ACORD DE COOPERARE

DINTRE GUVERNELE STATELOR PARTICIPANTE LA COOPERAREA ECONOMICĂ A MĂRII NEGRE PRIVIND COMBATEREA CRIMINALITĂȚII, ÎN SPECIAL A FORMELOR SALE ORGANIZATE*

ADOPTAT LA KERKYRA, LA 2 OCTOMBRIE 1998

AGREEMENT

AMONG THE GOVERNMENTS OF THE BLACK SEA ECONOMIC COOPERATION PARTICIPATING STATES ON COOPERATION IN COMBATING CRIME, IN PARTICULAR IN ITS ORGANIZED FORMS

DONE AT KERKYRA, ON 2 OCTOBER 1998

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* *În vigoare pentru Republica Moldova din 23 octombrie 1999.*

THE GOVERNMENTS of the Black Sea Economic Cooperation (BSEC) Participating States: the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova, Romania, the Russian Federation, the Republic of Turkey, Ukraine, hereinafter referred to as "The Parties",

RECOGNIZING that national and international crime, in all its forms, poses a serious threat to the health, security and welfare of human beings, and adversely affect the economic, cultural and political foundations of society,

BEING deeply concerned about the scale and trends of crime development, in general,

NOTING that there are cases of growing linkage between international illicit trafficking in narcotic drugs and psychotropic substances, terrorism and organized crime,

TAKING into consideration the provisions of the United Nations documents in the sphere of crime prevention and control, in particular concerning organized crime, illicit traffic of narcotic drugs and psychotropic substances, weapons and radioactive materials, all acts of terrorism as well as criminal activities related to migration,

TAKING into consideration the provisions of the Bucharest Statement of the high level Meeting of the BSEC Participating States of 30 June 1995, the Recommendations of the Parliamentary Assembly of BSEC (PABSEC) 15/1996 of 12 June 1996 on cooperation among the PABSEC Member Countries, on combating organized crime, the joint Statement of the First Meeting of the Ministers of Internal Affairs of the BSEC Participating States, of 17 October 1996, in Yerevan, that was approved by the Heads of Countries and Governments of BSEC Participating States, on 25 October 1996, in Moscow, and the joint Declaration of the Second Meeting of the Ministers of Internal fVffairs in Istanbul, on 22 October 1997,

PAYING great attention to international cooperation in the sphere of combating crime and willing to render mutual assistance in this sphere as wide and effective as possible within the appropriate adherence to generally recognized human rights and freedoms,

EMPHASIZING the need that every effort to combat crime should take into account the relative activities taking place at a global and regional level,

PROCEEDING on the basis of the principles of equality and mutual benefit,

RESPECTING international agreements and national legislations existing in the BSEC Participating States, and without prejudice to their previous commitments based on bilateral and multilateral agreements with third States,

HAVE AGREED AS FOLLOWS:

Article 1

Areas of Cooperation

1. The Parties shall cooperate for the prevention, suppression, detection, disclosure and investigation of crimes, and in particular of:

- acts of terrorism;
- organized crime;
- illicit cultivation, production, manufacture and trafficking in narcotic drugs and psychotropic substances;
- illicit manufacture, illicit trade and use of precursors and essential chemicals for the illegal production of narcotic drugs and psychotropic substances
- illegal trafficking in weapons, including biological, chemical and radiological weapons, ammunition, explosives, nuclear and radioactive materials, as well as poisonous substances;
- international illegal economic activities and legalization of proceeds (money laundering) deriving from criminal activities, suspicious economic and banking transactions and abuses in the investment field;
- smuggling;
- criminal activities related to migration, illegal crossing of borders and illegal trafficking in human beings;
- sexual exploitation of women and minors or children;
- counterfeiting and forgery of banknotes, credit cards, documents, securities and other values, as well as any kind of identity documents;
- violent crimes against human life and property;
- illicit trafficking in items of historic and cultural heritage, works of art, precious stones and metals, intellectual property, as well as any other valuable items;
- corruption;
- ecological crime;

- hightech crime, including computer crime;

- kidnapping and trade of human organs;
- maritime crime (maritime fraud, piracy etc.);
- theft and illegal trafficking in vehicles.

2. The Parties shall also cooperate in the following fields:

- education, training and skill enhancement of personnel;
- cooperation in cultural, sport and social fields through the exchange of delegations;
- carrying out scientific research for the purpose of combating crime and of developing information systems, communication means and special equipment;
- cooperation in other areas of mutual interest, with the aim of controlling criminality in general, and preventing crime, such as the detection of missing persons, stolen or lost items, and the identification of corpses.

Article 2

Forms of Cooperation

Cooperation among the Parties may be achieved in particular through:

- exchange of information and experience in the fields of common interest;
- exchange of information for the prevention and suppression of any form of transnational crime, in particular all acts of terrorism, organized crime, illicit traffic of narcotic drugs and psychotropic substances, weapons and radioactive materials, criminal activities related to migration, including information as to individuals and criminal networks involved in the transnational crime;
- planning and adoption of coordinated actions against criminal networks;
- search of individuals escaping from criminal prosecution or execution of sentences, as well as those reported missing;
- exchange of information concerning new types of crime, methods and forms of prevention, suppression, detection and investigation of them;
- assistance in detecting suspicious economic and banking transactions, including those related to the legalization of criminal proceeds;
- exchange of experience on the use of scientific and technological

methods and means for criminological and forensic researches, especially in the areas of investigation, detection and control of narcotic drugs, psychotropic substances and precursors, in accordance with the international law;

- exchange of information concerning methods used for transportation, concealment and distribution of narcotic drugs and psychotropic substances;
- taking necessary legal, administrative and security measures at their borders in order to prevent smuggling, especially in narcotic drugs and psychotropic substances;
- exchange of information about new types of narcotic drugs and psychotropic substances which appear in illegal trafficking, manufacturing technology and substances used hereto, as well as new methods of research used in the analysis and identification of narcotic drugs and psychotropic substances;
- exchange of information regarding cases of links of illicit trafficking in drugs and psychotropic substances with terrorism and organized crime;
- exchange of information, knowledge and experience in the field of border controls, and in the Held of material and technical support of the competent control services, for the purpose of detecting forged travel documents, and of preventing the illegal entry of suspect persons involved in criminal and especially terrorist acts, as well as criminal activities related to migration;
- exchange of working experience including upgrading courses, consultations, seminars and training courses;
- exchange of statistical data, as well as national legal texts and provisions, brochures, publications and results of scientific researches in fields covered by this Agreement;
- organization of meetings of experts within the framework of their competence, whenever they agree that it is necessary to deal with urgent and special matters of common interest;
- search and return, in accordance with national legislation, of stolen objects having numbers or specific marks, including cultural and historical values, vehicles and firearms, as well as numbered securities and passports (identity documents);
- exchange of information about citizens of the States of the other Parties who have been convicted of crimes committed in the territories of their States, as well as individuals who are under investigation.

Article 3

Controlled Deliveries

The Parties shall assure, in line with their national legislation and international obligations, the necessary conditions for carrying out controlled deliveries of narcotic drugs and psychotropic substances as well as precursors used for their production.

The Parties shall consider the possibility of applying the method of controlled delivery to other objects being in illicit traffic.

The Parties shall endeavour to harmonize their legislation and practices, in order to be mutually compatible to the necessary extent, to initiate and carry out effectively controlled deliveries.

Article 4

Means of Cooperation

The Parties shall cooperate in combating crime through their competent authorities, in accordance with the provisions of this Agreement, subject to the legislation and international obligations of their States.

The Parties shall determine their competent authorities and/or contact points through which direct communication is ensured and if necessary shall exchange liaison officers.

Each Party shall submit to the Depository a list of its competent authorities and/or contact points within a two month period following the entry into force of this Agreement. The Parties shall inform the Depository of any changes in their lists of competent 9 authorities and/or contact points.

Article 5

Request for Cooperation

Cooperation, within the framework of this Agreement, shall be carried out on the basis of requests for cooperation submitted by the competent authorities of the interested Parties.

Requests for cooperation shall be submitted in writing. In 's emergency cases, requests may be submitted verbally, but a confirmation in writing should follow within the next three days : using, inter alia, technical means of communication.

Each Party may, totally or partially, reject a request for cooperation, if the compliance with the request for cooperation endangers the sovereignty, security, public order or other essential interests of its State, or if it is contrary to the legislation or to the international obligations of its State. The

rejection of a request for cooperation is served in writing to the requesting Party without delay.

The competent authorities of the Parties shall take all the appropriate measures to ensure the prompt and complete compliance with the request for cooperation.

Article 6

Working Group

The Parties shall establish a Working Group in order to examine the ways of implementing and promoting cooperation on the basis of this Agreement, and, *inter alia*, to submit recommendations with regard to the need of additional protocols to this Agreement or new international agreements, as well as to the need to create common institutions of cooperation in the sphere of combating crime.

Article 7

Languages

In order to ensure the cooperation in the framework of this Agreement, the competent authorities of the Parties shall use the English language during the written procedure, the English and Russian language in the oral procedure, unless the Parties have mutually agreed otherwise.

Article 8

Expenses

Each Party shall independently bear expenses arising in the course of the implementation of this Agreement, unless decided otherwise in each particular case.

Article 9

Implementation of this Agreement

- The implementation of this Agreement is subject to the legislation of j the State of each Party.

j This Agreement shall not hinder the fulfillment of other Ţ international obligations of the Parties.

The information and documents obtained in accordance with this Agreement shall be kept confidential when so requested and be used in compliance with the purposes to be determined by the delivering Party. The documents and information obtained under this Agreement shall not be transmitted to a third party without the prior authorization of the providing Party.

Disputable questions which may arise in connection with the interpretation or implementation of the provisions of this Agreement shall be resolved by the Parties concerned, through' consultations, according to the relevant rules of the international law.

Afticle 10

Final Provisions

1. The Permanent International Secretariat (PERMIS) shall be the Depository of this Agreement. The original of this Agreement in a single copy in the English language shall be deposited with the PERMIS which shall transmit a certified copy to each Party.

2. This Agreement shall enter into force on the thirtieth day following the date on which the third document of ratification or approval is deposited with the PERMIS.

3. For each Party, ratifying or approving this Agreement, after the deposition of the third document of ratification or approval, this Agreement shall enter into force, on the thirtieth day after the date of the deposition of the document of ratification or approval by this Party.

4. Any Party may withdraw from this Agreement by formal notification to the PERMIS. Withdrawal shall take effect within three months after the date on which the withdrawal notification is received by the PERMIS.

5. Any Party may propose an amendment to this Agreement. Such amendment shall be accepted upon the consent of all the Parties and shall enter into force in accordance with paragraphs 2 and 3 of this Article.

IN WITNESS THEREOF, the undersigned, being duly authorized to that effect, have signed this Agreement

DONE at Kerkyra in this second day of October one thousand nine hundred ninety eight.