BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE DRUG ENFORCEMENT AGENCY OF THE REPUBLIC OF THE PHILIPPINES AND THE OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC OF THE UNITE...

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The Philippine Drug Enforcement Agency (PDEA) of the Republic of the Philippines and the Office of the Attorney General of the Republic (PGR) of the United Mexican States, hereinafter referred to as the "Participants";

REALIZING that illicit traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them, is a problem which constitutes a serious threat to the national security, health and welfare of nations and needs the integrated efforts of the Participants on the international level;

INTERESTED in the establishment of direct contact channels and effective information exchange to combat drug trafficking;

RECOGNIZING the need to strengthen and complement the measures provided in the Agreement between the Government of the Republic of the Philippines and the Government of the United Mexican States for Cooperation on the Fight Against Illegal Trade and Abuse of Narcotics, Psychotropic Substances and Control of Chemical Precursors, signed in Mexico City, on May 12, 1997; the Single Convention on Narcotic Drugs, adopted in New York, on March 30, 1961; the Protocol Amending the Single Convention on Narcotic Drugs, adopted in Geneva, on March 26, 1972; the Convention on Psychotropic Substances, adopted in Vienna, on February 21, 1971; the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on December 20, 1988 and the United Nations Convention Against Transnational Organized Crime, adopted in New York, on November 15, 2000;

IN ACCORDANCE with the principles of sovereignty, equality and territorial integrity;

PURSUANT to the national legislation of their respective countries;

HAVE REACHED THE FOLLOWING UNDERSTANDING:

PARAGRAPH 1
DEFINITIONS

- "Narcotic drugs" means any substance, natural or synthetic, in Schedules I and II of the 1961 Single Convention on Narcotic Drugs, as amended by its 1972 Protocol;

- Psychotropic substances" means any substance in Schedules I, II, III and IV of the 1971 Convention on Psychotropic Substances, as well as substances described in the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

- "Precursor chemicals" means chemical substances used in the production or manufacture of the narcotic drugs and psychotropic substances, in Schedules I and II of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

- "Narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them" also include substances classified as such in accordance with the national legislation of the Participants.

PARAGRAPH 2
OBJECTIVE

The objective of this Memorandum of Understanding is to exchange information and knowledge between the Participants in order to effectively fight the trafficking of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them.

PARAGRAPH 3
AREAS AND MODALITIES OF COOPERATION

The cooperation between the Participants will include, but is not limited to, the following areas and modalities:

- Exchange of information on:

a) all kinds of information and data on illicit traffic, routes, modus operandi, diversion scheme, property and instrumentalities being used in illicit traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them and money laundering related to the above mentioned crimes, in accordance with the national legislation of the Participants;

b) legislation of the Participants in the area of combating traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them, and their practical application;

c) new techniques of identification of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them;

d) types of manufacture, lawful and clandestine, of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them, which have been used to prepare new chemical narcotics that are or may be introduced in the market;

e) pre-export notifications (PEN) in order to address the diversion of and trafficking in precursors;

f) sharing of the intelligence data and methods, good practices, expertise and know-how of controlled-delivery operations, and investigative strategies to combat the trafficking of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them; and

g) money laundering related to the illicit traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them.

- Visits of experts to the country of the other Participant, with the purpose to discuss common cooperation in the area of combating illicit traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals

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and essential chemical products, as well as products or preparations containing them.

- Organize and hold common training seminars for personnel engaged in combating illicit traffic of narcotic drugs, psychotropic substances, their analogues, precursor chemicals and essential chemical products, as well as products or preparations containing them, with the aim to improve their skills, and to develop knowledge and expertise in the theoretical, practical and technical fields.

- Any other area or modality of cooperation as may be approved by the Participants.

PARAGRAPH 4
CONTACT POINTS

Information exchange will be conducted through the following contact points:

- On behalf of the PDEA, the International Cooperation and Foreign Affairs Service

- On behalf of the PGR, the Criminal Investigation Agency

PARAGRAPH 5
OTHER FORMS OF COOPERATION

This Memorandum of Understanding will not impede the Participants from developing other forms of cooperation, consistent with specific agreements or practices, in accordance with their respective national legislation and the international conventions applicable to the Republic of the Philippines and the United Mexican States.

PARAGRAPH 6
FINANCING

Unless otherwise agreed, each Participant will finance its respective expenses related to the cooperation referred to in this Memorandum of Understanding.

PARAGRAPH 7
CONFIDENTIALITY OF INFORMATION

All information, data and documents to be exchanged pursuant to this Memorandum of Understanding will be kept confidential by the Participants and will be used only subject to such terms as each Participant may specify. Neither Participant will use such information, data and documents for purposes other than that specified in this instrument, except with the prior written consent of the other Participant.

This provision will continue to apply notwithstanding the termination of this Memorandum of Understanding.

PARAGRAPH 8
ENTRANCE AND DEPARTURE OF PERSONNEL

The Participants will lean on their competent authorities to grant the necessary facilities for the entry, stay and

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departure of the personnel officially involved in the cooperation arising from this Memorandum of Understanding. Such personnel will comply with the immigration, tax, customs, health and national security provisions in force in the receiving country and may not carry out any activity unrelated to their official duties.

PARAGRAPH 9
LABOR RELATIONS

The personnel assigned by each Participant to carry out the cooperation established in this Memorandum of Understanding will remain under the direction and supervision of the sending Participant, therefore no labor relations will be created between the personnel and the receiving Participant.

PARAGRAPH 10
INSURANCE

Each Participant will be responsible for the medical, personal damage and life insurance policies of their respective personnel involved in the cooperation established in this Memorandum of Understanding.

PARAGRAPH 11
CONSULTATIONS

The participants will hold consultations to address any issues related to the implementation of this Memorandum of Understanding.

PARAGRAPH 12
FINAL PROVISIONS

- This Memorandum of Understanding will become effective thirty (30) days after the date of receipt of the later note through which the Participants inform each other, through diplomatic channels, that the domestic requirements for effectivity have been fulfilled.

- This Memorandum of Understanding will remain in effect for a period of five (5) years, and will be automatically renewed for similar periods, unless a Participant informs the other Participant in writing at least sixty (60) days prior to its expiration, of its desire to terminate this Memorandum of Understanding.

- This Memorandum of Understanding may be amended at any time by mutual written consent of the Participants, specifying the date of effectivity of such amendments.

- The termination of this Memorandum of Understanding will not affect the processing of the requests for exchange of information carried out under the provisions of this instrument while it was in effect.

Signed in Manila, Philippines, on 17 November 2015, in two originals, in the English and Spanish languages, both texts being equally authentic.

FOR THE PHILIPPINE DRUG
ENFORCEMENT AGENCY OF THE
REPUBLIC OF THE PHILIPPINES

(Sgd.)
ARTURO G. CACDAC, JR.
Director General

WITNESSED BY

(Sgd.)
ALBERT F. DEL ROSARIO
Secretary of Foreign Affairs

FOR THE OFFICE OF THE
ATTORNEY GENERAL OF THE
REPUBLIC OF THE UNITED
MEXICAN STATES

(Sgd.)
ARELY GOMEZ GONZALEZ
Attorney General

WITNESSED BY

(Sgd.)
CLAUDIA RUIZ MASSIEU SALINAS
Minister of Foreign Affairs

MEMORANDUM DE ENTENDIMIENTO ENTRE LA AGENCIA FILIPINA ANTIDROGAS DE LA REPUBLICA DE FILIPINASY LA PROCURADURIA GENERAL DE LA REPUBLICA DE LOS ESTADOS UNIDOS MEXICANOS SOBRE COOPERACION PARA COMBATIR EL TRAFICO ILICITO DE ESTUPEFACIENTES, SUSTANCIAS PSICOTROPICAS, SUS ANALOGOS, PRECURSORES QUIMICOS Y PRODUCTOS QUIMICOS ESENCIALES, ASI COMO PRODUCTOS O PREPARADOS QUE LOS CONTENGAN

La Agencia Filipina Antidrogas (PDEA) de la Republica de Filipinas y la Procuraduria General de la Republica (PGR) de los Estados Unidos Mexicanos, en adelante denominados "los Participantes";

CONSCIENTES de que el trafico ilicito de estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan, es un problema que constituye una grave amenaza para la seguridad nacional, la salud y el bienestar de las naciones y necesita los esfuerzos integrales de los Participantes a nivel internacional;

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INTERESADAS en el establecimiento de canales de contacto directo y el efectivo intercambio de informacion para combatir el trafico de drogas;

RECONOCIENDO la necesidad de fortalecer y complementar las medidas previstas en el Acuerdo entre el Gobierno de la Republica de Filipinasy el Gobierno de los Estados Unidos Mexicanos sobre la Cooperacion en Materia de Combate al Trafico Ilicito y Abuso de Estupefacientes, Sustancias Sicotropicas y Control de Precursores Quimicos, firmado en la Ciudad de Mexico, el 12 de mayo de 1997; la Convencion Unica sobre Estupefacientes, adoptada en Nueva York, el 30 de rnarzo de 1961; el Protocolo de Modificacion de la Convencion Unicasobre Estupefacientes, adoptado en Ginebra, el 25 de marzo de 1972; el Convenio sobre Sustancias Sicotropicas, adoptado en Viena, el 21 de febrero de 1971; la Convencion de las Naciones Unidas contra el Trafico Ilicito de Estupefacientes y Sustancias Sicotropicas, adoptada en Viena, el 20 de diciembre de 1988 y la Convencion de las Naciones Unidas contra la Delincuencia Organizada Transnacional, adoptada en Nueva York, el 15 de novierribre de 2000;

DE ACUERDO con los principios de soberania, igualdad e integridad territorial;

DE CONFORMIDAD con la legislacion nacional de los respectivos paises;

HAN ALCANZADO EL SIGUIENTE ENTENDIMIENTO:

PARRAFO 1
DEFINICIONES

- "Estupefacientes" significa cualquier sustancia, natural o sintetica, contenida en los Anexos I y II de la Convencion Unica de 1961 sobre Estupefacientes, como fue modificada por su Protocolo de 1972;

- "Sustancias psicotropicas" significa cualquier sustancia contenida en los Anexos I, II, III y IV del Convenio sobre Sustancias Sicotropicas de 1971, asi como las sustancias descritas en la Convenci6n de las Naciones Unidas contra el Trafico Ilicito de Estupefacientes y Sustancias Sicotropicas de 1988;

- "Precursores quimicos" significa sustancias quimicas empleadas en la production o fabricacion de los estupefacientes y sustancias psicotropicas, contenidas en los Anexos I y II de la Convenci6n de las Naciones Unidas contra el Trafico Ilicito de Estupefacientes y Sustancias Sicotropicas de 1988;

- "Estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan" tambien incluyen sustancias clasificadas como tales de conformidad con la Iegislaci6n nacional de los Participantes;

PARRAFO 2
OBJETIVO

El objetivo del presente Memorandum de Entendimiento es intercambiar informacion y conocimientos entre los Participantes a fin de combatir eficazmente el trafico de estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan.

PARRAFO 3
AREAS Y MODALIDADES DE COOPERACION

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La cooperaci6n entre los Participantes incluira, pero no estara limitada a las siguientes areas y modalidades:

- Intercambio de informacion sobre:

a) todo tipo de informaci6n y datos sobre trafico ilicito,rutas, modus operandi, esquemas de desvio, bienes e instrumentos usados en el trafico ilicito de estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan y lavado de dinero relacionado con los delitos antes mencionados, de conformidad con la Iegislaci6n nacional de los Participantes;

b) legislacion de los Participantes en materia de combate al trafico de estupefacientes, sustancias psicotr6picas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan, y su aplicacion practica;

c) nuevas tecnicas de identificacion de estupefacientes, sustancias psicotr6picas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan;

d) tipos de fabricacion legal y clandestina, de estupefacientes, sustancias psicotr6picas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan, los cuales hayan sido utilizados para preparar nuevas drogas quimicas, que sean o puedan ser introducidas en el mercado;

e) Sistema en Linea de Notificaciones Previas a la Exportacion (PEN) para abordar el desvio y el trafico de precursores;

f) datos de inteligencia y metodos, buenas practicas, experiencias y conocimientos de operaciones de entregas vigiladas, y estrategias de investigacion para el combate al trafico de estupefacientes, sustancias psicotr6picas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan, y

g) lavado de dinero relacionado con el trafico de estupefacientes, sustancias psicotrbpioas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan.

- Visitas de expertos al pais del otro Participante, con el proposito de dialogar sobre la cooperaci6n en materia de combate al trafico ilicito de estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan.

- Organizar y celebrar seminarios de formacion comun para el personal que participa en el combate al trafico ilicito de estupefacientes, sustancias psicotropicas, sus analogos, precursores quimicos y productos quimicos esenciales, asi como productos o preparados que los contengan, con el objeto de mejorar sus habilidades y desarrollar conocimientos y experiencias en areas te6ricas, practicas y tecnicas.

- Cualquier otra area o modalidad de cooperacion que pueda ser aprobada por los Participantes.

PARRAFO 4
PUNTOS DE CONTACTO

El intercambio de informacion se llevara a cabo a traves de los siguientes puntos de contacto:

- Por parte de la PDEA, el Servicio de Cooperacion Internacional y de Asuntos Exteriores

- Por parte de la PGR, la Agencia Criminal de Investigacion

PARRAFO 5
OTRAS FORMAS DE COOPERACION

El presente Memorandum de Entendimiento no impedira que los Participantes desarrollen otras forrnas de cooperaci6n, en consonancia con los acuerdos especificos o practicas, de conformidad con su respectiva legislacion nacional y los tratados internacionales aplicables a la Republica de Filipinas y a los Estados Unidos Mexicanos.

PARRAFO 6
FINANCIAMIENTO

Salvo acuerdo en contrario, cada Participante financiara sus respectivos gastos relacionados con la cooperaci6n en referencia a este Memorandum de Entendimiento.

PARRAFO 7
NFORMAClON

Toda la informaci6n, datos y documentos que sean intercambiados de conformidad con este Memorandum de Entendimiento, se mantendran confidenciales por los Participantes y se utilizaran unicamente bajo las condiciones que cada Participante especifique. Ninguno de los Participantes usara dicha informaci6n, datos y documentos para otros propositos que no sean especificados en este instrumento, excepto con el consentimiento previo y por escrito del otro Participante.

Esta disposicion continuara aplicandose a pesar de la terminacion de este Memorandum de Entendimiento.

PARRAFO 8
ENTRADA Y SALIDA DE PERSONAL

Los Participantes se apoyaran en sus autoridades correspondientes para otorgar las facilidades necesarias para la entrada, permanencia y salida del personal involucrado de manera oficial en la cooperacion derivada del presente Memorandum de Entendimiento. Dicho personal cumplira con las disposiciones migratorias, fiscales, aduaneras, sanitarias y de seguridad nacional vigentes en el pais receptor y no podra llevar a cabo ninguna actividad ajena a sus funciones oficiales.

PARRAFO 9
RELACION LABORAL

El personal asignado por cada Participante para llevar a cabo la cooperacion prevista en el presente Memorandum de Entendimiento, continuara bajo la direccion y supervision del Participante que lo envia, por lo que no se crearan relaciones de caracter laboral entre el personal asignado y el Participante que lo reciba.

PARRAFO 10
SEGURO

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Cada Participante sera responsable por los danos medicos personales y las polizas de seguro de vida de su respectivo personal involucrado en la cooperaci6n establecida en el presente Memorandum de Entendimiento.

PARRAFO 11
CONSULTAS

Los Participantes sostendran consultas para abordar cualquier situaci6n relacionada con la implementaci6n del presente Memorandum de Entendimiento.

PARRAFO 12
DISPOSICIONES FINALES

- El presente Memorandum de Entendimiento sera efectivo treinta (30) dias despues de la fecha de recepcion de la ultima notificacion mediante la cual los Participantes se informen mutuamente, a traves de los canales diplomaticos, que los requisitos internos para su efectividad han sido cumplidos.

- El presente Memorandum de Entendimiento permanecera efectivo por un periodo de cinco (5) anos, y se renovara automaticamente por periodos similares, a menos que un Participante informe al otro Participante, por escrito, y por lo menos con sesenta (60) diasde antelacion a su expiraci6n, su intencion de terminar el presente Memorandum de Entendimiento.

- El presente Memorandum de Entendimiento podra ser modificado en cualquier momento por mutuo consentimiento escrito de los Participantes, especificando la fecha en que dichas modificaciones seran efectivas.

- La terminaci6n del presente Memorandum de Entendimiento no afectara la tramitacion de las solicitudes de intercambio de inforrnacion que hubieran sido formalizadas al amparo del presente instrumento durante su efectividad.

Firmado en Manila, Filipinas, el 17 de Noviembre de 2015, en dos ejemplares originales, en idioma ingles e espanol, siendo ambos textos iqualmente autenticos.

POR LA AGENCIA
FILIPINA ANTIDROGAS
DE LA
REPUBLICA DE FILIPINAS

(Sgd.)
ARTURO G. CADCAC JR.
Director General

ATESTIGUADO POR

(Sgd.)
ALBERT F. DEL ROSARIO
Secretario de Relaciones Exteriores

POR LA PROCURADURIA
GENERAL DE LA REPUBLICA
DE LOS
ESTADOS UNIDOS MEXICANOS

(Sgd.)
ARELY GOMEZ GONZALEZ
Procuradora

ATESTIGUADO POR

(Sgd.)
CLAUDIA RUIZ MASSIEU SALINAS
Secretaria de Relaciones Exteriores

Entry into Force: March 31, 2017

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