

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 74

A. TITEL

*Verdrag tussen het Koninkrijk België, de Bondsrepubliek Duitsland, het Koninkrijk Spanje, de Republiek Frankrijk, het Groothertogdom Luxemburg, het Koninkrijk der Nederlanden en de Republiek Oostenrijk inzake de intensivering van de grensoverschrijdende samenwerking, in het bijzonder ter bestrijding van het terrorisme, de grensoverschrijdende criminaliteit en de illegale migratie;
(met Bijlagen)
Prüm, 27 mei 2005*

B. TEKST

De Nederlandse tekst van het Verdrag, met Bijlagen, is geplaatst in *Trb.* 2005, 197.

D. PARLEMENT

De artikelen 1 en 2 van de Wet van 17 januari 2008 (*Stb.* 2008, 25) luiden als volgt:

„Artikel 1

Het op 27 mei 2005 te Prüm tot stand gekomen Verdrag tussen het Koninkrijk België, de Bondsrepubliek Duitsland, het Koninkrijk Spanje, de Republiek Frankrijk, het Groothertogdom Luxemburg, het Koninkrijk der Nederlanden en de Republiek Oostenrijk inzake de intensivering van de grensoverschrijdende samenwerking, in het bijzonder ter bestrijding van het terrorisme, de grensoverschrijdende criminaliteit en de illegale migratie, waarvan de Nederlandse tekst is geplaatst in *Tractatenblad* 2005, 197, wordt goedgekeurd voor Nederland.

Artikel 2

1. Een ontwerp van een besluit over de uitvoering en toepassing van het in artikel 1 genoemde verdrag, dat beoogt het Koninkrijk te binden, wordt voordat daaromtrent enigerlei besluitvorming door het Comité van Ministers, bedoeld in artikel 43, eerste lid, van dat verdrag, plaatsvindt, terstond nadat de tekst van dat ontwerp tot stand is gekomen openbaar gemaakt en aan de Staten-Generaal voorgelegd.

2. Een ontwerpbesluit als bedoeld in het eerste lid kan, in afwijking van het bepaalde in dat lid, ter vertrouwelijke kennisneming door de leden van de Staten-Generaal worden voorgelegd indien buitengewone omstandigheden van dwingende aard het bepaald noodzakelijk maken dat het ontwerp een geheim of vertrouwelijk karakter draagt.

3. Instemming van de Staten-Generaal is vereist voordat de vertegenwoordiger van het Koninkrijk zijn medewerking kan verlenen aan het tot stand komen van een besluit als bedoeld in het eerste lid.

4. Stilzwijgende instemming is verleend tenzij binnen vijftien dagen na overlegging van het ontwerpbesluit aan de Staten-Generaal door of namens een van de Kamers de wens te kennen wordt gegeven dat het ontwerpbesluit de uitdrukkelijke instemming behoeft.”

Deze Wet is gecontrasigneerd door de Minister van Justitie E. M. H. HIRSCH BALLIN, de Minister van Buitenlandse Zaken M. J. M. VERHAGEN en de Minister van Binnenlandse Zaken en Koninkrijksrelaties G. TER HORST.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2006/2007, nr. 30 881; Hand. II 2006/2007, vergadering van 6 en 12 juni 2007, pag. 4075-4085 resp. 4215-4216; Kamerstukken I 2007/2008, 30 881; Hand. I 2007/2008, vergadering van 15 januari 2008, pag. 667-687.

E. PARTIJGEGEVENS

Zie *Trb.* 2005, 197.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	27-05-05	05-02-07	R	06-05-07		
Duitsland	27-05-05	25-08-06	R	23-11-06		
Finland		19-03-07	T	17-06-07		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Frankrijk	27-05-05	02-10-07	R	31-12-07		
Hongarije		16-10-07	T	14-01-08		
Luxemburg	27-05-05	08-02-07	R	09-05-07		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	27-05-05	20-02-08 – –	R	20-05-08 – –		
Oostenrijk	27-05-05	21-06-06	R	01-11-06		
Slovenië		10-05-07	T	08-08-07		
Spanje	27-05-05	03-08-06	R	01-11-06		

* 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

België, 5 februari 2007

Declaration concerning article 2, paragraph 3:

Articles 2 to 6 of the Convention apply to the offenders DNA databank as referred to in section 5 of the Act of 22 March 1999 on procedures for identification by means of DNA analysis for purposes of criminal law enforcement.

Declaration concerning article 42:

1. The national contact point for DNA analysis referred to in article 6, paragraph 1, is the Institut National de Criminalistique et de Criminologie of the Service Public Fédéral Justice.
2. The national contact point for fingerprint data referred to in article 11 is the Service d'Identification Judiciaire at the Direction Générale de la Police Judiciaire of the Police Fédérale.
3. The national contact point for vehicle registration data referred to in article 12.2 is the Service Immatriculation at the Direction Générale Mobilité et Sécurité Routière of the Service Public Fédéral Mobilité et Transports.
4. The national contact point referred to in article 15 for exchanging information about large-scale events is the Direction des Opérations et de l'Information at the Direction Générale de la Police Administrative of the Police Fédérale.

5. The national contact point referred to in article 16.3 for information related to preventing terrorist offences is the Service Central de Lutte contre le Terrorisme at the Direction Générale de la Police Judiciaire of the Police Fédérale.
6. The national office referred to in article 19 for contact and coordination among air marshals is the Inspection Aéronautique at the Direction Générale Transport Aérien of the Service Public Fédéral Mobilité et Transports.
7. The national office referred to in article 22 for contact and coordination among advisers on false documents is the Service Central de Lutte contre les Faux at the Direction Générale de la Police Administrative of the Police Fédérale.
8. The national contact point referred to in article 23, paragraph 3 for planning and implementing repatriation measures is the Direction Générale Office des Etrangers of the Service Public Fédéral Intérieur.
9. The competent authorities and officers referred to in articles 24 to 27 are the competent authorities and officers who carry out police duties in accordance with Belgian national law.

Duitsland, 25 augustus 2006

Pursuant to article 2, paragraph 3 of the Prüm Convention, signed on 27 May 2005, between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration, articles 2 to 6 of the Convention apply in the Federal Republic of Germany to the establishment of national DNA analysis files, which are for collective use at the Federal Criminal Police Office (Bundeskriminalamt) pursuant to divisions 2, 7 and 8 of the Act on the Federal Criminal Police Office and cooperation between the federal and state authorities in criminal police matters (BKAG).

The national DNA analysis files serve to match trace evidence found at the scene of a crime with known offenders, for the purpose of solving crimes. Besides administrative and case-specific data, they also contain personal data. However, for the purpose of comparison under the Prüm Convention, only reference data pursuant to article 2, paragraph 2, second sentence of the Convention may be made available. These are a portion of the data contained in the DNA analysis files.

Pursuant to article 42, paragraph 1 of the Prüm Convention the following authorities are designated as responsible for applying the Convention:

1. The national contact point for automated searching and comparison of DNA profiles under article 6, paragraph 1:
Federal Criminal Police Office
65173 Wiesbaden
Telephone: 0049 (0) 611 551 3101 (duty superintendent)

Fax: 0049 (0) 611 551 2141 (central fax number)

Email: mail@bka.bund.de

2. The national contact point for automated searching of fingerprinting data under article 11, paragraph 1:

Federal Criminal Police Office

65173 Wiesbaden

Telephone: 0049 (0) 611 551 3101 (duty superintendent)

Fax: 0049 (0) 611 551 2141 (central fax number)

Email: mail@bka.bund.de

3. The national contact points for automated searching of vehicle registration data under article 12, paragraph 2.

For incoming requests:

Kraftfahrt-Bundesamt

Fördestraße 16

24944 Flensburg

Telephone: 0049 (0) 461 3162050; 0049 (0) 461 3161600 (24 hours)

Fax: 0049 (0) 461 3162942

Email: kba@kba.de

For outgoing requests:

Federal Criminal Police Office

65173 Wiesbaden

Telephone: 0049 (0) 611 551 3101 (duty superintendent)

Fax: 0049 (0) 611 551 2141 (central fax number)

Email: mail@bka.bund.de

4. The national contact points for the exchange of information in connection with major events, under article 15:

Federal Criminal Police Office

65173 Wiesbaden

Telephone: 0049 (0) 611 551 3101 (duty superintendent)

Fax: 0049 (0) 611 551 2141 (central fax number)

Email: mail@bka.bund.de

Central Information Office for Sport Events (ZIS)

Landeskriminalamt Düsseldorf

Völklinger Straße 49

40221 Düsseldorf

Telephone: 0049 (0) 211 939 4300, 4301, 4305

Fax: 0049 (0) 211 939 4399

Email: zis@mail.lka.nrw.de

Outside ZIS office hours, contact

Landeskriminalamt Düsseldorf (24 hours)

Telephone: 0049 (0) 211 939 4112

Fax: 0049 (0) 211 939 4119

Email: poststelle@lka.polizei.nrw.de

5. The national contact point for information on the prevention of terrorist offences, under article 16, paragraph 3:

Federal Criminal Police Office

65173 Wiesbaden

Telephone: 0049 (0) 611 551 3101 (duty superintendent)

Fax: 0049 (0) 611 551 2141 (central fax number)

Email: mail@bka.bund.de

6. The national contact and coordination point for air marshals (ZAF), under article 19:

Air Marshals Contact and Coordination Centre (ZAF)

Frankfurt Airport Federal Police

60532 Frankfurt/Main

Telephone: 0049 (0) 693 400 5603 (24 hours), 0049 (0) 173 257 4677

Fax: 0049 (0) 693 400 5699

Email: fsb@polizei.bund.de

7. The national contact and coordination point for document advisers, under article 22:

Federal Police Department

56068 Koblenz

Telephone: 0049 (0) 261 399 0 (24 hours)

Fax: 0049 (0) 261 399218

Email: bpold@polizei.bund.de

8. The national contact point for preparing and implementing repatriation measures, under article 23, paragraph 3:

Federal Police Department

56068 Koblenz

Telephone: 0049 (0) 261 399 0 (24 hours)

Fax: 0049 (0) 261 399218

Email: bpold@polizei.bund.de

9. Competent authorities and officers, within the meaning of articles 24 to 27:

Any existing bilateral and multilateral agreements on police and judicial cooperation between the Federal Republic of Germany and its immediate neighbour states take precedence, in accordance with article 47 of the Prüm Convention.

Specifically, the following exception applies:

a. Under article 24, paragraph 1 (Joint operations)

All state and federal police forces. In exceptional situations, where there is no special treaty provision on joint operations, or a direct cross-border agreement, permission must be obtained from the Federal Ministry of the Interior or from the interior ministries of the states (Länder) concerned.

b. Under article 25, paragraph 4, first sentence (notify the host State without delay)

The officers crossing the border must immediately notify the federal and local state police authorities.

c. Under article 26 (Assistance in connection with major events, disasters and serious accidents)

All state and federal police forces and the Federal Criminal Police Office are competent to provide assistance in connection with major events, disasters and serious accidents.

d. Under article 27 (Cooperation upon request)
 Federal Criminal Police Office
 65173 Wiesbaden
 Telephone: 0049 (0) 611 551 3101 (duty superintendent)
 Fax: 0049 (0) 611 551 2141 (central fax number)
 Email: mail@bka.bund.de

Finland, 19 maart 2007

For Finland the DNA database referred to in Article 2 paragraph 3 of the Treaty is the National DNA Database which forms a part of the data content of the Police ID Database established under the Finnish Coercive Measures Act (450/1987) and the Act on the Processing of Personal Data by Police (761/2003). The DNA profile can be stored in the Police ID Database for the performance of the duties pursuant to Section 1 paragraph 1 of the Police Act (493/1995). The Supreme Police Command is responsible authority (file keeper) for the database. The National Bureau of Investigation (NBI) is in charge of maintaining and using the DNA Database. When a DNA sample is taken from a criminal suspect or from a convicted offender in accordance with the provisions of the Coercive Measures Act, respective entries are made on the Police ID Database. Under section 37 of the Act on the Processing of Personal Data by Police the police may supply data from a police personal data file established for the purpose of performing duties laid down in section 1(1) of the Police Act to police authorities and other authorities within the Member States of the European Union and within the European Economic Area whose duties include securing judicial and social order, maintaining public order and security or preventing or investigating offences and forwarding them to a prosecutor for consideration of charges, if the data is essential for performing the duties in question. Data from a police personal data file established for the purpose of performing duties laid down in section 1(3) of the Police Act may be supplied if the data is essential for the performance of the duty for which the data was collected and recorded.

1. According to article 6 paragraph 1 the national contact point for DNA-analysis:

National Bureau of Investigation
 Criminal Intelligence Division / Communications Centre
 P.O. Box 285 (visiting address: Jokiniemenkuja 4)
 FI-01301 VANTAA, FINLAND
 Phone 24/7: +358 9 8388 6281
 Telefax +358 9 8388 6299
 E-mail: KRP-RTP-VLP@krp.poliisi.fi

(NOTE: DNA analysis available during office hours)

2. According to artikel 11 paragraph 1 the national contact point for fingerprints:

National Bureau of Investigation
 Criminal Intelligence Division / Communications Centre

P.O. Box 285 (visiting address: Jokiniemenkuja 4)
FI-01301 VANTAA, FINLAND
Phone 24/7: +358 9 8388 6281
Telefax +358 9 8388 6299
E-mail: KRP-RTP-VLP@krp.poliisi.fi

(NOTE: fingerprint analysis available during office hours)

3. According to article 12 paragraph 2 the national contact point for vehicle registration data:

National Bureau of Investigation
Criminal Intelligence Division / Communications Centre
P.O. Box 285 (visiting address: Jokiniemenkuja 4)
FI-01301 VANTAA, FINLAND
Phone 24/7: +358 9 8388 6281
Telefax +358 9 8388 6299
E-mail: KRP-RTP-VLP@krp.poliisi.fi

4. According to article 15 the national contact point for information exchange for major events:

National Bureau of Investigation
Criminal Intelligence Division / Communications Centre
P.O. Box 285 (visiting address: Jokiniemenkuja 4)
FI-01301 VANTAA, FINLAND
Phone 24/7: +358 9 8388 6281
Telefax +358 9 8388 6299
E-mail: KRP-RTP-VLP@krp.poliisi.fi

5. According to article 16 paragraph 3 the national contact point for information exchange for the prevention of terrorist acts:

The Finnish Security Police
P.O. Box 151
FI-00121 Helsinki, Finland
Phone international/Exchange: +358 9 134471
Duty Officer 24/7 Mobile phone +358 50 5910748
E-mail: given.name.surname@poliisi.fi

6. According to article 19 the national contact and coordination point for air marshals:

National Traffic Police, Helsinki-Vantaa Airport Unit
Lentäjätie 1B or P.O. Box 26
FI-01531 VANTAA, FINLAND
Phone international/Exchange: +358 9 8388 3700
Duty Officer 24/7 Mobile phone : +358 40 541 0038
Telefax: +358 9 8388 3734
E-mail: given name.surname@poliisi.fi

7. According to article 22 the national contact and coordination point for document adviser:

National Bureau of Investigation
Criminal Intelligence Division / Communications Centre
P.O. Box 285 (visiting address: Jokiniemenkuja 4)
FI-01301 VANTAA, FINLAND

Phone 24/7: +358 9 8388 6281

Telefax +358 9 8388 6299

E-mail: KRP-RTP-VLP@krp.poliisi.fi

(NOTE: document analysis available during office hours)

8. According to article 23 paragraph 3 the national contact point for planning and execution of return measures:

Border Guard, Gulf of Finland Coast Guard District

HELSINKI-VANTAA RAJATARKASTUSYKSIKKÖ

HELSINKI-VANTAA BORDER CONTROL UNIT

P.O. Box (Lentäjätie 1)

FI-01531 VANTAA

Tel. +35820 410 6260; + 35820 410 6265

Fax. +35820 410 6269

E-mail: vp.hkivan.slmv@raja.fi

9. According to article 24 to 27 the national authorities and officers:

a) according to article 24 the authorities in charge for joint patrols and other forms of police operations:

Ministry of the Interior, Police Department, Operational Policing Unit

FI-00023 GOVERNMENT, FINLAND

Phone international/Exchange: +358 9 16001

Duty Officer 24/7 Mobile phone: +358 50 514 2955

Telefax +358 9 160 42924

E-mail: given name.surname@poliisi.fi

b) according to article 24 officers or other civil servants with the right to participate in police operations:

Police, border guard and customs authorities competent under Finnish law to participate in operations in accordance with article 24.

c) according to article 25 the authorities to be notified in case of measures in the event of imminent danger

Ministry of the Interior, Police Department, Operational Policing Unit

FI-00023 GOVERNMENT, FINLAND

Phone international/Exchange: +358 9 16001

Duty Officer 24/7 Mobile phone: +358 50 514 2955

Telefax +358 9 160 42924

E-mail: given name.surname@poliisi.fi

d) according article 26 the authorities in charge with the mutual support in major events, catastrophes or major accidents:

Ministry of the Interior, Police Department, Operational Policing Unit

FI-00023 GOVERNMENT, FINLAND

Phone international/Exchange: +358 9 16001

Duty Officer 24/7 Mobile phone: +358 50 514 2955

Telefax +358 9 160 42924

E-mail: given name.surname@poliisi.fi

e) according article 27 the authorities in charge for the cooperation on request:

Ministry of the Interior, Police Department, Operational Policing Unit

FI-00023 GOVERNMENT, FINLAND

Phone international/Exchange: +358 9 16001
Duty Officer 24/7 Mobile phone: +358 50 514 2955
Telefax +358 9 160 42924
E-mail: given name.surname@poliisi.fi

Finland, 21 december 2007

Provisions of the Prüm Convention on the use of arms, ammunition and equipment (article 28)

The purpose of this document is to define Finland's position on arms, ammunition and equipment which may be used in Finland by law enforcement officers who enter Finland in accordance with the Prüm Convention.

Arms, ammunition and equipment usable under the first and second sentences of article 28(2):

- authorised firearms and authorised ammunition;
- authorised OC sprays and authorised equipment for deployment;
- authorised CS gas and authorised equipment for deployment;
- taser

ATIA Annex D 3:

The arms, ammunition and other equipment may not be more powerful than those used by the Finnish police, and the grounds for their use may not be less strict than those laid down in Finnish legislation and legal practice.

Situations in which the police may under Finnish law use forcible means (section 27 of the Police Act, 493/1995)

When carrying out official duties, police officers have the right to use necessary forms of force that can be considered justifiable to

- overcome opposition,
- remove a person from the scene,
- carry out an apprehension,
- prevent the escape of a person who has lost his or her liberty,
- eliminate an obstacle or
- avert immediate threat of a crime or other dangerous actor event.

When judging the justifiability of forcible means,

- the importance and urgency of the duty,
- the danger posed by the opposition,
- the available resources and
- other factors affecting the overall assessment of the situation shall be taken into consideration.

Police equipment for exertion of force (section 18 of the Police Decree, 836/2004)

1. The State shall provide a police officer with equipment for exertion of force and protection required by his duties. When using forcible means in accordance with section 27, subsection 1 of the Police Act, the police officer may only use equipment mentioned in subsection 2, which the Supreme Police Command has authorised and the police officer has been trained to use.

2. The police use the following equipment for exertion of force:
 1. Personal service weapons: single-shot with magazine or self-loading single-shot pistols and revolvers, as well as their cartridges
 2. Supporting weapons: single-shot with magazine or self-loading single-shot firearms of equivalent calibre as service weapons, as well as their cartridges
 3. Special weapons which support police operation: shotgun, automatic sub-machine gun of equivalent calibre as service weapons, single-shot, single-shot with magazine or self-loading single-shot rifle or other firearm, firearm for spreading gas or other incapacitating substance, as well as their cartridges
 4. Other equipment of lesser effect as to their properties, and of lesser impact when used appropriately, than firearms.

Restrictions to the use of equipment for exertion of force

In the application of the Prüm Convention, Finland does not define the make or model of the weapons that are used, but sets the following restrictions to the cartridges and other equipment.

- The pistols and revolvers referred to in section 18(2)(1) of the Police Decree may only be calibre .38 Special, .357 Magnum or 9 x 19 mm.
- The supporting weapons referred to in section 18(2)(2) of the Police Decree may only be calibre 9 x 19 mm.
- The special weapons referred to in section 18(2)(3) of the Police Decree may only be calibre 12/76 (shotgun), 9 x 19 mm (sub-machine gun), .223 Remington / 5.56 x 45 mm NATO or .308 Winchester / 7.62 x 51 mm NATO (rifle), or 40 mm (grenade launcher). A grenade launcher may only be used for shooting CS gas or OC spray.
- Other accepted equipment, of lesser effect than firearms: Taser X26 stun gun and, regardless of manufacturer or model, expandable baton of metal (e.g. ASP or similar), OC sprayer of not more than 5 per cent concentration (2 000 000 SHU) and as restraint devices, handcuffs and cable-tie handcuffs placed around the wrists.

Frankrijk, 29 november 2007

A: DNA

1. The national DNA analysis files to which articles 2 and 3 apply refer to the indexed file of the Automated National File of Genetic Prints (FNAEG).
2. Conditions governing searching of DNA profiles:
Authorisation to search the indexed file of the FNAEG is restricted to criminal investigation officers in the context of investigations concerning anyone who is suspected for one or more plausible reasons of having committed a serious offence.

B: Article 42 (1) National contact points

1. The national contact point as referred to in article 6 (1) (DNA analysis) is SCOPOL
DCPJ/DRI/SCOPOL
101–103 rue des Trois Fontanot

- 92000 Nanterre
Telephone: + 33 1 40 97 88 00
Fax: + 33 1 40 97 88 01
Email: dri-sirene@interieur.gouv.fr
2. The national contact point as referred to in article 11 (1) (fingerprinting data) is SCOPOL
DCPJ/DRI/SCOPOL
101–103 rue des Trois Fontanot
92000 Nanterre
Telephone: + 33 1 40 97 88 00
Fax: + 33 1 40 97 88 01
Email: dri-sirene@interieur.gouv.fr
3. The national contact point as referred to in article 12 (2) (vehicle registration data) is SCOPOL
DCPJ/DRI/SCOPOL
101–103 rue des Trois Fontanot
92000 Nanterre
Telephone: + 33 1 40 97 88 00
Fax: + 33 1 40 97 88 01
Email: dri-sirene@interieur.gouv.fr
4. The national contact point as referred to in article 15 (exchange of information in connection with major sporting and other events) is SCOPOL
DCPJ/DRI/SCOPOL
101–103 rue des Trois Fontanot
92000 Nanterre
Telephone: + 33 1 40 97 88 00
Fax: + 33 1 40 97 88 01
Email: dri-sirene@interieur.gouv.fr
5. The national contact point as referred to in article 16 (3) (prevention of terrorist offences) is SCOPOL
DCPJ/DRI/SCOPOL
101–103 rue des Trois Fontanot
92000 Nanterre
Telephone: + 33 1 40 97 88 00
Fax: + 33 1 40 97 88 01
Email: dri-sirene@interieur.gouv.fr
6. The national contact point as referred to in article 19 (air marshals) is the Centre d'Information et de Commandement, EM-DCPAF
DCPAF
8 rue de Penthièvre
75800 Paris cedex
Telephone: + 33 1 49 27 41 28
Fax: + 33 1 42 65 15 85
Email: dcpaf.sic@interieur.gouv.fr
7. The national contact point as referred to in article 22 (false or falsified documents) is the Centre d'Information et de Commandement,

EM-DCPAF

DCPAF

8 rue de Penthièvre

75800 Paris cedex

Telephone: + 33 1 49 27 41 28

Fax: + 33 1 42 65 15 85

Email: dcpaf.sic@interieur.gouv.fr

8. The national contact point as referred to in article 23 (3) (repatriation measures) is the Centre d'Information et de Commandement, EM-DCPAF

DCPAF

8 rue de Penthièvre

75800 Paris cedex

Telephone: + 33 1 49 27 41 28

Fax: + 33 1 42 65 15 85

Email: dcpaf.sic@interieur.gouv.fr

9. The national contact point as referred to in articles 24 to 27 ('other forms of cooperation' means cross-border cooperation) the Centre d'Information et de Commandement, EM-DCPAF

DCPAF

8 rue de Penthièvre

75800 Paris cedex

Telephone: + 33 1 49 27 41 28

Fax: + 33 1 42 65 15 85

Email: dcpaf.sic@interieur.gouv.fr

Hongarije, 20 december 2007

The government of the Republic of Hungary,

With regard to articles 2 and 42 of the Convention of Prüm between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria, declares as follows:

Article 2

a) The national DNA analysis files referred to in article 2 (3) of the Convention are the comprehensive and highly detailed Register of DNA Profiles referred to in chapter VI of Act LXXXV of 1999, which is part of the Criminal Records Register.

b) Hungarian law has no provisions regarding the conditions for automated searching referred to in article 2 (3) of the Convention.

Article 42

a) The national contact point referred to in articles 6 (1), 11 (1) and 12 (2) is the Central Office of Public Administration and Electronic Public Service.

b) The national contact point as referred to in articles 15, 16 (3) and 19 is the Headquarters of the Hungarian Police.

- c) Until 31 December 2007, the national contact point referred to in article 22 is the General Headquarters of the Hungarian Border Police, and from 1 January 2008 the Headquarters of the Hungarian Police.
- d) The national contact point referred to in article 23 (3) is the Office for Immigration and Citizenship.
- e) The competent authorities and officers referred to in articles 24 to 27 are the police and the customs and excise authorities, or their officers.

Luxembourg, 8 februari 2007

- I.– In applying article 2, paragraph 2 of the Convention, the Grand Duchy of Luxembourg declares that the national DNA analysis files to which articles 2 to 6 apply are those referred to in the amended Act of 25 August 2006 on genetic fingerprints for purposes of criminal law enforcement, namely:
 - 1. DNA processed for purposes of criminal investigation, containing DNA profiles established in the course of preliminary investigations, on the basis of human cells:
 - a) discovered at crime scenes or elsewhere, identified or non-identified, or
 - b) taken as samples from suspects or defendants;
 - 2. processed DNA of offenders, containing DNA profiles of persons whose convictions are final and who have been sentenced to imprisonment or a more severe penalty.
- II.– In accordance with the provisions of other international agreements on mutual legal assistance currently in force, any information conveyed by the Grand Duchy of Luxembourg under the Convention may be used as evidence by the Contracting Party receiving it only upon authorisation by the competent Luxembourg judicial authorities.
- III.– In accordance with article 42 of the Convention, the Grand Duchy of Luxembourg designates the following competent authorities and national contact points for application of the Convention:
 - 1. for consultation and automated comparisons of DNA profiles as referred to in articles 3 and 4: the Service de Police Judiciaire of the Police Grand-Ducale;
 - 2. for automated consultation of fingerprint data as referred to in article 9: the Service de Police Judiciaire of the Police Grand-Ducale;
 - 3. for automated consultation of vehicle registration data as referred to in article 12: the Centre d'Intervention Nationale of the Police Grand-Ducale;
 - 4. for exchanging information about large-scale events with a cross-border dimension as referred to in article 15: the Centre d'Intervention Nationale of the Police Grand-Ducale;
 - 5. for exchanging information related to preventing terrorist offences as referred to in article 16, paragraph 3: the Service de Police Judiciaire of the Police Grand-Ducale;
 - 6. for air marshals on board aircraft as referred to in articles 17 to 19: the Service de Contrôle à l'Aéroport of the Police Grand-Ducale;

7. for advisers on false documents as referred to in article 22: the Service de Contrôle à l'Aéroport of the Police Grand-Ducale;
8. for the repatriation measures referred to in article 23: the Police des Etrangers of the Service de Police Judiciaire of the Police Grand-Ducale;
9. for the authorities and officers referred to in articles 24 to 27: the competent authorities and services that carry out police duties in accordance with the amended Act of 31 May 1999 concerning the establishment of the Police Grand-Ducale and of a general police inspectorate.

Nederlanden, het Koninkrijk der, 20 februari 2008

Met betrekking tot artikel 2, lid 3, van het genoemde Verdrag verklaart het Koninkrijk der Nederlanden als volgt:

Het Koninkrijk der Nederlanden verleent de nationale contactpunten van de andere Partijen bij het Verdrag toegang tot de linkgegevens van zijn nationale DNA-analysebestanden met het recht deze in individuele gevallen geautomatiseerd op te vragen door middel van een vergelijking van de DNA-profielen, een en ander uitsluitend met het oog op de vervolging van strafbare feiten die voldoen aan de voorwaarde voor het uitvoeren van een Europees aanhoudingsbevel in overeenstemming met artikel 2, lid 1 of lid 2, van het Kaderbesluit van de Raad van 13 juni 2002 betreffende het Europees aanhoudingsbevel en de procedures van overlevering tussen de lidstaten (PB L 190 van 18.7.2002, blz. 1).

De volgende bevoegde autoriteiten voor Nederland zijn aangewezen:

Het Nederlands Forensisch Instituut (NFI) als nationaal contactpunt als bedoeld in artikel 6, eerste lid, van het verdrag.

Het Korps landelijke politiediensten (KLPD) als nationaal contactpunt als bedoeld in artikel 11, eerste lid, van het verdrag.

De Rijksdienst voor het Wegverkeer (RDW) als nationaal contactpunt als bedoeld in artikel 12, tweede lid, van het verdrag.

Het Korps landelijke politiediensten (KLPD) als nationaal contactpunt als bedoeld in artikel 15 van het verdrag.

De Nationaal Coördinator Terrorismebestrijding (NCTb) als nationaal contactpunt als bedoeld in artikel 16, derde lid, van het verdrag.

De Brigade Speciale Beveiligingsopdrachten (BSB) van de Koninklijke Marechaussee als nationaal coördinatiepunt als bedoeld in artikel 17, vierde lid, van het verdrag.

De Brigade Politie & Beveiliging, Afdeling Gewapende Beveiliging, van de Koninklijke Marechaussee als nationaal contactpunt als bedoeld in artikel 18, tweede lid, van het verdrag.

Het Hoofd Expertise Centrum Identiteitsfraude en Documenten (ECID) van de Koninklijke Marechaussee als nationaal contact- en coördinatiepunt als bedoeld in artikel 22 van het verdrag.

De Dienst Terugkeer & Vertrek (DT&V), Afdeling bijzonder vertrek en boekingen van het Ministerie van Justitie als nationaal contactpunt als bedoeld in artikel 23, derde lid, van het verdrag.

Het Korps landelijke politiediensten (KLPD)/Bureau Conflicten en Crisisbeheersing, de gemeenschappelijke meldkamers van de desbetreffende politieregio en de „Commander of national and foreign squads” van de Koninklijke Marechaussee als nationaal contactpunt als bedoeld in artikel 25 van het verdrag.

Het Ministerie van Binnenlandse Zaken en Koninkrijkrelaties/Landelijk Operationeel Coördinatie Centrum (LOCC) als nationaal contactpunt als bedoeld in artikel 26 van het verdrag.

Het Ministerie van Binnenlandse Zaken en Koninkrijkrelaties/Internationale Zaken en het Ministerie van Justitie/ Operationele Zaken en Incidentenmanagement als nationaal contactpunt als bedoeld in artikel 28 van het verdrag.

Voor de toepassing van artikel 24 tot en met 27 van het verdrag worden overeenkomstig artikel 42, eerste lid, van het verdrag de korpschefs van de politieregio's en het Korps landelijke politiediensten en de Commandant van de Koninklijke Marechaussee als bevoegde autoriteit, en de ambtenaren van politie, bedoeld in artikel 3 van de Politiewet 1993, en de militairen van de Koninklijke Marechaussee belast met de uitvoering van een politietaak, bedoeld in artikel 6, eerste lid, van de Politiewet 1993, als bevoegde ambtenaren aangewezen.

Contactgegevens van de nationale autoriteiten:

Nederlands Forensisch Instituut (NFI)

Afdeling DNA-Typering

Postbus 24044

2490 AA Den Haag

Telefoon +31 70 8886705

Fax +31 70 8886553

E-mail k.v.d.beek@nfi.minjus.nl

Korps landelijke politiediensten (KLPD)

Zoetermeer

Telefoon +31 79 3458806 (artikel 11)

Telefoon +31 79 3458705 (artikel 15)

RDW

Zoetermeer

Telefoon +31 598 693 369

Fax +31 503 656 462

E-mail servicedesk@rdw.nl

Nationaal Coördinator Terrorismebestrijding (NCTb)

Den Haag

Mobiel + 31 6 53242328 (algemeen piketnummer)

Brigade Speciale Beveiligingsopdrachten (BSB)

Telefoon +31 346 333200

Fax +31 346 350738

Brigade Politie & Beveiliging, Schiphol

Afdeling Gewapende beveiliging

Telefoon +31 20 6038492

Fax +31 20 6038455

E-mail

Gewapende.Bev.DPLGN.AFD2GWBV.BP&B.SPL.KMAR@mindef.nl

Expertise Centrum Identiteitsfraude en Documenten (ECID), Schiphol

Telefoon +31 20 6038630

Fax +31 20 6039752

Mobiel +31 6 10935059

E-mail mbm.oudeveldhuis@mindef.nl

Dienst Terugkeer & Vertrek, Ministerie van Justitie

Afdeling bijzonder vertrek en boekingen

Postbus 20301

2500 EM Den Haag

Telefoon +31 70 0880 777118

Bureau Conflicten en Crisisbeheersing, Korps landelijke politiediensten (KLPD)

Driebergen

Telefoon +31 343 536366

Fax +31 343 518180

E-mail ccb-klpd@klpd.politie.nl

Koninklijke Marechaussee/Commander of national and foreign squads, Garderen

Telefoon +31 577 455766

Fax +31 577 455763

Landelijk Operationeel Coördinatie Centrum (LOCC), Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

Driebergen

Telefoon +31 343 536953

E-mail locc@minbzk.nl

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties/Internationale Zaken

Den Haag

Telefoon +31 70 4266426

Ministerie van Justitie/Operationele Zaken en Incidentenmanagement

Den Haag

Telefoon +31 70 3560540

Fax +31 70 3707500

E-mail dcc-im@minjus.nl

Oostenrijk, 21 juni 2006

Declarations by the Republic of Austria on the occasion of the deposition of the ratification instrument

1. Declaration re articles 2 to 5

Austria assumes that the implementing agreement pursuant to article 6 should lay down, in particular, binding conditions for determining whether a hit exists within the meaning of article 3 (2), first sentence. Austria further assumes that the contracting parties will take adequate account of international standards for comparing DNA profiles, as for-

mulated for example by Interpol (1), but also by the European Union (2), when applying articles 2 to 5 and drawing up the relevant implementing agreement.

NB: (1) Interpol International DNA Gateway; (2) Council Resolution of 25 June 2001 on the exchange of DNA analysis results (2001/C 187/01).

2. Declaration re article 2 (3)

Austria allows the national contact points of other contracting parties access to the reference data from its national DNA analysis files, with the power to conduct automated searches by comparing DNA profiles, exclusively for the purpose of investigating criminal offences which meet the condition for the issuing of a European arrest warrant under article 2 (1) or (2) of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between the member states (OJ L 190 of 18 July 2002, p. 1).

3. Declaration re articles 8 to 10

Austria assumes that the implementing agreement pursuant to article 11 (2) should lay down binding provisions governing, in particular, the maximum number of potentially matching reference data which may be supplied by the contracting party in charge of the file to the searching contracting party for the purpose of a clear match with reference data.

4. Declaration re article 23

For the Republic of Austria to approve the repatriation of a person through Austrian territory by another contracting party, the onward journey and readmission of the person concerned by the country of destination must be guaranteed. An application for transit will be rejected if the person concerned:

1. runs the risk of being subjected to inhuman treatment or punishment, or the death sentence, in a subsequent transit state or in the state of destination; or
2. faces a potential threat to their life or freedom there, on the grounds of their race, religion, nationality, membership of a particular social group or their political views.

An application may also be rejected if the person concerned would have to be prosecuted for a criminal offence.

5. Declaration re articles 24 to 27

In accordance with the option set out in article 47 (2), second sentence, instead of applying the provisions of articles 24 to 27, the Republic of Austria will apply, with regard to the Federal Republic of Germany, articles 7, 19, 21 and 22 of the Convention between the Republic of Austria and the Federal Republic of Germany on cross-border cooperation on security-related police operations and criminal matters.

6. Declaration in accordance with article 42

For Austria, the following departments of the Federal Ministry of the Interior and the following authorities and officers are designated:

1. the national contact point mentioned in article 6 (1) for DNA analysis: the General Directorate for Public Security, Criminal Intelligence Service;

2. the national contact point mentioned in article 11 (1) for fingerprinting data: the General Directorate for Public Security, Criminal Intelligence Service;
3. the national contact point mentioned in article 12 (2) for vehicle registration data: the General Directorate for Public Security, Criminal Intelligence Service;
4. the national contact point mentioned in article 15 for the exchange of information in connection with major events: the General Directorate for Public Security;
5. the national contact point mentioned in article 16 (3) for information on the prevention of terrorist offences: the General Directorate for Public Security, BVT;
6. the national contact and coordination point mentioned in article 19 for air marshals: the General Directorate for Public Security, EKO Cobra;
7. the national contact and coordination points mentioned in article 22 for document advisers: the General Directorate for Public Security, Department II/2;
8. the national contact points mentioned in article 23 (3) for the preparation and implementation of repatriation measures: the General Directorate for Public Security, Department II/3;
9. competent authorities and officers within the meaning of articles 24 to 27:
 - under article 24, the authorities involved in joint patrols or joint operations: the General Directorate for Public Security, Unit II/2/a (executive service);
 - under article 24, the officers or other state officials who assist such operations: members of the federal police force and of the legal service of security authorities;
 - under article 25, the authorities that have to be notified immediately in the event of measures to avert an imminent danger: the General Directorate for Public Security;
 - under article 26, the authorities competent to provide mutual assistance with major events, disasters and serious accidents: the General Directorate for Public Security;
 - under article 27, the authorities competent to provide cooperation upon request: the General Directorate for Public Security, Criminal Intelligence Service.

Slovenië, 10 mei 2007

With regard to article 2 of the aforementioned Convention, the Republic of Slovenia declares as follows:

The Republic of Slovenia authorises the national contact points of the Contracting Parties to carry out automated searches of reference data in their national DNA analysis files for the purpose of the automated retrieval and comparison of DNA profiles. This authorisation relates exclusively to the investigation and prosecution of criminal offences that satisfy

the conditions for the issue of a European arrest warrant in accordance with article 2 (1) and (2) of the Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (Official Journal L 190, 18/07/2002 P. 0001 – 0020).

In connection with article 42 of the aforementioned Convention, the Republic of Slovenia will designate, upon depositing the act of accession, the authorities responsible for applying this Convention, namely:

1. the national contact points mentioned in article 6 (1) for DNA analysis:

Ministry of the Interior
Police, General Police Department
Centre for Forensic Investigations
Vodovodna cesta 95
SI – 1000 Ljubljana
Telephone: +386 1 428 44 93
Fax: +386 1 534 97 36
Email: cfp@policja.si

2. the national contact points mentioned in article 11 (1) for fingerprinting data:

Ministry of the Interior
Police, General Police Department
Centre for Forensic Investigations
Vodovodna cesta 95
SI – 1000 Ljubljana
Telephone: +386 1 428 44 93
Fax: +386 1 534 97 36
Email: cfp@policja.si

3. the national contact points mentioned in article 12 (2) for vehicle registration data:

Ministry of the Interior
Internal Administrative Affairs Directorate
Beethovnova ulica 3
SI – 1501 Ljubljana
Telephone: +386 1 428 4728
Fax: +386 1 252 1119
Email: upravna.informatika@gov.si

4. the national contact points mentioned in article 15 for the exchange of information in

connection with major events:

Ministry of the Interior
Police, General Police Department
Uniformed Police Department
General Police Sector
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 428 4989, +386 1 428 4751
Fax: +386 1 428 4791

5. the national contact points mentioned in article 16 (3) for information on the prevention of terrorist offences:

Ministry of the Interior
Police, General Police Department
Criminal Investigation Department
Organised Crime and Terrorism Division
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 428 5144 or +386 41 313 353 (mobile)
Fax: +386 1 428 4787

6. the national contact and coordination points mentioned in article 19 for air marshals:

Ministry of the Interior
Police, General Police Department
Special Unit
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 583 38 00
Fax: +386 1 583 38 07
Email: sep@policja.si

7. the national contact and coordination points mentioned in article 22 for document advisers:

Ministry of the Interior
Police, General Police Department
Uniformed Police Department
Border Police Sector
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 428 4322
Fax: +386 1 428 4779
Email: smp@policja.si

8. the national contact points mentioned in article 23 (3) to prepare and implement repatriation measures:

Ministry of the Interior
Police, General Police Department
Uniformed Police Department
Aliens Centre
Veliki otok 44/Z
SI – 6230 Postojna
Telephone: +386 5 701 3440
Fax: +386 5 726 5263
Email: ct.uup@policja.si

9. the competent authorities and officers mentioned in article 24 for joint operations:

Ministry of the Interior
Police, General Police Department

Uniformed Police Department
General Police Sector
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 428 4989, +386 1 428 4751
Fax: +386 1 428 4791
Officer: police officer

10. the competent authorities and officers mentioned in article 25 for measures in the event of imminent danger:
Ministry of the Interior
Police, General Police Department
Operations and Communications Centre
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 200 8921
Fax: +386 1 251 4330
Email: okc.gpu@policija.si
Officer: police officer

11. the competent authorities and officers mentioned in article 26 for assistance in connection with major events, disasters and serious accidents:
Ministry of the Interior
Police, General Police Department
Uniformed Police Department
Security Planning and Peace Missions Sector
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 5147050
Fax: +386 1 514 5185

12. the competent authorities and officers mentioned in article 27 for cooperation upon request:
Ministry of the Interior
Police, General Police Department
Criminal Investigation Department
International Police Cooperation Sector
Stefanova ulica 2
SI – 1501 Ljubljana
Telephone: +386 1 428 4780 or +386 41 713 699 (mobile) or +386 41 713 680 (mobile)
Fax: +386 1 251 7516
Email: interpol.ljubljana@policija.si

Spanje, 3 augustus 2006

The Kingdom of Spain declares that, in accordance with article 42 of the Convention, the State Secretariat for Security at the Ministry of the Interior is designated as the competent authority.

G. INWERKINGTREDING

De bepalingen van het Verdrag, met Bijlagen, zijn ingevolge artikel 50, eerste lid, op 1 november 2006 in werking getreden.

Voor de Verdragsluitende Partijen die na 3 augustus 2006 hun akte van bekrachtiging hebben nedergelegd, treedt het Verdrag ingevolge artikel 50, eerste lid, negentig dagen na die nederlegging in werking.

Het Verdrag zal ingevolge artikel 50, eerste lid, voor het *Koninkrijk der Nederlanden* op 20 mei 2008 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag alleen voor Nederland gelden.

J. VERWIJZINGEN

Zie *Trb.* 2005, 197.

Titel : Verdrag tot oprichting van de Europese Gemeenschap;
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2008, 51

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992

Laatste *Trb.* : *Trb.* 2008, 53

Titel : Overeenkomst ter uitvoering van het tussen de Rege-
ringen van de Staten van de Benelux Economische
Unie, de Bondsrepubliek Duitsland en de Franse Repu-
blik op 14 juni 1985 te Schengen gesloten Akkoord
betreffende de geleidelijke afschaffing van de controles
aan de gemeenschappelijke grenzen;
Schengen, 19 juni 1990

Laatste *Trb.* : *Trb.* 2005, 253

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2008, 13

Uitgegeven de vijftiende april 2008.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN