

Instrument as contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of Belgium signed 27 April 1987

1. As contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Extradition Agreement"), the Governments of the United States of America and the Kingdom of Belgium acknowledge that, in accordance with the provisions of this Instrument, the U.S.-EU Extradition Agreement is applied in relation to the bilateral Extradition Treaty between the United States of America and the Kingdom of Belgium signed 27 April 1987 (hereafter "the 1987 U.S.-Belgium Extradition Treaty") under the following terms:

- (a) Article 5 of the U.S.-EU Extradition Agreement as set forth in Articles 7(1) and 8 of the Annex to this Instrument shall govern the mode of transmission, and requirements concerning certification, authentication or legalization, of the extradition request and supporting documents;
- (b) Article 7(1) of the U.S.-EU Extradition Agreement as set forth in Article 7(5) of the Annex to this Instrument shall provide an alternative means for transmission of the request for extradition and supporting documents following provisional arrest;
- (c) Article 8 of the U.S.-EU Extradition Agreement as set forth in Article 7 bis of the Annex to this Instrument shall govern the channel to be used for submitting supplementary information;
- (d) Article 10 of the U.S.-EU Extradition Agreement as set forth in Article 13 of the Annex to this Instrument shall govern the decision on requests made by several States for the extradition or surrender of the same person;
- (e) Article 13 of the U.S.-EU Extradition Agreement as set forth in Article 6(1) of the Annex to this Instrument shall govern extradition with respect to conduct punishable by death in the Requesting State; and
- (f) Article 14 of the U.S.-EU Extradition Agreement as set forth in Article 8 bis of the Annex to this Instrument shall govern consultations where the Requesting State contemplates the submission of particularly sensitive information in support of a request for extradition.

2. The Annex reflects the integrated text of the provisions of the 1987 U.S.-Belgium Extradition Treaty and the U.S.-EU Extradition Agreement that shall apply upon entry into force of this Instrument.

3. In accordance with Article 16 of the U.S.-EU Extradition Agreement, this Instrument shall apply to offenses committed before as well as after it enters into force.

4. This Instrument shall not apply to requests made prior to its entry into force.

5. (a) This Instrument shall be subject to the completion by the United States of America and the Kingdom of Belgium of their respective applicable internal procedures for entry into force. The Governments of the United States of America and the Kingdom of Belgium shall thereupon exchange instruments indicating that such measures have been completed. This Instrument shall enter into force on the date of entry into force of the U.S.-EU Extradition Agreement.

(b) In the event of the termination of the U.S.-EU Extradition Agreement, this Instrument shall be terminated and the 1987 U.S.-Belgium Extradition Treaty shall be applied. The Governments of the United States of America and the Kingdom of Belgium nevertheless may agree to continue to apply some or all of the provisions of this Instrument.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Instrument.

DONE at Brussels, in triplicate, this <sup>4<sup>th</sup></sup>16 day of December 2004, in the English, French and Dutch languages, all three texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF  
THE KINGDOM OF BELGIUM:



