

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 145

A. TITEL

*Overeenkomst, opgesteld op grond van artikel K.3 van het Verdrag
betreffende de Europese Unie, betreffende uitlevering tussen de
Lid-Staten van de Europese Unie;
(met Bijlage)
Dublin, 27 september 1996*

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van de Overeenkomst,
met Bijlage, zijn geplaatst in *Trb.* 1996, 304.

D. PARLEMENT

Zie *Trb.* 2001, 24.

E. PARTIJGEGEVENS

Zie *Trb.* 2001, 24.

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
België	27-09-96	25-07-01	R			
Cyprus		08-06-05	T			
Denemarken	27-09-96	17-09-97	R			
Duitsland	27-09-96	11-12-98	R			
Estland		17-01-05	T			
Finland	27-09-96	07-04-99	R			
Frankrijk	27-09-96	01-04-05	R			

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Griekenland	27-09-96	26-07-99	R			
Ierland	27-09-96	28-06-02	R			
Italië	27-09-96					
Letland		14-06-04	T			
Litouwen		28-05-04	T			
Luxemburg	27-09-96	30-07-01	R			
Nederlanden, het Koninkrijk der (voor Nederland)	27-09-96	29-06-00	R			
Oostenrijk	27-09-96	12-04-01	R			
Polen		19-04-06	T			
Portugal	27-09-96	06-10-98	R			
Spanje	27-09-96	09-12-97	R			
Verenigd Koninkrijk, het	27-09-96	20-12-01	R			
Zweden	27-09-96	03-08-01	R			

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

Verklaringen, voorbehouden en bezwaren

België, 25 juli 2001

Reservation regarding Article 3:

Belgium reserves the right not to apply Article 3(1).

Reservation regarding Article 7:

The extradition of nationals will be granted only under the following conditions:

- the possibility of extradition will be confined to extradition for the purposes of prosecution;
- the requesting Member State must, prior to extradition, give its agreement to transfer to Belgium the person to be extradited so that that person serves his sentence there if a penalty involving deprivation of liberty or a detention order is imposed; the provisions in force concerning the inter-State transfer of sentenced persons shall apply, including the consent of the sentenced person;

– it is subject to reciprocity.

Reservation regarding Article 12:

Article 15 of the European Convention on Extradition and Article 14(1) of the Benelux Treaty shall continue to apply in respect of Belgium.

Declaration regarding Article 13(2):

The central authority is the Individual Cases Section of the International Judicial Cooperation Department in the Directorate-General for Criminal Legislation and Human Rights of the Ministry of Justice.

Declaration regarding Article 14:

In the case of Belgium, the judicial authorities authorised to request or to communicate and receive supplementary information following a request for extradition are:

- the public prosecutor's offices;
- the national magistrates.

Declaration regarding Article 18(4):

As far as Belgium is concerned, this Convention shall apply to its relations with Member States that have made the same declaration.

Cyprus, 8 juni 2005

Article 7(2):

Pursuant to Article 7(2) of the Convention, the Republic of Cyprus declares that it will not grant extradition of its nationals.

Article 13(1):

Pursuant to Article 13(1) of the Convention, the Republic of Cyprus declares that the Ministry of Justice and Public Order is designated as the central authority to exercise the functions provided in the Convention.

Denemarken, 17 september 1997

Re Article 3(3):

A request for extradition may be refused if the offence for which extradition is requested is not regarded as an offence under Danish law, even if the offence is classified by the law of the requesting Member State as a conspiracy or an association to commit offences and is punishable by deprivation of liberty for at least twelve months and even if the conspiracy or the association is to commit one of the offences referred to in Article 3(1)(a) or (b).

Re Article 5(2):

Article 5(1) will apply only in relation to the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and offences that can be defined as offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(4) – to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

Re Article 7(2):

Extradition may be refused if the person claimed is a Danish national.

Re Article 12(2):

Article 15 of the European Convention on Extradition shall continue to apply in the case of Denmark, unless the person extradited had, when agreeing to be extradited from Denmark to the Member State to which extradition occurred, indicated his/her agreement to being called to account and re-extradited to a third Member State for punishable offences committed before extradition other than those for which the person was extradited, or unless the person extradited has indicated his/her agreement to re-extradition at a court hearing in the Member State to which extradition has occurred.

Re Article 13(2):

In the case of Denmark, the designated central authority is the Ministry of Justice, Slotsholmsgade 10, 1216 København K.

Re Article 14, first paragraph:

In those Member States which have made a declaration to Denmark pursuant to the first paragraph of Article 14, the judicial authorities or other competent authorities may make requests directly to Denmark's judicial authorities or other competent authorities responsible for criminal proceedings against the person whose extradition is requested for supplementary information in accordance with Article 13 of the European Convention on Extradition.

Re Article 14, second paragraph:

In the case of Denmark, the courts and public prosecution authorities are authorized to request, communicate and receive the supplementary information referred to in the first paragraph of Article 14. Under the Danish Administration of Justice Act, public-prosecution authorities comprise the Ministry of Justice, Director of Public Prosecutions, Public Prosecutors, Commissioner of the Copenhagen Police and Chief Constables.

Re Article 18(4):

In the case of Denmark, the Convention shall apply to its relations with Member States that have made the same declaration with regard to Denmark, ninety days after the date of deposit thereof.

The Convention shall not, in the case of Denmark, apply to the Faroe Islands and Greenland until otherwise provided.

Duitsland, 11 december 1998

Re Article 7:

Pursuant to Article 16(2) of the Basic Law, no German may be extradited from the Federal Republic of Germany to a foreign country; the Federal Republic of Germany must therefore refuse extradition of its nationals under any circumstances.

Re Article 11:

The Federal Government declares that in the Federal Republic of Germany's relations with all other Member States which have made the same declaration, consent for the purposes of Article 14(1)(a) of the European Convention on Extradition is presumed to have been given,

unless it indicates otherwise when granting extradition in a particular case.

Re Article 13:

For the purposes of Article 13(1), the central authorities will be the Federal Minister for Justice and the Justice Ministers and Senators of the Länder. However, where the documents referred to in Article 13(1) are received or transmitted by facsimile, the Federal Minister for Justice is to be regarded as the sole central authority.

Re Article 14:

The Federal Government declares that in the Federal Republic of Germany's relations with other Member States which have made the same declaration, requests for supplementary information pursuant to Article 13 of the European Convention on Extradition may be made directly to the competent judicial authorities or other competent authorities and answered by them directly.

Where the Federal Republic of Germany is the requested Member State, the public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichten] will be responsible for requesting and receiving supplementary information.

Where Germany is the requesting Member State, the responsibility for requesting and transmitting supplementary information will lie with the head of the prosecution department [Generalbundesanwalt] at the Federal Supreme Court [Bundesgerichtshof], the public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichten] and the public prosecutor's offices at the District Courts [Landgerichten].

Requests for information should be made directly to the prosecuting authority dealing with the particular extradition case.

Re Article 18:

In accordance with Article 18(4), the Federal Government declares that as far as it is concerned, the Convention will apply to the Federal Republic of Germany's relations with Member States which have made the same declaration, 90 days after the date of deposit of the declaration.

Estland, 17 januari 2005

1. Pursuant to Article 13 of the Convention the central authority is the Ministry of Justice;

2. Pursuant to Article 12 of the Convention the Republic of Estonia shall continue to apply Article 15 of the European Convention on Extradition.

Finland, 7 april 1999

1. Article 7(2):

Finland will grant extradition of its nationals only under the following conditions:

at the discretion of the Ministry of Justice, a Finnish national may be extradited to a Member State of the European Union to stand trial for a crime the most severe punishment for which, under Finnish law, is at

least four years' imprisonment if committed under similar circumstances in Finland;

a condition of extradition is that, once the judgment has become final, the requesting Member State undertake immediately to return an extradited Finnish national to Finland for possible imprisonment if he consents to serve his sentence in Finland;

no Finnish national may be extradited for a political crime or a crime committed in Finland, on a Finnish vessel on the high seas or in a Finnish aircraft; no Finnish national may be prosecuted or punished for a crime other than that referred to in the application for extradition, without the authorisation of the Ministry of Justice;

no Finnish national may be re-extradited to another State.

2. Article 12(2):

Finland will continue to apply Article 15 of the European Convention on extradition except where Article 13 of the Convention on simplified extradition procedure between the Member States of the European Union provides otherwise or where the person whose extradition is requested has consented to re-extradition.

3. Article 18(4):

As far as Finland is concerned, the Convention may apply, before it enters into force internationally, in relations with those Member States which have made a similar declaration.

Article 13(2) of the Convention:

The central authority in Finland pursuant to Article 13(1) is the Ministry of Justice.

Article 14 of the Convention:

Supplementary information as referred to in Article 13 of the European Convention on extradition may be communicated directly between the competent authorities in the manner referred to in Article 14. In Finland, the Ministry of Justice, the Central Criminal Police and the Supreme Court are entitled under Article 14 of the Convention to request, communicate and receive supplementary information.

Frankrijk, 1 april 2005

Article 5:

France hereby declares, pursuant to paragraph 2 and with due regard for the joint declaration on the right of asylum, that it will apply paragraph 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 any association to commit such offences.

Article 7:

France hereby declares that it will not extradite its nationals to serve a sentence handed down by a court of the requesting Member State. It will authorise the extradition of its nationals for the purpose of criminal prosecution in the said State, subject to reciprocity and on condition that, in the event that the person sought receives a custodial sentence, the party

concerned will be transferred to the territory of the French Republic to serve his sentence there, unless he opposes such a transfer.

Article 12:

France declares, in accordance with paragraph 2, that Article 15 of the European Convention on Extradition continues to apply unless the person concerned consents to extradition and expressly renounces his right to the speciality rule in accordance with Article 7 of the Convention on simplified extradition procedure between the Member States of the European Union or if the person consents to being re-extradited to another Member State.

Article 13:

France hereby designates the directorate for criminal matters and pardons at the Ministry of Justice as the central authority for transmitting and receiving extradition requests, as well as the other documents referred to in this Article.

Article 18:

France declares that this Convention applies, in accordance with Article 18(4), in its relations with Member States which have made the same declaration.

Griekenland, 26 juli 1999

A. In accordance with Article 5(2):

Greece will apply Article 5(1) only with regard to: (aa) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, and (bb) offences of conspiracy or association – which correspond to the description of behaviour referred to in Article 3(4)

– to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

B. In accordance with Article 6(3):

Greece will grant extradition in connection with a fiscal offence only for acts or omissions which may constitute an offence in connection with excise, value-added tax or customs.

C. In accordance with Article 7(2):

Greece will not grant extradition of its nationals.

D. In accordance with Article 12(2):

Greece will continue to apply Article 15 of the European Convention on Extradition, except where the person concerned who has consented to being extradited has waived, by way of an express declaration, the benefit of the rule of speciality.

E. In accordance with Article 13(1):

In accordance with this Article, the Ministry of Justice is designated as central authority.

Ierland, 28 juni 2002

Ireland reserves the right not to apply Article 3.1 of this Convention;

Ireland declares that it will apply paragraph 1 of Article 5 of this Convention only to the offences set out at (a) and (b) of paragraph 2 of the said Article;

Ireland declares that it will grant extradition of its nationals, but only on a reciprocal basis;

Pursuant to Article 13.1 Ireland has designated the Minister of Justice, Equality and Law Reform as the Central Authority for the purposes of this Convention.

Letland, 14 juni 2004

The Republic of Latvia declares that it applies the first paragraph of the Article 5 of the said Convention in relation to the offences referred to in Articles 1 and 2 of the European Treaty on Suppression of Terrorism and in relation to offences of conspiracy or association to commit one or more offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

In accordance with paragraph 2 of Article 7 of the Convention the Republic of Latvia reserves the right not to grant extradition of its nationals.

In accordance with Article 11 of the Convention the Republic of Latvia declares that in its relations with other Member States that have made the same declaration, consent for the purposes of Article 14(1)(a) of the European Convention on Extradition is presumed to have been given, unless it indicates otherwise when granting extradition in a particular case. In accordance with paragraph 1 of Article 13 of the Convention the Republic of Latvia declares that the designed central authority is:

Prosecutor - General Office

Kalpaka Boulevard 6

Riga, LV-1801

Latvia

Phone: + 371 7044400

Fax: + 371 7044449

E-mail: gen@lrp.lv.

Litouwen, 28 mei 2004

And whereas, pursuant to paragraph 1 of Article 13 of the Convention the Seimas of the Republic of Lithuania declares that the Ministry of Justice and the Prosecutor General's Office are designated as the central authorities to exercise the functions provided for in the Convention;

And whereas, pursuant to paragraph 4 of Article 18 of the Convention the Seimas of the Republic of Lithuania declares that if the Convention is not yet in force by the accession of the Republic of Lithuania to the European Union the Convention shall apply to the relations between the Republic of Lithuania and the other Member States of the European Union that have made the same declaration.

Luxemburg, 30 juli 2001

In addition, the Government of the Grand Duchy of Luxembourg wishes to make the following declarations:

1. Pursuant to Article 3(3), the Government of the Grand Duchy of Luxembourg declares that the conditions of Article 3(1) are fulfilled if the participation of the person to be extradited, in addition to meeting the requirements of Articles 66 and 67, meets those of Articles 324 and 324b of the Penal Code or those of Article 11 of the amended Law of 19 February 1973 concerning the sale of medicinal substances and the fight against drug addiction.
2. Pursuant to Article 5(2), the Government of the Grand Duchy of Luxembourg declares that it will apply Article 5(1) only in relation to:
 - (a) the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, and
 - (b) offences of conspiracy or association to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.
3. Pursuant to Article 6(3), the Government of the Grand Duchy of Luxembourg declares that it will grant extradition in connection with a fiscal offence only for acts or omissions which may constitute an offence in connection with excise, value-added tax or customs.
4. Pursuant to Article 7(2), the Government of the Grand Duchy of Luxembourg declares that it will not grant extradition of its nationals and, in its relations with the States Parties to this Convention, will uphold the effect of the reservation and the declaration made in the framework of Articles 6 and 21 of the European Convention on Extradition.
5. Pursuant to Article 12(2), the Government of the Grand Duchy of Luxembourg declares that Article 15 of the European Convention on Extradition and Article 14(1) of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters shall continue to apply except where the person extradited consents to be re-extradited to another Member State in accordance with this Convention.
6. Pursuant to Article 13(1), the Government of the Grand Duchy of Luxembourg declares that the Ministry of Justice is designated to perform the function of central authority in the Grand Duchy of Luxembourg within the meaning of Article 13 of the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, relating to extradition between the Member States of the European Union, signed on 27 September 1996.
7. Pursuant to Article 14, the Government of the Grand Duchy of Luxembourg declares that, in its relations with other Member States which have made the same declaration, the judicial authorities or other competent authorities of those Member States may, where appropriate, make requests directly to the Principal Public Prosecutor of the State for supplementary information in accordance with Article 13 of the European Convention on Extradition or Article 12 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters.

Where Luxembourg is the requested State, the authority to request such supplementary information lies with the Ministry of Justice, the Principal Public Prosecutor (of the State) and the judicial authorities responsible for the extradition procedure.

8. Pursuant to Article 18(4), the Government of the Grand Duchy of Luxembourg declares that as far as it is concerned this Convention shall apply to its relations with Member States that have made the same declaration.

Nederlanden, het Koninkrijk der, 29 juni 2000

1) Voorbehoud bij artikel 3:

De Nederlandse regering verklaart overeenkomstig artikel 3, derde lid, dat artikel 3, eerste lid, niet zal worden toegepast.

2) Voorbehoud bij artikel 5:

De Nederlandse regering verklaart overeenkomstig artikel 5, tweede lid, dat artikel 5, eerste lid, slechts zal worden toegepast met betrekking tot de in het tweede lid, onder a en b, van dat artikel bedoelde strafbare feiten.

3) Voorbehoud bij artikel 7:

De Nederlandse regering verklaart overeenkomstig artikel 7, tweede lid, dat door Nederland geen uitlevering of doortocht zal worden toegestaan van Nederlandse onderdanen ten behoeve van de tenuitvoerlegging van een straf of andere maatregelen. Echter, Nederlandse onderdanen kunnen worden uitgeleverd ten behoeve van strafvervolging voorzover de verzoekende staat een garantie afgeeft dat de opgeëiste persoon weer aan Nederland wordt overgedragen teneinde daar zijn straf te ondergaan, indien aan hem na uitlevering een vrijheidsbenemende straf, anders dan een voorwaardelijke straf, of een tot vrijheidsbeneming strekkende maatregel is opgelegd. Wat betreft het Koninkrijk der Nederlanden wordt voor de toepassing van deze Overeenkomst onder Nederlandse onderdanen verstaan personen met de Nederlandse nationaliteit en buitenlanders die zijn geïntegreerd in de Nederlandse samenleving, voorzover zij in Nederland kunnen worden vervolgd voor de feiten die aan het uitleveringsverzoek ten grondslag liggen en voorzover ten aanzien van deze buitenlanders de verwachting is gerechtvaardigd dat zij niet hun recht van verblijf in Nederland verliezen ten gevolge van een hun na uitlevering opgelegde straf of maatregel.

4) Voorbehoud bij artikel 12:

De Nederlandse regering verklaart overeenkomstig artikel 12, tweede lid, dat artikel 15 van het Europees verdrag betreffende uitlevering van 13 december 1957 en artikel 14, eerste lid, van het Verdrag aangaande de uitlevering en de rechtshulp in strafzaken tussen het Koninkrijk België, het Groothertogdom Luxemburg en het Koninkrijk der Nederlanden van 27 juni 1962 van toepassing blijft, voorzover de opgeëiste persoon een Nederlands onderdaan als bedoeld in de bij artikel 7, tweede lid, afgelegde verklaring is.

1) Verklaring bij artikel 14:

Met het oog op het verkrijgen van aanvullende inlichtingen als bedoeld in artikel 13 van het Europees uitleveringsverdrag en artikel 12 van het Benelux-uitleveringsverdrag kunnen met betrekking tot:

a) van Nederland uitgaande uitleveringsverzoeken: de in de verklaring van de aangezochte lidstaat genoemde autoriteiten zich rechtstreeks wenden tot de in het Nederlandse uitleveringsverzoek genoemde justitiële autoriteit, die de gevraagde inlichtingen ook rechtstreeks kan verstrekken, en

b) aan Nederland gerichte uitleveringsverzoeken: de Nederlandse justitiële autoriteiten die zijn belast met de behandeling van het uitleveringsverzoek zich in spoedeisende gevallen rechtstreeks wenden tot de in de verklaring van de verzoekende lidstaat genoemde autoriteiten. De Nederlandse justitiële autoriteiten als bedoeld onder b zijn de officier van justitie bij de arrondissementsrechtbank, belast met de behandeling van het uitleveringsverzoek en de procureur-generaal bij de Hoge Raad der Nederlanden.

2) Verklaring bij artikel 18, vierde lid:

De Overeenkomst is negentig dagen na nederlegging van deze verklaring voor Nederland van toepassing in zijn betrekkingen met andere Lid-Staten van de Europese Unie die eenzelfde verklaring hebben afgelegd. NB De verklaring bij artikel 18, vierde lid, is per 8 februari 2006 ingetrokken.

Oostenrijk, 12 april 2001

Re Article 3(3):

The Republic of Austria reserves the right not to apply paragraph 1 where the offence for which extradition is requested is not punishable under Austrian law.

Re article 7(2):

Pursuant to Section 12(1) of the Extradition and Mutual Legal Assistance Act the extradition of Austrian nationals is not permissible. This rule has the rank of a constitutional provision. Austria will therefore not grant extradition of its own nationals.

Re Article 5(2):

The Republic of Austria declares that it will apply Article 5(1) only in relation to offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and offences of conspiracy or association as

– which correspond to the description of behaviour referred to in Article 3(4)

– to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

Re Article 11:

The Republic of Austria declares that, in its relations with other Member States that have made the same declaration, consent for the purposes of Article 14(1)(a) of the European Convention on Extradition of 13 De-

cember 1957 (Federal Gazette No 320/1969) is presumed to have been given, unless it indicates otherwise when granting extradition in a particular case.

Re Article 13(2):

The Federal Ministry of Justice will be the central authority within the meaning of Article 13(1).

Re Article 14:

The Republic of Austria declares that, in its relations with other Member States which have made the same declaration, the judicial authorities before which extradition proceedings are pending may make requests directly for supplementary information in accordance with Article 13 of the European Convention on Extradition. In Austria, the higher district courts ('Landesgerichte') will be authorised to communicate and receive such supplementary information.

Re Article 18(4):

The Republic of Austria declares that this Convention will apply to its relations with those Member States that have made the same declaration ninety days after the date of deposit of the declaration.

Polen, 19 april 2006

1. In accordance with Article 5(2) of the Convention, the Republic of Poland hereby declares that it will apply Article 5(1) only in relation to 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) – to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

2. In accordance with Article 6(3) of the Convention, the Republic of Poland hereby declares that it will grant extradition in connection with a fiscal offence only for acts or omissions which may constitute an offence in connection with excise, value – added tax or customs.

3. In accordance with Article 7(2) of the Convention, the Republic of Poland hereby declares that pursuant to Article 55(1) of its Constitution, the extradition of Polish nationals is prohibited and for that reason it will not, under any circumstances, grant any request for their extradition.

4. In accordance with Article 12(2) of the Convention, the Republic of Poland hereby declares that it will continue to apply Article 15 of the European Convention on Extradition except where Article 13 of the Convention on Simplified Extradition Procedure between the Member States of the European Union provides otherwise or where the person whose extradition is requested has consented to re-extradition.

5. In accordance with Article 13(2) of the Convention, the Republic of Poland hereby declares that it designates the Ministry of Justice as the central authority responsible for transmitting and receiving extradition requests as set out in Article 13(1).

6. In accordance with Article 18(4) of the Convention, the Republic of Poland hereby declares that until such time as the Convention enters into force, it will be applied in Poland's relations with Member States which have made the same declaration 90 days after the date of deposit of the Republic of Poland's instrument of accession.

Portugal, 6 oktober 1998

1. In accordance with Article 7(2) of the Convention Portugal declares that it will authorise extradition of Portuguese nationals from national territory only under the conditions laid down in the Constitution of the Portuguese Republic:

(a) in cases of terrorism and international organised crime; and

(b) for the purposes of prosecution, provided that the requesting State guarantees the extradited person's return to Portugal, to serve the sentence or penalty imposed unless that person expresses his opposition by an explicit declaration. For the purposes of carrying out the sentence in Portugal, the procedures set out in the declaration made by Portugal in connection with the Council of Europe Convention on the Transfer of Sentenced Persons shall be observed.

2. In accordance with Article 12(2) Portugal declares that it is not necessary to obtain its consent to the re-extradition of a person to another Member State, if the person concerned has consented to be re-extradited to that State, in accordance with this Convention.

3. In accordance with Article 13(2) Portugal designates the Office of the Public Prosecutor of the Republic as the central authority within the meaning of Article 13(1).

4. In accordance with and for the purposes of Article 18(4) Portugal declares that this Convention applies to its relations with Member States that have made the same declaration.

Spanje, 9 december 1997

Re Article 7:

Pursuant to Article 18, with regard to Article 7(2), Spain declares that it will grant extradition of its nationals provided that the act concerned also constitutes an offence in Spain and that the requesting State guarantees that such persons will, if sentenced, be transferred forthwith to Spain to serve their sentences.

Re Article 13:

Pursuant to Article 18, with regard to Article 13(2), Spain designates the Technical General Secretariat of the Ministry of Justice as the central authority.

Re Article 14:

Pursuant to Article 18, with regard to Article 14, Spain declares that, in its relations with the States which have made the same declaration, requests for supplementary information may be made directly to the judicial body which requested extradition.

Re Article 18:

Pursuant to Article 18(4), Spain declares that, as far as it is concerned, this Convention shall, once the notification referred to in Article 18(2) has been made, apply to its relations with the Member States which have made the same declaration ninety days after the date of deposit of said declaration.

Verenigd Koninkrijk, het, 20 december 2001

Article 11:

Pursuant to Article 11, the United Kingdom declares that in its relations with other Member States that have made the same declaration, consent for the purposes of Article 14(1)(a) of the European Convention on Extradition is presumed to have been given unless it indicates otherwise when granting extradition in a particular case.

Article 13:

With regard to Article 13(2), the United Kingdom designates the following central authorities as responsible for transmitting and receiving extradition requests as set out in Article 13(1).

Where a request is made to the United Kingdom, the central authorities are the Home Office and the Scotland Office.

Where a request is made by the United Kingdom, the central authorities are the Home Office, the Scottish Executive Justice Department and the Northern Ireland Office.

Article 16:

The provisions of Article 16 do not apply to the United Kingdom because of its reservation to Article 21 of the European Convention on Extradition.

Article 18:

Pursuant to Article 18(4), the United Kingdom declares that until its entry into force, this Convention shall apply to it in its relations with Member States which have made the same declaration 90 days after the date of deposit of the United Kingdom's instrument of ratification.

Zweden, 3 augustus 2001

Article 3(3):

Sweden will not apply Article 3(1).

Article 7(2)

A Swedish national may be extradited, for the purposes of prosecution and enforcement of sentence, in accordance with the conditions set out below. In all cases, however, Sweden reserves the right to refuse to extradite a Swedish national.

(a) In order for a Swedish national to be extradited for the purpose of prosecution, the person whose extradition is requested must have been permanently resident in the requesting State for at least two years at the time of the offence, or the offence for which extradition is requested must constitute a criminal offence punishable under Swedish law by imprisonment for more than four years. If the offence has been commit-

ted entirely within Sweden, extradition for the purpose of prosecution may be granted only if the offence involves complicity in a criminal offence committed outside the country or if extradition is granted for an offence committed outside the country as well. If extradition is granted, Sweden may impose a condition that the person extradited be returned to Sweden to serve any sentence involving deprivation of liberty or other form of detention order on account of the offence. Such return will be governed by the provisions of Swedish law relating to transfer of the enforcement of criminal judgments.

(b) In order for a Swedish national to be extradited for the purpose of enforcement of sentence, the person whose extradition is requested must have been permanently resident in the requesting State for at least two years at the time of the offence or must have consented to extradition, in the presence of a Swedish prosecutor.

(c) In the case of extradition of a Swedish national, Articles 5, 8 and 10 to 12 will not apply.

(d) In the case of extradition of a Swedish national in accordance with the Convention on simplified extradition procedure between the Member States of the European Union, Article 9 of that Convention will not apply.

(e) Sweden's declaration, under Article 6(1) of the European Convention on Extradition, that non-Nordic nationals resident in Sweden, Denmark or Finland will be treated by Sweden in the same way as Swedish nationals will not be invoked by Sweden in relation to Member States which ensure equal treatment.

Article 12(2):

Article 15 of the European Convention on Extradition will continue to apply, except in cases under the simplified extradition procedure in which the person extradited expressly waives protection from re-extradition or where anyone otherwise extradited expressly waives protection from re-extradition.

Article 13(2):

The Ministry of Justice is to be the central authority in extradition cases.

Article 14:

The Prosecutor-General or any other prosecutors dealing with extradition cases are empowered to communicate directly with their counterparts in other countries.

Article 18(4):

Sweden will apply the Convention, even before it enters into force, in relation to other Member States which have made a similar declaration.

F. VOORLOPIGE TOEPASSING

De Overeenkomst wordt ingevolge artikel 18, vierde lid, toegepast tussen:

Denemarken en Spanje	vanaf 9 maart 1998
bovengenoemde staten en Portugal	vanaf 4 januari 1999

bovengenoemde staten en Duitsland . . .	vanaf 11 maart 1999
bovengenoemde staten en Finland	vanaf 6 juli 1999
bovengenoemde staten en het <i>Koninkrijk der Nederlanden</i> (voor Nederland) . . .	vanaf 27 september 2000
bovengenoemde staten en Oostenrijk . . .	vanaf 11 juli 2001
bovengenoemde staten en België	vanaf 23 oktober 2001
bovengenoemde staten en Luxemburg . . .	vanaf 28 oktober 2001
bovengenoemde staten en Zweden	vanaf 1 november 2001
bovengenoemde staten en het Verenigd Koninkrijk	vanaf 20 maart 2002
bovengenoemde staten en Litouwen . . .	vanaf 26 augustus 2004
bovengenoemde staten en Frankrijk . . .	vanaf 30 juni 2005
bovengenoemde staten en Polen	18 juli 2006

De Overeenkomst wordt ingevolge artikel 31, eerste lid, onderdeel d, van het hieronder in rubriek J vermelde Kaderbesluit van de Raad van de Europese Unie van 13 juni 2002 vanaf 1 januari 2004 niet langer door Nederland toegepast.

G. INWERKINGTREDING

Zie *Trb.* 2001, 24¹⁾.

J. VERWIJZINGEN

Zie *Trb.* 1996, 304 en *Trb.* 2001, 24.

Verbanden

Titel	: Verdrag betreffende de Europese Unie; Maastricht, 7 februari 1992
Tekst	: <i>Trb.</i> 1992, 74 (Nederlands)
Laatste <i>Trb.</i>	: <i>Trb.</i> 2004, 122

De Overeenkomst wordt niet langer toegepast door Nederland op grond van:

Titel	: Kaderbesluit van de Raad van de Europese Unie betreffende het Europees aanhoudingsbevel en de procedures van overlevering tussen de lidstaten van de Europese Unie van 13 juni 2002 (2002/584/JBZ);
Tekst	: <i>Pb.</i> EG L 190 van 18 juli 2002

¹⁾ In dit Tractatenblad werd onder de paragraaf „inwerkingtreding” in de tweede alinea ten onrechte verwezen naar artikel 18, derde lid, dit moet zijn artikel 18, vierde lid.

Overige verwijzingen

- Titel : Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;
Rome, 4 november 1950
- Tekst : *Trb.* 1951, 154 (Engels, Frans en vertaling)
- Laatste *Trb.* : *Trb.* 1998, 87
- Titel : Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957
- Tekst : *Trb.* 1965, 9 (Engels, Frans en vertaling)
- Laatste *Trb.* : *Trb.* 2006, 000
- Titel : Europees Verdrag tot bestrijding van terrorisme;
Straatsburg, 27 januari 1977
- Tekst : *Trb.* 1977, 63 (Engels, Frans en vertaling)
- Laatste *Trb.* : *Trb.* 2006, 000
- Titel : Overeenkomst ter uitvoering van het tussen het Koninkrijk der Nederlanden, het Koninkrijk België, de Bondsrepubliek Duitsland, de Franse Republiek en het Groothertogdom Luxemburg op 4 juni 1985 te Schengen gesloten Akkoord betreffende geleidelijke afschaffing van de controles aan de gemeenschappelijk grenzen;
Schengen, 19 juni 1990
- Tekst : *Trb.* 1990, 145 (Nederlands, Frans en Duits)
- Laatste *Trb.* : *Trb.* 2006, 000
- Titel : Overeenkomst aangaande de verkorte procedure tot uitlevering tussen de Lidstaten van de Europese Unie;
Brussel, 10 maart 1995
- Tekst : *Trb.* 1995, 110 (Nederlands, Engels en Frans)
- Laatste *Trb.* : *Trb.* 2006, 000

Uitgegeven de *veertiende* juli 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT