

56 (1991) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2009 Nr. 38

A. TITEL

Verdrag tussen de Lid-Staten van de Europese Gemeenschap inzake de tenuitvoerlegging van buitenlandse straffonnissen; Brussel, 13 november 1991

B. TEKST

De Nederlandse, Franse en Engelse tekst van het Verdrag zijn geplaatst in *Trb.* 1992, 39.

D. PARLEMENT

Zie *Trb.* 1998, 179.

E. PARTIJGEGEVENS

Zie *Trb.* 1992, 39 en *Trb.* 1998, 179.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	13-11-91					
Cyprus		16-11-05	T			
Denemarken	13-11-91					
Duitsland	13-11-91	10-09-97	R			
Frankrijk	13-11-91					
Griekenland	13-11-91					
Italië	13-11-91					

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Letland		15-06-04	T			
Luxemburg	13-11-91					
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	13-11-91	17-11-93 15-02-05 15-02-05	R R R			
Portugal	06-10-95					
Spanje	13-11-91	09-02-94	R			
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, =Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

Cyprus, 16 november 2005

Pursuant to article 8, paragraph 3 of the Convention, the Republic of Cyprus declares that it intends to exclude the application of the procedures as provided in paragraph 1(b) of this article in its relations with the other parties.

Pursuant to article 18 of the Convention, the Republic of Cyprus declares that it reserves the right to require that the relevant documents referred to in article 7 be translated into its official language.

Duitsland, 10 september 1997

Article 5

The Federal Republic of Germany will not agree to transfer of the enforcement of a sentence if the costs that would be incurred in implementing the request are disproportionate to the case and implementation is therefore likely to be prejudicial to fundamental German interests. The latter situation is assumed to exist if the request relates to the enforcement of a financial penalty of DM 200 or less. The Federal Government reserves the right to raise this amount in line with inflation and to reduce it, for instance if the administrative costs of implementing a request fall, as a result of bilateral agreements on the admissibility of a direct channel between the criminal justice authorities.

Article 6(1)

For the Federal Republic of Germany, the Ministry of Justice within the meaning of the Convention will be the Federal Minister of Justice and the Justice ministers/senators of the Länder.

Article 6(5)

In the cases referred to in paragraphs 3 and 4, the forwarding of a copy of the documents specified therein to the Ministry of Justice will not be necessary.

Article 8(3)

The Federal Republic of Germany will accept the enforcement of a custodial sentence only on condition that a German court has declared the sentence imposed in the sentencing State to be enforceable. In assessing whether the conditions for transfer of enforcement of the sentence have been met, the court will examine the considerations as to the facts and to the law, as contained in the judgment.

Article 13(1)

Given the federal structure of the Federal Republic of Germany and the fact that the Länder are responsible for granting pardons, the Federal Republic of Germany reserves the right to agree to transfer of the enforcement of a sentence to another Member State in accordance with the Convention subject to the condition that a general or individual pardon in the administering State may only be implemented with the consent of the German authority authorised to grant a pardon.

Article 18

Requests for enforcement and the accompanying documents which are not in German must be accompanied by a German translation of both the request and the documents.

Article 21(3)

In accordance with article 21, paragraph 3, the Federal Republic declares the Convention applicable to the Federal Republic of Germany, in its relations with those Member States which have deposited their instruments of ratification, acceptance or approval, ninety days after the date of deposit of its declaration.

Letland, 15 juni 2004

In accordance with paragraph 2 of Article 1 of the Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences the Republic of Latvia declares that it excludes from the scope of this Convention the offences considered to be the administrative offences.

In accordance with Article 18 of the Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences the Republic of Latvia declares that it reserves the right to require that the documents referred to in Article 7 of the Convention be translated into Latvian language.

In accordance with paragraph 3 of Article 21 of the Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences the Republic of Latvia declares that it will apply the Convention in relation with those Member States which make a similar declaration.

Nederlanden, het Koninkrijk der, 17 november 1993

In accordance with Article 21, paragraph 3, of the Convention, the Convention is declared applicable in relations between the Kingdom of the Netherlands (the Kingdom in Europe) and those Member States which have made a similar declaration.

In accordance with Article 18 of the Convention, the Kingdom of the Netherlands (the Kingdom in Europe) reserves the right to require that the relevant documents referred to in Article 7 of the Convention be translated into Dutch.

Nederlanden, het Koninkrijk der, 15 februari 2005

In accordance with Article 21, paragraph 3, of the Convention, the Convention is declared applicable in relations between the Kingdom of the Netherlands (the Netherlands Antilles and Aruba) and those Member States which have made a similar declaration.

In accordance with Article 18 of the Convention, the Kingdom of the Netherlands (the Netherlands Antilles and Aruba) reserves the right to require that the relevant documents referred to in Article 7 of the Convention be translated into Dutch.

Spanje, 9 februari 1994

In accordance with article 8, paragraph 3, Spain declares that when acting as administering State, it will adopt the procedure provided for in paragraph 1a of the said article and when acting as sentencing State, it will acquiesce in the administering State adopting either of the procedures provided for in paragraphs 1a and 1b of this article.

F. VOORLOPIGE TOEPASSING

Het Verdrag wordt in overeenstemming met artikel 21, derde lid, vanaf 9 december 1997 toegepast tussen Nederland en Duitsland en vanaf 13 september 2004 tussen bovengenoemde partijen en Letland. Vanaf 16 mei 2005 wordt het Verdrag ook toegepast tussen de Nederlandse Antillen en Aruba en Duitsland respectievelijk Letland.

G. INWERKINGTREDING

Zie *Trb.* 1998, 179.

Overeenkomstige bepalingen van het Verdrag zullen ingevolge artikel 26, eerste lid, van het in rubriek J vermelde Kaderbesluit van 27 november 2008, vanaf 5 december 2011 door dat Kaderbesluit worden vervangen.

Wat betreft het Koninkrijk der Nederlanden, geldt de vervanging alleen voor Nederland. Het Verdrag blijft van toepassing voor de Nederlandse Antillen en Aruba.

J. VERWIJZINGEN

Zie *Trb.* 1992, 39 en *Trb.* 1998, 179.

Verbanden

Het Verdrag wordt, wat betreft overeenkomstige bepalingen, vervangen door:

- Titel : Kaderbesluit 2008/909/JBZ van de Raad van 27 november 2008 inzake de toepassing van het beginsel van wederzijdse erkenning op strafvonnissen waarbij vrijheidsstraffen of tot vrijheidsbeneming strekkende maatregelen zijn opgelegd, met het oog op de tenuitvoerlegging ervan in de Europese Unie;
Brussel, 27 november 2008
- Tekst : *Pb.* EU Nr. L 327 van 5 december 2008, blz. 27-46

Overige verwijzingen

- Titel : Verdrag tot oprichting van de Europese Gemeenschap voor Kolen en Staal;
Parijs, 18 april 1951
- Laatste *Trb.* : *Trb.* 2002, 145
- Titel : Verdrag tot oprichting van de Europese Gemeenschap;
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2008, 51
- Titel : Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie (EURATOM);
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2008, 52
- Titel : Europees Verdrag inzake de internationale geldigheid van strafvonnissen;
's-Gravenhage, 28 mei 1970
- Laatste *Trb.* : *Trb.* 2009, 35

Titel : Verdrag inzake de overbrenging van gevonniste
personen;
Straatsburg, 21 maart 1983
Laatste *Trb.* : *Trb.* 2009, 36

Uitgegeven de *zestiende* maart 2009.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN