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**Luxembourg
and
United States of America**

Memorandum of Understanding between the Government of the Grand Duchy of Luxembourg and the United States of America for the exchange of terrorism screening information. Luxembourg, 20 June 2012

Entry into force: *31 May 2017 by notification, in accordance with article IX*

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

Mémorandum d'accord entre le Gouvernement du Grand-Duché de Luxembourg et les États-Unis d'Amérique pour l'échange d'informations sur le dépistage du terrorisme. Luxembourg, 20 juin 2012

Entrée en vigueur : *31 mai 2017 par notification, conformément à l'article IX*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF
THE GRAND-DUCHY OF LUXEMBOURG
AND
THE UNITED STATES OF AMERICA
FOR THE EXCHANGE OF
TERRORISM SCREENING INFORMATION**

Preamble

The Grand-Duchy of Luxembourg and the United States of America (hereinafter referred to collectively as “the Parties”);

Having determined that their joint efforts to prevent and address international terrorism should include cooperation in the timely identification of individuals known or suspected to be, or to have been, involved in activities constituting, in preparation for, in aid of, or related to terrorism and terrorist activities, including the sharing of terrorism screening information concerning known or suspected terrorists, and

Desiring to establish appropriate procedures for exchange of terrorism screening information in order to strengthen the ability of the Parties to protect against acts of terrorism,

Recognizing that this Memorandum of Understanding does not entail an obligation for either of the Parties to set up an automated terrorism screening system if it does not already exist,

Have reached the following agreement to guide their cooperation in the sharing and use of terrorism screening information derived from intelligence and law enforcement information:

Article I

Definitions

For purposes of this Memorandum of Understanding, the following definitions shall apply:

1. “Background information” means additional information, beyond terrorism screening information, about known or suspected terrorists.

2. “Correcting information” means any information that is intended to correct a misidentification of a person as a known or suspected terrorist or any other error in data provided under this Memorandum of Understanding.
3. “Need to know” means that an authorized holder of information has concluded that a prospective recipient requires access to specific information in order to perform or assist in a lawful and authorized governmental function related to the purposes of this Memorandum of Understanding.
4. “Providing Party” means, with regard to information provided under this Memorandum of Understanding, either the United States of America (the United States) or the Grand-Duchy of Luxembourg (Luxembourg), as the case may be.
5. “Receiving Party” means, with regard to information received under this Memorandum of Understanding, either the United States or Luxembourg, as the case may be.
6. “Relevant Agency” means any intelligence, law enforcement, diplomatic, immigration, military, public security or other governmental agency of the respective Parties that may have officials who have access to information provided under this Memorandum of Understanding or that may be asked, in the event of an encounter as described in Article IV, to provide additional information or take other actions to assist in accomplishing the stated purposes of this Memorandum of Understanding as set forth in the Preamble. For the United States, such “relevant agency” may include any Federal, State, local, territorial or tribal governmental authority. For Luxembourg, such “relevant agency” includes the State Intelligence Service of Luxembourg and the Grand-Ducal Police, as well as its different units.
7. “Terrorism screening information” means unclassified identifying information about known or suspected terrorists.

Article II

Scope of Information Exchange

1. The Parties agree, subject to their respective domestic laws and regulations, to provide each other with terrorism screening information in accordance with the purposes and provisions of this Memorandum of Understanding, with implementing procedures to be agreed between the Parties.

2. Terrorism screening information provided under this Memorandum of Understanding shall, at a minimum, include the individual's full name and date(s) of birth. Passport or other identity document number(s), and current and former nationality/citizenship also shall be provided, if known. Any other available identifying information including identifying biometric information (e.g., fingerprints/photographs) may be provided as permitted by law and at the discretion of the Providing Party.
3. No classified information, as defined by each Party in accordance with its domestic law, shall be required to be exchanged under this Memorandum of Understanding. The Parties may, through their Relevant Agencies, exchange such information pursuant to existing authorities, agreements, or arrangements.
4. Nothing in this Memorandum of Understanding shall restrict either Party or its Relevant Agencies from requesting or exchanging information or data through existing agreements or arrangements.

Article III

Information Exchange Procedures

1. For purposes of implementing this Memorandum of Understanding, the points of contact shall be, for the United States, an official of the U.S. Terrorist Screening Center (TSC) and, for Luxembourg, an official of the Criminal Investigation Service of the Grand Ducal Police (CIS). These points of contact and the individuals responsible for handling encounter, technical, and redress matters arising under this Memorandum of Understanding shall be identified in the implementing procedures to be agreed between the Parties.
2. Each Party shall provide its terrorism screening information to the other Party in accordance with Article IX and implementing procedures to be agreed between the Parties. Each Providing Party shall update its terrorism screening information on a regular basis.
3. Each Party shall make regular updates (including corrections) to its terrorism screening information pursuant to paragraph 2 of this Article, but need not provide notice to the other Party when such updates are made. If a Party becomes aware that information it provided under this Memorandum of Understanding is inaccurate, it shall advise the other Party as soon as practicable and provide correcting information.