

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 169

A. TITEL

Overeenkomst opgesteld op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie aangaande de verkorte procedure tot uitlevering tussen de Lid-Staten van de Europese Unie; Brussel, 10 maart 1995

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van de Overeenkomst zijn geplaatst in *Trb.* 1995, 110.

D. PARLEMENT

Zie *Trb.* 2001, 23.

E. PARTIJGEGEVENS

Zie *Trb.* 2001, 23.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
België	10-03-95	16-07-02	R			
Cyprus		08-06-05	T			
Denemarken	10-03-95	19-11-96	R			
Duitsland	10-03-95	11-12-98	R			
Estland		17-01-05	T			
Finland	10-03-95	07-04-99	R			
Frankrijk	10-03-95	01-04-05	R			
Griekenland	10-03-95	20-06-00	R			

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Ierland	10-03-95	28-06-02	R			
Italië	10-03-95					
Hongarije						
Letland		14-06-04	T			
Litouwen		28-05-04	T			
Luxemburg	10-03-95	08-08-01	R			
Nederlanden, het Koninkrijk der (voor Nederland)	10-03-95	29-06-00	R			
Malta						
Oostenrijk	10-03-95	27-06-00	R			
Polen		19-04-06	T			
Portugal	10-03-95	13-10-97	R			
Slovenië						
Slowakije						
Spanje	10-03-95	22-01-99	R			
Tsjechië						
Verenigd Koninkrijk, het	10-03-95	20-12-01	R			
Zweden	10-03-95	18-07-97	R			

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

Verklaringen, voorbehouden en bezwaren

België, 16 juli 2002

1. Declaration on Article 7:

Consent to the simplified procedure and the automatic renunciation of entitlement to the speciality rule associated with that consent, given in application of this Convention by a person discovered in Belgium, shall remain revocable until that person has been handed over to the authorities of the requesting State.

2. Declaration on Article 9:

The rules on speciality laid down in Article 14 of the European Convention on Extradition do not apply where the person concerned consents to extradition.

3. Declaration on Article 12:

So as to extend opportunities for applying the simplified procedure, Belgium intends to apply Article 12(1), second indent, and Article 12(2).

4. Declaration on Article 15:

Belgium designates as competent authorities, for the application of Articles 4 to 8 and Article 10, the Public Prosecutors' Offices of First Instance and the Federal Public Prosecutor's Office and, for the application of Article 14, the Individual Cases Section of the Department for International Cooperation in Criminal Matters in the Directorate-General for Legislation and Fundamental Rights and Freedoms of the Federal Department of Justice.

5. Declaration on Article 16:

This Convention shall apply with respect to Belgium, on the basis of Article 16, to its relations with Member States which have made the same declaration.

Cyprus, 8 juni 2005

Article 9:

Pursuant to Article 9 of the Convention, the Republic of Cyprus declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person, whose extradition is requested, a) consents to extradition, and b) consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 12(3):

Pursuant to Article 12(3) of the Convention, the Republic of Cyprus declares that it intends to apply paragraph 1, second indent and paragraph 2 of Article 12 of the Convention.

Article 15:

Pursuant to Article 15 of the Convention, the Republic of Cyprus declares that the Ministry of Justice and Public Order is the competent authority within the meaning of Article 4 to 8, 10 and 14 of the Convention.

Denemarken, 19 november 1996

Re Article 7(4):

Consent to extradition and express renunciation of entitlement to the speciality rule may be revoked in accordance with the relevant rules applicable at any time under Danish law.

Re Article 9b):

The rules laid down in Article 14 of the European Convention on Extradition are not applicable where the person gives his consent to extradition and expressly renounces his entitlement to the speciality rule pur-

suant to Article 7 of the Convention on simplified extradition procedure between the Member States of the European Union.

Re Article 12(3):

The Danish authorities intend to apply Article 12(1), 2nd indent, and Article 12(2) on the same conditions as obtain following the statements made by Denmark pursuant to Article 7 (4) and Article 9b).

Re Article 15:

For Denmark the competent authority within the meaning of Articles 4 and 5 is the Ministry of Justice, the local Chief Constable is the competent authority within the meaning of Articles 6, 8 and 10, the courts are the competent authority within the meaning of Article 7 and the National Commissioner of Police (Interpol) is the competent authority within the meaning of Article 14.

Re Article 16(3):

For Denmark the Convention will apply to its relations with Member States that have made the same declaration 90 days after the date of deposit of the declaration.

For Denmark the Convention does not until further notice apply to the Faroes or to Greenland.

Duitsland, 11 december 1998

Re Article 9:

The provisions of Article 14 of the European Convention on Extradition regarding the speciality rule will not apply if the person has consented to extradition and has expressly waived his entitlement to the speciality rule pursuant to Article 7 of this Convention.

Re Article 12:

The decision to apply the second indent of Article 12(1) or Article 12(2) will be taken in the light of the stage reached in the individual extradition procedure.

Re Article 15:

For the purposes of Articles 4, 5 and 10, the competent authorities will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte].

For the purposes of Article 6, the competent authorities will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte] and the Local Courts [Amtsgerichte] with local jurisdiction.

For the purposes of Article 7(1), the competent authorities will be the Local Courts [Amtsgerichte] with local jurisdiction. Where Germany is the requested Member State, the competent authorities for the purposes of Article 8 will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte]. Where Germany is the requesting Member State, they will be the public prosecutor's offices with responsibility for the subject matter of the case or, in individual cases, the juvenile courts.

For the purposes of Article 14, the competent authorities will be the public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte]. Where transit is by land or sea, local jurisdiction is determined by the district in which the person in transit is likely to be transferred to Germany. In the event of transit by air, local jurisdiction lies with the public prosecutor's office at the Higher Regional Court [Oberlandesgericht] in whose area the first stop-over is to take place.

Re Article 16:

In accordance with Article 16(3), 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

The Riigikogu of the Republic of Estonia made the following Declarations:

1. The competent authorities pursuant to Articles 4 to 7 of the Convention are the Security Police Board, Central Criminal Police and Police Prefectures;
2. The competent authority pursuant to Article 8, 10 and 14 of the Convention is the Ministry of Justice.

Finland, 7 april 1999

1. Article 7(4) of the Convention:

Consent to the simplified procedure may be revoked in Finland.

2. Article 9(b) of the Convention:

Finland will not apply the rules (speciality rule) contained in Article 14 of the European Convention on extradition where the person, in accordance with Article 7 of the Convention, consents to extradition and expressly renounces his entitlement to the speciality rule.

3. Article 12(3) of the Convention:

Finland will apply Article 12(1), second indent, and Article 12(2) in situations where the procedure began with a request in accordance with Article 16 of the European Convention on Extradition.

4. Article 16(3) of the Convention:

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.

Frankrijk, 1 april 2005

Article 7, Paragraph 4:

France hereby declares that the exercise by the person sought, within the statutory time limits, of an appeal against the decision of the examining magistrate of the court of appeal having territorial jurisdiction which granted his extradition, shall be equivalent to the revocation of consent to extradition.

Article 9:

France hereby declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 12, Paragraph 3:

France hereby declares that it will apply paragraph 1, second indent, and paragraph 2 under the conditions laid down by its internal legislation.

Article 15:

France hereby declares that the competent authorities within the meaning of Articles 4 to 8, 10 and 14 are as follows:

- the public prosecutor of the Republic having territorial jurisdiction, within the meaning of Article 4;
- the examining magistrate of the court of appeal having territorial jurisdiction, within the meaning of Articles 5 and 7;
- the principal public prosecutor having territorial jurisdiction, within the meaning of Articles 6 and 8;
- the Minister for Justice, within the meaning of Articles 10 and 14.

Article 16:

France declares that this Convention applies, in accordance with Article 16(3), in its relations with Member States which have made the same declaration.

Griekenland, 20 juni 2000

In accordance with Articles 9, 12(3) and 15 of the Convention, we would ask for the following statements to be taken into account:

- a) The speciality rule laid down in Article 14 of the European Convention on Extradition does not apply where the person has consented to extradition and makes an express declaration renouncing his entitlement to that rule.
- b) The Hellenic Republic intends to apply paragraph 1, second indent and paragraph 2 of Article 12 of the Convention unconditionally.
- c) The authorities competent within the meaning of Articles 4 to 8, 10 and 14 are the Minister for Justice, in respect of Articles 4, 5, 10 and 14, the Public Prosecutor of the Appeal Court of the place of residence of the person to be extradited, in respect of Articles 6 and 8 and the Presiding Judge of the Appeal Court of the place of residence of the person being extradited, in respect of Article 7.

Ierland, 28 juni 2002

Ireland declares, in accordance with Article 7 of the Convention, that consent to surrender by an arrested person and, where appropriate, the express renunciation of entitlement to the rule of speciality, may be revoked by the arrested person in accordance with the rules applicable under Irish law;

Ireland declares, in accordance with Article 12 of the Convention, that it shall apply Article 12 paragraph 1, second indent, and Article 12, paragraph 2 in accordance with the rules applicable under Irish law;
The competent authority in Ireland for the purposes of Articles 4, 5, 6, 8, 10 and 14 of the Convention is the Minister of Justice, Equality and Law Reform;
The competent authority in Ireland for the purposes of Article 7 of the Convention, will be the High Court and the Supreme Court.

Letland, 14 juni 2004

In accordance with Article 9 of the Convention the Republic of Latvia declares that it does not apply the provisions of the Article 14 of the European Convention of Extradition where the person, in accordance with Article 7 of the present Convention, consents to extradition and expressly renounces his entitlement to the specific rule.

In accordance with paragraph 3 of Article 12 of the Convention the Republic of Latvia declares that in the case where an arrested person has given his consent after expiry of the deadline of 10 days laid down in Article 8, may use this simplified procedure if a request for extradition within the meaning of Article 12 of the European Convention on Extradition has reached it in the meantime.

In accordance with paragraph 3 of Article 12 of the Convention the Republic of Latvia declares that it may avail itself to the simplified procedure as provided for this convention in the case where no request for provisional arrest has been made, and where consent has been given after receipt of a request for extradition.

In accordance with paragraph 3 of Article 16 of the Convention the Republic of Latvia in conjunction with the provisions of paragraph 5 of Article 17 declares that the Convention shall apply in its relations with Member States that have made the same declaration.

In accordance with Article 15 of the Convention the Republic of Latvia declares that the designated competent authority within the meaning of Articles 4 to 8, 10 and 14 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 4 of Article 7 of the Convention, the Seimas of the Republic of Lithuania declares that, the extraditable person, during the hearing held by the judge of the Vilnius County Court concerning the extradition of this person from the Republic of Lithua-

nia, may revoke his consent to be extradited from the Republic of Lithuania under the simplified procedures;

And whereas, pursuant to paragraph 3 of Article 12 of the Convention the Seimas of the Republic of Lithuania declares that the Republic of Lithuania reserves the right to apply the second Indent of Paragraph 1 of Article 12 and Paragraph 2 of Article 12;

And whereas, pursuant to Article 15 of the Convention the Seimas of the Republic of Lithuania declares that:

1. the Ministry of Justice of the Republic of Lithuania and the Prosecutor General's Office of the Republic of Lithuania are designated as the competent authorities to exercise the functions provided for in Article 4 of the Convention;

2. the Prosecutor General's Office of the Republic of Lithuania is designated as the competent authority to exercise the functions provided for in Articles 5, 6, 8, 10 and 14 of the Convention;

3. the Vilnius County Court is the competent authority according to Article 7 of the Convention;

And whereas, pursuant to paragraph 3 of Article 16 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 90 days after the date of deposit of this declaration.

Luxemburg, 8 augustus 2001

1. Pursuant to Articles 9 and 13, the Government of the Grand Duchy of Luxembourg declares that the rules laid down in Article 14 of the European Convention on Extradition will not apply where the person claimed consents to simplified extradition to another Member State. The rules laid down in Article 14 will, however, apply in the event of re-extradition to another Member State.

2. The Government of the Grand Duchy of Luxembourg reserves the right to apply Article 12(1), second indent, and (2).

3. Pursuant to Article 16(3), the Government of the Grand Duchy of Luxembourg declares that the Convention will apply to it in its relations with Member States that have made the same declaration.

4. The Government of the Grand Duchy of Luxembourg declares that the competent authorities referred to in Article 15 are as follows:

– for the purposes of Articles 6 to 8, the public prosecutor's office attached to the district court with jurisdiction for the place in question;
– for the purposes of Articles 4, 5, 10 and 14, the Minister for Justice.
However, the public prosecutor's office attached to the district court with jurisdiction for the place in question is also empowered to request the information referred to in Article 4.

Nederlanden, het Koninkrijk der, 29 juni 2000

1. Verklaring bij de artikelen 6 en 12:

De verkorte procedure zal in Nederland eveneens kunnen worden toegepast in de gevallen als bedoeld in artikel 12, eerste lid, eerste streepje, en tweede lid, met dien verstande dat de instemming door de aangehouden persoon kan worden gegeven tot uiterlijk de dag voorafgaande aan die welke bepaald is voor zijn verhoor over het uitleveringsverzoek door de rechtbank.

2. Verklaring bij artikel 9:

Bij de toepassing van de verkorte procedure door Nederland is het bepaalde in artikel 14 van het Europees Verdrag betreffende uitlevering van 13 december 1957 niet van toepassing.

3. Verklaring bedoeld in artikel 16, derde lid:

De Overeenkomst is negentig dagen na de nederlegging van deze verklaring voor Nederland van toepassing in zijn betrekkingen met de Lid-Staten van de Europese Unie die een zelfde verklaring hebben afgelegd. NB De verklaring ten aanzien van artikel 16, derde lid, is met ingang van 8 februari 2006 ingetrokken.

Oostenrijk, 27 juni 2000

1. In accordance with Article 9, Austria declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person consents to extradition, in accordance with Article 7 of the present Convention.

2. In accordance with Article 12(3), Austria declares that it will apply the simplified extradition procedure provided for in the Convention in cases in which a request for extradition has been made in accordance with the second indent of Article 12(1) and Article 12(2).

3. In accordance with Article 15, Austria declares that the competent authorities within the meaning of the Convention are the following:

a) within the meaning of Articles 6 to 8 and 10:

– the Court of First Instance in the district of which the person has his or her domicile or residence;

– in the absence of such a domicile or residence: the Court of First Instance in the district of which the person was apprehended or has been remanded in custody;

b) within the meaning of Article 4, Article 5(2) and Article 14: the Federal Minister for Justice.

4. In accordance with Article 16(3), Austria declares that this Convention shall apply to its relations with Member States that have made the same declaration until its entry into force.

Polen, 19 april 2006

1. In accordance with Article 9 of the Convention, the Republic of Poland hereby declares that it will not apply the rules laid down in Arti-

cle 14 of the European Convention on Extradition where the person consents to extradition and expressly renounces his/her entitlement to the speciality rule.

2. In accordance with Article 12(3) of the Convention, the Republic of Poland hereby declares that it will not apply the simplified extradition procedure provided for in the Convention in cases referred to in the second indent of Article 12(1) and in Article 12(2).

3. In accordance with Article 15 of the Convention, the Republic of Poland hereby declares that the competent authorities within the meaning of the Convention are the following:

- within the meaning of Articles 4, 5, 10 and 14,
- the Minister of Justice of the Republic of Poland;
- within the meaning of Article 6,
- the Regional Public Prosecutor with territorial jurisdiction;
- within the meaning of Articles 7 and 8,
- the regional court with territorial jurisdiction.

4. In accordance with Article 16(3) 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, 13 oktober 1997

In accordance with Article 12(3) of the Convention, Portugal states that it will apply the simplified procedure provided for in the Convention to cases in which a formal extradition request provided for in paragraph 1, second indent, and paragraph 2 of that Article has been submitted. Nevertheless, portuguese law applies as regards the point at which the person requested must give his consent, which is at the beginning of the judicial stage.

In accordance with Article 15 of the Convention, Portugal states that the following authorities shall be considered competent:

- a) For the purposes of Articles 4 and 10, the competent judge of the Court of Appeal in whose district the person requested resides or is to be found at the time of the request;
- b) For the purposes of Article 14, the Minister of Justice.

Spanje, 22 januari 1999

Re Article 9:

In accordance with Article 9, Spain declares that it will not apply Article 14 of the European Extradition Convention in the cases referred to in Article 9.

Re Article 12:

In accordance with Article 12(3), Spain declares that it intends to make use of the options provided for in the second indent of Article 1 and in Article 2 on its own terms.

Re Article 15:

In accordance with Article 15, Spain declares that the 'competent authority' for the purposes of Articles 4 to 8 and 10 is the Central Examining Magistrate of the High Court in Madrid.

In accordance with Article 15, Spain declares that the 'competent authority' for the purposes of Article 14 is the Ministry of Justice.

Re Article 16:

In accordance with Article 16(3), Spain declares that, until its entry into force, this Convention shall apply ninety days following deposit of Spain's instrument of ratification in its relations with Member States which have made the same declaration.

Verenigd Koninkrijk, het, 20 december 2001

Article 7:

The United Kingdom reserves the right for the consent of the arrested person to be given before any of the competent authorities determined in accordance with Article 15.

Article 9:

The United Kingdom declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person in accordance with Article 7 of this Convention consents to extradition.

Article 12:

The United Kingdom intends to apply Article 12(1) and Article 12(2).

Article 14:

The provisions of Article 14 do not apply to the United Kingdom because of its reservation to Article 21 of the European Convention on Extradition.

Article 15:

In accordance with Article 15, the United Kingdom declares that the competent authorities for the purposes of Articles 4 to 8 and 10 are the Home Office, the Scottish Ministers, the Scottish Executive Justice Department, the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) and a sheriff of Lothian and Borders.

Article 16:

In accordance with Article 16(3), 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, 18 juli 1997

Article 7:

In accordance with Article 7(4), Sweden declares that consent under Article 5(1) and renunciation under Article 9 may be revoked until such time as the extradition decision has been implemented.

Article 9:

In accordance with Article 9, Sweden declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply

where the person, in accordance with Article 7 of the present Convention, consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 12:

In accordance with Article 12(3), Sweden declares that if consent has been given after expiry of the deadline of ten days laid down in Article 8 the simplified procedure under this Convention may be used:

if Sweden has in the meantime received a request for extradition within the meaning of Article 12 of the European Convention on Extradition; and where no request for provisional arrest has been made; or where consent has been given after receipt of a request for extradition.

Article 15:

Under Article 15, the competent authorities within the meaning of Articles 4, 5 and 10 are: the Cabinet, the Minister of Justice or the Chief Public Prosecutor;

Articles 6–8: the said Public Prosecutor;

Article 14: the Minister of Justice.

Article 16:

In accordance with Article 16(3), Sweden declares that until the Convention enters into force the Convention shall, ninety days after the date of deposit of Sweden's instrument of ratification, apply to Sweden's relations with Member States that have made the same declaration.

F. VOORLOPIGE TOEPASSING

De Overeenkomst wordt, ingevolge artikel 16, derde lid, toegepast tussen:

Denemarken en Zweden,	vanaf 16 oktober 1997
Bovengenoemde staten en Duitsland, . .	vanaf 11 maart 1999
Bovengenoemde staten en Spanje,	vanaf 22 april 1999
Bovengenoemde staten en Finland,	vanaf 6 juli 1999
Bovengenoemde staten en Oostenrijk, . .	vanaf 25 september 2000
Bovengenoemde staten en het <i>Koninkrijk der Nederlanden</i> (voor Nederland).	vanaf 27 september 2000
Bovengenoemde staten en Luxemburg, . .	vanaf 6 november 2001
Bovengenoemde staten en het Verenigd Koninkrijk,	vanaf 20 maart 2002
Bovengenoemde staten en Ierland,	vanaf 26 september 2002
Bovengenoemde staten en België,	vanaf 14 oktober 2002
Bovengenoemde staten en Litouwen, . . .	vanaf 26 augustus 2004
Bovengenoemde staten en Letland,	vanaf 12 september 2004
Bovengenoemde staten en Frankrijk, . . .	vanaf 30 juni 2005
Bovengenoemde staten en Polen,	vanaf 18 juli 2006

De Overeenkomst wordt ingevolge artikel 31, eerste lid, onderdeel C, 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, niet langer door Nederland toegepast, met inachtneming van de verklaringen die lidstaten overeenkomstig artikel 32 van het Kaderbesluit hebben afgelegd.

G. INWERKINGTREDING

Zie *Trb.* 1995, 110 en *Trb.* 2001, 23.

J. VERWIJZINGEN

Zie *Trb.* 1995, 110 en *Trb.* 2001, 23.

Verbanden

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
Laatste *Trb.* : *Trb.* 2004, 122

De Overeenkomst wordt in de betrekkingen met de lidstaten niet langer toegepast op grond van:

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

Titel : Overeenkomst, opgesteld op grond van artikel K.3
van het Verdrag betreffende de Europese Unie; betref-
fende uitlevering tussen de Lid-Staten van de
Europese Unie;
Dublin, 27 september 1996
Laatste *Trb.* : *Trb.* 2001, 24

Uitgegeven de tiende augustus 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT