

SCHEDULE 4

Preamble

RESERVATIONS, DECLARATIONS AND STATEMENTS
MADE BY THE PARTIES TO THE 1995 CONVENTION

AUSTRIA

Article 9

Austria declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person consents to extradition, in accordance with Article 7 of the present Convention.

Article 12

Austria declares that it will apply the simplified extradition procedure provided for in the Convention in cases in which a request for extradition has been made in accordance with the second indent of Article 12(1) and Article 12(2).

Article 15

Austria declares that the competent authorities within the meaning of the Convention are the following: (a) within the meaning of Articles 6 to 8 and 10: the Court of First Instance in the district of which the person has his or her domicile or residence; in the absence of such a domicile or residence: the Court of First Instance in the district of which the person was apprehended or has been remanded in custody; (b) within the meaning of Article 4, Article 5(2) and Article 14: the Federal Minister for Justice.

Article 16

Austria declares that this Convention shall apply to its relations with Member States that have made the same declaration until its entry into force.

DENMARK

Article 7

Consent to extradition and express renunciation of entitlement to the speciality rule may be revoked in accordance with the relevant rules applicable at any time under Danish law.

Article 9

The rules laid down in Article 14 of the European Convention on Extradition are not applicable where the person gives his consent to extradition and expressly renounces his entitlement to the speciality rule pursuant to Article 7 of the Convention on simplified extradition procedure between the Member States of the European Union.

Article 12

The Danish authorities intend to apply Article 12(1), 2nd indent, and Article 12(2) on the same conditions as obtain following the statements made by Denmark pursuant to Article 7(4) and Article 9(b).

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Article 15

For Denmark the competent authority within the meaning of Articles 4 and 5 is the Ministry of Justice, the local Chief Constable is the competent authority within the meaning of Articles 6, 8 and 10, the courts are the competent authority within the meaning of Article 7 and the National Commissioner of Police (Interpol) is the competent authority within the meaning of Article 14.

Article 16

For Denmark the Convention will apply to its relations with Member States that have made the same declaration 90 days after the date of deposit of the declaration. For Denmark the Convention does not until further notice apply to the Faroes or to Greenland.

FINLAND

Article 7

Consent to the simplified procedure may be revoked in Finland.

Article 9

Finland will not apply the rules (speciality rule) contained in Article 14 of the European Convention on Extradition where the person, in accordance with Article 7 of the Convention, consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 12

Finland will apply Article 12(1), second indent, and Article 12(2) in situations where the procedure began with a request in accordance with Article 16 of the European Convention on Extradition.

Article 16

As far as Finland is concerned, the Convention may apply, before it enters into force internationally, in relations with those Member States which have made a similar declaration.

GERMANY

The provisions of Article 14 of the European Convention on Extradition regarding the speciality rule will not apply if the person has consented to extradition and has expressly waived his entitlement to the speciality rule pursuant to Article 7 of this Convention.

Article 12

The decision to apply the second indent of Article 12(1) or Article 12(2) will be taken in the light of the stage reached in the individual extradition procedure.

Article 15

For the purposes of Articles 4, 5 and 10, the competent authorities will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte]. For the purposes of Article 6, the competent authorities will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte] and the Local Courts [Amtsgerichte] with local jurisdiction. For the purposes of Article 7(1), the competent authorities will be the Local Courts [Amtsgerichte] with local jurisdiction. Where Germany is the requested Member State, the competent authorities for the purposes of Article 8 will be the competent local public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte]. Where Germany is the requesting Member State, they will be

the public prosecutor's offices with responsibility for the subject matter of the case or, in individual cases, the juvenile courts. For the purposes of Article 14, the competent authorities will be the public prosecutor's offices at the Higher Regional Courts [Oberlandesgerichte]. Where transit is by land or sea, local jurisdiction is determined by the district in which the person in transit is likely to be transferred to Germany. In the event of transit by air, local jurisdiction lies with the public prosecutor's offices at the Higher Regional Court [Oberlandesgericht] in whose area the first stop-over is to take place.

Article 16

The Federal Government declares that, as far as it is concerned, the Convention will apply to the Federal Republic of Germany's relations with Member States which have made the same declaration, 90 days after the date of deposit of the declaration.

GREECE

Article 9

The speciality rule laid down in Article 14 of the European Convention on Extradition does not apply where the person has consented to extradition and made an express declaration renouncing his entitlement to that rule.

Article 12

Greece intends to apply paragraph 1, second indent and paragraph 2 of Article 12 of the Convention unconditionally.

Article 15

The authorities competent within the meaning of Articles 4 to 8, 10 and 14 are the Minister for Justice, in respect of Articles 4, 5, 10 and 14, the Public Prosecutor of the Appeal Court of the place of residence of the person to be extradited, in respect of Articles 6 and 8 and the Presiding Judge of the Appeal Court of the place of residence of the person being extradited, in respect of Article 7.

LUXEMBOURG

Articles 9 and 13

The Government of the Grand Duchy of Luxembourg declares that the rules laid down in Article 14 of the European Convention on Extradition will not apply where the person claimed consents to simplified extradition to another Member State. The rules laid down in Article 14 will, however, apply in the event of re-extradition to another Member State.

Article 12

The Government of the Grand Duchy of Luxembourg reserves the right to apply Article 12(1), second indent, and (2).

Article 15

The Government of the Grand Duchy of Luxembourg declares that the competent authorities referred to in Article 15 are as follows:— for the purposes of Articles 6 to 8, the public prosecutor's office attached to the district court with jurisdiction for the place in question; — for the purposes of Articles 4, 5, 10 and 14, the Minister for Justice. However, the public prosecutor's office attached to the

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district court with jurisdiction for the place in question is also empowered to request the information referred to in Article 4.

Article 16

Pursuant to Article 16(3), the Government of the Grand Duchy of Luxembourg declares that the Convention will apply to it in its relations with Member States that have made the same declaration.

NETHERLANDS

Articles 6 and 12

The simplified procedure shall also be applicable in the Netherlands in those cases referred to in Article 12(1), first indent, and Article 12(2), on the understanding that the consent of the arrested person can be given not later than the day prior to that set for the court's hearing of the extradition request.

Article 9

The provisions of Article 14 of the European Convention on Extradition of 13th December 1957 shall not apply to the implementation of the simplified procedure in the Netherlands.

Article 16

The Convention shall apply to the relations of the Netherlands with Member States of the European Union that have made the same declaration 90 days after the date of deposit of this Declaration.

PORTUGAL

Article 12

Portugal states that it will not apply the simplified procedure provided for in the Convention to cases in which a formal extradition request provided for in paragraph 1, second indent, and paragraph 2 of that Article has been submitted. Nevertheless, Portuguese law applies as regards the point at which the person requested must give his consent, which is at the beginning of the judicial stage.

Article 15

Portugal states that the following authorities shall be considered competent: (a) for the purposes of Articles 4 and 10, the competent judge of the Court of Appeal in whose district the person requested resides or is to be found at the time of the request; (b) for the purposes of Article 14, the Minister of Justice.

SPAIN

Article 9

Spain declares that it will not apply Article 14 of the European Convention on Extradition in the cases referred to in Article 9.

Article 12

Spain declares that it intends to make use of the options provided for in the second indent of Article 1 and in Article 2 on its own terms.

Article 15

Spain declares that the “competent authority” for the purposes of Articles 4 to 8 and 10 is the Central Examining Magistrate of the High Court in Madrid. The “competent authority” for the purposes of Article 14 is the Ministry of Justice.

Article 16

Spain declares that, until its entry into force, this Convention shall apply 90 days following deposit of Spain’s instrument of ratification in its relations with Member States which have made the same declaration.

SWEDEN

Article 7

Sweden declares that consent under Article 5(1) and renunciation under Article 9 may be revoked until such time as the extradition decision has been implemented.

Article 9

Sweden declares that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person, in accordance with Article 7 of the present Convention, consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 12

Sweden declares that if consent has been given after expiry of the deadline of 10 days laid down in Article 8 the simplified procedure under this Convention may be used: if Sweden has in the meantime received a request for extradition within the meaning of Article 12 of the European Convention on Extradition; and where no request for provisional arrest has been made; or where consent has been given after receipt of a request for extradition.

Article 15

The competent authorities within the meaning of Articles 4, 5 and 10 are: the Cabinet, the Minister of Justice or the Chief Public Prosecutor; Articles 6–8: the said Public Prosecutor; Article 14: the Minister of Justice.

Article 16

Sweden declares that until the Convention enters into force the Convention shall, 90 days after the date of deposit of Sweden’s instrument of ratification, apply to Sweden’s relations with Member States that have made the same declaration.