

No. 52689*

**Ireland
and
Romania**

Agreement between the Government of Ireland and the Government of Romania on co-operation in preventing and combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism, terrorism financing and other serious crime. Dublin, 17 January 2013

Entry into force: *19 January 2014, in accordance with article 10*

Authentic texts: *English and Romanian*

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**Irlande
et
Roumanie**

Accord entre le Gouvernement de l'Irlande et le Gouvernement de la Roumanie relatif à la coopération en vue de prévenir et de combattre le trafic illicite de stupéfiants, le blanchiment d'argent, le crime organisé, la traite des êtres humains, le terrorisme, le financement du terrorisme et autres crimes graves. Dublin, 17 janvier 2013

Entrée en vigueur : *19 janvier 2014, conformément à l'article 10*

Textes authentiques : *anglais et roumain*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

Between the Government of Ireland and the Government of Romania on Co-operation in Preventing and Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism, Terrorism Financing and other serious crime

The Government of Ireland and the Government of Romania (hereinafter referred to as "the Parties")

- seeking to make a contribution to the development of their bilateral relations;
- convinced of the importance of international co-operation in preventing and combating serious crime, especially drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and terrorism financing;

referring to the international conventions by which the Parties are bound have agreed as follows:

Article 1 Scope of Agreement

(1) This Agreement shall apply to illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism, terrorism financing and to other serious crime as well as to economic and financial crimes which have been committed, organised or prepared, or which are in the process of being committed, organised or prepared in the territory of the state of either Party.

(2) For the purposes of the present Agreement, a serious crime is the criminal act for which the maximum length of imprisonment, provided as a punishment according to legislation of each of the Parties, is at least 5 years.

Article 2

Competent Authorities

- 1) In the implementation of this Agreement, the competent authorities are:
 - (i) for the Irish Party:
 - the Minister for Foreign Affairs & Trade
 - the Minister for Justice and Equality
 - Commissioner, An Garda Síochána
 - the Revenue Commissioners
 - (ii) for the Romanian Party:
 - the Ministry of the Internal Affairs
 - the Romanian Intelligence Service
 - the National Office for Prevention of Counterfeiting and Money Laundering of Romania
 - the Public Ministry
- 2) The competent authorities of the Parties may, in accordance with the national law of the respective states and the provisions of this Agreement, co-operate directly and determine the concrete methods and detailed rules of this co-operation.
- 3) The competent authorities shall establish appropriate direct channels of communication with their equivalents. Any requests for information or any other action covered by this Agreement shall be made directly to the equivalent competent authority concerned, by the appropriately secured channels.
- 4) In the absence of any other agreement, English shall be the language of communication between the competent authorities.
- 5) Within thirty (30) days from the entering into force of this Agreement, the Parties shall exchange details of the relevant contact points of the competent authorities responsible for implementing this Agreement and shall update them whenever necessary.

Article 3

Exchange of Information

- 1) The exchange of information under this Agreement shall be in accordance with the national law of the states of the Parties.
- 2) The competent authorities of the states of the Parties shall, to the fullest extent possible, co-operate spontaneously or on request in the exchange of information relevant to the prevention, detection and investigation of

the crimes to which this Agreement applies. Transmittal of an information request will be justified by presenting the facts related for which the request has been made, of its motives, of the purpose for which the information shall be used, as well as by providing other information which allows the Requested Authority to establish that the request is made according to its national legislation.

- 3) The exchange of information under this Article shall include in particular:
- a) information on or relating to persons and organisations suspected of being involved in drug trafficking, money laundering, organised crime, trafficking in persons, terrorism, terrorism financing, offences related to terrorist activities and any other serious crimes;
 - b) information on the commission of or activities preparatory to such crimes;
 - c) information on the organisational structure of terrorist entities and of organised crimes groups, their modus operandi and their financing;
 - d) information on measures to control the legal trade in narcotic drugs, psychotropic substances and precursors, and on experience in implementing these measures;
 - e) information on or about persons and organisations suspected to be involved in smuggling in tobacco products or historic and artistic goods belonging to the cultural heritage of their states or to international cultural heritage.

Article 4

Use and confidentiality of information

- 1) The exchange of information under this Agreement shall be in accordance with the national legislations of the states of the Parties, including those related to the protection and confidentiality of information.
- 2) The Parties undertake to:
 - (i) use any information received under this Agreement only for the purpose for which it is requested or which is specified by the forwarding Party, and
 - (ii) keep confidential any such information except to the extent authorised by the forwarding Party.
- 3) Information received under this Agreement can only be revealed to authorities of third countries if the consent of the requested authority has previously been obtained in writing.

- 4) The competent authorities of the Parties in accordance with their national law shall ensure the protection of all information received under this Agreement.

Article 5
Protection of Personal Data

The mutual exchange of personal data between the competent authorities of the Parties shall be made according to the national legislation, the conditions stated by the sending competent authority, and to the following principles, which apply to the automatic and non/automatic processing of data:

- 1) The data provided shall not be used for other purposes than those for which they were initially provided, without the consent of the sending competent authority.
- 2) The data provided shall be destroyed or updated if:
 - the data prove to be incorrect or
 - the sending competent authority has informed the receiving competent authority that the data have been gathered or provided by breaching the law or
 - the data are no longer necessary for the purpose they have been provided for, except for the cases when there is a specific authorisation according to which the data provided can be also used for other purposes.
- 3) Upon request of the sending competent authority, the receiving competent authority can provide information on the use of the data.
- 4) The sending competent authority shall ensure that the data provided are correct, sufficient and appropriate. If it is further established that the provided data have been wrong or not meant to be sent, or that the data legally provided according to the national legislation of the sending or receiving competent authority should be afterwards destroyed, the sending or receiving competent authority should be immediately notified in order to destroy them or to make the appropriate modifications in conformity with item 2.
- 5) The receiving competent authority has the duty to efficiently protect the provided data against unauthorised or accidental access, modifications or circulation.
- 6) In case of unauthorised access or dissemination of the provided data, the receiving competent authority shall immediately inform the sending competent authority about the circumstances of the unauthorised access or dissemination, as well as the measures taken in order to avoid such incidents in the future.