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NOTE

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| from: | Mr. I.W. Opstelten, Minister for Security and Justice, The Netherlands |
| to: | Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union |
| date of receipt : | 22 May 2013 |
| Subject : | Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters - Declarations and notifications made by the Kingdom of the Netherlands on the basis of Framework Decision 2008/978/JHA on the European evidence warrant |

I am sending you herewith the declaration and notifications made by the Kingdom of the Netherlands on the basis of Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (OJ L 350, 30.12.2008, p. 72).

Notification on the basis of Article 3(1) and (2) of the Framework Decision

The following are designated as competent issuing authorities:

- every public prosecutor
- every examining magistrate.

The following are designated as competent executing authorities:

- every public prosecutor
- every examining magistrate if action by the examining magistrate for the execution of the European evidence warrant (EEW) is provided for by the law of the Netherlands.

A number of Centres for International Legal Assistance (IRC) have been set up to deal efficiently with requests for judicial cooperation, including the EEW. An EEW should be sent for the attention of the public prosecutor at the IRC within whose geographical area the EEW must be executed.

The contact details are as follows:

IRC Noord Oost Nederland

Postal address: Postbus 588

9700 AN Groningen

Tel.: + 31.88.1671660

Fax: + 31.88.1671669

E-mail: ircnon@brnon.politie.nl

IRC Noord West Midden Nederland

Postal address: Postbus 6079

2001 HB Haarlem

Tel: + 31.23.8883030

Fax: + 31.23.8883098

E-mail: IRC-Haarlem@om.nl

IRC Amsterdam

Postal address: Postbus 84500

1080 BN Amsterdam

Tel: + 31.20.5413696

Fax: + 31.20.5412175

E-mail: irc.amsterdam@om.nl

IRC Den Haag

Postal address: Postbus 264

2501 CG Den Haag

Tel: + 31.70.4241670

Fax: + 31.70.4241671

+ 31.70.3813840 (parket)

E-mail: irc-den Haag@haaglanden.politie.nl

IRC Rotterdam Rijnmond

Postal address: Postbus 70023

3000 LD Rotterdam

Tel: + 31.10.2747950

Fax: + 31.10.2750275

E-mail: ircrotterdam@rijnmond.politie.nl

IRC Zuid

Postal address: Postbus 90163

5200 MS 's-Hertogenbosch

Tel: + 31.40.2331850

Fax: + 31.40.2331894

E-mail: irczuid@brabant-zo.politie.nl

IRC Limburg

Postal address: Postbus 2800

6401 DH Heerlen

Tel: + 31.45.4005698

Fax: + 31.45.4005689

E-mail: irc.nl@limburg-zuid.politie.nl

Landelijk IRC

Postal address: Postbus 891

2700 AW Zoetermeer

o.v.v. Parket Rotterdam

Tel: + 31.79.3459988

+ 316.53674976

Fax: + 31.79.3459980

E-mail: mailbox.landelijkparket@klpd.politie.nl

These contact details can currently be found in the Atlas on the European Judicial Network's website under "Tools for mutual legal assistance".

http://www.ejn-crimjust.europa.eu/ejn/EJN_AtlasAdvanced.aspx

Declaration on the basis of Article 6(2) of the Framework Decision

In accordance with Article 6(2) of the Framework Decision, the Netherlands declares that, in addition to European evidence warrants written in Dutch or English, it also accepts European evidence warrants in other official languages of the Member States of the European Union provided that a translation into English is submitted at the same time.

Notification on the basis of Article 11(5) of the Framework Decision

In accordance with Article 11(5) of the Framework Decision, the Netherlands announces that it will require validation of the European evidence warrant by a judge, a court, an investigating magistrate or a public prosecutor in all cases where the issuing authority is not a judge, a court, an investigating magistrate or a public prosecutor and where Netherlands law would require the measures necessary for execution of the European evidence warrant to be ordered or supervised by such an authority in a similar domestic case.

Finally, I would point out that the Kingdom of the Netherlands made a declaration on the basis of Article 23(3) at the time of the adoption of the Framework Decision. That declaration was published in Council document 15414/1/08 REV 1 COPEN 220 of 18 November 2008.

(Complimentary close)

(s.) I. W. Opstelten
