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**Poland
and
Estonia**

**Agreement between the Government of the Republic of Poland and the Government of the Republic of Estonia on co-operation in combating organized crime and other crime.
Warsaw, 26 June 2003**

Entry into force: *7 February 2004, in accordance with article 15*

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**Pologne
et
Estonie**

Accord entre le Gouvernement de la République de Pologne et le Gouvernement de la République d'Estonie relatif à la coopération dans la lutte contre la criminalité organisée et autres formes de criminalité. Varsovie, 26 juin 2003

Entrée en vigueur : *7 février 2004, conformément à l'article 15*

Textes authentiques : *anglais, estonien et polonais*

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AGREEMENT
between the Government of the Republic of Poland and the
Government of the Republic of Estonia on co-operation in combating
organized crime and other crime

The Government of the Republic of Poland and the Government of the Republic of Estonia,
hereinafter referred to as the “Contracting Parties”,

- aiming at further development of relations in the spirit of friendship and good co-operation between the Republic of Poland and the Republic of Estonia,
- alarmed by the growth of crime in general and organized crime in particular,
- convinced of the vital importance of co-operation between law enforcement authorities for efficient combating crime, especially organized one and terrorism,
- aiming at the development of optimal principles, forms and methods of operational activity and preventive actions of these authorities, subject to the observance of governing regulations of international law and internal laws of their States, guided by the principles of equality, reciprocity and mutual benefits,
- concerned about the danger created by international terrorism and keeping in mind the concern about the close relations between organized crime and international terrorism,

have agreed as follows:

Article 1

1. The Contracting Parties hereby undertake to co-operate between their law enforcement authorities in the field of combating crime by means of preventive measures and detecting perpetrators of the following crimes, in particular:

- 1) against life and health,
- 2) theft of nuclear and radioactive materials, transport thereof, illicit trafficking therein, misuse or threatening to misuse them for the purpose of inflicting damage,
- 3) against natural environment protected by law,
- 4) against decency,
- 5) trafficking in human beings and deprivation a human being of freedom,
- 6) illicit trafficking in firearms, ammunition, explosives and other hazardous materials, and illicit production thereof,
- 7) illegal immigration,

- 8) theft of culture values, motor vehicles or any other objects, illicit trafficking therein and smuggling thereof,
 - 9) counterfeiting and altering of national currencies and securities and introducing them into public trade,
 - 10) forging documents and using them,
 - 11) financial and economic crimes, laundering of criminal proceeds and accepting financial or personal benefits by public officials,
 - 12) illegal cultivation of plants for the manufacturing of narcotic drugs, psychotropic substances and precursors, production of those substances, illegal processing, transport, smuggling thereof and trafficking therein as well as trafficking in source substances and semi-finished products for the production thereof,
 - 13) terrorism.
2. The Contracting Parties shall also co-operate in the field of:
- 1) searching for persons suspected of committing crimes listed under Paragraph 1 above or evading the service of the sentence adjudged for the commission thereof,
 - 2) searching for missing persons and undertaking actions prompted by the need to identify persons of undetermined identity and unknown corpses,
 - 3) searching for objects deriving from the commission of criminal acts.

Article 2

1. The competent authorities of the Contracting Parties, which shall have the right to establish direct contacts and to conclude additional arrangements for the implementation of the provisions of this Agreement, are:

- in the Republic of Poland:

- 1) the Minister competent for internal affairs,
- 2) the Minister competent for public financial affairs,
- 3) the Minister competent for financial institutions affairs,
- 4) the Head of the Internal Security Agency,
- 5) the Chief Police Commanding Officer,
- 6) the Chief Border Guard Commanding Officer;

- in the Republic of Estonia:

- 1) Ministry of Internal Affairs,
- 2) Police Board,
- 3) Security Police Board,
- 4) Board of Border Guard,
- 5) Estonian National Tax Board,
- 6) Estonian National Customs Board.

2. The competent authorities of the Contracting Parties, within their competence, may exchange liaison officers, conclude executive agreements hereto with the observance of internal procedures and set out detailed rules and the object of co-operation in them. They may also, whenever appropriate, carry consultations to ensure the efficiency of the co-operation being the object hereof.

3. The competent authorities of the Contracting Parties shall exchange the names of persons who are to participate in the exchange of experts two weeks prior to the scheduled date of the project at the latest. If one of the Contracting Parties decides that the stay in the territory of its State of the person designated by the other Contracting Party may pose a threat to the safety or to any other crucial interests of the State of this Contracting Party, the provisions of Article 5 of this Agreement shall apply.

Article 3

1. The competent authorities of the Contracting Parties shall ensure the protection of secret information imparted to each other.

2. All information of this kind or technical equipment delivered by the competent authority of one Contracting Party to the competent authority of the other Contracting Party may be delivered to law enforcement authorities of third States exclusively subject to the consent of the competent delivering authority.

3. Should the secret information imparted by the competent authority of one Contracting Party, be exposed to disclosure or be disclosed, the competent authority of the other Contracting Party shall immediately notify the competent authority of the imparting Party about this event, and inform it about the circumstances and consequences of the event and about measures undertaken to prevent the occurrence of any such events in the future.

Article 4

For the purpose of protection of the imparted personal data the following rules of conduct shall be applied:

- 1) using data shall be allowed solely pursuant to the purpose and terms set out by the imparting Party;
- 2) the imparting Party shall be advised, at its request, about the manner of the data use and about the result of the case;
- 3) personal data shall be imparted exclusively to law enforcement authorities; this data may be imparted to other authorities only subject to the consent of the imparting Party;

- 4) the imparting Party is responsible for the authenticity of the imparted data; if this data turns out to be false or imparting thereof was not allowed, the other Contracting Party should be immediately notified about that; in such event the other Contracting Party is obliged to correct or destroy it;
- 5) the Party imparting information shall specify the deadline of excluding this information from computer files.

Article 5

If one Contracting Party establishes that the exchange of information referred to in Articles 6 – 9 of this Agreement or the implementation of the joint project could violate its sovereign laws, pose a threat to its safety or other crucial interests or infringe the rules of its legal order, it may refuse to co-operate in part or in full or subject it to the satisfaction of specified terms.

Article 6

In order to prevent and combat criminal offences the competent authorities of the Contracting Parties shall:

- 1) impart to each other, when appropriate, personal data of the perpetrators of crimes and the information on:
 - a) inspirers and persons secretly guiding criminal actions,
 - b) criminal ties among perpetrators,
 - c) structures of criminal groups and organizations and methods of their operation,
 - d) typical ways of behaviour of particular perpetrators and groups of perpetrators,
 - e) important circumstances pertaining to the case, location, time, manner of commission of the crime, the purpose and particular features thereof,
 - f) violated provisions of Criminal Law,
 - g) commenced actions and the results thereof,
- 2) at the request of the other Contracting Party, commence appropriate police actions and perform without unnecessary delay jointly agreed police measures, particularly those regarding trans-border surveillance, controlled purchase and controlled delivery.