

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2014 Nr. 86

A. TITEL

*Aanvullend Protocol bij het Verdrag inzake de Strafrechtelijke
Bestrijding van Corruptie;
Straatsburg, 15 mei 2003*

B. TEKST

De Engelse en de Franse tekst van het Aanvullend Protocol zijn geplaatst in *Trb.* 2004, 226.

C. VERTALING

Zie *Trb.* 2004, 226.

In dat Tractatenblad dient in de vertaling de volgende correctie te worden aangebracht.

Op blz. 16, in artikel 8, tweede lid, dient het woord „voorzover” te worden vervangen door „voor zover”.

D. PARLEMENT

Zie *Trb.* 2006, 4.

E. PARTIJGEGEVENS

Zie *Trb.* 2004, 226.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië	15-05-03	15-11-04	R	01-03-05		
Andorra	20-11-12					
Armenië	15-05-03	09-01-06	R	01-05-06		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Azerbeidzjan	08-10-12	03-04-13	R	01-08-13		
Belarus	23-01-14					
België	07-03-05	26-02-09	R	01-06-09		
Bosnië en Herzegovina	07-09-11	07-09-11	R	01-01-12		
Bulgarije	15-05-03	04-02-04	R	01-02-05		
Cyprus	15-05-03	21-11-06	R	01-03-07		
Denemarken	15-05-03	16-11-05	R	01-03-06		
Duitsland	15-05-03					
Finland	04-05-11	24-06-11	R	01-10-11		
Frankrijk	15-05-03	25-04-08	R	01-08-08		
Georgië	25-03-13	10-01-14	R	01-05-14		
Griekenland	15-05-03	10-07-07	R	01-11-07		
Hongarije	15-05-03					
Ierland	15-05-03	11-07-05	R	01-11-05		
IJsland	15-05-03	06-03-13	R	01-07-13		
Italië	15-05-03					
Kroatië	17-09-03	10-05-05	R	01-09-05		
Letland	07-04-05	27-07-06	R	01-11-06		
Liechtenstein	17-11-09					
Litouwen	02-12-10	26-07-12	R	01-11-12		
Luxemburg	11-06-03	13-07-05	R	01-11-05		
Macedonië, de voormalige Joegoslavische Republiek	15-05-03	14-11-05	R	01-03-06		
Malta	15-05-03					
Moldavië	15-05-03	22-08-07	R	01-12-07		
Monaco	10-07-13	10-07-13	R	01-11-13		
Montenegro	20-02-08	17-03-08	R	01-07-08		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	26-02-04	16-11-05 28-09-10 28-09-10 28-09-10 – – –	R R R R – – –	01-03-06 10-10-10 10-10-10 10-10-10 – – –		
Noorwegen	02-03-04	02-03-04	R	01-02-05		
Oekraïne	15-05-03	27-11-09	R	01-03-10		
Oostenrijk	13-12-13	13-12-13	R	01-04-14		
Polen	07-10-11					
Portugal	15-05-03					
Roemenië	09-10-03	29-11-04	R	01-03-05		
Russische Federatie	07-05-09					
San Marino	15-05-03					
Servië	09-01-08	09-01-08	R	01-05-08		
Slovenië	09-03-04	11-10-04	R	01-02-05		
Slowakije	12-01-05	07-04-05	R	01-08-05		
Spanje	27-05-09	17-01-11	R	01-05-11		
Turkije	12-04-12					
Verenigd Koninkrijk	15-05-03	09-12-03	R	01-02-05		
Zweden	15-05-03	25-06-04	R	01-02-05		
Zwitserland	03-06-04	31-03-06	R	01-07-06		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring f kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 8 oktober 2012

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Additional Protocol in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region) until the liberation of those territories from occupation and the complete elimination of the consequences of that occupation [...].

Azerbeidzjan, 3 april 2013

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Additional Protocol in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of those territories from occupation and the complete elimination of the consequences of that occupation [...].

Denemarken, 16 november 2005

Pursuant to Article 12 of the Protocol, Denmark declares that, until further notice, the Protocol will not apply to the Faroe Islands and Greenland.

Nederlanden, het Koninkrijk der, 16 november 2005

In conformity with the provisions of Article 10, paragraph 1, and Article 9, paragraph 2, of the Additional Protocol to the Criminal Law Convention on Corruption, the Kingdom of the Netherlands declares that it accepts the said Protocol for the Kingdom in Europe, subject to the following reservations made by the Kingdom of the Netherlands when depositing its instrument of acceptance of the Convention:

In accordance with Article 37, paragraph 2:

With regard to Article 17, paragraph 1, the Netherlands may exercise jurisdiction in the following cases:

- a: – in respect of a criminal offence that is committed in whole or in part on Dutch territory;
- b: – over both Dutch nationals and Dutch public officials in respect of offences established in accordance with Article 2 and in respect of offences established in accordance with Article 4 to 6 and Articles 9 to 11 in conjunction with Article 2, where these constitute criminal offences under the law of the country in which they were committed,
 - over Dutch public officials and also over Dutch nationals who are not Dutch public officials in respect of offences established in accordance with Articles 4 to 6 and 9 to 11 in conjunction with Article 3, where these constitute criminal offences under the law of the country in which they were committed,

- over Dutch nationals in respect of offences established in accordance with Articles 7, 8, 13 and 14, where these constitute criminal offences under the law of the country in which they were committed;
- c: – over Dutch nationals involved in an offence that constitutes a criminal offence under the law of the country in which it was committed.

In accordance with Article 37, paragraph 1:

The Netherlands will not fulfil the obligation under Article 12.

Nederlanden, het Koninkrijk der, 9 januari 2012

The reservation and declaration made by the Kingdom of the Netherlands at the time of acceptance of the Protocol, on 16 November 2005, are confirmed for the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba). The reservation and declaration remain valid for the European part of the Netherlands.

Nederlanden, het Koninkrijk der, 31 maart 2014

In accordance with Article 38, paragraph 2, of the Convention, the Netherlands declares that it upholds wholly the reservations made in accordance with Article 37, paragraphs 1 and 2, of the Convention, for the period of three years set out in Article 38, paragraph 1, of the Convention, for the European part and the Caribbean part of the Netherlands.

For the sake of completeness, the reservations with regard to the Convention were already renewed for the Netherlands for successive periods of three years on 1 August 2005, 1 August 2008 and 1 August 2011. The reservations with regard to the Additional Protocol will be renewed for the first time.

Spanje, 17 januari 2011

If the Additional Protocol to the Criminal Law Convention on Corruption, dated 15 May 2003, were to be applied to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.
2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.
3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Protocol will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007) which have been agreed by Spain and the United Kingdom on 19 December 2007 (jointly with the “Agreed Arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties”, dated 19 April 2000) apply to this Additional Protocol to the Criminal Law Convention on Corruption.

Zweden, 25 juni 2004

Sweden makes the explanatory statement that, in Sweden’s view, a ratification of the Additional Protocol does not mean that its membership of the Group of States against Corruption (GRECO) cannot be reviewed if reasons to do so arise in the future.

Zwitserland, 31 maart 2006

Switzerland declares that it will punish offences in the meaning of Articles 4 and 6 of the Additional Protocol only if the conduct of the bribed person consists in performing or refraining from performing an act contrary to his/her duties or depending on his/her power of estimation.

G. INWERKINGTREDING

Zie *Trb.* 2006, 4 en *Trb.* 2010, 323.

J. VERWIJZINGEN

Zie *Trb.* 2004, 226, *Trb.* 2006, 4, *Trb.* 2010, 323 en *Trb.* 2012, 95.

Verbanden

Het Protocol is een aanvulling op:

Titel : Verdrag inzake de strafrechtelijke bestrijding van corruptie;
Straatsburg, 27 januari 1999
Laatste *Trb.* : *Trb.* 2014, 85

Uitgegeven de *achtentwintigste* april 2014.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS