

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 327

A. TITEL

*Europese Overeenkomst inzake het verzenden van verzoeken om
rechtsbijstand;
Straatsburg, 27 januari 1977*

B. TEKST

De Engelse en de Franse tekst van de Overeenkomst zijn geplaatst in *Trb.* 1989, 116.

C. VERTALING

Zie *Trb.* 1989, 116.

D. PARLEMENT

Zie *Trb.* 1992, 55.

E. PARTIJGEGEVENS

Zie rubriek E en F van *Trb.* 1989, 116.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië	08-06-00	17-05-01	R	18-06-01		
Azerbeidzjan		28-03-00	T	29-04-00		
België	27-01-77	10-05-78	R	11-06-78		
Bosnië en Herzegovina	07-10-08	30-04-09	R	31-05-09		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Bulgarije	27-11-95	31-05-96	R	01-07-96		
Cyprus	22-11-05					
Denemarken		11-10-79	O	12-11-79		
Duitsland	07-12-99					
Estland	25-02-98	16-12-98	R	17-01-99		
Finland		26-06-80	T	27-07-80		
Frankrijk	27-01-77	21-12-79	R	22-01-80		
Georgië	20-03-06	17-07-06	R	18-08-06		
Griekenland		27-01-77	O	28-02-77		
Ierland		15-11-88	O	16-12-88		
IJsland	08-06-00					
Italië	03-09-80	06-06-83	R	07-07-83		
Letland	14-12-00	30-05-01	R	01-07-01		
Litouwen	14-04-94	16-10-96	R	17-11-96		
Luxemburg		27-01-77	O	28-02-77		
Macedonië, Voormalige Joegoslavische Republiek	08-06-00	15-01-03	R	16-02-03		
Montenegro		14-04-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	10-10-89	12-03-92 28-09-10 28-09-10 28-09-10 – – –	R R R R	13-04-92 10-10-10 10-10-10 10-10-10 – – –		
Noorwegen	27-01-77	24-06-77	R	25-07-77		
Oostenrijk	05-07-79	15-02-82	R	16-03-82		
Polen	10-09-96	18-03-97	R	19-04-97		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Portugal	27-04-77	16-06-86	R	17-07-86		
Roemenië	04-10-01	15-02-06	R	16-03-06		
Servië	09-02-05	09-02-05	R	10-03-05		
Spanje	15-04-82	29-11-85	R	30-12-85		
Tsjechië	15-10-99	08-09-00	R	09-10-00		
Turkije	27-01-77	22-03-83	R	23-04-83		
Verenigd Koninkrijk, het	27-01-77	17-01-78	R	18-02-78		
Zweden		27-01-77	O	28-02-77		
Zwitserland	23-05-85	01-12-94	R	02-01-95		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreed tot	In werking	Buiten werking
Man	19-06-1995	

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 28 maart 2000

The Republic of Azerbaijan designates the Ministry of Justice as the transmitting and the central receiving authority, in accordance with the Article 2 of the said Agreement.

België, 10 mei 1978

In accordance with Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, the Belgian Government has designated the Ministry of Justice, 4 place Poelaert, 1000 Bruxelles, as the Central Authority to forward and receive applications for legal aid.

Bosnië en Herzegovina, 30 april 2009

In accordance with Article 2, paragraphs 1 and 2, of the Agreement, Bosnia and Herzegovina declares that the central authority responsible for

receiving and transmitting applications for legal aid in Bosnia and Herzegovina is:

The Ministry of Justice of Bosnia and Herzegovina
Trg Bosne i Hercegovine 1
71000 Sarajevo

Bulgarije, 27 november 1995

According to Article 13, paragraph 1, of the Agreement, the Republic of Bulgaria declares that she entirely excludes the application of Article 6, paragraph 1(b).

Bulgarije, 31 mei 1996

According to Article 13, paragraph 1, of the Agreement, the Republic of Bulgaria declares that she entirely excludes the application of Article 6, paragraph 1(b).

According to Article 8 of the Agreement, the Republic of Bulgaria designates the Ministry of Justice as central receiving and transmitting authority, in charge of transmitting and receiving the applications for legal aid.

Denemarken, 11 oktober 1979

In accordance with Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, I have the honour to inform you, that the transmitting and receiving authority mentioned in Article 2 (1) and (2) of the Agreement will in the Kingdom of Denmark be The Ministry of Justice, Slotsholmsgade 10, 1216 Copenhagen K, Denmark.

Estland, 16 december 1998

The Republic of Estonia declares that it does not accept a document that is drawn up in French or is accompanied by a translation into French if this document has not been translated into English or Estonian.

The Republic of Estonia designates the Ministry of Justice as the transmitting authority and the central receiving authority for the purposes of Article 2 of the Agreement

Finland, 26 juni 1980

In conformity with Article 13, Finland enters a reservation to paragraph 1.b of Article 6 to the effect that the application for legal aid and the documents attached thereto and any other communications, when they are drawn up in French or are accompanied by a translation into this language, will not be accepted.

In accordance with Article 8, Finland declares that, according to paragraphs 1 and 2 of Article 2, the Ministry of Justice is designated as the transmitting authority as well as the central receiving authority.

Frankrijk, 21 december 1979

In accordance with the provisions of Article 13, paragraph 1, of the Agreement, the French Government declares that, under Article 6, para-

graph 1.b, it will only accept applications for legal aid which are drawn up in French or accompanied by a translation into the French language. In accordance with the provisions of Article 2, paragraphs 1 and 2, of the Agreement, the authority designated as transmitting and receiving authority in France is the “Ministère de la Justice, Direction des Affaires Civiles et du Sceau, 13 Place Vendôme, Paris Cedex 01”.

Georgië, 17 juli 2006

Georgia declares that until the restoration of the territorial integrity of Georgia, the Agreement will act on the territory where Georgia exercises its full jurisdiction.

In accordance with Article 13, paragraph 1, of the Agreement, Georgia declares that the application for legal aid and the documents and other information shall be drawn up in English and if they are done in another language should be accompanied by a translation into English.

Georgië, 1 augustus 2006

Georgia declares that, in accordance with Article 2 of the Agreement, the Ministry of Justice of Georgia has been designated as the transmitting and central receiving authority of the applications for legal aid.

Georgië, 20 juni 2008

Central transmitting and receiving authorities

(Articles 2.1 and 2.2):

Ministry of Justice

Tblisi 0146

Georgia

Tel. +995-32-75-82-10/82-77/82-78

Fax.: +995-32-75-82-76-82-29

Email: Intlawdep@justice.gov.ge

Griekenland, 29 november 1982

I have the honour to inform you, in accordance with Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, that the Greek transmitting (Art. 2.1) and receiving (Art. 2.2) authority in respect of applications for legal aid is the following: Ypourgeio Dikaiosynis (Ministry of Justice), rue Zinonos 2, Athenes – Grèce.

Ierland, 4 september 1998

In accordance with Article 8 of the Agreement, the new address of the Central transmitting and receiving authority in respect of Article 2, paragraphs 1 and 2, is: Legal Aid Board, 4th Floor, St. Stephen’s Green House, Earlsfort Terrace, Dublin 2, Ireland.

Italië, 6 juni 1983

In accordance with Article 2 (1) and (2) of the said Agreement, the Italian authority designated to forward and receive the applications for

legal aid is the following: Ministero di Grazia e Giustizia, Direzione Generale Affari civili e delle libere professioni, Ufficio I, Rome.

Letland, 30 mei 2001

In accordance with Article 8 of the Agreement, the Republic of Latvia declares that, pursuant to Article 2, the designated transmitting and central receiving authority of the Republic of Latvia is:

The Ministry of Justice

Brivibas blvd 36

Riga, LV-1536

Latvia

Fax: (+371) 7285575

Phone: (+371) 7036801; 7036716

Litouwen, 16 oktober 1996

The Republic of Lithuania declares that for the purpose of Article 2 of the Agreement, the Ministry of Justice and the Ministry of Foreign Affairs of the Republic of Lithuania shall be considered the transmitting institutions, and the Ministry of Justice (Gedimino av. 30/1, Vilnius 2600, Lithuania, tel. (370.2) 62.46.70; fax: (370.2) 62.59.40) shall be the Central receiving institution.

Luxemburg, 21 april 2010

The Government of Luxembourg has designated, in accordance with Article 2, the Ministry of Justice as transmitting authority and central receiving authority entrusted with the applications for legal aid:

Ministry of Justice

13 Rue Erasme

Centre Administratif Pierre Werner

L – 1468 Luxembourg

Macedonië, Voormalige Joegoslavische Republiek, 15 januari 2003

In accordance with Article 8 of the Agreement, “the former Yugoslav Republic of Macedonia” informs that the Ministry of Justice of “the former Yugoslav Republic of Macedonia” is designated as transmitting and receiving authority, as mentioned in Article 2 (1) and (2) of the Agreement.

According to Article 13, paragraph .,1 of the Agreement, “the former Yugoslav Republic of Macedonia” declares that it excludes the application of Article 6, paragraph 1 (b).

Montenegro, 9 februari 2005

According to Article 13, paragraph 1, of the Agreement, Serbia and Montenegro excludes in full the implementation of the provisions of Article 6, par 1, sub-paragraph (b) of the Agreement.

Montenegro, 19 oktober 2006

In accordance with Article 8 of the Agreement, the Republic of Montenegro informs that, under Article 2, paragraphs 1 and 2 of the Agreement, it designates as the transmitting authority to forward applications for legal aid to the foreign authorities and as central authority to receive applications for legal aid coming from other Contracting Parties, as follows:

Ministry of Justice of the Republic of Montenegro
81000 Podgorica,
No. 3, Vuka Karadzica St.

Nederlanden, het Koninkrijk der, 12 maart 1992

The Government of the Kingdom of the Netherlands has designated for the Kingdom in Europe as central receiving authority referred to in article 2, paragraph 2, of the Agreement, the legal aid bureau of the judicial area of the Court of Justice of The Hague (het bureau van consultatie in het arrondissement van 's-Gravenhage).

The Government of the Kingdom of the Netherlands has designated for the Kingdom in Europe as authorities referred in article 2, paragraph 1, of the Agreement, the legal aid bureaus in the judicial area of each Court of Justice (de bureaus van consultatie in alle arrondissementen).

Nederlanden, het Koninkrijk der, 28 september 2010

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

Noorwegen, 24 juni 1977

Referring to Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, I have the honour to declare that the Ministry of Justice and Police has been designated competent authority to forward and receive, and to take action on, applications for legal aid, in accordance with Article 2 of the aforesaid Agreement.

Oostenrijk, 15 februari 1982

The Republic of Austria, according to Article 13, paragraph 1, declares that she entirely excludes the application of Article 6, paragraph 1, lit. b.

According to Article 8 of the European Agreement on the Transmission of Applications for Legal Aid the Republic of Austria declares that the transmitting authorities in the Republic of Austria as referred to in Article 2, paragraph 1 of the Agreement are the district courts (Bezirksgerichte) authorised to exercise jurisdiction in civil affairs, the receiving authority in the Republic of Austria as referred to in Article 2, paragraph 2 of the Agreement is the Federal Ministry of Justice.

Polen, 18 maart 1997

In accordance with Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, the Republic of Poland declares that the transmitting authorities as referred to in Article 2, paragraph 1, of the Agreement are the presidents of regional courts, the receiving authority as referred to in Article 2, paragraph 2, of the Agreement is the Ministry of Justice.

Portugal, 16 juni 1986

In accordance with the provisions of Article 13, paragraph 1 of the Agreement, the Government of the Portuguese Republic excludes wholly the application of the provisions of Article 6, paragraph 1.b. of the Agreement.

Portugal, 10 oktober 1986

Transmitting authorities referred to in Article 2, paragraph 1, and central receiving authority referred to in Article 2, paragraph 2: General Directorate of Legal Services, Ministry of Justice, Praça do Comércio, P-1100 LISBOA.

Roemenië, 15 februari 2006

In accordance with Article 13, paragraph 1, of the Agreement, Romania declares that it excludes wholly the application of the provisions of Article 6, paragraph 1.b.

In accordance with Article 2 of the Agreement, the Ministry of Justice is designated as the central transmitting authority as well as the central receiving authority.

Roemenië, 22 januari 2010

Pursuant to Article 2 of the Agreement, Romania declares that the name and address of the authority in Romania designated as the central transmitting authority as well as the central receiving authority have been updated as follows:

Ministry of Justice

Department of International Law and Treaties

Unit of judicial cooperation in civil and commercial matters

Strada Apollodor 17, Sector 5 Bucuresti, Cod 050741

Tel.: +40.37204.1077 ; +40.37204.1078 (Cabinet Director)

Tel.: +40.37204.1083 ; +40.37204.1217 ; +40.37204.1218

Fax: +40.37204.1079

Internet: www.just.ro ; Email: ddit@just.ro

Contact person: Viviana Onaca Ph.d, Director, Ro, En and Fr

Servië, 9 februari 2005

According to Article 13, paragraph 1, of the Agreement, Serbia and Montenegro excludes in full the implementation of the provisions of Article 6, par 1, sub-paragraph (b) of the Agreement.

Servië, 20 juli 2006

In accordance with Article 8 of the Agreement, Serbia and Montenegro informs that, under Article 2, paragraphs 1 and 2 of the Agreement, it designates as the transmitting authority to forward applications for legal aid to the foreign authorities and as central authority to receive applications for legal aid coming from other Contracting Parties, as follows:

Ministry of Justice of the Republic of Serbia

11000 Belgrade, No. 22-24, Nemanjina St.

Spanje, 17 augustus 2006

Subdirección General de Cooperación Jurídica Internacional

Ministerio de Justicia

c/ San Bernardo, n° 62

29071 Madrid

España

Spanje, 5 maart 2008

If the Agreement on the Transmission of Application for legal Aid were to be extended by the United Kingdom to Gibraltar, the Kingdom of Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory for the international relations of which the United Kingdom is responsible and which is subject to a

decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in the distribution and attribution of competences performed by the United Kingdom, in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar, and it cannot be considered to produce a change in relation with what was established in the two previous paragraphs.

Tsjechië, 8 september 2000

In accordance with Article 8 of the European Agreement on the Transmission of Applications for Legal Aid, the Czech Republic declares that the transmitting and central receiving authority under Article 2, paragraphs 1 and 2 of the Agreement is the Ministry of Justice of the Czech Republic, Praha 2, Vysehradská 16.

Turkije, 14 juni 1983

Transmitting authorities referred to in Article 2, paragraph 1, and central receiving authority referred to in Article 2, paragraph 2: Ministry of Justice, Department of Judicial Affairs, Adalet Bakanligi, Hukuk Isleri Genel Müdürlüğü, Bakanliklar, Ankara.

Verenigd Koninkrijk, het, 27 april 1990

For England and Wales: The Area Director, No. 14 Legal Aid Area, 29-37 Red Lion Street, London WC1R 4PP

For Scotland: The Secretary, The Scottish Legal Aid Board, 44 Drumsheugh Gardens, Edinburgh EH3 7YR

For Northern Ireland: The Liaison Officer, The Legal Aid Department, The Law Society of Northern Ireland, Bedford House, Bedford Street, Belfast BT2 7FL.

Verenigd Koninkrijk, het, 18 mei 1995

In accordance with Article 12, paragraph 2 of the Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland declares that the Agreement shall apply to the Isle of Man, being a territory for whose international relations the Government of the United Kingdom are responsible.

Zweden, 24 november 2000

The central authority is the:

Ministry of Justice

Division for Criminal Cases and International Judicial Co-operation

Central Authority
S-103 33 Stockholm
Sweden
Telephone: +46 8 405 45 00 (Secretariat)
Fax: +46 8 405 46 76
E-mail: birs@justice.ministry.se

Zwitsersland, 1 december 1994

In accordance with Article 8, Switzerland designates the cantonal authorities specified in the appendix as central receiving and transmitting authorities within the meaning of Article 2 of the Convention. Applications originating from foreign countries may also be directed to the Federal Department of Justice and Police in Bern, which will ensure that they are forwarded to the competent central authorities.

Where the legal aid concerns proceedings which, under the rules governing domestic jurisdiction or the successive levels thereof, must be conducted before the federal authorities, the Federal Department of Justice and Police will transmit the applications concerning those proceedings to the competent federal authorities. Applications submitted to the central cantonal authorities will be automatically forwarded by them to the Federal Department of Justice and Police.

1. Central cantonal authorities

A list of the central cantonal authorities including their address and phone/fax numbers can be consulted on line at the following address:
<http://www.ofj.admin.ch/rht/d/service/recht/Kantonale-Zentralbehoerden.pdf>

To determine the central authority competent by reason of its location, the database of the Swiss localities and Courts can be consulted on line at the following address:

<http://www.elorge.admin.ch>

2. Federal Authority

Département fédéral de Justice et Police
Office fédéral de la Justice
3003 Berne

Tél.: ++4134 322 41 22

Fax: ++4131 322 78 64

In accordance with Articles 13 and 14, Switzerland declares that for the purposes of Article 6 the application for legal aid and the appendices thereto must be drawn up in the language of the authority to which the application is made, that is in German, French or Italian, or accompanied by a translation in one of those languages, according to the part of Switzerland where the application is to be executed. Documents drawn up in another language than that of the aforesaid authority or accompanied by a translation in another language may always be refused.

Zwitserland, 11 mei 2006

A list of the central cantonal authorities including their address and phone/fax numbers can be consulted on line at the following address: <http://www.rhf.admin.ch/rhf/service/recht/Kantonale-Zentralbehoerden.pdf>.

G. INWERKINGTREDING

Zie *Trb.* 1989, 116 en *Trb.* 1992, 55.

Wat betreft het Koninkrijk der Nederlanden, geldt de Overeenkomst, die vanaf 13 april 1992 alleen voor het Europese deel van Nederland gold, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie voor verwijzingen en andere verdragsgegevens *Trb.* 1989, 116, *Trb.* 1992, 55 en *Trb.* 1997, 283.

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
Laatste *Trb.* : *Trb.* 2007, 146

Uitgegeven de *zeventiende* december 2010.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL