

No. 48151

**Ireland
and
Hungary**

Agreement between the Government of Ireland and the Government of the Republic of Hungary on co-operation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crime. Budapest, 3 November 1999

Entry into force: *17 August 2000 by notification, in accordance with article 11*

Authentic texts: *English and Hungarian*

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**Irlande
et
Hongrie**

Accord entre le Gouvernement de l'Irlande et le Gouvernement de la République de Hongrie relatif à la coopération en vue de combattre le trafic illicite de drogues, le blanchiment d'argent, le crime organisé, la traite des êtres humains, le terrorisme et autres crimes graves. Budapest, 3 novembre 1999

Entrée en vigueur : *17 août 2000 par notification, conformément à l'article 11*

Textes authentiques : *anglais et hongrois*

Enregistrement auprès du Secrétariat des Nations Unies : *Irlande, 28 janvier 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

between the Government of Ireland and the Government of the Republic of Hungary on Co-operation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other serious crime

The Government of Ireland and the Government of the Republic of Hungary (hereinafter referred to as “the Parties”)

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

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

Article 1

Scope of Agreement

This Agreement shall apply to illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crime.

Article 2

Competent Authorities

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

(i) as regards Ireland:

- the Minister for Foreign Affairs,
- the Minister for Health and Children,
- the Minister for Justice, Equality and Law Reform,
- the Commissioner, An Garda Síochána,
- the Revenue Commissioners.

(ii) as regards the Republic of Hungary:

- the Minister of the Interior,
- the Minister of Health,
- the Minister of Finance,
- Tax and Financial Audit Office, Directorate for Criminal Matters,
- the Commander of the National Police,
- the Commander of the National Customs and Finance Guard,
- the Commander of the National Border Guards.

- (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.
- (4) In the absence of any other agreement, English shall be the language of communication between the competent authorities.
- (5) The Parties shall exchange details of the relevant contact points of the competent authorities responsible for implementing this Agreement.

Article 3 **Exchange of Information**

- (1) The exchange of information under this Agreement shall be in accordance with the national law of the Parties.
- (2) The competent authorities of the Parties shall, to the fullest extent possible, co-operate in the exchange of information relevant to the prevention, detection and investigation of the crimes to which this Agreement applies.
- (3) Exchanges of information under this Article shall include in particular:
 - information on or relating to persons and organisations suspected of being involved in drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and any other serious crime;
 - information on the commission of or activities preparatory to such crimes;
 - information on the methodology of persons and organisations suspected of being involved in such crimes;
 - information on measures to control the legal trade in narcotic drugs, psychotropic substances and precursors, and on experience in implementing these measures.

Article 4
Use and confidentiality of information

- (1) 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.
- (2) Information received under this Agreement can only be revealed to authorities of third countries if the consent of the requested authority is obtained in writing.
- (3) The competent authorities of the contracting 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 Parties, for the purpose of protecting personal data, undertake to:-

- (i) apply the principles of the Council of Europe Convention for the Protection of Individuals with regard to automatic processing of personal data done at Strasbourg on the 28th day of January, 1981 and, in doing so, shall take account of Recommendation No. R(87) 15 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector adopted on the 17th day of September, 1987, as they apply to each Party;
- (ii) keep a register of all personal data received under this Agreement and protect such personal data against accidental loss or accidental destruction, unauthorised access, alteration, dissemination, destruction or deletion, and
- (iii) delete or destroy any such data in accordance with the conditions set forth by the forwarding Party, or in the absence of such conditions, as soon as the data is no longer required for the purpose for which it was requested or forwarded. Data received must be deleted or destroyed upon the termination of this Agreement.

Article 6
Refusal of Assistance

- (1) If a competent authority is of the opinion that a request for co-operation or assistance under this Agreement would:-
 - (i) impair its state's sovereignty, security or other essential interests, or

(ii) be contrary to national law, or

(iii) impose an excessive burden,

that authority may refuse to fulfil the request or may fulfil the request subject to certain conditions.

- (2) If assistance is withheld or denied, the decision and the reasons therefore must be notified to the applicant authority without delay.
- (3) Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

Article 7

Training

The competent authorities of the Parties shall, to the extent that may be agreed between them, co-operate in the development of training programmes designed to share expertise in the prevention, detection, and investigation of crimes to which this Agreement applies, including the secondment or exchange of law enforcement personnel.

Article 8

Bearing of Costs

- (1) The requested competent authority shall bear all ordinary costs incurred by it in complying with a request, but the payment of any extraordinary costs shall be agreed separately by the competent authorities concerned.
- (2) The requesting competent authority shall bear all travel and subsistence costs of its representatives unless there is agreement to the contrary.

Article 9

Implementation of Agreement

The Department of Justice, Equality and Law Reform of Ireland and the Ministry of the Interior of the Republic of Hungary shall monitor the implementation of this Agreement and senior officials of the Department and Ministry, with any relevant experts, shall meet as necessary to discuss any issues arising.