

AGREEMENT
between
the Government of the Republic of Bulgaria
and
the Government of Romania
on
Cooperation in combating organized crime, illicit trafficking in
narcotic drugs, psychotropic substances and precursors,
terrorism, as well as other serious crimes

The Government of the Republic of Bulgaria and the Government of Romania hereinafter referred to as "the Contracting Parties",

Acting in accordance with the principles set forth in the Treaty between the Republic of Bulgaria and Romania on friendship, cooperation and good neighboring relations, signed at Sofia on 27 January 1992,

Convinced of the need to protect the life, property, the fundamental rights and liberties of their citizens,

Concerned by increasing abuse of narcotic drugs, and by the world-wide growth in international illicit trafficking in the same,

Aiming at joining their efforts to preventing and combating terrorist acts,

Recognizing the advantages of international cooperation, as a factor of utmost importance in effectively preventing and fighting transnational crime,

Having due regard to their international commitments and referring particularly to the Single Convention on narcotic drugs (New York, 30 March, 1961), as amended by the Protocol on Amendments to Single Convention on narcotic drugs (Geneva, 25 March, 1972), the UN Convention against the illicit trafficking in narcotic drugs and psychotropic substances (Vienna, 20 December, 1988), The Convention on laundering, search, seizure and confiscation of the proceeds from crime (Strasbourg, 8 November, 1990), the European Convention on suppression of terrorism (Strasbourg, 27 January, 1977), the Global Action Plan (New York, 23 February, 1990) and the Resolutions adopted by the IX UN Congress on the prevention of crime and the treatment of offenders (Cairo, 29 April - 8 May 1995),

Have agreed as follows:

Article 1

Fields of Cooperation

(1) The Contracting Parties shall, in compliance with their respective national legislation, cooperate in the prevention, detection and investigation of criminal offences, especially as follows:

1. acts of international organized crime;
2. illicit trafficking in narcotic drugs, psychotropic substances and precursors, illicit production, trading and possession of narcotic drugs, psychotropic substances and precursors;
3. acts of international terrorism;
4. criminal offences directed against life, health, freedom of persons, human dignity and against property;
5. illegal production, acquisition, possession, import, export, transit and trafficking in arms, ammunition, explosives, toxic substances, chemical, biological, bacteriological and nuclear materials, in goods and technologies of strategic importance, and

military technology;

6. criminal offences having as object precious stones and metals and items of historic, cultural and artistic value;

7. making of forged and counterfeiting of travel documents, visas and real money with currency in the states of the Contracting Parties or abroad, of post stamps, bonds issued by the state and other state securities, credit and payment cards, which are not securities, as well as the intentional circulation and use of such items;

8. illegal financial operations and other transactions with funds or property;

9. money laundering, as well as acts of conversion, transfer, concealment or disguise of the proceeds from crime;

10. trafficking in human beings, illegal migration and illegal residence of persons, exploitation of children and pandering;

11. illegal trafficking in human organs and tissues;

12. illegal gambling and fraudulent schemes used in legal gambling;

13. car thefts and illegal trading in motor vehicles, forgery or usage of forged document for them;

14. cyber crimes;

15. criminal offences against intellectual property;

16. corruption;

17. smuggling and customs crimes;

18. environment related criminal offences.

(2) The Contracting Parties shall also assist each other in combating other types of criminal offences, the prevention and detection of which demands the cooperation of their competent authorities.

(3) The Contracting Parties shall cooperate only with regard to those acts, which are criminal offences under the national legislation of their states.

Article 2

Competent Authorities

(1) The Contracting Parties shall communicate to each other, using diplomatic channels, the authorities competent for the implementation of this Agreement, hereinafter referred to as “the Competent Authorities“.

(2) This communication shall be made within thirty days from the date this Agreement has entered into force and will state the remits of competence of the respective Competent Authorities, their full names and addresses, the official contact points, telephone, fax and e-mail numbers and addresses, as well as any other relevant connections.

(3) The Competent Authorities shall immediately inform each other in case of any change in the data communicated under paragraph (2) above.

(4) The Competent Authorities shall cooperate directly and agree specific forms of cooperation and means of contact, in accordance with the applicable national legislation, within the framework of their respective powers.

(5) The Competent Authorities may conclude cooperation protocols, as required to achieve the goals stipulated in this Agreement and for the purposes of its implementation.

Article 3

Forms of Cooperation

(1) For the purposes of this agreement and in accordance with the respective national legislation, the Competent Authorities shall:

1. Mutually exchange information on: persons, groups and

networks suspected of being involved in committing crimes, as indicated under Art. 1 of this Agreement; ways of acting of the offenders and of the criminal networks; equipment, routes and places of concealment, origin and destination of things the possession of which is illegal, specific circumstances, cases on law violation and on the measures taken for the prevention and avoidance of such crimes;

2. Exchange information on preventing and countering planned acts of terrorism, especially if directed against the interests of the Contracting Parties, and on terrorist groups the members of which plan, commit or have committed such criminal offences;

3. Cooperate in searching for persons suspected to have committed crimes or persons avoiding their criminal pursuit and the undergoing of punishment;

4. Cooperate in searching for missing persons, including acts made for identification of persons or remains of unidentified persons;

5. Cooperate in the implementation of measures derived from witness protection programmes and will perform exchange of information and experience on such issues;

6. Cooperate in searching for stolen things and other objects related to criminal activities including motor vehicles, and returning them in accordance with their national law;

7. Mutually coordinate the cooperation in providing personnel, technical and organizational assistance in detecting and investigating criminal offences, including setting up joint working groups to coordinate the process. The Competent Authorities of both Contracting Parties shall operatively inform each other on the committing of offences involving citizens of the states of both Contracting Parties and shall cooperate for extending the operative search. There should be set up a protected on-line way of transmitting the information between the Competent Authorities of the states of the Contracting Parties in view to operatively exchange information.

8. Arrange for working meetings whenever necessary to prepare coordinated measures;

9. Exchange information on the results of their criminalistic and

criminological researches, on their crime detection and investigation techniques, on organizational structures of their competent units, on systems and principles applied to professional training and qualification of experts, working methods and equipment in use;

10. Exchange information on the objects and means used for committing crimes or resulting from criminal acts, if so requested by the Competent Authority of the other Contracting Party;

11. Exchange information on managing the systems of recording identity cards, travel documents and civil status documents;

12. Exchange information on organizing and implementing border management and control measures associated with the same;

13. Organize mutual secondments of specialists with a view to improving their expertise, acquainting each other with means and methods of combating crime;

14. Mutually exchanging relevant texts of laws and regulations, analyses and professional literature, and other relevant regulations for the cooperation areas, specified under Art. 1 of this Agreement;

15. Exchanging experience in controlling the legal use of narcotic drugs and psychotropic substances and their precursors with special regard to the possible abuse.

(2) The cooperation under the previous paragraph shall be carried out, as the case may be, either on the basis of programmes to be agreed upon by the Competent Authorities for specific periods of time, in the protocols referred to in Article 2, paragraph (5), or upon request by a Competent Authority. Furthermore, such authorities may also act by their own unilateral initiative if they deem that such action corresponds to the purposes of this Agreement, is convenient and in the interest of the beneficiary Competent Authority of the other Contracting Party, which has to be timely informed on such intention.

Article 4 **Cooperation Procedure**

(1) Providing information under this Agreement shall be carried out by the Competent Authorities of the Contracting Party upon request, submitted by the Competent Authorities of the other Contracting Party.

(2) The request under the previous paragraph shall be submitted in writing and shall contain:

1. the name of the Competent Authority, submitting the request and the name of the Competent Authority, to which it is submitted;

2. data as detailed as possible about the purpose of the request, about the persons related to that purpose, about the facts, the objects and documents, about which information is requested, as well as data, necessary for its fulfillment;

3. detailed description of the specific procedure, the fulfillment of which is requested;

4. if necessary, deadlines for fulfilling the request.

(3) The request is submitted in the language of the requested Contracting Party or in the English language;

(4) Information, which can contribute to the detection, prevention or investigation of crimes, affecting the interests of the Contracting Parties, may be submitted to the other Contracting Party by the Competent Authorities of the Contracting Parties upon their initiative without a request, if they deem that it concerns the interest of the other Contracting Party.

(5) The fulfillment of the requests shall be done in as short terms as possible. The Competent Authorities may ask for additional information, if they deem it necessary, to facilitate the fulfillment of the request.

Article 5 **Denial of the Request**

(1) The fulfillment of the request may be denied, wholly or partially, if it might result in infringing the rights of the individual, threaten the sovereignty and national security of the state or any other important state interest or if such fulfilling may contradict the national legislation of requested Contracting Party or the international obligations assumed by the Parties.

(2) The Competent Authorities shall inform each other in writing in case of the denial of a request or the partial fulfillment of the same without delay, stating the reasons.

(3) Each Competent Authority may set conditions in respect of fulfilling a request or making use of the results achieved thereby, which shall be mandatory for the Competent Authority of the other Contracting Party.

Article 6

Protection of Information

(1) The Contracting Parties guarantee the protection of all data, information, materials and equipment mutually exchanged for applying this Agreement, including the received requests, respecting the national legislation of the delivering Contracting Party. The level of the security established by the delivering Contracting Party can not be modified.

(2) The information, materials, data and equipment or samples received under this Agreement may not be transferred to a third State except with the prior written approval of the Competent Authority of the delivering Contracting Party.

Article 7

Working Language

The working language of the cooperation under this Agreement shall be the English language, unless otherwise agreed upon for specific cases.

Article 8

Protection of Personal Data

For the purpose of protection of personal data, hereinafter referred to in this Article as “data“, mutually exchanged within the framework of cooperation under this Agreement, the Contracting Parties, through their respective Competent Authorities, undertake to

observe, in accordance with their respective national legislation, the following rules:

1. The receiving Contracting Party may use the data solely for the purpose and under conditions determined by the delivering Contracting Party;

2. Upon the request of the delivering Contracting Party, the receiving Contracting Party will specify the way the transmitted data will be used and the results thus achieved;

3. Data may only be forwarded to Competent Authorities to combat crime. Data may not be transferred to other authorities except with the written approval of the delivering Contracting Party;

4. The delivering Contracting Party shall have the duty to see to it that the transmitted data are correct and shall verify whether the transmission is necessary and adequate to the purpose. In case it is subsequently established that incorrect data have been transmitted or data which should not have been transmitted, the receiving Contracting Party must be notified immediately. The receiving Contracting Party shall then correct the errors or, in case the data should not have been transmitted, destroy them;

5. A person whose data are to be or were transmitted shall at his/her request receive information about the transmitted data and their intended use, if permitted under national legislation of the requested Contracting Party;

6. When transmitting the data, the delivering Contracting Party shall notify the other Contracting Party of the timeframe for the destruction of the data as is in accordance with its national legislation. Regardless of the timeframe, the data relating to the person concerned must be destroyed as soon as they cease to be needed. The delivering Contracting Party must be informed about the destruction of the transmitted data and about the reasons for the destruction. In case of termination of this Agreement, all data received on its basis must be destroyed at the latest by the termination date;

7. Both Contracting Parties shall have the duty to record the transmission, receipt and destruction of data;

8. Both Contracting Parties shall have the duty to effectively protect the data against unauthorized access and unauthorized altering or publication.

Article 9 Liaison Officers

(1) The Contracting Parties may each, in compliance with the applicable legislation, assign one specialized person to be posted at their diplomatic mission in the territory of state of the other Contracting Party.

(2) The person under the previous paragraph will act in the capacity of a liaison officer, maintaining contact, supporting communication, as well as other forms of cooperation with the Competent Authorities of the other Contracting Party.

Article 10 Costs

(1) Unless otherwise agreed upon in advance by the Competent Authorities:

1. the costs incurred by the exchange of information, relevant texts of laws, regulations, analysis and professional literature pursuant to Article 3, item 14 of this Agreement, shall be covered by the Contracting Party supplying the same,

2. the costs incurred in connection with co-operation activities under Article 3, items 2, 3, 4 and 6 of this Agreement, shall be covered by the Contracting Party delivering assistance to the other Contracting Party within the framework of such co-operation, with the exception of the costs related to international travel, which shall be covered by the Contracting Party requesting the assistance,

3. the costs incurred by implementing co-operation activities under Article 3, item 5 of this Agreement, shall be covered by the Contracting Party requesting the assistance. The Contracting Parties undertake to respect the mutual balance and reciprocity of such co-operation.

(2) Any other costs incurred by co-operation activities under Article 3 of this Agreement shall be covered by the Contracting Parties on the basis of reciprocity.

(3) The details concerning the payments of expenditures incurred by the implementation of this Agreement shall be, according to the requirements, agreed upon by the Competent Authorities in the protocols referred to under Article 2, paragraph 5, of this Agreement.

Article 11 Settlement of Disputes

Any dispute concerning the interpretation or implementation of this Agreement shall be settled by way of consultations and negotiations between the Contracting Parties.

Article 12 Relation to Other Agreements. Amendments.

(1) This Agreement does not affect the rights and obligations of the Contracting Parties deriving from other international bilateral or multilateral agreements by which they may be bound.

(2) The Contracting Parties may agree to amend the present Agreement, upon written proposal of any of them. Such amendments shall enter into force according to the procedure for coming into force of the Agreement.

Article 13 Final Provisions

(1) This Agreement is concluded for an indefinite period of time and shall enter into force from the date of receiving the last of the notes through which the Contracting Parties inform each other through diplomatic channels that they have performed the requirements of their national legislation for its entering into force.

(2) Either Contracting Party may denounce the Agreement at any time by written notification transmitted through diplomatic channels. The denunciation shall have effect after six months from the date of delivery of such notification to the other Contracting Party

Done at Sofia on the 10th day of July 2002 in two original copies, one each in the Bulgarian, Romanian, and English languages, all texts being equally authentic. In case of difference in interpretation the English text shall prevail.

**ON BEHALF OF THE
GOVERNMENT OF
THE REPUBLIC OF BULGARIA**

**ON BEHALF OF THE GOVERNMENT
OF
ROMANIA**