

## **Translation of letter**

*From:* A.G. van Dijk, Director of Legislation and Legal Affairs, Dutch Ministry of Security and Justice

*To:* DG Just

*Dated:* 12 July 2017

*Ref.:* 2099596

### **Subject: Notification of transposition of Directive 2014/41/EU and declarations**

I am pleased to inform you that, in accordance with Article 36(3) of Directive 2014/41/EU, the Directive was transposed into Dutch law on 17 June 2017 by the Act of 31 May 2017 transposing into national law the Directive on the European Investigation Order (Bulletin of Acts and Decrees 2017, 231).

You will find the Act enclosed, as well as a transposition table and list of the relevant legal provisions for transposition in existing legislation. These documents have already been sent digitally via the MNE-portal (number (2017)53285).

We also wish to make the following declarations as regards the functioning of the Directive in accordance with *Article 33(1) thereof*.

– *Authorities (Article 2(c) and (d) of the Directive)*.

The issuing authority is the public prosecutor, examining magistrate or a court.

The executing authority is the public prosecutor.

In accordance with *Article 7(3) of the Directive*, EIOs addressed to the Netherlands should preferably be sent to the public prosecutor at one of the specialised International Legal Assistance Centres (IRCs). The Centres assist the public prosecutor in executing EIOs. Information on which IRC has territorial jurisdiction can be found in the Judicial Atlas of the European Judicial Network.

The contact details of the IRCs are as follows.

IRC North Netherlands

PO Box 107

9400 AC Assen

Email: [irc.noord-nederland@politie.nl](mailto:irc.noord-nederland@politie.nl)

IRC East Netherlands

PO Box 9032

6800 EP Arnhem

Email: [irc.oost-nederland@politie.nl](mailto:irc.oost-nederland@politie.nl)

IRC Central Netherlands  
PO Box 8300  
3503 RH Utrecht  
Email: irc.midden-nederland@utrecht.politie.nl

IRC North Holland  
PO Box 6079  
2001 HB Haarlem  
Email: IRC-Haarlem@om.nl

IRC Amsterdam  
(c/o Amsterdam Police)  
PO Box 2287  
1000 CG Amsterdam  
Email: irc.amsterdam@om.nl

IRC The Hague  
PO Box 264  
2501 CG The Hague  
Email: ircdenhaag@politie.nl

IRC Rotterdam  
PO Box 50956  
3007 BT Rotterdam  
Email: ircrotterdam@politie.nl

IRC Zeeland-West Brabant  
PO Box 8050  
5004 GB Tilburg  
Email: irczwb@politie.nl

IRC East Brabant  
PO Box 90163  
5200 MS 's-Hertogenbosch  
E-mail: ircoob@politie.nl

IRC Limburg  
PO Box 50  
6470 EB Kerkrade  
Email: irclib@politie.nl

IRC National Unit  
PO Box 11  
3970 AA Driebergen  
Email: IRC-LE@klpd.politie.nl

Where it is not clear which public prosecutor is competent, EIOs can be sent to the public prosecutor at the Central International Legal Request Centre (LIRC):

LIRC t.a.v. OM/ZEM  
PO Box 100  
3970 AC Driebergen  
Email: LIRC-LP@politie.nl

– *Languages in which the EIO can be drawn up (Article 5(2) of the Directive):*

Dutch and English.

Under *Article 33(2) of the Directive*, we will require the following information in the case of a transit request:

- identity and nationality of the person;
- the decision justifying detention in the Member State where the person is detained;
- the nature and legal classification of the offence;
- a description of the circumstances in which the offence was committed, including the time and place.

Under *Article 34(4) of the Directive*, we wish to continue to apply the following international instruments:

- Treaty of 27 June 1962 on extradition and mutual assistance in criminal matters between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands;
- Agreement of 30 August 1979 between the Kingdom of the Netherlands and the Federal Republic of Germany supplementing and facilitating application of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959;
- Treaty of 8 June 2004 between the Kingdom of the Netherlands, Kingdom of Belgium and the Grand Duchy of Luxembourg on cross-border police intervention;
- Treaty of 2 March 2005 between the Kingdom of the Netherlands and the Federal Republic of Germany on cross-border police cooperation and cooperation in criminal matters.

In general, we assume that instruments for customs cooperation and police cooperation in addition to the EIO Directive can continue to apply.

[signed]