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**Spain  
and  
Republic of Moldova**

**Agreement between the Kingdom of Spain and the Republic of Moldova on cooperation on security issues and fight against crime. Madrid, 22 October 2013**

**Entry into force:** *1 January 2015, in accordance with article 15*

**Authentic texts:** *English, Moldovan and Spanish*

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**Espagne  
et  
République de Moldova**

**Accord entre le Royaume d'Espagne et la République de Moldova relatif à la coopération dans les domaines de la sécurité et de la lutte contre la criminalité. Madrid, 22 octobre 2013**

**Entrée en vigueur :** *1<sup>er</sup> janvier 2015, conformément à l'article 15*

**Textes authentiques :** *anglais, moldave et espagnol*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN THE KINGDOM OF SPAIN  
AND THE REPUBLIC OF MOLDOVA  
ON CO-OPERATION ON SECURITY ISSUES AND FIGHT AGAINST CRIME**

The Kingdom of Spain and the Republic of Moldova, hereinafter referred to as "the Parties":

*desiring* to strengthen the friendly relations and co-operation between the Parties, specifically on security issues:

*considering* that terrorism, international organized crime and other forms of crimes constitute a serious threat to the socio-economic development and the public security of the States of the Parties;

*duly observing* their respective national legislation and having due regard to the international commitments that are binding the Parties;

*guided by* the principles of equality, reciprocity and mutual assistance:

have agreed as follows:

**Article 1  
Definitions**

For the purpose of this Agreement:

1. *Competent authority* means any public body authorized to perform certain functions within the limits of its competence, relating to public safety protecting, preventing, detecting and /or investigating criminal offences.
2. *'Official'* means any representative of a competent authority authorized to perform certain functions relating to public safety protecting, preventing, detecting and investigating criminal offences.
3. *'Embassy counsellor, embassy attaché and liaison officer'* means any representative of one of the Parties seconded to the State of the other Party or a third country or international organization in order to establish and maintain contacts with the authorities of those countries and organizations with the view to assist in public safety protecting, preventing, detecting and investigating criminal offences.

4. '*Joint investigation team*' means any investigation team set up by mutual agreement of the authorities of the Parties for a specific purpose and a limited period of time, whose members, officials, may arrive at the territory of the State of the other Party to facilitate in that territory in carrying out operations related to preventing, detecting and investigating crime activity.

5. '*Information*' means personal data, as well as any information about incidents, circumstances, characteristics, and any other data within the limits of this agreement.

6. '*Personal data*' means any information of any type related to an identified or identifiable individual.

7. '*Personal data processing*' means any operation or set of operations carried out on personal data during collection, recording, organization, storage, adjustment, adaptation, modification, exclusion, consultation, access offering, use, transfer, dissemination, blocking or destruction.

## **Article 2**

### **Areas of co-operation**

1. The Parties shall co-operate in the maintenance of public safety and the fight against crime, particularly as regards:

- a) terrorism, including its financing and support;
- b) criminal offences against life and limb;
- c) production, smuggling and illegal traffic of drugs and psychotropic substances, as well as raw materials, chemical and biological substances and their precursors for manufacturing;
- d) illegal migration and trafficking in human beings;
- e) kidnappings and taking hostages;
- f) forgery, both illegal manufacturing, alteration and illegal use of identification documents, passports, visas and vehicle documents;
- g) smuggling and all its forms;
- h) money laundering stemming from criminal activities;
- i) forgery, both manufacturing, fraudulent alteration and diffusion of money;
- j) theft of, illegal traffic in motor vehicles and all the criminal activities related to them;

k) production of, trafficking in and illegal trading in arms, ammunition, explosives, as well as strategic raw materials, chemical, biological, nuclear, radioactive and other hazardous material substances, dual-use technologies and related services and goods;

l) illegal traffic in cultural assets of historical value and works of art;

m) economic crimes, including tax crimes;

n) organized forms of crime against sexual freedom, especially those connected with minors, as well as the printing, dissemination and supplying of pornographic materials with the participation of minors;

o) cyber crime and offences related to the information technologies and systems networks;

p) offences against natural resources and the environment.

2. By mutual consensus, the Parties may collaborate likewise in the fight against any kind of crime and other areas compatible with the purposes of this Agreement, such as: prevention, detection and investigation of which requires co-operation of competent authorities of both States.

3. This Agreement shall not include the issues of providing judicial assistance in criminal and extradition matters regulated by any other legal instruments.

4. This Agreement shall not include issues that concern the mutual exchange of information defined as a state secret.

### **Article 3**

#### **Content of the Cooperation**

1. The Parties shall co-operate, in compliance with the provisions established in this Agreement, in providing assistance and information exchange about:

- a) Terrorism, terrorist groups, their members and organizations, as well as their structure, financing, activities, operations, methods, connexions, and about ongoing investigations of interest to the Parties.
- b) Organized crime, its organizations, its member, structures, financing, operations, methods, connexions, criminal activities and their investigations.
- c) Search of and investigation of persons who have committed or are suspected of having committed offences; as well as the inquiry of their locations and activities in any of both Countries.

d) Search of and investigation of objects, effects or instruments involved in criminal activities. at the request of the other Party.

e) Search of and identification of missing persons, wanted or dead people by natural or unnatural causes, as well as corpses of interest to the competent authorities.

2. Likewise. the Parties shall provide mutual assistant and co-operation in:

- a) Surveillance and controlled delivery of illegal narcotic and psychotropic substances.
- b) Smuggling and illegal traffic of chemical, radioactive, explosive, toxic or hazardous materials, as well as firearms traffic.
- c) Providing transit to deported and extradited persons.
- d) Investigation and judicial procedures in those cases of interest to both Parties, in which the defendant party, witnesses or victims are in the territory of one of the Parties.
- e) Providing efficient protection to victims and witnesses, as well as to all persons who have, somehow, participated in an operative activity and provide assistance to the competent authorities of the Parties.
- f) Attachment of properties, capitals and stocks stemming from criminal activities listed in Article 2, considering their devolution to the Party who has the right to claim for them.
- g) Carrying out security checks on people and goods at ports and airports to final destination or in transit to the country of the other Party, aimed at preventing and detecting any smuggling or illegal traffic case, as well as at detecting any suspect persons or involved in related criminal activities, and exchange of information.

#### **Article 4** **Forms of collaboration**

1. The Parties shall co-operate, under this Agreement, by:

- a) Exchanging general information about status and security issues and crime tendencies in their respective States.
- b) Exchanging information about the use of modern technologies related to security issues, as well as electronic and digital procedures in the criminal investigation methods and the obtaining of evidences through those methods.