



UNITED NATIONS  
*Office on Drugs and Crime*

# Memorandum of Understanding

between

Eurojust

and

The United Nations Office  
on Drugs and Crime (UNODC)

# Memorandum of Understanding between Eurojust and The United Nations Office on Drugs and Crime (UNODC)

**Eurojust and UNODC** (hereinafter referred to as "the Parties"),

Considering that Eurojust was established by Decision of the Council of the European Union of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as modified, most recently, by Council Decision of 16 December 2008 on the strengthening of Eurojust,

Considering that UNODC was established in 1997 as the Office for Drug Control and Crime Prevention<sup>1</sup> and was given additional mandates, inter alia, in strengthening international cooperation in the efforts to prevent and combat transnational organized crime and corruption<sup>2</sup> and terrorism,<sup>3</sup>

Considering the common interest for the Parties to strengthen their relationship in order to improve the international response to serious transnational crime and terrorism,

Having regard to the exchange of letters dated 1 April 2008 and 15 April 2008 between the Parties expressing the will to strengthen their cooperation.

HAVE AGREED AS FOLLOWS

---

<sup>1</sup> "Reviewing the United Nations: A Programme for Reform", A/51/950 of 14 July 1997, Action 8, p. 49. See also: United Nations Secretariat, Secretary-General's Bulletin, "Organization of the United Nations Office on Drugs and Crime", ST/SGB/2004/6, 15 March 2004.

<sup>2</sup> United Nations, General Assembly resolution 55/25, "United Nations Convention against Transnational Organized Crime", A/RES/55/25, 15 November 2000; United Nations, General Assembly resolution 58/4, "United Nations Convention against Corruption", A/RES/58/4, 31 October 2003.

<sup>3</sup> See, for e.g., United Nations, General Assembly resolution 60/288, "The United Nations Global Counter-Terrorism Strategy", A/RES-60/288, 20 September 2006.

## **Article 1**

### **Definitions**

For the purposes of this Memorandum of Understanding:

- a) "National Member" means the national member seconded to Eurojust by each Member State of the European Union, as referred to in the establishing act of Eurojust;
- b) "Liaison Prosecutor" or "Liaison Magistrate" means either
  - i) a magistrate or a prosecutor seconded to Eurojust by a third State on the basis of an agreement concluded by Eurojust with this third State and approved by the Council in accordance with the establishing act of Eurojust, or
  - ii) a liaison magistrate with experience of working with Eurojust posted by the College of Eurojust to a third State on the basis of an agreement concluded by Eurojust with a Third State and approved by the Council in accordance with the establishing act of Eurojust;
- c) "Central authorities" means the national authorities designated under:
  - i) article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
  - ii) article 18 of the United Nations Convention against Transnational Organized Crime;
  - iii) article 46 of the United Nations Convention against Corruption;with the responsibility and power to receive requests for mutual legal assistance and either to execute them or transmit them for execution;
- d) "Other competent authorities" means the national authorities designated under:
  - i) articles 6 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
  - ii) article 16 of the United Nations Convention against Transnational Organized Crime;

- iii) article 8, paragraph 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- iv) article 13, paragraph 2 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
- v) articles 44 and 58 of the United Nations Convention against Corruption;  
with the responsibility and power to deal with requests for extradition and other forms of international cooperation, as prescribed in the corresponding provisions of the abovementioned instruments;
- e) "United Nations crime conventions" include the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime and its three Protocols, the United Nations Convention against Corruption, and the 16 United Nations counter-terrorism instruments.

## **Article 2**

### **Purpose**

1. The purpose of this Memorandum of Understanding is to facilitate the co-operation between the Parties with a view to reinforcing the fight against serious crime.
2. This Memorandum of Understanding does not affect or prejudice the respective legal framework governing Eurojust and UNODC.

## **Article 3**

### **Scope**

Eurojust and UNODC will work together in the fields of activity as set forth in the establishing act of Eurojust and in the mandates of UNODC.



## **Article 4**

### **Central points of contact**

1. UNODC and Eurojust will each designate a central point of contact with a view to facilitating efficient cooperation between the two organisations.
2. In addition, UNODC and Eurojust will each designate a point of contact responsible for terrorism-related matters and a point of contact responsible for corruption and economic crime-related matters with a view to facilitating co-operation between the two organisations in these subject areas. Additional points of contact may be designated by the Parties as appropriate.
3. Any Party may change the designated points of contact upon providing written information to the other Party.

## **Article 5**

### **Regular contacts**

1. The Parties will inform each other of activities of common interest and will consult on matters which might be of interest to the other Party.
2. The Parties will consult each other regularly, and at least once a year, on the practical implementation of this Memorandum of Understanding and in order to coordinate activities and avoid duplication of efforts. This consultation will include an evaluation of the relationship of the Parties with a view to assessing whether amendments are required to this Memorandum of Understanding.

## **Article 6**

### **Facilitation of direct contacts**

The Parties will facilitate as appropriate direct contacts between, on the one hand, UNODC and Eurojust National Members, Liaison Magistrates and the contact points of Eurojust and between, on the other hand, Eurojust and the central and other competent authorities as defined in Article 1.

## **Article 7**

### **Exchange of information**

1. In order to accomplish their objectives as set out in their respective legal framework and within the limits of their competences, the Parties may exchange any information as deemed useful and appropriate, such as:
  - a) Information on the practical application of international cooperation provisions of the United Nations crime conventions in targeted countries upon request;
  - b) Legal and practical information concerning the judicial and procedural system of Member States, as well as an overview of, and any other information deemed necessary for effective communication among the judicial, central or other competent authorities in the field of international co-operation in criminal matters;
  - c) Information related to relevant bilateral, regional and international instruments as well as relevant legal projects; and
  - d) Information of a strategic nature such as trends and challenges faced related to transnational organized crime, corruption and terrorism.
2. With a view to improving the exchange of information between both Parties, UNODC will grant all Eurojust National Members, Liaison Prosecutors or Liaison Magistrates access to its legal tools, including its databases on Treaty-related information. Eurojust will, upon request by UNODC and on a case-by-case basis, examine whether other information drawn up or received by it can be facilitated to UNODC.
3. The content of any exchange of information will not include the transmission of information of an operational nature, including data relating to the management of ongoing/pending criminal cases, or sensitive personal data of identified or identifiable natural persons.

## **Article 8**

### **Mutual attendance in meetings**

The Parties will invite each other to participate in each other's meetings where appropriate. Such meetings may include, inter alia:

- a) For UNODC:
  - i) The sessions of the Conferences of the Parties to the United Nations Convention against Transnational Organized Crime, in particular the meetings of the working groups on international cooperation and technical assistance established by that body, subject to the relevant Rules of Procedure for the Conference;
  - ii) The sessions of the Conference of the States Parties to the United Nations Convention against Corruption, in particular the meetings of the working groups on asset recovery and technical assistance established by that body, subject to the relevant Rules of Procedure for the Conference;
  - iii) The meetings of the Advisory Group on the implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime.
- b) For Eurojust:
  - i) strategic meetings; and
  - ii) tactical meetings to enhance cooperation to combat crime among the European Union Member States.

## **Article 9**

### **Professional training, technical assistance and study visits**

1. The Parties will inform each other of relevant activities they organise in the field of professional training, seminars and workshops that may be of common interest. Where appropriate they will invite each other to participate in these activities.
2. The Parties may offer each other support and assistance in the area of training and technical assistance, inter alia, by



- i) providing legal or other substantive expertise in support of technical assistance offered by the other Party;
- ii) providing support to practical training offered by the other Party;
- iii) assisting in identifying practitioners and experts to assist in the training and technical assistance offered by the other Party;
- iv) exchanging information relating to best practices and case studies for use in the training and technical assistance offered by the other Party;
- v) exchanging information on technical assistance needs; and
- vi) providing assistance through the exchange of information related to legal tools, instruments and their implementation.

2. The Parties will organize, as appropriate, joint study visits or consecutive internships to enhance the knowledge of their respective functioning and action and to directly share technical expertise.

3. Eurojust will provide support and advice to UNODC's work within its mandate to strengthen networking among central and other competent authorities at the inter-regional level and to explore ways to facilitate communication and problem-solving among such authorities.

4. The terms and conditions and execution modalities of such activities will be mutually agreed upon on a case-by-case basis by the Parties.

## **Article 10**

### **Settlement of disputes**

1. Any disputes between the Parties concerning the interpretation of the Memorandum, or any question affecting the relationship between the Parties shall be referred to the Executive Director of UNODC and the President of Eurojust who shall aim to find an equitable solution.

2. Each Party reserves the right to suspend its obligations under this Memorandum where one Party applies the procedure laid down in paragraph 1 of this Article or in any other case where a Party is of the opinion that the obligations incumbent on the other Party under this Memorandum have been breached.

3. If a Party decides to exercise its right to suspend its obligations under this agreement it shall notify the other Party in writing.



## **Article 11**

### **Amendments**

1. This Memorandum of Understanding may be amended by mutual written consent between the Parties at any time.
2. The Parties will enter into consultations with respect to any amendments to this Memorandum of Understanding at the request of either of them.

## **Article 12**

### **Termination of this Memorandum of Understanding**

This Memorandum of Understanding may be terminated by either Party with three months' written notice.

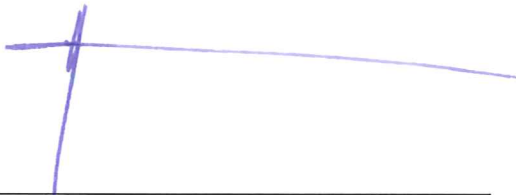
## **Article 13**

### **Entry into force**

This Memorandum of Understanding shall enter into force upon the signature of the Parties.

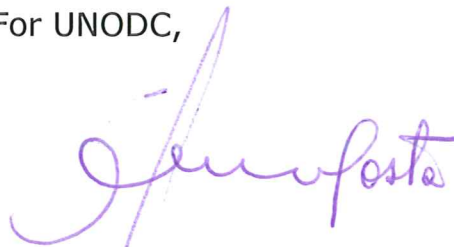
Done at Brussels on this 26<sup>th</sup> day of February 2010.

For Eurojust,

A stylized signature in blue ink, consisting of a vertical line and a horizontal line crossing it.

Michèle Coninsx,  
Vice-President.

For UNODC,

A stylized signature in blue ink, appearing to read 'AmCosta'.

Antonio Maria Costa,  
Executive Director.