*UPDATED DRAFT*

*05.01.2017*

**AGREEMENT**

**between the Government of the Republic of Moldova and the Government of the Hellenic Republic on cooperation in the field of combating the organized crime, illicit drug trafficking and psychotropic substances, the terrorism and other types of serious crimes.**

 The Government of the Republic of Moldova and the Government of the Hellenic Republic, hereinafter called as “Contracting Parties”,

 aware of the growing threat of international organized crime, concerned about the increasing abuse of drugs and psychotropic substances, and the increase of their trafficking worldwide,

 aspiring to unite their efforts in combating the acts of terrorism, convinced of the substantial importance of international cooperation in the fight serious forms of criminality,

 taking into account international agreements and their legislation of the respective States, referring in particular to the Single Convention on Narcotic Drugs (New York, March 30, 1961), amended by Amending Protocol to the Single Convention on Narcotic Drugs (Geneva, March 25, 1972), Convention on Psychotropic Substances (Vienna, February 21, 1971), UN Convention against illicit traffic of narcotics and psychotropic substances (Vienna. -20 In December, 1988), the November 8, 1990 Convention on laundering, search, seizure and confiscation of the assets received from criminal activity (Strasbourg), and the European Convention for the suppression of terrorism (Strasbourg, January 27, 1977), as well as other international treaties on prevention and combating crimes of any kind, have agreed as follows:

**Article 1**

1. The Contracting Parties, in accordance with the national legislation of the respective States, will cooperate in the prevention, detection, counter, suppression and investigation of crimes internationally. The cooperation shall be implemented, in particular, in the field of combating:

1. acts of international organized crime;
2. the cultivation, production, acquisition, storage, distribution, import, export and illicit transit of narcotics and psychotropic substances and their precursors, poisonous substances, illicit trafficking in them, as well as providing assistance regarding these acts;
3. acts of terrorism and extremism, activity of financing and material assistance of terrorist acts, racial intolerance and xenophobia;
4. production, acquisition, storage, import, export, transit and illegal traffic of arms, munitions, explosives, chemical, biological, bacteriological, radioactive and nuclear materials, supplies and technologies of strategic importance and of military technology;
5. economic crimes, including smuggling, manufacture or putting into circulation counterfeit money, cards or other false payment books, as well as tax evasion, money laundering operations and other assets of illicit origin;
6. corruption;
7. information crimes;
8. crimes that threaten the life, health, freedom, human dignity and property;
9. human trafficking and illegal trafficking in human organs and tissues;
10. proxenetism;
11. illegal migration, illegal residence of persons and related criminal activities;
12. crimes affecting the cultural and historical valuables or other items of substantial value;
13. car thefts and other illegal ways of treating self-propellings;
14. environmental offenses;
15. crimes against intellectual property.

2. The competent authorities mentioned in the 8 article 1 of this Agreement, by mutual agreement, may extend their cooperation to cover the combating of other types of crimes.

**Article 2**

 The Contracting Parties shall cooperate in the prevention, detection and investigation of the crimes referred in Article 1 of the present Agreement, in accordance with the national legislation of the respective States, in particular by the following means:

1. Exchange of information on: suspected persons of participation in the perpetration of crimes; creating and managing criminal organizations; banditry; typical behavior of individual offenders and criminal groups; data regarding time, place and manner of commission of crimes; target-objects of the attacks; routes and places of concealment, origin and destination of the objects keeping which is illegal; specific circumstances; information on the violated laws and the measures taken to prevent such crimes;
2. Exchanging information concerning the planned terrorist acts against the interests of the Contracting Parties and terrorist groups whose members prepare, commit or have committed crimes on the territory of the Contracting Party, regarding offering or intentional collecting, through different methods, directly or indirectly, of financial resources or materials in order of their use in the commission of terrorist acts;
3. Exchanging information regarding combating the infractions stipulated in article 1, paragraphs a) - o);
4. Cooperation in the search of people who are avoiding criminal responsibility or the execution of sentence;
5. Cooperation in the search for missing persons and undertaking the necessary actions to identify the persons or the bodies of unknown persons;
6. Cooperation in implementing the measures based on the witness protection programs and other persons who are in obvious danger for their health or are threatened by another serious danger in connection with the criminal procedure, the exchange of information and experience in these areas;
7. Cooperation in the search of stolen objects and other objects, including motor vehicles which may be related to the offenses;
8. At the request of the other Contracting Party, undertaking other operational investigative measures and opportune special operations, especially the surveillance of the objects in order to identify the recipients, if such request is made by the other Contracting Party at least 48 hours before the measure in question;
9. Coordination of the cooperation in providing personal, technical and organizational assistance, in the detection and investigation of crimes, including the formation of working groups for the coordination of the operations;
10. Organization in case of necessity, in order to prepare coordinated measures, working meetings designed to deal with specific criminal cases under investigation;
11. Exchange of information concerning criminal and criminological research results, detection and research techniques, organizational structures of their police units, working methods and the used means;
12. Exchange of information and experience regarding the forms of committing the offenses, which extend abroad the Contracting Parties States and the means used by the persons who commit or are involved in committing crimes;
13. The mutual offering of the information on the objects or on their samples used in the commission of offenses or coming from criminal activities, including samples of narcotics and psychotropic substances of natural or synthetic origin, if this is requested by the other Contracting Party;
14. Organizing the mutual exchange of specialists in order to raise the qualification by informing each other the means and methods of combating the criminality;
15. The exchange of normative acts, analyzes, strategies and relevant literature;
16. The exchange of experience in the field of legal treatment of drug control, psychotropic substances and their precursors, assigning a particular attention to possible abuse;
17. Providing assistance in checking the authenticity of the provenance of the goods transported across the state borders of the Republic of Moldova and of the Hellenic Republic.

**Article 3**

1. Any request regarding the information supply, means or samples and any request concerning taking some measures or any other type of assistance in accordance with the provisions of the present Agreement, must be written and sent in original. The written request can be sent as well by technical means of telecommunications that are ensuring the authenticity of the received information. In case of emergency, a verbal request can be made, which will subsequently be immediately confirmed in writing.

2. The competent authorities of the requested Contracting Party must execute the request made in accordance with paragraph 1 of the present article within 10 days. The competent authority of the requested Contracting Party may request additional information provision, if considers it necessary for the execution of the request.

3. The appeared expenses in conjunction with execution of the request made in accordance with paragraph 1 of the present article will be supported by the requested Contracting Party, if the competent authorities of the Contracting Parties don’t agree otherwise.

**Article 4**

1. Each Contracting Party may refuse, totally or partially, the execution of the submitted request for assistance or cooperation, if it considers that its execution may jeopardize the sovereignty, security or other important interest of its State, or if the execution may contradict its national legislation or the commitments arising from international agreements to which the respective Contracting Party is a signatory.

2. The Contracting Parties shall inform each other in writing as soon as possible in case of refusal of the request or partial execution, mentioning the reasons, but not later than 10 days.

3. Each Contracting Party may set conditions regarding the execution of a request or the usage of the achieved results, which will be mandatory for the other Contracting Party.

**Article 5**

In order to protect personal data (hereinafter “data “), exchanged under the cooperation of the Contracting Parties, in accordance with the national legislation of their States, shall be respected the following conditions:

1. The requesting Contracting Party may use the data only with the purpose and in accordance with the conditions set by the provider Contracting Party;
2. At the request of the provider Contracting Party, the requesting Contracting Party will provide the information about the use of the transmitted data and of the obtained results;
3. The data are submitted exclusively to the competent bodies for combating criminality. The data cannot be sent to other institutions, except with the written consent of the provider Contracting Party;
4. The provider Contracting Party shall have the obligation to make sure that the transmitted data are correct and to entrust if the transmission is necessary and appropriate. In case of a subsequent ascertainment that were transmitted incorrect data or data that shouldn’t have been transmitted the requesting Contracting Party must be notified immediately. The requesting Contracting Party shall correct the errors or, in the case where data shouldn’t have been transmitted, will return them or at the request of the requested Contracting Party, will destroy them;
5. The person whose data are to be or have been transmitted will receive, at his request, information regarding the transmitted data and their intended use, if it’s allowed by the national law of the requested Contracting Party. This information, however, shall not be offered if the public interest of not providing such information prevails over the interest of the person in question.
6. Transmitting the data, the requested Contracting Party shall notify the other Contracting Party regarding the deadline for the data destruction in accordance with the national legislation of its State. Regardless of the deadline, the data relating to a specific person must be destroyed immediately from the moment of the disappearance of the reason of the necessity of transmission of such data. The requested Contracting Party must be informed about the destruction of the transmitted data and the reasons for destruction.
7. Both Contracting Parties shall have the obligation to record the transmission, receipt and destruction of personal data;
8. Both Contracting Parties shall be obliged to effectively protect the data related to the concerned persons from the unauthorized access to them, their subsequent unauthorized transmission and the modification or unauthorized disclosure.
9. In case of termination of the action of the present Agreement, all received data on its basis must be destroyed.

**Article 6**

1. Each Contracting Party shall ensure the confidentiality of any information or means, transmitted by the other Contracting Party, as well as of the requests made in accordance with Article 3, if they are considered confidential by the national legislation of the other Contracting Party. The Contracting Parties shall assign such information at least the same level of classification that applies to its secret information that has a similar level of confidentiality.

2. In the process of using the information, means or requests classified in accordance with the national law of the State of the requested Contracting Party, the provisions of Article 5 of the present Agreement, as well as the national legislation of the State of each Contracting Party applicable to classified information shall apply accordingly.

3. The Parties shall implement appropriate technical and organizational measures in order to protect information which is the subject of cooperation from accidental or unlawful destruction, alteration, disclosure and against any other unlawful processing of information.

**Article 7**

Information, means or received samples cannot be transmitted to a third State except with the written consent of the requested Contracting Party.

**Article 8**

1. The competent authorities of the Republic of Moldova, Ministry of Internal Affairs, General Prosecution Office, Security and Intelligence Service, National Anti-Corruption Center, and the competent authorities of the Hellenic Republic,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will cooperate directly in the limit of their respective powers and competences, with the purpose of the implementation of the present Agreement.

2. In order to implement the present Agreement, the competent authorities of the Contracting Parties may conclude implementing protocols.

**Article 9**

1. Within thirty days from the entry into force of the present Agreement, the Contracting Parties, through diplomatic channels will exchange information concerning legal addresses, phones, fax, responsible persons and other useful data of the competent authorities for realizing the provisions of the present Agreement.

2. The competent authorities shall inform each other immediately in case of occurrence of changes in the communicated data in accordance with paragraph 1 of the present article.

**Article 10**

Unless otherwise agreed for each particular case, English will be used in order to implement cooperation under the present Agreement.

**Article 11**

The present Agreement shall not affect the obligations of the States of the Contracting Parties, arising from other bilateral or multilateral international treaties concluded by any of the Contracting Parties States.

**Article 12**

The Contracting Parties by common agreement may introduce changes and additions to the present Agreement, at the proposal of any Contracting Party. These changes will come into force in accordance with the procedure laid down in the paragraph 1 of Article 13.

**Article 13**

1. This Agreement is concluded for an unlimited period of time and shall enter into force on the thirtieth day after the last notification through diplomatic channels, of compliance by Contracting Parties of all internal procedures necessary for entry into force.

2. The Contracting Parties may terminate the action of the present Agreement by notifying, through diplomatic channels, the other Contracting Party about its intention to terminate it. In this case the Agreement shall terminate its validity at the expiration of six months from the date of that note.

3. Differences regarding the interpretation and implementation of this Agreement shall be settled through bilateral negotiations and consultations between the Parties within the scope of their competence.

4. Conditions relating to privacy protection and non-disclosure of information obtained under this Agreement, established before the end of periods Agreement will be respected and after its termination.

Concluded in\_\_\_\_\_\_\_\_\_ on the\_\_ day of\_\_\_\_\_\_20\_\_ in two originals, each in Romanian, Greek and English language, all texts being equally authentic. In case of divergence in interpretation, the text in English language shall prevail.

On behalf of the Government On behalf of the Government

of the Republic of Moldova of the Hellenic Republic