

**No. 50740**

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**Greece  
and  
United States of America**

**Agreement between the Government of the Hellenic Republic and the Government of the United States of America on enhancing cooperation in preventing and combating serious crime. Corfu, 28 June 2009**

**Entry into force:** *17 September 2010 by notification, with the exception of articles 8 through 10, in accordance with article 24*

**Authentic texts:** *English and Greek*

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**Grèce  
et  
États-Unis d'Amérique**

**Accord entre le Gouvernement de la République hellénique et le Gouvernement des États-Unis d'Amérique relatif au renforcement de la coopération en matière de prévention et de lutte contre les crimes graves. Corfou, 28 juin 2009**

**Entrée en vigueur :** *17 septembre 2010 par notification, sauf les articles 8 à 10, conformément à l'article 24*

**Textes authentiques :** *anglais et grec*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Grèce, 30 mai 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement between  
the Government of the Hellenic Republic  
and  
the Government of the United States of America  
On Enhancing Cooperation in  
Preventing and Combating Serious Crime**

The Government of the Hellenic Republic and the Government of the United States of America (hereinafter the “Parties”),

Prompted by the desire to cooperate as partners to prevent and combat serious crime, particularly terrorism, more effectively,

Recognizing that information sharing is an essential component in the fight against serious crime, particularly terrorism,

Recognizing the importance of preventing and combating serious crime, particularly terrorism, while respecting fundamental rights and freedoms, notably privacy,

Inspired by the Council of the European Union Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and

Seeking to enhance and encourage cooperation between the Parties in the spirit of partnership,

Have agreed as follows:

**Article 1  
Definitions**

For the purposes of this Agreement,

1. Criminal justice purpose shall include activities defined as the administration of criminal justice, which means the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation activities of accused persons or criminal offenders. The administration of criminal justice also includes criminal identification activities.
2. DNA profiles (DNA identification patterns) shall mean a letter or numerical code representing a number of identifying features of the non-coding part of an analyzed human DNA sample, i.e. of the specific chemical form at the various DNA loci.
3. Personal data shall mean any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

4. Processing of personal data shall mean any operation or set of operations that is performed upon personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, sorting, retrieval, consultation, use, disclosure by supply, dissemination or otherwise making available, combination or alignment, blocking, or deletion through erasure or destruction of personal data.
5. Reference data shall mean a DNA profile and the related reference (DNA reference data) or fingerprinting data and the related reference (fingerprinting reference data). Reference data must not contain any data from which the data subject can be directly identified. Reference data not traceable to any individual (untraceables) must be recognizable as such.

## **Article 2**

### **Purpose and Scope of this Agreement**

1. The purpose of this Agreement is to enhance the cooperation between the United States of America and the Hellenic Republic in preventing and combating serious crime.
2. The scope of this Agreement shall encompass only crimes constituting an offense punishable by a maximum deprivation of liberty of more than one year or a more serious penalty. To ensure compliance with their national laws, the Parties may provide each other lists of the particular serious crimes for which a Party shall not be obligated to supply personal data as described in Articles 6 and 9 of the Agreement.

## **Article 3**

### **Fingerprinting data**

For the purpose of implementing this Agreement, the Parties shall ensure the availability of reference data from the file for the national automated fingerprint identification systems established for detecting, combating, and investigating criminal offenses. Reference data shall only include fingerprinting data and a reference.

## **Article 4**

### **Automated querying of fingerprint data**

1. For detecting, combating, and investigating serious crime, each Party shall allow the other Party's national contact points, as referred to in Article 7, hit/no hit access to the reference data in the automated fingerprint identification system, which it has established for that purpose, with the power to conduct automated queries by comparing fingerprinting data. Queries may be conducted only in individual cases and in compliance with the querying Party's national law.
2. Comparison of fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the querying national contact points by means of the automated supply of the reference data required for a firm match.
3. When needed, further analysis for the purpose of confirming a match of the fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the requested national contact points.

**Article 5**  
**Alternative means to query using  
identifying data**

1. Until the Hellenic Republic has a fully operational and automated fingerprint identification system that links to individual records of arrests and convictions and is prepared to provide the United States with automated hit/no hit access to such a system, it shall provide an alternative means to conduct a query using other identifying personal data to determine a firm match linking the individual to additional data. Query powers shall be exercised in the same manner as provided in Article 4 and a firm match shall be treated the same as a firm match of fingerprinting data to allow for the supply of additional data as provided for in Article 6.
2. The querying powers provided for under this Agreement shall be used only for a criminal justice purpose, including when applied at the border where an individual for whom the additional data is sought has been identified for further inspection.

**Article 6**  
**Supply of further personal and other data**

Should the procedure referred to in Article 4 show a match between fingerprinting data, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested Party.

**Article 7**  
**National contact points and implementing  
agreements**

1. For the purpose of the supply of data as referred to in Articles 4 and 5, each Party shall designate one or more national contact points. The powers of the contact points shall be governed by the national law of the Party designating the contact point.
2. The technical and procedural details for the queries conducted pursuant to Articles 4 and 5 shall be set forth in one or more implementing agreements or arrangements.

**Article 8**  
**Automated querying of DNA profiles**

1. If permissible under the national law of both Parties and on the basis of reciprocity, the Parties may allow each other's national contact point, as referred to in Article 10, hit/no hit access to the reference data in their DNA analysis files, with the power to conduct automated queries by comparing DNA profiles for the investigation of serious crime. Queries may be made only in individual cases and in compliance with the querying Party's national law.
2. Should an automated query show that a DNA profile supplied matches a DNA profile entered in the other Party's file, the querying national contact point shall receive by automated notification the reference data for which a match has been found. If no match can be found, automated notification of this shall be given.

#### **Article 9**

##### **Supply of further personal and other data**

Should the procedure referred to in Article 8 show a match between DNA profiles, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested Party.

#### **Article 10**

##### **National contact point and implementing agreements**

1. For the purposes of the supply of data as set forth in Article 8, each Party shall designate a national contact point. The powers of the contact point shall be governed by the national law of the Party designating the contact point.
2. The technical and procedural details for the queries conducted pursuant to Article 8 shall be set forth in one or more implementing agreements or arrangements.

#### **Article 11**

##### **Supply of personal and other data in order to prevent serious criminal and terrorist offenses**

1. For purposes of detecting, combating and investigating serious criminal and terrorist offenses, a Party may, in compliance with its national law, in individual cases, even without being requested to do so, supply the other Party's relevant national contact point, as referred to in paragraph 6, with the personal data specified in paragraph 2, in so far as is necessary because particular circumstances give reason to believe that the data subject(s):
  - a. may be planning to commit or has committed terrorist or terrorism related offenses, or offenses related to a terrorist group or association, as those offenses are defined under the supplying Party's national law; or
  - b. is undergoing or has undergone training to commit the offenses referred to in subparagraph a; or
  - c. may be planning to commit or has committed a serious criminal offense, or participates in an organized criminal group or association.
2. The personal data to be supplied shall include, if available, surname, first names, former names, other names, aliases, alternative spelling of names, sex, date and place of birth, current and former nationalities, passport number, numbers from other identity documents, and fingerprinting data, as well as the nature of any conviction or of the circumstances giving rise to the belief referred to in paragraph 1.
3. The supplying Party may, in compliance with its national law, impose conditions on the use that may be made of such data by the receiving Party. If the receiving Party accepts such data, it shall be bound by any such conditions.