

**No. 55146\***

---

**Cyprus  
and  
United States of America**

**Instrument as contemplated by Article 3 (2) of the Agreement on mutual legal assistance between the United States of America and European Union signed 25 June 2003, as to the Application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on mutual legal assistance in criminal matters signed 20 December 1999 (with annex and forms). Nicosia, 20 January 2006**

**Entry into force:** *1 February 2010, in accordance with paragraph 5 (a)*

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

**Registration with the Secretariat of the United Nations:** *Cyprus, 1 April 2018*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

---

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

**Instrument tel que prévu au paragraphe 2 de l'article 3 de l'Accord entre les États-Unis d'Amérique et l'Union européenne en matière d'entraide judiciaire signé le 25 juin 2003, concernant l'application du Traité entre le Gouvernement des États-Unis d'Amérique et la République de Chypre concernant l'entraide judiciaire en matière pénale signé le 20 décembre 1999 (avec annexe et formulaires). Nicosie, 20 janvier 2006**

**Entrée en vigueur :** *1<sup>er</sup> février 2010, conformément au paragraphe 5 (a)*

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

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Chypre, 1<sup>er</sup> avril 2018*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

**Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed 20 December 1999**

1. As contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Mutual Legal Assistance Agreement"), the Governments of the United States of America and the Republic of Cyprus acknowledge that, in accordance with the provisions of this Instrument, the U.S.-EU Mutual Legal Assistance Agreement is applied in relation to the bilateral Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed 20 December 1999 (hereafter "the 1999 Mutual Legal Assistance Treaty") under the following terms:

- (a) Article 4 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 17 *bis* of the Annex to this Instrument shall govern the identification of financial accounts and transactions, in addition to any authority already provided under the 1999 Mutual Legal Assistance Treaty;
- (b) Article 5 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 17 *ter* of the Annex to this Instrument shall govern the formation and activities of joint investigative teams, in addition to any authority already provided under the 1999 Mutual Legal Assistance Treaty;
- (c) Article 6 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Articles 6 and 17 *quater* of the Annex to this Instrument shall govern the taking of testimony of a person located in the Requested State by use of video transmission technology between the Requesting and Requested States, in addition to any authority already provided under the 1999 Mutual Legal Assistance Treaty;
- (d) Article 7 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 4(1) of the Annex to this Instrument shall govern the use of expedited means of communication, in addition to any authority already provided under the 1999 Mutual Legal Assistance Treaty;
- (e) Article 8 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 1(1 *bis*) of the Annex to this Instrument shall govern the providing of mutual legal assistance to the administrative authorities concerned, in addition to any authority already provided under the 1999 Mutual Legal Assistance Treaty; and
- (f) Article 9 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 7 of the Annex to this Instrument shall govern the limitation on use of information or evidence provided to the Requesting State, and the conditioning or refusal of assistance on data protection grounds.

2. The Annex reflects the integrated text of the provisions of the 1999 Mutual Legal Assistance Treaty and the U.S.-EU Mutual Legal Assistance Agreement that shall apply upon entry into force of this Instrument.

3. In accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, this Instrument shall apply to offenses committed before as well as after it enters into force.

4. This Instrument shall not apply to requests made prior to its entry into force; except that, in accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, Articles 4(1), 6, and 17 *quater* of the Annex shall be applicable to requests made prior to such entry into force.

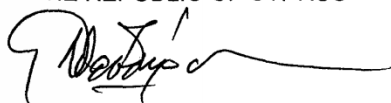
5. (a) This Instrument shall be subject to the completion by the United States of America and the Republic of Cyprus of their respective applicable internal procedures for entry into force. The Governments of the United States of America and the Republic of Cyprus shall thereupon exchange instruments indicating that such measures have been completed. This Instrument shall enter into force on the date of entry into force of the U.S.-EU Mutual Legal Assistance Agreement.

(b) In the event of termination of the U.S.-EU Mutual Legal Assistance Agreement, this Instrument shall be terminated and the 1999 Mutual Legal Assistance Treaty shall be applied. The Governments of the United States of America and the Republic of Cyprus nevertheless may agree to continue to apply some or all of the provisions of this Instrument.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Instrument.

DONE at Nicosia in duplicate, this 20th day of January 2006, in the English and Greek languages, both texts being equally authentic. In case of divergence the English text shall prevail.

FOR THE GOVERNMENT OF  
THE REPUBLIC OF CYPRUS

A handwritten signature in black ink, appearing to read 'D. Theodorou', with a long horizontal flourish extending to the right.

Mr. DOROS THEODOROU  
Minister of Justice  
and Public Order

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA

A handwritten signature in black ink, appearing to read 'R. Schlicher', with a long horizontal flourish extending to the right.

Mr. RONALD L. SCHLICHER  
Ambassador Extraordinary  
and Plenipotentiary  
of the United States of America  
to the Republic of Cyprus

**TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS ON MUTUAL LEGAL  
ASSISTANCE IN CRIMINAL MATTERS**

**TABLE OF CONTENTS**

Article 1	Scope of Assistance
Article 2	Central Authorities
Article 3	Limitations on Assistance
Article 4	Form and Contents of Requests
Article 5	Execution of Requests
Article 6	Costs
Article 7	Limitations on Use
Article 8	Testimony or Evidence in the Requested State
Article 9	Records of Government Agencies
Article 10	Appearance Outside of the Requested State
Article 11	Transfer of Persons in Custody
Article 12	Transit of Persons in Custody
Article 13	Location or Identification of Persons or Items
Article 14	Service of Documents
Article 15	Search and Seizure
Article 16	Return of Items
Article 17	Proceeds and Instrumentalities of Offenses
Article 17 <i>bis</i>	Identification of Bank Information
Article 17 <i>ter</i>	Joint Investigative Teams
Article 17 <i>quater</i>	Video Conferencing
Article 18	Compatibility with Other Arrangements
Article 19	Consultation and Resolution of Disputes
Article 20	Termination

**FORMS**

Form A	Certification of Business Records
Form B	Certification of Absence or Nonexistence of Business
Records	
Form C	Certification of Official Records
Form D	Certification of Absence or Nonexistence of Official Records
Form E	Certification with Respect to Seized Items

**Article 1**  
**Scope of Assistance**

1. The Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

1. *bis* (a) Mutual legal assistance shall also be afforded to a national administrative authority, investigating conduct with a view to a criminal prosecution of the conduct, or referral of the conduct to criminal investigation or prosecution authorities, pursuant to its specific administrative or regulatory authority to undertake such investigation. Mutual legal assistance may also be afforded to other administrative authorities under such circumstances. Assistance shall not be available for matters in which the administrative authority anticipates that no prosecution or referral, as applicable, will take place.

(b) Requests for assistance under this paragraph shall be transmitted between the Central Authorities designated pursuant to Article 2 of this Treaty, or between such other authorities as may be agreed by the Central Authorities.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;
- (b) providing documents, records, and other items;
- (c) locating or identifying persons or items;
- (d) serving documents;
- (e) transferring persons in custody for testimony or other purposes;
- (f) executing searches and seizures;