

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1982 Nr. 7

A. TITEL

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

B. TEKST

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

Het Verdrag is aangevuld bij Protocol van 17 maart 1978 (zie rubriek J hieronder).

Het Verdrag is in overeenstemming met artikel 27, eerste lid, nog ondertekend voor:

Portugal	10 mei 1979
Spanje	24 juli 1979

C. VERTALING

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

D. PARLEMENT

Zie *Trb.* 1969, 63.

E. BEKRACHTIGING

Zie *Trb.* 1965, 10¹⁾, *Trb.* 1969, 63, *Trb.* 1974, 163 en *Trb.* 1977, 21.

¹⁾ Ter aanvulling van de verklaring afgelegd bij de bekrachtiging van het Verdrag (zie *Trb.* 1965, 10, blz. 44) heeft de Regering van Italië op 29 augustus 1977 de Secretaris-Generaal van de Raad van Europa het volgende medegedeeld:

«Le Gouvernement italien, faisant suite à la déclaration effectuée le 23 août

1961 à l'occasion du dépôt de l'instrument de ratification de la Convention européenne d'entraide judiciaire en matière pénale, ouverte à la signature des Etats membres du Conseil de l'Europe le 20 avril 1959, et se référant à l'article 24 de la Convention, tout en confirmant entièrement la précédente déclaration, déclare que doivent être considérées en tant que «autorités judiciaires italiennes», en complément de celles déjà indiquées par la déclaration précédente, les autorités suivantes:

- la Cour Constitutionnelle
- la Commission Parlementaire d'enquête.

Le Gouvernement italien précise, à ce sujet, que les deux instances susindiquées ont acquis leurs entières compétences judiciaires à une date postérieure à celle du dépôt, de la part de l'Italie, de l'instrument de ratification de la Convention.

La Cour Constitutionnelle a en effet établi les normes complémentaires pour l'exercice de sa compétence en la matière des jugements d'accusation, conformément à l'art. 134 de la Constitution, par règlement du 27/11/1962, publié dans la «Gazzetta Ufficiale» (Journal Officiel de la République italienne) n° 320 du 15 décembre 1962.

A son tour, la compétence juridictionnelle de la Commission Parlementaire d'enquête a été définie par la Loi n° 20 du 25 janvier 1962 portant sur les «normes des procès et des jugements d'accusation». (*Vertaling*).

F. TOETREDING

Zie *Trb.* 1969, 63, *Trb.* 1974, 163 en *Trb.* 1977, 21.

Behalve de aldaar genoemde Staten heeft nog de volgende Staat in overeenstemming met artikel 28, tweede lid, van het Verdrag een akte van toetreding nedergelegd bij de Secretaris-Generaal van de Raad van Europa:

Finland¹⁾ 29 januari 1981

1) Onder de volgende voorbehouden en verklaringen:

“Reservations

1. With respect to *Article 2* of the Convention Finland declares that judicial assistance may be refused:

a. when the offence in respect of which the request is made, if perpetuated in corresponding circumstances in Finland, would not be punishable under Finnish law;

b. when the offence is one which is already the subject of investigation in Finland or in a third State;

c. when 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;

d. when 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;

e. where the prosecution or enforcement of sentence is time-barred under Finnish law.

2. With respect to *Article 11* of the Convention Finland declares that the assistance referred to in that Article cannot be given in Finland.

3. With respect to *Article 13* of the Convention Finland declares that extracts or information from judicial records will be made available only in respect of an individual who has been charged or brought to trial.

4. With respect to *Article 15 paragraph 7* of the Convention Finland declares that it will with regard to the other Nordic countries adhere to the Agreement between Finland, Denmark, Iceland, Norway and Sweden on mutual judicial assistance in serving documents and taking of evidence.

5. With respect to *Article 20* of the Convention Finland declares that it will with regard to the other Nordic countries adhere to the Agreement referred to in paragraph 4.

6. With respect to *Article 22* of the Convention Finland declares that it will not inform other Contracting Parties of criminal convictions and subsequent measures referred to in that Article.

7. With respect to *Article 26 paragraph 1* of the Convention Finland declares that it will with regard to the other Nordic countries adhere to the Agreement referred to in paragraph 4 in serving documents and taking of evidence.

Declarations

1. With respect to *Article 5* of the Convention 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-paragraphs a-c of the said Article.

2. With regard to *Article 7 paragraph 3* of the Convention Finland declares that it requires that service of a summons on a person who is in Finland be transmitted to the competent Finnish authorities not less than 30 days prior to the date set for appearance.

3. With regard to *Article 15 paragraph 6* of the Convention Finland declares that it requires that requests for judicial assistance addressed to Finland in all cases be transmitted to the Ministry of Justice.

4. With regard to *Article 16 paragraph 1* of the Convention Finland declares that it requires that requests and annexed documents not drawn up in Finnish, Swedish or English be accompanied by a translation into one of these languages. By accepting requests in the aforesaid languages, Finland does not undertake to have translated the reply and annexed documents. Swedish is the second official language of Finland.

5. With regard to *Article 24* of the Convention Finland declares that as regards Finland the judicial authorities are deemed to mean, for the application of Articles 3, 4 and 6, the courts and investigating judges and in other cases, the courts, investigating judges and the public prosecutors.

6. With respect to *Article 25* of the Convention Finland notes that the Federal Republic of Germany has on 2 October 1976 given a declaration in accordance with Article 25 paragraph 3 concerning Berlin (West). Furthermore Finland takes note that the other paragraphs of Article 25, for the time being, have no practical application.

7. With regard to *Article 26 paragraph 4* of the Convention Finland declares that notwithstanding the provisions of the Convention, Finland will with regard to the other Nordic countries apply the law on the duty to appear as witness in court in another Nordic country.”.

G. INWERKINGTREDING

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

J. GEGEVENS

Zie *Trb.* 1965, 10, *Trb.* 1969, 63, *Trb.* 1974, 163 en *Trb.* 1977, 21.

Voor het op 5 mei 1949 te Londen tot stand gekomen Statuut van de Raad van Europa zie ook, laatstelijk, *Trb.* 1979, 40.

Voor het op 13 december 1957 te Parijs tot stand gekomen Europees Verdrag betreffende uitlevering zie ook, laatstelijk, *Trb.* 1982, 6.

Van het op 17 maart 1978 te Straatsburg tot stand gekomen Protocol ter aanvulling van het onderhavige Verdrag zijn tekst en vertaling geplaatst in *Trb.* 1979, 121; zie ook *Trb.* 1982, 11.

Uitgegeven de achtentwintigste januari 1982.

De Minister van Buitenlandse Zaken,
M. VAN DER STOEL