory of that Party, and

b compel a service provider, within its existing technical capability:

i to collect or record through the application of technical means on the territory of that Party; or

ii to co-operate and assist the competent authorities in the collection or recording of, traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system.

2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory.

3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.

4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

be carried out if there are reasonable grounds to suspect that the offense was committed and the likelihood that the electronic device contains electronic data:

- on the basis of which it can be suspected or accused person to identify, detect or apprehend or detect traces of the crime, which are important for the criminal proceedings, or
- it can be used as evidence in criminal proceedings.

(2) The investigation will be carried out on the basis of the prior written consent of the holder and known to the police and reach users of electronic devices on it reasonably expect privacy (user), or on the basis of a reasoned written order issued by the Court on a proposal from the public prosecutor. If a search is conducted on the basis of a court order, a copy of that order before the start of the investigation handed over to the holder or user of electronic devices to be tested.

(3) Motion and Order for investigation of electronic devices must contain:

- information allowing identification of electronic devices, which will be investigated;
- justification for the investigation;
- define the content of the information sought;
- Other relevant circumstances, requiring the use of investigative actions and determine the manner of its execution.

(4) If the investigation is ordered by electronic devices in order for a house or a personal search for the issuance of work order and its execution, the conditions and procedures set out in this Article. In this case, the proposal for home or personal search across the state prosecutor.

(5) Exceptionally, if a written order can not be obtained in time, and if there is an imminent and serious danger to the safety of persons or property, the investigating judge on the oral amendment the state prosecutor ordered an investigation of electronic devices with an oral order. The Attorney General's proposal and order the investigating judge made an official note. The written order must be issued no later than twelve hours after issuing the verbal order, namely the police, which the order was executed, the record destroyed or delete

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

saved or copied data and shall within eight days inform the investigating judge, the public prosecutor and the holder or user of the electronic device if it is known.

(6) The holder or user of the electronic device must allow access to the device, to provide encryption keys or encryption passwords and notes on the use of devices that are necessary to achieve the purpose of the investigation. If refuses to do so, shall be punished or shut down by the second paragraph of Article 220 of this Act, unless the suspect or the accused or person who may not be heard as a witness (Article 235) or in accordance with this Act denied testimony (Article 236). (7) The investigation is carried out so as to maintain the integrity of the original data and the possibility of their use in a subsequent process. The investigation must be conducted in a way which is the least possible interference with the rights of persons who are suspected or accused persons, and to protect the secrecy and confidentiality of the data and does not cause disproportionate harm. (8) The investigation carried out by qualified personnel. An investigation of the devices record, among other things, comprising: - identification of the electronic device, which has been checked; - date and time of the start and end of the investigation or separately for more investigations if the investigation were not made in one piece; - potential participants and bystanders during the investigation; - the number of orders and the court that issued; - the arrangements for the investigation; - findings of the investigation and other relevant circumstances. (9) If the investigation find information not relating to the crime for which the investigation was initiated, but indicate another criminal offense for which the perpetrator is prosecuted ex officio seized too. This is indicated in minutes and immediately reported to the Public Prosecutor to initiate criminal prosecution. This information is destroyed immediately if the public prosecutor finds that there are no grounds for prosecution, nor any other legal reason that the data should be taken. The destruction is drawn up. (10) If this article does not otherwise stated, for the imposition and execution of the order on the investigation of electronic devices apply mutatis mutandis third and fourth paragraph of Article 215 and the fourth, fifth and seventh paragraph of Article 216 of this Act. (11) When the investigation was completed electronic devices without a court order or in conflict with it, or without the written consent referred to in the second paragraph of this Article, the court of its decision not

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	to rely on the record of the investigation and the data thus obtained..
<p>Article 21 – Interception of content data</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to:</p> <p>a collect or record through the application of technical means on the territory of that Party, and</p> <p>b compel a service provider, within its existing technical capability:</p> <p> i to collect or record through the application of technical means on the territory of that Party, or</p> <p> ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system.</p> <p>2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>Criminal Procedure Code, Article 150</p> <p>(1) If there are well-founded grounds for suspecting that a particular person has committed, is committing or is preparing or organising the committing of any of the criminal offences listed in the second paragraph of this Article, and if there exists a well-founded suspicion that such person is using for communications in connection with this criminal offence a particular means of communication or computer system or that such means or system will be used, wherein it is possible to reasonably conclude that other measures will not permit the gathering of data or that the gathering of data could endanger the lives or health of people, the following may be ordered against such person:</p> <ol style="list-style-type: none"> 1) the monitoring of electronic communications using listening and recording devices and the control and protection of evidence on all forms of communication transmitted over the electronic communications network; 2) control of letters and other parcels; 3) control of the computer systems of banks or other legal entities which perform financial or other commercial activities; 4) wire-tapping and recording of conversations with the permission of at least one person participating in the conversation;
<p>Section 3 – Jurisdiction</p>	
<p>Article 22 – Jurisdiction</p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:</p> <ol style="list-style-type: none"> a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or 	<p>Application of the Penal Code of the Republic of Slovenia to Any Person Who Commits a Criminal Offence in Its Territory</p> <p>Criminal Procedure Code, Article 10-14</p> <p>(1) The Penal Code of the Republic of Slovenia shall apply to any person who commits a criminal offence in the territory of the Republic of Slovenia.</p> <p>(2) The Penal Code of the Republic of Slovenia shall also apply to any person who commits a criminal offence on a domestic vessel regardless of its location at</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.

2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof.

3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition.

4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.

When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

the time of the committing of the offence.

(3) The Penal Code of the Republic of Slovenia shall also apply to any person who commits a criminal offence on a domestic civil aircraft in flight or on a domestic military aircraft regardless of its location at the time of the committing of the offence.

Application of the Penal Code of the Republic of Slovenia for Specific Criminal Offences Committed in a Foreign Country
Article 11
The Penal Code of the Republic of Slovenia shall apply to any person who, in a foreign country, commits

- a criminal offence under Article 243 of this Penal Code or the criminal offences referred to in Articles 332, 333 and 334 of this Code, provided that they were committed in the ecological protection zone or in the continental shelf of the Republic of Slovenia;
- criminal offences under Article 108 and Articles 348-360 of this Penal Code.

Application of the Penal Code of the Republic of Slovenia to Citizens of the Republic of Slovenia Who Commit a Criminal Offence Abroad
Article 12
The Penal Code of the Republic of Slovenia shall be applicable to any citizen of the Republic of Slovenia who commits any criminal offence abroad other than those specified in the preceding Article.

Application of the Penal Code of the Republic of Slovenia to Foreign Citizens Who Commit a Criminal Offence Abroad
Article 13
(1) The Penal Code of the Republic of Slovenia shall apply to any foreign citizen who has, in a foreign country, committed a criminal offence against the Republic of Slovenia or any of its citizens, even though the offences in question are not covered by Article 11 of this Penal Code.
(2) The Penal Code of the Republic of Slovenia shall also be applicable to any foreign citizen who has, in a foreign country, committed a criminal offence against a third country or any of its citizens if he has been apprehended in the territory of the Republic of Slovenia, and not extradited to the foreign country. In such cases, the court shall not impose a sentence on the perpetrator which is heavier than the sentence prescribed by the law of the country in which the offence was committed.

Special Conditions for Prosecution
Article 14
(1) If, in cases under Article 10 and indent 1 of Article 11 of this Penal Code, the

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>criminal procedure has been initiated or discontinued in a foreign country, the perpetrator may be prosecuted in the Republic of Slovenia only by permission of the Minister for Justice (hereinafter .the Minister.) with notice of the conditions under which the prosecution shall not violate the double jeopardy.</p> <p>(2) In cases under Articles 12 and 13 of this Penal Code, the perpetrator shall not be prosecuted:</p> <p>1) if he has served the sentence imposed on him in the foreign country or if it was decided in accordance with an international agreement that the sentence imposed in the foreign country is to be served in the Republic of Slovenia;</p> <p>2) if he has been acquitted by a foreign court or if his sentence has been remitted or the execution of the sentence has fallen under the statute of limitations;</p> <p>3) if, according to foreign law, the criminal offence concerned may only be prosecuted upon the complaint of the injured party and the latter has not been filed.</p> <p>(3) In cases under Articles 12 and 13, the perpetrator shall be prosecuted only insofar as his conduct constitutes a criminal offence in the country in which it was committed.</p> <p>(4) If, in the case under Article 12 of this Penal Code, the criminal offence committed against the Republic of Slovenia or the citizen thereof does not constitute a criminal offence under the law of the country in which it was committed, the perpetrator of such an offence may be prosecuted only by permission of the Minister for Justice of the Republic of Slovenia.</p> <p>(5) If, in all other cases except the cases referred to in indent 2 of Article 11 and paragraph 4 of this Article of this Penal Code, the criminal offence is not punished in the country in which it was committed, the perpetrator may be prosecuted only by permission of the Minister for Justice and with the proviso that, according to the general principles of law recognised by the international community, the offence in question constituted a criminal act at the time it was committed.</p> <p>(6) In the case under Article 10, the prosecution of a foreign person may be transferred to another country under the conditions provided by the statute.</p>
Chapter III – International co-operation	
<p>Article 24 – Extradition</p> <p>1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty.</p>	<p>Criminal Procedure Code, Article 521</p> <p>In the absence of an international treaty provides otherwise, the request and performs the extradition of accused and convicted persons under the provisions of this Act.</p> <p>Article 522</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.

2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.

3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article.

4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.

5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.

6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.

7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty.

(1) The conditions for extradition are:

1. that the person whose extradition is requested is not a citizen of the Republic of Slovenia,

2. that the offense for which extradition is requested was not committed in the territory of the Republic of Slovenia, against it or its citizen;

3. that the offense for which extradition is sought is a criminal offense both under the domestic law, as under the law of the country where it was committed;

4. In the event that the request for extradition for prosecution for an offense under the law of both countries may impose a penalty of one or more years in prison or a security measure in duration of more than one year;

5. In the event that the request for extradition for the execution of legally imposed sentences or detention is a punishment or security measure, or the residue that has to be executed, at least 4 months;

6. that under domestic law is not barred prosecution or not time-barred execution of the sentence before the person has been detained or questioned as a defendant;

7. that the person whose extradition is requested has not been the same act has already been finally acquitted or convicted in the Republic of Slovenia or a foreign country, provided that in the case of the penalties imposed sentence has been passed or is being served or under the law of the country which has penalty imposed, the penalty can no longer be enforced or criminal proceedings against him were finally discontinued the charge was finally rejected; or that there is an alien in the Republic of Slovenia for the same against the Republic of Slovenia committed acts of criminal proceedings, if the procedure has been initiated for offenses committed against a national of the Republic of Slovenia, the pledged collateral to enforce the pecuniary claim of the injured party;

8. order against the person whose extradition is sought, the requesting country is not pending before an extraordinary court in the case of a request for extradition for carrying out the procedure, and that there is no such court handed down a sentence in the case of a request for extradition for enforcement purposes;

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure

9. that the requesting country give appropriate assurances that the death penalty will not be imposed or carried out, if extradition is requested for an offense for which the requesting State prescribed the death penalty;

10. that, when it comes to enforcement of the sentence that has been imposed by a final judgment in a trial in absentia of the person whose extradition is sought, the requesting State shall provide appropriate evidence that the person was summoned personally or was a time and place of the proceedings through a representative, authorized in accordance with the law of the country which issued the judgment, which the judgment was rendered in absentia, or that person is a competent authority that it does not contest the decision; or ensure that criminal proceedings for the extradition again carried out in the presence of the extradited person;

11 that the request for extradition is made for an offense committed by the requested person, when not yet 14 years old;

12. noted that the identity of the person whose extradition is requested;

13 that there is sufficient evidence to justify the suspicion that the alien whose extradition is requested committed a particular offense or that there is a final judgment on this.

(2) If the request for extradition refers to several offenses which under the law of the requesting State as well as by the law of the Republic of Slovenia punishable by imprisonment or security measures, some of them concerning the amount of the penalties does not meet the threshold prescribed penalties laid down in points 4 and 5 of the preceding paragraph, extradition may be granted for these offenses, if permitted for other crimes.

Article 523

(1) The procedure for extradition of accused or convicted aliens shall be imposed at the request of a foreign country.

(2) The request for extradition shall be made through diplomatic channels.

(3) The application for the rendition to be accompanied by:

1) means for determining the identity of the accused or convicted person

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>(precise description, photographs, fingerprints, etc.);</p> <p>2) certificate or other data on foreigner's citizenship;</p> <p>3) The indictment or judgment or a decision on detention or any other act which is equivalent to that decision, the original or a certified copy. It must specify: name and surname of the person whose extradition is requested and other data necessary to establish his identity, description of the act, the legal classification of the offense and evidence for probable cause;</p> <p>4) extract from the text of the criminal law of a foreign country, to be used or has been used against the accused for the acts giving rise to the extradition requested; if the offense was committed on the territory of a third country, as well as extract from the text of the criminal law of this country.</p> <p>(4) If the application and appendices drawn up in a foreign language must be accompanied by a certified translation into Slovenian language.</p>
<p>Article 25 – General principles relating to mutual assistance</p> <p>1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.</p> <p>2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35.</p> <p>3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.</p> <p>4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The</p>	<p>Criminal Procedure Code, Article 514</p> <p>International criminal law assistance is given under this Act, unless an international treaty provides otherwise.</p> <p>Article 515</p> <p>(1) Requests domestic courts and public prosecutor's offices for legal assistance in criminal matters shall be transmitted to foreign authorities through diplomatic channels. In the same way, sending the domestic courts request foreign authorities for legal assistance.</p> <p>(2) In urgent cases and subject to reciprocity may be a request for legal assistance sent by the Ministry of the Interior, but when it comes to money laundering or criminal offenses in relation to the offense of money laundering, as well as the body, which is responsible for the prevention of money laundering.</p> <p>(3) If reciprocity or if so stipulated by an international treaty, can international criminal law assistance given directly to domestic and foreign bodies involved in pre-trial and criminal proceedings. This can be used modern technical means, in particular, computer network devices for transmission of images, voice and electronic impulses.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence.</p> <p>5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.</p>	
<p>Article 26 – Spontaneous information</p> <p>1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.</p> <p>2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.</p>	<p>Criminal Procedure Code, Article 516.c</p> <p>(1) Where an international treaty, the courts or state prosecution without prior application to the competent authority of another country to or from them receive information relating to the offenses which they have acquired in the exercise of their powers, if they deem that such data It may be useful for the implementation of the pre-trial or criminal proceedings or could be the basis for an application for legal aid.</p> <p>(2) The exchange of information under the preceding paragraph shall not affect the establishment or conduct of criminal proceedings and does not affect the execution of other authority which transmitted the data.</p> <p>(3) If the authority to send the data set to use what conditions, these conditions are bound by the authority which received the information.</p>
<p>Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements</p> <p>1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.</p>	<p>Criminal Procedure Code, Article 516</p> <p>(1) The Ministry of Foreign Affairs, sent a request of a foreign authority for legal assistance to the ministry responsible for justice, which in turn sends it to the process of the district court in whose territory resides the one who is to be served with how to write, to be hear or face or on whose territory it is to be done any other investigative action. In the case of a request for the execution of the actions for which the domestic law of the competent prosecutor, Department of Justice sent a request to process the Public Prosecutor, on whose territory the</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.

b The central authorities shall communicate directly with each other;

c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph;

d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.

4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if:

a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or

b it considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.

6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.

7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.

8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested

act to be performed.

(2) If the jurisdiction of several courts, is what territorial jurisdiction which is competent to execute the first offense specified in the request. If more competent public prosecutors' offices, the territorial jurisdiction that is responsible for performing the first act referred to in the request. If a foreign body requesting execution of several offenses, one of which is under the domestic law of some jurisdiction of the court of the other State Prosecutor's Office, the request sent to the state prosecutor who carried out acts within its jurisdiction and that the Court harness acts of jurisdiction.

(3) In the cases referred to in paragraph 515 of this Act sends a request to the Court and State Prosecutor's Office Ministry of the Interior.

(4) The permissible actions, which asks a foreign body and the manner of executing the decision by a competent national authority, in accordance with domestic regulations and international agreements. Applications for international criminal assistance may be granted if the implementation of the actions of aid is not contrary to the law of the Republic of Slovenia or does not harm its sovereignty and security.

(5) Notwithstanding the provision of the fourth paragraph of this Article shall at the request of a foreign country can be an act of assistance is carried out in the manner prescribed by the law of the requesting State, if such a method of implementation of actions consistent with fundamental principles of domestic criminal proceedings.

(6) The competent authority in the Republic of Slovenia, at the request of the competent authority of the requesting State shall inform the latter about the time and place of execution of certain procedural actions. Representatives of the competent authorities of the requesting State and the other parties to the proceedings and their legal representatives may be present in an operation aid if it is probable that their presence and participation beneficial for the proper conduct of legal aid. This decision authority, in whose jurisdiction the enforcement actions of assistance.

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.

b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol).

c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.

d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.

e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.

Article 28 – Confidentiality and limitation on use

1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.

2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is:

a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or

b not used for investigations or proceedings other than those stated in the request.

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it.</p> <p>4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.</p>	
<p>Article 29 – Expedited preservation of stored computer data</p> <p>1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.</p> <p>2 A request for preservation made under paragraph 1 shall specify:</p> <ul style="list-style-type: none"> a the authority seeking the preservation; b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts; c the stored computer data to be preserved and its relationship to the offence; d any available information identifying the custodian of the stored computer data or the location of the computer system; e the necessity of the preservation; and f that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data. <p>3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.</p> <p>4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under</p>	<p>Criminal Procedure Code, Article 164</p> <p>(1) The police may even prior to the initiation seize items at 220th of this Act, if it would be dangerous to delay, and the conditions of the 218th of this Act to make home and personal investigation.</p> <p>"Explanation": This is general provision that allows police to seize items (i.e. digital evidence) and do a house and/or personal search.</p> <p>Criminal Procedure Code, 220th Article (seizure of items)</p> <p>(1) Items which must be take under criminal or may be evidence in criminal proceedings shall be seized and deposited with the court or otherwise protect their storage.</p> <p>(2) A person who has such items must delivered them at the request of the court. If he does not deliver the items, they can to be punished by a fine specified in the first paragraph of Article 78 of this Act, if he still don't want to do, he can be put in prison. Prison lasts until the surrender of items or until the end of criminal proceedings, but more than one month.</p> <p>(4) Police officers may seize items mentioned in the first paragraph of this Article, when act in connection with 148 and 164 Article of this Act or when they issuing the court order.</p> <p>"Explanation": This provision allows police to seize (also temporary) items (i.e. digital evidence).</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.

5 In addition, a request for preservation may only be refused if:

a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or

b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.

Article 30 – Expedited disclosure of preserved traffic data

1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted.

2 Disclosure of traffic data under paragraph 1 may only be withheld if:

a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or

b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

Criminal Procedure Code, Article 164

(1) The police may even prior to the initiation seize items at 220th of this Act, if it would be dangerous to delay, and the conditions of the 218th of this Act to make home and personal investigation.

"Explanation": This is general provision that allows police to seize items (i.e. digital evidence) and do a house and/or personal search.

Criminal Procedure Code, 220th Article (seizure of items)

(1) Items which must be take under criminal or may be evidence in criminal proceedings shall be seized and deposited with the court or otherwise protect their storage.

(2) A person who has such items must delivered them at the request of the court. If he does not deliver the items, they can to be punished by a fine

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>specified in the first paragraph of Article 78 of this Act, if he still don't want to do, he can be put in prison. Prison lasts until the surrender of items or until the end of criminal proceedings, but more than one month.</p> <p>(4) Police officers may seize items mentioned in the first paragraph of this Article, when act in connection with 148 and 164 Article of this Act or when they issuing the court order.</p> <p>"Explanation": This provision allows police to seize (also temporary) items (i.e. digital evidence).</p>
<p>Article 31 – Mutual assistance regarding accessing of stored computer data</p> <p>1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29.</p> <p>2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter.</p> <p>3 The request shall be responded to on an expedited basis where:</p> <p>a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or</p> <p>b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.</p>	<p>Criminal Procedure Code, Article 515</p> <p>(1) Requests domestic courts and public prosecutor's offices for legal assistance in criminal matters shall be transmitted to foreign authorities through diplomatic channels. In the same way, sending the domestic courts request foreign authorities for legal assistance.</p> <p>(2) In urgent cases and subject to reciprocity may be a request for legal assistance sent by the Ministry of the Interior, but when it comes to money laundering or criminal offenses in relation to the offense of money laundering, as well as the body, which is responsible for the prevention of money laundering.</p> <p>(3) If reciprocity or if so stipulated by an international treaty, can international criminal law assistance given directly to domestic and foreign bodies involved in pre-trial and criminal proceedings. This can be used modern technical means, in particular, computer network devices for transmission of images, voice and electronic impulses.</p> <p>Criminal Procedure Code, Article 516</p> <p>(1) The Ministry of Foreign Affairs, sent a request of a foreign authority for legal assistance to the ministry responsible for justice, which in turn sends it to the process of the district court in whose territory resides the one who is to be served with how to write, to be hear or face or on whose territory it is to be done any other investigative action. In the case of a request for the execution of the actions for which the domestic law of the competent prosecutor, Department of Justice sent a request to process the Public Prosecutor, on whose territory the</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>act to be performed.</p> <p>(2) If the jurisdiction of several courts, is what territorial jurisdiction which is competent to execute the first offense specified in the request. If more competent public prosecutors' offices, the territorial jurisdiction that is responsible for performing the first act referred to in the request. If a foreign body requesting execution of several offenses, one of which is under the domestic law of some jurisdiction of the court of the other State Prosecutor's Office, the request sent to the state prosecutor who carried out acts within its jurisdiction and that the Court harness acts of jurisdiction.</p> <p>(3) In the cases referred to in paragraph 515 of this Act sends a request to the Court and State Prosecutor's Office Ministry of the Interior.</p> <p>(4) The permissible actions, which asks a foreign body and the manner of executing the decision by a competent national authority, in accordance with domestic regulations and international agreements. Applications for international criminal assistance may be granted if the implementation of the actions of aid is not contrary to the law of the Republic of Slovenia or does not harm its sovereignty and security.</p> <p>(5) Notwithstanding the provision of the fourth paragraph of this Article shall at the request of a foreign country can be an act of assistance is carried out in the manner prescribed by the law of the requesting State, if such a method of implementation of actions consistent with fundamental principles of domestic criminal proceedings.</p> <p>(6) The competent authority in the Republic of Slovenia, at the request of the competent authority of the requesting State shall inform the latter about the time and place of execution of certain procedural actions. Representatives of the competent authorities of the requesting State and the other parties to the proceedings and their legal representatives may be present in an operation aid if it is probable that their presence and participation beneficial for the proper conduct of legal aid. This decision authority, in whose jurisdiction the enforcement actions of assistance.</p>
<p>Article 32 – Trans-border access to stored computer data with consent or where publicly available A Party may, without the authorisation of another Party: a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or</p>	<p>Criminal Procedure Code, Article 515</p> <p>(1) Requests domestic courts and public prosecutor's offices for legal assistance in criminal matters shall be transmitted to foreign authorities through diplomatic channels. In the same way, sending the domestic courts request foreign</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.

authorities for legal assistance.

(2) In urgent cases and subject to reciprocity may be a request for legal assistance sent by the Ministry of the Interior, but when it comes to money laundering or criminal offenses in relation to the offense of money laundering, as well as the body, which is responsible for the prevention of money laundering.

(3) If reciprocity or if so stipulated by an international treaty, can international criminal law assistance given directly to domestic and foreign bodies involved in pre-trial and criminal proceedings. This can be used modern technical means, in particular, computer network devices for transmission of images, voice and electronic impulses.

Criminal Procedure Code, Article 516

(1) The Ministry of Foreign Affairs, sent a request of a foreign authority for legal assistance to the ministry responsible for justice, which in turn sends it to the process of the district court in whose territory resides the one who is to be served with how to write, to be hear or face or on whose territory it is to be done any other investigative action. In the case of a request for the execution of the actions for which the domestic law of the competent prosecutor, Department of Justice sent a request to process the Public Prosecutor, on whose territory the act to be performed.

(2) If the jurisdiction of several courts, is what territorial jurisdiction which is competent to execute the first offense specified in the request. If more competent public prosecutors' offices, the territorial jurisdiction that is responsible for performing the first act referred to in the request. If a foreign body requesting execution of several offenses, one of which is under the domestic law of some jurisdiction of the court of the other State Prosecutor's Office, the request sent to the state prosecutor who carried out acts within its jurisdiction and that the Court harness acts of jurisdiction.

(3) In the cases referred to in paragraph 515 of this Act sends a request to the Court and State Prosecutor's Office Ministry of the Interior.

(4) The permissible actions, which asks a foreign body and the manner of executing the decision by a competent national authority, in accordance with domestic regulations and international agreements. Applications for international criminal assistance may be granted if the implementation of the actions of aid is

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>not contrary to the law of the Republic of Slovenia or does not harm its sovereignty and security.</p> <p>(5) Notwithstanding the provision of the fourth paragraph of this Article shall at the request of a foreign country can be an act of assistance is carried out in the manner prescribed by the law of the requesting State, if such a method of implementation of actions consistent with fundamental principles of domestic criminal proceedings.</p> <p>(6) The competent authority in the Republic of Slovenia, at the request of the competent authority of the requesting State shall inform the latter about the time and place of execution of certain procedural actions. Representatives of the competent authorities of the requesting State and the other parties to the proceedings and their legal representatives may be present in an operation aid if it is probable that their presence and participation beneficial for the proper conduct of legal aid. This decision authority, in whose jurisdiction the enforcement actions of assistance.</p>
<p>Article 33 – Mutual assistance in the real-time collection of traffic data</p> <p>1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law.</p> <p>2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.</p>	<p>Criminal Procedure Code, Article 515</p> <p>(1) Requests domestic courts and public prosecutor's offices for legal assistance in criminal matters shall be transmitted to foreign authorities through diplomatic channels. In the same way, sending the domestic courts request foreign authorities for legal assistance.</p> <p>(2) In urgent cases and subject to reciprocity may be a request for legal assistance sent by the Ministry of the Interior, but when it comes to money laundering or criminal offenses in relation to the offense of money laundering, as well as the body, which is responsible for the prevention of money laundering.</p> <p>(3) If reciprocity or if so stipulated by an international treaty, can international criminal law assistance given directly to domestic and foreign bodies involved in pre-trial and criminal proceedings. This can be used modern technical means, in particular, computer network devices for transmission of images, voice and electronic impulses.</p> <p>Criminal Procedure Code, Article 516</p> <p>(1) The Ministry of Foreign Affairs, sent a request of a foreign authority for legal assistance to the ministry responsible for justice, which in turn sends it to the</p>

BUDAPEST CONVENTION**DOMESTIC LEGISLATION**

process of the district court in whose territory resides the one who is to be served with how to write, to be heard or face or on whose territory it is to be done any other investigative action. In the case of a request for the execution of the actions for which the domestic law of the competent prosecutor, Department of Justice sent a request to process the Public Prosecutor, on whose territory the act to be performed.

(2) If the jurisdiction of several courts, is what territorial jurisdiction which is competent to execute the first offense specified in the request. If more competent public prosecutors' offices, the territorial jurisdiction that is responsible for performing the first act referred to in the request. If a foreign body requesting execution of several offenses, one of which is under the domestic law of some jurisdiction of the court of the other State Prosecutor's Office, the request sent to the state prosecutor who carried out acts within its jurisdiction and that the Court harness acts of jurisdiction.

(3) In the cases referred to in paragraph 515 of this Act sends a request to the Court and State Prosecutor's Office Ministry of the Interior.

(4) The permissible actions, which asks a foreign body and the manner of executing the decision by a competent national authority, in accordance with domestic regulations and international agreements. Applications for international criminal assistance may be granted if the implementation of the actions of aid is not contrary to the law of the Republic of Slovenia or does not harm its sovereignty and security.

(5) Notwithstanding the provision of the fourth paragraph of this Article shall at the request of a foreign country can be an act of assistance is carried out in the manner prescribed by the law of the requesting State, if such a method of implementation of actions consistent with fundamental principles of domestic criminal proceedings.

(6) The competent authority in the Republic of Slovenia, at the request of the competent authority of the requesting State shall inform the latter about the time and place of execution of certain procedural actions. Representatives of the competent authorities of the requesting State and the other parties to the proceedings and their legal representatives may be present in an operation aid if it is probable that their presence and participation beneficial for the proper conduct of legal aid. This decision authority, in whose jurisdiction the enforcement actions of assistance.

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>Article 34 – Mutual assistance regarding the interception of content data</p> <p>The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.</p>	<p>Criminal Procedure Code, Article 515</p> <p>(1) Requests domestic courts and public prosecutor's offices for legal assistance in criminal matters shall be transmitted to foreign authorities through diplomatic channels. In the same way, sending the domestic courts request foreign authorities for legal assistance.</p> <p>(2) In urgent cases and subject to reciprocity may be a request for legal assistance sent by the Ministry of the Interior, but when it comes to money laundering or criminal offenses in relation to the offense of money laundering, as well as the body, which is responsible for the prevention of money laundering.</p> <p>(3) If reciprocity or if so stipulated by an international treaty, can international criminal law assistance given directly to domestic and foreign bodies involved in pre-trial and criminal proceedings. This can be used modern technical means, in particular, computer network devices for transmission of images, voice and electronic impulses.</p> <p>Criminal Procedure Code, Article 516</p> <p>(1) The Ministry of Foreign Affairs, sent a request of a foreign authority for legal assistance to the ministry responsible for justice, which in turn sends it to the process of the district court in whose territory resides the one who is to be served with how to write, to be hear or face or on whose territory it is to be done any other investigative action. In the case of a request for the execution of the actions for which the domestic law of the competent prosecutor, Department of Justice sent a request to process the Public Prosecutor, on whose territory the act to be performed.</p> <p>(2) If the jurisdiction of several courts, is what territorial jurisdiction which is competent to execute the first offense specified in the request. If more competent public prosecutors' offices, the territorial jurisdiction that is responsible for performing the first act referred to in the request. If a foreign body requesting execution of several offenses, one of which is under the domestic law of some jurisdiction of the court of the other State Prosecutor's Office, the request sent to the state prosecutor who carried out acts within its jurisdiction and that the Court harness acts of jurisdiction.</p> <p>(3) In the cases referred to in paragraph 515 of this Act sends a request to the Court and State Prosecutor's Office Ministry of the Interior.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
	<p>(4) The permissible actions, which asks a foreign body and the manner of executing the decision by a competent national authority, in accordance with domestic regulations and international agreements. Applications for international criminal assistance may be granted if the implementation of the actions of aid is not contrary to the law of the Republic of Slovenia or does not harm its sovereignty and security.</p> <p>(5) Notwithstanding the provision of the fourth paragraph of this Article shall at the request of a foreign country can be an act of assistance is carried out in the manner prescribed by the law of the requesting State, if such a method of implementation of actions consistent with fundamental principles of domestic criminal proceedings.</p> <p>(6) The competent authority in the Republic of Slovenia, at the request of the competent authority of the requesting State shall inform the latter about the time and place of execution of certain procedural actions. Representatives of the competent authorities of the requesting State and the other parties to the proceedings and their legal representatives may be present in an operation aid if it is probable that their presence and participation beneficial for the proper conduct of legal aid. This decision authority, in whose jurisdiction the enforcement actions of assistance.</p>
<p>Article 35 – 24/7 Network</p> <p>1 Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures:</p> <ul style="list-style-type: none"> a the provision of technical advice; b the preservation of data pursuant to Articles 29 and 30; c the collection of evidence, the provision of legal information, and locating of suspects. <p>2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.</p>	<p>Slovenia is on the list of 24/7 contact points.</p>

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<p>b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis.</p> <p>3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.</p>	
<p>Article 42 – Reservations By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.</p>	