

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 116

A. TITEL

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

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1965, 10.

Voor een correctie in de Engelse en de Franse tekst zie *Trb.* 1969, 63.

Voor de Franse tekst van een briefwisseling houdende een overeenkomst inzake de uitbreiding van de toepasselijkheid van het Verdrag tot de Franse overzeese gebieden, zie rubriek H van *Trb.* 1991, 79.

Voor de Engelse tekst van een briefwisseling houdende een overeenkomst inzake de uitbreiding van de toepasselijkheid van het Verdrag tot Man, zie rubriek H van *Trb.* 2001, 165.

C. VERTALING

Zie *Trb.* 1965, 10.

Voor correcties in de vertaling zie *Trb.* 1969, 63 en *Trb.* 1996, 63.

D. PARLEMENT

Zie rubrieken D van *Trb.* 1969, 63, *Trb.* 1990, 117, *Trb.* 1991, 79 en *Trb.* 1993, 131 en rubriek H van *Trb.* 2001, 165.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1965, 10 en rubriek F van *Trb.* 1969, 63.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	19-05-98	04-04-00	R	03-07-00		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Andorra	15-06-04	26-04-05	R	25-07-05		
Armenië	11-05-01	25-01-02	R	25-04-02		
Azerbeidzjan	07-11-01	04-07-03	R	02-10-03		
België	20-04-59	13-08-75	R	11-11-75		
Bosnië en Herzegovina	30-04-04	25-04-05	R	24-07-05		
Bulgarije	30-09-93	17-06-94	R	15-09-94		
Chili		30-05-11	T	28-08-11		
Cyprus	27-03-96	24-02-00	R	24-05-00		
Denemarken	20-04-59	13-09-62	R	12-12-62		
Duitsland	20-04-59	02-10-76	R	01-01-77		
Estland	04-11-93	28-04-97	R	27-07-97		
Finland		29-01-81	T	29-04-81		
Frankrijk	28-04-61	23-05-67	R	21-08-67		
Georgië	27-04-99	13-10-99	R	11-01-00		
Griekenland	20-04-59	23-02-62	R	12-06-62		
Hongarije	19-11-91	13-07-93	R	11-10-93		
Ierland	15-10-96	28-11-96	R	26-02-97		
IJsland	27-09-82	20-06-84	R	18-09-84		
Israël		27-09-67	T	26-12-67		
Italië	20-04-59	23-08-61	R	12-06-62		
Kroatië	07-05-99	07-05-99	R	05-08-99		
Letland	30-10-96	02-06-97	R	31-08-97		
Liechtenstein		28-10-69	T	26-01-70		
Litouwen	09-11-94	17-04-97	R	16-07-97		
Luxemburg	20-04-59	18-11-76	R	16-02-77		
Macedonië, de voormalige Joegoslavische Republiek	28-07-99	28-07-99	R	26-10-99		

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Malta	06-09-93	03-03-94	R	01-06-94		
Moldavië	02-05-96	04-02-98	R	05-05-98		
Monaco	19-03-07	19-03-07	R	17-06-07		
Montenegro		14-06-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	21-01-65	14-02-69 – – – 21-02-86 – –	R R	15-05-69 10-10-10 10-10-10 10-10-10 01-01-86 10-10-10 10-10-10		
Noorwegen	21-04-61	14-03-62	R	12-06-62		
Oekraïne	29-05-97	11-03-98	R	09-06-98		
Oostenrijk	20-04-59	02-10-68	R	31-12-68		
Polen	09-05-94	19-03-96	R	17-06-96		
Portugal	10-05-79	27-09-94	R	26-12-94		
Roemenië	30-06-95	17-03-99	R	15-06-99		
Russische Federatie	07-11-96	10-12-99	R	09-03-00		
San Marino	29-09-00	18-03-09	R	16-06-09		
Servië		30-09-02	T	29-12-02		
Slovenië	26-02-99	19-07-01	R	17-10-01		
Slowakije		01-01-93	VG	01-01-93		
Spanje	24-07-79	18-08-82	R	16-11-82		
Tsjechië		01-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	13-02-92	15-04-92	R	14-07-92		
Turkije	23-10-59	24-06-69	R	22-09-69		
Verenigd Koninkrijk	21-06-91	29-08-91	R	27-11-91		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Zuid-Korea		29-09-11	T	29-12-11		
Zweden	20-04-59	01-02-68	R	01-05-68		
Zwitserland	29-11-65	20-12-66	R	20-03-67		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Uitbreidingen

Frankrijk

Uitgebreid tot	In werking	Buiten werking
Bassas da India	01-07-1991	
Clipperton	01-07-1991	
Europa-eiland	01-07-1991	
Frans-Polynesië	01-07-1991	
Franse Zuidelijke en Zuidpoolgebieden	01-07-1991	
Glorioso-eilanden	01-07-1991	
Juan de Nova-eiland	01-07-1991	
Mayotte	01-07-1991	
Nieuw Caledonië	01-07-1991	
Sint Pierre en Miquelon	01-07-1991	
Tromelin	01-07-1991	
Wallis en Futuna	01-07-1991	

Verenigd Koninkrijk

Uitgebreid tot	In werking	Buiten werking
Guernsey	20-01-2003	
Jersey	02-10-2008	
Man	14-09-2001	

Verklaringen, voorbehouden en bezwaren

Albanië, 4 april 2000

The execution of letters rogatory for search or seizure of property shall be dependant on the conditions stipulated in Article 5, paragraph 1, letters “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.

Albanië, 2 augustus 2006

In accordance with Article 24 and for the purposes of the Convention, the Republic of Albania considers the following to be as the judicial authorities:

The Supreme Court

The Courts of Appeal

The Courts of First Instance

The General Prosecutor Office

The Prosecutor Offices at the Courts of Appeals

The Prosecutor Offices at the Courts of First Instance.

Andorra, 26 april 2005

In accordance with Article 5 of the Convention, the Principality of Andorra reserves the ability to submit the execution of letters rogatory, for the purposes of search or seizure of objects, to the conditions provided for by Article 5, paragraph 1, sub-paragraphs a and c, of the Convention.

For the purposes of Article 7, paragraph 3, the Principality of Andorra declares that service of a summons on an accused person in a criminal procedure who is in its territory should be transmitted to the Andorran authorities at least 30 days before the date set for the appearance of this person.

The Principality of Andorra declares also that, when the subject of a letter rogatory includes a summons to appear in court as person charged, injured party, expert or witness, the summons can be made by a registered letter if the law of the requesting State authorises it.

Taking into account what is stipulated in Article 15, paragraph 6, the Principality of Andorra declares the following:

A copy of the letters rogatory referred to in Article 15, paragraph 2 and of the requests for a preliminary investigation mentioned by Article 15, paragraph 4, shall be transmitted to the Ministry of Justice and of Interior of the Government of Andorra.

In case of urgency, the Andorran judicial authorities will return the letters rogatory, executed or not according to the case, to the authorities indicated in Article 15, without prejudice to the fact that, simultaneously, they may be transmitted through Interpol or handed over to the authorities of the requesting State expressly entitled thereto.

The Principality of Andorra declares that, in accordance with Article 16, paragraph 2, the requests and the annexed documents, should be addressed to the Andorran authorities accompanied by a translation into Catalan, Spanish or French.

The Principality of Andorra declares that in case of urgency, information referred to in Article 21 can be addressed simultaneously to the Ministry of Justice and of Interior and to the Public Prosecutor of the Principality of Andorra accompanied by all the necessary information for the procedure brought into action.

Regarding Article 2 of the Convention, the Principality of Andorra reserves the right to grant mutual assistance in pursuance of the Convention at the express condition that the results of inquiries as well as information contained in the documents and files transmitted cannot, without its prior consent, be used or transmitted by the authorities of the requesting Party for purposes (of investigations or procedures) different from those indicated in the request.

Regarding Article 2 of the Convention, the Principality of Andorra reserves the right to refuse a request for mutual assistance:

a) if the criminal offences upon which a letter rogatory is based are not punished by the Andorran Law as criminal offences;

b) if the person subject of the request has been convicted by a final judgment in the Principality of Andorra and that he/she has served his/her sentence or if he/she has been acquitted in Andorra for the same facts.

With respect to Article 13 of the Convention, the Principality of Andorra reserves the ability to submit the communication of extracts from judicial records of a person residing in the Principality of Andorra to the condition that he/she has been indicted or summoned to a judgment as the accused.

Concerning Article 22 of the Convention, the Principality of Andorra declares that, due to the internal organisation and the functioning of the register of judicial records, the authorities responsible for keeping the register of judicial records are not able to guarantee a systematical exchange of information concerning decisions to convict contained in these registers.

Nevertheless, upon the previous request of the foreign judicial authority who is competent for a specific criminal procedure, these authorities will deliver the extracts of judicial records of foreigners not residing in the Principality of Andorra and of residents having been charged or summoned to appear in court as the accused.

In accordance with Article 24, the Principality of Andorra declares that it considers as judicial authorities of the Principality of Andorra for the purposes of this Convention, the following authorities:

- the Higher Court of Justice of Andorra;
- the Court of Corts (Court with exclusively criminal competences);
- The President of the Court of Corts;
- The Court of Batlles (Court of first instance);
- The Batlle (the judge);
- The Prosecutor General;
- The Deputy Prosecutor.

Armenië, 25 januari 2002

In addition to the grounds provided for in Article 2, the Republic of Armenia reserves the right to refuse assistance in any one of the following cases:

- a) if the offence, in respect of which legal assistance is requested, is not qualified as a “crime” and is not punishable under the legislation of the Republic of Armenia,
- b) if, in respect of the criminal offence for which legal assistance is requested, an action is brought in the Republic of Armenia,
- c) if there is a judgement in force or another final decision regarding the criminal offence, in respect of which legal assistance is requested.

In accordance with Article 3 of the Convention, the Republic of Armenia at the time of execution of any letters rogatory for procuring evidence of witnesses will take into account Article 42 of the Constitution according to which a person shall not be compelled to be a witness against himself or herself, or to be a witness against his or her spouse or against a close relative.

In conformity with Article 5 of the Convention, the Republic of Armenia reserves the right to make the execution of letters rogatory for search and/or seizure of property dependent on the conditions, provided for in sub-paragraphs a, b, c, paragraph 1 of Article 5 of the Convention.

In accordance with Article 7 of the Convention, the Republic of Armenia declares that the letters rogatory for service of summons shall be transmitted not less than 50 days before the date set for appearance.

In accordance with Article 15, paragraph 6, a copy of all requests for assistance, which are communicated between judicial authorities, in the cases provided in paragraph 2 of the same Article, shall be transmitted simultaneously to the Ministry of Justice of the Republic of Armenia.

In accordance with Article 16, paragraph 2, the Republic of Armenia declares that requests and annexed documents shall be accompanied by certified translation into the Armenian language or one of the official languages of the Council of Europe.

In accordance with Article 24 of the Convention, for the purposes of the Convention, the judicial authorities for the Republic of Armenia shall be:

Ministry of Justice
General Prosecutor’s Office
Ministry of Internal Affairs
Ministry of National Security
Court of Cassation

Courts of Review

District courts of first instance of Yerevan City
 Kotayk Region court of first instance
 Ararat Region court of first instance
 Armavir Region court of first instance
 Aragatzotn Region court of first instance
 Shirak Region court of first instance
 Tavoush Region court of first instance
 Gegharqunik Region court of first instance
 Vayotz Tzor Region court of first instance
 Sjuniq Region court of first instance.

Armenië, 24 oktober 2008

In the declaration made by the Republic of Armenia in 2002 to the Convention, the Ministry of Internal Affairs of the Republic of Armenia, was designated among others as a competent judicial authority for the purposes of the Convention. As of 2003, the Ministry of Internal Affairs of the Republic of Armenia has been reorganised into the Police of the Republic of Armenia; thereby the Police of the Republic of Armenia succeeds the previous Ministry of Internal Affairs of the Republic of Armenia as a competent judicial authority.

Azerbeidzjan, 4 juli 2003

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Convention in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation [...].

The Republic of Azerbaijan declares that letters rogatory relating to criminal matters provided for in Article 3 of the Convention and for the purpose of procuring evidence shall be executed by taking into consideration the provisions of Article 66 of the Constitution of the Republic of Azerbaijan:

“Extract from the Constitution of the Republic of Azerbaijan:

Article 66. Prohibition on testifying against relatives

“No one may be forced to testify against him/herself or against his/her spouse, children, parents or siblings. The complete list of relatives against whom testifying is not obligatory is specified by law”.

The Republic of Azerbaijan declares that letters rogatory for search or seizure of property shall be executed on conditions provided for in subparagraphs a and c of Article 5, paragraph 1, of the Convention.

In accordance with Article 7 of the Convention, the Republic of Azerbaijan declares that service of summons on a person shall be transmitted not less than 50 days before the date set for appearance.

In accordance with Article 15, paragraph 6, of the Convention, the Republic of Azerbaijan declares that all requests for assistance which are communicated directly between judicial authorities, as well as other cov-

ering documents shall be transmitted at the same time to the Ministry of Justice of the Republic of Azerbaijan.

In accordance with Article 16, paragraph 2, of the Convention, the Republic of Azerbaijan declares that requests or any other documents relating to the application of the Convention shall be accompanied by a translation into Azerbaijani or English.

In accordance with Article 23, paragraph 1, of the Convention, the Republic of Azerbaijan declares that in addition to grounds provided for in Article 2 of this Convention, the assistance may be refused also in the following cases:

- if the request for assistance concerns acts which are not qualified as an offence under the legislation of the Republic of Azerbaijan;
- if there is an enforceable judgment of the court of the Republic of Azerbaijan or of a third State in respect of the person for committing the same offence of which he is suspected or accused in the requesting State;
- if the request for assistance concerns an offence that is under the investigation or judicial consideration in the Republic of Azerbaijan and if the postponement of execution of this request is impossible.

In accordance with Article 24 of the Convention, the Republic of Azerbaijan declares that, for the purposes of the Convention, the following authorities shall be deemed as judicial authorities:

- the Ministry of Justice of the Republic of Azerbaijan;
- the General Prosecutor Office of the Republic of Azerbaijan;
- the courts of the Republic of Azerbaijan (except the Constitutional Court).

België, 13 augustus 1975

The Government of the Kingdom of Belgium reserves the right not to comply with a request for assistance

- a. if there are good grounds for believing that it concerns an inquiry instituted with a view to prosecuting, punishing or otherwise interfering with an accused person because of his political convictions or religion, his nationality, his race or the population group to which he belongs;
- b. in so far as it concerns a prosecution or proceedings incompatible with the principle *non bis in idem*;
- c. in so far as it concerns an inquiry into acts for which the accused person is being prosecuted in Belgium.

The Government of the Kingdom of Belgium will not grant temporary transit as provided for in Article 11, save where the person concerned is serving a sentence in its territory and where there are no special considerations opposed thereto.

The Government of the Kingdom of Belgium will not notify the subsequent measures referred to in Article 22 except in so far as the organisation of its judicial records allows of so doing.

By reason of the special arrangements between the Benelux countries, the Government of the Kingdom of Belgium does not accept Article 26,

paragraphs 1 and 3 in respect of its relations with the Netherlands and Luxembourg.

The Government of the Kingdom of Belgium reserves the right to derogate from these provisions in respect of its relations with other member States of the European Economic Community.

The Government of the Kingdom of Belgium declares that letters rogatory for search or seizure within Belgium will not be executed save for extraditable offences within the meaning of the European Convention on Extradition, and provided that the Belgian court has authorised execution in accordance with its municipal law.

The Government of the Kingdom of Belgium declares that, as regards Belgium, judicial authorities for the purposes of the Convention are to be understood as meaning members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecution.

België, 10 februari 2010

On 1 February 2010, a Convention between the Kingdom of the Netherlands and the Kingdom of Belgium came into effect under which the Netherlands made available to Belgium a prison located on Dutch territory (Tilburg) for the execution of criminal sentences imposed in Belgium under Belgian law. The Convention applies in principle until 31 December 2012, but the validity period may be reduced to 31 December 2011, or extended until 31 December 2013.

The Convention contains a specific provision for criminal co-operation with third States. Article 18 of the

Convention deals with criminal action at the request of third States concerning Belgian prisoners detained in the prison located on Dutch territory. According to the first paragraph of this provision, the Netherlands will not examine requests for extradition and/or mutual assistance from third States, but they will transmit them to Belgium. This agreement logically follows on from other provisions of the Convention, according to which the judicial and other authorities of the Netherlands do not normally deal with prisoners of the prison of Tilburg.

In this context, Belgium and the Netherlands communicate the following: Requests for extradition and provisional arrest

We recommend that States Parties to the European Convention on Extradition send exclusively to the Belgian authorities requests for extradition and provisional arrest of persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If the Dutch authorities still receive requests for extradition or for provisional arrest of these persons, they will not deal with them but will transmit them to the Belgian authorities for further action.

Alerts via Interpol for the surrender and the requests for provisional arrest of persons who are in the prison in Tilburg will not be carried out in the Netherlands.

Requests for mutual assistance

We recommend that central and judicial authorities of the States Parties to the Convention on Mutual Assistance in Criminal Matters send exclusively to the competent Belgian authorities requests for mutual assistance concerning persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If, nevertheless, requests for mutual assistance concerning these persons are sent to the Netherlands, they will be forwarded to the competent authorities of the Kingdom of Belgium.

Bulgarije, 17 juni 1994

The Republic of Bulgaria declares that it reserves the right to execute letters rogatory for search or seizure of property only on the conditions set out in Article 5 paragraph 1 (a) and (c).

The Republic of Bulgaria declares that a summons on an accused person who is in its territory must be transmitted to the competent authorities no later than 50 days before the date set for that person's appearance.

The requirement to communicate extracts from judicial records applies solely to such information concerning pending criminal cases as is not covered by official secrecy under Bulgarian law.

The Republic of Bulgaria declares that requests for assistance or letters rogatory must be addressed to the Ministry of Justice.

The Republic of Bulgaria declares that, for the purposes of the Convention, it deems to be judicial authorities the Courts, the Public Prosecutor Office and the Ministry of Justice.

Bulgarije, 11 maart 2002

The Republic of Bulgaria declares that it will require that requests for assistance and annexed documents be accompanied by a translation into Bulgarian, or in the absence of such, by a translation into either of the official languages of the Council of Europe.

Bulgarije, 6 januari 2004

On 12 November 2003 the National Assembly of the Republic of Bulgaria adopted a Law amending the Law for the Ratification of the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocol thereto, the Convention on the Transfer of Sentenced Persons and the European Convention on Extradition and the two Additional Protocols thereto. The said Law was published in the Official Journal, No. 103/2003, dated 25 November 2003.

Therefore, the reservation made by the Republic of Bulgaria in respect of Article 2 of the European Convention on Mutual Assistance in Criminal Matters is partially withdrawn and shall read:

The Republic of Bulgaria declares that it will refuse legal aid in cases where:

- 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, an enforceable sentence, an order or an enforceable decision to terminate the case, with respect to the same person for the same offence.

Chile, 30 mei 2011

In accordance with Article 5, paragraph 1, of the Convention, the Republic of Chile declares that it reserves the right to make the execution of letters rogatory for search or seizure of property dependent on the condition in letter (c), paragraph 1, of said Article 5.

In accordance with Article 7, paragraph 3, of the Convention, the Republic of Chile declares that service of a summons on an accused person shall be transmitted to its authorities at least fifty (50) days in advance of the date set for appearance.

In accordance with Article 15, paragraph 6, of the Convention, the Republic of Chile declares that for the purposes of Article 15, paragraph 1, letters rogatory referred to in Articles 3, 4 and 5 as well as the applications referred to in Article 11 shall be addressed by the Ministry of Foreign Affairs of Chile.

In accordance with the provisions in Article 15, paragraph 6, of the Convention, for the purposes of Article 15, paragraph 3, in relation to Article 13, paragraphs 1 and 2, the Republic of Chile declares that requests for mutual assistance consisting in transmission of extracts and information on court files shall be sent to the Ministry of Justice, and an information copy thereof to the Ministry of Foreign Affairs of Chile.

In accordance with the provisions in Article 16, paragraph 2, of the Convention, the Republic of Chile declares that requests shall be addressed to it accompanied by a translation into the Spanish language. With respect to annexed documentation, the Republic of Chile reserves the right to demand that it be translated into the Spanish language.

In accordance with the provisions in Article 15, paragraph 6, of the Convention, the Republic of Chile declares that for the purposes of enforcing Article 21, paragraph 1, communications shall be transmitted to the Chilean Public Prosecutor's Office.

In accordance with Article 24 of the Convention, the Republic of Chile declares that the courts of justice composing The Judiciary shall, for the purposes of the Convention, be deemed as judicial authority.

Mutual assistance requests for the purposes of this Convention may also be transmitted to the Public

Prosecutor's Office, which shall request the intervention of the competent Guarantee Judge where, under Chilean laws, it is required due to the nature of the request. However, in no case will this declaration grant jurisdictional powers to the Public Prosecutor's Office or make it a judicial authority.

Cyprus, 24 februari 2000

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.

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 1 a) and c). 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 refuse to grant transit to its own nationals.

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.

The Government of the Republic of Cyprus declares that 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.

The Government of the Republic of Cyprus declares that requests and annexed documents not drawn up in English or Greek should be accompanied by a translation into one of these languages.

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.

Denemarken, 13 september 1962

Assistance may be refused if the judicial authorities of Denmark or those of a third State have instituted legal proceedings against the accused for the offence which gave rise to proceedings in the requesting State; or if the accused has been convicted or acquitted by a final judgment given by the judicial authorities of Denmark or by those of a third State in respect of the offence which gave rise to proceedings in the requesting State; or if the said authorities have decided to waive or to discontinue proceedings in respect of the same offence.

A request for evidence to be taken on oath from a witness or expert may be refused if the competent Danish court does not consider the oath to be necessary.

A request for service to be effected otherwise than by a simple transmission of the writ to the person to be served may be refused.

The Danish Government reserves its position on the whole of this clause.

The obligation to communicate extracts from judicial records under this provision shall apply only to the criminal record of a person charged with an offence.

The Danish Government reserves its position on the whole of this clause.

A request for search or seizure may be refused if the conditions laid down in sub-paragraph a and c of Article 5, paragraph 1, are not fulfilled.

A summons to be served on a person charged with an offence who is in Danish territory must be transmitted to the competent Danish authority at least 30 days before the date set for appearance.

Requests and annexed documents from countries other than Austria, France, the Federal Republic of Germany, Ireland, Norway, Sweden or the United Kingdom must be accompanied by a translation into either Danish or one of the official languages of the Council of Europe. With regard to longer documents, the Danish Government reserves the right, in any specific case, to require a Danish translation or to have one made at the expense of the requesting State.

The term "judicial authorities" in Denmark means 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.

The Protocol on mutual legal assistance concluded on 26 June 1957 between Denmark, Norway and Sweden will remain in force.

Duitsland, 2 oktober 1976

Search and seizure of property is permitted only if the conditions of Article 5, paragraph 1.a and c of the European Convention on Mutual Assistance in Criminal Matters have been met.

A request for the service of the summons on an accused person who is in the territory of the Federal Republic of Germany will, on principle, be executed only if it is received by the German authorities, at the latest one month before the date set for the appearance of the accused person. Transfer of a witness will be refused in all the cases enumerated in Article 11, paragraph 1, sub-paragraph 2.

Where the request for mutual assistance and the annexed documents are not in the German language they must be accompanied by translations of the request and the supporting documents into the German language or into one of the official languages of the Council of Europe.

Judicial authorities for the purposes of this Convention are:

- der Bundesminister der Justiz, Bonn-Bad-Godesberg (the Federal Minister of Justice);
- der Bundesgerichtshof, Karlsruhe (the Federal Court of Justice);
- der Generalbundesanwalt bei dem Bundesgerichtshof, Karlsruhe (the Federal Prosecutor-General at the Federal Court of Justice);
- das Justizministerium Baden-Württemberg, Stuttgart (the Ministry of Justice of Baden-Württemberg);
- das Bayerische Staatsministerium der Justiz, München (the Bavarian State Ministry of Justice);
- der Senator für Justiz, Berlin (the Senator of Justice);
- der Senator für Rechtspflege und Strafvollzug, Bremen (the Senator for Judicial and Penal Affairs);
- die Justizbehörde der Freien und Hansestadt Hamburg, Hamburg (the Judicial Authority of the Free and Hanseatic City of Hamburg);
- der Hessische Minister der Justiz, Wiesbaden (the Hessian Minister of Justice);
- der Niedersächsische Minister der Justiz, Hannover (the Minister of Justice of Lower Saxony);
- der Justizminister des Landes Nordrhein-Westfalen, Düsseldorf (the Minister of Justice of Land Northrhine/Westphalia);
- das Ministerium der Justiz des Landes Rheinland-Pfalz, Mainz (the Ministry of Justice of Land Rhineland-Palatinate);
- der Minister für Rechtspflege des Saarlandes, Saarbrücken (the Minister for Judicial Affairs of the Saarland);
- der Justizminister des Landes Schleswig-Holstein, Kiel (the Minister of Justice of Land Schleswig-Holstein);
- das Bayerische Oberste Landesgericht, München (the Bavarian Supreme Court);
- die Oberlandesgerichte (the Higher Regional Courts);
- die Landgerichte (the Regional Courts);
- die Amtsgerichte (the Local Courts);
- die Staatsanwaltschaft bei dem Bayerischen Obersten Landesgericht, München (the Directorate of Prosecutions at the Bavarian Supreme Court);
- die Staatsanwaltschaften bei den Oberlandesgerichten (the Directorates of Prosecutions at the Higher Regional Courts);

- die Staatsanwaltschaften bei den Landgerichten (the Directorates of Prosecutions at the Regional Courts);
- die Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen, Ludwigsburg (Central Office of the Land Judicial Administrations for the Investigation of National Socialist Crimes).

Duitsland, 3 december 1993

The declaration on Article 24 is herewith supplemented to the effect that judicial authorities for the purposes of the Convention are, in addition:

- Das Ministerium der Justiz des Landes Brandenburg, Potsdam (the Ministry of Justice of Land Brandenburg),
- der Minister für Justiz, Bundes- und Europaangelegenheiten des Landes Mecklenburg-Vorpommern, Schwerin (the Minister for Justice, Federal and European Affairs of Land Mecklenburg-Western Pomerania),
- das Sächsische Staatsministerium der Justiz, Dresden (the Saxon State Ministry of Justice),
- das Ministerium der Justiz des Landes Sachsen-Anhalt, Magdeburg (the Ministry of Justice of Land Saxony-Anhalt),
- das Thüringer Ministerium für Justiz, Bundes- und Europaangelegenheiten, Erfurt (the Thuringian Ministry of Justice, Federal and European Affairs).

Estland, 9 september 1994

Pursuant to Article 23, paragraph 1 and Article 2 of the Convention, the Republic of Estonia reserves the right to refuse her assistance in case the request concerns an act which is not considered an offence under Estonian laws.

Pursuant to Article 7, paragraph 3, of the Convention, the Republic of Estonia declares that the service of summons on an accused person who is in the Estonian territory shall be transmitted not later than 40 days before the date of trial.

Pursuant to Article 15, paragraph 6, of the Convention, the Republic of Estonia declares that a copy of the letters rogatory addressed directly to her judicial authorities shall be transmitted to the Ministry of Justice.

Pursuant to Article 16, paragraph 2, of the Convention, the Republic of Estonia declares that requests and annexed documents addressed to the Estonian authorities shall be accompanied by a translation into English.

Pursuant to Article 24 of the Convention, the Republic of Estonia declares that for the purposes of this Convention, the judicial authorities for Estonia shall be the courts, the State Prosecutor's Office, the Ministry of Justice and the Ministry of Internal Affairs.

Finland, 10 maart 1994

Finland declares that judicial assistance may be refused:

- a. where the offence is one which is already subject to investigation in Finland or a third State;
- b. where the person who has been charged in the requesting State is on trial, or has been definitively convicted or acquitted either in Finland or in a third State;
- c. where the competent authorities in Finland or in a third State have decided to abandon the investigation or proceedings or not to initiate them for the offence in question;
- d. where the prosecution or enforcement of the sentence is time-barred under Finnish law.

Finland declares that it will make the execution of letters rogatory for search or seizure of property referred to in Article 5 dependent on the conditions mentioned in sub-paragraph a and c of the said Article.

Finland declares that the service of summons on an accused person who is in Finland may be refused where the summons have not been transmitted to the competent Finnish authority at least 30 days prior to the date set for appearance.

Finland declares that the request and the annexed documents shall be drawn up in Finnish, Swedish, Danish or Norwegian or in English, French or German, or be accompanied by a translation into one of these languages.

Finland declares that it will notify other Parties of the criminal convictions under Article 22 only as far as such information is available from the Criminal Register according to the Criminal Register Act of 20 August 1993 (770/93). Finland will not notify of measures taken subsequent to the conviction.

Finland declares that for the purposes of the Convention the following are deemed to be judicial authorities in Finland:

- The Ministry of Justice,
- The Courts of First Instance (käräjäoikeus/tingsrätt), the Courts of Appeal (hovioikeus/hovrätt) and the Supreme Court (korkein oikeus/högsta domstolen),
- the public prosecutors,
- the police authorities, the customs authorities as well as the frontier guard officers in their capacity of preliminary criminal investigations authorities in criminal proceedings under the Preliminary Criminal Investigations Act of 30 April 1987 (449/87).

Frankrijk, 23 mei 1967

The French Government declares that, by reason of the internal organisation and functioning of the judicial records department in France, the authorities responsible are unable to inform automatically the Contracting Parties to the present Convention, under Article 22 thereof, of measures taken subsequently to the conviction of their nationals – such as

measures of clemency, rehabilitation or amnesty – which are entered in the judicial records.

The French Government gives, however, an assurance that the responsible authorities, if requested to do so in particular cases, will as far as possible supply the said Contracting Parties with details of the position of their nationals as regards the criminal law.

The French Government declares that the authorities to be considered for the purposes of this Convention as French judicial authorities are the following:

- first presidents, presidents, counsellors and judges (conseillers) of criminal courts;
- examining magistrates (juges d’instruction) of these courts;
- members of the Department of Public Prosecution (Ministère public) acting in those courts, namely:
 - Directors of Public Prosecution;
 - Deputy Directors of Public Prosecution;
 - Assistant Public Prosecutors;
 - Head of the Prosecution Department in courts of first instance and their assistants;
 - Representatives of the Department of Public Prosecution in Police courts;
 - Judge-advocates in courts martial.

The Government of the French republic declares that it avails itself of the option provided for in Article 7, paragraph 3, and accordingly specifies that service of summonses on accused persons who are in French territory shall be transmitted to the French authorities not less than 30 days before the date set for the appearance of such persons.

The Government of the French republic declares that it avails itself of the option provided for in Article 15, paragraph 6, in relation to paragraphs 2 and 4 of Article 15, so that the provisions of those two paragraphs shall apply as follows:

Article 15, paragraph 2: in case of urgency, when the letters rogatory referred to in Articles 3, 4 and 5 are addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party, a copy thereof shall at the same time be communicated to the Ministry of Justice of the requested Party;

Article 15, paragraph 4: requests for mutual assistance other than those provided for in paragraphs 1 and 3 of Article 15, and in particular, requests for investigation preliminary to prosecution shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and returned by the same channel.

Notwithstanding the provisions of Article 25, paragraph 2, the European Convention on Mutual Assistance in Criminal Matters shall not apply to Algeria as that country acceded to independence after signature of the Convention by the French Government.

Georgië, 13 oktober 1999

The Minister of Foreign Affairs of Georgia declares that Legal assistance may be refused:

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

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

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.

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

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

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.

Griekenland, 20 april 1959

The Greek Government formulates a reservation with regard to Article 4 of the Convention, which is incompatible with Article 97 of the Greek Code of Criminal Procedure.

The Greek Government formulates a reservation with regard to Article 11 of the Convention, which is incompatible with Article 459 of the Greek Code of Criminal Procedure.

Hongarije, 13 juli 1993

Hungary reserves the right to afford assistance only in procedures instituted in respect of such offences, which are also punishable under Hungarian law.

Extracts from or information on the judicial records will be made available only in respect of an individual who has been charged or brought to trial.

The assistance referred to in Article 13, paragraph 2 can not be given by Hungary.

Search and seizure will be executed in Hungary on condition provided for in subparagraph c.

Summons on persons staying in Hungary will only be served, if the summons is transmitted to the competent Hungarian authority at least 40 days before the date set for appearance.

Hungary declares that requests addressed to its judicial authorities for assistance shall be sent to the Ministry of Justice.

A translation of the request for assistance and documents annexed thereto into either Hungarian, or any of the official languages of the

Council of Europe, will be required, if they are not drawn up in these languages.

Hungary declares that it will not inform other Contracting Parties automatically of criminal convictions and subsequent measures referred to in this article.

For the purpose of the Convention the following shall be deemed judicial authorities in Hungary: courts, public prosecutor's offices, the Ministry of Justice and the Chief Public Prosecutor's Office.

Ireland, 28 november 1996

The Government of Ireland reserves the right to refuse assistance if criminal proceedings have been instituted or concluded in Ireland or in a third State against a person who is the subject of the request for assistance in respect of the same conduct as that giving rise to proceedings in the requesting State in respect of that person.

The Government of Ireland reserves the right to make the supply of any material or evidence, in response to a request for assistance, subject to the condition that such material or evidence shall not, without its consent, be used for a purpose that was not specified in the request.

The Government of Ireland reserves the right not to take the evidence of witnesses or require the production of records or documents where its law recognises in relation thereto privilege, non-compellability or other exemption from giving evidence.

The Government of Ireland is unable to grant requests made under Article 11, paragraph 2, for a person in custody to transit through its territory.

The Government of Ireland reserves the right not to apply Article 21.

The Government of Ireland will not notify criminal convictions or subsequent measures under Article 22 except insofar as the organisation of its judicial records allows of so doing.

The Government of Ireland reserves the right to make the execution of letters rogatory for search and 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 Irish law, and
- b. that execution of the letters rogatory is consistent with Irish law.

In respect of the Government of Ireland, references to the "Ministry of Justice" for the purposes of Article 11, paragraph 2, Article 15, paragraphs 1, 3 and 6, Article 21, paragraph 1, and Article 22 are to the Department of Justice.

In accordance with Article 15, paragraph 6, the Government of Ireland gives notice that requests for assistance under the Convention should be sent to the Department of Justice.

In accordance with Article 16, paragraph 2, the Government of Ireland reserves the right to stipulate that requests and annexed documents shall be addressed to it accompanied by translations into either Irish or English.

In accordance with Article 24, for the purposes of the Convention, the Government of Ireland deems the following to be judicial authorities:

- the District Court;
- the Circuit Court;
- the High Court;
- a Special Criminal Court;
- the Court of Criminal Appeal;
- the Supreme Court;
- the Attorney General of Ireland;
- the Director of Public Prosecutions;
- the Chief State Solicitor.

Iceland, 20 juni 1984

Iceland will only afford assistance in proceedings in respect of offences also punishable under Icelandic law.

Assistance may be refused:

- a. if the judicial authorities of Iceland or of a third State have instituted legal proceedings against the accused for the offence which gave rise to proceedings in the requesting State; or
- b. if the accused has been convicted or acquitted by a final judgement given by the judicial authorities of Iceland or of a third State in respect of the offence which gave rise to proceedings in the requesting State; or
- c. if the judicial authorities of Iceland or of a third State have decided to discontinue proceedings or not to initiate them in respect of the offence which gave rise to proceedings in the requesting State.

The obligation to communicate extracts from and information relating to judicial records under this provision applies only to the criminal record of the person charged with an offence in the requesting State.

A request for search or seizure of property may be refused if the conditions laid down in Article 5, paragraph 1, sub-paragraphs a, b and c are not fulfilled.

A summons to be served on an accused person who is in Iceland must be transmitted to the competent Icelandic authorities at least 50 days before the date set for appearance.

All requests for assistance in Iceland under the Convention must be addressed to the Ministry of Justice.

Requests and annexed documents not drawn up in Icelandic, Danish, English, Norwegian or Swedish shall be accompanied by a translation into Icelandic or English.

For the purposes of the Convention, the term “judicial authorities” in Iceland means the Ministry of Justice, the Courts, the State Prosecutor and Chiefs of Police.

Israël, 27 september 1967

A summons to be served on an accused person who is in its territory shall be transmitted to its authorities not later than 40 days before the date set for appearance.

Israel will require requests and annexed documents addressed to it to be accompanied by a translation into Hebrew, English or French.

Israel will not undertake to notify automatically the “subsequent measures” referred to in Article 22, but will use its best efforts to do so.

Israël, 8 februari 1999

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.

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

Italië, 23 augustus 1961

In accordance with Article 24 and for the purposes of the Convention the following authorities are to be considered Italian judicial authorities:

- Directors of Public Prosecution,
- Assistant Public Prosecutors,
- Ordinary Courts of Justice,
- Military Courts,
- Offices of the Public Prosecutor attached to the Military Courts,
- Examining Magistrates,
- Superior Magistrates,
- Praetors.

Having regard to the provisions of Articles 16 and 21, paragraph 3, Italy will require, subject to reciprocity, that requests for legal assistance, together with supporting documents, and denunciations as provided for in Article 21 of the Convention, shall be accompanied by a translation in French or English.

The Italian Government requests that having regard to the provisions of Article 15, paragraph 6, of the Convention, where a request for legal assistance is addressed directly to the Italian judicial authorities, a copy of the relevant letters rogatory shall be communicated to the Ministry of Justice.

Italië, 29 augustus 1977

With a view to completing the declaration made on 23 August 1961 when depositing the instrument of ratification of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, the Italian Government declares that with reference to Article 24 of the Con-

vention the following authorities shall be deemed judicial authorities in addition to those already mentioned in the above-mentioned declaration which in all other respects shall remain unaltered:

- the Constitutional Court,
- the Parliamentary Commission of Enquiry.

The Italian Government wishes to point out in this connection that the two above-mentioned authorities only acquired their full jurisdiction at a date subsequent to the deposit by Italy of the instrument ratifying the Convention.

The Constitutional Court in fact issued the necessary supplementary rules for the exercise of its jurisdiction in relation to prosecutions within the meaning of Article 134 of the Constitution in the regulations of 27.11.1962 published in Official Gazette No 320 of 15 December 1962. The jurisdiction of the Parliamentary Commission of Enquiry was specified in Act No 20 of 25 January 1962 dealing with “Rules relating to proceedings and prosecutions”.

Italië, 30 maart 2007

In accordance with Article 24 and for the purposes of the Convention, Italy declares that:

1. the following authorities shall be deemed as Italian judicial authorities, in addition to those indicated in the previous declarations:
 - Juges de paix.
2. the following authorities shall not be deemed as Italian judicial authorities anymore:
 - Examining Magistrates,
 - Superior Magistrates,
 - Praetors

Kroatië, 7 mei 1999

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

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.

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).

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.

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

Letland, 16 oktober 2010

In pursuance of paragraph 6 of Article 15 of the Convention, the Republic of Latvia declares that requests for assistance shall be sent through: The Ministry of Interior – during pre-trial investigation until prosecution; 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

General Prosecutors office – during pre-trial investigation until submitting the case to the court;

O. Kalpaka blvd 6,
Riga, LV – 1801, Latvia

Fax: 371.67.212231

Tel.: 371.67.320085

The Ministry of Justice – during the trial.

Brivibas blvd 36,

Riga, LV – 1536, Latvia

Fax: 371.67.285575

Tel.: 371.67.280437/371.67.282607

In pursuance of paragraph 2 of Article 16 of the Convention, the Republic of Latvia requires that requests and annexed documents shall be addressed accompanied by a translation into English language.

In pursuance of Article 24 of the Convention, the Republic of Latvia defines that, for the purposes of the Convention, the courts, the Public Prosecutor's Office and the police are deemed judicial authorities.

Liechtenstein, 28 oktober 1969

The Government of the Principality of Liechtenstein declares that the Principality of Liechtenstein will make the execution of letters rogatory for the application of any coercive measure dependent on the condition mentioned under Article 5, paragraph 1.a of the Convention.

The Principality of Liechtenstein stipulates that letters rogatory and annexed documents addressed to the Liechtenstein authorities in a language other than German – with the exception of requests for service of summons – shall be accompanied by a translation into that language.

Litouwen, 17 april 1997

In respect of Article 2 of the Convention, the Republic of Lithuania reserves the right not to comply with a request insofar as it concerns:

a. an offence which is not qualified as a “crime” and punishable as such under Lithuanian law;

- b. an offence in respect of which criminal proceedings have been instituted in the Republic of Lithuania or in a third State;
- c. an offence in respect of which the judicial authorities of the Republic of Lithuania either refused to institute, or discontinued criminal proceedings.

In respect of Article 13 of the Convention, the Republic of Lithuania declares that extracts from and information relating to judicial records shall be communicated only insofar as the records relate to a person against whom criminal proceedings have been instituted.

In relation to Article 5, paragraph 1, of the Convention, the Republic of Lithuania reserves the right to make the execution of letters rogatory for search or seizure of property dependent on the conditions mentioned in sub-paragraphs a), b) and c) of the said provision.

In relation to paragraph 6 of Article 15 of the Convention, the Republic of Lithuania shall provide assistance only in the event that the letters rogatory are sent directly to the Ministry of Justice of the Republic of Lithuania.

In relation to paragraph 2 of Article 16 of the Convention, the Republic of Lithuania reserves the right to stipulate that requests and annexed documents shall be addressed to it in Lithuanian or accompanied by a translation into one of the official languages of the Council of Europe, and that in default, the Republic of Lithuania will require compensation for all expenses incurred in translation.

In relation to Article 24 of the Convention, the Republic of Lithuania declares that for the purposes of the Convention the following authorities shall be considered as judicial authorities: the Ministry of Justice of the Republic of Lithuania, the Prosecutor General's Office of the Republic of Lithuania, the Courts of Lithuania except the Constitutional Court.

Luxemburg, 18 november 1976

The Government of the Grand Duchy of Luxembourg will not grant temporary transit as provided for in Article 11, save where the person concerned is serving a sentence in its territory and where there are no special considerations opposed thereto.

The Government of the Grand Duchy of Luxembourg will require requests and annexed documents addressed to it to be accompanied by a translation into French, German or English.

The Government of the Grand Duchy of Luxembourg will not notify the subsequent measures referred to in Article 22 except in so far as the organisation of its judicial records allows of doing so.

By reason of the special arrangements between the Benelux countries, the Government of the Grand Duchy of Luxembourg does not accept Article 26, paragraphs 1 and 3 in respect of its relations with the Netherlands and Belgium.

The Government of the Grand Duchy of Luxembourg reserves the right to derogate from these provisions in respect of its relations with other member States of the European Economic Community.

The Government of the Grand Duchy of Luxembourg declares that letters rogatory for search or seizure within the Grand Duchy of Luxembourg will not be executed save for extraditable offences within the meaning of the European Convention on Extradition, and provided that the court has authorised execution in accordance with its municipal law. The Government of the Grand Duchy of Luxembourg declares that, as regards the Grand Duchy of Luxembourg, judicial authorities for the purposes of the Convention are to be understood as meaning members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecution.

Luxemburg, 10 oktober 2001

The reservations with respect to Article 2 of the Convention, are modified as follows:

The State General Prosecutor of the Grand Duchy of Luxembourg reserves the right not to comply with a request for assistance:

- a. in so far as it concerns a prosecution or proceedings incompatible with the principle “non bis in idem”,
- b. in so far as it concerns an inquiry into acts for which the accused person is being prosecuted in the Grand Duchy of Luxembourg.

This reservation is modified according to Article 13 of the Law of Luxembourg dated 8 August 2000 which has entered into force on 1 October 2000.

Malta, 3 maart 1994

The Government of Malta reserves the right to refuse assistance if the person who is the subject of a request for assistance has been convicted or acquitted in Malta of any offence which arises from the same fact giving rise to proceedings in the requesting State in respect of that person. The Government of Malta reserves the right not to take the evidence of witnesses or require the production of records or other documents where its law recognises in relation thereto privilege, non-compellability or other exemption from giving evidence.

The Government of Malta reserves the right not to execute letters rogatory for search or seizure if (a) the offence motivating the letters rogatory is not punishable under both the law of the requesting State and the law of Malta, or (b) the execution of the letters rogatory is not consistent with the law of Malta.

For the purpose of Article 7, paragraph 3, the Government of Malta requests that the summons to be served on an accused person who is in its territory be transmitted to its authorities at least 50 days before the date set for appearance.

The Government of Malta is unable to grant requests made under Article 11.

The Government of Malta will only consider the granting of immunity under Article 12 where this is specifically requested by the person to whom the immunity would apply or by the appropriate authorities of the State from whom assistance is requested. A request for immunity will not be granted where the Government of Malta considers that granting it would not be in the public interest.

The Government of Malta notifies that all requests for assistance should be sent to it addressed to the Attorney General.

The Government of Malta declares that requests and annexed documents should be addressed to it accompanied by a translation into English.

The Government of Malta reserves the right not to apply Article 21.

Malta, 12 april 2012

In accordance with Article 24 for the purposes of the Convention, the Government of Malta deems the following to be “judicial authorities”:

- Magistrates Courts, the Juvenile Court, the Criminal Court and the Court of Criminal Appeal;
- the Attorney General, Deputy Attorney General, Assistant to the Attorney General and Senior Counsel for the Republic;
- Magistrates.

Moldavië, 4 februari 1998

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

- the committed act 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.

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.

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

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.

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. 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 (judecatorile), the courts (tribunalele), the Court of Appeal (Curtea de Apel), the Supreme Court of Justice (Curtea Suprema de Justitie), the Ministry of Justice (Ministerul Justitie), the Prosecutor General's Office (Procuratura Generala), the organs of the General Prosecutor of the Republic of Moldova (organele procuraturii Republicii Moldova), as judicial authorities for the Republic of Moldova.

Monaco, 19 maart 2007

The Principality of Monaco declares that it avails itself of the option provided for in Article 7, paragraph 3, and accordingly specifies that service of summonses on accused persons who are in its territory shall be transmitted to Monaco's authorities not less than 30 days before the date set for the appearance of such persons.

The Principality of Monaco declares that the terms "Ministry of Justice", for the purposes of the Convention, apply to the "Direction des Services Judiciaires".

The Principality of Monaco declares that it avails itself of the option provided for in Article 15, paragraph 6, of the Convention in relation to paragraphs 2 and 4 of Article 15, so that the provisions of those two paragraphs shall apply as follows:

Article 15, paragraph 2: in case of urgency, when the letters rogatory referred to in Articles 3, 4 and 5 are addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party, a copy thereof shall at the same time be communicated to the Ministry of Justice of the requested Party;

Article 15, paragraph 4: requests for mutual assistance other than those provided for in paragraphs 1 and 3 of Article 15, and in particular, requests for investigation preliminary to prosecution shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and returned by the same channel.

The Principality of Monaco declares that it avails itself of the option provided for in Article 16, paragraph 2, of the Convention and requires that requests for mutual assistance and annexed documents shall be addressed to it accompanied by a translation into French.

Regarding Article 2 of the Convention, the Principality of Monaco reserves the right to grant mutual assistance in pursuance of the Convention at the express condition that the results of inquiries as well as information contained in the documents and files transmitted cannot, without its prior consent, be used or transmitted by the authorities of the requesting Party for purposes different from those indicated in the request.

In accordance with Article 5 of the Convention, the Principality of Monaco reserves the ability to submit the execution of letters rogatory, for the purposes of search or seizure of objects, to the conditions provided for by Article 5, paragraph 1, sub-paragraph a of the Convention.

Montenegro, 14 juli 2006

In accordance with Article 1, paragraph 1, of the Convention, the Federal Republic of Yugoslavia shall grant legal assistance only in proceedings related to the criminal acts stipulated by the laws of the Federal Republic of Yugoslavia, whose criminal prosecution, at the moment legal assistance is requested, falls within the jurisdiction of the Yugoslav courts are competent.

In accordance with Article 7, paragraph 3, of the Convention, the Federal Republic of Yugoslavia shall serve court summons issued to the name of a person against whom criminal proceedings have been initiated, residing in its territory, only if the summons is transmitted to the competent judicial authority 30 days before the date set for the appearance in the court by the said person.

In accordance with Article 15, paragraph 6, of the Convention and in connection with implementation of Article 15, paragraph 2, of the Convention, the Federal Republic of Yugoslavia requests that a copy of the letter requesting legal assistance be transmitted to the Federal Ministry of Justice.

In accordance with Article 24 of the Convention, the Federal Republic of Yugoslavia hereby states that judicial authorities, for the purposes of the present Convention, shall be considered regular courts and Public i.e. State Prosecutor's Offices.

Nederlanden, het Koninkrijk der, 14 februari 1969

The Netherlands Government reserves the right not to comply with a request for assistance:

- a. if there are good grounds for believing that it concerns an inquiry instituted with a view to prosecuting, punishing or otherwise interfering with an accused person because of his religion or political convictions, his nationality, his race or the population group to which he belongs;
- b. in so far as it concerns a prosecution or proceedings incompatible with the principle non bis in idem;
- c. in so far as it concerns an inquiry into acts for which the accused person is being prosecuted in the Netherlands.

The Netherlands Government will not grant temporary transit, as provided for in Article 11, save where the person concerned is serving a sentence in its territory and where there are no special considerations opposed thereto.

The Netherlands Government will not notify the subsequent measures referred to in Article 22 except in so far as the organisation of its judicial records allows of so doing.

By reason of the special arrangement between the Benelux countries, the Netherlands Government does not accept Article 26, paragraphs 1 and 3 in respect of its relations with the Kingdom of Belgium and the Grand Duchy of Luxembourg.

The Netherlands Government reserves the right to derogate from these provisions in respect of its relations with other member States of the European Economic Community.

The Kingdom of the Netherlands accepts the said Convention for the Kingdom in Europe.

The Netherlands Government declares that letters rogatory for search or seizure within the Netherlands will not be executed save for extraditable offences within the meaning of the European Convention on Extradition, and provided that the Netherlands court has authorised execution in accordance with its municipal law.

The Netherlands Government declares that, as regards the Netherlands, judicial authorities for the purposes of the Convention are to be understood as meaning members of the judiciary responsible for administering the law, examining magistrates and members of the Department of Public Prosecution.

In the event of the Netherlands Government making a declaration extending the application of the Convention to Surinam and/or the Netherlands Antilles, it may qualify such declarations by conditions relating to local needs and, in particular, may declare that the Convention can be denounced separately in respect of those countries.

Nederlanden, het Koninkrijk der, 21 juli 1993

The Permanent Mission of the Kingdom of the Netherlands declares that the Government of the Kingdom of the Netherlands, in accordance with Article 25, paragraph 4 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, is extending the application of the Convention to the Netherlands Antilles, and that the declarations and reservations as made by the Kingdom of the Netherlands shall also apply to the Netherlands Antilles.

The Government of the Kingdom of the Netherlands declares having regard to Article 16, that the Kingdom of the Netherlands will require requests for legal assistance regarding the Netherlands Antilles and Aruba to be accompanied by an English translation.

The Government of the Kingdom of the Netherlands declares in accordance with the declaration of the Netherlands Government concerning Article 25, paragraph 4 that the Convention may be denounced separately in respect of the Netherlands Antilles and Aruba.

Nederlanden, het Koninkrijk der, 10 februari 2010

On 1 February 2010, a Convention between the Kingdom of the Netherlands and the Kingdom of Belgium came into effect under which the Netherlands made available to Belgium a prison located on Dutch territory (Tilburg) for the execution of criminal sentences imposed in Bel-

gium under Belgian law. The Convention applies in principle until 31 December 2012, but the validity period may be reduced to 31 December 2011, or extended until 31 December 2013.

The Convention contains a specific provision for criminal co-operation with third States. Article 18 of the

Convention deals with criminal action at the request of third States concerning Belgian prisoners detained in the prison located on Dutch territory. According to the first paragraph of this provision, the Netherlands will not examine requests for extradition and/or mutual assistance from third States, but they will transmit them to Belgium. This agreement logically follows on from other provisions of the Convention, according to which the judicial and other authorities of the Netherlands do not normally deal with prisoners of the prison of Tilburg.

In this context, Belgium and the Netherlands communicate the following: Requests for extradition and provisional arrest

We recommend that States Parties to the European Convention on Extradition send exclusively to the Belgian authorities requests for extradition and provisional arrest of persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If the Dutch authorities still receive requests for extradition or for provisional arrest of these persons, they will not deal with them but will transmit them to the Belgian authorities for further action.

Alerts via Interpol for the surrender and the requests for provisional arrest of persons who are in the prison in Tilburg will not be carried out in the Netherlands.

Requests for mutual assistance

We recommend that central and judicial authorities of the States Parties to the Convention on Mutual

Assistance in Criminal Matters send exclusively to the competent Belgian authorities requests for mutual

assistance concerning persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If, nevertheless, requests for mutual assistance concerning these persons are sent to the Netherlands, they will be forwarded to the competent authorities of the Kingdom of Belgium.

Nederlanden, het Koninkrijk der, 9 januari 2012

Having regard to the relations existing in public law between the European part of the Netherlands, Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), the term “metropolitan territories”, used in paragraph 1 of Article 25 of the present Convention, no longer has its original sense in relation

to the Kingdom of the Netherlands and consequently shall be deemed to signify, so far as it concerns the Kingdom, “European territory”.

Noorwegen, 14 maart 1962

Assistance can be refused:

- a. if the accused person is being prosecuted by the public prosecutor of Norway or by the judicial authorities of a third State for the criminal offence or offences which have given rise to the proceedings in the requesting State; or
- b. if the accused person has been convicted or acquitted by final judgment of a Norwegian court or the judicial authorities of a third State in respect of the criminal offence or offences which have given rise to the proceedings in the requesting State, or if the public prosecutor of Norway or the judicial authorities of a third State have decided either not to institute proceedings or to terminate proceedings in respect of a said offence or offences.

A request for service of writs etc., otherwise than by the informal handing over of the document to the person in question, can always be refused.

Reservation is made to the provision in its entirety.

A request for search or seizure can be refused if the conditions laid down in Article 5, paragraph 1.a, b and c are not fulfilled.

A summons which is to be served on an accused person who is staying in Norway must be transmitted to the competent Norwegian authority at least 30 days prior to the date set for his appearance in court.

Requests and annexed documents not drawn up in Norwegian, Danish, English or Swedish, should be accompanied by a translation into Norwegian. If not, the right is reserved for a translation into Norwegian to be made for the account of the requesting State.

For the purpose of this Convention, the term “judicial authorities” applies in Norway to the courts and the office of the Public Prosecutor, including Chiefs of Police.

Noorwegen, 30 september 2002

The Government of Norway replaces the declaration made in respect of Article 26, paragraph 4, of the Convention, with the following wording: “The Agreement of 26 April 1974 between Norway, Denmark, Iceland, Finland and Sweden on mutual assistance shall apply.”

Oekraïne, 11 maart 1998

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.

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

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.

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.

For the purposes of the Convention, "judicial bodies" of Ukraine are courts of general, public prosecutors of all levels and bodies of pre-trial investigation.

Oekraïne, 1 februari 2000

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 reference is made in article 15, paragraph 1 of the Convention.

Oostenrijk, 2 oktober 1968

Austria will only grant assistance in proceedings in respect of offences also punishable under Austrian law and the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities.

In "other essential interests of its country" Austria will include maintaining the secrecy stipulated by Austrian legislation.

In the cases mentioned in Article 11, paragraph 1. a, b and c, the transfer of a person in custody as a witness or for purposes of confrontation will not be authorised.

Austria will make the execution of letters rogatory for search or seizure of property subject to the condition laid down in sub-paragraph c.

Austria will not serve a summons on an accused person who is in Austrian territory, unless the summons is transmitted to the competent Austrian judicial authority at least 30 days before the date set for appearance.

Subject to the provisions of paragraph 3 of Article 16, requests and annexed documents, which are not drawn up in the German, French or English language, must be accompanied by a translation into one of these languages. A translation of informations mentioned in paragraph 1 of Article 21 is not required.

For the purposes of the Convention, Austria will regard as judicial authorities the Criminal Courts, the Department of Public Prosecution and the Federal Ministry of Justice.

Oostenrijk, 2 mei 1983

The cases where Chapter 1 of the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters is not applicable, the Republic of Austria will apply Article 2, paragraph (a) of the European Convention on Mutual Assistance in Criminal Matters in accordance with the relevant national legislation (Federal Act of 4 December 1979 on Extradition and Mutual Assistance in Criminal Matters, Federal Law Gazette No. 529/1979). According to Section 51, paragraph 1 of the said Act the performance of assistance is precluded in all cases where extradition would be inadmissible according to Sections 14 and 15 of the Act. The provisions read as follows:

Section 14. Extradition shall be inadmissible

1. for political offences;
2. for other offences based on political motivation or aims unless, taking into consideration all the circumstances of the individual case, in particular the method of committing the offence, the means employed or threatened, or the gravity of the consequences caused or intended, the criminal character of the offence supersedes its political character.

Section 15. Extradition shall be inadmissible for offences which under Austrian law exclusively

1. are of a military nature, or
2. consist in a violation of regulations on duties, monopolies, customs or exchange, or of rules on the rationing of goods or on foreign trade.

Polen, 19 maart 1996

The Republic of Poland reserves the right to make the execution of letters rogatory for search or seizure of property dependent on the conditions mentioned in Article 5, paragraph 1 (a) (b) (c) of the Convention. The transmission of the summons can be refused if less than 30 days remain before the date for appearance.

Only information available in the Central Register of Convicted Persons shall be transmitted.

When the letters rogatory are addressed directly to the judicial authorities, a copy of these letters rogatory shall be transmitted to the Ministry of Justice.

The requests and other documents being transmitted shall be accompanied by a translation into the Polish language or into an official language of the Council of Europe; the translation of the documents which are to be transmitted is not necessary if the transmission has the form of a simple service. In other cases they shall be translated into the Polish language if the receiver is a Polish national or if his permanent residence is in Poland.

For the purposes of the Convention, the public prosecutor's offices shall be also deemed to be "judicial authorities".

Portugal, 2 januari 1997

I have the honour to inform you of the following with regard to the Convention concerned:

1. On 14 July 1994 the Official Gazette of the Portuguese Republic published Assembly Resolution no. 39 and Decree no. 56 of the President of the Republic approving and decreeing ratification of the said Convention; please find enclosed a copy thereof.

2. On 27 September 1994 the instrument of ratification, of which I am also sending you a copy, was deposited with the Secretary General of the Council of Europe, the Convention entered into force in respect of Portugal on 26 December 1994.

3. As you can see, the Decree of the President of the Republic and the Assembly Resolution, as published, provide for reservations and declarations in respect of Article 5, paragraph 1 a. and c., Article 7, paragraph 3, and Article 24 of the Convention. However, certainly by inadvertence, the instrument of ratification omitted these reservations and declarations, which explains why notification thereof was not given to the Parties to the Convention and, of course, why no such indications appears in the "Chart of signatures and ratifications".

In view of the foregoing, the Portuguese authorities would like the Parties to the Convention to be notified of the said reservations and declarations as soon as possible. This would mean that future requests for judicial assistance and cooperation addressed to the competent Portuguese judicial authorities take these reservations and declarations into account.

Portugal, 4 april 1997

Portugal declares that it will execute letters rogatory for search or seizure only if the conditions laid down in sub-paragraph a) and c) of Article 5 are fulfilled.

Portugal declares that requests and annexed documents addressed to it must be accompanied by a translation into Portuguese or French.

According to Article 7, paragraph 3, Portugal declares that a summons on an accused person who is in its territory must be transmitted to its authorities at least 50 days before the date set for appearance.

Under the terms of Article 24, Portugal declares that, for the purpose of the Convention, the Public Prosecutor must be considered as judicial authority.

Roemenië, 17 maart 1999

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

that the offence motivating the letters rogatory is an extraditable offence according to Romanian law, that execution of the letters rogatory is consistent with Romanian law.

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.

The requests for mutual assistance during investigation and prosecution will be sent to the Public Prosecutor's Department at the Supreme Court of Justice of Romania,

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

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

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.

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.

For the purpose of the Convention, Romanian judicial authorities are deemed to be the 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.

Russische Federatie, 10 december 1999

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.

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.

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.

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.

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.”

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.

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 Rus-

sian Federation as stipulated in the reservation to Article 24 of the Convention. A copy of 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.

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.

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.

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.

The Russian Federation proceeds from the understanding that the law of the Russian Federation does not contain a concept of "political offence". In all cases in deciding whether to render assistance, the Russian Federation shall not consider as "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 Condition 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.

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.

San Marino, 18 maart 2009

Concerning Article 2 of the Convention, the Republic of San Marino reserves the right to grant legal assistance under the condition that the results of inquiries as well as information, acts and documents transmitted shall neither be used nor transmitted, without previous consent, by the Requesting Party for purposes different from those stated in the request.

Concerning Article 2 of the Convention, the Republic of San Marino reserves the right to refuse legal assistance if the person subject of the request has been convicted for the same fact by a final judgement of the San Marino Judicial Authority.

Concerning Article 22 of the Convention, the Republic of San Marino declares that, due to organisational reasons, the Registry of the San Marino is not able to guarantee a systematic exchange of information regarding decisions contained in the judicial records. Nevertheless, the Republic of San Marino shall provide information regarding criminal ruling in the judicial records following a specific request from the relevant foreign judicial authorities.

Concerning Article 5, paragraph 1 of the Convention, the Republic of San Marino declares that it reserves the right to accept requests for judicial assistance under the conditions referred to in Article 5 a) and c).

Concerning Article 7, paragraph 3 of the Convention, the Republic of San Marino declares that it will only grant legal assistance within its territory if summons are transmitted to the San Marino relevant authority 40 days before the date set for the appearance.

Concerning Article 15, paragraph 6 of the Convention, the Republic of San Marino declares that any request for legal assistance and any document thereto shall be submitted directly to the relevant judicial authority and a copy shall be forwarded to the Secretary of State for Justice. The Republic of San Marino declares that, for the purposes of this Convention, the San Marino Single Court shall be the relevant judicial authority.

Concerning Article 16, paragraph 2 of the Convention, the Republic of San Marino declares that any request for legal assistance and document thereto submitted to the San Marino Authorities and drafted in a language other than Italian, shall be accompanied by a translation into Italian.

Concerning Article 24 of the Convention, the Republic of San Marino declares that for the purposes of this Convention, the term Judicial Authorities shall be referred to:

- Law Commissioner – Investigating Judge (Commissario della Legge – Giudice inquirente)
- Law Commissioner – Trial Judge (Commissario della Legge – Giudice decidente)
- Public Attorney (Procuratore del Fisco)
- Judge of Appeal in Criminal Matters (Giudice di appello penale)
- Judge of Third Instance in Criminal Matters (Giudice per la Terza Instanza penale)
- Judge of Extraordinary Remedies in Criminal Matters (Giudice per i Rimedi straordinari in materia penale)
- Council of Guarantors for the Constitutionality of Rules (Collegio Garante della costituzionalità delle norme)

Concerning Article 26 paragraph 4 of the Convention, the Republic of San Marino declares that all the provisions included in bilateral agreements with Contracting Parties regarding legal assistance in criminal matters will remain in force insofar as they are not inconsistent with the provisions of this Convention.

Servië, 30 september 2002

In accordance with Article 1, paragraph 1, of the Convention, the Federal Republic of Yugoslavia shall grant legal assistance only in proceedings related to the criminal acts stipulated by the laws of the Federal Republic of Yugoslavia, whose criminal prosecution, at the moment legal assistance is requested, falls within the jurisdiction of the Yugoslav courts are competent.

In accordance with Article 7, paragraph 3, of the Convention, the Federal Republic of Yugoslavia shall serve court summons issued to the name of a person against whom criminal proceedings have been initi-

ated, residing in its territory, only if the summons is transmitted to the competent judicial authority 30 days before the date set for the appearance in the court by the said person.

In accordance with Article 15, paragraph 6, of the Convention and in connection with implementation of Article 15, paragraph 2, of the Convention, the Federal Republic of Yugoslavia requests that a copy of the letter requesting legal assistance be transmitted to the Federal Ministry of Justice.

In accordance with Article 24 of the Convention, the Federal Republic of Yugoslavia hereby states that judicial authorities, for the purposes of the present Convention, shall be considered regular courts and Public i.e. State Prosecutor's Offices.

Slovenië, 19 juli 2001

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 16, paragraph 2, 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.

Slowakije, 28 april 1994

Under the terms of Article 5.1.a and 5.1.c the execution of letters rogatory for search or seizure of property will be made on conditions that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the Slovak Republic and the execution of the letters rogatory is consistent with the law of the Slovak Republic.

Within the meaning of Article 15, paragraph 6 of the European Convention on Mutual Assistance in Criminal Matters, the letters rogatory relating to a criminal matter shall be addressed to the General Prosecution of the Slovak Republic before the case is brought before a court and to the Ministry of Justice of the Slovak Republic after it has been brought before a court.

In accordance with the European Convention on Mutual Assistance in Criminal Matters, the service of a summons on an accused person who is in the territory of the Slovak Republic shall be transmitted to the respective authorities of the Slovak Republic at least 30 days before the date set for appearance.

The judicial authorities in charge of the implementation of the European Convention on Mutual Assistance in Criminal Matters shall be the General Prosecution of the Slovak Republic and the Ministry of Justice of the Czech Republic and the Ministry of Justice of the Slovak Republic.

Slovakije, 28 juli 2006

Slovakia declares that:

- Requests referred to in Article 11 of the Convention 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, of the Convention shall be addressed to the General Prosecutor's Office of the Slovak Republic.

The Slovak Republic invites the other Contracting Parties to present their requests and supporting documents which are not drawn in either Slovak or one of the official languages of the Council of Europe together with a translation into one of these languages.

Spanje, 5 juni 1987

With reference to the provisions of Article 15.6 of the European Convention on Mutual Assistance in Criminal Matters, I have the honour to inform you that the Spanish Central Authority will be from now on: Secretario General Técnico – Ministerio de Justicia – San Bernardo 47 – 28015 MADRID Espagne.

Spanje, 10 juni 2011

Spain 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 Spanish law;
 - b. that the offence motivating the letters rogatory is an extraditable offence under Spanish law;
 - c. that execution of the letters rogatory is consistent with Spanish law.
- Spain declares that for the purpose of Article 7 (3) of the Convention, the time mentioned in this provision shall be not less than 30 days. Spain reserves the right to stipulate that requests and annexed documents shall be addressed to it accompanied by a duly authenticated translation into Spanish.

Spain reserves the right not to inform other Parties of deleted entries in the criminal records of Spanish nationals.

In accordance with Article 24 of the Convention, Spain declares that for the purposes of the Convention, the following shall be deemed judicial authorities:

- a) ordinary judges and courts;
- b) registrars;
- c) public prosecutors;
- d) military judges and courts;
- e) reporting registrars of the military courts.

This declaration applies also to the Additional Protocol to the Convention, done in Strasbourg on 17 March 1978.

Tsjechië, 2 januari 1993

Under the terms of Article 5.1.a and 5.1.c the execution of letters rogatory for search or seizure of property will be made on conditions that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the Czech Republic and the execution of the letters rogatory is consistent with the law of the Czech Republic.

Tsjechië, 16 maart 1994

Within the meaning of Article 15, paragraph 6 of the European Convention on Mutual Assistance in Criminal Matters, the letters rogatory relating to a criminal matter shall be addressed to the General Attorney Office of the Czech Republic before the case is brought before a court and to the Ministry of Justice of the Czech Republic after it has been brought before a court.

In accordance with the European Convention on Mutual Assistance in Criminal Matters, the service of a summons on an accused person who is in the territory of the Czech Republic shall be transmitted to the respective authorities of the Czech Republic at least 30 days before the date set for appearance.

Tsjechië, 19 november 1996

In compliance with Article 24 of the European Convention on Mutual Assistance in Criminal Matters and Article 8 of its Additional Protocol, I declare that, for the purposes of the Convention and its Additional Protocol, the following authorities shall be considered as judicial authorities: the Office of the Supreme Prosecutor of the Czech Republic, the Regional and District Offices of the Prosecutors, the Town Prosecutor's Office in Prague, the Ministry of Justice of the Czech Republic, the Regional and District Courts and the Town Court in Prague.

Turkije, 24 juni 1969

The execution of letters rogatory for search or seizure of property shall be dependent on the conditions stipulated in paragraph 1.a, b. and c. Service of summons on an accused person who is in the territory of the Turkish Republic shall be effected by transmission to the proper Turkish authorities at least 40 days before the date set for appearance.

Verenigd Koninkrijk, 29 augustus 1991

In respect of Article 2, the Government of the United Kingdom of Great Britain and Northern Ireland reserves the right to refuse assistance if the person who is the subject of a request for assistance has been convicted or acquitted in the United Kingdom or in the third State of an offence

which arises from the same conduct as that giving rise to proceedings in the requesting State in respect of that Person.

In respect of Article 3, the Government of the United Kingdom of Great Britain and Northern Ireland reserves the right not to take the evidence of witnesses or require the production of records or other documents where its law recognises in relation thereto privilege, non-compellability or other exemption from giving evidence.

In accordance with Article 5, paragraph 1, the Government of the United Kingdom of Great Britain and Northern Ireland reserves the right to make the execution of letters rogatory for search and 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 United Kingdom; and

b. that execution of the letters rogatory is consistent with the law of the United Kingdom.

The Government of the United Kingdom of Great Britain and Northern Ireland is unable to grant requests made under Article 11, paragraph 2 for a person in custody to transit through its territory.

The Government of the United Kingdom of Great Britain and Northern Ireland will only consider the granting of immunity under Article 12 where this is specifically requested by the person to whom the immunity would apply or by the appropriate authorities of the party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of the United Kingdom consider that granting it would not be in the public interest.

In accordance with Article 16, paragraph 2, the Government of the United Kingdom reserves the right to stipulate that requests and annexed documents shall be addressed to it accompanied by translations into English.

The Government of the United Kingdom reserves the right not to apply Article 21.

Verenigd Koninkrijk, 16 maart 2000

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of this Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Italian Government has been secured by exchange of letters. Accordingly as concerns the Government of the United Kingdom and Italy, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 31 January 2000.

The consent of the Danish Government has been secured by exchange of letters. Accordingly as concerns the Government of the United Kingdom and Denmark, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 25 February 2000.

Verenigd Koninkrijk, 13 februari 2001

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of this Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Greek Government has been secured by exchange of letters. Accordingly as concerns the Government of the United Kingdom and Greece, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 22 January 2001.

The consent of the Luxembourg Government has been secured by exchange of letters. Accordingly as concerns the Government of the United Kingdom and Luxembourg, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 3 July 2000.

Verenigd Koninkrijk, 10 mei 2001

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of this Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Spanish Government has been secured by exchange of letters. Accordingly as concerns the Government of the United Kingdom and Spain, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 5 February 2001.

Verenigd Koninkrijk, 10 oktober 2001

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of this Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Government of the Netherlands has been secured by exchange of letters. Accordingly as concerns the Governments of the United Kingdom and the Netherlands, the Convention now applies to the Isle of Man, Aruba and Netherlands Antilles. This extension of the Convention came into force on 14 September 2001.

Verenigd Koninkrijk, 23 april 2002

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of the Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Swedish Government has been secured by exchange of letters. Accordingly, as concerns the Governments of the United King-

dom and Sweden, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 28 February 2002.

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of the Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Austrian Government has been secured by exchange of letters. Accordingly, as concerns the Governments of the United Kingdom and Austria, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 1 February 2002.

Verenigd Koninkrijk, 27 september 2002

The Government of the United Kingdom wishes, in accordance with Article 25, paragraph 5, to extend the application of the Convention to the Isle of Man, for whose international relations the United Kingdom is responsible. For this to happen, the agreement of other States is required.

The consent of the Portuguese Government has been secured by exchange of Letters. Accordingly, as concerns the Governments of the United Kingdom and Portugal, the Convention now applies to the Isle of Man. This extension of the Convention came into force on 25th July 2002.

The Government of the United Kingdom proposes that, in accordance with Article 25, paragraph 5, of the Convention, the United Kingdom's ratification of the Convention be extended to the Bailiwick of Guernsey, being a territory for whose international relations the United Kingdom is responsible. (This extension would not apply to the Additional Protocol of 1978).

In order that the provisions of Article 25, paragraph 5, be fulfilled, the Government of the United Kingdom requests that the Secretariat General of the Council of Europe circulate this Note to all other Contracting Parties on the basis that in the absence of receipt of a Note of objection within 90 days of the date of such circulation, an arrangement to this effect for the purposes of Article 25, paragraph 5, will be deemed to have been made between the United Kingdom and each of the Contracting Parties.

For the purposes of Chapter V of the Convention, the judicial authority for the Bailiwick of Guernsey should be:

Address: HM Attorney General, St James' Chambers, St Peter Port, Guernsey GY1 2PA;

Tel.: 44 (0) 1481.723355; Fax: 44 (0) 1481.725439;

Email: law@gov.gg; Website: www.gov/gg/law

Depositare mededeling Verenigd Koninkrijk, 20 januari 2003
This arrangement on territorial extension entered into force:

- between the United Kingdom and the Contracting Parties which have not notified objections (Albania, Armenia, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, Israel): on 20 January 2003;
See the Communication made by the United Kingdom in this respect.
- between the United Kingdom and Austria: on 1 February 2004, following the withdrawal by Austria of its objection.
- between the United Kingdom and Ireland: on 11 February 2010, following the withdrawal by Ireland of its objection.

Verenigd Koninkrijk, 27 juni 2003

The Government of the United Kingdom proposes that, in accordance with Article 25, paragraph 5, of the Convention, the United Kingdom’s ratification of the Convention be extended to the Isle of Man, being a territory for whose international relations the United Kingdom is responsible. (This extension would not apply to the Additional Protocol of 1978).

This extension has already been effected in respect of certain Contracting Parties by bilateral arrangement between those Contracting Parties and the United Kingdom. Those Contracting Parties are Austria, Portugal, Spain, Greece, Sweden, Italy, Luxembourg, The Netherlands and Denmark. This Note does not affect those extensions.

In order that the provisions of Article 25, paragraph 5, be fulfilled in respect of the remaining Contracting Parties, I request that you circulate this Note to them on the basis that in the absence of receipt of a Note of objection within 90 days of the date of such circulation, an arrangement to this effect for the purposes of Article 25, paragraph 5, will be deemed to have been made between the United Kingdom and each of the Contracting Parties.

For the purposes of Chapter V of the Convention, the judicial authority for the Isle of Man should be:

Address: Office of the Attorney General, Victory House, Prospect Hill, Douglas, Isle of Man;

Tel.: 44 (0) 1624.685.452

Fax: 44 (0) 1624.629.162.

Depositaire mededeling Verenigd Koninkrijk, 8 oktober 2003

This arrangement on territorial extension entered into force:

- between the United Kingdom and the Contracting Parties as of 27 June 2003 which have not notified objections (Albania, Armenia, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech

Republic, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Norway, Poland, Romania, Russia, Serbia and Montenegro, Slovakia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, Israel.): on 8 October 2003;

– between the United Kingdom and Ireland, following the withdrawal by Ireland of its objection: on 11 February 2010;

– between the United Kingdom and the States which became Contracting Parties between 28 June 2003 and 31 December 2009 (Andorra, Bosnia and Herzegovina, Monaco, San Marino) : on 6 April 2010.

Verenigd Koninkrijk, 25 mei 2004

In respect of the Government of the United Kingdom of Great Britain and Northern Ireland, references to the “Ministry of Justice” for the purposes of Article 11, paragraph 2, Article 15, paragraphs 1, 3 and 6, Article 21, paragraph 1 and Article 22 are to the Home Office (for England and Wales), the Crown Office (for Scotland) and the Northern Ireland Office (for Northern Ireland).

Verenigd Koninkrijk, 27 juni 2008

The Government of the United Kingdom proposes that, in accordance with Article 25, paragraph 5, of the Convention and Article 7, paragraph 2, of the Protocol thereto, the United Kingdom’s ratification of the Convention and Additional Protocol be extended to the Bailiwick of Jersey, being a territory for whose international relations the United Kingdom is responsible.

The reservations made by the Government of the United Kingdom of Great Britain and Northern Ireland upon ratification with respect to Articles 2, 3, 5(1), 11(2), 12 and 21 of the Convention and Article 8(2) (with respect to Chapters II and III) of the Additional Protocol, will apply in respect to the Island of Jersey. I further have the honour to make the additional declarations on behalf of the Bailiwick of Jersey :

In respect of the Island of Jersey, the Government of the United Kingdom of Great Britain and Northern Ireland requests that references to the “Ministry of Justice” for the purposes of Article 11, paragraph 2, Article 15, paragraphs 1, 3 and 6, Article 21, paragraph 1, and Article 22 are to Her Majesty’s Attorney General for Jersey.

In accordance with Article 16, paragraph 2, the Government of the United Kingdom of Great Britain and Northern Ireland reserves on behalf of the Island of Jersey the right to stipulate that requests and annexed documents shall be addressed to it accompanied by translations into English.

On behalf of the Island of Jersey, the Government of the United Kingdom of Great Britain and Northern Ireland notes that the small jurisdiction of Jersey receives a disproportionately higher number of requests for mutual assistance than it makes. In the circumstances, on behalf of

the Island of Jersey, the Government of the United Kingdom of Great Britain and Northern Ireland expresses the wish that requesting parties be prepared to consider a refund of reasonable expenses outside the scope of what is set out in Article 20. On behalf of the Island of Jersey, the Government of the United Kingdom of Great Britain and Northern Ireland stipulates that a lack of agreement on the refunding of expenses will not affect the commitment of the Island of Jersey to the obligations contained in the Convention.

In accordance with Article 24 for the purposes of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland deems the following to be judicial authorities in the Island of Jersey:

the Magistrate's Court and the Royal Court

Her Majesty's Attorney General for Jersey

In order that the provisions of Article 25, paragraph 5, of the Convention be fulfilled, I request that you circulate this Note to all other Contracting Parties on the basis that in the absence of receipt of a Note of objection within 90 days of the date of such circulation, an arrangement to this effect for the purposes of Article 25, paragraph 5, will be deemed to have been made between the United Kingdom and each of the Contracting Parties.

Verklaring van Italië, 3 oktober 2008

With reference to the United Kingdom's request for an extension of the scope of application of the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30) and its Additional Protocol (ETS No. 99) to the Bailiwick of Jersey, I have the honour to inform you that Italy accepts the above-mentioned extension of the Convention and the Protocol.

Nevertheless, taking into account the very small number of Italian requests concerning the Bailiwick of Jersey and the bilateral treaties, Italy does not deem it necessary to consider a refund of expenses outside the scope of what is set out in Article 20.

Bezwaar door Spanje, 10 september 2008

With reference to the extension and application of the European Convention on Mutual Assistance in Criminal Matters of 1959 (ETS No. 30) and its Additional Protocol (ETS No. 99) to the Island of Jersey, I have the honour to inform you that the competent Spanish authorities are in the process of examining the content of the Note prepared by the British authorities and communicated by the Depositary, as well as the mechanism used in order to reach a direct agreement as provided for by Article 25.5 of the Convention.

Aanvulling door Spanje, 19 januari 2009

Following the communication dated 9 September 2008 concerning the extension and application of the Convention and its Additional Protocol to the Isle of Jersey, the Spanish authorities, especially the Ministry of Justice, which is the competent authority in this matter, reported that there is an interest on their part to carry on mutual assistance in criminal matters with the Isle of Jersey. The said authorities consider that the proper procedure to accomplish this task is that the United Kingdom requires the agreement of the Parties to the Convention to extend its application to the Isle of Jersey through direct bilateral agreement between the Parties and not just through a tacit acceptance after a certain time elapses.

In addition, the Ministry of Justice considers that the procedure for reimbursement of expenses generated by the mutual assistance in criminal matters proposed by the United Kingdom implies an exception to the general rules applicable which is not sufficiently justified, especially taking into account that the British argument to offer reimbursement (the legal authorities of Jersey receive more requests for assistance than they request) is also applicable to Spain in respect of the United Kingdom since Spain is facing more requests from the United Kingdom than the latter sends to the Spanish authorities.

Depositaire mededeling Verenigd Koninkrijk, 2 oktober 2008

This Arrangement on territorial extension entered into force between the United Kingdom and the Contracting Parties which have not notified objections (Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, Israel) on 2 October 2008.

Verenigd Koninkrijk, 30 juni 2010

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.

Zuid-Korea, 29 september 2011

In respect of Article 5 of the Convention, the Republic of Korea reserves the right to make the execution of letters rogatory, provided that the conditions stipulated in subparagraphs 1.a and 1.c of Article 5 are complied with.

The Republic of Korea declares that if the offence for which assistance is sought is punishable by death under the law of the Republic of Korea, and if in respect of such offence the death-penalty is not provided for by the law of the requested Party or is not normally carried out, the Republic of Korea, if requested, shall give assurance that the death-penalty will not be carried out even if it is imposed by a court of the Republic of Korea.

In respect of Article 7, paragraph 3, of the Convention, the Republic of Korea declares that it shall specify “a certain time” to be 45 days.

In accordance with Article 15 of the Convention, the Republic of Korea reserves the right to limit its channels of communication to the diplomatic channel and the direct channel between the Ministries of Justice.

In respect of Article 16 of the Convention, the Republic of Korea reserves the right to apply Article 16, paragraph 2, as follows: “Requests, annexed documents and any other communications pursuant to this

Convention shall be accompanied by a translation into the language of the requested Party or into the English language.

Zweden, 1 februari 1968

Service of a summons on a person who is in Sweden must be transmitted to the Swedish authorities at least 30 days before the date fixed for appearance.

Zweden, 24 november 2000

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

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

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).

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.

The application together with the appendices shall be translated to Swedish, Danish or Norwegian, unless the authority dealing with the application otherwise allows in the individual case.

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

Zwitzerland, 20 december 1966

The Swiss Federal Council declares that Switzerland will make the execution of all letters rogatory requiring the application of any coercive measure dependent on the condition stated in Article 5, paragraph 1.a of the Convention.

Switzerland demands that all requests for the service of a summons on an accused person who is in Switzerland should reach the Swiss Authority which is competent under Article 15, paragraph 4, not later than 30 days before the date set for appearance.

The Swiss Federal Council declares that, for the Swiss authorities, the condition contained in Article 12, paragraph 3, for the cessation of immunity is – unlike the condition laid down in Article 14 of the European Convention on Extradition – only fulfilled when the witness, expert or accused person at liberty is not prevented by any legal or practical obstacle from freely leaving the territory of the requesting State.

Since anybody may obtain extracts from his own judicial record, Switzerland reserves the right not to comply with requests made under Article 13, paragraph 2, unless it is established that it is necessary to obtain such extract through official channels.

Switzerland demands that all requests for mutual assistance and annexes thereto addressed to its authorities, with the exception of requests for the service of summonses, be accompanied by a translation into French, German or Italian, if they are not drawn up in one of these languages.

Zwitzerland, 13 december 1996

The Swiss Federal Council has decided, in its meeting on 12 November 1996, to modify the reservation made by Switzerland with regard to Article 2, by deleting the words “in specific cases” in the sub-paragraph b and by adding a new sub-paragraph c. The reservation made by Switzerland will subsequently have the following new content:

“Article 2

a. Switzerland also reserves the right to refuse assistance if the act motivating the request is the subject, in Switzerland, of criminal proceedings

against the same person or if a criminal judgment on the merits has been delivered in Switzerland in respect of the act and of the guilt of the accused;

b. Switzerland reserves the right to afford mutual assistance under the Convention only on the express condition that the results of investigations made in Switzerland and the information contained in documents or files transmitted are used solely for the purpose of examining and trying the offences in respect of which mutual assistance is provided;

c. The requesting State may make use of the results of investigations made in Switzerland and the information contained in documents or files transmitted notwithstanding the condition mentioned under letter b, when the facts giving rise to the request constitute another offence for which mutual assistance may be granted by Switzerland or where the criminal proceedings in the requesting State are directed against other persons who have participated in the commission of the offence.”

Zwitsersland, 27 maart 1997

Referring to the reservation formulated by Switzerland with respect to Article 2 of the Convention, from which the new wording has been communicated on 5 December 1996, the Permanent Representation of Switzerland has the honour to precise the following.

The amendment (deletion of the phrase “in specific cases”) made to paragraph b of the reservation formulated by Switzerland in 1966 is not to be interpreted as an extension of that reservation, rather the contrary. In fact, on the one hand, since the entry into force of the Federal Law of 20 March 1981 on Mutual Assistance in Criminal Matters, the phrase mentioned above has become superfluous. On the other hand, the general principle of speciality, which paragraph b of the reservation merely re-states, will in future be applied less rigidly by Switzerland, as indeed further appears from the new paragraph c) added to the Swiss reservation.

Zwitsersland, 29 januari 2002

The Swiss Federal Council declares that the following authorities shall be regarded as Swiss judicial authorities for the purposes of the Convention:

- the Tribunals, their courts, chambers or sections;
- the Public Prosecutor (Ministère public) of the Confederation;
- the Federal Office of Justice;
- the authorities empowered by cantonal or federal law to hold an enquiry in criminal cases, to issue warrants or summonses (mandats de répressions) and to take decisions in a procedure connected with a criminal case. Since the denominations of the function of such authorities vary, the competent authority will, whenever necessary at the time of transmitting a request for assistance, expressly confirm that it is a judicial authority within the meaning of the Convention.

The Swiss Federal Council declares that the competent authorities in Switzerland for the issue of warrants for the arrest of persons in custody

who are transferred to the Swiss authorities under Article 11, paragraphs 1 and 2 of the Convention is the Federal Office of Justice of the Federal Department of Justice and Police in Berne.

The list of the Swiss central authorities territorially competent to which a request can be addressed can be consulted online at the following address: <http://www.elorge.admin.ch>

The Swiss Federal Council declares that the competent authorities in Switzerland are:

the Federal Office of Justice of the Federal Department of Justice and Police in Berne for the receipt or transmission of all requests for mutual assistance emanating from abroad or from Switzerland which Article 15 requires to be transmitted by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party; and

2. the Federal Office of Justice in Berne for the submission and receipt of requests for extracts from judicial records, in accordance with the first sentence of Article 15, paragraph 3.

G. INWERKINGTREDING

Zie de rubrieken G van *Trb.* 1969, 63, *Trb.* 1990, 117, *Trb.* 1991, 79 en *Trb.* 1993, 131 en rubriek H van *Trb.* 2001, 165.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 21 juli 1993 voor Nederland (het Europese deel), de Nederlandse Antillen en Aruba gold, vanaf 10 oktober 2010 voor Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint Maarten.

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *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, *Trb.* 1997, 280, *Trb.* 2001, 65 en *Trb.* 2002, 204.

Verbanden

Het Verdrag wordt gewijzigd en aangevuld door:

- Titel : Tweede aanvullend Protocol bij het Europees Verdrag inzake wederzijdse rechtshulp in strafzaken; Straatsburg, 8 november 2001
- Tekst : *Trb.* 2002, 30 (Engels en Frans)
Trb. 2008, 157 (vertaling)
- Laatste *Trb.* : *Trb.* 2011, 23

Overige verwijzingen

- Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
- Laatste *Trb.* : *Trb.* 2007, 146
- Titel : Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957
- Laatste *Trb.* : *Trb.* 2012, 113
- Titel : Verdrag aangaande de uitlevering en de rechtshulp in
strafzaken tussen het Koninkrijk België, het Groothertogdom
Luxemburg en het Koninkrijk der Nederlanden;
Brussel, 27 juni 1962
- Laatste *Trb.* : *Trb.* 2006, 146

Uitgegeven de *dertiende* juli 2012.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL