

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 23

A. TITEL

Tweede aanvullend Protocol bij het Europees Verdrag inzake wederzijdse rechtshulp in strafzaken; Straatsburg, 8 november 2001

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2002, 30.

C. VERTALING

Zie *Trb.* 2008, 157.

D. PARLEMENT

Zie *Trb.* 2002, 30.

Bij brieven van 31 mei 2010 (Kamerstukken II 2009/2010, 32406 (R1913), nr. 1 is het Protocol, in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Justitie E. M. H. HIRSCH BALLIN en de Minister van Buitenlandse Zaken M. J. M. VERHAGEN.

De goedkeuring door de Staten-Generaal is verleend op 11 juli 2010.

E. PARTIJGEGEVENS

Zie *Trb.* 2002, 30.

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Albanië	13-11-01	20-06-02	R	01-02-04		
Armenië	03-03-09	08-12-10	R	01-04-11		
België	08-11-01	09-03-09	R	01-07-09		
Bosnië en Herzegovina	17-05-06	07-11-07	R	01-03-08		
Bulgarije	08-11-01	11-05-04	R	01-09-04		
Cyprus	08-11-01					
Denemarken	08-11-01	15-01-03	R	01-02-04		
Duitsland	08-11-01					
Estland	26-11-02	09-09-04	R	01-01-05		
Finland	09-10-03					
Frankrijk	08-11-01					
Griekenland	08-11-01					
Hongarije	15-01-03					
Ierland	08-11-01					
IJsland	08-11-01					
Israël		20-03-06	T	01-07-06		
Kroatië	09-06-04	28-03-07	R	01-07-07		
Letland	24-09-03	30-03-04	R	01-07-04		
Litouwen	09-10-03	06-04-04	R	01-08-04		
Luxemburg	30-01-08					
Macedonië, Voormalige Joegoslavische Republiek	08-11-01	16-12-08	R	01-04-09		
Malta	18-09-02					
Montenegro	07-04-05	20-10-08	R	01-02-09		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	08-11-01	20-12-10 – – – – – –	R	01-04-11 – – – – – –		
Noorwegen	08-11-01					
Oekraïne	08-11-01					
Polen	11-09-02	09-10-03	R	01-02-04		
Portugal	08-11-01	16-01-07	R	01-05-07		
Roemenië	08-11-01	29-11-04	R	01-03-05		
Servië	07-04-05	26-04-07	R	01-08-07		
Slovenië	07-04-05					
Slowakije	12-05-04	11-01-05	R	01-05-05		
Tsjechië	18-12-03	01-03-06	R	01-07-06		
Verenigd Koninkrijk, het	08-11-01	30-06-10	R	01-10-10		
Zweden	08-11-01					
Zwitserland	15-02-02	04-10-04	R	01-02-05		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

Armenië, 8 december 2010

In accordance with Article 4, paragraph 8, of the Protocol, the Republic of Armenia declares that the copy of the requests for assistance shall be transmitted at the same time to the Ministry of Justice of the Republic of Armenia.

In accordance with Article 6 of the Protocol, the Republic of Armenia declares that the judicial authorities, for the purpose of the Convention, shall be deemed:

- . The Ministry of Justice of the Republic of Armenia;

- . The General Prosecutor's Office of the Republic of Armenia;
- . The Judicial Department of the Republic of Armenia;
- . The Police of the Republic of Armenia;
- . The National Security Service of the Republic of Armenia;
- . The Court of Cassation of the Republic of Armenia;
- . The Courts of Appeal of the Republic of Armenia,
- . The Courts of General Jurisdiction and Specialised Courts of the First Instance of the Republic of Armenia.

In accordance with Article 17, paragraph 4, of the Protocol, the Republic of Armenia declares that the competent authorities, for the purposes of paragraphs 1 and 2 of Article 17 of the Protocol, shall be the Police of the Republic of Armenia and the National Security Service of the Republic of Armenia.

In accordance with Article 18, paragraph 4, of the Protocol, the Republic of Armenia declares that the authority that is competent for the purposes of the mentioned article shall be the General Prosecutor's Office of the Republic of Armenia.

In accordance with Article 19, paragraph 4, of the Protocol, the Republic of Armenia declares that the authorities that are competent for the purposes of paragraph 2 of the mentioned article shall be the General Prosecutor's Office of the Republic of Armenia, the Police of the Republic of Armenia and the National Security Service of the Republic of Armenia.

In accordance with Article 26, paragraph 5, of the Protocol, the Republic of Armenia declares that without the prior consent of the Republic of Armenia, the personal data – the transmission or the use of which could have been refused or limited within the framework of corresponding procedures – may not be used, for the purposes of paragraph 1 of the mentioned article.

België, 9 maart 2009

Concerning Article 3 of the Protocol, the Government of the Kingdom of Belgium will grant the temporary transfer provided by this article only if the person concerned is serving a definitive sentence on its territory, excluding anybody in pretrial detention.

The Government of the Kingdom of Belgium will grant temporary transfer as provided for in Article 11 only if the person concerned is serving a sentence on its territory and if there are no special considerations opposed thereto.

Concerning Articles 17, 18, 19 and 20 of the Protocol, the Government of the Kingdom of Belgium intends to prevail itself of the opportunity afforded by Article 33, paragraph 2, to accept the use of cross-border observations, of controlled delivery, of covert investigations and of joint investigation teams only for the following offences: trafficking in arms and drugs, trafficking in human beings, pedophilia and terrorism.

Any use of these four methods of research on Belgian territory must also be executed only by the Belgian competent officers.

Pursuant to paragraph 4 of Articles 17, 18, 19 and 20, the Government of the Kingdom of Belgium declares that the Federal Prosecutor is designated as the Belgian judicial authority responsible for the implementation of requests for assistance involving the use of these particular methods of research.

Pursuant to paragraph 8 of Article 4 of the Protocol, the Government of the Kingdom of Belgium declares that it requires the transmission of any request for mutual assistance, except when it is urgent, to the central authority for mutual assistance in criminal matters of its Federal Public Service Justice.

Pursuant to paragraph 4 of Article 11 of the Protocol, the Government of the Kingdom of Belgium declares that it reserves the right not to be bound by the conditions imposed by the providing Party under paragraph 2 of the said article, unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

Pursuant to paragraph 7 of Article 13 of the Protocol, the Government of the Kingdom of Belgium declares that it will grant the temporary transfer provided by this article only with the consent of the persons detained and to the extent that he/she is serving a definitive sentence on its territory, excluding anybody in pretrial detention.

Pursuant to paragraph 5 of Article 26 of the Protocol, the Government of the Kingdom of Belgium declares that, in proceedings for which Belgium could have refused or limited the transfer or use of personal data in accordance with the provisions of the Convention or its Protocols, the personal data which it transfers to another Party will not be used by the latter for the purposes referred to in paragraph 1 of Article 26 of the Protocol without its prior consent.

Bosnië en Herzegovina, 7 november 2007

In connection with Article 4, paragraph 8, of the Second Additional Protocol, Bosnia and Herzegovina declares that all requests and other written notices related to Article 4, paragraphs 1 to 6, are to be delivered to the Ministry of Justice of Bosnia and Herzegovina, as the central authority.

In relation to Article 4, paragraph 8, of the Second Additional Protocol, Bosnia and Herzegovina declares that in case of direct addressing of urgent requests in line with Article 4, paragraph 7, of the Second Additional Protocol, copy of the request will be delivered concurrently to the Ministry of Justice of Bosnia and Herzegovina.

In line with Article 13, paragraph 7, of the Second Additional Protocol, Bosnia and Herzegovina declares that it shall request the approval referred to under Article 13, paragraph 3, of this Protocol, before reaching an agreement under paragraph 1 of this article.

In line with Article 6 of the Second Additional Protocol, Bosnia and Herzegovina declares that ordinary courts and prosecutor's office in Bosnia and Herzegovina shall be regarded as judicial authorities for the purpose of the Convention and this Protocol.

In relation to Article 17, paragraph 4, of the Second Additional Protocol, Bosnia and Herzegovina declares that:

a. The authority responsible for receiving the request and decision making in line with Article 17, paragraph 1, of the Second Additional Protocol, is:

Prosecutor's Office of Bosnia and Herzegovina
Kraljice Jelene 88
71000 Sarajeco

Tel. ++387 33 707 100

Fax: ++387 33 707 463

b. The authority responsible for receiving the notice in line with Article 17, paragraph 2, of the Second Additional Protocol, is:

Ministry of Security of Bosnia and Herzegovina
Trg Bosne I Hercegovine

Tel. ++387 33 213 623

Fax. ++387 33 213 628

In line with Article 18, paragraph 4, of the Second Additional Protocol, Bosnia and Herzegovina declares that:

a. The authority responsible for receiving the request and decision making in accordance with Article 18, paragraph 2, of the Second Additional Protocol, is:

Prosecutor's Office of Bosnia and Herzegovina
Kraljice Jelene 88
71000 Sarajeco

Tel. ++387 33 707 100

Fax: ++387 33 707 463

b. The authority responsible for execution, management and control of undertaken actions in line with Article 18, paragraph 3, of the Second Additional Protocol, is:

Ministry of Security of Bosnia and Herzegovina
Trg Bosne I Hercegovine

Tel. ++387 33 213 623

Fax. ++387 33 213 628

In line with Article 19, paragraph 4, of the Second Additional Protocol, Bosnia and Herzegovina declares that:

a. The authority responsible for receiving the request and decision making in accordance with Article 19, paragraph 2, of the Second Additional Protocol, is:

Prosecutor's Office of Bosnia and Herzegovina
Kraljice Jelene 88
71000 Sarajeco

Tel. ++387 33 707 100

Fax: ++387 33 707 463

b. The authority responsible for providing legal assistance in accordance with Article 19 of the Second Additional Protocol, is:

Ministry of Security of Bosnia and Herzegovina
Trg Bosne I Hercegovine

Tel. ++387 33 213 623
Fax. ++387 33 213 628

Bulgarije, 11 mei 2004

In accordance with Article 11, paragraph 4, of the Second Additional Protocol, the Republic of Bulgaria declares that conditions, imposed by the Party which provides spontaneous information, shall be observed only if that Party has previously notified of the nature of the information to be provided and Bulgaria has agreed to its transmission.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, the Republic of Bulgaria declares that consent of the person concerned in Article 13, paragraph 3, will be required before an agreement is reached between the competent authorities under paragraph 1 of the same article.

In accordance with Article 17, paragraph 4 in connection with paragraphs 1 and 2, of the Second Additional Protocol, the Republic of Bulgaria defines the Supreme Cassation Prosecutor's Office to be the competent authority to which shall be submitted requests for legal assistance under Article 17, paragraph 1, and, in case of urgency in the course of observation, to be immediately notified of crossing the border under Article 17, paragraph 2. The officers, indicated in paragraphs 1 and 2 of the same article, who are to conduct the cross-border observation, will be investigators from the National Investigation Service, and the Ministry of the Interior will render co-operation.

In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Republic of Bulgaria declares that within the framework of the procedures for which the Republic of Bulgaria could have refused or limited the transmission or the use of personal data in accordance with the provisions of the Convention or one of its Protocols, personal data transmitted to another Contracting Party will be used by the latter for the purposes of Article 26, paragraph 1, only with the previous consent of the Republic of Bulgaria.

In accordance with Article 33, paragraph 1, of the Second Additional Protocol, the Republic of Bulgaria declares that it shall not apply its declaration on Article 15, paragraph 6, of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 to the provisions of this Protocol.

In accordance with Article 33, paragraph 2 and in connection with Article 16, of the Second Additional Protocol, the Republic of Bulgaria declares that it does not accept the service of procedural documents and judicial decisions on defendants and accused persons directly by post.

In accordance with Article 15, paragraph 6, of the European Convention on Mutual Assistance in Criminal Matters, as worded by Article 4 of the Second Additional Protocol, the Republic of Bulgaria defines courts that have passed the convictions as competent authorities to which requests for copies of convictions and subsequent measures under Article 4 of the Second Additional Protocol may be forwarded.

In accordance with Article 15, paragraph 8, sub-paragraph b, of the European Convention on Mutual Assistance in Criminal Matters, as worded by Article 4 of the Second Additional Protocol, the Republic of Bulgaria declares that execution of all requests for legal assistance shall be determined by observation of the requirement of sub-paragraph “b” of paragraph 8 of Article 15. Central authority under sub-paragraph “b” regarding requests for legal assistance in pre-trial proceedings shall be the Supreme Cassation Prosecutor’s Office, and for the rest of the requests for legal assistance under sub-paragraph “b”, the Ministry of Justice.

In accordance with Article 15, paragraph 9, of the European Convention on Mutual Assistance in Criminal Matters, as worded by Article 4 of the Second Additional Protocol, the Republic of Bulgaria declares that requests for legal assistance and any other communications under Article 15, paragraph 9, received by fax and e-mail shall be accepted and executed, provided that the requesting Party shall verify their authenticity, if requested.

In accordance with Article 18, paragraph 4 in connection with paragraphs 2 and 3, of the Second Additional Protocol, the Republic of Bulgaria defines the Supreme Cassation Prosecutor’s Office to be the competent authority entitled to govern, control and decide on controlled delivery.

In accordance with Article 19, paragraph 4 in connection with paragraph 2, of the Second Additional Protocol, the Republic of Bulgaria defines the Supreme Cassation Prosecutor’s Office to be the competent authority entitled to decide on the request of covert investigation.

Denemarken, 15 januari 2003

In accordance with Article 15, paragraph 8 (d) and 15, paragraph 3 (in the European Convention on Mutual Assistance in Criminal Matters, as worded by the Second Additional Protocol), Denmark declares that requests from administrative authorities (cf. Article 1, paragraph 3, in the Convention), shall be forwarded to the Ministry of Justice in the country requested to provide assistance, and hence may not be sent directly to the judicial authorities.

In accordance with Article 9, paragraph 9 (in the Second Additional Protocol), Denmark declares that it does not meet requests for hearing by videoconference involving the accused person or the suspect.

In accordance with Article 13, paragraph 7 (in the Second Additional Protocol), Denmark declares that consent as mentioned in Article 13, paragraph 3, will be required prior to an agreement on temporary transfer of a person held in custody according to Article 13, paragraph 1.

In accordance with Article 18, paragraph 4 (in the Second Additional Protocol), Denmark declares that the Danish authorities that are competent for the purpose of Article 18 are the judicial authorities as defined by the declaration according to article 24 in the 1959 Convention (i.e. the Courts of Law and the Department of Public Prosecutions which

itself, according to the Danish judicature and procedural code, includes the Ministry of Justice, the Attorney-General, the prosecutors, the Copenhagen Prefect of Police and the Police Commissioners).

In accordance with Article 32, paragraph 1 (in the Second Additional Protocol), Denmark declares that until further notice the Second Additional Protocol shall not apply to the Faeroe Islands and Greenland.

In accordance with Article 33, paragraph 2, cf. Article 17 (in the Second Additional Protocol), Denmark declares that it does not accept Article 17 (cross-border observations).

In accordance with Article 33, paragraph 2, cf. Article 19 (in the Second Additional Protocol), Denmark declares that it does not accept Article 19 (covert investigations).

Estland, 9 september 2004

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Republic of Estonia declares that for carrying out controlled deliveries in Estonia, the competent authorities are the Tax and Customs Board, the Board of Border Guard, the Central Criminal Police, the Security Police Board and the National Police Board.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Estonia declares that it wholly avails itself of the right not to accept Articles 17 and 19.

In accordance with Article 15, paragraph 8, sub-paragraph (a), of the Convention (as reworded by Article 4 of the Second Additional Protocol), the Republic of Estonia declares that a copy of the request for assistance addressed directly to its judicial authorities shall be transmitted to the Ministry of Justice.

In accordance with Article 24 of the Convention (as reworded by Article 6 of the Second Additional Protocol), the Republic of Estonia declares that for the purposes of this Convention the judicial authorities for Estonia shall be the courts, the prosecutor's office, the Ministry of Justice and investigation boards that on the basis of the Criminal Procedure Code are competent to carry out pre-trial procedure: the National Police Board, the police districts, the Security Police Board, the Central Criminal Police, the Tax and Customs Board, the Estonian Board of Border Guard, the Estonian Competition Board and the General Staff of the Defence Forces.

Israël, 20 maart 2006

In accordance with Article 4, paragraph 8, of the Second Additional Protocol, the Government of the State of Israel declares that all requests and other communications to it, as mentioned in Article 4, paragraphs 1 to 6, of the Second Additional Protocol, should be sent to the Ministry of Justice, Directorate of Courts, Department of Legal Assistance to Foreign Countries, P.O. Box 34142-91340, Jerusalem.

In accordance with Article 4, paragraph 9, of the Second Additional Protocol (amending Article 15 of the European Convention on Mutual

Assistance in Criminal Matters), the Government of the State of Israel declares that at the present time it will accept requests for legal assistance by means of electronic telecommunication in circumstances of extreme urgency only. Acceptance of a request by electronic telecommunication is on condition that the reasons for such urgency are set forth in the request and that the requesting Party transmits, at the same time, the original request in the usual manner. Israel will not accept requests to serve procedural documents and judicial decisions where such requests are transmitted by electronic telecommunication, as this form of transmittal is, in any case, not suitable for such requests.

At the present time, urgent requests for legal assistance may be transmitted by fax transmission addressed to the Director of the Department of International Affairs of the Office of the State Attorney, Ministry of Justice at fax number (972-2-6287-668). All such requests should be headed "Urgent Request for Legal Assistance under the Second Additional Protocol".

In accordance with Article 6 of the Second Additional Protocol, the Government of the State of Israel declares that for the purposes of the Convention and Protocol, the following authorities shall be considered Judicial Authorities:

- 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
- the Deputy Director of the Department of International Affairs of the Ministry of Justice.

In accordance with Article 11, paragraph 4, of the Second Additional Protocol, the Government of the State of Israel reserves the right not to be bound by the conditions imposed by the providing Party under paragraph 2 of Article 11, unless it receives prior notice of the nature of the information to be provided and agrees to the transmission.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, the Government of the State of Israel declares that the consent as mentioned in Article 13, paragraph 3, will be required prior to an agreement on temporary transfer of a person held in custody according to Article 13, paragraph 1.

In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Government of the State of Israel declares that it requires that personal data transmitted to another Party will not be used by that Party for the purposes of paragraph 1 of Article 26 unless with its previous consent.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Government of the State of Israel declares that any document and judicial decision which is of criminal law nature should be forwarded to any person only through the Ministry of Justice of the State

of Israel, as set forth in Israel's declaration to Article 4 of the Second Additional Protocol.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Government of the State of Israel declares that it does not accept Article 17.

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Government of the State of Israel declares that the Israeli authorities that are competent for the purpose of Article 18 are: the Director of the Department of International Affairs of the Ministry of Justice; the Inspector General of the Israeli Police; the Head of the Intelligence Division in the Investigation and Intelligence Department in the Israeli Police; the Head of the Special Operations Division in the Intelligence Division in the Investigation and Intelligence Department; the Director of the National Center for the Fight against Drugs and Money Laundering in the Israeli Customs Administration and the Senior Deputy Director General (Investigations) in the Israeli Customs Administration.

Kroatië, 28 maart 2007

Concerning Article 4, paragraph 8, of the Second Additional Protocol, the Republic of Croatia declares that all the requests and other communications referred to in paragraphs 1 to 6 of Article 4 of the Second Additional Protocol should be forwarded to the Ministry of Justice.

Concerning Article 9, paragraph 9, of the Second Additional Protocol, the Republic of Croatia declares that it will not apply the provisions of this article to hearings by video conference involving the accused person or the suspect.

Concerning Article 13, paragraph 7, of the Second Additional Protocol, the Republic of Croatia declares that the consent referred to in Article 13, paragraph 3, will be required before an agreement on a temporary transfer of a person held in custody is reached under Article 13, paragraph 1.

In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Republic of Croatia declares that it requires that personal data transmitted to another Party not be used by that Party for the purposes referred to in paragraph 1 of Article 26, without its previous consent.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Croatia declares that it does not accept Articles 17, 18 and 19.

Concerning Article 6 of the Second Additional Protocol, the Republic of Croatia declares that for the purposes of the Convention and the Protocol, courts and state attorneys, shall be deemed judicial authorities.

Letland, 30 maart 2004

In accordance with Article 11, paragraph 4, of the Second Additional Protocol, the Republic of Latvia declares that it reserves the right not to

be bound by the conditions imposed by the providing Party under paragraph 2 of said Article 11.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, the Republic of Latvia declares that before an agreement is reached under paragraph 1 of said Article 13, the consent referred to in paragraph 3 of said Article 13 will be required.

In accordance with paragraph 5 of Article 26 of the Second Additional Protocol, the Republic of Latvia requires that personal data transmitted to another Party is not used by the receiving Party for the purposes of paragraph 1 of Article 26 unless with its previous consent.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Latvia declares that it does not accept Article 17 of the said Protocol.

Letland, 16 september 2010

In accordance with Article 19 of the Second Additional Protocol, the Republic of Latvia declares that:

– the competent authority during pre-trial investigations is:

Prosecutor – General Office

Kalpaka Boulevard 6

Riga, LV-1801

Latvia

Phone: +371 704 4400

Fax: +371 704 4449

Email: gen@lrp.lv

– the competent authority prior to prosecution is:

Ministry of Interior

Ciekurkalna 1st line 1, k-2

Riga, LV-1026

Latvia

Phone: +371 67219263

Fax: +371 67829686

E-mail: kanceleja@iem.gov.lv

Website: www.iem.gov.lv

In accordance with Article 18 of the Second Additional Protocol, the Republic of Latvia declares that the competent authority is:

Ministry of Interior

Ciekurkalna 1st line 1, k-2

Riga, LV-1026

Latvia

Phone: +371 67219263

Fax: +371 67829686

E-mail: kanceleja@iem.gov.lv

Website: www.iem.gov.lv

Litouwen, 6 april 2004

In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Republic of Lithuania declares that the personal data transmitted to another Party for the purposes of Article 26, paragraph 1, of the Protocol, may not be used without the previous consent of the Republic of Lithuania.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Lithuania declares that it avails itself of the right not to accept Articles 16 and 17 of the Protocol.

In accordance with Article 18, paragraph 4 and Article 19, paragraph 4, of the Second Additional Protocol, the Republic of Lithuania declares that the Prosecutor's General Office of the Republic of Lithuania is the competent authority for the purposes of Article 18 and Article 19 of the Protocol.

In accordance with Article 15, paragraph 6, of the European Convention on Mutual Assistance in Criminal Matters, as amended by Article 4 of the Second Additional Protocol, the Republic of Lithuania declares that territorial County Prosecutor's Offices, the Court of Appeal of Lithuania, district and county courts shall perform the functions provided in Article 15 of the Convention.

In accordance with Article 24 of the European Convention on Mutual Assistance in Criminal Matters, as amended by Article 6 of the Second Additional Protocol, the Republic of Lithuania declares that the General Prosecutor's Office of the Republic of Lithuania, the territorial County Prosecutor's Offices of the Republic of Lithuania, the Court of Appeal of Lithuania, district and county courts are judicial authorities for the purposes of the Convention.

Macedonië, Voormalige Joegoslavische Republiek, 16 december 2008

In accordance with Article 4, paragraph 8.b, of the Second Additional Protocol, the Republic of Macedonia declares that all requests and other written notices, except urgent requests, should be delivered to the Ministry of Justice as the competent authority.

In accordance with Article 4, paragraph 9, of the Second Additional Protocol, the Republic of Macedonia declares that it will accept and execute requests received by electronic or other means of telecommunication, whereupon a copy of that requests is sent by facsimile and the original is submitted by post.

In accordance with Article 4, paragraph 6, of the Second Additional Protocol, the Republic of Macedonia declares that the competent authority for the implementation of this paragraph is the Ministry of Justice.

In accordance with Article 6 of the Second Additional Protocol, the Republic of Macedonia declares that the competent authorities for the purposes of the Convention and this Protocol are the courts of first instance with extended competence.

In accordance with Article 13 of the Second Additional Protocol, the Republic of Macedonia declares that, in case of temporary transfer, the

consent of the person contained, in a procès-verbal, is required before an agreement on a temporary transfer of the person held in custody is reached between the competent authorities under paragraph 1 of the same article.

In accordance with Article 17, paragraph 4, Article 18, paragraph 4, and Article 19, paragraph 4, of the Second Additional Protocol, the Republic of Macedonia designates as the competent authority for the implementation of the provisions of the Protocol: the Public Prosecutor's Office of the Republic of Macedonia (Department for organized crime, Boulevard Krste Misirkov bb – 1000 Skopje, Republic of Macedonia; Phone: +389(0)3219 850; Fax: +389(0)3219 866).

In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Republic of Macedonia declares that it requires that the personal data transmitted to another Party not be used by that Party for the purposes of Article 26, paragraph 1, of this Protocol without the previous consent of the competent authorities of the Republic of Macedonia.

In accordance with Article 27 of the Second Additional Protocol, the Republic of Macedonia declares that the administrative authorities and other relevant authorised authorities for the supervision of the implementation of laws which can investigate offences and are empowered when the investigation is concluded, to pass sanctions in that proceedings, have the status of administrative authorities for the purpose of Article 27 of this Protocol.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Macedonia declares that it will not apply the provisions of Article 16 which refers to the acceptance of the delivery by post of procedural documents or judicial decisions by the competent authority of any Party to persons who are in the territory of the Republic of Macedonia.

Montenegro, 20 oktober 2008

In accordance with Article 6 of the Second Additional Protocol, Montenegro declares that it considers the courts and the State Prosecutor as judicial authorities for the purpose of the Convention.

In accordance with Article 33 of the Second Additional Protocol, Montenegro declares that it will not apply the provisions of Article 16 of the Protocol.

In accordance with Article 17, paragraph 4, Article 18, paragraph 4, and Article 19, paragraph 4, of the Second Additional Protocol, Montenegro designates the State Prosecutor as the central authority for the implementation of the provisions of the Protocol.

Nederlanden, het Koninkrijk der, 20 december 2010

In accordance with Article 32, paragraph 1, of the Protocol, the Kingdom of the Netherlands declares that it accepts the Second Additional Protocol for the European part of the Netherlands.

In the European part of the Netherlands, the authority designated competent for the purposes of Article 4, paragraph 6, of the Protocol is:

The International Legal Assistance (Criminal Matters) Division (AIRS)
Ministry of Justice

Postbus 20301

2500 EB Den Haag

Tel.: +31 (0)70 370 7314 / 370 7433

Fax: +31 (0)70 370 7945

The Government of the Netherlands accepts, for the European part of the Netherlands, the use of electronic or other means of telecommunication to forward requests for legal assistance and any other communications as referred to in Article 4, paragraph 9, of the Protocol, provided that the request or communication is forwarded as soon as possible in its original written form.

Pursuant to Article 9, paragraph 9, of the Protocol, the Government of the Netherlands declares, for the European part of the Netherlands, that it wishes to avail itself of the possibility of excluding the use of hearings by video conference involving suspects.

Pursuant to Article 13, paragraph 7, of the Protocol, the Government of the Netherlands declares, for the European part of the Netherlands, that a detained person may be temporarily transferred, in compliance with a request for legal assistance, to the requested Party only with the consent of the person concerned.

Pursuant to Article 17, paragraph 4, of the Protocol, the persons designated in the European part of the Netherlands as officers for the purposes of Article 17, paragraphs 1 and 2, of the Protocol are the officers appointed to carry out police tasks, and, subject to the conditions laid down in relevant bilateral agreements as referred to in Article 17, paragraph 5, with respect to their competences concerning the illicit traffic in narcotic drugs and psychotropic substances, breaches of the laws on arms and explosives, and the illicit carriage of toxic and dangerous waste, officers of the Fiscal Information and Investigation Service (FIOD), who are competent with regard to import duties and excise.

Pursuant to Article 17, paragraph 4, of the Protocol, the body designated in the European part of the Netherlands as the authority for the purposes of Article 17, paragraphs 1 and 2, of the Protocol is:

The National Public Prosecutor for Cross-Border-Observation

International Police Intelligence Department (IPOL)

Dutch Police Services Agency (KLPD)

Europaweg 45

2711 EM Zoetermeer

Tel.: +31 (0)79 345 9214

Fax: +31 (0) 79 345 9202

The competent authority designated in the European part of the Netherlands as the authority for the purposes of Article 18, paragraph 4, and Article 19, paragraph 4, of the Protocol is the Public Prosecutor.

The persons designated in the European part of the Netherlands as administrative authorities for the purposes of Article 27 of the Protocol are the Public Prosecutor and:

The Central Fine Collection Agency (CJIB)

Postbus 1794

8901 CB Leeuwarden

Tel.: +31 (0)58 215 9555

Fax: +31 (0)58 215 6038

Norwegen, 8 november 2001

In accordance with Article 9, paragraph 9, of the Protocol, Norway declares that it will not apply the provisions of this article to hearings by video conference involving the accused person or the suspect.

In accordance with Article 13 of the Protocol, Norway declares that before an agreement is reached under paragraph 1 of this article, the consent referred to in paragraph 3 of this article will be required.

In accordance with Article 33, paragraph 2, of the Protocol, Norway declares that it does not accept Articles 17-20.

Polen, 9 oktober 2003

In accordance with Article 33, paragraph 2, the Republic of Poland declares that it will not execute the requests concerning the cross-border observations (Article 17).

In accordance with Article 4, paragraph 8, the Republic of Poland declares that it reserves the right to make the execution of requests for mutual assistance dependant on the following conditions: the requests for mutual assistance concerning the hearing of witnesses or experts by video conference or telephone conference, should be transmitted via the Ministry of Justice of Poland (Article 4, paragraph 8, letter d).

In accordance with Article 9, paragraph 9, the Republic of Poland declares that it will not avail itself of the possibility of hearing by video conference the accused person or the suspect (Article 9, paragraph 8).

In accordance with Article 13, paragraph 7, the Republic of Poland declares that it avails itself of the possibility not to proceed to the enforcement of a request of a temporary transfer of a person detained on the territory of the requesting Party, when this person does not consent to the transfer.

In accordance with Article 18, paragraph 4, and with Article 19, paragraph 4, the Republic of Poland declares that the competent authority for the purposes of the enforcement of the requests mentioned by these articles is: "Komendant Glowny Policji".

Portugal, 16 januari 2007

In accordance with Article 17, paragraph 4, of the Second Additional Protocol, the Republic of Portugal declares that the authority designated for the purpose of paragraphs 1 and 2 of this article is the «Procuradoria Geral da República».

In accordance with Article 18, paragraph 4, and Article 19, paragraph 4, of the Second Additional Protocol, the Republic of Portugal declares that the competent authority for the purpose of Article 18 and Article 19, paragraph 2, of this Protocol, is the «Procuradoria Geral da República».

Roemenië, 29 november 2004

In accordance with Article 15, paragraph 9, of the European Convention on Mutual Assistance in Criminal Matters, as amended by Article 4 of the Second Additional Protocol, the requests for international mutual assistance and the judicial documents may be transmitted through electronic means of communication or any other telecommunication means, on condition that the requesting Party transmits, at the same time, the original request and/or acts.

In accordance with Article 15 of the European Convention on Mutual Assistance in Criminal Matters, as amended by Article 4 of the Second Additional Protocol, the central authorities for Romania are the Ministry of Justice for requests for mutual assistance formulated during the trial, and the Prosecutor's Office of the High Court of Cassation and Justice for requests formulated respectively during investigations and prosecutions. For the requests for mutual assistance referred to in Article 15, paragraph 3, of the European Convention, the central authority is the Ministry of Administration and Interior.

In accordance with Article 24 of the European Convention on Mutual Assistance in Criminal Matters, as amended by Article 6 of the Second Additional Protocol, the Romanian judicial authorities are the courts and the prosecutor's offices to the courts.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, to achieve the agreement stipulated by paragraph 1 of Article 13, the consent as provided for in paragraph 3 of Article 13 will be required.

In accordance with Article 17, paragraph 4, of the Second Additional Protocol, police officers are designated as competent officers within the Ministry of Administration and Interior for the purposes of paragraphs 1 and 2 of Article 17. The competent central authority for receiving requests for mutual assistance foreseen in Article 17, paragraphs 1 and 2, is the Ministry of Justice.

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the competent authority for the purposes of Article 18 is the Prosecutor's Office to the High Court of Cassation and Justice. Controlled deliveries subject to a request for international mutual assistance addressed to Romania must be authorised by the competent prosecutor, in accordance with the Romanian law.

In accordance with Article 19, paragraph 4, of the Second Additional Protocol, the competent authority for the purposes of Article 19 is the Prosecutor's Office to the High Court of Cassation and Justice. The conduct of criminal covert investigations, on the basis of a request for inter-

national mutual assistance addressed to Romania, must be authorised by the competent prosecutor, in accordance with Romanian law.

Servië, 26 april 2007

In accordance with Article 6 of the Second Additional Protocol, the Republic of Serbia declares that for the purposes of the Convention and Protocol, the following authorities shall be considered as judiciary organs:

1. regular courts

2. public i.e. state prosecutors offices.

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Serbia declares that it does not accept the implementation of the provisions of Article 16 of the Protocol.

In accordance with Article 17, paragraphs 1 and 2, of the Second Additional Protocol, the Republic of Serbia declares that the authorities competent for the purposes of Article 17 are:

– Republic Office of the Prosecutor of the Republic of Serbia
Nemanjina St. 22-24

11000 Belgrade

Tel: +381 11 3613 734

Fax: + 381 11 3616 558

– Ministry of Interior

Kneza Miliosa St. 101

11000 Belgrade

Tel: +381 11 3062 000

Fax: + 381 11 3617 814

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Republic of Serbia declares that the authority competent for the purposes of Article 18 is:

– Republic Office of the Prosecutor of the Republic of Serbia
Nemanjina St. 22-24

11000 Belgrade

Tel: +381 11 3613 734

Fax: + 381 11 3616 558

In accordance with Article 19, paragraph 2, of the Second Additional Protocol, the Republic of Serbia declares that the authorities competent for the purposes of Article 19 are:

– Republic Office of the Prosecutor of the Republic of Serbia
Nemanjina St. 22-24

11000 Belgrade

Tel: +381 11 3613 734

Fax: + 381 11 3616 558

– Ministry of Interior

Kneza Miliosa St. 101

11000 Belgrade

Tel: +381 11 3062 000

Fax: + 381 11 3617 814

Slowakije, 11 januari 2005

In accordance with Article 15, paragraph 8, of the European Convention on Mutual Assistance in Criminal Matters, as reworded by Article 4 of the Second Additional Protocol, the Slovak Republic declares that requests under Article 15, paragraphs 1, 3 and 4 shall be addressed to the District Prosecutor's Office for the district where the requested assistance shall be carried out. A copy of the request shall be sent to the General Prosecutor's Office.

If the requesting authority requires to serve the documents on the addressee in the Slovak Republic by the court, the request may be addressed directly to the district court for the district where the addressee resides. Spontaneous information under Article 11 of the Second Additional Protocol and requests under Article 15, paragraph 5, of the European Convention on Mutual Assistance in Criminal Matters, as reworded by Article 4 of the Second Additional Protocol, shall be addressed to the General Prosecutor's Office.

In accordance with Article 15, paragraph 9, of the European Convention on Mutual Assistance in Criminal Matters, as reworded by Article 4 of the Second Additional Protocol, the Slovak Republic declares that the competent authorities of the Slovak Republic shall commence the execution of a request sent by facsimile or other means of electronic communication if the request is urgent and its authenticity is undisputed, provided the requesting authority subsequently submits the original of the request within the period specified by the requested authority.

The Slovak Republic avails itself of the opportunity provided by Article 11, paragraph 4, of the Second Additional Protocol and declares that it reserves its right not to be bound by the conditions imposed by the providing Party unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

The Slovak Republic avails itself of the opportunity provided by Article 13, paragraph 7 of the Second Additional Protocol and declares that it shall always require the consent of the person according to paragraph 3 of this article.

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Slovak Republic declares that the requests for controlled deliveries shall be addressed directly to the district Prosecutor's Office for the district where the requested assistance shall be carried out and a copy thereof shall be sent to the General Prosecutor's Office. Controlled delivery shall be carried out by the General Prosecutor's Office. Controlled delivery shall be carried out by the competent units of the Police Corps of the Slovak Republic.

The Slovak Republic will execute requests under Article 18 of the Second Additional Protocol only if they relate to the controlled import, export and transit of a delivery provided the circumstances of the case justify the assumption that the delivery without proper permit contains narcotics, psychotropic substances, precursors, poisons, nuclear and other similar radioactive materials, counterfeit money or securities, firearms or

weapons of mass destruction, ammunition or explosives and the requesting party undertakes to provide adequate protection to the information obtained as a result of the assistance.

The Slovak Republic avails itself of the opportunity provided by Article 33, paragraph 2, of the Second Additional Protocol and does not accept wholly the Articles 16, 17, 19 and 20 of the Second Additional Protocol. In the Slovak Republic, the authorities which rendered the conviction or measures shall be deemed as the competent authorities for the purposes of Article 15, paragraph 6, of the European Convention on Mutual Assistance in Criminal Matters, as reworded by Article 4 of the Second Additional Protocol.

Tsjechië, 1 maart 2006

In accordance with Article 15, paragraph 8.a, of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 4 of the Second Additional Protocol, the Czech Republic declares that copies of requests for mutual assistance have to be forwarded to the central authorities, namely:

- Supreme Prosecutor's Office of the Czech Republic in case of a request made in proceedings before the case is brought before a court;
- Ministry of Justice of the Czech Republic in case of a request made in proceedings after the case is brought before a court.

With regard to the fact that the Czech Republic made no declaration under Article 27 of the Second Additional Protocol, the Czech Republic wishes to confirm in connection with Article 15, paragraph 3, of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 4 of the Second Additional Protocol, that requests by administrative authorities under Article 1, paragraph 3, of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 1 of the Second Additional Protocol may be sent only to judicial authorities of the Czech Republic.

In accordance with Article 15, paragraph 9, of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 4 of the Second Additional Protocol, the Czech Republic declares that in case of forwarding of a request through electronic or any other means of telecommunication, the original of such request has to be subsequently delivered in writing.

In accordance with Article 24 of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 6 of the Second Additional Protocol, the Czech Republic declares that for the purposes of the Convention and its additional protocols following authorities are considered as judicial authorities: the Supreme Prosecutor's Office of the Czech Republic; high, regional, county and district prosecutors' offices; the City Prosecutor's Office in Prague; the City Prosecutor's Office in Brno; the Ministry of Justice of the Czech Republic; the Supreme Court of the Czech Republic; high, regional, county and district courts; the City Court in Prague and the City Court in Brno.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, the Czech Republic declares that the consent referred to in Article 13, paragraph 3, of the Second Additional Protocol will be required before an agreement on the temporary transfer of a person under Article 13, paragraph 1, of the Second Additional Protocol is reached.

In accordance with Article 17, paragraph 4, of the Second Additional Protocol, the Czech Republic declares that:

a) the authority designated for receipt of a request for assistance referred to in Article 17, paragraph 1, of the Second Additional Protocol is: Regional Prosecutor's Office in Prague

Husova 11

110 01 Praha 1

tel.: ++420/222 111 700

fax: ++420/222 220 075;

b) the authority designated for receipt of notifications under Article 17, paragraph 2, of the Second Additional Protocol is:

Police Presidium of the Czech Republic

Strojnická 27

170 89 Praha 7

tel.: ++420/974 834 380

Fax: ++420/974 834 716 or 974 834 718;

c) bodies of the Police of the Czech Republic and customs authorities are entitled to carry out cross-border observations under Article 17, paragraphs 1 and 2, of the Second Additional Protocol for the Czech Republic.

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Czech Republic declares that the authority competent for the purposes of Article 18 is:

Regional Prosecutor's Office in Prague

Husova 11

110 01 Praha 1

tel.: ++420/222 111 700

fax: ++420/222 220 075.

Tsjechië, 4 augustus 2010

In accordance with Article 19, paragraph 4, of the Second Additional Protocol, the Czech Republic declares that the authority competent for the purposes of Article 19 is:

High Prosecutor's Office in Prague

náměstí Hrdinu 1300

140 65 Praha 4

tel.: ++420/261 196 111

fax: ++420/261 196 550.

Pursuant to Article 15, paragraph 8.d, of the European Convention on Mutual Assistance in Criminal Matters as worded by Article 4 of the Second Additional Protocol, the Czech Republic declares that the autho-

rity competent for receipt and sending of requests under Article 20 of the Second Additional Protocol is:

Supreme Prosecutor's Office
 Jezuitská 4
 660 55 Brno
 tel.: ++420/542 512 330
 fax: ++420/542 512 350.

Verenigd Koninkrijk, het, 30 juni 2010

In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Government of the United Kingdom declares that it does not accept Article 17 of the Second Additional Protocol (Cross-border observations).

In accordance with Article 15, paragraph 6, of the Convention (as inserted by Article 4 of the Second Additional Protocol) the Government of the United Kingdom declares that the competent authorities to which requests for criminal records should be made are the ACPO Criminal Records Office (for requests from member States of the European Union (EU) and the Serious Organised Crime Agency (for requests from non-EU States).

Contact details:

ACPO Criminal Records Office
 1st Floor
 10 Victoria Street
 London SW1H 0NN
 United Kingdom
 Email: info@acpo.pnn.police.uk
 Serious Organised Crime Agency
 PO Box 8000
 London SE11 5EN
 United Kingdom
 Fax: +44 (0)207 238 8112
 Email: London@soca.x.gsi.gov.uk

In accordance with Article 15, paragraph 8, of the Convention (as inserted by Article 4 of the Second Additional Protocol), the Government of the United Kingdom declares that all incoming letters of request should be sent to the relevant central authority set out below.

Contact details:

HM Revenue and Customs

Requests for assistance from England, Wales and Northern Ireland for some customs matters, including indirect tax matters, alcohol and tobacco smuggling and excise fraud should be sent to HM Revenue and Customs. Requests relating to the smuggling of prohibited and restricted items and matters related to direct tax should be sent to the UKCA. Requests relating to Scotland should all be sent to the Crown Office.

HM Revenue and Customs

Law Enforcement & International Advisory Division

HM Revenue and Customs – Solicitor’s Office
Room 2/74

100 Parliament Street
London SW1A 2BQ
United Kingdom

Fax: +44 (0)20 7147 0433

Email: mla@hmrc.gsi.gov.uk

UK Central Authority

Requests for assistance from England and Wales and Northern Ireland, other than requests which are the responsibility of HM Revenue and Customs, should be sent to the UK Central Authority.

UK Central Authority
Judicial Co-operation Unit
Home Office

5th Floor Fry Building
2 Marsham Street
London SW1P 4DF
United Kingdom

Fax: +44 (0)207 035 6985 (urgent cases only). This must be followed by a written letter of request sent via post.

Scotland

Requests for assistance only from Scotland should be sent to the Crown Office and Procurator Fiscal Service.

Crown Office and Procurator Fiscal Service
International Co-operation Unit

Crown Office
25 Chambers Street
Edinburgh EH1 1LA

United Kingdom

Fax: 44 (0)844 561 4002

Email: COICU@copfs.gsi.gov.uk

In accordance with Article 15, paragraph 9, of the Convention (as inserted by Article 4 of the Second Additional Protocol), the Government of the United Kingdom declares that HM Revenue and Customs and the Crown Office and Procurator Fiscal Service will accept requests transmitted by email or fax; and the UK Central Authority will, in urgent cases, accept transmission of requests by fax provided that the request is subsequently sent via post.

In accordance with Article 24 of the Convention (as inserted by Article 6 of the Second Additional Protocol), the Government of the United Kingdom declares the following to be judicial authorities:

- Magistrates’ Courts, Crown Courts and the High Court;
- the Attorney General for England and Wales;
- the Director of Public Prosecutions and any Crown Prosecutor;
- the Director and any designated member of the Serious Fraud Office;
- the Secretary of State for Business, Innovation & Skills in respect of his function of investigating and prosecuting offences;

- the Director of the Revenue and Customs Prosecutions Office and anyone within that Office authorised by him;
- District Courts, Sheriff Courts and the High Court of Justiciary;
- the Lord Advocate;
- any Procurator Fiscal;
- the Attorney General for Northern Ireland;
- the Director of Public Prosecutions in Northern Ireland;
- The Commissioners of the Inland Revenue;
- the Financial Services Authority.

In accordance with Article 9, paragraph 9, of the Second Additional Protocol, the Government of the United Kingdom declares that it will not allow video conferencing to be used where the witness in question is the accused person or the suspect.

In accordance with Article 11, paragraph 4, of the Second Additional Protocol, the Government of the United Kingdom declares that it will not be bound by the conditions imposed by the providing Party under Article 11, paragraph 2, of the Second Additional Protocol, unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

In accordance with Article 13, paragraph 7, of the Second Additional Protocol, the Government of the United Kingdom declares that it will always require the consent of the detained person before any transfer may take place.

In accordance with Article 18, paragraph 4, of the Second Additional Protocol, the Government of the United Kingdom declares that the competent authorities for the purposes of this Article (controlled deliveries) are those required by Article 15, paragraph 8, of the Convention, and set out above.

In accordance with Article 19, paragraph 4, of the Second Additional Protocol, the Government of the United Kingdom declares that the competent authorities for the purposes of paragraph 2 of Article 19 are those required by Article 15, paragraph 8, of the Convention, and set out above.

Zwitzerland, 4 oktober 2004

Switzerland declares that the Federal Office of Justice of the Federal Department of Justice and Police in Bern is the central competent authority, under Article 4 (and 15 of the Convention), to address and to receive:

- requests for mutual assistance, except if the request is directly submitted to the competent authority of the requested State according to Article 4, paragraphs 1, 3 and 4;
- requests for temporary transfer of persons detained according to Article 4, paragraph 2;
- requests for extracts from judicial records according to Article 4, paragraph 5.

Whenever, in case of urgency, a request for mutual assistance is directly submitted to the competent authority of the requested State, a copy of the request and of the reply must be communicated to the Federal Office of Justice.

To contact the Federal Office of Justice and to determine the territorially competent Swiss judicial authority to which requests for mutual assistance can be addressed directly, the databank of Swiss Localities and Courts can be consulted on line at the following address: <http://www.elorge.admin.ch>.

Switzerland requires that the personal data transferred by it to another Party for the purposes indicated in Article 26, paragraph 1, letters a and b, cannot be used without the consent of the person concerned except with the agreement of the Federal Office of Justice for the purposes of procedures for which Switzerland could have, according to the terms of the Convention or the Protocol, refused or limited the transmission or the use of personal data.

Switzerland declares that the following authorities shall be regarded as Swiss judicial authorities for the purposes of the Convention and the Protocol:

- the Tribunals, their courts, chambers or sections;
- the Public Prosecutor (Ministère Public) of the Confederation;
- the Federal investigating judges;
- the Federal Office of Justice;
- the authorities empowered by cantonal or federal law to hold an enquiry in criminal cases, to issue warrants of repression and to take decisions in a procedure connected with a criminal case.

The detailed list of the Swiss judicial authorities can be consulted on line at the following address: <http://www.rhf.admin.ch/etc/medialib/data/rhf.Par.0003.File.tmp/direktverkehr-f.pdf>.

Switzerland declares that the following authorities are competent to execute the requests under Article 17:

- the Federal Office of Police, in Bern;
- the police commands of the cantons.

Requests submitted to Switzerland under Article 17, paragraphs 1 and 2, must be addressed to:

- the prosecuting authorities of the Confederation; or
- the prosecuting authorities of the canton in whose territory the crossing of the border is likely to occur.

In case of any doubt, requests submitted under Article 17, paragraph 1, can be addressed to the Federal Office of Justice, in Bern, and those submitted under Article 17, paragraph 2, to the Federal Office of Police, in Bern.

Switzerland declares that the following authorities are competent to execute requests under Article 18:

- the prosecuting authorities of the Confederation; or
- the prosecuting authorities of the canton in whose territory the starting point of the transport is located.

Switzerland declares that the following authorities are competent to execute requests under Article 19:

- the Public Prosecutor (Ministère Public) of the Confederation and the Federal investigating judges;
- the prosecuting authorities of the canton in whose territory the cross-border investigation begins.

Switzerland declares that it will deem as Swiss administrative authorities for the purposes of Article 1, paragraph 3, of the Convention the administrative services of the Confederation and of the cantons which, under Federal or Cantonal Law, can investigate offences and are empowered, once the investigation is concluded, to ask for the opening of judicial proceedings that may result in a conviction.

G. INWERKINGTREDING

Zie *Trb.* 2008, 157.

De bepalingen van het Protocol zullen ingevolge artikel 30, derde lid, van het Protocol voor het Koninkrijk der Nederlanden op 1 april 2011 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Protocol alleen voor Nederland (het Europese deel) gelden.

J. VERWIJZINGEN

Zie *Trb.* 2002, 30 en *Trb.* 2008, 157.

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|---------------------|--|
| Titel | : Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;
Rome, 4 november 1950 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2010, 204 |
| Titel | : Verdrag tot bescherming van personen met betrekking tot de geautomatiseerde verwerking van persoonsgegevens;
Straatsburg, 28 januari 1981 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2011, 22 |

Uitgegeven de vierde februari 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL