

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2002 Nr. 196

A. TITEL

*Verdrag inzake het witwassen, de opsporing, de inbeslagneming en de
confiscatie van opbrengsten van misdrijven;
Straatsburg, 8 november 1990*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1990, 172.

Voor de ondertekeningen zie *Trb.* 1990, 172, *Trb.* 1993, 88, *Trb.* 1997, 68 en *Trb.* 1998, 267.

In *Trb.* 1993, 88 staat 28 september 1991 ten onrechte vermeld als datum van ondertekening voor Australië, Bulgarije, Griekenland en Luxemburg. De juiste datum is 28 september 1992.

Het Verdrag is voorts nog ondertekend voor de volgende staten:

Albanië	4 april 2000
Andorra ¹⁾	7 mei 1999
Armenië ¹⁾	11 mei 2001
Azerbeidzjan ¹⁾	7 november 2001
Estland ¹⁾	25 juni 1999
Georgië ¹⁾	30 april 2002
de Voormalige Joegoslavische Republiek Macedonië	14 december 1999
Malta ¹⁾	5 november 1998
Polen ¹⁾	5 november 1998
Rusland ¹⁾	7 mei 1999
Slowakije ¹⁾	8 september 1999
Turkije ¹⁾	27 september 2001

¹⁾ Onder voorbehoud van bekrachtiging.

C. VERTALING

Zie *Trb.* 1990, 172 en *Trb.* 1993, 88.

D. PARLEMENT

Zie *Trb.* 1993, 88.

E. BEKRACHTIGING

Zie *Trb.* 1993, 88¹⁾ 2), *Trb.* 1997, 68³⁾ 4) 5), en *Trb.* 1998, 267.

Behalve de daar genoemde hebben nog de volgende staten in overeenstemming met artikel 36, tweede lid, van het Verdrag een akte van bekrachtiging, aanvaarding of goedkeuring bij de Secretaris-Generaal van de Raad van Europa nedergelegd:

Albanië	31 oktober 2001
Andorra ⁶⁾	28 juli 1999
Estland ⁷⁾	10 mei 2000
Griekenland ⁸⁾	22 juni 1999
Hongarije ⁹⁾	2 maart 2000
Letland ¹⁰⁾	1 december 1998
Liechtenstein ¹¹⁾	9 november 2000
Luxemburg ¹²⁾	12 september 2001
de Voormalige Joegoslavische Republiek Macedonië	19 mei 2000
Malta ¹³⁾	19 november 1999
Moldavië ¹⁴⁾	30 mei 2002
Polen ¹⁵⁾	20 december 2000
Portugal ¹⁶⁾	19 oktober 1998
Roemenië ¹⁷⁾	6 augustus 2002
Rusland ¹⁸⁾	2 augustus 2001
San Marino ¹⁹⁾	12 oktober 2000
Slowakije ²⁰⁾	7 mei 2001

¹⁾ *Het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft per 16 september 1999 het volgende bij de bekrachtiging gemaakte voorbehoud aldus ingetrokken:

“In accordance with Article 40, paragraph 2, of the Convention, the reservation in respect of Scotland to Article 2, paragraph 1, is hereby withdrawn.”.

²⁾ *Zwitserland*

heeft op 29 januari 2002 het volgende medegedeeld:

“Following a re-organisation of the Federal Office of Police and of the Public Prosecutor (Ministère public) of the Swiss Confederation, adjustments must be made to the reservation and declarations in which Switzerland indicated the Swiss authorities designated to perform certain acts. The term “Federal Office of Police” and “Federal Police Department” must be replaced therein by “Federal Office of Justice”, and the telephone and fax numbers mentioned in the declaration concerning Article 23 must be amended.”

³⁾ *Zweden*

heeft per 1 juli 1999 het volgende bij de bekrachtiging gemaakte voorbehoud aldus ingetrokken:

“In accordance with Article 6, paragraph 4, Sweden declares that, for Sweden’s part, the provision in Article 6, paragraph 1, shall apply only where the property in question derives from a criminal acquisition.”.

4) *Denemarken*

heeft per 6 juli 2001 het volgende bij de bekrachtiging gemaakte voorbehoud aldus ingetrokken:

“In accordance with Article 40, paragraph 2, of the Convention, Denmark withdraws the reservation made in respect of Article 6, paragraph 1, and paragraph 4.”.

5) *Cyprus*

heeft per 7 november 2001 de volgende bij de bekrachtiging gemaakte voorbehouden aldus ingetrokken:

“In accordance with Article 40, paragraph 2, of the Convention, the Republic of Cyprus amends/partially withdraws the reservation made in respect of Article 2, paragraph 2, following a relevant amendment, No. 152(1)/2000 dated 17 January 2000, to the Cyprus Prevention and Suppression of Money Laundering Activities Law No 61(1) of 1996 by which the list of predicate offences was abolished.

The reservation now reads as follows:

Article 2 – Confiscation measures

In accordance with Article 2, paragraph 2, of the Convention, the Republic of Cyprus declares that paragraph 1 of this article shall apply to offences punishable with more than one year of imprisonment.

In accordance with Article 40, paragraph 2, of the Convention, the Republic of Cyprus amends/partially withdraws the reservation made in respect of Article 6, paragraph 4, following a relevant amendment, No. 152(1)/2000 dated 17 January 2000, to the Cyprus Prevention and Suppression of Money Laundering Activities Law No 61(1) of 1996 by which the list of predicate offences was abolished.

The reservation now reads as follows :

Article 6 – Laundering Offences

In accordance with Article 6, paragraph 4, of the Convention, the Republic of Cyprus declares that paragraph 1 of this article shall apply to the predicate offences specified in its relevant domestic legislation which are offences punishable with more than one year of imprisonment.”.

6) *Andorra*

Onder de volgende voorbehouden en de volgende verklaring:

“– In accordance with Article 2, paragraph 2, the Andorran State declares that paragraph 1 of Article 2 applies only to criminal offences or to categories of criminal offences provided for in Andorran national legislation concerning the laundering of money or values derived from crime.

– In accordance with Article 6, paragraph 4, the Andorran State declares that paragraph 1 of Article 6 applies only to predicate offences or categories of such offences provided for in Andorran national legislation concerning the laundering of money or values derived from crime.

– In accordance with Article 14, paragraph 3, the Andorran State declares that paragraph 2 of Article 14 applies only subject to its constitutional principles and the basic concepts of the Andorran legal system.

– In accordance with Article 21, paragraph 2, the Andorran State declares that service of judicial documents can be effected only through the central authority, which is the Administration of Justice or the President of the “Batllia”.

– In accordance with Article 25, paragraph 3, the documents sent to the Andor-

ran State should be drafted in or translated into Catalan, Spanish, French or English.

– In accordance with paragraph 2 of Article 32, information or evidence provided by the Andorran State under this chapter may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

– As the legal system of Andorra contains already almost all the measures referred to in the Convention of Strasbourg, accession to the said Convention implies for the Andorran State only slight adaptations of its legal system which will be taken into consideration during future legislative reforms. As concerns the respect of rights and obligations resulting from the accession to this Convention, without relinquishing the specific characteristics of the internal legislation, particularly concerning the protection of individual freedoms and the rights of third parties in good faith, and concerning the protection of the national sovereignty and the general interest, Andorra undertakes to respect the obligations between States provided for in the Convention of Strasbourg for the fight against the laundering of money and values derived from crime, and to collaborate, through its judicial authorities and in the framework of reciprocity, with the other States respecting the provisions of the Convention.”.

7) *Estland*

Onder de volgende voorbehouden:

Article 21

Pursuant to Article 21, paragraph 2 of the Convention, the judicial documents shall be served through the Ministry of Justice.

Article 25

In accordance with Article 25, paragraph 3, the requests and their annexes presented to the Republic of Estonia shall be accompanied by a translation into English.

8) *Griekenland*

Onder de volgende voorbehouden:

“– Article 2, paragraph 1, of the Convention shall apply only to the following offences:

1. Crimes provided for in the law on fight against the spread of drugs:

1.a. Importing drugs into the country, exporting drugs out of the country or transiting drugs through the country.

1.b. Selling, purchasing, offering, making available or distributing to third parties by any means, storing or keeping drugs, or acting as intermediary in the commission of any of these offences.

1.c. Introducing drugs or contriving to facilitate their introduction into camps, police cells for all categories of under-age prisoners, collective workplaces or housing, hospitals or health centres.

1.d. Contriving in any manner to mix drugs with food products, drinks or other items intended for human consumption or that are likely to be consumed.

1.e. Preparing articles belonging to the category of controlled drugs or soporific substances, or illegally importing, supplying, producing, preparing, selling, making available, transporting, possessing or distributing precursor substances or apparatus or equipment, where it is known that they are used or will be used for the purposes of illegal production, cultivation or preparation of drugs, or, generally, for purposes other than that which originally justified the import, export, transport or processing of these precursors.

1.f. Cultivating or harvesting any plant of the Indian hemp family, the opium

poppy, any plant species of the Brazilwood family, or any other plant from which narcotic substances are derived.

1.g. Possessing or transporting drugs by whatever manner or means, whether within the country's territory, by navigating along the territorial zone or crossing territorial waters, or by flying in Greek air space.

1.h. Knowingly sending or receiving parcels, samples without commercial value or letters containing any sort of drug, or authorising a third party to send or receive such items.

1.i. Making available premises of any kind to a third party for the use of drugs, or communicating the address of a shop where drugs are systematically used, or being aware of such use as an employee of such a shop.

1.j. Contributing by any means to the spread of drug use.

1.k. Adulterating or selling adulterated articles from the list of controlled drugs.

1.l. Forging a medical prescription, falsifying or using a forged or falsified prescription in order to obtain narcotic substances for the purposes of trafficking in them.

1.m. Organising, financing, advising or supervising the commission of any of the aforementioned offences in any manner or giving instructions or authorisation in respect of them.

1.n. Facilitating or concealing the commission of other crimes by committing the above-mentioned offences.

1.o. Commission of the above crimes by a person who deals with drugs in the course of his or her duties and, in particular, is responsible for their safekeeping or for prosecuting persons who have committed these crimes, or where the offence is linked to his or her functions.

1.p. Introducing drugs or facilitating their introduction or trafficking in schools at any level and in educational establishments or other educational training or practical instruction units, save for the purpose of a specific research or training programme.

1.q. Introducing drugs or facilitating their introduction or trafficking in sports premises, camping grounds, orphanages, institutions or premises intended for the provision of social services or for accommodation of the armed forces, or premises where pupils or students meet for educational, sports or social activities.

1.r. Selling, making available or distributing drugs to third parties by whatever means, in premises directly adjoining the above-mentioned premises, or acting as an intermediary in the commission of any of these offences.

1.s. The issuing of a prescription for the supply of drugs by a doctor who is aware that there is no real, precise medical indication, or supply by a physician of medicines containing narcotics in one form or another, in the knowledge that they will be used for the purpose of preparing drugs.

1.t. Supply of drugs without the legally required medical prescription or on the basis of an invalid prescription or in amounts exceeding that prescribed, by a pharmacist or in general by a pharmaceutical trader, the manager or employee of a pharmacy or another person in the pharmacy.

1.u. Supplying substances intended to act as substitutes for dependency-inducing drugs.

1.v. Committing the above-mentioned crimes repeatedly or habitually or by way of an occupation, or acting in a manner intended to encourage drug use by under-age persons, or using weapons in committing the above-mentioned crimes or for the purpose of enabling the perpetrator to escape.

1.x. Inciting or inviting a third party to use drugs illegally, advertising them,

supplying information concerning their manufacture or supply for the purpose of spreading their use, or assisting the commission of the aforementioned crimes.

2. Crimes covered by Article 15 (1) of Law No. 2168/93, on “weapons, munitions... etc”: importing, possessing, producing, processing, assembling, dealing in, delivering, supplying or transporting military rifles, automatic machine guns, pistols or other articles of military hardware, for the purposes of making them available to a third party in order to commit a crime, or for the purpose of illegally supplying groups, organisations, associations or unions of persons, or receiving, concealing or accepting in any way the above objects for the same purposes.

3. Banditry.

4. Blackmail.

5. Abduction.

6. Stealing particularly valuable goods, or aggravated theft.

7. Misappropriating a particularly valuable object, or misappropriation giving rise to an abuse of trust.

8. Fraud, if resulting in particularly heavy losses, or if the offender carries out fraudulent activities habitually or occupationally, or if the circumstances in which the offence was committed show that the perpetrator’s character is especially dangerous.

9. Illegal trade in antique objects.

10. Theft of a particularly valuable cargo.

11. Acting as an intermediary by receiving consideration for the removal of tissues or organs, or acquiring tissues or organs with the intention of reselling them.

12. Economic crimes and offences against the State or legal entities in the public sector in the broad sense.

13. Aggravated smuggling.

14. Violations of the laws on ionising radiation.

15. Procuring.

16. Breaches of the laws on games of chance or other games.

17. Corruption.

18. Usury.

19. Illegal immigration.

20. Smuggling of nuclear materials.

21. Corruption of a public official from another country (ratification of the OECD Convention for combating the bribery of foreign public officials in international business transactions).

22.a. Passive or active corruption of a public official.

b. Fraudulent actions prejudicial to the financial interests of the European Communities.

c. Fabricating and delivering false declarations or documents (ratification-application of the Convention on the protection of the European Communities’ financial interests and appended Protocols).

The Greek Government reserves the right to add other categories of criminal activities.

– Article 6, paragraph 1, of the Convention shall apply only to the following offences:

1. Crimes provided for in the law on fight against the spread of drugs:

1.a. Importing drugs into the country, exporting drugs out of the country or transiting drugs through the country.

1.b. Selling, purchasing, offering, making available or distributing to third par-

ties by any means, storing or keeping drugs, or acting as intermediary in the commission of any of these offences.

1.c. Introducing drugs or contriving to facilitate their introduction into camps, police cells for all categories of under-age prisoners, collective workplaces or housing, hospitals or health centres.

1.d. Contriving in any manner to mix drugs with food products, drinks or other items intended for human consumption or that are likely to be consumed.

1.e. Preparing articles belonging to the category of controlled drugs or soporific substances, or illegally importing, supplying, producing, preparing, selling, making available, transporting, possessing or distributing precursor substances or apparatus or equipment, where it is known that they are used or will be used for the purposes of illegal production, cultivation or preparation of drugs, or, generally, for purposes other than that which originally justified the import, export, transport or processing of these precursors.

1.f. Cultivating or harvesting any plant of the Indian hemp family, the opium poppy, any plant species of the Brazilwood family, or any other plant from which narcotic substances are derived.

1.g. Possessing or transporting drugs by whatever manner or means, whether within the country's territory, by navigating along the territorial zone or crossing territorial waters, or by flying in Greek air space.

1.h. Knowingly sending or receiving parcels, samples without commercial value or letters containing any sort of drug, or authorising a third party to send or receive such items.

1.i. Making available premises of any kind to a third party for the use of drugs, or communicating the address of a shop where drugs are systematically used, or being aware of such use as an employee of such a shop.

1.j. Contributing by any means to the spread of drug use.

1.k. Adulterating or selling adulterated articles from the list of controlled drugs.

1.l. Forging a medical prescription, falsifying or using a forged or falsified prescription in order to obtain narcotic substances for the purposes of trafficking in them.

1.m. Organising, financing, advising or supervising the commission of any of the aforementioned offences in any manner or giving instructions or authorisation in respect of them.

1.n. Facilitating or concealing the commission of other crimes by committing the above-mentioned offences.

1.o. Commission of the above crimes by a person who deals with drugs in the course of his or her duties and, in particular, is responsible for their safekeeping or for prosecuting persons who have committed these crimes, or where the offence is linked to his or her functions.

1.p. Introducing drugs or facilitating their introduction or trafficking in schools at any level and in educational establishments or other educational training or practical instruction units, save for the purpose of a specific research or training programme.

1.q. Introducing drugs or facilitating their introduction or trafficking in sports premises, camping grounds, orphanages, institutions or premises intended for the provision of social services or for accommodation of the armed forces, or premises where pupils or students meet for educational, sports or social activities.

1.r. Selling, making available or distributing drugs to third parties by whatever means, in premises directly adjoining the above-mentioned premises, or acting as an intermediary in the commission of any of these offences.

1.s. The issuing of a prescription for the supply of drugs by a doctor who is aware that there is no real, precise medical indication, or supply by a physician of medicines containing narcotics in one form or another, in the knowledge that they will be used for the purpose of preparing drugs.

1.t. Supply of drugs without the legally required medical prescription or on the basis of an invalid prescription or in amounts exceeding that prescribed, by a pharmacist or in general by a pharmaceutical trader, the manager or employee of a pharmacy or another person in the pharmacy.

1.u. Supplying substances intended to act as substitutes for dependency-inducing drugs.

1.v. Committing the above-mentioned crimes repeatedly or habitually or by way of an occupation, or acting in a manner intended to encourage drug use by under-age persons, or using weapons in committing the above-mentioned crimes or for the purpose of enabling the perpetrator to escape.

1.x. Inciting or inviting a third party to use drugs illegally, advertising them, supplying information concerning their manufacture or supply for the purpose of spreading their use, or assisting the commission of the aforementioned crimes.

2. Crimes covered by Article 15 (1) of Law No. 2168/93, on “weapons, munitions... etc”: importing, possessing, producing, processing, assembling, dealing in, delivering, supplying or transporting military rifles, automatic machine guns, pistols or other articles of military hardware, for the purposes of making them available to a third party in order to commit a crime, or for the purpose of illegally supplying groups, organisations, associations or unions of persons, or receiving, concealing or accepting in any way the above objects for the same purposes.

3. Banditry.

4. Blackmail.

5. Abduction.

6. Stealing particularly valuable goods, or aggravated theft.

7. Misappropriating a particularly valuable object, or misappropriation giving rise to an abuse of trust.

8. Fraud, if resulting in particularly heavy losses, or if the offender carries out fraudulent activities habitually or occupationally, or if the circumstances in which the offence was committed show that the perpetrator’s character is especially dangerous.

9. Illegal trade in antique objects.

10. Theft of a particularly valuable cargo.

11. Acting as an intermediary by receiving consideration for the removal of tissues or organs, or acquiring tissues or organs with the intention of reselling them.

12. Economic crimes and offences against the State or legal entities in the public sector in the broad sense.

13. Aggravated smuggling.

14. Violations of the laws on ionising radiation.

15. Procuring.

16. Breaches of the laws on games of chance or other games.

17. Corruption.

18. Usury.

19. Illegal immigration.

20. Smuggling of nuclear materials.

21. Corruption of a public official from another country (ratification of the

OECD Convention for combating the bribery of foreign public officials in international business transactions).

22.a. Passive or active corruption of a public official.

b. Fraudulent actions prejudicial to the financial interests of the European Communities.

c. Fabricating and delivering false declarations or documents (ratification-application of the Convention on the protection of the European Communities' financial interests and appended Protocols).

The Greek Government reserves the right to add other categories of criminal activities.

– Article 14, paragraph 3:

With regard to Article 14, paragraph 3, the Greek Government shall enforce the confiscation requested by the requesting Party on the condition that it is not in contradiction with the Constitution and the fundamental principles of the Greek legal system.

– Article 25, paragraph 3:

The requests and supporting documents must be sent by the requesting State in Greek or be translated into English or French.

– Article 32, paragraph 2:

Information or evidence provided by the Greek Republic in accordance with Chapter III of the Convention may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

– In accordance with Article 13, paragraph 1.b of the Convention, the competent authority shall be the State Prosecutor of the department concerned by the confiscation request.”.

⁹⁾ *Hongarije*

Onder de volgende voorbehouden:

“– In accordance with Article 6, paragraph 4, Hungary reserves the right to apply paragraph 1 of this Article only to the predicate offences specified in its Criminal Code.

– With regard to Article 14, paragraph 3, Hungary declares that paragraph 2 of Article 14 applies only subject to its constitutional principles and the basic concepts of its legal system.

– In accordance with Article 21, paragraph 2, Hungary declares that judicial documents should be served only through its central authority.

– In accordance with Article 25, paragraph 3, requests and supporting documents must be drawn up in Hungarian or in one of the official languages of the Council of Europe or be accompanied by a translation into one of these languages. However, -- Hungary declares its readiness to accept translations of requests and supporting documents in German.

– In accordance with Article 32, paragraph 2, Hungary declares that information or evidence provided by it under chapter III may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

¹⁰⁾ *Letland*

Onder de volgende voorbehouden en verklaringen:

“– In pursuance of paragraph 4 of Article 6 of the Convention, the Republic of Latvia declares that paragraph 1 of Article 6 applies only to predicate offences which are subject of Law of the Republic of Latvia “On Laundering of Proceeds from Crime” adopted on 18 December 1997, i.e.:

1. illegal circulation of poisonous, strongly intoxicating substances, narcotic or psychotropic substances;
2. banditry;
3. smuggling;
4. illegal traffic of persons across the State border;
5. printing or distribution of counterfeit money or securities or illegal actions with securities or money documents;
6. taking of hostages, kidnapping, child abduction;
7. violation of copyrights and associated rights;
8. criminal acts against property on a large scale or when committed by an organized group;
9. carrying on a business without special permit (license), fraudulent bankruptcy, fraud of the credit facility;
10. bribery, acceptance of bribes, mediation in bribery;
11. violation of regulations of import, production or distribution of pornographic materials;
12. illegal purchase, possession, use, delivery or destruction of radio-active substances;
13. unauthorized production or sale of special objects, firearms, ammunition or explosives;
14. illegal removal of or trade in tissues or organs of living or dead human beings.
 - In pursuance of paragraph 3 of Article 14 of the Convention, the Republic of Latvia declares that paragraph 2 of Article 14 applies only subject to constitutional principles and the basic concepts of legal system of the Republic of Latvia.
 - In pursuance of paragraph 3 of Article 25 of the Convention, the Republic of Latvia declares that requests and documents supporting such requests shall be accompanied by a translation into Latvian or English language.
 - In pursuance of paragraph 2 of Article 32 of the Convention, the Republic of Latvia declares that information or evidence provided by the Republic of Latvia under Chapter III of the Convention, without its prior consent, may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

¹¹⁾ *Liechtenstein*

Onder de volgende voorbehouden:

- In accordance with Article 6, paragraph 4, of the Convention, the Principality of Liechtenstein declares that paragraph 1 of Article 6 shall apply only to predicate offences which are crimes under Liechtenstein law (§ 17 of the Liechtenstein Penal Code).
- In accordance with Article 14, paragraph 3, of the Convention, the Principality of Liechtenstein declares that paragraph 2 of Article 14 shall apply only subject to the constitutional principles and the basic concepts of the legal system of the Principality of Liechtenstein.
- In accordance with Article 21, paragraph 2, of the Convention, the Principality of Liechtenstein declares that judicial documents addressed to persons in the Principality of Liechtenstein shall be transmitted to them by the competent Liechtenstein authority (Rechtsdienst der Regierung).
- In accordance with Article 25, paragraph 3, of the Convention, the Principality of Liechtenstein declares that whenever requests and supporting documents are not drawn up in German, they shall be accompanied by a translation into German or English.

– In accordance with Article 32, paragraph 2, of the Convention, the Principality of Liechtenstein declares that information or evidence provided by Principality of Liechtenstein when applying this Convention may not, without the prior consent of the Liechtenstein central authority (Rechtsdienst der Regierung) be used or transmitted by the requesting Party in investigations or proceedings other than those specified in the request.”.

Op 31 juli 2001 is een voorbehoud aldus gedeeltelijk ingetrokken:

“The scope of application of Article 6, paragraph 1, of the Convention shall be extended to include as predicate offences misdemeanours in accordance with the Liechtenstein Narcotics Act as well as misdemeanours pursuant to Articles 304 to 308 of the Liechtenstein Penal Code (corruption offences). The reservation with respect to Article 6, paragraph 1, of the Convention shall henceforth read as follows:

“In accordance with Article 6, paragraph 4, of the Convention, the Principality of Liechtenstein declares that paragraph 1 of Article 6 shall apply only to predicate offences which are crimes under Liechtenstein law (§ 17 of the Liechtenstein Penal Code), misdemeanours in accordance with the Liechtenstein Narcotics Act or misdemeanours pursuant to Articles 304 to 308 of the Liechtenstein Penal Code (corruption offences).”.

¹²⁾ *Luxemburg*

Onder de volgende voorbehouden en verklaringen:

– In accordance with Article 2, paragraph 2, and Article 6, paragraph 4, of the Convention, Article 2, paragraph 1, and Article 6, paragraph 1, of the Convention shall apply only to the offences mentioned in Article 8-1, item 1), of the Law of 19 February 1973 concerning the sale of medicinal substances and the fight against drug addiction, and in Article 506-1, item 1), of the Penal Code.

– In accordance with Article 21, paragraph 2, of the Convention, the procedures provided in subparagraphs a and b of this paragraph, relating to the service of judicial documents to persons affected by provisional and confiscation measures, and who are in the territory of Luxembourg, shall be permitted only in the case where, in the relations between Luxembourg and the other State, they are foreseen by another treaty governing international mutual assistance in criminal matters.

– Concerning Article 25, paragraph 3, of the Convention, requests and documents supporting such requests must be drawn up in French or in German or be accompanied by a translation into French or German.

– In accordance with Article 32, paragraph 2, of the Convention, the information or evidence obtained from Luxembourg under Chapter III of the Convention shall not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

– In accordance with Article 23, paragraph 2, of the Convention, the General State Prosecutor is designated as the central authority responsible for sending the requests under Chapter III of the Convention as well as for answering those sent to Luxembourg under the same Chapter, to execute them or transmit them to the authorities which are competent for their execution in accordance with Article 23, paragraph 1, of the Convention.”.

¹³⁾ *Malta*

Onder de volgende voorbehouden:

“Article 2

In accordance with paragraph 2 of Article 2, paragraph 1 of this Article shall apply only to offences provided for in Article 6 as specified in the relevant domes-

tic legislation and which are classified as crimes under Maltese Law.

Article 6

In accordance with paragraph 4 of Article 6, paragraph 1 of this Article shall apply only to the predicate offences specified in its domestic legislation.

Article 14

In accordance with paragraph 3 of Article 14, paragraph 2 of this Article shall apply only subject to its constitutional principles and the basic concepts of its legal system.

Article 21

In accordance with paragraph 2 of Article 21, judicial documents should be served only through its Central Authority which is: The Office of the Attorney General.

Article 25

In accordance with paragraph 3 of Article 25, it reserves the right to require that requests made to it and documents supporting such request be accompanied by a translation into the English language.

Article 32

In accordance with paragraph 2 of Article 32, information or evidence provided by it under this Convention may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

¹⁴⁾ *Moldavië*

Onder het volgende voorbehoud:

“The Republic of Moldova declares that the Convention will not be applied on the territory effectively controlled by the organs of the self-proclaimed Moldovan Dniestrian Republic until the final settlement of the conflict in this region.”.

¹⁵⁾ *Polen*

Onder de volgende voorbehouden:

“Article 21

The Republic of Poland declares under Article 21, paragraph 2 of the Convention that the methods of transmission referred to in Article 21, paragraph 2, of the Convention shall be applied on its territory only in so far as they are provided for in appropriate international agreements relating to legal assistance between the Republic of Poland and the Party transmitting a judicial document.

Article 25

The Republic of Poland declares under Article 25, paragraph 3, of the Convention, that all requests and documents transmitted to its authorities under Chapter III of the Convention shall be accompanied by a translation into Polish or into one of the official languages of the Council of Europe.

Article 32

The Republic of Poland declares under Article 32, paragraph 2, of the Convention that information and evidence transmitted for the execution of a request filed pursuant to Chapter III of the Convention shall, without its prior consent, not be used for purposes other than those specified in the request.”.

¹⁶⁾ *Portugal*

Onder de volgende voorbehouden:

“– For the purposes of Article 6 of the Convention, punishment of laundering shall be limited to cases of drug-trafficking as well as an illegal activity relating to terrorism, arms trafficking, extortion, abduction, incitement to prostitution (Lenocínio), corruption, embezzlement (Peculato) and financial participation in a business, harmful administration of a public sector business unit, fraudulent pro-

curement or conversion of a subsidy, grant or loan, economic and financial offences committed in an organised manner using information technology, and economic and financial offences committed on an international scale and involving any kind of co-participation, as defined in domestic legislation;

– Application of the provisions of Article 21 of the Convention shall be subject to the existence of bilateral or multilateral agreements on mutual judicial assistance between Portugal and the requesting Party;

– In accordance with the provisions of Article 25 of the Convention, Portugal declares that requests and supporting documents addressed to Portugal must be accompanied by a translation into either Portuguese or French;

– In accordance with the provisions of Article 32 of the Convention, Portugal declares that, without its consent, the information or evidence provided by Portugal may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

¹⁷⁾ *Roemenië*

Onder de volgende voorbehouden:

“Article 14

In accordance with Article 14, paragraph 3, of the Convention, Romania declares that Article 14, paragraph 2, shall apply only subject to the constitutional principles and the basic concepts of the Romanian legal system.

Article 21

In accordance with Article 21, paragraph 2, of the Convention, Romania declares that the service of judicial documents shall be effected only through the central authority, which is the Ministry of Justice. For the requests of assistance formulated in pre-trial investigation, the service shall be effected through the General Prosecutor’s Office to the Supreme Court of Justice.

Article 25

In accordance with Article 25, paragraph 3, of the Convention, Romania declares that the requests forwarded to the Romanian authorities and the documents supporting such requests shall be accompanied by a translation in Romanian or into one of the official languages of the Council of Europe.

Article 32

In accordance with Article 32, paragraph 2, of the Convention, Romania declares that the information or the evidence provided by Romania under Chapter III of the Convention may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request without its prior consent.”.

¹⁸⁾ *Rusland*

“Onder de volgende voorbehouden:

– In accordance with Article 14, paragraph 3, of the Convention, the Russian Federation declares that Article 14, paragraph 2, of the Convention shall apply only subject to its constitutional principles and the basic concepts of its legal system.

– In accordance with Article 21, paragraph 2, of the Convention, the Russian Federation declares that the service of judicial documents should be effected through the Ministry of Justice of the Russian Federation.

– In accordance with Article 25, paragraph 3, of the Convention, the Russian Federation declares that it reserves the right to require that requests made to it and documents supporting such requests be accompanied by a translation into Russian or English.”.

¹⁹⁾ *San Marino*

Onder de volgende voorbehouden:

– In accordance with Article 6, paragraph 4, the Republic of San Marino declares that paragraph 1 of Article 6 applies only to criminal predicate offences or categories of criminal predicate offences provided for in San Marino's national legislation concerning the laundering of money or proceeds from crime (Act No. 123 of 1998).

– In accordance with Article 14, paragraph 3, the Republic of San Marino declares that paragraph 2 of Article 14 applies only subject to its constitutional principles and the basic concepts of its legal system.

– In accordance with Article 21, paragraph 2, the Republic of San Marino declares that service of judicial documents can be effected only through its central authority, without prejudice to what is provided for in bilateral treaties.

– In accordance with Article 25, paragraph 3, the Republic of San Marino declares that it reserves the right to require that requests made to it and documents supporting such requests be accompanied by a translation into Italian, the accuracy of which must be officially certified. It will be proposed to the national Parliament (Consiglio Grande e Generale) to introduce the possibility that requests and supporting documents shall be accompanied by a translation into one of the official languages of the Council of Europe.

– In accordance with Article 32, paragraph 2, the Republic of San Marino declares that information or evidence provided by it under chapter III of the Convention may not, without the prior consent of San Marino's competent authority, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

Op 15 april 2002 is een voorbehoud aldus gedeeltelijk ingetrokken:

“The Government of San Marino declares that, on 18 March 2002, the national Parliament of San Marino has approved the amendment of the text of its reservation to Article 25 of the Convention. The reservation now reads as follows :

“In accordance with Article 25, paragraph 3, of the Convention, the Republic of San Marino declares that it reserves the right to require that requests made to it and documents supporting such requests be accompanied by a translation into Italian or into one of the official languages of the Council of Europe, the accuracy of which must be officially certified. Concerning voluminous documents which are not translated into Italian, the Republic of San Marino reserves the right to request, if appropriate, a translation into Italian or to have the documents translated at the expense of the requesting Party.”.

²⁰⁾ *Slowakije*

Onder de volgende voorbehouden:

“According to Article 40, paragraph 1, of the Convention, the Slovak Republic avails itself of the following reservations:

Article 6, paragraph 4:

The Slovak Republic declares that Article 6, paragraph 1, shall apply only to predicate offences according to the Slovak Penal Law (Articles 17-20a of the Penal Code).

Article 14, paragraph 3:

The Slovak Republic declares that Article 14, paragraph 3, shall apply only subject to the constitutional principles and the basic concepts of the Slovak legal system.

Article 21, paragraph 2:

The Slovak Republic declares that the serving of written documents to persons on the territory of the Slovak Republic pursuant to the modalities set forth in Arti-

cle 21, paragraph 2, letter a) and letter b), shall be possible only insofar as provided for in other bilateral and multilateral international treaties, which are binding for the Slovak Republic and for the Party transmitting the written document.

Article 25, paragraph 3:

The Slovak Republic declares that it reserves the right to require that the requests and documents supporting such requests be accompanied by a translation into the Slovak language, the English language or the French language.

Article 32, paragraph 2:

The Slovak Republic declares that any information or evidence provided by it in accordance with this Convention may not be, without its prior consent, used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

F. TOETREDING

De volgende staat heeft in overeenstemming met artikel 37, eerste lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Raad van Europa nedergelegd:

Monaco¹⁾ 10 mei 2002

¹⁾ Onder de volgende voorbehouden:
“Article 2

In accordance with Article 2, paragraph 2, of the Convention, the Principality of Monaco declares that paragraph 1 of this article shall apply only to the laundering of the proceeds of an offence as provided and punished by Articles 218 to 218-3 of the Penal Code of the Principality of Monaco and to the laundering of the proceeds from drug trafficking as provided and punished by Articles 4-1 b, 4-3 and 4-4 of Law No. 890 of 1 July 1970 on narcotics as amended by Law No. 1157 of 23 December 1992.

Article 6

In accordance with Article 6, paragraph 4, of the Convention, the Principality of Monaco declares that the paragraph 1 of this article shall apply only to the laundering of the proceeds of an offence as provided and punished by Articles 218 to 218-3 of the Penal Code of the Principality of Monaco and to the laundering of the proceeds from drug trafficking as provided and punished by Articles 4-1 b, 4-3 and 4-4 of Law No. 890 of 1 July 1970 on narcotics as amended by Law No. 1157 of 23 December 1992.

Article 14

In accordance with Article 14, paragraph 3, of the Convention, the Principality of Monaco declares that Article 14, paragraph 2, shall apply only subject to its constitutional principles and the basic concepts of its legal system.

Article 21

In accordance with Article 21, paragraph 2b, of the Convention, the Principality of Monaco declares that the service of judicial documents must be effected through the competent authorities of Monaco.

Article 25

In accordance with Article 25, paragraph 3, of the Convention, the requests mentioned in Section 7 of this Convention and their supporting documents shall be accompanied by a translation in French language.

Article 32

In accordance with Article 32, paragraph 2, of the Convention, the Principality

of Monaco declares that information or evidence provided by it under Section 7 of this Convention may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.”.

G. INWERKINGTREDING

Zie *Trb.* 1993, 88.

Wat het *Koninkrijk der Nederlanden* betreft, is het Verdrag voor de Nederlandse Antillen en Aruba (zie rubriek H hieronder) op 1 augustus 1999 in werking getreden.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1997, 68¹⁾.

In overeenstemming met artikel 38, tweede lid, van het Verdrag heeft het *Koninkrijk der Nederlanden* het Verdrag van toepassing verklaard op:

de Nederlandse Antillen en Aruba²⁾ . . . 7 april 1999

¹⁾ *Het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland*

„Op 18 juni 1999 is een voorbehoud aldus gedeeltelijk ingetrokken:

In accordance with Article 40, paragraph 2, of the Convention, the reservation in respect of the Isle of Man to Article 6, made upon extension, is hereby withdrawn.”.

²⁾ *Het Koninkrijk der Nederlanden*

Onder het volgende voorbehoud en de volgende verklaringen:

“For the *Netherlands Antilles and for Aruba*: In accordance with Article 2, paragraph 2, of the Convention, the Kingdom of the Netherlands declares that it reserves the right not to apply Article 2, paragraph 1, of the Convention with regard to the confiscation of the proceeds from offences punishable under legislation on taxation or on customs and excise.

For the *Netherlands Antilles and for Aruba*: In accordance with Article 6, paragraph 4, of the Convention, the Kingdom of the Netherlands declares that Article 6, paragraph 1, of the Convention will only be applied to predicate offences that qualify as “misdrijven” (crimes) under the domestic law of the Netherlands Antilles and of Aruba. In accordance with Article 25, paragraph 3, of the Convention, the Kingdom of the Netherlands declares that requests made to the Netherlands Antilles and to Aruba and documents supporting such requests in a language other than Dutch, English, or Spanish be accompanied by a translation into one of these languages.”.

J. GEGEVENS

Zie *Trb.* 1990, 172, *Trb.* 1993, 88, *Trb.* 1997, 68 en *Trb.* 1998, 267.

Autoriteiten aangewezen door de Verdragsluitende Staten in overeenstemming met artikel 23, eerste lid, van het Verdrag

Albanië

Ministry of Finance of Albania
Rruga «Deshmoret e Kombit»
Tirana – Albania
Phone: + 355 42 486 40
Fax: + 355 42 486 40
e-mail: info@minfin.gov.al

Andorra

Administration of Justice or the President of the «Batllia»
Edifici de les Columnes
Avinguda Tarragona
Andorra la Vella
Principat d'Andorra
Tel: 861 661
Fax: 867 661

Estland

Ministry of Justice
Tõnismägi Street, 5a
EE-15191 Tallinn

Griekenland

Minister of Justice of the Government of the Greek Republic

Hongarije

Ministry of Justice of the Republic of Hungary
(1055 Budapest, Kossuth Lajos tér 4.) and the
Attorney-General's Department of the Republic of Hungary
(1055 Budapest, Markó u. 16.)

Letland

In pursuance of paragraph 2 of Article 21 of the Convention, the Republic of Latvia declares that competent authorities of the Republic of Latvia to serve judicial documents are:

– during pre-trial investigation: General Prosecutor's office O; Kapaka blvd 6, Riga, LV - 1801, Latvia, phone: 371.7.320085, fax: 371.7.212231;

– during the trial: The Ministry of Justice, Brivibas blvd 36, Riga, LV - 1536, Latvia, phones: 371.7.280437/282607, fax: 371.7.285575.

In pursuance of paragraph 2 of Article 23 of the Convention, the Republic of Latvia declares that, for the purposes of paragraph 1 of Article 23 of the Convention, the central authorities of the Republic of Latvia are:

– during pre-trial investigation until prosecution: The State Police, Brivibas blvd 61, Riga, LV – 1010, Latvia, phone 371.7.075300, fax: 371.7.376156;

– during pre-trial investigation until submitting the case to the court: General Prosecutor's office O; Kalpaka blvd 6, Riga, LV - 1801, Latvia, phone: 371.7.320085, fax: 371.7.212231;

– during the trial: The Ministry of Justice, Brivibas blvd 36, Riga, LV - 1536, Latvia, phones: 371.7.280437/282607, fax: 371.7.285575.

Liechtenstein

Ressort Justiz
Regierungsgebäude
FL-9490 Vaduz
Liechtenstein.

The new central authority assumes all the functions of the former central authority (Rechtsdienst der Regierung) under the Convention.

Luxemburg

General State Prosecutor

Macedonië

Ministry of Justice of the Republic of Macedonia

Malta

The Office of the Attorney General
Attorney General's Chambers
The Palace
Valletta - Malta

Moldavië

Office of Prosecutor General
Str. Mitropolit Banulescu-Bodoni, 26,
MD 2005, Chisinau - Republic of Moldova
Tel/fax 22 86 35

Monaco

Direction des Services Judiciaires
5, rue Colonel Bellando de Castro
Principality of Monaco

Het Koninkrijk der Nederlanden (voor de Nederlandse Antillen en Aruba)

De Procureur Generaal van de Nederlandse Antillen
Wilhelminaplein 4 (Stadhuis)
Willemstad, Curaçao
Netherlands Antilles

Telephone : 5999 - 4634233/4634333
 Fax : 5999 - 4611888

De Procureur Generaal van Aruba
 L.G. Smith Boulevard 42
 Oranjestad, Aruba
 Telephone 297 - 829132/834387
 Fax : 297 - 838891

Noorwegen

Central Authority for Investigation and Prosecution of Economic and
 Environmental Crime
 (ØKOKRIM) in Oslo
 Postbox 8193 Dep. 0034 Oslo
 Tel. (0047) 23.29.10.00,
 fax. (0047) 23.29.10.01,
 e.mail : okokrim@okokrim.no

Polen

Ministry of Justice of the Republic of Poland,
 Al. Ujazdowskie 11
 00-950 Warsaw,
 en,
 Ministry of Finance of the Republic of Poland
 12 Swietokrzyska Street
 00-916 Warsaw

Portugal

Procuradoria-Geral da República,
 rua da Escola Politécnica, 140,
 1200 Lisboa

Roemenië

Ministerul Justiției (Ministry of Justice)
 Str. Apollodor nr. 17, sectorul 5
 București, Romania.

Oficiul Național de Prevenire și Combatere a Spălării Banilor
 (National Office for Prevention and Fighting Against Money Launder-
 ing)

Str. Splaiul Independenței nr. 202 A, sectorul 6
 București, Romania.

Ministerul de Interne (Ministry of Interior)
 Inspectoratul General al Poliției
 Sos. Stefan cel Mare nr. 13-15, sectorul 2

Bucuresti, Romania.

Ministerul Finantelor Publice (Ministry of Public Finance)
Str. Apollodor nr. 17, sectorul 5
Bucuresti, Romania.

Parchetul General de pe langa Curtea Suprema de Justitie
(General Prosecutor's Office to the Supreme Court of Justice)
Bd. Libertatii nr. 14, sectorul 5
Bucuresti, Romania.

Rusland

– the Ministry of Justice of the Russian Federation (Vorontsovo pole 4, 109830, Moscow, Russian Federation) for civil law issues, including civil law aspects of criminal cases; and

– the Office of the Prosecutor General of the Russian Federation (ul. Bolshaya Dmitrovka, 15a, 103793, Moscow, Russian Federation) for criminal law issues.

San Marino

Segreteria di Stato per gli Affari Esteri
Palazzo Begni
Contrada Omerelli, 31
47890 San Marino
Repubblica di San Marino

Slowakije

1. Requests under Chapter III shall be sent in the Slovak Republic to the following authorities:

a. Requests under Section 2

Prezídium Policajného zboru (Presidium of the Police Force)
Správa kriminálnej a finančnej polície (Division of Criminal and Financial Police)

Úrad finančnej Polície (Office of Financial Police)

Vajnorská 25

812 72 Bratislava

b. Requests under Section 3

Generálna prokuratúra Slovenskej republiky (General Prosecutor's Office of the Slovak Republic)

Župné námestie 13

812 85 Bratislava

c. Requests under Section 4

Ministerstvo spravodlivosti Slovenskej republiky (Ministry of Justice of the Slovak Republic)

Župné námestie 13

813 11 Bratislava

d. Other requests for assistance in criminal matters, which are in the requesting State at the stage of procedure before filing an action, to the General Prosecutor's Office of the Slovak Republic (paragraph b) above), in criminal matters, which are in the requesting State at the stage of procedure after filing an action, to the Ministry of Justice of the Slovak Republic (paragraph c) above).

2. Each authority referred to under point 1. is a central body for forwarding abroad requests of the Slovak authorities for assistance pursuant to Chapter III.

Spanje

Ministerio de Justicia, Secretaria General Técnica,
San Bernardo, 45,
28071 Madrid,
Espana

Zweden

Ministry of Justice
Division for Criminal Cases and International Judicial Co-operation
Central Authority
S-103 33 STOCKHOLM
Sweden
Telephone: +46 8 405 45 00 (Secretariat)
Fax: +46 8 405 46 76
E-mail: birs@justice.ministry.se

Zwitserland

Federal Office of Justice (Office fédéral de la justice)
Bundesrain 20
CH-3003 BERNE
Tel: +41.31.322.11.20
Fax: +41.31.322.53.80

Uitgegeven de *achtste* november 2002.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER