

AGREEMENT

between the Government of the Republic of Bulgaria and the Government of the Republic of Moldova on co-operation in combating organized crime, illicit trafficking in narcotic drugs and psychotropic substances, terrorism as well as other kinds of serious crime

The Government of the Republic of Moldova and the Government of the Republic of Bulgaria, (hereinafter referred to as the "Contracting Parties"),

Aware of the strengthening menace of international organized crime,

Concerned by the increasing abuse of narcotic drugs and psychotropic substances and the growing international trafficking in drugs and precursors worldwide,

Aiming at joining their efforts for combating terrorist acts,

Convinced in the substantial importance of international cooperation in the fight against serious forms of crime,

In accordance with international commitments and the legislation of their respective States and referring particularly to the Single Convention on Narcotic Drugs (New York, 31 March, 1961) as amended by Protocol on Amendments to Single Convention on Narcotic Drugs (Geneva, 25 March, 1972), the Convention on Psychotropic Substances (Vienna, 21 February, 1971), the UN Convention against the Illicit Traffic 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) and the European Convention on Suppression of Terrorism (Strasbourg, 27 January, 1977), as well as all multilateral international legal instruments for countering terrorism,

Have agreed as follows:

Article 1

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

1. Acts of international organized crime;
2. Terrorist activity;
3. Illicit production and trafficking in narcotic drugs and psychotropic substances and precursors;

4. Illegal production, illicit trade and smuggling of arms, ammunition and explosives, radioactive and nuclear materials, goods and technologies of possible dual use;
5. Forgery or counterfeiting of money and securities as well as distribution and use of such forged or counterfeit items;
6. Illegal financial operations, economic crimes and money laundering;
7. Criminal offences threatening life and health;
8. Criminal offences against freedom, human dignity and property;
9. Illegal migration, trafficking in human beings and illegal trafficking in human organs and tissue;
10. Criminal offences involving object of cultural and historical value;
11. Car thefts and any other ways of illegal treatment of motor vehicles;
12. Criminal offences against the environment;
13. Criminal offences against intellectual property;
14. Computer crime;
15. Corruption.

(2) By mutual consent, the Contracting Parties shall co-operate in other areas of law enforcement and protection of public order and security, if that agrees with their common interests.

Article 2

(1) In the implementation of this Agreement, the competent authorities are:

For the Government of the Republic of Bulgaria: the Minister of the Interior

For the Government of the Republic of Moldova:

The Ministry of Internal Affairs, General Prosecutor's Office, Information and Security Service of the Republic of Moldova, the Centre for Combating Economic Crimes and Corruption.

(2) The competent authorities of the Contracting Parties shall co-operate directly in the framework of their respective powers and competencies for the purpose of implementation of this Agreement.

(3) For the purpose of implementation of this Agreement the competent authorities of the Contracting Parties may conclude implementing protocols to this Agreement.

(4) Within thirty days from the date of entering into force of this Agreement the Contracting Parties shall communicate to each other through diplomatic channels the names of their respective authorities competent in implementing

this Agreement stating addresses, telephone and fax numbers or other contacts as may be appropriate.

(5) In case of any changes in the competency or the names of the competent authorities for the implementation of this Agreement the Contracting Parties shall inform each other through diplomatic channels.

Article 3

The competent authorities of the Contracting Parties shall cooperate with each other in compliance with the national legislation of their respective States, especially by means of:

1. Exchanging information on: persons suspected of being involved in the commission of crimes; organization of criminal gangs; typical conduct of individual offenders and gangs; facts relating to the time, location and method of the commission of crimes; the targets of attacks; routes and places of concealment, origin and destination of things the hold of which is illegal; specific circumstances; information on the laws violated and on the measures taken for the prevention of such crimes;
2. Exchanging information on planned or committed acts of terrorism;
3. Cooperating in searching for persons suspected of having committed crimes or persons evading their service of imprisonment sentence, as well as in extraditing such persons;
4. Exchanging information on citizens of one of the states of the Contracting Parties, who have committed crimes on the territory of the State of the other Contracting Party, in view of disclosing any other crimes that they may have committed;
5. Cooperating in searching for missing persons and performing acts necessary for the identification of persons or unidentified bodies;
6. Exchanging information and experience and cooperation in the implementation of measures based on programmes for protection of witnesses and other persons who are in obvious danger of injury to their health or under a life threat in connection with the criminal proceedings;
7. Cooperating in searching for objects which may have relation to crime;
8. Upon request by the other Contracting Party, taking any other appropriate police measures, especially surveillance of objects for the purpose of identifying their recipients, provided such request is made by the other Contracting Party no later than 48 hours prior to the measure in question;
9. Cooperating in providing technical and organizational assistance in the detection and investigation of criminal offences, including setting up joint working groups to coordinate operations;

10. Arranging working meetings to deal with specific criminal cases under investigation in order to prepare concerted action by the competent authorities;
11. Exchanging information on the results of forensic and criminological research, on detecting and investigating techniques, on organizational structures of the police units of the Contracting Parties, on their working methods and means in use;
12. Exchanging information on forms of commission of crimes extending beyond the borderlines of the States of the Contracting Parties, as well as on the means used by criminals or suspected criminals;
13. Making available to each other information on objects or samples thereof used for committing crimes, including samples of narcotic drugs and psychotropic substances of natural or synthetic origin, if so requested by the other Contracting Party;
14. Organizing mutual secondments of specialists with a view to upgrading their expertise and acquainting them with the means and methods of combating crime;
15. Exchanging legal regulations, analyses, strategies and relevant literature;
16. Exchanging information on the legal mechanisms controlling narcotic drugs, psychotropic substances and precursors.

Article 4

- (1) The competent authorities of one of the Contracting Parties shall provide information under this Agreement on the basis of a request made by the competent authorities of the other Contracting Party.
- (2) Any requests under (1) above shall be sent in writing in the English and/or Russian or any other language that may be agreed between the competent authorities of the Contracting Parties and shall contain:
 1. The name of the requesting competent authority and the name of the requested competent authority;
 2. As much as possible detailed information on the purpose of the request, the people, facts, objects and documents related to the requested information, as well as any other data that may be necessary for its fulfilment.
 3. Description of the specific procedure whose implementation is requested.
 4. The deadlines for fulfilment of the request, if necessary.
- (3) In urgent cases, requests may be made via fax or orally, which shall be subject to subsequent prompt confirmation in writing.
- (4) The competent authorities of each of the Contracting Parties shall provide information, according to its national legislation, to the competent authorities of

the other Contracting Party even if it has not been requested if such information will be useful for the other Contracting Party in preventing public order and security threats, as well as in combating and detecting criminal offences.

(5) The competent authorities of the requested Contracting Party shall fulfil the request made under (1) above as soon as possible. Additional information may be asked for by the competent authority of the requested Contracting Party if deemed necessary for the fulfilment of the request.

(6) The costs incurred in connection with the fulfilment of a request made under (1) above shall be borne by the requested Contracting Party, unless otherwise agreed by the competent authorities of the Contracting Parties.

Article 5

(1) Each Contracting Party may refuse, totally or partially, the request for information or assistance if it considers that fulfilling the same might result in violation of human rights, threaten the sovereignty or security or any other important interest of the State of the requested Contracting Party, or if such fulfilling might contradict the national legislation or the commitments arising from international agreements by which the requested Contracting Party is bound.

(2) In case of refusal of a request of information or assistance, the competent authorities of the requested Contracting Party shall promptly inform in writing the competent authorities of the other Contracting Party, stating the reasons.

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

Article 6

The provision of information, materials, data and technical equipment received under this Agreement to third parties shall be possible only with the prior written approval of the originating Contracting Party.

Article 7

The Contracting Parties shall be able to exchange classified information after they have concluded a separate Agreement between the Contracting Parties on exchange, protection, storage and handling of such information.

Article 8

For the purpose of protection of personal data (hereinafter referred to as “data”) exchanged within the framework of this Agreement, the Contracting Parties, in

accordance with the national legislation of their States, shall observe the following requirements:

1. The competent authorities of the requesting Contracting Party may use the data solely for the purpose and under conditions determined by the originating Contracting Party;
2. Upon the request of the authorities of the originating Contracting Party, the competent authorities of the receiving Contracting Party shall give information on the utilization of the transmitted data and the results thus achieved;
3. Each Contracting Party shall provide data exclusively to bodies competent to combat crime, as designated by the other Contracting Party;
4. The originating Contracting Party shall ensure that the transmitted data are correct and shall see to it that the transmission is necessary and adequate to the requested purpose. In case it is subsequently ascertained 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 correct the errors or in case the data should not have been transmitted destroy them;
5. When transmitting the data, the originating Contracting Party shall notify the other Contracting Party of the timeframe for destruction of the data as is in accordance with the national legislation of its State. Regardless of the timeframe, the data relating to a person concerned must be destroyed as soon as they cease to be needed. The competent authority of the other Contracting Party shall 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 acquired on its basis shall be destroyed.
6. The Contracting Parties shall have the duty to record the requesting, transmission, receipt and destruction of the data requested, transmitted or received in fulfilment of this Agreement;
7. A person whose data are to be or have been transmitted shall at his/her request receive information about the transmitted data and their intended use, if permitted under the national legislation of the State of the requested Contracting Party. Such information, however, shall not be given where the public interest for not providing such information prevails over the interest of the person concerned;
8. The competent authorities of the Contracting Parties shall ensure effective protection of the data received under this Agreement from unauthorized access, alteration, disclosure or destruction;

Article 9

If not agreed upon otherwise for a particular case, the English and/or Russian languages shall be used for the purposes of implementing the co-operation under this Agreement.

Article 10

If not agreed upon otherwise, all costs related to the implementation of this Agreement shall be borne individually by the Contracting Parties.

Article 11

This Agreement shall not prejudice any commitments arising for the Contracting Parties from other international agreements by which either of the States of the Contracting Parties may be bound.

Article 12

(1) Any differences in the interpretation or application of this Agreement shall be settled through negotiations between the competent authorities of the Contracting Parties.

(2) If the parties do not reach an agreement in the course of the negotiations in (1) above, the dispute shall be settled through diplomatic channels.

Article 13

The Contracting Parties may amend the present Agreement upon mutual agreement expressed in writing. Such amendments shall enter into force according to the procedure for entering into force of this Agreement.

Article 14

(1) This Agreement is concluded for an unlimited period of time. Each Contracting Party shall notify the other in writing, through the diplomatic channel, that the legal procedures required to give effect to this Agreement in their respective countries have been completed. The Agreement shall enter into force thirty days after the date of receipt of the later of the two notifications.

(2) This Agreement may be terminated unilaterally by either Contracting Party by means of a written notice sent by the other Contracting Party through a diplomatic channel. The termination of the Agreement shall enter into force six months after the date of delivery of such written notice.

Done in Sofia on the 20th day of May 2004 in two original copies, each in the Bulgarian, Moldavian and English languages. In case of any divergence in interpretation, the English text shall prevail.

For the Government
of the Republic of Bulgaria

For the Government
of the Republic of Moldova