

CHAPTER FOUR

Legal cooperation

Commentary

For a full overview of legal cooperation see: the “Palma Document” (Document no 2), the Coordinators’ Report to the Edinburgh Council (Document no 3) and the “Trevi acquis” (Document no 7). For other relevant texts see Council of Europe publications on page 142.

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European Convention on the Suppression of Terrorism 1977

Introduction

This Convention sought to by-pass the “political offences” clauses of the Council of Europe Convention on Extradition of 1957.

European Convention on the Suppression of Terrorism 1977

Reference: original text, 1977

The member States of the Council of Europe, signatory hereto, Considering that the aim of the Council of Europe is to achieve a greater unity between its Members; Aware of the growing concern caused by the increase in acts of terrorism; Wishing to take effective measures to ensure that the perpetrators of such acts do not escape prosecution and punishment; Convinced that extradition is a particularly effective measure for achieving this result, Have agreed as follows:

Article 1

For the purposes of extradition between Contracting States, none of the following offences shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives: a. an offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970; b. an offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971; c. a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents; d. an offence involving kidnapping, the taking of a hostage or serious unlawful detention; e. an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons; f. an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

Article 2

1. For the purposes of extradition between Contracting States, a Contracting State may decide not to regard as a political offence or as an offence connected with a political offence or as an offence inspired by political motives a serious offence involving an act of violence, other than one covered by Article 1, against the life, physical integrity or liberty of a person.

2. The same shall apply to a serious offence involving an act against property, other than one covered by Article 1, if the act created a collective danger for persons.

3. The same shall apply to an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

Article 3

The provisions of all extradition treaties and arrangements applicable between Contracting States, including the European Convention on Extradition, are modified as between Contracting States to the extent that they are incompatible with this Convention.

Article 4

For the purposes of this Convention and to the extent that any offence mentioned in Article 1 or 2 is not listed as an extraditable offence in any extradition convention or treaty existing between Contracting States, it shall be deemed to be included as such therein.

Article 5

Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State has substantial grounds for believing that the request for extradition for an offence mentioned in Article 1 or 2 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.

Article 6

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over an offence mentioned in Article 1 in the case where the suspected offender is present in its territory and it does not extradite him after receiving a request for extradition from a Contracting State whose jurisdiction is based on a rule of jurisdiction existing equally in the law of the requested State.

2. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 7

A Contracting State in whose territory a person suspected to have committed an offence mentioned in Article 1 is found and which has received a request for extradition under the conditions mentioned in Article 6, paragraph 1, shall, if it does not extradite that person, submit the case, without exception whatsoever and without undue delay, to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any offence of a serious nature under the law of that State.

Article 8

1. Contracting States shall afford one another the widest measure of mutual assistance in criminal matters in connection with proceedings brought in respect of the offences mentioned in Article 1 or 2. The law of the requested State concerning mutual assistance in criminal matters shall apply in all cases. Nevertheless this assistance may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

2. Nothing in this Convention shall be interpreted as imposing an obligation to afford mutual assistance if the requested State has substantial grounds for believing that the request for mutual assistance in respect of an offence mentioned in Article 1 or 2 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 provisions of all treaties and arrangements concerning mutual assistance in criminal matters applicable between Contracting States, including the European Convention on Mutual Assistance in Criminal Matters, are modified as between Contracting States to the extent that they are incompatible with this Convention.

Article 9

1. The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention.

2. It shall do whatever is needful to facilitate a friendly settlement of any difficulty which may arise out of its execution.

Article 10

1. Any dispute between Contracting States concerning the interpretation or application of this Convention, which has not been settled in the framework of Article 9, paragraph 2, shall, at the request of any Party to the dispute, be referred to arbitration. Each Party shall nominate an arbitrator and the two arbitrators shall nominate a referee. If any Party has not nominated its arbitrator within the three months following the request for arbitration, he shall be nominated at the request of the other Party by the President of the European Court of Human Rights. If the latter should be a national of one of the Parties to the dispute, this duty shall be carried out by the Vice-President of the Court or, if the Vice-President is a national of one of the Parties to the dispute, by the most senior judge of the Court not being a national of one of the Parties to the dispute. The same procedure shall be observed if the arbitrators cannot agree on the choice of referee.

2. The arbitration tribunal shall lay down its own procedure. Its decisions shall be taken by majority vote. Its award shall be final.

Article 11

1. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of a signatory State ratifying, accepting or approving subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 12

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply.

2. Any State may, when depositing its instrument of ratification, acceptance or approval or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn

by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect immediately or at such later date as may be specified in the notification.

Article 13

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, declare that it reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be political offence, an offence connected with a political offence or an offence inspired by political motives, provided that it undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence, including: a. that it created a collective danger to the life, physical integrity or liberty of persons; or b. that it affected persons foreign to the motives behind it; or c. that cruel or vicious means have been used in the commission of the offence.

2. Any State may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.

3. A State which has made a reservation in accordance with paragraph 1 of this article may not claim the application of Article 1 by any other State; it may, however, if its reservation is partial or conditional, claim the application of that article in so far as it has itself accepted it.

Article 14

Any Contracting State may denounce this Convention by means of a written notification addressed to the Secretary General of the Council of Europe. Any such denunciation shall take effect immediately or at such later date as may be specified in the notification.

Article 15

This Convention ceases to have effect in respect of any Contracting State which withdraws from or ceases to be a Member of the Council of Europe.

Article 16

The Secretary General of the Council of Europe shall notify the member States of the Council of: a. any signature; b. any deposit of an instrument of ratification, acceptance or approval; c. any date of entry into force of this Convention in accordance with Article 11 thereof; d. any declaration or notification received in pursuance of the provisions of Article 12; e. any reservation made in pursuance of the provisions of Article 13, paragraph 1; f. the withdrawal of any reservation effected in pursuance of the provisions of Article 13, paragraph 2; g. any notification received in pursuance of Article 14 and the date on which denunciation takes effect; h. any cessation of the effects of the Convention pursuant to Article 15.

Ratification/accession:

Austria, 11 Aug 1977; Belgium, 31 Oct 1985; Cyprus, 26 Feb 1979; Czech Republic, 15 Apr 1992; Denmark, 27 Jun 1978; Finland, 9 Feb 1990; France, 21 Sep 1987; Germany, 3 May 1978; Greece, 4 Aug 1988; Iceland, 11 Jul 1980; Ireland, 21 Feb 1989; Italy, 28 Feb 1986; Liechtenstein, 13 Jun 1979; Luxembourg, 11 Sep 1981; Malta, 5 Nov 1986; Netherlands, 18 Apr 1985; Norway, 10 Jan 1980; Portugal, 14 Dec 1981; Spain, 20 May 1980; Slovak Rep, 15 Apr 1992; Sweden, 15 Sep 1977; Switzerland, 19 May 1983; Turkey, 19 May 1981; United Kingdom, 24 Jul 1978.

Agreement between the member states of the EC on the simplification and modernisation of methods of transmitting extradition requests

Introduction

Agreed under "European Political Cooperation" (EPC) in May 1989. The UK and Ireland had not signed it by November 1993.

Agreement between the member states of the EC on the simplification and modernisation of methods of transmitting extradition requests (1989)

Reference: original text, 1989.

THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, hereinafter referred to as "the Member States".

DESIRING to improve mutual assistance in criminal matters in relations between them regarding extradition,

WHEREAS it is desirable to speed up the procedures for transmitting extradition requests and accompanying documents; whereas modern transmission techniques should therefore be used,

HAVE AGREED as follows:

ARTICLE 1

1. For the purpose of applying the extradition agreements in force between Member States each Contracting State shall designate the central authority or, where the constitutional system so requires the central authorities responsible for transmitting and receiving extradition requests and the necessary supporting documents, as well as any other official correspondence relating to extradition requests.

2. Each Member State shall designate its authority in accordance with paragraph 1 when ratifying, approving or accepting this Agreement and may alter the designation at any time thereafter. The depositary of the Agreement shall inform each Contracting State of the authorities designated and of any subsequent alterations.

ARTICLE 2

The extradition request and the documents referred to in Article 1(1) may be sent by facsimile transmission. Each authority designated under Article 1 shall be equipped with a facsimile machine for transmitting and receiving such documents and shall ensure that it is kept in proper working order.

ARTICLE 3

1. In order to ensure the authenticity and confidentiality of the transmission, a cryptographic device fitted to the facsimile machine possessed by the authority under Article 1 shall be in operation when the equipment is being used to apply this agreement.

2. The Contracting States shall consult each other on the practical arrangements for applying this Agreement.

ARTICLE 4

In order to guarantee the authenticity of extradition documents the authorities designated by the requesting State under Article 1 shall state in its request that it certifies that the documents transmitted in support of the request correspond to the originals and shall describe the pagination. Where the party addressed disputes that the documents correspond to the originals, the authority designated by the State addressed in accordance with Article 1 shall be entitled to require the authority designated by the requesting State to produce the original documents or a true copy thereof within a reasonable period through either diplomatic channels or any other mutually agreed channel.

ARTICLE 5

1. This Agreement shall be open for signature by the Member States. It shall subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Spanish Foreign Ministry.

2. This Agreement shall enter into force 90 days after the deposit of the instruments of ratification, acceptance or approval by all the States which are members of the European Communities at the date on which this Agreement is ready for signature.

3. Each State may, when depositing its Instrument of ratification, acceptance or approval or at any later date until the entry into force of this Agreement declare that this Agreement will apply to it in its relations with other States, that have made the same declaration after the date of deposit.

4. A State that has not made such a declaration may apply the Agreement with other Contracting States on the basis of bilateral agreements.

5. The Spanish Foreign Ministry shall notify all the Member States of any signature, deposit of instruments or declaration.

ARTICLE 6

This Agreement shall be open for accession by any State which becomes a Member of the European Communities. The instruments of accession shall be deposited with the Spanish Foreign Ministry.

This Agreement shall enter into force for any State acceding thereto 90 days after the deposit of its instrument of accession.

The Spanish Ministry of Foreign Affairs shall transmit a certified copy to all the signatory Governments.

Signed by 12 Member States

Convention between the member states of the EC on the enforcement of foreign criminal sentences (1991)

Introduction

One of the Convention drawn under "European Political Cooperation" (EPC). The "Trevi acquis" (Document no 7) notes that by November 1993 the UK, Ireland and Portugal had not signed it out of the then 12 EU Member States.

Convention between the member states of the EC on the enforcement of foreign criminal sentences (1991)

Reference: original text, 1991

Preamble

THE MEMBER STATES,

HAVING REGARD to the close ties between their peoples;

CONSIDERING the importance of strengthening judicial co-operation in view of the creation of a European area without internal frontiers in which the free movement of persons shall be guaranteed in accordance with the provisions of the Single European Act;

CONVINCED that the existing forms of international co-operation in criminal matters among them should be supplemented with provisions on the transfer of the enforcement of criminal sentences, in particular sentences involving custodial penalties and pecuniary sanctions;

AWARE of the need to take into account, in the transfer of the enforcement of criminal sentences, the interests of all persons involved;

BEARING IN MIND the Conventions of the Council of Europe on the International Validity of Criminal Judgments, concluded at The Hague on 28 May 1970, and on the Transfer of Sentenced Persons, concluded at Strasbourg on 21 March 1983,

AGREED AS FOLLOWS:

ARTICLE 1 Definitions

1. For the purposes of this Convention:

(a) "Judgment" shall mean the final decision of a court imposing a sentence in respect of a criminal offence; it shall also mean the imposition of a pecuniary sanction by an administrative authority for an administrative offence or an offence against regulations, provided the individual concerned has had the opportunity to bring the matter before a court;

(b) "Sentence" shall mean the imposition of a custodial or pecuniary penalty by a court or the imposition of a pecuniary sanction by an administrative authority mentioned under (a) of the present article;

(c) "Sentencing State" shall mean the State in which the sentence in respect of which transfer of enforcement has been or may be requested, was delivered;

(d) "Administering State" shall mean the State to which enforcement of the sentence has been or may be transferred.

2. When signing this Convention or depositing its instrument of ratification, acceptance, approval or accession thereof, each Member State may state in a declaration those offences which it intends to exclude from the scope of this Convention. The other Member States may apply the rule of reciprocity.

ARTICLE 2 General principles

1. Member States undertake to accord each other the widest possible co-operation with regard to the transfer of enforcement of sentences in accordance with the provisions of this Convention.

2. The transfer of enforcement may be requested either by the sentencing State or by the administering State.

ARTICLE 3 Enforcement of a sentence involving a custodial penalty

The transfer of enforcement of a sentence involving a custodial penalty may be requested where:

(a) the sentenced person is in the territory of the administering State and is a national of this State or is permanently resident in its territory; or

(b) the sentenced person is in the territory of the administering State and his extradition has been refused, would be refused if requested, or is not possible; or

(c) the sentenced person is in the territory of the administering State and is serving or is to serve a custodial penalty there.

ARTICLE 4 Enforcement of a sentence involving a pecuniary penalty or sanction.

The transfer of enforcement of a sentence involving a pecuniary penalty or sanction may be requested where:

(a) the sentenced person is a natural person who is permanently resident in the territory of the administering State or has realizable property or income in its territory; or

(b) the sentenced person is a legal person having its seat in the territory of the administering State or having realizable property or funds in its territory.

ARTICLE 5 Conditions for the transfer of enforcement

The transfer of the enforcement of a sentence needs the agreement of the sentencing State and the administering State. The transfer of the enforcement shall be subject to the following conditions:

(a) the judgment is final and enforceable;

(b) the acts or omissions on account of which the sentence has been imposed constitute one of the offences referred to in Article 1(1)(a) according to the law of the administering State or would constitute such an offence if committed in its territory;

(c) under the laws of the sentencing State or the administering State, the enforcement is not barred by time limitations;

(d) final judgment against the sentenced person in respect of the same acts not been delivered in the administering State;

(e) when a final judgment against the sentenced person in respect of the same acts has been delivered in a third State, the transfer of enforcement would not run counter to the principle of prohibiting double jeopardy.

ARTICLE 6 Means of transmission

1. Requests for enforcement shall be addressed in writing by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State.

2. The requested State shall in the same manner and as soon as possible inform the requesting State of its decision to agree to or to refuse the request.

3. By virtue of particular agreements or, in their absence, in cases of urgency requests, relating documents and the replies of the requested State may be transmitted directly between the judicial authorities of the requesting State and those of the requested-State.

4. Similarly, in cases of urgency and by virtue of particular agreements, requests for enforcement, relating documents and the replies of the requested State may be transmitted through any appropriate channels leaving a written record, including a teletype.

5. In the cases provided for in paragraphs 3 and 4 of the present Article, a copy of the documents mentioned therein shall be transmitted without delay to the Ministry of Justice of the requested State, unless that State has declared this to be unnecessary.

6. The means of transmission mentioned in the preceding paragraphs do not exclude the use of diplomatic channels.

ARTICLE 7 Documentation

1. If enforcement is requested by the sentencing State, the request shall be accompanied by:

- (a) a duly certified copy of the judgment;
- (b) the text of the legal provisions applied;
- (c) a statement certifying any period of provisional detention already served or any part of the sentence which, where appropriate, has already been enforced and any other matter of relevance for the enforcement of the sentence.

2. The request shall in every case be accompanied by documents enabling the requested State to decide whether or not to agree to transfer of enforcement of the sentence.

3. The administering State may, for the purposes of lodging a request for enforcement, request one or more of the documents referred to in paragraphs 1 and 2 of this Article.

4. If the requested State considers that the information supplied by the requesting State is not adequate to enable it to apply this Convention, it shall ask for the necessary additional information.

ARTICLE 8 Determination of the custodial penalty

1. Where the transfer of enforcement of a custodial penalty is accepted the competent authorities of the administering State shall:

- (a) enforce the penalty imposed in the sentencing State immediately or through a court or administrative order under the conditions set out in paragraph 4 of this Article; or
- (b) through a judicial or administrative procedure convert the sentence into a decision of the administering State, thereby substituting the penalty imposed in the sentencing State by a penalty laid down by the law of the administering State for the same offence, under the conditions set out in paragraph 5 of this Article.

2. The administering State shall, if so requested, inform the sentencing State which of these procedures it will follow.

3. Any Member State may when signing this Convention or depositing its instrument of ratification, acceptance, approval or accession, indicate by declaration that it intends to exclude the application of one of the procedures provided for in paragraph 1(a) and (b) of this Article in its relations with the other Parties.

4. If the administering State adopts the procedure provided for in paragraph 1(a) of this Article it shall be bound by the legal nature and duration of the penalty as determined in the sentencing State. If, however, that penalty is by its nature or duration incompatible with the law of the administering State, or if its law so requires, the administering State may, by a court or administrative order adapt the penalty to a penalty laid down by its own law for a comparable offence. As to its

nature the penalty shall, as far as possible, correspond with the penalty imposed by the sentence to be enforced. It may not aggravate by its nature or duration the penalty imposed in the sentencing State, nor exceed the maximum penalty laid down by the law of the administering State for the same offence.

5. If the administering State adopts the procedure provided for in paragraph 1(b) of this Article, that State:

- (a) shall be bound by the findings as to the facts insofar as they appear explicitly or implicitly in the judgment handed down in the sentencing State;
- (b) may, except for the declaration provided for in paragraph 6 of this Article, convert a custodial penalty into a pecuniary penalty, if the penalty is less than or equal to a period of six months; and
- (c) shall not aggravate the penal position of the sentenced person and shall not be bound by any minimum penalty which its own law may provide for the offence or offences committed.

6. Each Member State may, at the time of signature or at the time of deposit its instrument of ratification, acceptance, approval or accession specify in a declaration that it only accepts the application of the conversion procedure mentioned in paragraph 5(b) of this Article for custodial penalties of a specified period of less than 6 months.

Other Member States may apply the rule of reciprocity.

ARTICLE 9 Determination of the pecuniary penalty or sanction

1. If the transfer of enforcement of a sentence involving a pecuniary penalty or sanction is accepted, the competent authorities of the administering State shall, by means which may include a court or administrative order, convert the penalty or sanction into the currency of the administering State at the rate of exchange obtaining at the time when the decision is taken. However, the amount so determined shall not exceed the maximum amount fixed by that State's law for the same offence. Where a penalty or sanction of a different and more severe nature is permitted for the same offence in the administering State, the competent authorities of this State shall leave the amount of the pecuniary penalty or sanction imposed in the sentencing State unchanged.

2. The administering State which cannot comply with a request for enforcement on account of the fact that it is related to a legal person, may, by virtue of bilateral agreements, indicate its willingness to recover, in accordance with its provisions on civil procedure in enforcement matters, the amount of the pecuniary penalty or sanction imposed by the sentencing State.

ARTICLE 10 Provisional measures

As soon as the sentencing State has requested or accepted the transfer of enforcement of a sentence involving a custodial penalty, the administering State may arrest the sentenced person or apply other provisional measures provided that:

- (a) the law of the administering State permits a person to be remanded in provisional custody or to be subject to the application of other measures for the offence in respect of which the sentence has been delivered, and
- (b) there are reasons to fear that the sentenced person may abscond.

ARTICLE 11 Law governing enforcement

1. The enforcement of the sentence after transfer shall be governed by the law of the administering State and that State alone shall be competent to decide on the procedures for enforcement and to determine all the measures relating thereto.

2. Any part of the penalty or sanction enforced in whatever manner in the sentencing state shall be deducted in full from the sentence to be enforced in administering State.

ARTICLE 12 Imprisonment by way of substitution for non-recovery of the pecuniary

penalty or sanction

Where a pecuniary penalty or sanction cannot be enforced, either totally or in part, an alternative custodial sanction can be applied by the administering State if the laws of both States so provide in such cases, unless the sentencing State clearly excluded it.

ARTICLE 13

Amnesty, pardon, commutation, review of sentence

1. Either Member State concerned may grant an amnesty, pardon or commutation of a penalty or sanction.
2. Only the sentencing State may determine any application for review of the judgment.

ARTICLE 14

Discontinuance of enforcement

The administering State shall terminate enforcement of the sentence as soon as it is informed by the sentencing State of any decision or measure as a result of which the sentence ceases to be enforceable.

ARTICLE 15

Accrual of monies obtained from enforcement of pecuniary penalties and sanctions

Monies obtained from the enforcement of pecuniary penalties or sanctions shall accrue to the administering State unless otherwise agreed upon between that State and the sentencing State.

ARTICLE 16

Information

The administering State shall inform the sentencing State:

- (a) when it considers enforcement of the sentence to have been completed;
- (b) if the sentenced person has escaped from custody before enforcement of the sentence has been completed; or
- (c) of the total or partial non-enforcement of the pecuniary penalty or sanction.

ARTICLE 17

Consequences of transfer for the sentencing State

1. The sentencing State may not proceed with enforcement of the sentence once it has agreed with the administering State to transfer enforcement. However, if the sentenced person absconds, the right of enforcement shall revert to the sentencing State, except where otherwise agreed between that State and the administering State.
2. Where the enforcement of a sentence involving a pecuniary penalty or sanction is transferred, the right of enforcement of the sentence, including for the purpose of converting the pecuniary penalty or sanction into a custodial sanction, shall revert to the sentencing State upon its being informed by the administering State of the total or partial non-enforcement of the pecuniary penalty or sanction and its failure to apply a substitutive sanction as referred to in Article 12.

ARTICLE 18

Language

Documents to be produced shall be drawn up in the official language or in one of the official languages of the sentencing State. Any Member State may when signing this Convention or depositing its instrument of ratification, acceptance, approval or accession make a declaration reserving the right to require that the relevant documents referred to in Article 7 be translated into its official language or into one of its official languages. The other Member States may apply the reciprocity rule.

ARTICLE 19

Costs

Member States shall not claim from each other the refund of costs

resulting from application of this Convention.

ARTICLE 20

Relationship to the European Convention on the International Validity of Criminal Judgments, The Hague, 28 May 1970

In relations between Member States which are Parties to the European Convention on the International Validity of Criminal Judgments done at The Hague, 28 May 1970, this Convention shall apply to the extent that it supplements the provisions of that Convention or facilitates the application of the principles contained therein.

ARTICLE 21

Signature and entry into force

1. This Convention shall be open for signature by the Member States it shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

2. This Convention shall enter into force ninety days after the date of deposit of instruments of ratification, acceptance or approval by all Member States of the European Communities on the date on which it is opened for signature.

3. Pending the entry into force of this Convention each Member State may, when depositing its instrument of ratification, acceptance or approval or at any later stage, declare the Convention applicable, in its relations with those Member States which make a similar declaration, ninety days after the date of the deposit of its declaration.

4. Any Member State which has not made a declaration may apply the Convention in respect of other contracting Member States on the basis of bilateral agreements.

5. The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify all Member States of any signature, deposit of instruments or declaration.

ARTICLE 22

Accession

This Convention shall be open to accession by any State which becomes a member of the European Communities. The instruments of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands. This Convention shall enter into force in respect of any Member State which accedes to it ninety days after the date of deposit of its instrument of accession. If the Convention has not already entered into force at the time of the deposit of the instrument of accession, the provisions of Article 21(3) and (4) shall apply to every acceding Member State and the Convention shall enter into force in regard thereto at the time of the entry into force provided for in Article 21(2).