



STATUTORY INSTRUMENTS.

S.I. No. 374 of 2019



EXTRADITION (EUROPEAN CONVENTION ON EXTRADITION)
ORDER 2019

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WHEREAS, by the European Convention on Extradition (the terms of which are set out in Schedule 1 to the following Order) done at Paris on 13 December 1957 (referred to subsequently in these recitals as “the Convention”), to which the State is a party, an arrangement was made with the other countries that are parties to that Convention for the surrender of persons wanted for prosecution or punishment for the offences specified therein;

AND WHEREAS the Convention was ratified on behalf of the State on 12 July 1988, subject to the reservations and declarations specified in Schedule 2 to the following Order;

AND WHEREAS the Convention has also been ratified or acceded to on behalf of the countries specified in Part A of Schedule 3 to the following Order subject to the reservations and declarations by certain of the countries concerned specified in Part B of that Schedule;

AND WHEREAS pursuant to Article 27.4 of the Convention, the Government have made an arrangement (within the meaning of subsection (2) of section 8 of the Extradition Act 1965 (No. 17 of 1965)) with the Government of the Kingdom of the Netherlands by means of an exchange of letters dated 27 July 1995 and 4 December 2000 (the terms of which are set out in Schedule 4 to the following Order) extending the Convention to the places specified in the said Schedule 4;

NOW I, SIMON COVENEY, Minister for Foreign Affairs and Trade, in exercise of the powers conferred on me by section 8 (amended by section 57(3) of the Criminal Justice (Terrorist Offences) Act 2005 (No. 2 of 2005)) of the Extradition Act 1965 (No. 17 of 1965) (as adapted by the Foreign Affairs (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 246 of 2011)), and after consultation with the Minister for Justice and Equality, hereby order as follows:

1. (1) This Order may be cited as the Extradition (European Convention on Extradition) Order 2019.

(2) This Order shall come into operation on 22 July 2019.

2. In this Order—

“Act of 1965” means the Extradition Act 1965 (No. 17 of 1965);

“Convention” means the European Convention on Extradition (the terms of which are set out in Schedule 1), done at Paris on 13 December 1957.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd August, 2019.*

3. Subject to—
 - (a) Articles 5 and 6, and
 - (b) the reservations and declarations specified in Schedule 2 and Part B of Schedule 3,

Part II of the Act of 1965 shall apply in relation to the countries set out in Part A of Schedule 3.
4. Subject to the reservations and declarations specified in Schedule 2 and Part B of Schedule 3, Part II of the Act of 1965 shall apply in relation to the Channel Islands and the Isle of Man.
5. Part II of the Act of 1965 shall apply:
 - (i) in relation to the Republic of Austria where the offence concerned was committed or alleged to have been committed before 7 August 2002;
 - (ii) in relation to the French Republic where the offence concerned was committed or alleged to have been committed before 1 November 1993; and
 - (iii) in relation to Italy where the offence concerned was committed or alleged to have been committed before 7 August 2002.
6. It is hereby declared that the Government have made an arrangement within the meaning of section 8(2) of the Act of 1965 (by an exchange of letters dated 27 July 1995 and 4 December 2000) amending the Convention, in so far as it applies as between the State and the Kingdom of the Netherlands, by extending its application to the places specified in Schedule 4.

SCHEDULE 1
EUROPEAN CONVENTION ON EXTRADITION
done at Paris on 13 December 1957

The governments signatory hereto, being members of the Council of Europe,
Considering that the aim of the Council of Europe is to achieve a greater unity
between its members;

Considering that this purpose can be attained by the conclusion of agreements
and by common action in legal matters;

Considering that the acceptance of uniform rules with regard to extradition is
likely to assist this work of unification,

Have agreed as follows:

Article 1 — Obligation to extradite

The Contracting Parties undertake to surrender to each other, subject to the
provisions and conditions laid down in this Convention, all persons against
whom the competent authorities of the requesting Party are proceeding for an
offence or who are wanted by the said authorities for the carrying out of a
sentence or detention order.

Article 2 — Extraditable offences

1. Extradition shall be granted in respect of offences punishable under the
laws of the requesting Party and of the requested Party by deprivation
of liberty or under a detention order for a maximum period of at least
one year or by a more severe penalty. Where a conviction and prison
sentence have occurred or a detention order has been made in the
territory of the requesting Party, the punishment awarded must have
been for a period of at least four months.
2. If the request for extradition includes several separate offences each of
which is punishable under the laws of the requesting Party and the
requested Party by deprivation of liberty or under a detention order, but
of which some do not fulfil the condition with regard to the amount of
punishment which may be awarded, the requested Party shall also have
the right to grant extradition for the latter offences.
3. Any Contracting Party whose law does not allow extradition for certain
of the offences referred to in paragraph 1 of this article may, in so far as
it is concerned, exclude such offences from the application of this
Convention.
4. Any Contracting Party which wishes to avail itself of the right provided
for in paragraph 3 of this article shall, at the time of deposit of its
instrument of ratification or accession, transmit to the Secretary General
of the Council of Europe either a list of the offences for which
extradition is allowed or a list of those for which it is excluded and shall

at the same time indicate the legal provisions which allow or exclude extradition. The Secretary General of the Council shall forward these lists to the other signatories.

5. If extradition is subsequently excluded in respect of other offences by the law of a Contracting Party, that Party shall notify the Secretary General. The Secretary General shall inform the other signatories. Such notification shall not take effect until three months from the date of its receipt by the Secretary General.
6. Any Party which avails itself of the right provided for in paragraphs 4 or 5 of this article may at any time apply this Convention to offences which have been excluded from it. It shall inform the Secretary General of the Council of such changes, and the Secretary General shall inform the other signatories.
7. Any Party may apply reciprocity in respect of any offences excluded from the application of the Convention under this article.

Article 3 — Political offences

1. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence.
2. The same rule shall apply if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.
3. The taking or attempted taking of the life of a Head of State or a member of his family shall not be deemed to be a political offence for the purposes of this Convention.
4. This article shall not affect any obligations which the Contracting Parties may have undertaken or may undertake under any other international convention of a multilateral character.

Article 4 — Military offences

Extradition for offences under military law which are not offences under ordinary criminal law is excluded from the application of this Convention.

Article 5 — Fiscal offences

Extradition shall be granted, in accordance with the provisions of this Convention, for offences in connection with taxes, duties, customs and exchange only if the Contracting Parties have so decided in respect of any such offence or category of offences.

Article 6 — Extradition of nationals

1. (a) A Contracting Party shall have the right to refuse extradition of its nationals.

(b) Each Contracting Party may, by a declaration made at the time of signature or of deposit of its instrument of ratification or accession, define as far as it is concerned the term "nationals" within the meaning of this Convention.

(c) Nationality shall be determined as at the time of the decision concerning extradition. If, however, the person claimed is first recognised as a national of the requested Party during the period between the time of the decision and the time contemplated for the surrender, the requested Party may avail itself of the provision contained in sub-paragraph a of this article.
2. If the requested Party does not extradite its national, it shall at the request of the requesting Party submit the case to its competent authorities in order that proceedings may be taken if they are considered appropriate. For this purpose, the files, information and exhibits relating to the offence shall be transmitted without charge by the means provided for in Article 12, paragraph 1. The requesting Party shall be informed of the result of its request.

Article 7 — Place of commission

1. The requested Party may refuse to extradite a person claimed for an offence which is regarded by its law as having been committed in whole or in part in its territory or in a place treated as its territory.
2. When the offence for which extradition is requested has been committed outside the territory of the requesting Party, extradition may only be refused if the law of the requested Party does not allow prosecution for the same category of offence when committed outside the latter Party's territory or does not allow extradition for the offence concerned.

Article 8 — Pending proceedings for the same offences

The requested Party may refuse to extradite the person claimed if the competent authorities of such Party are proceeding against him in respect of the offence or offences for which extradition is requested.

Article 9 — *Non bis in idem*

Extradition shall not be granted if final judgment has been passed by the competent authorities of the requested Party upon the person claimed in respect of the offence or offences for which extradition is requested. Extradition may be refused if the competent authorities of the requested Party have decided either not to institute or to terminate proceedings in respect of the same offence or offences.

Article 10 — Lapse of time

Extradition shall not be granted when the person claimed has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment.

Article 11 — Capital punishment

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, and if in respect of such offence the death-penalty is not provided for by the law of the requested Party or is not normally carried out, extradition may be refused unless the requesting Party gives such assurance as the requested Party considers sufficient that the death-penalty will not be carried out.

Article 12 — The request and supporting documents

1. The request shall be in writing and shall be communicated through the diplomatic channel. Other means of communication may be arranged by direct agreement between two or more Parties.
2. The request shall be supported by:
 - (a) the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party;
 - (b) a statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions and a reference to the relevant legal provisions shall be set out as accurately as possible; and
 - (c) a copy of the relevant enactments or, where this is not possible, a statement of the relevant law and as accurate a description as possible of the person claimed, together with any other

information which will help to establish his identity and nationality.

Article 13 — Supplementary information

If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision in pursuance of this Convention, the latter Party shall request the necessary supplementary information and may fix a time-limit for the receipt thereof.

Article 14 — Rule of speciality

1. A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited, nor shall he be for any other reason restricted in his personal freedom, except in the following cases:
 - (a) when the Party which surrendered him consents. A request for consent shall be submitted, accompanied by the documents mentioned in Article 12 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall be given when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Convention;
 - (b) when that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it.
2. The requesting Party may, however, take any measures necessary to remove the person from its territory, or any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time.
3. When the description of the offence charged is altered in the course of proceedings, the extradited person shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition.

Article 15 — Re-extradition to a third state

Except as provided for in Article 14, paragraph 1.b, the requesting Party shall not, without the consent of the requested Party, surrender to another Party or to a third State a person surrendered to the requesting Party and sought by the said other Party or third State in respect of offences committed before his surrender. The requested Party may request the production of the documents mentioned in Article 12, paragraph 2.

Article 16 — Provisional arrest

1. In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought. The competent authorities of the requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 12, paragraph 2.a, exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall so far as possible give a description of the person sought.
3. A request for provisional arrest shall be sent to the competent authorities of the requested Party either through the diplomatic channel or direct by post or telegraph or through the International Criminal Police Organisation (Interpol) or by any other means affording evidence in writing or accepted by the requested Party. The requesting authority shall be informed without delay of the result of its request.
4. Provisional arrest may be terminated if, within a period of 18 days after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12. It shall not, in any event, exceed 40 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.
5. Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 17 — Conflicting requests

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested Party shall make its decision having regard to all the circumstances and especially the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person claimed and the possibility of subsequent extradition to another State.

Article 18 — Surrender of the person to be extradited

1. The requested Party shall inform the requesting Party by the means mentioned in Article 12, paragraph 1, of its decision with regard to the extradition.
2. Reasons shall be given for any complete or partial rejection.
3. If the request is agreed to, the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person claimed was detained with a view to surrender.

4. Subject to the provisions of paragraph 5 of this article, if the person claimed has not been taken over on the appointed date, he may be released after the expiry of 15 days and shall in any case be released after the expiry of 30 days. The requested Party may refuse to extradite him for the same offence.
5. If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree a new date for surrender and the provisions of paragraph 4 of this article shall apply.

Article 19 — Postponed or conditional surrender

1. The requested Party may, after making its decision on the request for extradition, postpone the surrender of the person claimed in order that he may be proceeded against by that Party or, if he has already been convicted, in order that he may serve his sentence in the territory of that Party for an offence other than that for which extradition is requested.
2. The requested Party may, instead of postponing surrender, temporarily surrender the person claimed to the requesting Party in accordance with conditions to be determined by mutual agreement between the Parties.

Article 20 — Handing over of property

1. The requested Party shall, in so far as its law permits and at the request of the requesting Party, seize and hand over property:
 - (a) which may be required as evidence, or
 - (b) which has been acquired as a result of the offence and which, at the time of the arrest, is found in the possession of the person claimed or is discovered subsequently.
2. The property mentioned in paragraph 1 of this article shall be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.
3. When the said property is liable to seizure or confiscation in the territory of the requested Party, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it is returned.
4. Any rights which the requested Party or third parties may have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the requested Party as soon as possible after the trial.

Article 21 — Transit

1. Transit through the territory of one of the Contracting Parties shall be granted on submission of a request by the means mentioned in Article 12, paragraph 1, provided that the offence concerned is not considered

by the Party requested to grant transit as an offence of a political or purely military character having regard to Articles 3 and 4 of this Convention.

2. Transit of a national, within the meaning of Article 6, of a country requested to grant transit may be refused.
3. Subject to the provisions of paragraph 4 of this article, it shall be necessary to produce the documents mentioned in Article 12, paragraph 2.
4. If air transport is used, the following provisions shall apply:
 - (a) when it is not intended to land, the requesting Party shall notify the Party over whose territory the flight is to be made and shall certify that one of the documents mentioned in Article 12, paragraph 2.a exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as provided for in Article 16, and the requesting Party shall submit a formal request for transit;
 - (b) when it is intended to land, the requesting Party shall submit a formal request for transit.
5. A Party may, however, at the time of signature or of the deposit of its instrument of ratification of, or accession to, this Convention, declare that it will only grant transit of a person on some or all of the conditions on which it grants extradition. In that event, reciprocity may be applied.
6. The transit of the extradited person shall not be carried out through any territory where there is reason to believe that his life or his freedom may be threatened by reason of his race, religion, nationality or political opinion.

Article 22 — Procedure

Except where this Convention otherwise provides, the procedure with regard to extradition and provisional arrest shall be governed solely by the law of the requested Party.

Article 23 — Language to be used

The documents to be produced shall be in the language of the requesting or requested Party. The requested Party may require a translation into one of the official languages of the Council of Europe to be chosen by it.

Article 24 — Expenses

1. Expenses incurred in the territory of the requested Party by reason of extradition shall be borne by that Party.
2. Expenses incurred by reason of transit through the territory of a Party requested to grant transit shall be borne by the requesting Party.

3. In the event of extradition from a non-metropolitan territory of the requested Party, the expenses occasioned by travel between that territory and the metropolitan territory of the requesting Party shall be borne by the latter. The same rule shall apply to expenses occasioned by travel between the non-metropolitan territory of the requested Party and its metropolitan territory.

Article 25 — Definition of "detention order"

For the purposes of this Convention, the expression "detention order" means any order involving deprivation of liberty which has been made by a criminal court in addition to or instead of a prison sentence.

Article 26 — Reservations

1. Any Contracting Party may, when signing this Convention or when depositing its instrument of ratification or accession, make a reservation in respect of any provision or provisions of the Convention.
2. Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Secretary General of the Council of Europe.
3. A Contracting Party which has made a reservation in respect of a provision of the Convention may not claim application of the said provision by another Party save in so far as it has itself accepted the provision.

Article 27 — Territorial application

1. This Convention shall apply to the metropolitan territories of the Contracting Parties.
2. In respect of France, it shall also apply to Algeria and to the overseas Departments and, in respect of the United Kingdom of Great Britain and Northern Ireland, to the Channel Islands and to the Isle of Man.
3. The Federal Republic of Germany may extend the application of this Convention to the Land of Berlin by notice addressed to the Secretary General of the Council of Europe, who shall notify the other Parties of such declaration.
4. By direct arrangement between two or more Contracting Parties, the application of this Convention may be extended, subject to the conditions laid down in the arrangement, to any territory of such Parties, other than the territories mentioned in paragraphs 1, 2 and 3 of this article, for whose international relations any such Party is responsible.

Article 28 — Relations between this Convention and bilateral Agreements

1. This Convention shall, in respect of those countries to which it applies, supersede the provisions of any bilateral treaties, conventions or agreements governing extradition between any two Contracting Parties.
2. The Contracting Parties may conclude between themselves bilateral or multilateral agreements only in order to supplement the provisions of this Convention or to facilitate the application of the principles contained therein.
3. Where, as between two or more Contracting Parties, extradition takes place on the basis of a uniform law, the Parties shall be free to regulate their mutual relations in respect of extradition exclusively in accordance with such a system notwithstanding the provisions of this Convention. The same principle shall apply as between two or more Contracting Parties each of which has in force a law providing for the execution in its territory of warrants of arrest issued in the territory of the other Party or Parties. Contracting Parties which exclude or may in the future exclude the application of this Convention as between themselves in accordance with this paragraph shall notify the Secretary General of the Council of Europe accordingly. The Secretary General shall inform the other Contracting Parties of any notification received in accordance with this paragraph.

Article 29 — Signature, ratification and entry into force

1. This Convention shall be open to signature by the members of the Council of Europe. It shall be ratified. The instruments of ratification shall be deposited with the Secretary General of the Council.
2. The Convention shall come into force 90 days after the date of deposit of the third instrument of ratification.
3. As regards any signatory ratifying subsequently the Convention shall come into force 90 days after the date of the deposit of its instrument of ratification.

Article 30 — Accession

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, provided that the resolution containing such invitation receives the unanimous agreement of the members of the Council who have ratified the Convention.
2. Accession shall be by deposit with the Secretary General of the Council of an instrument of accession, which shall take effect 90 days after the date of its deposit.

Article 31 — Denunciation

Any Contracting Party may denounce this Convention in so far as it is concerned by giving notice to the Secretary General of the Council of Europe. Denunciation shall take effect six months after the date when the Secretary General of the Council received such notification.

Article 32 — Notifications

The Secretary General of the Council of Europe shall notify the members of the Council and the government of any State which has acceded to this Convention of:

- (a) the deposit of any instrument of ratification or accession;
- (b) the date of entry into force of this Convention;
- (c) any declaration made in accordance with the provisions of Article 6, paragraph 1, and of Article 21, paragraph 5;
- (d) any reservation made in accordance with Article 26, paragraph 1;
- (e) the withdrawal of any reservation in accordance with Article 26, paragraph 2;
- (f) any notification of denunciation received in accordance with the provisions of Article 31 and by the date on which such denunciation will take effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Paris, this 13th day of December 1957, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to the signatory governments.

SCHEDULE 2

Reservations and declarations made by the State to the European Convention on Extradition

Declaration contained in a letter from the Ministry of External Affairs of Ireland, dated 2 May 1966, handed to the Secretary General made at the time of signature and deposit of the instrument of ratification, on the same day:

“I have the honour to declare, in accordance with Article 6 of the Convention, that the term "national" in the Convention is hereby defined as meaning "citizens of Ireland" as far as my Government is concerned.”

Reservation contained in the instrument of ratification, deposited on 2 May 1966:

“The Irish authorities will not grant extradition if final judgment in respect of the offence for which extradition is requested has been passed in a third State on the person claimed.”

Declaration made at the time of confirmation of ratification, on 12 July 1988:

“A decision of the Irish Supreme Court has made it impossible for Ireland to comply with its international obligations under the European Convention on Extradition.

The Court ruled that Ireland was not bound by its ratification of a similar extradition Treaty as the approval of Dail Eireann of the terms of that Treaty had not been obtained prior to ratification as is required by the Constitution of Ireland. The said Supreme Court Decision serves as a binding precedent in all future extradition cases.

The same circumstance applies in the case of the European Convention on Declaration contained in a Note Verbale from the Permanent Representation of Ireland, dated 14 October Extradition. Dail approval of the terms thereof was not obtained prior to ratification of the said Convention on behalf of the Government of Ireland in 1966. Consequently, in the event of a court challenge, Ireland's ratification in 1966 is likely to be declared invalid under domestic law.

In order to rectify this position, Dail Eireann approved the terms of the European Convention on Extradition on 29 June 1988. It is now necessary, for the purposes of domestic requirements, for the Government of Ireland to confirm the earlier ratification by way of deposit of a new instrument of ratification.”

Declaration contained in a Note Verbale from the Permanent Representation of Ireland, dated 14 October 2004, registered at the Secretariat General on 15 October 2004:

“The Government of Ireland, in accordance with Article 28, paragraph 3, of the European Convention on Extradition, 1957, hereby notifies the Secretary General of the Council of Europe that Ireland shall apply the Framework Decision of the Council of the European Union (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between Ireland and the other Member State.”

Declaration contained in a Note Verbale from the Permanent Representation of Ireland, dated 14 October 2004, registered at the Secretariat General on 15 October 2004:

“The Government of Ireland hereby notifies the Secretary General of the Council of Europe that Ireland shall apply the European Convention on Extradition, 1957, to the United Kingdom territories of the Channel Islands and the Isle of Man.”

SCHEDULE 3**PART A****Countries**

Albania

Andorra

Armenia

Austria

Azerbaijan

Bosnia and Herzegovina

France

Georgia

Iceland

Israel

Italy

Liechtenstein

Monaco

Montenegro

Netherlands

Norway

Republic of Korea

Republic of Moldova

Republic of North Macedonia

Russian Federation

San Marino

Serbia

South Africa

Switzerland

Turkey

Ukraine

United Kingdom of Great Britain
and Northern Ireland**Places or territories for whose
external relations a country is
responsible**

Aruba

Bonaire, Curaçao, Saba, Sint
Eustatius and Sint Maarten
(formerly Netherlands Antilles)

Channel Islands

Isle of Man

PART B

Reservations and declarations made by States Parties with respect to the European Convention on Extradition

Albania:

Declaration contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 1 of Article 2 of the Convention, the Albanian Party has no minimum limits for the term of imprisonment for the effect of extradition. The Albanian Party considers this declaration as valid only in conditions of reciprocity.

This declaration is valid only in conditions of reciprocity.

Declaration contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 1, sub-paragraph a, of Article 6, the Albanian Party refuses the extradition of its nationals, unless otherwise provided in the international agreements to which Albania is a Contracting Party.

Declaration contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 1, sub-paragraph b, of Article 6, the Albanian Party includes in the term "nationals" the persons with double nationality, in case either of them is Albanian.

Reservation contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 1 of Article 7, the Albanian Party does not allow the extradition of the persons who have committed offences either in the Albanian territory or outside it, when the offence has injured the interests of the State or of the nationals, unless it is otherwise agreed with the interested Party.

This declaration is valid only in conditions of reciprocity.

Reservation contained in the instrument of ratification deposited on 19 May 1998;

Relating to paragraph 2 of Article 12, the Albanian Party presents the reservation that the request for extradition must be accompanied always by the original text, or authenticated copy of the applied law.

Declaration contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 2 of Article 19, the Albanian Party declares that when a person asked to be surrendered is serving a sentence for another offence, he or she, in the event of extradition, shall be permitted to serve the full sentence in the requesting country.

This declaration is valid only in conditions of reciprocity.

Declaration contained in the instrument of ratification deposited on 19 May 1998:

Relating to paragraph 4, sub-paragraph a, of Article 21, the Albanian Party declares that prior notification is not necessary in cases of transit by air that does not schedule a landing in Albanian territory.

Andorra:

Declaration contained in the instrument of ratification deposited on 13 October 2000:

Article 14, paragraph 1, of the Law "qualificada" on Extradition prohibits the extradition of persons having the Andorran nationality. For the purposes of this Convention, the term "national" means any person having the Andorran nationality at the time of the commission of the facts in accordance with the provisions of the Law "qualificada" on Andorran nationality.

Declaration contained in the instrument of ratification deposited on 13 October 2000:

Article 8, paragraph 3, of the Constitution of the Principality of Andorra prohibits the death penalty. When the offence for which the extradition is requested may be punishable by death under the law of the requesting Party, the Principality of Andorra shall refuse extradition, unless the requesting Party gives such assurance as considered sufficient by the requested Party that the death penalty will not be executed.

Declaration contained in the instrument of ratification deposited on 13 October 2000:

In the case of a request for provisional arrest, the Principality of Andorra shall require, as complementary information, a short statement of the facts alleged against the person sought.

Declaration contained in the instrument of ratification deposited on 13 October 2000:

The Principality of Andorra will only grant transit when all the conditions required for the granting of extradition are fulfilled in accordance with this Convention.

Declaration contained in the instrument of ratification deposited on 13 October 2000:

The Principality of Andorra will require the requesting Party to supply a translation of the request for extradition and all accompanying documents into Catalan, Spanish or French.

Reservation contained in the instrument of ratification deposited on 13 October 2000:

The Constitution of the Principality of Andorra prohibits special courts in its Article 85, paragraph 2., Extradition shall therefore not be granted in

cases if the person sought would be tried in the requesting State by a special court or if extradition is requested for the enforcement of a sentence or detention order imposed by such a court.

In the same way, and pursuant to Article 14, paragraphs 12, 13, 14 and 15 of the Law "qualificada" of the Principality of Andorra [*Law which, to be passed, requires a higher majority than other laws*], extradition shall not be granted:

- a. when the sentence is based on a manifest error;
- b. when extradition is likely to have consequences of an exceptional gravity for the person sought, particularly by reason of his or her age or state of health;
- c. when the person sought would be tried in the requesting State by a tribunal which does not assure the fundamental procedural guarantees and the protection of the rights of the defence or by a tribunal created for that person's particular case, as the only person concerned or not.

Reservation contained in the instrument of ratification deposited on 13 October 2000:

The Principality of Andorra reserves itself the right to require the requesting Party to produce evidence establishing a sufficient presumption that the offence was committed by the person whose extradition is requested. Should such evidence be deemed insufficient, extradition may be refused.

Armenia:

Reservation contained in the instrument of ratification deposited on 25 January 2002:

In respect of Article 1 of the Convention, the Republic of Armenia reserves the right to refuse to grant extradition:

- a. if the person to be extradited will be brought before an extraordinary court or in respect of the person who is to serve a sentence passed by such a court;
- b. if there are sufficient grounds to suppose that in result of the person's state of health and age her/his extradition will be injurious to her/his health or threaten her/his life;
- c. if political asylum is granted in the Republic of Armenia to the person, whose extradition is requested.

Reservation contained in the instrument of ratification deposited on 25 January 2002:

The Republic of Armenia declares that the extradition for the serving of a sentence, provided in Article 2, paragraph 1 of the Convention, will be

granted if the person, whose extradition is requested, has been convicted for a period of at least six months or a more severe penalty.

Declaration contained in the instrument of ratification deposited on 25 January 2002:

As the legislation of the Republic of Armenia does not define the notion of "political offence" or that of "offence connected with a political offence", the Republic of Armenia, being requested for extradition on such grounds, will grant extradition if the offence mentioned in the request is considered as such under its ordinary criminal law or under the International Treaties in force in the Republic of Armenia.

Declaration contained in the instrument of ratification deposited on 25 January 2002:

As all military offences are under the ordinary criminal law of the Republic of Armenia, extradition requested by another Party will be granted if the offence, in respect of which the request for the extradition is made, is also under ordinary criminal law of the requesting Party.

Declaration contained in the instrument of ratification deposited on 25 January 2002:

Pursuant to sub-paragraph a of paragraph 1 of Article 6, the Republic of Armenia declares that it will not extradite its nationals.

Pursuant to sub-paragraph c of paragraph 1 of Article 6, nationality of the Republic of Armenia within the meaning of this Convention shall be determined at the time of the decision concerning extradition.

Declaration contained in the instrument of ratification deposited on 25 January 2002:

Provisional arrest, provided in paragraph 4 of Article 16, will be terminated in any case, if, within a period of one month after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12.

Declaration contained in the instrument of ratification deposited on 25 January 2002:

The Republic of Armenia declares that the request for extradition and documents to be produced shall be accompanied by a certified translation into the Armenian language or into one of the official languages of the Council of Europe.

Austria:

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

Austria will grant extradition also under the conditions mentioned in Article 2, paragraph 2.

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

Austria will regard the time of surrender of the person claimed as decisive for the determination of nationality.

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

Austria will only grant extradition of a person for an offence which, according to Austrian law, is under Austrian jurisdiction, in so far as that person will be extradited for another offence and as the condemnation of that person by the judicial authorities of the requesting State for all offences is in the interest of ascertaining the truth or useful by reason of fixing of the penalty and execution of the sentence.

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

Austria will grant extradition if the person claimed was acquitted only for lack of Austrian jurisdiction, or if, only for this reason, criminal proceedings against this person have not been instituted or if instituted criminal proceedings were terminated.

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

In case of a request for provisional arrest Austria also requires a short statement of the facts the person claimed is charged with.

Declaration contained in the instrument of ratification, deposited on 21 May 1969:

In any case Austria will refuse transit of Austrian nationals.

Declaration contained in a letter from the Permanent Representative of Austria, dated 16 April 1985, registered at the Secretariat General on 17 April 1985:

The declaration submitted by the Republic of Austria with regard to Article 21 (5) of the European Convention on Extradition of 13 December 1957, is herewith restricted to the extent that the first sentence is to be deleted.

By consequence of this restriction, this declaration shall read henceforth as follows:

"Transit for offences punishable, under the law of the requesting Party, by death or by a sentence incompatible with the requirements of humanity and human dignity, will be granted under the conditions governing the extradition for such offences."

Reservation contained in the instrument of ratification, deposited on 21 May 1969:

Austria will not grant extradition if the person claimed is to be brought before a special court or if the extradition should lead to the execution of a sentence or a detention order inflicted by such a court.

Reservation contained in the instrument of ratification, deposited on 21 May 1969:

Austria will further grant extradition for offences which are exclusively contraventions against regulations concerning monopolies or the export, import, transit and rationing of goods only under the conditions mentioned in Article 5.

Reservation contained in the instrument of ratification, deposited on 21 May 1969:

Austria will refuse extradition requested in order to carry out death-penalty. Extradition for an offence punishable by the death under the law of the requesting Party will only be granted if the requesting State accepts the condition that a death-penalty will not be pronounced. Austria will apply the same principles in the case of sentences which are incompatible with the requirements of humanity and human dignity.

Declaration contained in a letter from the Permanent Representative dated 4 June 1991, registered at the Secretariat General on 7 June 1991:

With reference to your circular No. JJ2356C Tr./24-4 of 16 February 1990 concerning the declarations and reservations made by Portugal in respect of the European Convention on Extradition and with reference to the declaration by the Government of the Federal Republic of Germany dated 4 February 1991, I have the honour to inform you that my Government shares the German interpretation of the matter.

Article 11 of the European Convention on Extradition provides for the possibility of refusing extradition in cases in which the offence for which extradition is requested is punishable by death under the law of the requesting party. However, the Convention does not contain a similar provision for sentences of life imprisonment.

The application of the European Convention on Extradition in respect of Portugal without the interpretation proposed by the German Government would result in a situation where extradition for a crime punishable by life imprisonment would have to be refused.

This is not compatible with the meaning and purpose of the Convention. The result of such an application would be the regular refusal of extradition for serious crimes and the authorisation of extradition for relatively minor crimes. This would be contrary to the purpose of the Convention, namely to achieve co-operation between the Contracting Parties to take international action against crime.

Declaration contained in a letter from the Permanent Representation of Austria to the Council of Europe, dated 7 January 1994, registered at the Secretariat General on 11 January 1994:

Concerning the declarations and reservations formulated by Poland with regard to the European Convention on Extradition, the Austrian Government shares the interpretation contained in the declaration of the Government of the Federal Republic of Germany, dated 11 October 1993.

The Government of Austria declares that Poland's declaration concerning Article 6, paragraph 1(b) of the European Convention on Extradition is interpreted by Austria in the same way, as meaning that persons who have been granted asylum in Poland will be placed on an equal footing with Polish nationals only in the event of a request for extradition by the persecuting State and that, in that case, such persons will not be extradited.

The declaration by Poland concerning Article 6, paragraph 1(b) is compatible with the aim and purpose of the Convention only if the extradition to a third state of persons granted asylum in Poland is not refused solely on the grounds that those persons are treated as Polish nationals.

Declaration contained in a letter from the Permanent Representative of Austria, dated 3 December 1997, registered at the Secretariat on 5 December 1997:

The Government of Austria declares that Romania's declaration concerning Article 6, paragraph 1 (a) and (b) and Article 21, paragraph 5, of the Convention is interpreted by Austria in the way that persons who have been granted asylum in Romania will be placed on an equal footing with Romanian nationals only in the event of a request for extradition or transit through Romania's territory by the persecuting State and that, in that case, such persons will neither be extradited nor transited through Romania.

The declaration by Romania concerning Article 6, paragraph 1 (a) and (b) and Article 21, paragraph 5, is compatible with the aim and purpose of the Convention only if the extradition or transit through Romania's territory to a third State of persons granted asylum in Romania is not refused solely on the grounds that those persons are treated as Romanian nationals.

Declaration contained in a Note verbale from the Permanent Representation of Austria, dated 18 March 2005, registered at the Secretariat General on 18 March 2005:

In accordance with Article 28, paragraph 3, of the Convention, Austria notifies that from 1 May 2004 it will apply the national legislation implementing the European Union Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) in relation to Contracting Parties which are Member States of the European Union and which already applied the EU Framework Decision on 1 May 2004, except requests relating to punishable acts committed partly or as a whole before 7 August 2002.

Azerbaijan:

Declaration contained in the instrument of ratification deposited on 28 June 2002:

The Republic of Azerbaijan declares that transit of extradited persons through the territory of the Republic of Azerbaijan will be allowed subject to the observance of the same conditions as for extradition.

Declaration contained in the instrument of ratification deposited on 28 June 2002:

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its Additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

Reservations contained in the instrument of ratification deposited on 28 June 2002:

The Republic of Azerbaijan reserves the right not to grant extradition on humanitarian grounds taking into consideration the age or state of health of the person sought.

The Republic of Azerbaijan will refuse the extradition if there are sufficient grounds for supposing that the extradition would affect the sovereignty or national security of the Republic of Azerbaijan.

The Republic of Azerbaijan will refuse to grant extradition if there are sufficient grounds for supposing that the person requested for extradition will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State.

The Republic of Azerbaijan will not grant extradition if there are sufficient grounds for supposing that the person requested for the extradition will be persecuted for reasons of race, nationality, language, religion, citizenship or political opinion.

Reservation contained in the instrument of ratification deposited on 28 June 2002:

The Republic of Azerbaijan declares that according to Article 53 (II) of the Constitution of the Republic of Azerbaijan in no circumstances a citizen of the Republic of Azerbaijan shall be extradited to another State. In this respect the Republic of Azerbaijan in any case will refuse to extradite its citizens.

Declaration contained in the instrument of ratification deposited on 28 June 2002:

The Republic of Azerbaijan declares that the requests for extradition and the documents annexed thereto must be submitted with a translation into Azerbaijani language.

France:

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

Extradition shall not be granted if the person sought would be tried in the requesting State by a tribunal which does not assure the fundamental procedural guarantees and the protection of the rights of the defence or by a tribunal created for that person's particular case or if extradition is requested for the enforcement of a sentence or detention order imposed by such a tribunal.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

Extradition may be refused if surrender is likely to have consequences of an exceptional gravity for the person sought, particularly by reason of his age or state of health.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

Concerning persons prosecuted, extradition shall only be granted in respect of offences which, under French law and under the law of the requesting State, are punishable by deprivation of liberty or by a detention order for a maximum period of at least two years.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

With regard to punishments which are more severe than deprivation of liberty or detention orders, extradition may be refused if these punishments or detention orders are not provided for in the scale of punishments applicable in France.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

France reserves the right, in the light of the individual circumstances of each case, to appreciate if the taking or attempted taking of the life of a Head of State or a member of his family is to be deemed or not a political offence.

Declaration contained in the instrument of ratification, deposited on 10 February 1986:

France declares that for offences in connection with taxes, duties, customs and exchange, extradition shall be granted to the requesting State if it has been so decided by a simple exchange of letters in each category of case.

Declaration contained in the instrument of ratification, deposited on 10 February 1986:

Extradition shall be refused when the person sought had French nationality at the time of the alleged offence.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

France will require that any new description of an offence relates to the same facts as those for which extradition was granted and that this new description does not imply the application of a penalty for which extradition could be refused.

Reservation contained in the instrument of ratification, deposited on 10 February 1986:

In the case of a request for provisional arrest, France shall require a short memorandum of the facts alleged against the person sought.

Declaration contained in the instrument of ratification, deposited on 10 February 1986:

France reserves the right not to grant transit except on the same conditions as those on which it grants extradition.

Declaration contained in the instrument of ratification, deposited on 10 February 1986:

France declares that it will request a translation of the requests for extradition and documents annexed thereto into one of the official languages of the Council of Europe and that it chooses French.

Declaration contained in the instrument of ratification, deposited on 10 February 1986:

The Government of the French Republic declares that, with respect to France, the Convention applies to the European and overseas departments of the Republic.

Declaration contained in a letter from the Permanent Representative of France, dated 12 October 2004, registered at the Secretariat General on 18 October 2004:

The Government of the French Republic declares, in accordance with the provisions of Article 28, paragraph 3, of the Convention, that since the 12th of March 2004 regarding Paris and since the 13rd of March 2004 regarding the rest of France, the provisions relating to the European arrest warrant, when implementable, replace the corresponding dispositions of the European Convention on Extradition of 13 December 1957 in the surrender procedures between Member States of the European Union.

Georgia:

Reservation contained in the instrument of ratification, deposited on 15 June 2001:

Extradition shall be granted only under the condition that any person, national, stateless person or alien suspected of having committed a crime will not be tried in a special court of the requesting Party or that his or her extradition is not requested to carry out a sentence or detention order issued by such court.

Georgia reserves the right to refuse the extradition of any person on humanitarian grounds, if the extradition would adversely affect the state of this person.

Georgia declares that it will not grant the extradition of any person in respect of offences punishable by death under the law of the requesting Party.

Declarations contained in the instrument of ratification, deposited on 15 June 2001:

For the purposes of this Convention, the Government of Georgia reserves the right to decide on the extradition of its nationals on the basis of reciprocity and to refuse their extradition on the grounds of public morality, public policy and State security.

In respect of Article 6, paragraph 1 b, the term "national" within the meaning of the Convention will be applied as it is determined by the legislation of Georgia.

Declarations contained in the instrument of ratification, deposited on 15 June 2001:

In a case of transit under Article 21 of the Convention, Article 11 of the Convention will be applied *mutatis mutandis*.

In respect of Article 21 of the Convention, Georgia reserves the right not to grant transit under the same conditions on which it grants extradition.

Declaration contained in the instrument of ratification, deposited on 15 June 2001:

In respect of Article 23 of the Convention, where the request for extradition and the documents to be produced are not in Georgian language, they must be accompanied by a translation of the request and the documents into English or Russian languages.

Declaration contained in the instrument of ratification, deposited on 15 June 2001:

Georgia will not be responsible for the application of the provisions of the Convention on the territories of Abkhazia and Tskhinvali region until the full jurisdiction of Georgia is restored over these territories.

Iceland:

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

When granting extradition, Iceland reserves the right to stipulate that the extradited person may not be summoned to appear before a provisional court or a court empowered under exceptional circumstances to deal with such offences, as well as the right to refuse extradition for the execution of a sentence rendered by such special court.

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

Extradition may be refused if it is liable to have particularly serious consequences for the person claimed on account of his age, state of health or other personal circumstances.

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

Iceland can grant extradition in respect of an offence, or corresponding offence, which under Icelandic law is punishable, or would have been punishable, with imprisonment for more than one year.

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

Iceland reserves the right, in light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

Extradition for a military offence which is also an offence under ordinary criminal law may only be granted provided the extradited person is not convicted under military law.

Reservation contained in the instrument of ratification, deposited on 20 June 1984:

Iceland reserves the right to require the requesting Party to produce evidence establishing that the person claimed has committed the offence for which extradition is requested. Extradition may be refused if the evidence is found to be insufficient.

Declaration contained in a letter from the Permanent Representative of Iceland, handed to the Secretary General at the time of deposit of the instrument of ratification, on 20 June 1984:

Within the meaning of the Convention the term "nationals" means a national of Iceland and a national of Denmark, Finland, Norway or Sweden or a person domiciled in Iceland or other aforementioned countries.

Declaration contained in a letter from the Permanent Representative of Iceland, handed to the Secretary General at the time of deposit of the instrument of ratification, on 20 June 1984:

The Convention shall not apply to extradition to Denmark, Finland, Norway or Sweden as extradition between the Nordic countries is governed by a uniform law.

Israel:

Declaration contained in the instrument of accession, deposited on 27 September 1967:

Israel will only grant transit of a person if, were the receiving State requesting the extradition of the wanted person from Israel, there would be no legal bar to declaring him subject to extradition and extraditing him.

Declaration contained in the instrument of accession, deposited on 27 September 1967:

The evidence in writing, or the declarations given on oath or not, or certified copies of such evidence or declarations, and the warrant of arrest and the other legal documents establishing the fact of the conviction, shall be admitted as valid evidence in examining the request for extradition, if they have been signed by a judge or official of the requesting State or if they are accompanied by a certificate issued by such a judge or official or if they have been authenticated by the seal of the Ministry of Justice.

Reservation contained in the instrument of accession, deposited on 27 September 1967:

Israel will not grant extradition of a person charged with an offence unless it is proved in a court in Israel that there is evidence which would be sufficient for committing him to trial for such an offence in Israel.

Reservation contained in the instrument of accession, deposited on 27 September 1967:

Israel will not accede to a request for extradition if the wanted person has been pardoned, or has had his punishment remitted, in the requesting State in respect of the criminal act in question.

Reservation contained in the instrument of accession, deposited on 27 September 1967:

Israel will not grant extradition in departure from the rule of speciality except:

- a. if the wanted person has in his absence been declared subject to extradition also in respect of the other offence after he was given an opportunity to be represented in the proceedings aimed at such declaration;
- b. upon condition that the wanted person will not be proceeded against, sentenced or detained with a view to carrying out sentence unless, having left the requesting State after his extradition, he voluntarily returned to it, or unless he failed to leave the requesting State within 60 days after being given an opportunity to do so.

Reservation contained in the instrument of accession, deposited on 27 September 1967:

Article 15 shall be read as if the words "60 days" replaced the words "45 days" in Article 14, paragraph 1 b.

Declaration contained in a letter from the Ambassador of Israel in Charge of Relations with the Council of Europe, dated 2 December 1997, registered at the Secretariat General on 5 December 1997:

In regard to Article 23 of the Convention, the Government of the State of Israel requests that the documents to be produced by the requesting Party be translated into English or Hebrew.

Italy:

Reservation made at the time of signature, on 13 December 1957, and confirmed at the time of deposit of the instrument of ratification, on 6 August 1963:

Italy makes the express reservation that it will not grant the extradition of persons wanted for the carrying out of a detention order unless:

- a. all the criteria laid down in Article 25 are fulfilled in each case;
- b. the said detention order is expressly provided for under the criminal law of the requesting Party as being a necessary consequence of an offence.

Declaration made at the time of signature, on 13 December 1957, and confirmed at the time of deposit of the instrument of ratification, on 6 August 1963:

Italy declares that it will not, under any circumstances, grant extradition in respect of offences punishable by death under the law of the requesting Party.

Declaration contained in a Note Verbale from the Permanent Representation of Italy, dated 25 April 2006, registered at the Secretariat General on 25 April 2006:

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Italy notifies the applicability of the European Union Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States of the European Union.

The Framework Decision has been implemented in Italy by the Law of 22 April 2005 No. 69 ("Provisions for the implementation of the Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States", G.U. 29 April 2005 No. 98), which entered into force on 14 May 2005.

Liechtenstein:

Reservation contained in the instrument of accession, deposited on 28 October 1969:

Extradition is on principle granted by the Principality of Liechtenstein only on the condition that the person against whom proceedings are being taken for an offence be tried by the ordinary courts of the requesting State. It

therefore reserves the right to grant extradition only on condition that the requesting State gives adequate assurances in that respect.

Declaration contained in the instrument of accession, deposited on 28 October 1969:

The Government of the Principality of Liechtenstein declares that Liechtenstein law does not permit extradition of Liechtenstein nationals. Once they have entered the territory of the Principality, they will be tried by the Liechtenstein authorities under Liechtenstein criminal law (paragraph 36 of the Penal Code) for offences committed abroad, whatever the laws of the country where the offence was committed. 'Nationals' within the meaning of the Convention are persons possessing Liechtenstein nationality.

Reservation contained in the instrument of accession, deposited on 28 October 1969:

The Principality of Liechtenstein reserves the right to apply Article 11 by analogy where the requesting State does not give the Liechtenstein authorities adequate assurances that it will not impose any penalty or measure contrary to Liechtenstein law or which offends against the principle of inviolability of the person in a way which is incompatible with Liechtenstein law.

Reservation contained in the instrument of accession, deposited on 28 October 1969:

The principality of Liechtenstein reserves the right to refuse transit through its territory even where the offence with which the accused party is charged is covered by Article 5 of the Convention.

Declaration contained in the instrument of accession, deposited on 28 October 1969:

The Principality of Liechtenstein requires that requests and the documents to be produced which are written in a language other than German must be accompanied by a translation into that language.

Monaco:

Declaration contained in the instrument of ratification deposited on 30 January 2009:

The Principality of Monaco declares that the term "national" in the context of Article 6, paragraph 1, of the European Convention on Extradition means any person who is a "*Monégasque*" under the legislation of Monaco.

Declaration contained in the instrument of ratification deposited on 30 January 2009:

The Principality of Monaco requests of the requesting party a certified translation into French of the request for extradition and of the documents accompanying the application.

Montenegro:

Declaration contained in the instrument of accession deposited on 30 September 2002:

The Federal Republic of Yugoslavia shall refuse extradition, in accordance with Article 6, paragraph 1(a), of the Convention, and transit of its nationals in accordance with Article 21, paragraph 2, of the Convention.

Declaration contained in the instrument of accession deposited on 30 September 2002:

In accordance with Article 21, paragraph 5, of the Convention, the Federal Republic of Yugoslavia shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.

Netherlands:

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

The Netherlands Government reserves the right not to grant extradition requested for the purpose of executing a judgment pronounced by default against which no remedy remains open, if such extradition might have the effect of subjecting the person claimed to a penalty without his having been enabled to exercise the rights of defence prescribed in Article 6(3)c. of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950.

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

The Netherlands Government reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health.

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

The Netherlands Government reserves the right not to grant extradition when, in accordance with Article 7(2), the requesting State would be authorised to refuse extradition in like cases.

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

The Netherlands Government will not grant extradition if it is satisfied that final judgment for the offence for which extradition is requested has been passed on the person claimed by the competent authorities of a third State and, in the event of conviction for that offence, the convicted person is serving his sentence, has already served it or has been dispensed from serving it.

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

By reason of the special arrangements between the Benelux countries, the Netherlands Government does not accept Article 28(1) and (2) in respect of its relations with the Kingdom of Belgium and the Grand Duchy of Luxembourg.

Reservation contained in the instrument of ratification, deposited on 14 February 1969:

The Netherlands Government reserves the right to derogate from these provisions in respect of its relations with the other member States of the European Community.

Declaration contained in a letter from the Permanent Representative of the Netherlands, dated 13 February 1969, handed to the Secretary General at the time of deposit of the instrument of ratification, on 14 February 1969:

The Netherlands Government will not grant temporary extradition under Article 19 (2) save of a person who is serving a sentence in its territory and if necessitated by special circumstances.

Declaration contained in a letter from the Permanent Representative of the Netherlands, dated 24 December 1985, registered at the Secretariat General on 3 January 1986:

The island of Aruba, which is at present still part of the Netherlands Antilles, will obtain internal autonomy as a country within the Kingdom of the Netherlands as of 1 January 1986. Consequently the Kingdom will from then on no longer consist of two countries, namely the Netherlands (the Kingdom in Europe) and the Netherlands Antilles (situated in the Caribbean region), but will consist of three countries, namely the said two countries and the country Aruba.

As the changes being made on 1 January 1986 concern a shift only in the internal constitutional relations within the Kingdom of the Netherlands, and as the Kingdom as such will remain the subject under international law with which treaties are concluded, the said changes will have no consequences in international law regarding to treaties concluded by the Kingdom which already apply to the Netherlands Antilles, including Aruba. These treaties will remain in force for Aruba in its new capacity of country within the Kingdom. Therefore these treaties will as of 1 January 1986, as concerns the Kingdom of the Netherlands, apply to the Netherlands Antilles (without Aruba) and Aruba.

Consequently the treaties referred to in the annex, to which the Kingdom of the Netherlands is a Party and which apply to the Netherlands Antilles, will as of 1 January 1986 as concerns the Kingdom of the Netherlands apply to the Netherlands Antilles and Aruba.

List of Conventions referred to by the Declaration

.....

24 European Convention on Extradition

.....

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 14 October 1987, registered at the Secretariat General on 15 October 1987, and completed by a Note Verbale from the Permanent Representation of the Netherlands, dated 12 December 1994, registered at the Secretariat General on 15 December 1994:

The Government of the Kingdom of the Netherlands will not permit the transit of Netherlands nationals nor their extradition for the purposes of the enforcement of penalties or other measures.

However, Netherlands nationals may be extradited for purposes of prosecution if the requesting State provides a guarantee that the person claimed may be returned to the Netherlands to serve his sentence there if, following his extradition, a custodial sentence other than a suspended sentence or a measure depriving him of his liberty is imposed upon him.

As regards the Kingdom of the Netherlands, "nationals" for the purpose of the Convention are to be understood as meaning persons of Netherlands nationality as well as foreigners integrated into the Netherlands community insofar as they can be prosecuted within the Kingdom of the Netherlands for the act in respect of which extradition is requested and insofar as such foreigners are not expected to lose their right of residence in the Kingdom as a result of the imposition of a penalty or measure subsequent to their extradition.

The present declaration will enter into force on 1 January 1988.

Declaration contained in a Note Verbale from the Permanent Representation dated 4 October 1993 registered at the Secretariat General on 8 October 1993:

On 8 and 29 July 1993 the Governments of the Kingdom of the Netherlands and the Kingdom of Sweden exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 October 1993.

Declaration contained in a Note Verbale from the Permanent Representation dated 3 November 1993 registered at the Secretariat General on 10 November 1993:

On 30 June and 29 September 1993 the Governments of the Kingdom of the Netherlands and the Principality of Liechtenstein exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangements will enter into force on 1 December 1993.

Declaration contained in a Note Verbale from the Permanent Representation, dated 9 December 1993, registered at the Secretariat General on 14 December 1993:

On 20 and 28 October 1993 the Governments of the Kingdom of the Netherlands and Switzerland exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the

extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 January 1994.

Declaration contained in a Note Verbale from the Permanent Representation, dated 9 December 1993, registered at the Secretariat General on 14 December 1993:

On 20 September and 22 November 1993 the Governments of the Kingdom of the Netherlands and the Grand-Duchy of Luxembourg exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 February 1994.

Declaration contained in a Note Verbale from the Permanent Representation, dated 3 January 1994, registered at the Secretariat General on 4 January 1994:

On 30 July and 2 December 1993 the Governments of the Kingdom of the Netherlands and France exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 March 1994.

Declaration contained in a Note Verbale from the Permanent Representation, dated 31 January 1994, registered at the Secretariat General on 2 February 1994:

On 8 June and 21 December 1993 the Governments of the Kingdom of the Netherlands and Italy exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 30 December 1993.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 March 1994, registered at the Secretariat General on 11 March 1994:

On 19 January and 3 February 1994 the Governments of the Kingdom of the Netherlands and of Turkey exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba.

The arrangement will enter into force on 1 May 1994.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 March 1994, registered at the Secretariat General on 11 March 1994:

On 20 January and 4 February 1994 the Government of the Kingdom of the Netherlands and the Government of Denmark exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957

concerning the extension of the Convention to the Netherlands Antilles and Aruba.

The arrangement will enter into force on 1 May 1994.

Declaration contained in a Note Verbale from the Permanent Representation, dated 18 May 1994, registered at the Secretariat General on 20 May 1994:

On 26 January and 18 February 1994 the Governments of the Kingdom of the Netherlands and of Norway exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 May 1994.

Declaration contained in a Note Verbale from the Permanent Representation, dated 18 May 1994, registered at the Secretariat General on 20 May 1994:

On 3 August 1993 and 3 March 1994 the Governements of the Kingdom of the Netherlands and of Cyprus exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 May 1994.

This arrangement will enter into force on 1 June 1994.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

On 20 July 1993 and 21 February 1994, the Governments of the Kingdom of the Netherlands and of the Czech Republic exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 June 1994.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of:

- Greece, on 21 September 1993 and 16 June 1994. The arrangement entered into force on 1 September 1994;
- Slovakia, on 20 July 1993 and 30 June 1994. The arrangement entered into force on 1 September 1994.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Iceland, on 26 January 1994 and 22 July 1994. The arrangement entered into force on 1 October 1994.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Austria, on 22 July 1994 and 28 July 1994. The arrangement entered into force on 1 January 1996.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Spain, on 11 November 1993 and 24 November 1994. The arrangement entered into force on 1 February 1995.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of the United Kingdom of Great Britain and Northern Ireland, on 8 November 1994 and 24 November 1994. The arrangement entered into force on 4 March 1996.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Israel, on 28 February 1994 and 31 July 1995. The arrangement entered into force on 1 November 1995.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Portugal, on 6 July 1995 and 29 August 1995. The arrangement entered into force on 1 December 1995.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Croatia, on 16 October 1995 and 12 February 1996. The arrangement entered into force on 1 May 1996.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Hungary, on 28 March 1996 and 2 April 1996. The arrangement entered into force on 1 July 1996.

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 November 1996, registered at the Secretariat General on 8 November 1996:

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of:

- Finland, on 5 February 1996 and 4 July 1996. The arrangement entered into force on 1 October 1996.
- Bulgaria, on 29 March 1996 and 17 July 1996. The arrangement entered into force on 1 October 1996.

Declaration contained in a Note verbale from the Permanent Representation of the Netherlands, dated 31 August 2005, registered at the Secretariat General on 5 September 2005:

On 13 June 2002, the Council of the European Union adopted a framework decision on the European arrest warrant and surrender procedures between Member States (no. 2002/584/JHA) ("the Framework Decision"). Article 31 of the Framework Decision provides that from 1 January 2004 the Framework Decision will replace the corresponding provisions of the relevant extradition conventions

applicable in the field of extradition in relations between the Member States.

The Permanent Representation of the Kingdom of the Netherlands therefore has the honour to inform the Secretary General of the Council of Europe that pursuant to Article 28, paragraph 3, of the Convention on Extradition, the Convention shall no longer be applied in relations between the European part of the Kingdom of the Netherlands and the Member States of the European Union that are a Party to the Convention.

The Permanent Representation of the Kingdom of the Netherlands would emphasise that the above does not alter the application of the Convention in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Convention, or
- the European part of the Kingdom and the Parties to the Convention that are not Member States of the European Union.

Communication contained in a joint letter from the Ministers of Justice of Belgium and of the Netherlands, dated 5 February 2010, registered at the Secretariat General on 10 February 2010, supplemented by a joint letter from the Permanent Representatives of Belgium and of the Netherlands, dated 16 February 2010, registered at the Secretariat General on 18 February 2010

On 1 February 2010, a Convention between the Kingdom of the Netherlands and the Kingdom of Belgium came into effect under which the Netherlands made available to Belgium a prison located on Dutch territory (Tilburg) for the execution of criminal sentences imposed in Belgium under Belgian law. The Convention applies in principle until 31 December 2012, but the validity period may be reduced to 31 December 2011, or extended until 31 December 2013.

The Convention contains a specific provision for criminal co-operation with third States. Article 18 of the Convention deals with criminal action at the request of third States concerning Belgian prisoners detained in the prison located on Dutch territory. According to the first paragraph of this provision, the Netherlands will not examine requests for extradition and/or mutual assistance from third States, but they will transmit them to Belgium. This agreement logically follows on from other provisions of the Convention, according to which the judicial and other authorities of the Netherlands do not normally deal with prisoners of the prison of Tilburg.

In this context, Belgium and the Netherlands communicate the following:

Requests for extradition and provisional arrest

We recommend that States Parties to the European Convention on Extradition send exclusively to the Belgian authorities requests for extradition and provisional arrest of persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of

prison sentences imposed under Belgian law. If the Dutch authorities still receive requests for extradition or for provisional arrest of these persons, they will not deal with them but will transmit them to the Belgian authorities for further action.

Alerts via Interpol for the surrender and the requests for provisional arrest of persons who are in the prison in Tilburg will not be carried out in the Netherlands.

Requests for mutual assistance

We recommend that central and judicial authorities of the States Parties to the Convention on Mutual Assistance in Criminal Matters send exclusively to the competent Belgian authorities requests for mutual assistance concerning persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If, nevertheless, requests for mutual assistance concerning these persons are sent to the Netherlands, they will be forwarded to the competent authorities of the Kingdom of Belgium.

Declaration transmitted by a Note verbale from the Permanent Representation of the Netherlands, dated 4 January 2012, registered at the Secretariat General on 9 January 2012, supplemented by a Note verbale from the Permanent Representation of the Netherlands, dated 27 June 2013, registered at the Secretariat General on 28 June 2013:

The reservations and declarations as made by the Kingdom of the Netherlands on 14 February 1969 and, as amended, on 15 October 1987 apply to Aruba and, as succeeding to the Netherlands Antilles, to Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) in their relations with the States with which notes were exchanged on the extension of the Convention:

Sweden – on 8 July 1993 and 29 July 1993

Liechtenstein – on 30 June 1993 and 29 September 1993

Switzerland – on 20 October 1993 and 28 October 1993

Luxembourg – on 20 September 1993 and 22 November 1993

France – on 30 July 1993 and 22 November 1993

Italy – on 8 June 1993 and 21 December 1993

Turkey – on 19 January 1994 and 3 February 1994

Denmark – on 20 January 1994 and 4 February 1994

Norway – on 26 January 1994 and 18 February 1994

Cyprus – on 3 August 1993 and 3 March 1994

Czech Republic – on 20 July 1993 and 21 February 1994

Greece – on 21 September 1993 and 16 June 1994

Slovakia – on 20 July 1993 and 30 June 1994

Iceland – on 26 January 1994 and 22 July 1994

Austria – on 22 July 1994 and 28 July 1994

Spain – on 11 November 1993 and 24 November 1994

United Kingdom of Great Britain and Northern Ireland – on 8 November 1994 and 4 November 1994

Israel – on 28 February 1994 and 31 July 1995

Portugal – on 6 July 1995 and 29 August 1995

Croatia – on 16 October 1995 and 12 February 1996

Slovenia – on 7 March 1996 and 13 March 1996

Hungary – on 28 March 1996 and 2 April 1996

Finland – on 5 February 1996 and 4 July 1996

Lithuania – on 9 January 1996 and 16 July 1996

Bulgaria – on 29 March 1996 and 17 July 1996

Malta – on 2 April 1997 and 17 April 1997

Estonia – on 24 June 1997 and 17 July 1997

Ukraine – on 13 October 1999 and 22 October 1999

Republic of Moldova – on 7 May 1999 and 2 November 1999

Romania – on 16 June 1999 and 27 March 2000

Ireland – on 27 July 1995 and 4 December 2000

Albania – on 26 March 1999 and 18 December 2000

Germany – on 10 December 2001 and 22 January 2002

Declaration transmitted by a Note verbale from the Permanent Representation of the Netherlands, dated 4 January 2012, registered at the Secretariat General on 9 January 2012:

Having regard to the relations existing in public law between the European part of the Netherlands, Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), the term "metropolitan territories", used in paragraph 1 of Article 27 of the present Convention, no longer has its original sense in relation to the Kingdom of the Netherlands and consequently shall be deemed to signify, so far as it concerns the Kingdom, "European territory".

Norway:

Reservation made at the time of signature, on 13 December 1957:

Extradition may be refused on humanitarian grounds if surrender is likely to have consequences of an exceptional gravity for the person claimed,

particularly by reason of his age, state of health or other personal circumstances.

Reservation made at the time of signature, on 13 December 1957, and modified by a letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretariat General on 19 January 1977:

Under the terms of the Norwegian Act No. 39 of 13 June 1975, relating to the Extradition of Offenders etc., paragraph 3, Norway is in a position to grant extradition only in respect of an offence, or a corresponding offence, which under Norwegian law is punishable, or would have been punishable with imprisonment for more than one year.

Reservation made at the time of signature, on 13 December 1957, and modified by a letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretariat General on 19 January 1977:

Norway reserves the right, in the light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

Reservation made at the time of signature, on 13 December 1957, and modified by a letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretariat General on 19 January 1977:

When an offence under military law also comprises an offence in respect of which extradition otherwise is permissible, Norway reserves the right to stipulate that the extradited person shall not be punished under the military law of the requesting State.

Declaration made at the time of signature, on 13 December 1957:

As far as Norway is concerned, the term "national" shall include both nationals and residents of Norway. The term shall also include nationals and residents of Denmark, Finland, Iceland or Sweden, if extradition is requested by States other than those mentioned.

Reservation made at the time of signature, on 13 December 1957:

The Norwegian authorities reserve the right to require the requesting Party to produce prima facie evidence to the effect that the person claimed has committed the offence for which extradition is requested. The request may be refused if the evidence is found to be insufficient.

Declaration contained in a letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretary General on 19 January 1977:

This Convention shall not apply to extradition to Denmark, Finland or Sweden, as extradition between the said States is governed by a uniform legislation.

Republic of Korea:

Declaration contained in in the instrument of accession deposited on 29 September 2011:

In respect of Article 2, paragraph 1, of the Convention, the Republic of Korea declares that “the punishment awarded” shall mean the remaining period of sentence to be served. It shall not mean the sentence initially imposed.

Declaration contained in in the instrument of accession deposited on 29 September 2011:

The Republic of Korea declares that if it gives assurance pursuant to Article 11 of the Convention, the death penalty will not be carried out even if it is imposed by a court of the Republic of Korea.

Declaration contained in in the instrument of accession deposited on 29 September 2011:

In respect of Article 16, paragraph 3, of the Convention, the Republic of Korea declares that it shall send a request for provisional arrest through the diplomatic channel or directly between the Ministries of Justice of the Contracting Parties, and not through the International Criminal Police Organisation.

Declaration contained in in the instrument of accession deposited on 29 September 2011:

In respect of Article 21, paragraph 5, of the Convention, the Republic of Korea reserves the right to grant transit on the conditions on which it grants extradition.

Reservation contained in the instrument of accession deposited on 29 September 2011:

In respect of Article 2 of the Convention, the Republic of Korea reserves the right to refuse the extradition of a person sought for the enforcement of a detention order if the detention order system of the requesting Party is incompatible with the purpose, requirements, period, effect, etc. of the detention order stipulated in the law of the Republic of Korea.

Reservation contained in the instrument of accession deposited on 29 September 2011:

In respect of Article 12 of the Convention, if the request for extradition relates to a person who has not yet been found guilty, the Republic of Korea reserves the right to request material that may provide reasonable grounds to suspect that the person sought has committed the offence for which extradition is requested. Extradition may be refused if there are no substantial grounds to suspect that the person has committed the extraditable offence.

Republic of Moldova:

Reservation contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova will refuse to grant extradition in cases where the person claimed is to be tried on the territory of the requesting Party by a special court (set up for a specific case) or where extradition is

requested in order to carry out a sentence or detention order handed down by such a court.

Reservation contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova reserves the right, where circumstances so dictate, to determine whether the taking or attempted taking of the life of a Head of State or a member of his or her family shall or shall not constitute a political offence.

Declaration contained in the instrument of ratification deposited on 2 October 1997:

By virtue of Article 17, paragraph 3 of the Constitution of the Republic of Moldova, the citizens of the Republic of Moldova may not be extradited or expelled from the country.

The term "nationals" within the meaning of Article 6, paragraph 1 (b) covers all individuals having the nationality of the Republic of Moldova in conformity with its legislation.

Reservation contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova reserves the right not to grant extradition when, in accordance with Article 7, paragraph 2, the requesting Party would refuse extradition in similar cases.

Reservation contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova will not grant extradition if a final judgment has been passed by a third State upon the person claimed in respect of the offence or offences for which extradition is requested.

Reservation contained in the instrument of ratification deposited on 2 October 1997:

In derogation of Article 9 (first sentence), the Republic of Moldova may grant extradition if the requesting State can show that new facts or evidence justify a reopening of the case.

Reservation contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova asks that any request addressed to it in pursuance of Article 16, paragraph 2, contain a brief description of the offence alleged against the person claimed, including the essential particulars by which the nature of the offence can be appraised in accordance with the present Convention.

Declaration contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova reserves the right to authorise transit only under the conditions provided for in respect of extradition.

Declaration contained in the instrument of ratification deposited on 2 October 1997:

The Republic of Moldova declares that requests for extradition and documents appended thereto must be in Moldovan or in one of the official languages of the Council of Europe, or translated into one of these languages.

Republic of North Macedonia:

Declaration contained in the instrument of ratification deposited on 28 July 1999:

Taking into account Article 4 of the Constitution of the Republic of Macedonia, which does not allow the extradition of the citizens of the Republic of Macedonia, the provisions of this Convention shall only apply to the persons which are not citizens of the Republic of Macedonia.

Reservation contained in the instrument of ratification deposited on 28 July 1999:

The Republic of Macedonia shall not agree to surrender the person claimed, if this person is charged by an extraordinary court, or in cases where the surrender is requested for the purposes of executing a sentence, safety measure or correctional measure that was passed by such a court.

Reservation contained in the instrument of ratification deposited on 28 July 1999:

Even in the cases where the final sentence or the arrest warrant are passed by the competent authorities in a country which is Party to this Convention, the Republic of Macedonia reserves the right to refuse the requested surrender, if an examination of the case in question shows that the said sentence or arrest warrant are manifestly ill-founded.

Reservation contained in the instrument of ratification deposited on 28 July 1999:

In the event that the person claimed has not been taken over by the requesting Party, on the appointed date, the Republic of Macedonia reserves the right to annul the measure of restraint imposed on that person.

Russian Federation:

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Russian Federation shares the opinions expressed by the Government of the Federal Republic of Germany in its declaration of February 4, 1991, by the Government of the Republic of Austria - in its declaration of June 4, 1991 and by the Government of the Swiss Confederation - in its declaration of August 21, 1991, concerning the reservation by Portugal of February 12, 1990 to Article 1 of the Convention.

The Portuguese reservation to Article 1 of the Convention is compatible with the objective and purpose of the Convention unless the refusal to extradite a person who has committed the offence punishable by life imprisonment or whom the court has committed to custody as a preventive punishment is absolute. This allows to interpret the above-mentioned reservation in a manner that extradition will not be granted unless the law of the requesting State provides for the possibility to review the case of a person sentenced to life imprisonment who has served a part of his term or has been held in custody for some time, with a view to release him on parol.

Reservation contained in the instrument of ratification deposited on 10 December 1999:

In accordance with Article 1 of the Convention the Russian Federation shall reserve the right to refuse extradition:

- a. if extradition is requested for the purpose of bringing to responsibility before an *ad hoc* tribunal or by summary proceedings or for the purposes of carrying out a sentence rendered by an *ad hoc* tribunal or by summary proceedings when there are grounds for supposing that in the course of these proceedings the person will not be or was not provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The terms «*ad hoc* tribunal» and «summary proceedings» do not include any international criminal court with authorities and jurisdiction recognised by the Russian Federation;
- b. if there are grounds for supposing that the person requested for extradition in the requesting State was or will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the course of the criminal proceedings, or the person was not or will not be provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms;
- c. based on the considerations of humanity, when there are grounds for supposing that the extradition of the person can seriously affect him due to his old age or state of health.

Reservation contained in the instrument of ratification deposited on 10 December 1999:

In accordance with paragraphs 3 and 4 of Article 2 of the Convention, the Russian Federation shall reserve the right not to extradite the persons whose extradition can affect its sovereignty, security, public order or other essential interests. Offences that may not lead to extradition shall be stated by the federal law.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Russian Federation shall not be liable for claims for property and/or moral damage caused by the temporary arrest of the person in the Russian Federation in accordance with Article 16 of the Convention.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

In accordance with paragraphs 4 and 5 of Article 18 of the Convention the Russian Federation shall not be liable for claims for property and/or moral damage caused by the delay or cancellation of the surrender of persons to be extradited.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Russian Federation declares that in accordance with Article 23 of the Convention when producing the documents relating to extradition to the Russian Federation, their authenticated translation into the Russian language is required.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Russian Federation proceeds from the understanding that the provisions of Article 3 of the Convention should be so applied as to ensure inevitable responsibility for offences under the provisions of the Convention.

The Russian Federation proceeds from the understanding that legislation of the Russian Federation does not provide for the notion « political offences ». In all cases when deciding on extradition the Russian Federation will not consider as « political offences » or « offences connected with political offences » along with offences, specified in Article 1 of the 1975 Additional Protocol to the 1957 European Convention on Extradition, in particular, the following acts:

- a. the crimes against humanity specified in Articles II and III of the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and in Articles 1 and 4 of Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- b. the crimes specified in Article 85 of Additional Protocol I to the Geneva Conventions of August 12, 1949 relating to the Protection of Victims of International Armed Conflicts (1977), and in Articles 1 and 4 of Additional Protocol II to the Geneva Conventions of August 12, 1949 relating to the Protection of Victims of Non-International Armed Conflicts (1977);
- c. the offences specified in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and the Protocol for the Suppression of Unlawful Acts of Violence in Airports Serving International Civil Aviation (1988) supplementary to the above-mentioned 1971 Convention;

- d. the crimes specified in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);
- e. the crimes specified in the International Convention Against the Taking of Hostages (1979);
- f. the offences specified in the Convention for Physical Protection of Nuclear Materials (1980);
- g. the offences specified in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988);
- h. other comparable crimes specified in the multilateral international treaties which the Russian Federation is a party to.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

With respect to sub-paragraph "a" of paragraph 1 of Article 6 of the Convention the Russian Federation declares that in accordance with Article 61 (part I) of the Constitution of the Russian Federation a citizen of the Russian Federation may not be extradited to another State.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Russian Federation declares that in accordance with Article 21 of the Convention transit of an extradited person through the territory of the Russian Federation is allowed subject to the observance of the terms of extradition.

Declaration contained in the instrument of ratification deposited on 10 December 1999:

The Prosecutor-General's Office shall be a body appointed by the Russian Federation to hear extradition cases.

A decision of the competent authorities of the Russian Federation on extradition may be appealed by a person against whom a decision on extradition has been rendered, in the court of law in accordance with the legislation of the Russian Federation.

San Marino:

Declaration contained in the instrument of ratification deposited on 18 March 2009:

Concerning Article 1 of the Convention, the term "national" within the meaning of the Convention shall apply to any San Marino citizen, regardless of how he/she acquired his/her nationality.

Declaration contained in the instrument of ratification deposited on 18 March 2009:

Concerning Article 6, paragraph 1.a of the Convention, the Republic of San Marino will not grant extradition of San Marino citizens.

Reservation contained in the instrument of ratification deposited on 18 March 2009:

Concerning Article 1 of the Convention, the Republic of San Marino shall not grant extradition of persons:

- a. who are tried by a special court or who are to serve a sentence passed by such court;
- b. who will be subjected to a trial which affords no legal guarantees of criminal proceedings complying with the conditions internationally recognized as essential for the protection of human rights, or will serve their sentences in inhuman conditions.

Reservation contained in the instrument of ratification deposited on 18 March 2009:

Concerning Article 2 of the Convention, the Republic of San Marino shall authorize transit through its own territory only in respect of persons for whom extradition would be granted.

Reservation contained in the instrument of ratification deposited on 18 March 2009:

Concerning Article 23 of the Convention, if the request for extradition and the documents to be produced are not in Italian, they shall be accompanied by a translation into the Italian language or into one of the official languages of the Council of Europe.

Serbia:

Declaration contained in the instrument of accession deposited on 30 September 2002:

In accordance with Article 21, paragraph 5, of the Convention, the Federal Republic of Yugoslavia shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.

South Africa:

Declaration contained in a Note Verbale from the Embassy of South Africa in Brussels, dated 26 May 2003 and registered at the Secretariat General on 11 June 2003, supplemented by a Note Verbale dated 17 June 2003 and registered at the Secretariat General on 17 June 2003:

For the purposes of Article 6 of the Convention, the term "nationals" is defined, in terms of South Africa's legal system, as persons who have acquired South African citizenship by means of birth, descent or naturalisation. This includes persons with citizenship of South Africa and of another country. These persons will all be liable to be extradited. South Africa's acceptance of dual citizenship will therefore not bar the extradition of a person where he or she is also in possession of a citizenship of a country which prohibits the extradition of its nationals.

Reservation contained in a Note Verbale from the Embassy of South Africa in Brussels, dated 26 May 2003 and registered at the Secretariat General on 11 June 2003, supplemented by a Note Verbale dated 17 June 2003 and registered at the Secretariat General on 17 June 2003:

For the purposes of Article 2 of the Convention, the Republic of South Africa shall not extradite any person unless the punishment awarded for a conviction in respect of which he or she is being sought, is a sentence of imprisonment of at least six months.

Switzerland:

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

The Swiss Federal Council declares that extradition by Switzerland is in all cases subject to the condition that the person claimed is not brought before an extraordinary court (tribunal d'exception). It therefore reserves the right to refuse extradition:

- a. if there is a possibility that the person claimed, if extradited, will be brought before an extraordinary court (tribunal d'exception) and if the requesting State does not give assurances deemed sufficient, that the judgment will be passed by a court which is generally empowered under the rules of judicial administration to pronounce on criminal matters;
- b. if extradition is requested for the purpose of carrying out a sentence passed by an extraordinary court (tribunal d'exception).

Declaration contained in a letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983:

The reservation on Article 2, paragraph 2 read as follows:

The Federal Council declares that if extradition is or has been granted in respect of an offence which is extraditable under Swiss law, Switzerland may extend the effects thereof to any other offence punishable under Swiss ordinary law.

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

Notwithstanding Article 3, paragraph 3, of the Convention, Switzerland reserves the right to refuse extradition on the basis of Article 3, paragraph 1 when it is requested for the taking or attempted taking of the life of a Head of State or a member of his family.

Declaration contained in a letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983:

The reservation on Article 6 read as follows:

The Federal Council declares that Swiss law allows Swiss nationals to be extradited only on the conditions specified in Article 7 of the Federal Act

of 20 March 1981 on International Mutual Assistance in Criminal Matters. Provided that the statutory requirements are satisfied, offences committed outside Switzerland which are punishable under Swiss law as felonies ("crimes") or misdemeanours ("délits") may be prosecuted and tried by the Swiss authorities in the following cases: - where they were committed against Swiss nationals (Article 5 of the Swiss Criminal Code of 21 December 1937); - where they are extraditable under Swiss law and were committed by a Swiss national (Article 6 of the Swiss Criminal Code); - where they were committed on board a Swiss ship or Swiss aircraft (Article 4 of the Federal Act of 23 September 1953 on Shipping under the Swiss flag; Article 97 of the Federal Act of 21 December 1948 on Air Navigation); - where the special statutory provisions so stipulate in respect of certain offences (Articles 202 and 240 of the Swiss Criminal Code; Article 19 of the Federal Act of 3 October 1951 on Narcotics; Article 101 of the Federal Act of 19 December 1958 on Road Traffic; Article 16 of the Federal Act of 14 March 1958 on the Liability of the Confederation, Members of its Authorities and its Civil Servants; Article 12 of the Federal Act of 26 September 1958 on the Export Risk Guarantee).

In accordance with the Act of 20 March 1981 on International Mutual Assistance in Criminal Matters, other offences committed abroad by a Swiss national may be prosecuted in Switzerland at the request of the State in which they were committed in cases where the person concerned is in Switzerland and is answerable there for offences of a more serious kind and where, if he is acquitted or punished in Switzerland, he is not liable to be prosecuted again for the same act in the requesting State.

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

Switzerland reserves the right to refuse extradition, in derogation of Article 9, if the decisions motivating the refusal of extradition in accordance with that Article have been rendered in a third State in whose territory the offence was committed.

Reservation contained in the instrument of ratification, deposited on 20 December 1966.

Switzerland reserves the right to grant extradition, notwithstanding the first sentence of Article 9, if it has granted extradition for other offences and the requesting State has shown that new facts or evidence which have come to its knowledge justify a review of the decision motivating the refusal for extradition in accordance with this Article, or if the person sought has not served all or part of the punishment imposed on him by that decision.

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

Switzerland reserves the right to apply Article 11, *mutatis mutandis*, also in cases where the law of the requesting State provides that the person claimed may, in respect of the offence for which extradition is requested,

be sentenced to corporal punishment or be subjected to such treatment against his will.

Declaration contained in the instrument of ratification, deposited on 20 December 1966:

The Swiss Federal Council declares that the Swiss authorities regard discharge as final within the meaning of Article 14 if it enables the person extradited to move about freely without breaking the rules of behaviour and other conditions laid down by the proper authority. For the Swiss authorities, an extradited person is in all cases deemed to be able to leave the territory of a State within the meaning of this Article if he is not in fact prevented from leaving by a disease or some other actual restriction of his freedom of movement.

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

Switzerland asks that any request addressed to it in accordance with Article 16, paragraph 2, contain a brief description of the offence alleged against the person claimed, including the essential particulars by which the nature of the offence can be appraised with reference to the law of extradition.

Reservation contained in the instrument of ratification, deposited on 20 December 1966:

Switzerland reserves the right not to authorise transit in cases where the offence alleged against the person claimed comes within the provisions of Article 5 of the Convention or constitutes an infringement of commodity trade, restrictions of market regulations.

Declaration contained in the instrument of ratification, deposited on 20 December 1966:

Switzerland asks that requests in connection with extradition addressed to its authorities, and documents annexed thereto, be accompanied by a translation into French, German or Italian if they are not written in one of these languages.

Declaration contained in a letter from the Permanent Representative dated 21 August 1991, registered at the Secretariat General on 22 August 1991:

With reference to the reservation made by Portugal concerning Article 1 (c) of the European Convention on extradition, I have the honour to inform you that my Government supports the declaration sent to you on this question by the German Government on 4 February 1991, and the declaration sent to you on 4 June 1991 by the Austrian Government in support of the German position.

In fact, the reservation in question is compatible with the object and purpose of the Convention only if refusal to grant extradition for offences punishable by a life-long prison sentence or detention order is not absolute. My Government also takes the reservation to mean that extradition will be refused only when there is no possibility under the law of the requesting state for the person sentenced to life imprisonment,

having completed a certain part of his sentence or period of detention, to obtain a judicial review of his case with a view to having the remainder of the sentence commuted to probation.

Turkey:

Reservation contained in a letter from the Ministry of Foreign Affairs, dated 30 November 1957, handed to the Secretary General at the time of signature, on 13 December 1957:

The assurance mentioned in Article 11 will be limited to the following procedure:

In the event of extradition to Turkey of an individual under sentence of death or accused of an offence punishable by death, any requested Party whose law does not provide for capital punishment shall be authorised to transmit a request for commutation of death sentence to life imprisonment. Such request shall be transmitted by the Turkish Government to the Grand National Assembly, which is the final instance for confirming a death sentence, insofar as the Assembly has not already pronounced on the matter.

Declaration contained in a letter from the Permanent Representative of Turkey, dated 15 June 1994, registered at the Secretariat General, on 21 June 1994:

Concerning the reservations and declarations formulated by Poland at the time of ratification of the European Convention on Extradition, the Turkish Government shares the interpretation made by the Federal Republic of Germany and Austria, registered respectively on 13 October 1993 and 11 January 1994.

The Turkish Government considers that Poland's declaration concerning Article 6, paragraph 1.b, which assimilates persons who have been granted asylum in Poland to Polish nationals, is compatible with the aim and purpose of the Convention only if it does not apply to cases of extradition of the said persons to a third State other than that in respect of which asylum has been granted.

Ukraine:

Reservation contained in the instrument of ratification, deposited on 11 March 1998:

Ukraine reserves the right to refuse extradition if the person whose extradition is requested cannot, on account of his/her state of health, be extradited without damage to his/her health.

Reservation contained in the instrument of ratification, deposited on 11 March 1998:

Ukraine shall grant extradition only for offences which are punishable by imprisonment for a maximum period of not less than one year or by a more severe penalty.

Declaration contained in the instrument of ratification, deposited on 11 March 1998:

The extradition in respect of general criminal offences which are also military offences may only be granted provided that the person whose extradition is requested will not be subject to criminal prosecution in accordance with martial law.

Declaration contained in the instrument of ratification, deposited on 11 March 1998:

Ukraine will not extradite citizens of Ukraine to another State. For the purposes of this Convention, any person is considered to be a citizen of Ukraine who, in accordance with the laws of Ukraine at the time when the decision to extradite is taken, is a citizen of Ukraine.

Declaration contained in the instrument of ratification, deposited on 11 March 1998:

Ukraine shall allow transit through its territory of persons who are extradited on the same conditions as those on which extradition is granted.

Declaration contained in the instrument of ratification, deposited on 11 March 1998:

Requests for extradition and documents appended thereto shall be sent to Ukraine together with a translation into Ukrainian or into one of the official languages of the Council of Europe unless they are drawn up in those languages.

Declaration contained in a letter from the Permanent Representative, dated 31 January 2000, registered at the Secretariat General on 1 February 2000:

The Ministry of Justice of Ukraine (in case of requests by courts) and the Prosecutor-General's Office of Ukraine (in case of requests by bodies of pre-trial investigation) shall be the authorities to which reference is made in article 12, paragraph 1 of the Convention, as amended by the Second Additional Protocol.

Declaration contained in a Note verbale from the Ministry of Foreign Affairs of Ukraine, dated 12 October 2015, transmitted by a Note verbale from the Permanent Representation of Ukraine, dated 13 October 2015, registered at the Secretariat General on 16 October 2015:

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Secretary General of the Council of Europe, as the Depositary of the European Convention on Information on Foreign Law of 7 June 1968, the Additional Protocol to the European Convention on Information on Foreign Law of 15 March 1978, the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders of 30 November 1964, the Convention on the Transfer of Sentenced Persons of 21 March 1983, the Additional Protocol to the Convention on the Transfer of Sentenced Persons of 18 December 1997, the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972, the European Convention on Mutual Assistance

in Criminal Matters of 20 April 1959, the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 17 March 1978, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 8 November 2001, the European Convention on Extradition of 13 December 1957, the Additional Protocol to the European Convention on Extradition of 15 October 1975, the Second Additional Protocol to the European Convention on Extradition of 17 March 1978, the European Convention on the Suppression of Terrorism of 27 January 1977, the Protocol amending the European Convention on the Suppression of Terrorism of 15 May 2003, the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005, the European Convention on the International Validity of Criminal Judgments of 28 May 1970, the Convention on Cybercrime of 23 November 2001, the Additional Protocol to the Convention on Cybercrime, concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems of 28 January 2003, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005, the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005, the European Convention on the Exercise of Children's Rights of 25 January 1996, the Convention on Contact concerning Children of 15 May 2003, the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007, the Convention on the Establishment of a Scheme of Registration of Wills of 16 May 1972, the Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 31 January 1995, the Criminal Law Convention on Corruption of 27 January 1999, the Additional Protocol to the Criminal Law Convention on Corruption of 15 May 2003 (hereinafter referred to as the «Conventions, Protocols, Agreement» respectively), and has the honour to inform of the following.

In February 2014 the Russian Federation launched armed aggression against Ukraine and occupied a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol, and today exercises effective control over certain districts of the Donetsk and Luhansk oblasts of Ukraine. These actions are in gross violation of the Charter of the United Nations and constitute a threat to international peace and security. The Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for its actions and their consequences under international law.

The United Nations General Assembly Resolution A/RES/68/262 of 27 March 2014 confirmed the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The United Nations also

called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol.

In this regard, Ukraine states that from 20 February 2014 and for the period of temporary occupation by the Russian Federation of a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol – as a result of the armed aggression of the Russian Federation committed against Ukraine and until the complete restoration of the constitutional law and order and effective control by Ukraine over such occupied territory, as well as over certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine as a result of the aggression of the Russian Federation, the application and implementation by Ukraine of the obligations under the above Conventions, Protocols, Agreement, as applied to the aforementioned occupied and uncontrolled territory of Ukraine, is limited and is not guaranteed.

Documents or requests made or issued by the occupying authorities of the Russian Federation, its officials at any level in the Autonomous Republic of Crimea and the city of Sevastopol and by the illegal authorities in certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine, are null and void and have no legal effect regardless of whether they are presented directly or indirectly through the authorities of the Russian Federation.

The provisions of the Conventions, Protocols, Agreement regarding the possibility of direct communication or interaction do not apply to the territorial organs of Ukraine in the Autonomous Republic of Crimea and the city of Sevastopol, as well as in certain districts of the Donetsk and Luhansk oblasts of Ukraine, which are temporarily not under control of Ukraine. The order of the relevant communication is determined by the central authorities of Ukraine in Kyiv.

United Kingdom:

Reservations contained in a letter dated 13 February 1991, handed over to the Secretary General at the time of deposit of the instrument of ratification on 13 February 1991:

The United Kingdom reserves the right to refuse to grant extradition which is requested pursuant to or for the purpose of executing a conviction or sentence pronounced against the person concerned in his absence from proceedings in respect of which the conviction or sentence was pronounced.

The United Kingdom may decide to grant extradition in respect of any offences which under the law of the requesting State and the law of the United Kingdom are punishable by a sentence of imprisonment for a term of 12 months or any greater punishment, whether or not such a sentence has in fact been imposed.

The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence or each of the offences in respect of which a person's return is sought that by reason of its trivial nature, or because the accusation is not made in good faith in the interests of justice, it would in all the circumstances be unjust or oppressive to return him.

The United Kingdom reserves the right to apply the provisions of Article 3 paragraph 3 only in respect of States parties to the European Convention on the Suppression of Terrorism.

The United Kingdom may refuse to extradite a person if the authorities in any part of the United Kingdom, the Channel Islands or the Isle of Man have instituted or are about to institute criminal or other proceedings against that person, whether or not those proceedings are in respect of the offence or offences for which extradition is requested.

The United Kingdom reserves the right to refuse to grant extradition of a person accused of an offence, if it appears that that person would if charged with that offence in the United Kingdom be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence, or each of the offences, in respect of which the person's return is sought, that by reason of the passage of time since he is alleged to have committed it, or to have become unlawfully at large, as the case may be, it would, having regard to all the circumstances, be unjust or oppressive to return him.

Reservation relating to Article 12 reads as follows:

1. In addition to the request and any supporting documents, the United Kingdom will require a statement indicating whether or not a conviction in respect of which extradition is requested was obtained in the presence of the person whose return is sought.

[...]

3. The statement of the offences for which extradition is requested must contain a description of the conduct which it is alleged constitutes the offence or offences for which extradition is requested.

4. For the purposes of proceedings in the United Kingdom, foreign documents shall be deemed duly authenticated

- a. if they purport to be signed by a judge, magistrate or officer of the State where they were issued; and
- b. if they purport to be certified by being sealed with the official seal of the Minister of Justice, or some other Minister of State, of that State.

The United Kingdom reserves the right in any case to refuse to consent to a person who has been extradited being proceeded against, sentenced or detained with a view to carrying out the sentence or detention order for any offence committed prior to his surrender other than that for which he

was extradited or to his being for any other reason restricted in his personal freedom.

The United Kingdom cannot accept the application of Article 21.

Declarations contained in a letter dated 13 February 1991, handed over to the Secretary General at the time of deposit of the instrument of ratification on 13 February 1991:

The documents to be produced shall be in English or accompanied by a translation into English.

This Convention shall apply to the United Kingdom of Great Britain and Northern Ireland, to the Channel Islands and to the Isle of Man. The United Kingdom reserves the right to notify the Secretary General of the application of the Convention to any territory for the international relations of which the United Kingdom is responsible.

The Convention supersedes the provisions of bilateral treaties between the United Kingdom and other Contracting Parties only to the extent that the Convention applies, by or under Article 27, to the United Kingdom, the Contracting Parties, and any territories for whose international relations the United Kingdom or Contracting Parties are responsible.

The Convention shall not apply between the United Kingdom and any Contracting Party when laws are in force in the United Kingdom and in that Contracting Party providing for the execution in the territory of each of them of warrants issued in the territory of the other.

The United Kingdom, in giving effect to this Convention, will have regard to its human rights obligations under the European Convention on Human Rights.

SCHEDULE 4**Terms of Agreement between the State and Kingdom of the Netherlands
regarding Dutch Overseas Territories with respect to the European
Convention on Extradition**

The Department of Foreign Affairs presents its compliments to the Royal Netherlands Embassy and has the honor to refer to the Embassy's Note No. DUB/851 dated the 27 July 1995, which reads as follows:

"The Royal Netherlands Embassy presents its compliments to the Department of Foreign Affairs of Ireland and has the honour to propose that the application of the European Convention on Extradition of 13 December 1957, in accordance with Article 27, paragraph 4, be extended to the Netherlands Antilles and Aruba, that the declarations and reservations that apply in relations between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and Ireland shall also apply in relation between Ireland and the Kingdom of the Netherlands in respect of the Netherlands Antilles and Aruba, and that the declaration concerning articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification of the Convention on 14 February 1969 and as amended on 14 October 1987 shall apply to the Netherlands Antilles and Aruba respectively, with regard to the extradition of Netherlands nationals, only when the European Convention on the transfer of sentenced persons, concluded in Strasbourg on 21 March 1993, becomes applicable to the Netherlands Antilles and Aruba respectively.

If this proposal is acceptable to the Government of Ireland, the Embassy has the honour further to propose that this note and the Department's affirmative reply, shall constitute an arrangement as provided for in article 27, paragraph 4, of the Convention, which shall enter into force on the first day of the third month following the date on which the Embassy receives the Department's reply.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration."

The Department has the honour to confirm, on behalf of the Government of Ireland, that the proposals contained in the Embassy's letter are acceptable and that the Embassy's Note and this reply shall constitute an arrangement between Ireland and the Kingdom of the Netherlands as provided for in Article 27, paragraph 4 of the European Convention on Extradition of 13 December 1957, which shall enter into force on the first day of the third month following the date on which the Embassy receives the Department's reply, that is, the date of this Note.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

4 December, 2000



GIVEN under my Official Seal,
18 July, 2019.

SIMON COVENEY,
Minister for Foreign Affairs and Trade.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The effect of this Order is to apply the provisions of Part II of the Extradition Act 1965 to the countries listed in Part A of Schedule 3 to the Order in respect of offences under the 1957 European Convention on Extradition. The Convention was ratified by the State on 12 July 1988. Part B of Schedule 3 lists the reservations and declarations made by certain states parties which relate to extradition under the Convention while Schedule 4 sets out the arrangement made between the Government and the Government of the Kingdom of the Netherlands extending the Convention to the places specified in that Schedule.

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