

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 182

A. TITEL

*Verdrag van de Raad van Europa inzake het witwassen, de opsporing,
de inbeslagneming en de confiscatie van opbrengsten van misdrijven
en de financiering van terrorisme;
(met Bijlage)
Warschau, 16 mei 2005*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Bijlage, zijn geplaatst in *Trb.* 2006, 104.

C. VERTALING

Zie *Trb.* 2006, 104.

D. PARLEMENT

Bij brieven van 18 april 2008 (Kamerstukken II 2007/2008, 31 455 (R 1861) nr. 1) is het Verdrag in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de minister van Justitie E. M. H. HIRSCH BALLIN en de minister van Buitenlandse Zaken M. J. M. VERHAGEN.

De goedkeuring door de Staten-Generaal is verleend op 7 juni 2008.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 104.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië	22-12-05	06-02-07	R	01-05-08		
Armenië	17-11-05	02-06-08	R	01-10-08		
België	16-05-05					
Bosnië en Her- zegovina	19-01-06	11-01-08	R	01-05-08		
Bulgarije	22-11-06					
Cyprus	16-05-05					
Finland	16-12-05					
Griekenland	12-10-06					
IJsland	16-05-05					
Italië	08-06-05					
Kroatië	29-04-08					
Letland	19-05-06					
Luxemburg	16-05-05					
Macedonië, Voormalige Joe- goslavische Republiek	17-11-05					
Malta	16-05-05	30-01-08	R	01-05-08		
Moldavië	16-05-05	18-09-07	R	01-05-08		
Montenegro	16-05-05					
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	17-11-05	13-08-08 – –	R	01-12-08 – –		
Oekraïne	29-11-05					
Oostenrijk	16-05-05					

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Polen	16-05-05	08-08-07	R	01-05-08		
Portugal	16-05-05					
Roemenië	16-05-05	21-02-07	R	01-05-08		
San Marino	14-11-06					
Servië	16-05-05					
Slovenië	28-03-07					
Slowakije	12-11-07					
Turkije	28-03-07					
Zweden	16-05-05					

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, =Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Armenië, 2 juni 2008

1. In accordance with Article 3, paragraph 2 of the Convention, the Republic of Armenia will apply Article 3, paragraph 1 only to offences specified in the appendix to the Convention.

2. In accordance with Article 17, paragraph 5, of the Convention, the Republic of Armenia will apply Article 17 of the Convention only to the categories of offences specified in the list contained in the appendix to the Convention.

3. In accordance with the Article 24, paragraph 3, of the Convention, the Republic of Armenia will apply Article 24, paragraph 2 only subject to its constitutional principles and the basic concepts of its legal system.

4. In accordance with the Article 33, paragraph 1, of the Convention, the Financial Monitoring Center of the Central Bank of the Republic of Armenia is the central authority which shall be responsible for sending and answering requests made under this chapter, the execution of such requests or the transmission of them to the authorities competent for their execution.

5. In accordance with Article 35, paragraph 3, of the Convention, the requests made to the Republic of Armenia and the documents supporting such requests shall be accompanied by a translation into English.

6. In accordance with Article 42, paragraph 2, of the Convention, information or evidence provided by the Republic of Armenia, under Chap-

ter 7, 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.

Malta, 30 januari 2008

In accordance with Article 3, paragraph 2, of the Convention, Malta declares that Article 3, paragraph 1, shall apply only in so far as the offence is punishable by deprivation of liberty or a detention order for a maximum of more than one year.

In accordance with Article 9, paragraph 4, of the Convention, Malta declares that Article 9, paragraph 1, shall apply only in so far as the offence is punishable by deprivation of liberty or a detention order for a maximum of more than one year.

In accordance with Article 24, paragraph 3, of the Convention, Malta declares that Article 24, paragraph 2, shall apply subject to Malta's constitutional principles and to the basic concepts of the Maltese legal system.

In accordance with Article 33, paragraph 2, of the Convention, Malta declares that the central authority designated in pursuance of paragraph 1 is:

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

In accordance with Article 35, paragraph 3, of the Convention, the Government of Malta declares that requests and annexed documents should be addressed to it accompanied by a translation into English.

In accordance with Article 42, paragraph 2, of the Convention, the Government of Malta declares that 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.

Moldavië, 18 september 2007

In accordance with Article 53, paragraph 4, of the Convention, the Republic of Moldova declares that the provisions of Article 3, paragraph 4, shall apply only partially, in conformity with the principles of the domestic law.

In accordance with Article 24, paragraph 3, of the Convention, the Republic of Moldova declares that the provisions of Article 24, paragraph 2, shall apply only subject to the constitutional principles and the basic concepts of the Republic of Moldova's legal system.

In accordance with Article 35, paragraphs 1 and 3, of the Convention, the Republic of Moldova declares that acceptable languages for the requests for legal assistance and for the documents supporting such requests are: Moldavian, English or Russian.

In accordance with Article 42, paragraph 2, of the Convention, the Republic of Moldova declares that information and evidence provided under the provisions of Chapter IV of the Convention may not be used or transmitted without the Republic of Moldova's consent, by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

In accordance with Article 51, paragraph 1, of the Convention, the Republic of Moldova declares that, until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory effectively controlled by the authorities of the Republic of Moldova.

In accordance with Article 53 of the Convention, with reference to the provisions of Article 31, the Republic of Moldova declares that notification of judicial documents, as well as of those received by national authorities, shall effect through the:

- a. Center for Combating Economic Crimes and Corruption – until the establishment of criminal prosecution;
- b. General Prosecutor's Office – during the criminal prosecution;
- c. Ministry of Justice – during the trial procedure and the execution of judgments.

Nederlanden, het Koninkrijk der, 13 augustus 2008

In accordance with Article 3, paragraph 2, of the Convention, the Kingdom of the Netherlands declares that it reserves the right not to apply Article 3, 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.

In accordance with Article 9, paragraph 4, of the Convention, the Kingdom of the Netherlands declares that Article 9, paragraph 1, of the Convention will only be applied to predicate offences that qualify as "misdrijven" (crimes) under the domestic law of the Netherlands (the Kingdom in Europe).

In accordance with Article 35, paragraph 3, of the Convention, the Kingdom of the Netherlands declares that requests made to the Netherlands (the Kingdom in Europe) and documents supporting such requests in a language other than Dutch, French, English or German shall be accompanied by a translation into one of these languages.

In accordance with Article 33, paragraph 2, of the Convention, the central authority, referred to in Article 33, paragraph 1, designated for the Netherlands (the Kingdom in Europe) is:

Ministry of Justice
Afdeling Internationale Rechtshulp in Strafzaken
P.O. Box 20301
2500 EH The Hague
The Netherlands

In accordance with Article 46, paragraph 13, of the Convention, the Financial Intelligence Unit designated for the Netherlands (the Kingdom in Europe) is:

Financial Intelligence Unit Nederland
P.O. Box 3016
2700 KZ Zoetermeer
The Netherlands

Polen, 8 augustus 2007

1. In accordance with Article 53, paragraph 4b, of the Convention, the Republic of Poland declares that Article 3, paragraph 4, shall not be applied.
2. In accordance with Article 53, paragraph 2, of the Convention, the Republic of Poland declares that Article 9, paragraph 6, shall not be applied.
3. In accordance with Article 53, paragraph 1, of the Convention, the Republic of Poland declares that the methods of transmission referred to in Article 31, 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.
4. In accordance with Article 33, paragraph 2, of the Convention, the Republic of Poland declares that the central authorities shall be:
 - the Ministry of Justice of the Republic of Poland, Al. Ujazdowskie 11, 00-950 Warsaw, and
 - the Ministry of Finance of the Republic of Poland, Swietokrzyska Street 12, 00-916 Warsaw.
5. In accordance with Article 35, paragraph 3, of the Convention, the Republic of Poland declares that all requests and documents transmitted to its authorities under Chapter IV of the Convention shall be accompanied by a translation in Polish or into one of the official languages of the Council of Europe.
6. In accordance with Article 42, paragraph 2, of the Convention, the Republic of Poland declares that information and evidence transmitted for the execution of a request filed pursuant to Chapter III of the Convention shall not, without its prior consent, be used for purposes other than those specified in the request.

Roemenië, 16 april 2007

1. In accordance with Article 24, paragraph 3, of the Convention, the provisions of Article 24, paragraph 2 shall apply only subject to the constitutional principles and the basic concepts of the Romanian legal system.
2. In accordance with Article 31, paragraph 2, of the Convention:
 - a) the requests of judicial assistance formulated in the stage of criminal investigation and criminal pursuit shall be addressed to the Prosecutor's Office attached to the High Court of Cassation and Justice;

- b) the requests of judicial assistance formulated during the trial stage and the execution of punishment stage shall be addressed to the Ministry of Justice.
3. In accordance with Article 33, paragraph 2, of the Convention, the Romanian central authorities designated for the application of the provisions of Chapter IV of the Convention are:
- National Office for Prevention and Combating of Money Laundering
Str. Splaiul Independentei nr. 202A, sectorul 6
Bucuresti, România
 - Ministry of Justice
Str. Apolodor nr. 17, sectorul 5
Bucuresti, România
 - Prosecutor's Office attached to the High Court of Cassation and Justice
Bd. Libertatii nr. 14, sectorul 5
Bucuresti, România
 - Ministry of Administration and Interior
Piata Revolutiei nr. 1A, sectorul 1
Bucuresti, România
 - Ministry of Public Finance
Str. Apolodor nr. 17, sectorul 5
Bucuresti, România.
4. In accordance with Article 35, paragraphs 1 and 3, of the Convention, the requests and the documents supporting such requests addressed to Romanian authorities shall be accompanied by a translation in Romanian language or in one of the official languages of the Council of Europe.
5. In accordance with Article 42, paragraph 2, of the Convention, the information or evidence provided under the provisions of Chapter IV of the Convention may not be used or transmitted without its prior consent by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
6. In accordance with Article 53, paragraph 4, of the Convention, the provisions of Article 3, paragraph 4 shall apply only partially, in conformity with the principles of the domestic law.

Turkije, 28 maart 2007

In accordance with Article 53, paragraph 1, the Republic of Turkey declares that Article 3, paragraph 1, shall apply only to offences punishable by deprivation of liberty or a detention order for a maximum of more than one year as defined in its domestic law and without prejudice to minimum limits of sentences.

In accordance with Article 53, paragraph 1, the Republic of Turkey declares that Article 9, paragraph 1, shall apply only to offences punishable by deprivation of liberty or a detention order for a maximum of

more than one year as defined in its domestic law and without prejudice to minimum limits of sentences.

In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Article 9, paragraph 6, shall apply only to offences defined in its domestic law.

In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Article 46, paragraph 5, shall apply only to cases which are in competence of the Ministry of Finance, Financial Crimes Investigation Board (MASAK), in accordance with its domestic law.

In accordance with Article 33, paragraph 1, the Republic of Turkey declares that the Ministry of Finance, Financial Crimes Investigation Board (MASAK), is designated as central authority within the meaning of this Article:

Ministry of Finance
Financial Crimes Investigation Board
Dikmen Caddesi (N) Blok
06100 Dikmen-Ankara/TURKEY
Phone: (+90) 312 415 37 11
Fax: (+90) 312 415 25 35

In accordance with Article 46, paragraph 13, the Republic of Turkey declares that the Ministry of Finance, Financial Crimes Investigation Board (MASAK), is the Turkish FIU within the meaning of this article. In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Financial Crimes Investigation Board (MASAK) shall adopt the measures defined in Article 47 as far as its domestic law permits.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 49, derde lid, op 1 mei 2008 in werking getreden.

Voor de staten die na 1 mei 2008 hun akte van bekrachtiging, aanvaarding of goedkeuring, of na die datum het Verdrag zonder voorbehoud van ratificatie ondertekenen, zal het Verdrag ingevolge artikel 49, vierde lid, in werking op de eerste dag van de maand die volgt op het verstrijken van een tijdvak van drie maanden na de datum van nederlegging van de akte of van ondertekening zonder voorbehoud van ratificatie.

Het Verdrag zal ingevolge artikel 49, vierde lid, voor het *Koninkrijk der Nederlanden* op 1 december 2008 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag voorschikkelijk alleen voor Nederland gelden.

J. VERWIJZINGEN

Zie *Trb.* 2006, 104.

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949

Laatste *Trb.* : *Trb.* 2007, 146

Titel : Verdrag tot oprichting van de Europese Gemeenschap;
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2008, 51

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992

Laatste *Trb.* : *Trb.* 2008, 53

Uitgegeven de *tweëntwintigste* september 2008.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN