

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 294

A. TITEL

*Protocol vastgesteld door de Raad overeenkomstig artikel 34 van het Verdrag betreffende de Europese Unie, bij de Overeenkomst betreffende de wederzijdse rechtshulp in strafzaken tussen de lidstaten van de Europese Unie;
Luxemburg, 16 oktober 2001*

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2001, 187.

D. PARLEMENT

Zie *Trb.* 2004, 212.

E. PARTIJGEGEVENS

Zie de rubrieken E en F van *Trb.* 2004, 212.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
België	16-10-01	25-05-05	R	05-10-05		
Denemarken	16-10-01	01-03-05	R	05-10-05		
Duitsland	16-10-01	04-11-05		02-02-06		
Finland	16-10-01	21-02-05	R	05-10-05		
Frankrijk	16-10-01	10-05-05	R	05-10-05		
Griekenland	16-10-01					
Hongarije		25-08-05	T	23-11-05		

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Ierland	16-10-01					
Italië	16-10-01					
Letland		14-06-04	T	05-10-05		
Litouwen		28-05-04	T	05-10-05		
Luxemburg	16-10-01					
Nederlanden, het Koninkrijk der (voor Nederland)	16-10-01	02-04-04	R	05-10-05		
Oostenrijk	16-10-01	04-04-05	R	05-10-05		
Polen		28-07-05	T	26-10-05		
Portugal	16-10-01					
Slovenië		28-06-05	T	05-10-05		
Spanje	16-10-01	05-01-05	R	05-10-05		
Verenigd Koninkrijk, het	16-10-01					
Zweden	16-10-01	07-07-05	R	05-10-05		

¹⁾ DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Verklaringen, voorbehouden en bezwaren

België, 25 mei 2005

In accordance with Article 24 of the Convention, the Kingdom of Belgium states that the competent authorities for the application of the Convention are the judicial authorities and, where the intervention of a central authority is required, the Directorate-General of Legislation, Fundamental Freedoms and Rights at the Federal Department of Justice (Service public fédéral Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Autorité centrale d'entraide pénale, Boulevard de Waterloo 115, 1000 Bruxelles). As stated in the Declaration made in connection with the 1959 Convention on Mutual Assistance, the Kingdom of Belgium defines "judicial authorities" as "members of the judicial authority responsible for delivering rulings, examining magistrates and members of the Public Prosecutor's Office".

The Kingdom of Belgium does not designate any non-judicial authority for the application of the Convention.

Denemarken, 1 maart 2005

– Denmark is entering a reservation under Article 9(2) of the Protocol, so as to make Article 9(1) applicable only in relation to:

(a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism of 27 January 1977; and

(b) offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(4) of the Convention of 27 September 1996 relating to extradition between the Member States of the European Union – to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism;

– in Denmark's case, the Protocol does not, for now, apply to the Faroe Islands or Greenland.

Finland, 21 februari 2005

Article 13 paragraph 5,

Before the Protocol enters into force between States, Finland will apply the Protocol in its relations with Member States which have made the same declaration.

Frankrijk, 10 mei 2005

Article 9(2):

In accordance with Article 9(2), France declares that it will apply Article 9(1) only in relation to the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism of 27 January 1977 and to offences of conspiracy or association to commit one or more of those offences.

Article 13(5):

France declares that, in accordance with Article 13(5), it will apply the Protocol in its relations with Member States which have made a similar declaration.

Letland, 14 juni 2004

In accordance with paragraph 2 of Article 9 of the Protocol the Republic of Latvia declares that it applies the provision of the paragraph 1 of Article 9 of the said Protocol only in relation to the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and to offences of conspiracy or association, which correspond to the description of behaviour referred to in Article 3(4) of the Convention relating to extradition between the Member States of the European Union, to commit one or more of the offences referred to in Article 1 and 2 of the European Convention on Suppression of Terrorism.

Nederlanden, het Koninkrijk der, 2 april 2004

Het Koninkrijk der Nederlanden verklaart overeenkomstig artikel 13, vijfde lid, dat het Protocol tot zijn inwerkingtreding zal worden toege-

past in zijn betrekkingen met de lidstaten die eenzelfde verklaring hebben afgelegd.

Oostenrijk, 4 april 2005

Re Article 1(5) of the Protocol:

Austria declares in accordance with Article 1(5) that it makes the execution of a request under Article 1 dependent on the same conditions as it applies in respect of requests for search and seizure.

Re Article 2(4) of the Protocol:

Austria declares in accordance with Article 2(4) that it makes the execution of a request under Article 2 dependent on the same conditions as it applies in respect of requests for search and seizure.

Spanje, 5 januari 2005

In accordance with Article 13(5), Spain declares that, pending its entry into force, this Protocol will apply in its relations with Member States which have made the same declaration. This declaration will take effect ninety days after the date of its deposit.

Zweden, 7 juli 2005

Statements:

(a) The authorities (public prosecutors and courts) designated by Sweden as competent judicial authorities under Article 24 of the 1959 European Convention on Mutual Assistance in Criminal Matters are competent for the application of the EU Convention of 29 May 2000 on Mutual Assistance in Criminal Matters and the Protocol of 16 October 2001 to that Convention.

(b) In addition:

(1) under Article 24(1)(b) of the Convention, the Ministry of Justice is the competent central authority;

(2) under Article 24(1)(c) of the Convention, the following police and customs authorities are competent:

(i) the National Police Board, the police authorities, the Customs Board and the Coast Guard for controlled deliveries (Article 12);

(ii) the National Police Board, the police authorities, the Customs Board and the Coast Guard for joint investigation teams (Article 13), and

(iii) the National Police Board and the police authorities for covert investigations (Article 14);

(3) under Article 24(1)(e) of the Convention, public prosecutors are competent.

F. VOORLOPIGE TOEPASSING

Zie de rubrieken E en G van *Trb.* 2004, 212.

G. INWERKINGTREDING

De bepalingen van het Protocol zijn ingevolge artikel 13, derde lid, op 5 oktober 2005 in werking getreden.

Voor de lidstaten die na 5 oktober 2005 een kennisgeving als bedoeld in artikel 13, tweede lid, doen, treedt het Protocol ingevolge artikel 13, vierde lid, in werking negentig dagen na de datum van die kennisgeving.

Het Protocol is ingevolge artikel 3, derde lid, voor het *Koninkrijk der Nederlanden* op 5 oktober 2005 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 2001, 187 en *Trb.* 2004, 212.

- Titel : Overeenkomst ter uitvoering van het tussen de Regeringen van de Staten van de Benelux Economische Unie, de Bondsrepubliek Duitsland en de Franse Republiek op 14 juni 1985 te Schengen gesloten Akkoord betreffende de geleidelijke afschaffing van de controles aan de gemeenschappelijke grenzen;
Schengen, 19 juni 1990
- Laatste *Trb.* : 2004, 228

Uitgegeven de *eenentwintigste* november 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT