

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2006 Nr. 171**

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A. TITEL

*Tweede Aanvullend Protocol bij het Europees Verdrag betreffende  
uitlevering;  
Straatsburg, 17 maart 1978*

B. TEKST

De tekst van het Protocol is geplaatst in *Trb.* 1979, 120.

C. VERTALING

Zie *Trb.* 1979, 120.

D. PARLEMENT

Zie *Trb.* 1983, 70 en *Trb.* 1993, 129.

E. PARTIJGEGEVENS

Zie *Trb.* 1979, 120 en rubriek F van *Trb.* 1993, 129.

| Partij       | Onder-<br>tekening | Ratifi-<br>catie | Type <sup>1)</sup> | In<br>werking | Opzeg-<br>ging | Buiten<br>werking |
|--------------|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Albanië      | 19-05-98           | 19-05-98         | R                  | 17-08-98      |                |                   |
| 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      |                |                   |

| Partij   | Onder-<br>tekening | Ratifi-<br>catie | Type <sup>1)</sup> | In<br>werking | Opzeg-<br>ging | Buiten<br>werking |
|--|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Bosnië-<br>Herzegovina   | 30-04-04           | 25-04-05         | R                  | 24-07-05      |                |                   |
| Bulgarije  | 30-09-93           | 17-06-94         | R                  | 15-09-94      |                |                   |
| Cyprus   | 21-06-83           | 13-04-84         | R                  | 12-07-84      |                |                   |
| Denemarken   | 25-10-82           | 07-03-83         | R                  | 05-06-83      |                |                   |
| Duitsland  | 08-11-85           | 08-03-91         | R                  | 06-06-91      |                |                   |
| Estland  | 03-05-96           | 28-04-97         | R                  | 27-07-97      |                |                   |
| Finland  |                    | 30-01-85         | T                  | 30-04-85      |                |                   |
| 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      |                |                   |
| Italië   | 23-04-80           | 23-01-85         | R                  | 23-04-85      |                |                   |
| Kroatië  |                    | 25-01-95         | T                  | 25-04-95      |                |                   |
| Letland  | 30-10-96           | 02-05-97         | R                  | 31-07-97      |                |                   |
| Litouwen   | 09-11-94           | 20-06-95         | R                  | 18-09-95      |                |                   |
| Macedonië,<br>Voormalige<br>Joegoslavische<br>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      |                |                   |
| <b>Nederlanden,<br/>het Koninkrijk<br/>der</b> (voor<br>Nederland)*) | 13-07-79           | 12-01-82         | R                  | 05-06-83      |                |                   |
| Noorwegen  | 11-12-86           | 11-12-86         | R                  | 11-03-87      |                |                   |
| Oekraïne   | 29-05-97           | 11-03-98         | R                  | 09-06-98      |                |                   |
| Oostenrijk   | 17-03-78           | 02-05-83         | R                  | 31-07-83      |                |                   |
| Polen  | 19-02-93           | 15-06-93         | R                  | 13-09-93      |                |                   |

| Partij                   | Ondertekening | Ratificatie | Type <sup>1)</sup> | In werking | Opzegging | Buiten werking |
|--------------------------|---------------|-------------|--------------------|------------|-----------|----------------|
| Portugal                 | 27-04-78      | 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   |           |                |
| 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   |           |                |
| Turkije                  | 16-07-87      | 10-07-92    | R                  | 08-10-92   |           |                |
| Verenigd Koninkrijk, het | 09-11-92      | 08-03-94    | R                  | 06-06-94   |           |                |
| Zuid-Afrika              |               | 12-02-03    | T                  | 13-05-03   |           |                |
| Zweden                   | 06-04-79      | 13-06-79    | R                  | 05-06-83   |           |                |
| Zwitserland              | 17-11-81      | 11-03-85    | R                  | 09-06-85   |           |                |

<sup>1)</sup> DO=Definitieve ondertekening, NB=Niet bekend, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

\*) Overeenkomstig artikel 8, tweede lid, van het Protocol worden de bepalingen van het Protocol toegepast tussen de Nederlandse Antillen en Aruba en de onderstaande staten vanaf de weergegeven 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 |
| Duitsland . . . . .  | 01-04-2002 |
| Estland . . . . .    | 01-10-1997 |
| Finland . . . . .    | 01-10-1996 |
| Hongarije . . . . .  | 01-07-1996 |
| IJsland . . . . .    | 01-10-1994 |
| Italië . . . . .     | 30-12-1993 |
| Kroatië . . . . .    | 01-05-1996 |
| Litouwen . . . . .   | 01-07-1997 |
| Malta . . . . .      | 01-07-1997 |

|                                    |            |
|------------------------------------|------------|
| Moldavië . . . . .                 | 01-02-2000 |
| Noorwegen . . . . .                | 01-05-1994 |
| Oekraïne . . . . .                 | 01-01-2000 |
| Oostenrijk . . . . .               | 01-01-1996 |
| Portugal . . . . .                 | 01-12-1995 |
| Roemenië . . . . .                 | 01-06-2000 |
| Slovenië . . . . .                 | 12-02-1997 |
| Slowakije . . . . .                | 01-09-1994 |
| Spanje . . . . .                   | 01-02-1995 |
| Tsjechië . . . . .                 | 01-06-1994 |
| Turkije . . . . .                  | 01-05-1994 |
| Verenigd Koninkrijk, het . . . . . | 04-03-1996 |
| Zweden . . . . .                   | 01-10-1993 |
| Zwitserland . . . . .              | 01-01-1994 |

### Uitbreidingen

#### **Verenigd Koninkrijk, het**

| Uitgebreid tot | In werking | Buiten werking |
|----------------|------------|----------------|
| Guernsey       | 25-04-2003 |                |
| Man            | 25-04-2003 |                |

#### **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.

België, 18 november 1997

Belgium declares that it does not accept Chapter V of the Second Additional Protocol to the European Convention on Extradition.

Bulgarije, 17 juni 1994

In accordance with Article 9 paragraph 2, the Republic of Bulgaria declares that it reserves the right not to accept Chapter I and the right to accept Chapter II in respect of offences concerning taxes, customs charges and currency exchange charges which are punishable under the Bulgarian Criminal Code.

Georgië, 15 juni 2001

In pursuance of Article 9, paragraph 2, Georgia declares that it does not accept Chapter V of this Protocol.

According to the legislation of Georgia, the competent body to review extradition cases is the General Prosecutor's Office of Georgia. Herewith the use of the diplomatic channels for extradition cases is not excluded. 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.

Letland, 2 mei 1997

In pursuance of paragraph 2 of Article 9 of the Second Additional Protocol to the Convention on Extradition of 1978, the Republic of Latvia reserves the right not to accept Chapter V of the Protocol.

Malta, 20 november 2000

In accordance with Article 9 of the Protocol, Malta reserves the right not to apply Chapter I and Chapter III of the Protocol.

**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.

**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 Second Additional Protocol to the European Convention on Extradition ("the Second Additional Protocol") is likewise no longer applied in rela-

tions 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 Second Additional Protocol.

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

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

Noorwegen, 11 december 1986

Pursuant to Article 9, Norway declares that it does not accept Chapters I and V of the Protocol.

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 requests by bodies of pre-trial investigation) shall be the authorities to which reference is made in article 12, paragraph 1 of the Convention, as amended by the Second Additional Protocol.

Oostenrijk, 9 september 1994

With respect to the member States of this Additional Protocol, Austria declares that, under the conditions provided by Chapter II, it will grant extradition also for offences which are exclusively contraventions against regulations concerning monopolies on the export, import, transit and rationing of goods.

Russische Federatie, 7 november 1996

The Russian Federation reserves the right not to apply Chapter V. The designated authority of the Russian Federation to consider questions of extradition is the Procurator-General's Office of the Russian Federation.

Russische Federatie, 10 december 1999

The Russian Federation shall reserve the right not to apply Chapter V of the Second Additional Protocol of March 17, 1978 to the European Convention on Extradition of December 13, 1957.

Turkije, 10 juli 1992

The Government of the Republic of Turkey reserves the right to use diplomatic channels in transmitting extradition requests in order to follow-up and carry out the necessary proceedings by diplomatic missions in the requested State, taking into consideration the type of request.

Verenigd Koninkrijk, het, 8 maart 1994

In accordance with paragraph 2 of Article 9, the United Kingdom declares that it does not accept Chapter I, Chapter III, Chapter IV or Chapter V of the Protocol.

Verenigd Koninkrijk, het, 25 april 2003

In accordance with paragraph 2 of Article 9, the United Kingdom does not accept, in respect of the Isle of Man and Guernsey, Chapter I, Chapter III, Chapter IV or Chapter V of the Protocol.

Zwitserland, 11 maart 1985

Switzerland declares not to accept Chapter II of the Second Additional Protocol to the European Convention on Extradition.

#### G. INWERKINGTREDING

Zie *Trb.* 1983, 70 en *Trb.* 1993, 129.

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 Verdragspartijen.

#### J. VERWIJZINGEN

Voor verwijzingen en overige verdragsgegevens zie *Trb.* 1979, 120, *Trb.* 1983, 70, *Trb.* 1993, 129 en *Trb.* 1997, 285.

#### **Verbanden**

Titel : Europees Verdrag betreffende uitlevering;  
Parijs, 13 december 1957.

Laatste *Trb.* : *Trb.* 2006, 168

Het Protocol wordt in de betrekkingen tussen Nederland en de lidstaten van de Europese Unie niet langer toegepast op grond van:

- Titel : Kaderbesluit van de Raad van de Europese Unie van 13 juni 2002 betreffende het Europees aanhoudingsbevel 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.

Uitgegeven de *tiende* augustus 2006.

*De Minister van Buitenlandse Zaken,*

B. R. BOT