



TREATY SERIES 2011
Nº 9

Agreement between Ireland, the Kingdom of the Netherlands, the Kingdom of Spain, the Italian Republic, the Portuguese Republic, the French Republic, and the United Kingdom of Great Britain and Northern Ireland establishing a Maritime Analysis Operations Centre - Narcotics

Done at Lisbon on 30 September 2007

Notifications of the completion of the procedures necessary for the entry into force of the Agreement deposited by Ireland on 21 July 2008

Entered into force with respect to Ireland on 2 April 2010

Presented to Dáil Éireann by the Minister for Foreign Affairs

**AGREEMENT BETWEEN IRELAND, THE KINGDOM OF THE
NETHERLANDS, THE KINGDOM OF SPAIN, THE ITALIAN REPUBLIC,
THE PORTUGUESE REPUBLIC, THE FRENCH REPUBLIC, AND THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
ESTABLISHING A MARITIME ANALYSIS OPERATIONS CENTRE -
NARCOTICS**

The Parties to this Agreement

Considering that the analysis of drug imports, in particular cocaine imports from South America into Western Europe has shown an increase in illicit drug trafficking by sea and air across the Atlantic to Europe and the West African Seaboard;

Concerned about the difficulty in obtaining timely information for actions in this field, at both an international and European level, which creates additional difficulties in suppressing illicit drug trafficking by sea in international waters and by air in international airspace;

Noting the marked international nature of this illicit drug trafficking involving criminal organisations operating in several countries, employing ships with different registrations and crews of different nationalities;

Considering that many countries do not have sufficient air and sea surveillance and law enforcement assets to carry out alone the interdiction of illicit drug trafficking by sea, and that there are technical and legal difficulties with maritime interdictions;

Taking into account the Comprehensive Operational Strategic Planning for the Police (PCTF COSPOL) initiative on cocaine;

Taking further into account the European Organised Crime Threat Assessment (OCTA) by Europol, which has identified the fight against cocaine trafficking as a priority for law enforcement and encourages the regional approach towards the fight against international organised crime.

Having regard for the EU Drugs Strategy 2005-2012, endorsed by the European Council of 16 and 17 December 2004;

Re-affirming the existing measures provided for in the United Nations Single Convention on Narcotic Drugs, adopted in New York on 30 March 1961, as amended by the Protocol adopted in Geneva on 25 March 1972 and the Protocol adopted in New York on 8 August 1975; the Convention on Psychotropic Substances, adopted in Vienna on 21 February 1971; the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, adopted in Strasbourg on 31 January 1995; the United Nations Convention of the Law of the Sea, adopted in Montego Bay on 10 December 1982, the Europol Convention of 26 July 1995; customary rules of the international law of the sea; and other relevant international legal instruments;

Bearing in mind the co-operation between EU member-states and non EU states against drug trafficking by sea and by air in the Atlantic Ocean and the valuable action of the Joint Interagency Task Force (JIATF) South;

Working together in a regional initiative referred to as the Maritime Analysis and Operations Centre – Narcotics.

And *acting in accordance* with the respective national law and procedures of the Parties,

AGREE AS FOLLOWS:

CHAPTER I GENERAL PROVISIONS

Article 1 Object

1. The Maritime Analysis and Operations Centre – Narcotics, hereinafter referred to as the “Centre”, is hereby established by the Parties in accordance with this Agreement.
2. All Parties shall be members of the Centre. The Centre shall provide a basis for the Parties’ engagement in multilateral co-operation in the field of suppression of illicit drug trafficking by sea and by air.

Article 2 Scope

1. The Parties shall co-operate through the Centre in the suppression of illicit drug trafficking by sea and by air across the Atlantic towards Europe and the West African Seaboard, with the possibility of extending its operations, *inter alia*, into the Western Mediterranean basin, hereinafter referred to as the “operational area”.
2. The Parties, through the Centre, shall:
 - (a) Collect and analyse information to assist in determining best operational outcomes in relation to illicit drug trafficking by sea and by air in the operational area.
 - (b) Enhance intelligence through information exchange among themselves and, in the appropriate manner, with Europol.
 - (c) Endeavour to ascertain the availability of their assets which, where possible, shall be notified in advance, in order to facilitate interdiction operations to suppress illicit drug trafficking by sea and by air.

Article 3
Legal Status

The Centre shall enjoy legal personality in the territory of each of the Parties, including the capacity to contract, to acquire and to dispose of movable and immovable property.

Article 4
Location

The Centre shall be located in Lisbon, Portugal, hereinafter referred to as the “Host State”.

Article 5
Observers

1. Any State or International Organisation sharing the same objectives as the Parties in the suppression of illicit drug trafficking by sea and by air may be invited to become an observer, by decision of the Executive Board, under the conditions determined by the Board.

2. The exchange of personal data and other information with the observer shall be governed by Article 6 and shall be limited to that strictly necessary for his cooperation in the activity of the Centre.

Article 6
Protection of Personal Data and Other Information Provided by the Parties

1. The processing and protection of personal data and other information provided by the Parties shall be carried out in accordance with national laws of the Parties, EU law and international law binding on the Parties, including the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, adopted in Strasbourg on 28 January 1981.

2. Personal data and other information provided by the Parties shall not be transmitted to third States or any other entity without the prior consent of the provider of the information and may not be used for purposes other than those for which they were initially transmitted

CHAPTER II
ORGANISATION AND OPERATION OF THE CENTRE

Article 7
Structure

The Centre shall be composed of an Executive Board, a Director, liaison officers and staff.

Article 8
Executive Board

1. The Executive Board shall be composed of a senior representative from each Party, who shall not be a liaison officer at the Centre.
2. The Executive Board shall meet at least twice a year.
3. The functions performed by the Executive Board shall include:
 - (a) Development of the Centre's strategic direction;
 - (b) Invitation and admission of observers, including the determination of conditions of admission;
 - (c) Establishment of committees, as necessary;
 - (d) Adoption of the Procedure Handbook and the approval of any subsequent amendments;
 - (e) Approval of the annual budget;
 - (f) Approval of the annual report;
 - (g) Appointment of the Director of the Centre.
4. The Executive Board shall elect its chairman for a one year term, to be rotated annually.
5. All decisions of the Executive Board shall be made by unanimous agreement of the Parties.

Article 9
Director of the Centre

1. The Director of the Centre shall be appointed by the Executive Board from among the Parties for a two year term which may be extended for a further term, not exceeding two years.
2. The Director shall have the following functions:
 - (a) To manage the work of the Centre;
 - (b) To represent the Centre externally;
 - (c) To attend Executive Board meetings, without voting rights;
 - (d) To draft the annual report detailing the activities of the Centre;
 - (e) To submit the annual budget of the Centre and account for it;

- (f) To implement decisions of the Executive Board.
3. The Host State shall ensure the necessary protection of and assistance to the Director.

*Article 10
Liaison Officers*

1. The Parties shall assign liaison officers to the Centre.
2. Liaison officers shall have access to the equipment, personal data and databases of the Centre.
3. Liaison officers shall work in accordance with the Procedure Handbook, as provided for in Article 12, b).
4. The Host State shall ensure the necessary protection of and assistance to the liaison officers assigned to the Centre.

*Article 11
Staff*

1. The Director of the Centre may, with the agreement of the Executive Board, engage staff to perform administrative, technical or maintenance tasks at the Centre.

*Article 12
Procedures*

The Procedure Handbook to be adopted by the Executive Board under Article 8 (3), d), shall include the following:

- (a) Operation procedures of the Centre;
- (b) Roles and responsibilities of liaison officers;
- (c) Protocols for information exchange and processing, including its protection;
- (d) Additional information on the functions of the Executive Board;
- (e) Functions of every committee, established under this Agreement
- (f) Procedures for planning and co-ordinating operations;
- (g) Notification arrangements for executive Board meetings;
- (h) Budgetary arrangements and reporting of expenditure to the Executive Board; and,

- (i) Any other aspects of the Centre's functions.

Article 13
Operational and tactical decisions

The responsibility for operational and tactical decisions rests with each Party, and each such decision shall comply with the principles and rules of International Law, as well as their respective national laws and procedures.

Article 14
Applicable law

The daily functioning of the Centre shall be subject to the law of the Host State.

Article 15
Costs

1. The costs related to the budget of the Centre, excluding liaison officers costs, shall be funded and borne equally by the Parties to this Agreement.
2. Participation in any operation by a Party shall be voluntary. Parties participating in such an operation shall bear their own costs.
3. Additional funding for the operation and administration of the Centre may be sought from sources within the European Union or elsewhere.

Article 16
Co-operation with other entities

Subject to the strategic direction of the Executive Board, the Centre may co-operate with other entities which share its objectives in suppressing illegal drug trafficking by sea and by air.

Article 17
Evaluation

The functioning of the Centre shall be evaluated two years after the entry into force of this Agreement by a committee composed of one representative designated by each of the Parties.

CHAPTER III
FINAL PROVISIONS

Article 18
International Obligations

Nothing in this Agreement shall be considered as incompatible with any existing international obligations contained in other international agreements binding on the Parties.

Article 19
Settlement of disputes

All disputes arising out of the interpretation or application of this Agreement shall be settled by negotiation or by any other means of settlement agreed by the Parties

Article 20
Depositary

The Government of the Portuguese Republic shall be the depositary of this Agreement.

Article 21
Entry into force

1. This agreement shall be open for signature by Ireland, the Kingdom of the Netherlands, the Kingdom of Spain, the Italian Republic, the Portuguese Republic, the French Republic and the United Kingdom of Great Britain and Northern Ireland.
2. The States that have signed this Agreement shall notify the depositary, in writing through diplomatic channels, of the completion of their national constitutional requirements for expressing their consent to be bound by this Agreement.
3. This Agreement shall enter into force sixty days following the date of the deposit of the third notification referred to in paragraph 2 of this Article.
4. For the other signatory States, this Agreement shall enter into force sixty days following the date of the deposit of the notification referred to in paragraph 2 of this Article.

Article 22
Accession

1. Following entry into force, this Agreement shall be open for accession by any State invited to accede by the unanimous consent of the Parties.
2. The present Agreement shall enter into force for the acceding State sixty days following the date of deposit of its respective instrument of accession.

Article 23
Amendments

1. This Agreement may be amended by mutual written consent of all Parties.
2. The amendments shall enter into force sixty days following the date of deposit of the notification by all Parties, in writing through diplomatic channels, of the completion of the national requirements of each Party.

Article 24
Provisional application

Any State may, at the time of signature of the Agreement, declare that it shall apply the terms of this Agreement provisionally, pending its entry into force in that State.

Article 25
Termination and withdrawal

1. This Agreement may be terminated at any time by mutual agreement of the Parties, which shall agree the date from which the provisions of the Agreement shall cease to be in force.
2. After this Agreement has been in force for two years, any Party may withdraw from the Agreement by notification, in writing and through diplomatic channels to the Depositary. Withdrawal shall take effect six months after receipt of such notification by the Depositary. The Depositary shall advise the Parties of receipt of any such notification.
3. In the case of withdrawal by a Party, that Party shall bear its share of the costs incurred until the withdrawal takes effect.
4. The Agreement shall cease to be in force if the number of Parties becomes less than three.
5. Notwithstanding termination or withdrawal, all the information and data transferred pursuant to this Agreement shall continue to be protected according to the provisions set forth therein.

Article 26
Registration

After the entry into force of the Agreement, the Depositary shall transmit it to the Secretariat of the United Nations for registration, in accordance with Article 102 of the Charter of the United Nations.

DONE in Lisbon, on the 30th of September 2007, in the Dutch, English, French, Italian, Portuguese and Spanish languages, all texts being equally authentic.

FOR IRELAND

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