

## SCHEDULE 8

### RESERVATIONS, DECLARATIONS AND STATEMENTS MADE BY THE PARTIES TO THE 1996 CONVENTION NETHERLANDS

#### **Article 3**

The Netherlands Government declares pursuant to Article 3(3) that Article 3(1) shall not be applied.

#### **Article 5**

The Netherlands Government declares pursuant to Article 5(2) that Article 5(1) shall be applied only in respect of the offences referred to in Article 5(2)(a) and (b).

#### **Article 7**

The Netherlands Government declares pursuant to Article 7(2) that no extradition or transit of Netherlands nationals shall be granted for the purpose of execution of a sentence or other measure. However, Netherlands nationals may be extradited for the purpose of prosecution insofar as the requesting State offers the guarantee that the person claimed will be transferred back to the Netherlands in order to serve his sentence there if, after extradition, a sentence involving deprivation of liberty, other than a provisional sentence, or a detention order is imposed on him. As regards the Kingdom of the Netherlands, for the purposes of applying this Convention, Netherlands nationals are understood to be persons of Netherlands nationality and foreigners who are integrated into Netherlands society insofar as they may be prosecuted in the Netherlands for offences which form the grounds of the extradition request and insofar as it may reasonably be assumed that such foreigners will not lose their right of residence in the Netherlands as a result of a sentence or measure imposed upon them after extradition.

#### **Article 12**

The Netherlands Government declares pursuant to Article 12(2) that Article 15 of the European Convention on Extradition of 13 December 1957 and Article 14(1) of the Treaty on Extradition and Mutual Assistance in Criminal Matters between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands of 27 June 1962 shall continue to apply insofar as the person claimed is a Netherlands national within the meaning of the declaration made pursuant to Article 7(2).

#### **Article 14**

With a view to obtaining supplementary information as referred to in Article 13 of the European Convention on Extradition and Article 12 of the Benelux Extradition Treaty, with regard to: (a) extradition requests emanating from the Netherlands: the authorities referred to in the declaration by the requested Member State may make requests directly to the judicial authority referred to in the Netherlands extradition request, which may also provide the information requested directly, and (b) extradition requests addressed to the Netherlands: the Netherlands judicial authorities which are responsible for dealing with the extradition request may, in urgent cases, make requests directly to the authorities referred to in the declaration by the requesting Member State. The Netherlands judicial authorities as referred to in (b) are the public prosecutor at the District Court who is responsible for dealing with the request for extradition and the Public Prosecutor's Office at the State Council of the Netherlands (Hoge Raad der Nederlanden).

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## **Article 18**

As far as the Netherlands is concerned the Convention shall apply 90 days after the deposit of this declaration to its relations with other Member States of the European Union that have made the same declaration.