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AGREEMENT

between

The Government of the Republic of India

and

The Government of the Republic of Poland

On Co-operation in Combating Organised Crime and International Terrorism

The Government of the Republic of India and the Government of the Republic of Poland, hereinafter called "the Contracting Parties",

Recognizing the need to develop and strengthen friendship bonds and joint co-operation;

Deeply concerned with the expansion of organised crime and international terrorism;

Looking forward to strengthen and develop the co-operation in combating these crimes;

Convinced about the high importance of the cooperation aimed at an effective combating of organised crimes and international terrorism and looking forward to strengthen and develop co-operation;

Directed by the Principle of equality, reciprocity and mutual benefit;

Have agreed as follows:

Article 1

The Contracting Parties, in accordance with their domestic laws, shall co-operate in combating all types of serious crimes and prosecuting criminals, especially those engaged in organised crime in the following fields:

- 1) offences against life and health;
- 2) offences against property of significant value;
- 3) illegal production, distribution, and trade in narcotic and psychotropic substances or their precursors as well as their smuggling;
- 4) terrorism;
- 5) illegal migration and smuggling of persons;
- 6) trafficking in persons;
- 7) illicit trade in armaments, ammunitions, and explosives;
- 8) thefts of radioactive and nuclear substances as well as their illegal trade;
- 9) thefts of works of art, mechanical vehicles, and other properties, as well as their smuggling;
- 10) counterfeiting and forgeries of money, cheques, securities, and other financial instruments and introducing them into circulation;
- 11) economic offences particularly relating to taxation, banking system, money laundering, as well as relating to funding of international terrorism.

Article 2

For the purpose of the realisation of the co-operation in the above mentioned fields, and in compliance with their own legal regulations, the Contracting Parties shall:

- 1) transfer personal data of persons participating in the illicit production and trafficking of narcotics, information about hide-outs and transportation means, methods of work, places of origin and destination of the narcotics, as well as information about specific details of the given cases;
- 2) render mutual assistance in operational matters including employing special investigative techniques such as controlled delivery with a view to identifying person involved in such offences;
- 3) transfer information about methods of smuggling narcotics;
- 4) exchange results of research in the field of prevention and combating crime relating to illicit production, trafficking and abuse of narcotics;
- 5) transfer samples of new narcotics and other dangerous substances, both of plant origin and synthetic on mutual request;
- 6) exchange experiences, material and equipment used in the illicit production and trafficking in narcotics;
- 7) undertake any other joint activities aimed at combating the illegal production and trafficking in narcotics.

Article 4

Where it is considered necessary to combat terrorist crimes or to combat serious threats to the public security of either Contracting Party, the Contracting Parties hereby undertake, in accordance with their respective laws and regulations, to exchange information and intelligence about terrorist and organised criminal groups which plan to commit or have committed terrorist acts, including their methods of operation.

Article 5

For the purpose of fighting against illegal migration and smuggling of persons, the Contracting Parties shall exchange information, including patterns of seals placed

- 1) exchange personal data about criminals engaged in organised crimes, especially including data about instigators, abettors and conspirators, about connections between criminals, structures of criminal groups and organisations, typical behaviours of individual criminals and groups, circumstances of the crimes, especially the time, place, method of committing the crime, subject and special features of the crime, as well as violated penal law regulations and undertaken activities if it is necessary to fight against organised crimes or counteracting a threat to the public security which may be serious in the given case;
- 2) extend operational co-operation between respective authorities of the two countries in the field of prevention and combating of organised crime, international terrorism and drug trafficking;
- 3) exchange experiences and information, especially about international criminal methods, as well as new forms of criminal activities;
- 4) exchange documentation, publications and results of scientific research in the field of prevention and combating crime.
- 5) organize exchange of experts aimed at professional training, especially in the field of investigative techniques and methods to combat crimes.

Article 3

The Contracting Parties shall fight against crimes connected with narcotics, and especially the illegal growth, production, exportation, importation, and transit, as well as trafficking in narcotic drugs, psychotropic substances and precursors and chemicals used in the manufacture of narcotic drugs and psychotropic substances (hereinafter referred to as "narcotics") within the framework of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. In particular the Contracting Parties shall take following steps in accordance with their domestic law;

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in passports and other traveling documents, as well as types of visas necessary to prevent and combat these crimes.

Article 6

1. The co-operation defined in this Agreement shall be implemented by direct contacts between the Central Authorities of the Contracting Parties and by persons appointed by them:

2. The Central Authorities shall be the following:

(I) On the part of the Republic of India:

a) Ministry of Home Affairs,

b) Narcotic Control Bureau under the Department of Revenue, Ministry of Finance - for the purpose of Article 3.

(II) On the part of the Republic of Poland:

a) the Minister competent for internal affairs,

b) the Minister competent for public finances,

c) the Minister competent for financial institutions,

d) the Chief of the Internal Security Agency,

e) the Chief Commander of the Police,

f) the Chief Commander of the Border Guard;

Article 7

To further enhance co-operation pursuant to the present Agreement, the Central Authorities of the Contracting Parties may conclude additional technical protocols within the scope of the present Agreement.

Article 8

1. The Contracting Parties in conformity with their domestic legislation, shall ensure secrecy of the information transferred to each other if the information was marked by the transferring Party, with a confidentiality clause.
2. All transferred information and supporting material may be made available to a third country only with the written consent of the transferring Party.
3. In case of an unintended leak or threat of leak of classified information presented by one Contracting Party, the other Contracting Party shall immediately inform the transferring Party about it as also about the measures undertaken to prevent the same.
4. Both Contracting Parties, in conformity with their domestic legislation shall protect transferred personal data in particular against unauthorised access or use for purposes other than for which it was transferred.

Article 9

Contracting Parties may hold consultations in order to ensure efficiency of the co-operation specified in Article 1 – 5 of the present Agreement.

Article 10

The present Agreement shall not affect the obligations of either Contracting Party under any other bilateral or multilateral agreement.

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Article 11

The present Agreement does not constitute obstacles to introduce or develop other forms and methods of co-operation in the field of combating organised crime that can be accepted by both Contracting Parties.

Article 12

1. If one of the Contracting Parties claims that an execution of the request or a realisation of a joint undertaking could violate its sovereignty, threaten its security or other important interests, or violate rules of its legal order, it can partially or totally reject the co-operation sought or make it dependent on meeting certain conditions.

2. The Contracting Parties shall enter into consultations and arrange meetings of experts in furtherance of the present Agreement at a mutually convenient time and place and for this purpose names of experts will be finalised by both Contracting Parties as mutually agreed.

Article 13

Costs of the execution of request for co-operation under the present Agreement shall be covered by the Contracting Party in whose territory they have arisen, unless the respective authorities of the Contracting Parties agree otherwise in specific cases.

Article 14

The English language shall be the language of communication between the Contracting Parties for the purpose of co-operation under the present Agreement.

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Article 15

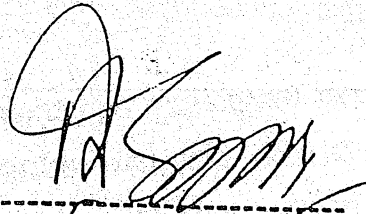
The present Agreement shall be approved in accordance with the laws of the Contracting Parties and it shall enter into force thirty days after exchanging notes confirming the approval.

Article 16

The present Agreement has been concluded for an unlimited period of time. It can be terminated by means of a proper notification by either Contracting Party. In such a case, it will cease to be in force six months after such a notice.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Delhi this day 17 of February two Thousand and Three in two originals, each in the Hindi, Polish and English languages. All the texts shall have the same authenticity. In case of differences in their interpretation, the English text shall prevail.



For the Government of
the Republic of India



For the Government of
the Republic of Poland