

No. 48690

**Portugal
and
Ukraine**

Co-operation Agreement between the Portuguese Republic and Ukraine in the fight against crime. Lisbon, 24 June 2008

Entry into force: *7 March 2011 by notification, in accordance with article 13*

Authentic texts: *English, Portuguese and Ukrainian*

Registration with the Secretariat of the United Nations: *Portugal, 11 July 2011*

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et
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Accord de coopération entre la République portugaise et l'Ukraine dans la lutte contre la criminalité. Lisbonne, 24 juin 2008

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Textes authentiques : *anglais, portugais et ukrainien*

Enregistrement auprès du Secrétariat des Nations Unies : *Portugal, 11 juillet 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**CO-OPERATION AGREEMENT BETWEEN THE PORTUGUESE
REPUBLIC AND UKRAINE
IN THE FIGHT AGAINST CRIME**

The Portuguese Republic and Ukraine, hereinafter referred to as “Parties”,

Expressing their concern over the increase in organized crime, in particular in its transnational dimension;

Recognizing the importance of reinforcing and developing the co-operation in the fight against crime;

Considering that this co-operation must be provided in a more effective manner consistent with the respect for human rights and fundamental freedoms as set out in relevant international legal instruments in this field;

Taking into account the objectives and principles set out in the international conventions to which they are party, as well as the United Nations resolutions and its bodies specialized in the fight against crime,

Have agreed as follows:

**Article 1
Objective**

This Agreement provides the legal framework for the co-operation between the Parties in the fight against crime, in accordance with the law applicable to it.

**Article 2
Scope**

1. The Parties shall, in accordance with the applicable international law, their domestic law and based on this Agreement, co-operate with each other to prevent, detect and prosecute crime, and particularly the forms of organized crime, through the collaboration between their competent authorities.
2. To this end, the Parties shall co-operate with each other in the fight against crime, in particular:
 - a) Illicit traffic in narcotic drugs and psychotropic substances, including precursors;
 - b) Money laundering;
 - c) Illicit trafficking in and use of nuclear materials and other radioactive substances, explosives and toxic substances, arms and ammunition;

- d) Terrorism, participation in a criminal organization and in a terrorist organization as well as its financing;
 - e) Aiding illegal immigration, including the fraudulent use of identity and travel documents;
 - f) Trafficking in human beings, commercial sexual exploitation by third persons, and particularly sexual exploitation of children;
 - g) Theft of and trafficking in vehicles as well as alteration of their identity data;
 - h) Illicit trafficking in cultural or historical goods;
 - i) Corruption, economic and financial crime as well as counterfeiting of trademarks and patents;
 - j) Tax offences.
3. This Agreement does not cover judicial co-operation in criminal matters or extradition.

Article 3

Forms of co-operation

1. Co-operation between the Parties shall aim at the:
- a) Exchange of operational and legal information, as well as of information concerning the location and identification of persons or items, and at providing assistance in carrying out police actions;
 - b) Technical and professional training for the personnel of the competent bodies of the two Parties;
 - c) Exchange of experience as well as of experts;
 - d) Exchange of analytical information on the origin, development and foreseeable consequences of criminal phenomena.
2. The Parties may establish other forms of co-operation that are appropriate to the achievement of the objectives of this Agreement.

Article 4

Competent authorities

1. The competent authorities responsible for implementing this Agreement are:
- a) For the Portuguese Republic:
 - i) *Polícia Judiciária* (national crime investigation police);
 - ii) *Serviços de Estrangeiros e Fronteiras* (Border and Aliens Service);
 - iii) *Guarda Nacional Republicana* (National Republican Guard);
 - iv) *Polícia de Segurança Pública* (Public Security Police).

- b) For Ukraine:
 - i) Ministry of Internal Affairs;
 - ii) Security Service;
 - iii) State Border Committee;
 - iv) State Customs Service,
 - v) State Tax Administration.
- 2. The competent authorities of the two Parties may create working groups, promote meetings of experts and negotiate the necessary protocols with a view to giving effect to this Agreement.

Article 5

Request

- 1. A request for assistance shall contain:
 - a) The authority making the request;
 - b) The authority to whom it is addressed;
 - c) The object of the request;
 - d) The purpose for which the request is made;
 - e) Any other information which may facilitate the execution of the request.
- 2. The request shall be executed as soon as possible.
- 3. Requests and replies shall be made in writing in a language agreed between the competent authorities of the two Parties.
- 4. In cases of urgency, requests may be transmitted orally provided that they are promptly confirmed in writing.
- 5. If the authority that receives the request is not competent to execute it, it shall forthwith inform the competent authority of the requesting Party and then transmit it to the competent authority.
- 6. If the requested Party has doubts about the authenticity or the content of the request or considers that the information contained in the request is not sufficient for its execution, it may request additional information.

Article 6

Refusal of request

- 1. The request may be refused, if the requested Party considers that the execution of the request is likely to prejudice its sovereignty or security, or is contrary to its law or other essential interests of the State.
- 2. Reasons for the refusal of the request must be given.

Article 7
Confidentiality

1. The requested Party, if so requested, shall keep confidential the request for assistance, its content as well as the supporting documents.
2. The requesting Party shall not use the information and other elements obtained as a result of the execution of the request for other purposes than those specified in it, without prior consent of the requested Party.

Article 8
Confidential information, documents and personal data

1. The Parties shall, in accordance with the applicable international and domestic laws and based on this Agreement, keep confidential the information, documents and personal data that have been disclosed orally or in writing and that have been obtained for the purpose defined in this Agreement.
2. The requested Party shall notify the requesting Party that the information given pursuant to this Agreement is considered confidential under the applicable international and domestic laws.
3. Confidential information, documents and personal data received by the competent authorities of the Parties within the framework of this Agreement shall not be transferred to a third party without the prior consent of the requested Party and the appropriate legal safeguards for the protection of personal data, in accordance with the applicable international and domestic laws.

Article 9
Use and transfer of personal data

1. The data used and transferred within the framework of this Agreement shall, in accordance with the applicable international and domestic laws, be:
 - a) Obtained for the purposes specified in this Agreement and shall not be further processed in any way incompatible with those purposes;
 - b) Adequate, relevant and not excessive in relation to the purposes for which they are collected, transferred and then processed;
 - c) Accurate and, where necessary, kept up to date; all reasonable steps should be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or corrected;
 - d) Kept in a form that permits identification of the data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed; they shall be erased after that period.