



**TREATY SERIES 2007
N° 123**

**Agreement between the Government of Ireland and the
Government of the Republic of Poland on Co-operation in
Combating Organised Crime and other Serious Crime**

Done at Warsaw on 12 May 2001

Signed on behalf of Ireland on 12 May 2001

**Exchange of letters of notification of completion of requirements for entry into
force on 23 October 2003 and 16 February 2006**

Entered into force on 18 March 2006

Presented to Dáil Éireann by the Minister for Foreign Affairs

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF POLAND ON CO-OPERATION IN COMBATING ORGANISED CRIME AND OTHER SERIOUS CRIME

The Government of Ireland and the Government of the Republic of Poland, herein after referred to as “the Contracting Parties”

Concerned with the spread of organised crime and other serious crime;

Desiring to further and strengthen friendly relations and mutual co-operation between the Contracting Parties;

Convinced of the vital importance of co-operation in the area of prevention and combating organised crime and other serious crime;

Endeavouring to develop the best possible principles and practices relating to co-operation between the appropriate competent authorities;

Taking into account the principle of reciprocity subject to the provisions of their national laws;

Taking into account international agreements binding for each Party

HAVE AGREED as follows:

Article 1

1. The Contracting Parties shall, to the fullest extent possible, ensure that their competent authorities co-operate in the prevention and combating of organised crime and other serious crimes including;
 - (1) investigation of suspected criminals
 - (2) detection of criminals
 - (3) tracing the proceeds of crime

2. The scope of the co-operation as provided for in paragraph 1 includes in particular the combating of the following crimes;
 - (1) offences against the person
 - (2) paedophilia
 - (3) terrorism
 - (4) illicit manufacture, possession and trafficking in arms, ammunition and explosives
 - (5) illegal migration

- (6) theft, fraud and other crimes against property
- (7) money laundering
- (8) illicit manufacture, possession and trafficking in narcotic drugs, psychotropic substances and precursors
- (9) trafficking in persons
- (10) illicit manufacture, possession and trafficking in nuclear and radioactive materials
- (11) corruption.

Article 2

1. Under this agreement, the competent authorities are:
 - (1) as regards Ireland:
 - (a) the Minister for Foreign Affairs
 - (b) the Minister for Justice, Equality and Law Reform
 - (c) the Commissioner, An Garda Síochána
 - (d) the Revenue Commissioners.
 - (2) as regards the Republic of Poland
 - (a) the Minister responsible for internal affairs
 - (b) The Chief Officer of the Office of the Protection of the State
 - (c) the Chief Commander of Police
 - (d) the Revenue Commissioners
 - (e) Inspector of General Taxes
 - (f) The President of the Central Board of Customs
 - (g) Inspector General of Customs
 - (h) The Minister responsible for public financial affairs
2. 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.

Article 3

The competent authorities shall establish appropriate direct channels of communication with their equivalents. Any requests for any information or any other action covered by this Agreement shall be made directly to the equivalent competent authority concerned.

Article 4

In matters concerning the implementation of this Agreement the competent authorities of the Contracting parties shall use either English or Polish.

Article 5

1. The co-operation between the competent authorities of the Contracting Parties shall, in so far as is deemed necessary or relevant, include the exchange of information, including personal data, relating to persons suspected of being involved in crimes to which this Agreement applies, including:
 - (a) information regarding modus operandi or persons and organisations suspected of involvement in such crimes, and
 - (b) information regarding crimes committed and activities preparatory to intended crimes.
2. The exchange of information referred to in paragraph 1 of this Article shall, in relation to crimes specified in Article 1, paragraph 2 (8), include the exchange of samples.
3. With a view to implementing the co-operation mentioned in Article 1 of this Agreement, the competent authorities of the Contracting Parties, to the extent that may be agreed between them, shall:
 - (1) exchange experience and information relating, in particular, to methods of combating organised crime as well as new forms of criminal activity;
 - (2) exchange results of research on crime detection and criminology
 - (3) exchange information on national criminal law and the application thereof
 - (4) exchange information on methods and technical equipment used to combat crime

- (5) organise the secondment or exchange of personnel with a view to sharing professional expertise in the field of prevention and combating crime
- (6) exchange specialised publications on the subjects covered by this Agreement
- (7) exchange information regarding
 - (a) organisers and perpetrators of crime
 - (b) structures of criminal groups
 - (c) behavioural patterns of organisers of crime, perpetrators of crime and criminal groups
 - (d) circumstances in which crime is committed and action taken by law enforcement agencies.

Article 6

1. A request for information, or any other action covered by this Agreement shall be made in writing and communicated directly between the relevant competent authorities of the contracting parties. In urgent cases, the request may be transmitted by telephone, followed by immediate confirmation in writing.
2. The competent authorities of each Party shall respond to requests for information or other action without unnecessary delay. The requested competent authority may apply for additional information if it is necessary to meet the request.
3. When the request for information or other action is beyond the competence of the requested authority, such authority shall immediately pass the request to the relevant competent authority and inform the requesting authority accordingly.

Article 7

1. If a competent authority of the Contracting Parties is of the opinion that complying with a request for information or other action covered by this Agreement
 - (1) could impair its State's sovereignty, jeopardise the security or other essential interests of the State
 - (2) would be contrary to the principles of national law; or
 - (3) would impose an excessive burden

that authority may refuse to comply with the request completely or partially or may comply with the request subject to such conditions as it deems necessary.

2. Where the requesting authority of the Contracting Party asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. Should this be the case, the requested authority, at its own discretion, shall decide what action should be taken with respect to such a request.
3. If the request is partially or completely denied or made subject to additional conditions, the decision and the reasons therefore must be notified to the requesting authority without delay.
4. If there are problems relating to immediate compliance with a request, the requesting party should be notified without delay.

Article 8

1. The requested competent authority of the Contracting Party shall bear all ordinary costs of complying with the request.
2. The requesting competent authority shall bear all costs associated with the travel and subsistence of its representatives.
3. The payment of any extraordinary costs shall be agreed by the competent authorities of the Contracting Parties. The terms of payment will be decided on a case by case basis.

Article 9

1. The exchange of information under this Agreement shall be in accordance with the national law of each Party.
2. The competent authorities of the Contracting Parties, in accordance with their national law, shall ensure the protection of all information received under this Agreement.
3. Information received under this Agreement can only be revealed to authorities of third countries if the consent of the requested party was obtained in writing.
4. Information received under this Agreement can be used only for combating crime unless the requested party agrees otherwise.

Article 10

The competent authorities specified in Article 2 may, should the need arise, hold consultations to secure greater effectiveness of co-operation, as provided for by this Agreement.

Article 11

1. Any disputes concerning interpretation or implementation of this Agreement shall be settled by direct negotiations between the competent authorities specified in Article 2, within the scope of their powers.
2. In the event of failure to achieve an agreement in negotiations referred to in paragraph 1 above, a dispute shall be settled via diplomatic channels and shall not be referred to any third party for settlement.

Article 12

The present Agreement does not apply to legal assistance in criminal matters or extradition and shall not affect the obligations of the Contracting Parties arising under any international agreements.

Article 13

1. This Agreement shall be subject to approval in accordance with the national law of the Contracting Parties, the fact being notified by and Exchange of Notes. The Agreement shall come into force after an expiration of thirty (30) days from the date of receipt of the later Note.
2. The present Agreement may be amended by mutual consent of the Contracting Parties through the exchange of diplomatic notes. Such amendments will come into force after an expiration of thirty days from the date of receipt of the later note.
3. This Agreement has been concluded for an unlimited period of time and may be terminated by either of the Contracting Parties by notice and in that case it shall lose effect after an expiration of three (3) months from the date of receipt of such termination notice.

Done at Warsaw on the twelfth of May, two thousand and one in two original copies, each in the English and Polish Language, all texts being equally original.