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ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΤΕΥΧΟΣ ΠΡΩΤΟ

Αρ. Φύλλου 271

19 Δεκεμβρίου 2000

ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 2865

Κύρωση της Συμφωνίας περί συνεργασίας για την πρόληψη και καταπολέμηση του διασυνοριακού εγκλήματος και του προσαρτημένου σε αυτήν Καταστατικού Χάρτη οργάνωσης και λειτουργίας του Περιφερειακού Κέντρου της Πρωτοβουλίας Συνεργασίας Νοτιοανατολικής Ευρώπης (Κέντρο S.E.C.I.) για την καταπολέμηση του διασυνοριακού εγκλήματος.

**Ο ΠΡΟΕΔΡΟΣ
ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ**

Εκδίδομε τον ακόλουθο νόμο που ψήφισε η Βουλή:

Άρθρο πρώτο

Κυρώνονται και έχουν την ισχύ, που ορίζει το άρθρο 28 παρ. 1 του Συντάγματος, η Συμφωνία περί συνεργασίας για την πρόληψη και καταπολέμηση του διασυνοριακού εγκλήματος και ο Καταστατικός Χάρτης οργάνωσης και λειτουργίας του Περιφερειακού Κέντρου της Πρωτοβουλίας Συνεργασίας Νοτιοανατολικής Ευρώπης (Κέντρο S.E.C.I.) για την καταπολέμηση του διασυνοριακού εγκλήματος, που υπογράφηκαν στο Βουκουρέστι στις 26 Μαΐου 1999, το κείμενο των οποίων στην αγγλική γλώσσα και σε μετάφραση στην ελληνική έχει ως εξής:

AGREEMENT ON COOPERATION TO PREVENT AND COMBAT TRANS-BORDER CRIME

The Governments signing the Agreement, hereinafter referred to as "Parties",

Desiring to enlarge and to diversify their cooperation within the framework of the Southeast European Cooperative Initiative,

Considering the importance of commercial links among the Parties and with other countries, and desirous of contributing to the harmonious development of those links,

Recognising their mutual interest in combating Trans-border crime and developing closer regional law enforcement cooperation,

Convinced that crime conducted across the borders of the Parties is a serious threat to sovereignty and to legitimate commerce which can be effectively combated by cooperation among enforcement authorities,

Believing that, in order to obtain this objective, there should be an undertaking to develop cooperation of the widest possible scope among enforcement authorities,

Considering that trans-border crimes are prejudicial to the economic, fiscal and commercial interest of their respective countries,

Noting existing Agreements, arrangements or treaties on mutual assistance, and other international Agreements on law enforcement already accepted by the Parties;

Have agreed as follows:

Article 1 Definitions

For the purpose of this Agreement

a. the term "trans-border law enforcement and customs authorities" means national competent authorities designated by the parties. this designation shall be confirmed with the SECI Secretariat and can be changed upon notification to the Secretariat,

b. the term "trans-border crime" refers to all violations or attempted violations of national laws and regulations aimed at organizing, directing, aiding or facilitating international criminal activities,

c. the term "customs laws" means the laws and regulations enforced by the customs administrations concerning the importation, exportation, and transit or circulation of goods as they relate to customs duties, charges, and other taxes or to prohibitions, restrictions, and other similar controls respecting the movement of controlled items across national boundaries;

d. the term "information" means data in any form, documents, records, and reports or certified or authenticated copies thereof,

e. the term "person" means any natural or legal person;

f. the term "personal data" means all information relating to an identified or identifiable natural person;

g. the term "property" means assets of every kind and legal documents or instruments evidencing title to or an interest in such assets;

h. the term "provisional measures" means:

- (1) temporarily prohibiting the conversion, disposition, movement, or transfer of property, or
- (2) temporarily assuming custody or control of property on the basis of an order issued by a court or competent authority, or other means;

i. the term "forfeiture" means the deprivation of property by order of a court or competent authority and includes confiscation where applicable;

j. the term "requesting authority" means the authority described in article 1(a) that requests assistance in conformity with article 8 point 1;

k. the term "requested authority" means the authority described in article 1(a) from which assistance is requested in conformity with article 8 point 1.

Article 2 **Scope of the Agreement**

- 1 The Parties, through their designated authorities shall assist each other, in accordance with this Agreement, in preventing, detecting, investigating, prosecuting and repressing trans-border crime.
- 2 This Agreement shall not be interpreted as prejudicing or affecting the application of the Treaty on European Union, the Schengen Agreement of 14 June 1985 and the Convention for the application of the Schengen Agreement of 19 June 1990, international Agreements, Agreements on mutual assistance, and other international Agreements on law enforcement already accepted by the Parties, nor any mutual legal assistance, Agreement, arrangement or treaty currently in force between any of the Parties to this Agreement, or which may subsequently be concluded by them.

3. Each Party shall execute requests for assistance made pursuant to the Agreement in accordance with its national law.
4. In order to improve the effectiveness of the prevention, detection, investigation and prosecution of trans-border criminal violations, and as active members of ICPO-Interpol for police matters, World Customs Organization for customs matters, the SECI participating countries shall exchange and develop criminal information in partnership with their law enforcement authorities and with the Interpol General Secretariat and WCO.

Article 3

Forms of Specific Assistance

1. Upon request or upon its own initiative, a Party shall provide assistance to another Party in the form of information concerning trans-border crime.
2. Upon request, a Party shall provide assistance in the form of information necessary to ensure the enforcement of national laws and regulations, and the accurate assessment of customs duties and other taxes by the Parties.
3. Upon request or upon its own initiative, a Party may provide assistance in the form of information, including but not limited to, information concerning:
 - a. methods and techniques of processing passengers and cargo;
 - b. the successful application of enforcement aids and techniques;
 - c. enforcement actions that might be useful
 - d. new methods used in committing offences.
4. The Parties shall cooperate in:
 - a. facilitating effective coordination;
 - b. establishing and maintaining channels of communication to facilitate the secure and rapid exchange of information;
 - c. as appropriate, providing mutually any other kind of technical assistance through the exchange of professional, scientific and technical knowledge;
 - d. the consideration and testing of new equipment or procedures; and
 - e. any other general administrative matters that may from time to time require their joint action
 - f. the implementation of the methods of controlled deliveries in compliance with the national law of the parties concerned.
5. Upon request, the Parties shall inform each other whether goods exported from the territory of one Party have been lawfully imported into the territory of the other Party. If requested, the information shall contain the procedure used for clearing the goods.

6. Upon request, a requested Party shall provide, to the extent of its ability, within the limits of its available resources, and pursuant to national law, information relating to:
 - a. persons known to the requesting authority to have committed a trans-border crime or suspected of doing so, particularly those moving into and out of its territory;
 - b. goods either in transport or in storage identified by the requesting authority as giving rise to suspected illicit traffic toward its territory;
and
 - c. means of transport suspected of being used in offences within the territory of the requesting Party
7. Upon request or on their own initiative, the Parties shall furnish to each other information regarding activities that may result in trans-border crimes. In situations that could involve substantial damage to the economy, public health, public security, or similar vital interest of another Party, a Party wherever possible, shall supply such information without being requested to do so.
8. In conformity with national law, the Parties shall provide assistance through the use of provisional measures and in proceedings involving property and proceeds, and/or instrumentalities of trans-border crime, subject to these provisional measures.
9. The Parties may, subject to their national law:
 - a. dispose of property, proceeds, and instrumentalities forfeited as a result of assistance provided under this Agreement in control of the property, proceeds, and instrumentalities;
 - b. transfer forfeited property, proceeds, or instrumentalities, or the proceeds of their sale, to the other Party upon such terms as may be agreed.

Article 4

Confidentiality of Information and protection of personal data

1. Information obtained under this Agreement shall be afforded the same degree of confidentiality by the requesting authority that applies to similar information in its custody.
2. Without prejudice to the provisions of the Convention for Protection of Individuals with Regard To Automatic Processing of Personal Data (Council of Europe, ETS No 108 Strasbourg 28 Jan 1981) personal data received under this Agreement will have protection at least equivalent to that afforded by the supplying Party.
3. Information obtained under this Agreement shall be used solely for the purposes of this Agreement. Where requesting authority asks for the use of such information for other