

Agreement

between the Austrian Federal Government and the Government of the Republic of Moldova on the implementation of the Police Cooperation Convention for Southeast Europe

The Austrian Federal Government and the Government of the Republic of Moldova (hereinafter referred to as “the Contracting Parties”),

- Reaffirming their will to intensify cooperation in the fight against threats to public security and order, as well as with respect to prevention, detection and police investigations of criminal offenses,
- Desiring to, in bilateral cooperation, provide prompt and comprehensive implementation of the Convention on Police Cooperation for Southeast Europe, signed in Vienna on 5th May 2006 (hereinafter referred to as „the Convention“),
- Determined to contribute to the full implementation of the Convention through the other Contracting Parties,
- Aiming to increase the safety of the citizens of the Republic of Austria and the Republic of Moldova,
- Pursuant to Article 34 Paragraph 1 of the Convention,

have agreed as follows:

Article 1

Aim

This Agreement aims to create the necessary regulatory framework for the implementation of the Convention.

Article 2

Liaison officers

(1) Pursuant to Article 9 of the Convention, the Contracting Parties shall cooperate with respect to the secondment of liaison officers.

(2) Liaison officers seconded to a third state may, by mutual written agreement of the competent authorities, also represent the interests of the other Contracting Party.

Article 3

Witness Protection

(1) The law enforcement authorities of the Contracting Parties designated for the witness protection shall pursuant to Article 10 of the Convention directly cooperate in the area of witness protection programmes.

(2) Where reference is made to witness protection in the Convention, this applies to persons who have been placed under the national witness protection programme or shall be included in such a programme.

(3) Cooperation in the field of logistics includes in particular administrative and technical assistance within the framework of the necessary protection measures, and, if necessary, a change of identity of the protected persons in accordance with the internal state law of the requested Contracting Party. Having regard to the national provisions of the other Contracting Party, certificates or other documents may be provided to establish or maintain a temporarily altered identity ("change of identity").

Article 4

Cross-border Surveillance

(1) The Contracting Parties shall cooperate in carrying out cross-border surveillance pursuant to Article 14 of the Convention.

(2) Pursuant to Article 14 Paragraph 3 of the Convention cooperation refers to extraditable criminal offenses in the requested state.

(3) Officers of one Contracting Party are allowed to take all necessary technical equipment with them to the state territory of the other Contracting Party, provided that this equipment is permitted by the internal state law and given that the head officer of the Contracting Party in whose state territory technical equipment is going to be taken approved in the individual case. The Contracting Parties shall mutually provide information on the technical equipment carried in the individual case.

Article 5

Undercover Investigations

In the framework of cooperation pursuant to Articles 16 and 17 of the Convention, protection and cover story measures taken by the requesting Contracting Party are recognised by the requested Contracting Party, in accordance with its national law.

Article 6

Competent Authorities

(1) The Contracting Parties have designated the following competent authorities (hereinafter referred to as „the Competent Authorities”) for the implementation of the Agreement:

For the Austrian Federal Government:

- Federal Ministry of the Interior;
Directorate-General for Public Security

For the Government of the Republic of Moldova:

- Ministry of Internal Affairs;
General Police Inspectorate
- General Inspectorate of Border Police
- General Prosecutor’s Office
- The Customs service of the Ministry of Finances;

The Ministry of Internal Affairs of the Republic of Moldova is the competent authority to receive any request that is made under this Agreement by the Federal Ministry of the Interior of the Republic of Austria.

(2) The Contracting Parties shall inform each other without delay of any changes regarding competence or designation of these Competent Authorities through diplomatic channels.

Article 7

Cooperation in Common Centres

(1) Without prejudice to the provision of Article 29 of the Convention on the establishment of common centres, the Contracting Parties may, by mutual agreement, second officers of one Contracting Party to existing common centres of the other Contracting Party with third states, provided that the third states agree with the secondment.

(2) The competences of officers seconded to common centres are regulated in Article 29 Paragraph 2 and the other provisions of the Convention.

Article 8

Settlement of Disputes

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

Article 9

Relation to Other International Agreements

This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties.

Article 10

Costs

Each Contracting Party shall cover, in accordance with its respective national legal framework, the costs borne by their respective authorities in order to implement this Agreement.

Article 11

Entry into Force, Duration and Termination

(1) This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other in writing that the necessary conditions have been fulfilled within the country.

(2) This Agreement shall be concluded for an unspecified period of time. This Agreement can be changed or supplemented with mutual agreement of the Contracting Parties.

(3) Either of the Contracting Parties may terminate this Agreement by way of written notification submitted to the other Contracting Party. In that case, the termination shall become effective six (6) months after the receipt of the notification by the other Contracting Party. This Agreement shall cease to be in force if the Convention is effectively terminated by one of the Contracting Parties.

Signed in, on, in two original copies, each in German, Romanian and English language, all texts being equally authentic. In case of any discrepancies in interpretation of the provisions of this Agreement, the English text shall prevail.

For the
Austrian Federal Government

For the
Government of the Republic of Moldova
