

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 50

A. TITEL

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

B. TEKST

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

D. PARLEMENT

Zie *Trb.* 1998, 179.

E. PARTIJGEGEVENS

Zie *Trb.* 1992, 39. Toetreding is voorzien in artikel 22.

Partij	Onder-tekening	Voor-lopige toepas-sing	Ratifica-tie	Type [*]	In werking	Opzeg-ging	Buiten werking
België	13-11-91						
Cyprus			16-11-05	T			
Denemarken	13-11-91						
Duitsland	13-11-91	09-12-97	10-09-97	R			
Frankrijk	13-11-91						
Griekenland	13-11-91						
Italië	13-11-91						
Letland		13-09-04	15-06-04	T			

Partij	Onder- tekening	Voor- lopige toepas- sing	Ratifica- tie	Type*	In werking	Opzeg- ging	Buiten werking
Luxemburg	13-11-91						
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	13-11-91	09-12-97 10-10-10 10-10-10 10-10-10 16-05-05 10-10-10 10-10-10	17-11-93 – – – 15-02-05 – –	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, T=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.

Denemarken, 13 november 1991

[...] with reservation for application to the Faroe Islands and Greenland.

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 federal states.

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 federal states 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.

Frankrijk, 13 november 1991

In accordance with article 1, paragraph 2, the Government of the French Republic declares that it intends to exclude from the scope of this Convention administrative offences or offences against regulations falling within the competence of an administrative authority as referred to in paragraph 1 of the same article if the individual concerned has not had the opportunity to bring the matter before a court competent in criminal matters.

In accordance with article 8, paragraph 6, the Government of the French Republic declares that it only accepts the application of the conversion

procedure mentioned in paragraph 5 (a) for custodial penalties of less than three months.

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.

Nederlanden, het Koninkrijk der, 18 oktober 2010

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

With effect from 10 October 2010, the Netherlands Antilles ceased to exist as a part of the Kingdom of the Netherlands. Since that date, the

Kingdom consists of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten 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 formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – became part of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that applied 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.

Nederlanden, het Koninkrijk der, 25 juli 2012

In accordance with Article 18 of the Convention, the Kingdom of the Netherlands (Curaçao, Sint Maarten, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) and Aruba) reserves the right to require that the relevant documents referred to in Article 7 of the Convention be translated into Dutch.

In accordance with Article 21, paragraph 3, of the Convention, the Convention is declared applicable in relations between the Kingdom of the Netherlands (Curaçao, Sint Maarten, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) and Aruba) and those Member States which have made a similar declaration.

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

Zie rubriek G van *Trb.* 1998, 179.

Wat betreft het Koninkrijk der Nederlanden, wordt het Verdrag, dat vanaf 16 mei 2005 voorlopig werd toegepast tussen Nederland (het Europese deel), de Nederlandse Antillen, Aruba, Duitsland en Letland, vanaf 10 oktober 2010 voorlopig toegepast in de verhouding tussen

Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint Maarten en, respectievelijk Duitsland en Letland.

G. INWERKINGTREDING

Zie *Trb.* 1992, 39 en *Trb.* 2009, 38.

J. VERWIJZINGEN

Zie *Trb.* 1992, 39, *Trb.* 1998, 179 en *Trb.* 2009, 38.

Titel : Verdrag betreffende de werking van de Europese Unie¹⁾;
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2012, 181

Titel : Verdrag tot oprichting van de Europese Gemeenschap
voor Atoomenergie (EURATOM);
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2010, 247

Titel : Europees Verdrag inzake de internationale geldigheid
van strafvonnissen;
's-Gravenhage, 28 mei 1970

Laatste *Trb.* : *Trb.* 2012, 122

Uitgegeven de veertiende maart 2013.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS

¹⁾ De titel van het Verdrag luidde vóór 1 december 2009: Verdrag tot oprichting van de Europese Gemeenschap.