

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 170

A. TITEL

*Aanvullend Protocol bij het Europees Verdrag betreffende uitlevering;
Straatsburg, 15 oktober 1975*

B. TEKST

De tekst van het Protocol is geplaatst in *Trb.* 1979, 119.

C. VERTALING

Zie *Trb.* 1979, 119.

D. PARLEMENT

Zie *Trb.* 1982, 10 en *Trb.* 1993, 128.

E. PARTIJGEGEVENS

Zie *Trb.* 1979, 119, rubriek van *Trb.* 1993, 128 en rubriek F van *Trb.* 1997, 281.

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Albanië	19-05-98	19-05-98	R	17-08-98		
Andorra	11-05-00	13-10-00	R	11-01-01		
Armenië	08-11-01	18-12-03	R	17-03-04		
Azerbeidzjan	07-11-01	28-06-02	R	26-09-02		
België	18-11-97	18-11-97	R	16-02-98		
Bosnië- Herzegovina	30-04-04	25-04-05	R	24-07-05		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Bulgarije	30-09-93	17-06-94	R	15-09-94		
Cyprus	01-09-78	22-05-79	R	20-08-79		
Denemarken	27-09-76	13-09-78	R	20-08-79		
Estland	03-05-96	28-04-97	R	27-07-97		
Georgië	22-03-00	15-06-01	R	13-09-01		
Griekenland	18-06-80					
Hongarije	19-11-91	13-07-93	R	11-10-93		
IJsland	27-09-82	20-06-84	R	18-09-84		
Kroatië		25-01-95	T	25-04-95		
Letland	30-10-96	02-05-97	R	31-07-97		
Liechtenstein	17-11-03	04-02-04	R	04-05-04		
Litouwen	09-11-94	20-06-95	R	18-09-95		
Luxemburg	15-10-75	12-09-01	R	11-12-01		
Macedonië, Voormalige Joegoslavische Republiek	28-07-99	28-07-99	R	26-10-99		
Malta	20-11-00	20-11-00	R	18-02-01		
Moldavië	26-06-98	27-06-01	R	25-09-01		
Montenegro		23-06-03	T	06-06-06		
Nederlanden, het Koninkrijk der (voor Nederland)*	13-07-79	12-01-82	R	12-04-82		
Noorwegen	11-12-86	11-12-86	R	11-03-87		
Oekraïne	29-05-97	11-03-98	R	09-06-98		
Polen	19-02-93	15-06-93	R	13-09-93		
Portugal	27-04-77	25-01-90	R	25-04-90		
Roemenië	30-06-95	10-09-97	R	09-12-97		
Russische Federatie	07-11-96	10-12-99	R	09-03-00		

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Servië [en Montenegro]		23-06-03	T	21-09-03		
Slovenië	31-03-94	16-02-95	R	17-05-95		
Slowakije	14-02-96	23-09-96	R	22-12-96		
Spanje	10-06-83	11-03-85	R	09-06-85		
Tsjechië	18-12-95	19-11-96	R	17-02-97		
Zuid-Afrika		12-02-03	T	13-05-03		
Zweden	29-10-75	02-02-76	R	20-08-79		
Zwitserland	17-11-81	11-03-85	R	09-06-85		

¹⁾ DO=Definitieve ondertekening, NB=Niet bekend, R=Ratificatie, aanvanding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

* Overeenkomstig artikel 5, tweede lid, van het Protocol worden de bepalingen van het Protocol toegepast tussen de Nederlandse Antillen en Aruba en de onderstaande staten vanaf de aangegeven datum (zie ook rubriek H van *Trb.* 1993, 128):

Albanië	01-03-2001
Bulgarije	01-10-1996
Cyprus	01-05-1994
Denemarken	01-05-1994
Estland	01-10-1997
Griekenland	01-09-1994
Hongarije	01-07-1996
IJsland	01-10-1994
Kroatië	01-05-1996
Liechtenstein	01-12-1993
Litouwen	01-07-1997
Luxemburg	01-02-1994
Malta	01-07-1997
Moldavië	01-02-2000
Noorwegen	01-05-1994
Oekraïne	01-01-2000
Portugal	01-12-1995
Roemenië	01-06-2001
Slovenië	12-02-1997
Slowakije	01-09-1994
Spanje	01-02-1995
Tsjechië	01-06-1994
Turkije	01-05-1994
Zweden	01-10-1993

Zwitserland 01-01-1994

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 28 juni 2002

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its Additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

Denemarken, 13 september 1978

In accordance with Article 6.1 of the Additional Protocol, we declare not to accept Chapter I.

Georgië, 15 juni 2001

Georgia declares that it does not accept Chapter I of the Protocol and reserves the right to decide, in accordance with the Chapter, on a case-by-case basis whether or not to satisfy an extradition request. Georgia will not be responsible for the application of the provisions of the Protocol on the territories of Abkhazia and Tskhinvali region until the full jurisdiction of Georgia is restored over these territories.

Hongarije, 13 juli 1993

Since Article 6 of the Additional Protocol to the European Convention on Extradition makes possible the exclusion of the totality of Chapter I or II only, Hungary declares, that it does not accept Chapter I of the said Protocol.

Although Hungarian law is in accordance with Article 1.a and b, and does not contain any provision contrary to subparagraph c, Hungary reserves the right to consider on a case-by-case basis whether or not to satisfy extradition requests based on subparagraph c.

IJsland, 20 juni 1984

Iceland does not accept Chapter I of the Protocol.

Luxemburg, 12 september 2001

Pursuant to Article 6, paragraph 1, the Government of the Grand Duchy of Luxembourg declares that it does not accept Chapter II of the Additional Protocol.

Malta, 20 november 2000

In accordance with Article 6 of the Protocol, Malta declares that it does not accept Chapter I of the Protocol.

Nederlanden, het Koninkrijk der, 12 januari 1982

The Government of the Kingdom of the Netherlands declares, in accordance with Article 6 of the aforementioned Protocol, that it does not accept Chapter I of the Protocol.

Although Dutch legislation is fully in accordance with Article 1 (opening words and a. and b.) and does not contain any provisions, contrary to Article 1 (opening words and c.) in the case of acts committed during an international armed conflict, the Government of the Kingdom of the Netherlands wishes to reserve for itself the right to refuse extradition in cases of violations of laws and customs of war which have been committed during a non-international armed conflict.

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 5, paragraph 2 of the Additional Protocol to the European Convention on Extradition and in accordance with Article 8, paragraph 2 of the Second Additional Protocol of 17 March 1978, is extending the application of both Protocols to the Netherlands Antilles and Aruba in relation with the Parties, for which the European Convention on Extradition also applies to the Netherlands Antilles and Aruba.”

The declaration as made by the Netherlands in respect of the Additional Protocol of 15 October 1975 shall also apply to the Netherlands Antilles and Aruba.

[Note by the Secretariat: The Government of the Kingdom of the Netherlands had declared that it does not accept Chapter I of the Protocol].

Nederlanden, het Koninkrijk der, 10 februari 2006

On 13 June 2002, the Council of the European Union adopted a framework decision (2002/584/JHA) on the European arrest warrant and the surrender procedures between Member States (“the framework decision”). Article 31 of the framework decision states that, from 1 January 2004, the provisions of the framework decision shall replace the corresponding provisions of the conventions pertaining to extradition that apply in relations between the Member States of the European Union.

By Note of 31 August 2005, the Permanent Representation of the Kingdom of the Netherlands informed the Secretary General of the Council of Europe that the European Convention on Extradition, done at Paris on 13 December 1957 (“the Convention”), would no longer be applied in relations between the part of the Kingdom of the Netherlands situated in Europe and the Member States of the European Union that are Parties to the Convention.

Accordingly, the Permanent Representation of the Kingdom of the Netherlands has the honour to confirm that, in view of the foregoing, the Additional Protocol to the European Convention on Extradition (“the Additional Protocol”) is likewise no longer applied in relations between the part of the Kingdom of the Netherlands situated in Europe and the Member States of the European Union that are Parties to the Additional Protocol.

The Permanent Representation of the Kingdom of the Netherlands would emphasise that the above in no way alters the application of the Additional Protocol in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Additional Protocol, or
- the part of the Kingdom of the Netherlands situated in Europe and the Parties to the Additional Protocol that are not Member States of the European Union.

Noorwegen, 11 december 1986

Pursuant to Article 6, Norway declares that it does not accept Chapter I of the Protocol.

Oekraïne, 11 maart 1998

Although Ukrainian legislation is in accordance with Article 1, paragraphs a and b, and does not contain any provision contrary to the paragraph c, Ukraine declares that it does not accept Chapter I and reserves the right to decide, in accordance with the Chapter, on a case-by-case basis whether or not to satisfy extradition requests.

Russische Federatie, 7 november 1996

Considering its declaration on Article 3 of the European Convention on Extradition of 1957, the Russian Federation does not regard as exhaustive the list of offences contained in Article 1 of this Protocol that are not offences of a political nature.

Russische Federatie, 10 december 1999

Given its statement concerning Article 3 of the European Convention on Extradition of December 13, 1957 the Russian Federation does not consider the list of offences that are not “Political offences” set forth in Article 1 of the Additional Protocol of October 15, 1975 to the European Convention on Extradition of December 13, 1957, as exhaustive.

Zweden, 2 februari 1976

Sweden does not accept Chapter I of the said Protocol.

G. INWERKINGTREDING

Zie *Trb.* 1979, 119, *Trb.* 1982, 10 en *Trb.* 1993, 128.

Ingevolge artikel 31, eerste lid, onderdeel a, van het hieronder in rubriek J vermelde Kaderbesluit van de Raad van de Europese Unie van 13 juni 2002 en de inwerkingtreding daarvan op 7 augustus 2002, worden de bepalingen van het Protocol vanaf 1 januari 2004 niet langer toegepast in de betrekkingen tussen de lidstaten, met inachtneming van de verklaringen die lidstaten overeenkomstig artikel 32 van het Kaderbesluit hebben afgelegd.

Het Protocol blijft van kracht tussen de in rubriek E genoemde staten en de Nederlandse Antillen en Aruba en, ingevolge artikel 31 van het Kaderbesluit, tussen Nederland en de niet tot de EU behorende Verdragsluitende Partijen.

J. VERWIJZINGEN

Voor verdragsgegevens en overige verwijzingen zie *Trb.* 1979, 119, *Trb.* 1982, 10, *Trb.* 1993, 128 en *Trb.* 1997, 281.

Verbanden

Titel : Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957
Laatste *Trb.* : *Trb.* 2006, 168

Het Protocol wordt in de betrekkingen tussen de lidstaten van de Europese Unie vervangen door:

Titel : Kaderbesluit van de Raad van de Europese Unie van
13 juni 2002 betreffende het Europees aanhoudings-
bevel en de procedures van overlevering tussen de
lidstaten van de Europese Unie (2002/584/JBZ);
Tekst : *Pb.* EG L 190 van 18 juli 2002, blz. 1 e.v.

Overige verwijzingen

Titel : Verdrag inzake de voorkoming en de bestraffing van
genocide;
Parijs, 9 december 1948
Laatste *Trb.* : *Trb.* 1994, 254

Uitgegeven de *tiende* augustus 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT