

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2010 Nr. 323**

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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.

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		
Armenië	15-05-03	09-01-06	R	01-05-06		
België	07-03-05	26-02-09	R	01-06-09		
Bulgarije	15-05-03	04-02-04	R	01-02-05		
Cyprus	15-05-03	21-11-06	R	01-03-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Denemarken	15-05-03	16-11-05	R	01-03-06		
Duitsland	15-05-03					
Frankrijk	15-05-03	25-04-08	R	01-08-08		
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					
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					
Luxemburg	11-06-03	13-07-05	R	01-11-05		
Macedonië, 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		
Montenegro	20-02-08	17-03-08	R	01-07-08		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	26-02-04	16-11-05	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		
Portugal	15-05-03					
Roemenië	09-10-03	29-11-04	R	01-03-05		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
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					
Verenigd Koninkrijk, het	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		
<p>* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, =Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend</p>						

### Verklaringen, voorbehouden en bezwaren

Denemarken, 16 november 2005

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

**Nederlanden, het Koninkrijk der**, 16 november 2005

1. In accordance with Article 37, paragraph 2:

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

point a:

- in respect of a criminal offence that is committed in whole or in part on Dutch territory;

point 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 accord-

ance 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;

point c:

- over Dutch nationals involved in an offence that constitutes a criminal offence under the law of the country in which it was committed.

2. In accordance with Article 37, paragraph 1:

The Netherlands will not fulfil the obligation under Article 12.

**Nederlanden, het Koninkrijk der,** 28 september 2010

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands“. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

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.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 1 maart 2006 alleen voor het Europese deel van Nederland gold, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

#### J. VERWIJZINGEN

Zie *Trb.* 2004, 226 en *Trb.* 2006, 4.

### **Verbanden**

Het Protocol is een aanvulling op:

Titel : Verdrag inzake de strafrechtelijke bestrijding van corruptie;  
Straatsburg, 27 januari 1999  
Laatste *Trb.* : *Trb.* 2010, 322

### **Overige verwijzingen**

Titel : Statuut van de Raad van Europa;  
Londen, 5 mei 1949  
Laatste *Trb.* : *Trb.* 2007, 146

Titel : Verdrag betreffende de Europese Unie;  
Maastricht, 7 februari 1992  
Laatste *Trb.* : *Trb.* 2010, 248

Titel : Statuut betreffende de Groep van Staten tegen Corruptie (GRECO);  
Straatsburg, 5 mei 1998  
Laatste *Trb.* : *Trb.* 2010, 231

Uitgegeven de *tiende* december 2010.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL