

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE ITALIAN REPUBLIC
AND
THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
COOPERATION
IN COMBATING CRIME**

Preamble

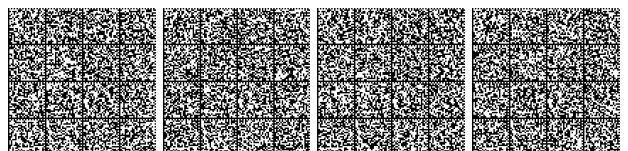
The Government of the Italian Republic and the Government of the Socialist Republic of Vietnam, hereinafter jointly referred to as the "Parties" and individually as the "Party";

BEING AWARE that crime has negative repercussions on public order and security as well as on their citizens' welfare;

ACKNOWLEDGING the need to strengthen international cooperation between law enforcement authorities in the fight against crime and terrorism;

WISHING to intensify information exchange and training of law enforcement authorities of both countries;

RECALLING the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on the Fight against Illicit Trafficking in Psychotropic Substances, the 1988 Convention on the Fight against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, the 2000 UN Convention on the Fight against Transnational Organised Crime, the 2003 UN Convention against Corruption, as well as the UN Conventions on the fight against terrorism, which the Parties adhered to;



IN CONFORMITY with the principle of sovereignty and equality among States, without detrimental to Third Parties, and willing to strengthen the friendship relations existing between the two countries;

IN COMPLIANCE WITH the national legislation of both countries and, with regard to Italy, of the obligations deriving from its European Union membership;

HAVE AGREED as follows:

Article 1

AIMS

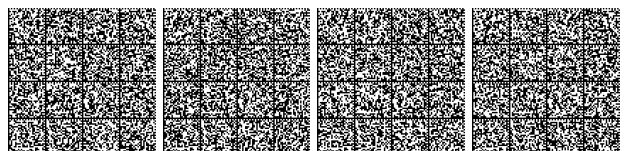
This Agreement aims at intensifying cooperation through the exchange of operational information and good practices, as well as training of the Parties' law enforcement authorities with a view to combating transnational organized crime, illicit trafficking in narcotic drugs and psychotropic substances and their precursors, trafficking in human beings, smuggling of migrants, as well as terrorism and other crimes.

Article 2

COMPETENT AUTHORITIES

1) The Parties agree that the competent authorities responsible for implementing this Agreement shall be:

- (a) For the Italian Party, the Ministry of the Interior;
- (b) For the Vietnamese Party – the Ministry of Public Security.



2) For the implementation of this Agreement the Italian Ministry of the Interior will avail itself of the Department of Public Security.

For the implementation of this Agreement the Vietnamese Ministry of Public Security will avail itself of the Department of International Cooperation.

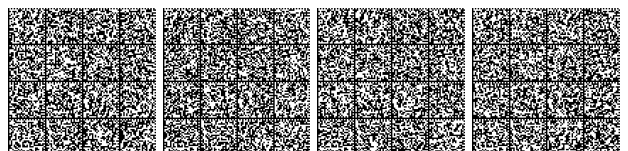
Article 3

COOPERATION SECTORS

1. The Parties shall cooperate in accordance with the Article 1 in the following sectors:

- (a) transnational organised crime;
- (b) illicit production of, trafficking in, sale and/or storage of narcotic drugs, psychotropic substances and their precursors;
- (c) trafficking in human beings and smuggling of migrants;
- (d) illicit trafficking in arms, ammunitions, explosives, nuclear, radioactive and toxic materials;
- (e) economic crimes, money laundering and crimes against property, also with a view to detecting assets of illicit origin;
- (f) crimes perpetrated by using hi-tech technologies;
- (g) any other crime of interest to the Parties.

2. The Parties shall also cooperate in preventing and countering terrorist attacks in compliance with the domestic legislation in force in their countries and the international Conventions by which they are bound.



3. This Agreement shall have no effect on extradition and criminal legal assistance matters.

Article 4

FORMS OF COOPERATION

With a view to implementing the provisions under Article 3 and in compliance with the national legislation in force in their countries, the Parties' competent Authorities shall cooperate by means of:

- 1) exchange of information on crimes, criminals, criminal organizations, modus operandi, structures and contacts;
- 2) exchange of information on terrorist groups;
- 3) exchange of information on legislative and scientific tools to combat crime;
- 4) exchange of information on criminal analysis techniques and on crime threat analysis;
- 5) exchange and analysis of information on illicit trafficking in, sale and/or storage of narcotic drugs, psychotropic substances and their precursors, place and methods of illicit production and manufacturing of said substances, channels, means and modalities of concealment used by traffickers to transport them;
- 6) exchange of operational information to identify and trace persons, objects and money relating to activities connected to illicit trafficking in, sale and storage of narcotic drugs, psychotropic substances and their precursors, as well as channels, techniques of concealment and means used by traffickers;



- 7) if necessary and only for study purposes, exchange of analysis results concerning samples of seized drugs;
- 8) exchange of information, techniques and operational practices to identify, locate and trace assets of illicit origin;
- 9) exchange of information, techniques and operational practices to prevent and counter criminal infiltration of companies participating in procurement procedures for public works;
- 10) information exchange on the methodologies used to counter trafficking in human beings and migrants' smuggling across the borders;
- 11) in suspicious cases, exchange of information on passports and other travel documents, visas, entry and exit stamps with a view to detecting counterfeited or altered documents;
- 12) exchange of all information that the competent authority of a Party deems to be of interest to the competent Authority of the other Party;
- 13) identification and readmission of their citizens found to be in an irregular position on the territory of the other State under the immigration legislation; the operational modalities for the best implementation of said provision may be defined in ad hoc implementing protocol;
- 14) training of law enforcement personnel;
- 15) organization of workshops and sharing of experiences related to crime.



Article 5

REQUEST FOR ASSISTANCE

1. Cooperation under this Agreement shall take place on the basis of the requests for assistance made by the competent Authority concerned or upon initiative of the competent Authority holding that such assistance might be of interest to the other competent Authority.
2. Requests for assistance shall be submitted in writing. In emergency cases, requests can be made orally, but they shall be confirmed in writing within seven (7) working days.
3. Requests for assistance shall contain the following:
 - (a) the name of the competent Authority of the requesting Party;
 - (b) the name of the competent Authority of the requested Party;
 - (c) detailed information on the case;
 - (d) aim and reasons for the request;
 - (e) description of the requested assistance;
 - (f) any other information which may contribute to the actual execution of the request.
4. The Parties' competent Authorities shall notify each other of their contact points, specifying their address, phone number and e-mail.



Article 6

REFUSAL OF ASSISTANCE

1. The assistance envisaged in this Agreement may be refused if the requested competent Authority deems the execution of a request to be detrimental to the human rights, fundamental freedoms, sovereignty, security, public order or other essential interests, or deems it to be in conflict with its national legislation or international obligations.
2. The assistance may also be refused if the execution of the request requires an excessive burden on the resources of the requested competent Authority.
3. If possible, before making a decision to refuse the requested assistance under this Agreement, the requested competent Authority shall consult with the competent requesting Authority in order to assess if the assistance can be executed in conformity with the conditions established by the requested competent Authority. If accepting to receive the assistance under the proposed conditions, the requesting competent Authority shall commit itself to complying with them.
4. The requested competent Authority shall communicate in writing the requesting competent Authority of its total or partial refusal of assistance, stating the reasons for such refusal.

Article 7

EXECUTION OF THE REQUESTS

1. The requested competent Authority shall adopt all the measures necessary to ensure a timely and thorough execution of the requests.



2. The requesting competent Authority shall be immediately informed of any circumstance hindering the execution of the request or causing considerable delay.
3. If the execution of the request does not fall within the jurisdiction of the requested competent Authority, it shall immediately communicate it to the requesting competent Authority.
4. The requested competent Authority may request further information which it deems necessary for an appropriate execution of the request.
5. The requested competent Authority shall inform – within thirty (30) days – the requesting competent Authority of the outcome of the request.

Article 8

PROTECTION OF DATA

1. The Parties agree that personal data transmitted in the framework of this Agreement shall be used and stored only for the purposes envisaged by it, in compliance with the provisions contained in the domestic legislation, international Human Rights Conventions to which the Parties are bound, and for the Italian Party, also with the obligations deriving from its European Union membership.
2. Personal data exchanged between the Parties' competent Authorities shall be protected – in compliance with their domestic law on data and information exchange – according to the conditions defined by the Parties carrying out personal data transfer and pursuant to the conditions and principles related to personal data protection.
3. The Parties shall ensure an equivalent level of protection of the personal data received under this Agreement. The competent Authorities shall adopt the necessary technical and organizational measures to protect



personal data from accidental or unauthorized destruction, accidental loss or unauthorized disclosure, alteration, access by unauthorized persons, as well as from any other form of unauthorized processing.

4. Information and documents received by a competent Authority under this Agreement shall not be disseminated to other subjects, States or international organizations without a previous written authorization by the supplying competent Authority.

5. Upon request by the transmitting competent Authority, the receiving competent Authority shall correct, block or delete, in compliance with its domestic law, the data received under this Agreement which prove to be inaccurate or incomplete or if their collection or further processing is in contrast with this Agreement or the rules applied by the competent Authority transmitting said data.

6. Where the competent Authority becomes aware that the data received from the other competent Authority under this Agreement are not accurate, it shall adopt all necessary measures to safeguard against erroneous reliance on such data, which shall include in particular supplementation, deletion or correction of such data.

7. If either competent Authority becomes aware that the personal data transmitted to or received by the other competent Authority under this Agreement are not accurate, reliable or give rise to serious doubts it shall inform the other competent Authority.

8. The competent Authorities shall exchange and protect classified information pursuant to the provisions of their domestic legislation and in line with the international agreements on exchange and protection of classified information by which they are bound.

9. The modalities and measures of protection of the data transmission systems through which classified information is exchanged between the competent Authorities shall be established in compliance with the domestic legislation and international agreements on exchange and protection of classified information to which both Parties are bound.



Article 9

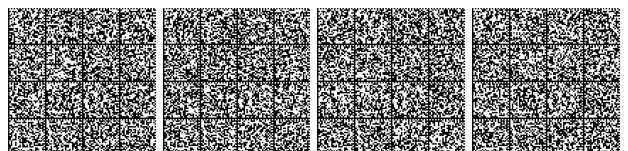
MEETINGS AND CONSULTATIONS

1. With a view to implementing this Agreement, the representatives of the Parties' competent Authorities may hold meetings and consultations in order to assess the state of cooperation, improve cooperation and define issues and actions of mutual interest.
2. The meetings shall be held on the territory of the Italian Republic or on the territory of the Socialist Republic of Vietnam as it deems necessary.

Article 10

COSTS

1. The ordinary costs linked to the processing of a request under this Agreement shall be borne by the requested competent Authority unless otherwise agreed upon in writing by the competent Authorities. Where the request involves considerable or extraordinary expenses the competent Authorities shall consult in order to establish terms and conditions for the processing of the request, as well as for the procedures to bear the relevant costs.
2. Unless otherwise agreed upon by the competent Authorities, the costs of meetings, including local transportation, shall be borne by the receiving competent Authority; international travel and accommodation costs shall be borne by the sending competent Authority.



Article 11**WORKING LANGUAGES**

In the framework of the cooperation envisaged by this Agreement the Parties shall use Italian, Vietnamese and English as working languages.

Article 12**SETTLEMENT OF DISPUTES**

Any dispute between the Parties concerning the interpretation or the implementation of this Agreement shall be settled by diplomatic channels or through consultations and negotiations.

Article 13**FINAL PROVISIONS**

1. This Agreement shall enter into force on the date of the receipt of the last written notification that the Parties fulfilled the internal procedures necessary for its entry into force. This Agreement shall remain in force for an indefinite period of time, unless either Party notifies the other in writing through diplomatic channels of its intention to terminate the Agreement at least 6 months prior to the intended termination date.
2. The Parties, by mutual written consent, may supplement or amend this Agreement. The supplementations and amendments agreed upon shall



enter into force upon completion of the necessary internal procedure and be an indispensable part of this Agreement.

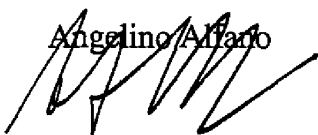
IN WITNESS THEREOF, the undersigned being duly authorized by their respective Governments thereto have signed this Agreement.

Done and signed at Rome on the day 9th of the month July of the year 2014, in two originals, each in the Italian, Vietnamese and English languages. In case of diverging interpretations the English text shall prevail.

FOR THE GOVERNMENT
OF THE ITALIAN REPUBLIC

FOR THE GOVERNMENT
OF THE SOCIALIST
REPUBLIC OF VIETNAM

Minister of Interior

Angelino Alfano




Minister of Public Security

General Tran Dai Quang

LAVORI PREPARATORI

Senato della Repubblica (atto n. 2107):

Presentato dal Ministro degli affari esteri e della cooperazione internazionale (GENTILONI SILVERI) e dal Ministro dell'interno (ALFANO), in data 21 ottobre 2015.

Assegnato alla 3^a commissione (affari esteri, emigrazione), in sede referente, il 20 novembre 2015, con pareri delle commissioni 1^a (affari costituzionali), 2^a (giustizia) e 5^a (bilancio).

Esaminato dalla 3^a commissione (affari esteri, emigrazione), in sede referente, il 24 novembre 2015; il 6 aprile 2016.

Esaminato in aula ed approvato, con modificazioni, il 20 aprile 2016.

Camera dei deputati (atto n. 3766):

Assegnato alla III commissione (affari esteri e comunitari), in sede referente, il 27 aprile 2016, con pareri delle commissioni I (affari costituzionali), II (giustizia) e V (bilancio, tesoro e programmazione).

Esaminato dalla III commissione (affari esteri e comunitari), in sede referente, il 29 giugno 2016; il 4 agosto 2016.

Esaminato in aula ed approvato definitivamente il 14 settembre 2016.

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