

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2001 Nr. 165

A. TITEL

*Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken;
Straatsburg, 20 april 1959*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1965, 10. Zie ook *Trb.* 1969, 63.

Het Verdrag is aangevuld bij een Protocol van 17 maart 1978.

Zie voor ondertekeningen van het Verdrag ook *Trb.* 1969, 63, *Trb.* 1982, 7, *Trb.* 1990, 117, *Trb.* 1993, 131, *Trb.* 1996, 63 en *Trb.* 1997, 280.

Het Verdrag is voorts nog in overeenstemming met artikel 27, eerste lid, ondertekend voor de volgende staten:

Albanië	19 mei 1998
Slovenië	26 februari 1999
Georgië	27 april 1999
Kroatië	7 mei 1999
de Voormalige Joegoslavische Republiek	
Macedonië	28 juli 1999
San Marino	29 september 2000
Armenië	11 mei 2001

C. VERTALING

Zie *Trb.* 1965, 10, *Trb.* 1969, 63 en *Trb.* 1996, 63.

D. PARLEMENT

Zie *Trb.* 1969, 63, *Trb.* 1990, 117, *Trb.* 1991, 79 en *Trb.* 1993, 131.

E. BEKRACHTIGING

Zie *Trb.* 1965, 10, *Trb.* 1969, 63¹⁾, *Trb.* 1974, 163, *Trb.* 1977, 21¹⁾, *Trb.* 1982, 7, *Trb.* 1990, 117, *Trb.* 1991, 79, *Trb.* 1993, 131¹⁾, *Trb.* 1996, 63 en *Trb.* 1997, 280.

Behalve de aldaar genoemde hebben nog de volgende staten in overeenstemming met artikel 27, eerste lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Raad van Europa nedergelegd:

Moldavië ²⁾	4 februari 1998
Oekraïne ³⁾	11 maart 1998
Roemenië ⁴⁾	17 maart 1999
Kroatië ⁵⁾	7 mei 1999
de Voormalige Joegoslavische Republiek Macedonië	28 juli 1999
Georgië ⁶⁾	13 oktober 1999
Rusland ⁷⁾	10 december 1999
Cyprus ⁸⁾	24 februari 2000
Albanië ⁹⁾	4 april 2000
Slovenië ¹⁰⁾	29 juli 2001

¹⁾ De regering van Zweden heeft op 1 februari 2001 de bij bekrachtiging gemaakte voorbehouden en verklaringen gedeeltelijk ingetrokken en de volgende wijzigingen aangebracht:

Voorbehouden

Het voorbehoud ten aanzien van Artikel 2 is als volgt gewijzigd:

“A request for assistance may be refused if in Sweden a judgment or decision on waiver of prosecution has been issued concerning the same act.”

De voorbehouden ten aanzien van Artikel 10, derde lid, en Artikel 13, tweede lid, zijn ingetrokken.

De voorbehouden ten aanzien van Artikel 15, zevende lid, en Artikel 20 zijn vervangen door de volgende verklaring:

“The Agreement of 26 April 1974 between Sweden, Denmark, Finland and Norway on mutual assistance through service and collection of evidence shall apply.”

Het voorbehoud ten aanzien van Artikel 22 is als volgt gewijzigd:

“Notifications concerning subsequent measures will be given to the extent that this is possible, according to Swedish regulations.”

Verklaringen

De verklaring ten aanzien van Artikel 5 (voor de tekst van die verklaring zie *Trb.* 1977, 21) is als volgt gewijzigd:

“Sweden will make the execution of letters rogatory for search and seizure subject to the conditions laid down in paragraph 1, subparagraph a) and c).”

De verklaring ten aanzien van Artikel 11 (voor de tekst van die verklaring zie *Trb.* 1993, 131) is als volgt gewijzigd:

“A person in Sweden who has been deprived of liberty may be transferred to another State if the questioning or confrontation concerns matters other than the investigation of the criminal liability of the person deprived of liberty.”

De verklaringen ten aanzien van Artikel 15, zesde lid, Artikel 16, en Artikel 21, eerste lid, zijn ingetrokken.

Ten aanzien van Artikel 16, tweede lid, is de volgende verklaring afgelegd:

“Requests and annexed documents, such as those mentioned in Articles 3 and 21, must be accompanied by a translation in Swedish, Danish or Norwegian.”

De verklaring ten aanzien van Artikel 24 is als volgt gewijzigd:

“For the purposes of the Convention Sweden deems courts and prosecutors to be judicial authorities.”

2) Onder de volgende voorbehouden en verklaringen:

“1. Under Article 2 of the Convention, the Republic of Moldova declares that it will refuse assistance where:

- the act committed is not incriminated as an offence according to the legislation of the Republic of Moldova;
- the offender shall not be held responsible by virtue of amnesty;
- the criminal responsibility is precluded by statutory limitation;
- after having committed the offence, the offender has fallen into a state of lasting mental disturbance precluding criminal responsibility;
- there is a pending penal procedure with respect to the same person for the same offence;
- there is an enforceable sentence, or a court decision terminating the case, with respect to the same person and for the same offence.

2. Under Article 5, paragraph 1, of the Convention, the Republic of Moldova declares that it reserves the right to execute letters rogatory for search or seizure of property in accordance with the respect of the conditions set out in Article 5, paragraph 1, letters (a), (b), and (c), of the Convention.

3. The Republic of Moldova reserves the right not to execute requests for assistance provided for under article 13, paragraph 2, of the Convention.

4. Under Article 15, paragraph 6, of the convention, the republic of Moldova declares that requests for assistance must be addressed to the Ministry of Justice or to the Prosecutor General’s Office.

5. Under Article 16, paragraph 2, of the convention, the Republic of Moldova declares that requests for assistance and annexed documents shall be drawn up in Moldovan or in one of the official languages of the Council of Europe or accompanied by a translation into one of these languages.

6. Under Article 24 of the Convention, the Republic of Moldova declares that it considers, for the purposes of the European convention on Mutual Assistance in Criminal Matters, the courts of first instance (*judicatoriile*), the courts (*tribunalele*), the Court of Appeal (*Curtea de Apel*), the Supreme Court of Justice (*Curtea Suprema de Justiție*), the Ministry of Justice (*Ministerul Justiție*), the Prosecutor General’s Office (*Procuratura Generala*), the organs of the General Prosecutor of the Republic of Moldova (*organele procuratorii Republicii Moldova*), as judicial authorities for the Republic of Moldova.” (vertaling).

3) Onder de volgende voorbehouden en verklaringen:

“Article 2

Ukraine reserves the right not to comply with a request for assistance if

a) there are good grounds for believing that it is aimed at prosecuting, convicting or punishing a person because of his/her race, colour of skin, political, religious and other convictions, sex, ethnic and social origin, social status, place of residence, language and other indications;

b) compliance with the request is incompatible with the principle “non bis in idem” (“there shall not be two punishments for the same offence”);

c. the request concerns an offence that is the subject of investigation and judicial consideration in Ukraine.

Article 5, paragraph 1

Ukraine will comply with judicial decisions concerning search and seizure of property on the condition foreseen by Article 5, paragraph 1, subparagraph c.

Article 7, paragraph 3

Summons of the defendant who is on the territory of Ukraine shall be transmitted to the authorities concerned not later than 40 days before the date set for the appearance before the court.

Article 16, paragraph 2

Requests and annexed documents shall be sent to Ukraine together with a translation into Ukrainian or into one of the official languages of the Council of Europe unless they are drawn up in those languages.

Article 24

For the purposes of the Convention, “judicial bodies” of Ukraine are courts of general jurisdiction (*Суди загальної юрисдикції*), public prosecutors of all levels (*Прокурори всіх рівнів*) and bodies of pre-trial investigation (*Органи попереднього слідства*).”

De regering van de Oekraïne heeft op 1 februari 2000 de Secretaris-Generaal van de Raad van Europa het volgende medegedeeld:

“The Ministry of Justice of Ukraine (in case of requests by courts) and the Prosecutor-General’s Office of Ukraine (in case of letters rogatory by bodies of pre-trial investigation) shall be the authorities to which references is made in article 15, paragraph 1 of the Convention.” (vertaling).

4) Onder de volgende voorbehouden en verklaringen:

1. Article 5, paragraph 1:

The letters rogatory for search or seizure of property will be made dependent on the following conditions:

a) that the offence motivating the letters rogatory is an extraditable offence according to Romanian law,

b) that execution of the letters rogatory is consistent with Romanian law.

2. Article 7, paragraph 3:

The service of a summons on an accused person who is in the Romanian territory, will be notified to the competent Romanian authority at the latest 40 days before the date set for the appearance.

3. Article 15, paragraph 6:

a) the requests for mutual assistance during investigation and prosecution sent to the Public Prosecutor’s Department at the Supreme Court of Justice of Romania,

b) the requests for mutual assistance during the proceedings will be sent to the Ministry of Justice,

c) the requests for mutual assistance to which reference is made in Article 15, paragraph 3, will be sent to the Ministry of Home Affairs,

d) in case of urgency, the requests for letters rogatory can be sent directly to the judicial authorities or to the prosecuting authorities at the former, a copy being sent to the Ministry of Justice or to the Public Prosecutor’s Department at the Supreme Court of Justice of Romania, according to the case.

4. Article 16, paragraph 2:

Requests for mutual assistance and annexed documents, addressed to the Romanian judicial authorities in accordance with this Convention, will be accompanied by a translation into one of the official languages of the Council of Europe.

5. Article 24:

For the purposes of the Convention, *Romanian judicial authorities* are deemed to be judicial authorities, the prosecuting authorities at them, the Ministry of Justice and the Public Prosecutor's Department at the Supreme Court of Justice and, for the requests for mutual assistance to which reference is made in Article 15, paragraph 3, the Ministry of Home Affairs.

6. Article 23:

The expenses relating to the execution of the requests for mutual assistance will be covered by the requesting judicial authorities.”

De regering van Roemenië heeft op 14 juni 1999 de Secretaris-Generaal van de Raad van Europa medegedeeld dat het bij de bekrachtiging gemaakte voorbehoud met betrekking tot artikel 23 als niet gemaakt dient te worden beschouwd.

5) Onder de volgende verklaringen:

“Article 5, paragraph 1:

The Republic of Croatia declares that letters rogatory delivered for search or seizure of property will be executed only if conditions determined in subparagraphs a), b) and c) of Article 5, paragraph 1, are fulfilled.

Article 7, paragraph 3:

The Republic of Croatia declares that service of a summons on a person residing in the Croatian territory must be transmitted to the competent Croatian judicial authorities no less than 30 days before the date set for appearance.

Article 15:

The Republic of Croatia declares that letters rogatory for mutual assistance are to be addressed to the Ministry of Justice of the Republic of Croatia. In case of urgency, letters rogatory may be addressed to the Ministry of Justice of the Republic of Croatia through the International Criminal Police Organisation (INTERPOL).

Article 16, paragraph 2:

The Republic of Croatia declares that letters rogatory for mutual assistance and annexed documents shall be accompanied by a translation into the Croatian language or, if not possible, into the English language.

Article 24:

For the purposes of the Convention, judicial authorities in the Republic of Croatia are courts and offices of public prosecutor.”

6) Onder de volgende voorbehouden en verklaringen:

“Article 2

Legal assistance may be refused:

a) if criminal proceedings have been instituted in Georgia for the offences in respect of which assistance is requested;

b) if the offence in respect of which assistance is requested had already been tried by a court of law and the judgment has entered into force.

Article 5

Georgia reserves the right to make the execution of letters rogatory for search or seizure of property dependent on the conditions given in subparagraphs “a”, “b” and “c” of Article 5, paragraph 1.

Article 15 (6)

As provided in Article 15, paragraph 6, copies of the letters rogatory shall be transmitted to the Ministry of Justice of Georgia.

Article 16 (2)

Requests for a legal assistance and annexed documents shall be provided in English or Russian language.

Article 24

For the purposes of the present Convention, Georgia considers as “judicial authorities”:

- the Constitutional Court
- the courts of the common jurisdiction
- the General Prosecutor’s Office.”.

7) Onder de volgende voorbeholden en verklaringen:

“Reservations

1. In accordance with Article 23, paragraph 1 of the Convention the Russian Federation declares that in addition to the grounds provided for in Article 2 of the Convention assistance may be refused in one of the following cases:

a) if the person who is suspected or accused of an offence in the requesting state stands trial, or was convicted or acquitted in connection with this offence in the Russian Federation or in a third State, or in whose respect in the Russian Federation or in a third State a court decision has been passed not to commence a case or terminate the proceedings, in respect of which the request for assistance has been made;

b) if the criminal proceedings or the enforcement of a sentence are impossible due to the expiration of period of limitation in accordance with the law of the Russian Federation.

2. In accordance with Article 3 of the Convention the Russian Federation reserves the right to refuse to execute letters rogatory for procuring evidence, if the persons concerned used their right, granted to them by the law of the Russian Federation, not to give any evidence at all or in the relevant case.

3. In accordance with Article 5 of the Convention the Russian Federation reserves the right to make the execution of letters rogatory for search or seizure of property dependent only on the conditions, provided for in subparagraphs «a», «b», «c», paragraph 1 of the said article of the Convention.

4. In accordance with Article 7 of the Convention the Russian Federation declares that letters rogatory for service of summons should be transmitted not less than 50 days before the date set for appearance.

5. In accordance with Article 11 of the Convention the Russian Federation declares that in their request for temporary transfer of the person in custody for interrogation as a witness or for the purpose of confrontation, the competent authorities of the requesting State should provide the following information:

- a) full name of the person and, if possible, the place of his/her custody;
- b) summary of the offence, time and place of its commitment;
- c) circumstances to be clarified during interrogation or confrontation;
- d) period during which the presence of this person in the requesting State is required.

6. In accordance with Article 11, paragraph 2, of the Convention the Russian Federation declares that request for transit of a person in custody shall be addressed to the Prosecutor-General’s Office of the Russian Federation.

7. In accordance with Article 15, paragraph 6, of the Convention the Russian Federation declares that while rendering assistance in accordance with Articles 3, 4 and 5 of the Convention the designated authorities of the Contracting Parties communicate with:

- the Supreme Court of the Russian Federation – in matters of judicial activity of the Supreme Court of the Russian Federation, and the Ministry of Justice of the Russian Federation – in matters, related to the activities of other courts;
- the Ministry of Internal Affairs of the Russian Federation – in respect of letters rogatory, which do not require the sanction of a judge or a prosecutor and

relate to conducting an inquiry and preliminary investigation into cases within the competence of bodies of the Ministry of Internal Affairs of the Russian Federation;

- the Federal Security Service of the Russian Federation – in respect of letters rogatory, which do not require the sanction of a judge or a prosecutor and relate to conducting an inquiry and preliminary investigation into cases within the competence of the bodies of the Federal Security Service;
- the Federal Tax Police Service of the Russian Federation – in respect of letters rogatory, which do not require the sanction of a judge or a prosecutor and relate to conducting an inquiry and preliminary investigation into cases within the competence of the bodies of the Federal Tax Police;
- the Prosecutor-General's Office of the Russian Federation – in all other cases of inquiry and preliminary investigation.

In case of urgency, requests may be addressed directly by the judicial authorities of the requesting State to the judicial authorities of the Russian Federation as stipulated in the reservation to Article 24 of the Convention. A copy of the letters rogatory shall be transmitted at the same time to the appropriate central competent authority.

Requests, provided for in Article 13, paragraph 2 of the Convention shall be addressed to the Ministry of Justice of the Russian Federation or the Prosecutor-General's Office of the Russian Federation.

The Supreme Court of the Russian Federation and the Prosecutor-General's Office of the Russian Federation shall, if the authority which issues letters rogatory for legal assistance so requests, consider the possibility of applying procedural laws of the requesting foreign state when executing letters rogatory, if it is consistent with the law of the Russian Federation.

8. The Russian Federation declares that requests for assistance and annexed documents, addressed to the Russian Federation in accordance with Article 16, paragraph 2 of the Convention should be accompanied by a translation into the Russian language.

9. The Russian Federation declares that in accordance with Article 22 of the Convention the Russian Federation shall inform other Contracting Parties of measures, subsequent to the conviction of their nationals on a reciprocal basis and only in respect of information, recognized as official in accordance with the law of the Russian Federation.

10. The Russian Federation declares that for the purposes of this Convention set forth in Article 24 of the Convention courts and bodies of the Prosecutor's Office shall be deemed judicial authorities of the Russian Federation.

Declarations:

1. The Russian Federation proceeds from the understanding that the provisions of Article 2 of the Convention shall be applied in such a manner as to ensure inevitability of responsibility for the crimes coming within the Convention.

2. The Russian Federation proceeds from the understanding that the law of the Russian Federation does not contain a concept of «political offences» or «offences related to political offences» in the following acts:

a) crimes against humanity provided for in Articles II and III of the Convention on the Prevention and Punishment of the Crime of Genocide (1948), Articles II and III of the Convention on the Suppression and Punishment of the Crime of Apartheid (1973), and Articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1948);

b) crimes provided for in Article 50 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), Article 51 of the Geneva Convention for the Amelioration of the Condi-

tion of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949), Article 130 of the Geneva Convention relative to the Treatment of Prisoners of War (1949), Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), Article 85 of Protocol I Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (1977), Articles 1 and 4 of Protocol II Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (1977);

c) offences provided for in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the above-mentioned Convention of 1971;

d) crimes provided for in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

e) crimes provided for in the International Convention against the Taking of Hostages (1979);

f) offences provided for in the Convention on the Physical Protection of Nuclear Materials (1980);

g) offences provided for in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988);

h) other comparable crimes provided for in multilateral international agreements to which the Russian Federation is a party.”

s) Onder de volgende voorbehouden en verklaringen:

“*Reservations*

Article 2

The Government of the Republic of Cyprus reserves the right to refuse assistance if the person who is the subject of a request for assistance has been convicted in the Republic of Cyprus of an offence which arises from the same conduct as that giving rise to proceedings in the requesting State in respect of that person.

Article 5

The Government of the Republic of Cyprus reserves the right to make the execution of letters rogatory for search and seizure of property dependent on the conditions stated in Article 5, paragraph 1a) and c).

Article 11

For the purpose of Article 11, paragraph 1, the Government of the Republic of Cyprus reserves the right to refuse transfer of a person in custody in all the cases enumerated in sub-paragraph 2 of paragraph 1 of this Article.

For the purpose of Article 11, paragraph 2, the Government of the Republic of Cyprus reserves the right to grant transfer to its own nationals.

Declarations

Article 7

For the purpose of Article 7, paragraph 3, the Government of the Republic of Cyprus requests that the summons to be served on an accused person who is in its territory be transmitted to its authorities at least 40 days before the date set for appearance.

Article 15, paragraph 6

All requests for assistance sent to the Republic of Cyprus under this Convention must be addressed to the Ministry of Justice and Public Order. In cases of urgency requests may be transmitted through Interpol.

Article 16, paragraph 2

Requests and annexed documents not drawn up in English or Greek should be accompanied by a translation into one of these languages.

Article 24

For the purposes of the Convention, the Government of the Republic of Cyprus deems the following to be "judicial authorities":

- all courts of the republic exercising criminal jurisdiction;
- all attorneys of the Law Office of the Republic (Office of the Attorney General);
- the Ministry of Justice and Public Order;
- the authorities or persons empowered by national law to investigate into criminal cases including the Police, the Department of Customs and Excise and the Department of Inland Revenue."

⁹⁾ Onder de volgende voorbehouden en verklaringen:

"The execution of letters rogatory for search and seizure of property shall be dependent on the conditions stipulated in Article 5, paragraph 1, letter "a" and "c".

In accordance with Article 15, paragraph 6, Albania declares that a copy of all requests for assistance which are communicated directly between judicial authorities, as well as of accompanying acts, shall be transmitted at the same time to its Ministry of Justice.

In accordance with Article 16, paragraph 2, Albania declares that requests and annexed documents shall be accompanied by an official translation into one of the official languages of the Council of Europe, unless agreements concluded on the basis of reciprocity provide otherwise.

The Ministry of Justice is deemed as the judicial authority within the meaning of Article 24 of the Convention."

¹⁰⁾ Onder de volgende voorbehouden en verklaringen:

"In accordance with Article 5, the Republic of Slovenia reserves the right to make the execution of letters rogatory for search or seizure of property dependent on the following conditions:

- a) that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the Republic of Slovenia;
- b) that execution of the letters rogatory is consistent with the law of the Republic of Slovenia.

In accordance with Article 5, the Republic of Slovenia reserves the right to require that requests and annexed documents be addressed to it accompanied by a translation into Slovenian.

In accordance with Article 24, the Republic of Slovenia will, for the purposes of the Convention, deem to be judicial authorities the courts and the State prosecutor's offices."

F. TOETREDING

Zie *Trb.* 1969, 63¹⁾, *Trb.* 1974, 163, *Trb.* 1977, 21, *Trb.* 1982, 7, *Trb.* 1990, 117, *Trb.* 1993, 131²⁾, *Trb.* 1996, 63 en *Trb.* 1997, 280.

¹⁾ De regering van Israël heeft op 8 februari 1999 de bij de toetreding afgelegde verklaringen met betrekking tot artikel 15, zesde lid, en artikel 24 vervangen door de volgende verklaringen:

“Article 15, paragraph 6:

All requests and other communications to Israel under the convention should be sent to the following address:

Ministry of Justice, Directorate of Courts, Department of Legal Assistance to Foreign Countries, P.O. Box 34142 – 91340 Jerusalem.

Article 24:

For the purposes of the Convention, the following authorities shall be considered Judicial Authorities by the State of Israel:

- Any competent court or tribunal
- The Attorney General of the State of Israel
- The State Attorney of the State of Israel
- The Director of the Department of International Affairs of the Ministry of Justice.”

²⁾ De regering van Slowakije heeft de Secretaris-Generaal van de Raad van Europa op 4 mei 2000 het volgende medegedeeld:

“Article 15, paragraph 6

Letters rogatory referred to in Articles 3, 4 and 5 shall be addressed to the Ministry of Justice of the Slovak Republic if the proceedings in the requesting country have reached the trial stage. In all other cases they shall be addressed to the General Prosecutor’s Office of the Slovak Republic.

Applications referred to in Article 11 shall be addressed to the Ministry of Justice of the Slovak Republic.

Requests referred to in Article 13, paragraph 1, and information under Article 21, paragraph 1, shall be addressed to the General Prosecutor’s Office of the Slovak Republic.

Article 16, paragraph 2

The Slovak Republic invites the other Contracting Parties to present their requests and supporting documents which are drawn in either Slovak or one of the official languages of the Council of Europe together with a translation into one of these languages.

Article 24

For the purposes of this Convention, the following are deemed to be judicial authorities in the Slovak Republic: the Ministry of Justice of the Slovak Republic, the General Prosecutor’s Office of the Slovak Republic, all courts and prosecutor’s offices irrespective of their denomination.”.

G. INWERKINGTREDING

Zie *Trb.* 1965, 10, *Trb.* 1969, 63, *Trb.* 1990, 117, *Trb.* 1991, 79 en *Trb.* 1993, 131.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1990, 117, *Trb.* 1991, 79, *Trb.* 1993, 131 en *Trb.* 1996, 63.

Het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland heeft de Secretaris-Generaal van de Raad van Europa medegedeeld dat een overeenkomst als bedoeld in Artikel 25, vijfde lid, van het onderhavige Verdrag met betrekking tot het Eiland Man tot stand is gekomen tussen het Verenigd Koninkrijk en de volgende staten:

Italië 31 januari 2000

Denemarken	25 februari 2000
Luxemburg	3 juli 2000
Griekenland	22 januari 2001
Spanje	5 februari 2001

Bij notawisseling tussen de regering van het Koninkrijk der Nederlanden en de regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland is op 14 september 2001 een overeenkomst als bedoeld in artikel 25, vijfde lid, van het onderhavige Verdrag tot stand gekomen. De tekst van de nota's luidt als volgt:

Nr. I

BRITISH EMBASSY
THE HAGUE

11 January 2000

Note No: 002

Your Excellency

I have the honour to refer to the European Convention on Mutual Assistance in Criminal Matters 1959 to which both our Countries are parties. I have the honour to propose that, in accordance with Article 25, paragraph 5, the application of the Convention be extended to the isle of Man, for whose international relations the United Kingdom is responsible, subject to the conditions set out below:

- (i) In respect of the Isle of Man, references to the "Ministry of Justice" for the purposes of Article 11, paragraph 2, Article 15, paragraph 1, 3 and 6 and Article 21, paragraph 1 and Article 22 are to the Attorney General for the Isle of Man;
- (ii) In accordance with Article 24, for the purposes of the Convention the following are judicial authorities in respect of the Isle of Man:
 - a) Court of Summary Jurisdiction;
 - b) Court of General Gaol Delivery;
 - c) High Court;
- (iii) That the Reservations Nos. 1 to 6 in respect of Article 2, Article 3, Article 5(1), Article 11(2), Article 12 and Article 21 and the Declaration No. 2 in respect of Article 16(2), made by the United Kingdom upon ratification of the Convention on 29 August 1991, will also be applicable for the Isle of Man.

If the above proposal is acceptable to the Government of the Kingdom of the Netherlands, I have the honour to suggest that this Note and Your Excellency's reply to that effect shall constitute an agreement between our two governments which shall enter into force on the date of your reply.

I avail myself of the opportunity to renew to Your excellency the assurance of My highest consideration.

(sd.) T. C. HOLMES
T. C. Holmes
Chargé d'Affaires

*His Excellency
J. J. van Aartsen
Minister of Foreign Affairs
The Hague*

Nr. II

MINISTERIE VAN BUITENLANDSE ZAKEN

The Hague, 14 September 2001

Excellency,

I have the honour to refer to Your Excellency's Note No. 002 dated 11 January 2000 which reads as follows:

(Zoals in Nr. I)

In reply I have the honour to confirm that the foregoing proposal is acceptable to the Government of the Kingdom of the Netherlands and that Your Excellency's Note and this reply shall constitute an Agreement between the Kingdom of the Netherlands (for the Netherlands, the Netherlands Antilles and Aruba) and the United Kingdom of Great Britain and Northern Ireland which shall enter into force on the date of this Note.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Yours sincerely,

(sd.) JOZIAS VAN AARTSEN

Jozias van Aartsen
Minister of Foreign Affairs

*His Excellency Colin Richard Budd
the Ambassador of the United Kingdom
of Great Britain and Northern Ireland
Lange Voorhout 10
2541 ED Den Haag*

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het in de op één na laatste alinea van nota II gestelde op 14 september 2001 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het verdrag ingevolge het in de op één na laatste alinea van nota II gestelde voor het gehele Koninkrijk.

De tekst van de door het Verenigd Koninkrijk van Groot-Brittannië en Noord Ierland bij de bekrachtiging gemaakte voorbehouden en verklaringen is opgenomen in *Trb.* 1993, 131, blz. 3, 4 en 5.

J. GEGEVENS

Zie *Trb.* 1965, 10, *Trb.* 1969, 63, *Trb.* 1974, 163, *Trb.* 1977, 21, *Trb.* 1982, 7, *Trb.* 1990, 117, *Trb.* 1991, 79, *Trb.* 1993, 131, *Trb.* 1996, 63 en *Trb.* 1997, 280.

Voor het op 13 december 1957 te Parijs tot stand gekomen Europees Verdrag betreffende uitlevering zie ook, laatstelijk, *Trb.* 2001, 22.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het onderhavige verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *achtste* oktober 2001.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN