

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 94

A. TITEL

*Verdrag inzake de strafrechtelijke bestrijding van corruptie;
Straatsburg, 27 januari 1999*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2000, 130.

C. VERTALING

Zie *Trb.* 2000, 130.

D. PARLEMENT

Zie *Trb.* 2002, 109.

E. PARTIJGEGEVENS

Zie *Trb.* 2000, 130 en, laatstelijk, *Trb.* 2011, 140.

Verklaringen, voorbehouden en bezwaren

Albanië, 18 juli 2005

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Albania declares that the central authority designated by the Republic of Albania is:

the Ministry of Justice

Boulevard "Zog I"

Tirana – Albania

In accordance with Article 30, paragraph 6, of the Convention, the Republic of Albania declares that, for reasons of efficiency, requests made under Chapter IV are to be addressed to the central authority.

Andorra, 6 mei 2008

In accordance with Article 37, paragraph 1, of the Convention, Andorra reserves its right to apply Articles 6 and 10 to the members of foreign public Assemblies and to the members of international parliamentary Assemblies.

In accordance with Article 37, paragraph 1, of the Convention, Andorra declares that it will establish as a criminal offence the conduct referred to in Articles 7 and 8, in accordance with its domestic law, only when it will be qualified as such by the Criminal Code of the Principality of Andorra.

In accordance with Article 37, paragraph 1, of the Convention, Andorra reserves its right not to establish as a criminal offence the conduct referred to in Article 12, when it is only an attempt in accordance with its domestic law.

In accordance with Article 29, paragraph 2, of the Convention, Andorra declares that it designates as central authority, in accordance with Article 29, paragraph 1, of the Convention:

Ministeri de Justícia i Interior
(Ministry of Justice and Interior)
Edifici administratiu de l'Obac
AD700 Escaldes-Engordany
Principat d'Andorra

Andorra, 24 oktober 2011

In accordance with Article 38, paragraph 2, of the Convention, Andorra declares that it does not intend to renew its reservation made on 6 May 2008 regarding Articles 6 and 10 of the Convention.

Armenië, 9 januari 2006

Pursuant to Article 37, paragraph 1, of the Convention, the Republic of Armenia reserves its right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12.

Pursuant to Article 37, paragraph 3, of the Convention, the Republic of Armenia declares that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which it considers a political offence.

Pursuant to Article 29 of the Convention, the Republic of Armenia declares that it designates the following central authorities, which shall be responsible for co-operation under Chapter IV of the Convention:

a. The General Prosecutor's office of the Republic of Armenia (5, Vazgen Sargsyan Street, 375010 Yerevan) for the criminal offences at the pre-trial stage;

b. The Ministry of Justice of the Republic of Armenia (3, Vazgen Sargsyan Street, 375010 Yerevan) for the criminal offences at the trial stage.

Azerbeidzjan, 11 februari 2004

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Azerbaijan reserves the right not to establish as criminal offence the conduct referred to in Articles 6, 10, 12 and the passive bribery offences under Article 5.

In accordance with Article 37, paragraph 3, of the Convention, the Republic of Azerbaijan declares that it may refuse mutual legal assistance under Article 26, paragraph 1 if the request concerns an offence which the Republic of Azerbaijan considers as political offence.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Azerbaijan declares that it designates, according to Article 29, paragraph 1, as the central authority:

The Prosecutors' Office of the Republic of Azerbaijan

Nigar Rafibeyli st. 7

AZ 1001, Baky – Azerbaijan

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Convention in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

Belarus, 6 november 2007

According to the provisions of Article 29, paragraph 1, of the Convention, the General Prosecutor's Office of the Republic of Belarus is designated as a central authority for the purposes of Chapter IV of the Convention. The contact information are the following:

General Prosecutor's Office
of the Republic of Belarus

22, Internacionalnaya str.

220050 Minsk

Republic of Belarus

Tel.: (+375-17)227-31

Fax: (+375-17)226-42-52

België, 23 maart 2004

1. According to Article 37, paragraph 1, of the Convention, Belgium reserves the right to establish as a criminal offence under its domestic law the conduct referred to in Articles 7 and 8 of the Convention only if such conduct was committed in view of the accomplishment or the omission of an act, without the knowledge and without authorisation, as the case may be, of the board of directors or of the general meeting, of the principal or of the employer.

2. According to Article 37, paragraph 1, of the Convention, Belgium reserves the right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12 of the Convention which does not concern the use by a person holding a public function of the influence – be it real influence or supposed influence – that he or she disposes of owing to his or her function.

België, 28 mei 2004

According to Article 29, paragraph 1, of the Convention, the Government of the Kingdom of Belgium designates the “Service Public Fédéral Justice, Direction Générale de la Législation et des Libertés et Droits fondamentaux” as the central authority which shall be responsible for receiving the requests for mutual legal assistance and, either for executing or for transmitting them to the authorities competent for their execution. The address of this central authority is the following: 115 Boulevard de Waterloo, 1000 Bruxelles – Tel. 00.32.2.542.67.30 – Fax: 00.32.2.538.83.75 – Email: <http://www.just.fgov.be>.

Bosnië en Herzegovina, 29 oktober 2003

Pursuant to the Law on Ministries and other Bodies of Administration of Bosnia and Herzegovina (“Official Gazette”, No. 5/03 of 7 March 2003), the Ministry of Security of Bosnia and Herzegovina has been responsible for “preventing and detecting perpetrators of criminal acts of terrorism, drugs trafficking, forgery of native and foreign currency and trafficking of human beings and other criminal acts with the international and inter-entity elements”.

Therefore, the Ministry of Security will be the central authority-institution for preventing and detecting perpetrators of corruption on the State level of Bosnia and Herzegovina.

Bosnië en Herzegovina, 7 september 2011

In accordance with Article 29 of the Convention, Bosnia and Herzegovina declares that the designated Central Authority for Bosnia and Herzegovina is the:

Ministry of Security of Bosnia and Herzegovina
Trg Bosne i Hercegovine no. 1
71 000 Sarajevo.

Bulgarije, 1 december 2003

Bulgaria declares that the central authority for the purposes of Article 29 of the Convention is the Ministry of Justice, 1 Slavianska Str., 1000 Sofia – Bulgaria.

Cyprus, 17 januari 2001

In accordance with Article 37, paragraph 3, of the Convention, the Republic of Cyprus reserves its right to refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence, which the requested Party considers a political offence.

Cyprus, 24 oktober 2003

The central authority designated by Cyprus in pursuance of Article 29 of the Convention is:

Ministry of Justice and Public Order,
125, Athalassas Ave,

1461 Nicosia,
Cyprus
Tel. +357.22-805911;
Fax +357.22-518349.

Denemarken, 2 augustus 2000

With regard to Article 37, paragraph 1, of the Convention, Denmark reserves the right not to establish as a criminal offence under Danish law, in part or in whole, the conduct referred to in Article 12.

With regard to Article 37, paragraph 2, of the Convention, Denmark reserves the right to apply Article 17, paragraph 1b, in cases where the offender is one of its nationals, only if the offence is also a criminal offence according to the law of the Party where the offence was committed (dual criminality).

With regard to article 37, paragraph 3, of the Convention, Denmark reserves the right to refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which according to Danish law is considered a political offence.

In accordance with Article 29, paragraph 2, of the Convention, the Government of Denmark has designated the Ministry of Justice, Slotsholmsgade 10, DK-1216 Copenhagen K, Denmark, as competent authority.

In pursuance to Article 34 and until notification to the contrary, the Convention shall not apply to the Faroe Islands and Greenland.

Estland, 6 december 2001

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Estonia has designated the Ministry of Justice as the central authority.

Finland, 3 oktober 2002

Finland shall only establish as a criminal offence under its domestic law the conduct referred to in Article 12 to the extent it is considered a punishable corruption offence or punishable participation in such an offence, or other criminal offence.

Finland reserves itself the right to apply, in respect of its own nationals, the jurisdiction rule laid down in [Article 17,] paragraph 1 (b) subject to the requirement of dual punishability set forth in Chapter I, section 11 of the Finnish penal Code in cases of active or passive bribery in the private sector referred to in Articles 7 and 8, provided that the criminal offence does not seriously interfere with or jeopardise the governmental, military or economic interests or benefits of Finland.

Finland, 1 oktober 2003

Central Authority:
Ministry of Justice
P.O. Box 25
00023 Valtioneuvosto

Finland

Finland, 24 juni 2011

In accordance with Article 38, paragraph 2, of the Convention, the Republic of Finland declares that it intends to withdraw its reservation made on 3 October 2002 and renewed on 1 February 2006 and 1 February 2009, regarding Article 17, paragraph 1.b of the Convention, with effect as of 1 October 2011.

Frankrijk, 25 april 2008

In accordance with Article 37, paragraph 1, of the Convention, the French Republic reserves the right not to establish as a criminal offence the conduct of trading in influence defined in Article 12 of the Convention, in order to exert an influence, as defined by the said Article, over the decision-making of a foreign public official or a member of a foreign public assembly, referred to in Articles 5 and 6 of the Convention.

In accordance with Articles 17, paragraph 2, and 37, paragraph 2, of the Convention, the French Republic declares that it reserves the right to establish its jurisdiction as regards Article 17, paragraph 1.b, of the Convention, only when the offender is one of its nationals and the offences are punishable under the legislation of the country where they have been committed, and that it reserves the right not to establish its jurisdiction regarding the situations referred to in Article 17, paragraph 1.c, of the Convention.

Georgië, 10 januari 2008

Georgia declares that the Convention shall be applicable on the part of the territory of Georgia where Georgia exercises its full jurisdiction.

Georgië, 20 juni 2008

In accordance with Article 29, paragraph 2, of the Convention, Georgia declares that it designates as central authorities pursuant to Article 29, paragraph 1, of the Convention:

Ministry of Justice of Georgia

30 Rustaveli ave.

Tbilisi 0146

Georgia

Tel. (+995 32) 75-82-10/82-77/82-78

Fax: (+995 32) 75-82-76/82-29

Email: Intlawdep@justice.gov.ge

Internet: <http://www.justice.gov.ge>

and

Office of the Prosecutor General of Georgia

24 Gorgasali str.

Tbilisi 0133

Georgia

Tel./Fax: (+995 32) 40 51 42

Internet: <http://www.psg.gov.ge>

Griekenland, 5 februari 2008

Pursuant to Article 37, paragraph 3, of the Convention, the Hellenic Republic is not bound by Article 26, paragraph 1, of the Convention and may refuse judicial assistance if the request of the contracting State concerns an offence, which is considered as a political one.

The Hellenic authorities consider that the two sentences which form the reservation of Greece to the Convention can only be read jointly in order to avoid any doubt with regard to the fact that the only case where the Hellenic Republic may refuse judicial assistance within Article 26, paragraph 1, of the said Convention, is when the offence concerned is qualified as a "political offence".

In accordance with Article 29 of the Convention, the central authority for Greece is the:

Ministry of Justice

Direction d'Entraide Judiciaire Internationale et d'Accord de Grâce
Service d'Affaires Pénales Spéciales et d'Entraide Judiciaire Internationale en matière pénale

96 Avenue Mesogeion

11527 Athènes

Greece

Tel. 030.210.77.67.310

Fax: 0030.210.77.67.478

Email: xpappa@justice.gov.gr

Hongarije, 22 november 2000

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Hungary designates the Ministry of Justice (1055 Budapest, Kossuth Lajos tér 4.) and the State Prosecutor's Office (1055 Budapest, Markó u. 16) as central authorities.

In accordance with Article 30, paragraph 6, of the Convention, the Republic of Hungary informs that, for reasons of efficiency, requests made under Chapter IV are to be addressed to one of these authorities.

In accordance with Article 37, paragraph 1, of the Convention, Hungary reserves the right not to establish as criminal offences the conduct referred to in Article 8 and committed by foreign citizens in the course of business activities abroad.

Ierland, 3 oktober 2003

In accordance with Article 29, paragraph 2, of the Convention, Ireland designates as the central authority:

Department of Justice, Equality and Law Reform

72-76 St Stephen's Green

Dublin 2

Iceland, 11 february 2004

In accordance with Article 29, paragraph 2, of the Convention, the following authority is hereby designated as the central authority for the Republic of Iceland:

The National Commissioner of the Icelandic Police
(Ríkislögreglustjórnin)
Skúlagötu 21
101 Reykjavík
Iceland

Kroatië, 8 november 2000

In accordance with Article 29 of the Convention, the central authority of the Republic of Croatia is the:

Ministry of Justice, Administration and Local Self-Government
of the Republic of Croatia
Directorate for International Co-operation,
International Judicial Cooperation and Human Rights
Ulica Republike Austrije 14
10 000 Zagreb
Croatia
Liaison Officer:
Ms Lidija Lukina Karajkovic, Deputy Minister
Tel.: 00.385.1.37.10.670
Fax: 00.385.1.37.10.672

Letland, 9 february 2001

For the purposes of the Convention, the Republic of Latvia declares that the term "national" relates to the citizens of the Republic of Latvia and to the non-citizens who are subjects of the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State.

Letland, 16 september 2010

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Latvia declares that the authorities designated in pursuance of Article 29, paragraph 1, are:

1) Ministry of the Interior – during pre-trial investigation until prosecution:

Ciekurkalna 1st line 1, k-2
Riga, LV-1026
Latvia

Phone: +371 67219263

Fax: +371 67829686

E-mail: kanceleja@iem.gov.lv

Website: www.iem.gov.lv

2) Prosecutor General's Office – during pre-trial investigation until submitting the case to the court:

O. Kalpaka blvd. 6, Riga, LV-1801, Latvia

Phone: +371.704.4400; Fax: +371.704.4449
 E-mail: gen@lrp.gov.lv
 3) Ministry of Justice – during the trial:
 Brivibas blvd. 36, Riga, LV-1536, Latvia
 Phone: +371.708.8220, 728.0437
 Fax: +371.721.0823, 728.5575
 E-mail: justice@latnet.lv

Litouwen, 8 maart 2002

The Republic of Lithuania designates the Ministry of Justice of Lithuania and the Prosecutor's General Office under the Supreme Court of the Republic of Lithuania as the central authorities which shall be responsible for the implementation of the provisions of Article 29 of the Convention.

Luxemburg, 13 juli 2005

The Government of the Grand Duchy of Luxembourg declares that the State Prosecutor General is designated to exercise in the Grand Duchy of Luxembourg the function of central authority in the meaning of Article 29 of the Criminal Law Convention on Corruption, without prejudice to the jurisdiction conferred by Law to other authorities. Where necessary, the State Prosecutor General will ensure the transmission of the request to the competent authority.

Malta, 15 mei 2003

In accordance with Article 29, paragraph 2, of the Convention, Malta declares that the central authorities are:

For requests concerning extradition:
 The Ministry for Justice and Home Affairs
 "Casa Leoni"

St Joseph High Road
 St Venera CMR 02
 Malta

For requests other than those concerning extradition:
 The Attorney General The Palace
 Valletta CMR 02
 Malta.

In accordance with Article 30, paragraph 6, of the Convention, Malta declares that, for reasons of efficiency, requests under Chapter IV are to be addressed to the relevant central authority.

Moldavië, 14 januari 2004

The provisions of the Convention will not be applicable on the territory effectively controlled by the institutions of the self-proclaimed transnistrian republic until the durable settlement of the conflict from this region.

According to Article 29, paragraph 1, of the Convention, the following central authorities of the Republic of Moldova have been designated as the authorities competent for its implementation:

- a) the Prosecutor General Office - for mutual assistance requests formulated within the criminal proceedings stage, including the requests for extradition;
- b) the Ministry of Justice - for mutual assistance requests formulated within the judicial stage and that of the execution of the sentences, including the requests for extradition.

Monaco, 19 maart 2007

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal offence the passive bribery of foreign public officials and of members of foreign public assemblies referred to in Articles 5 and 6 of the Convention.

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal offence, in whole or in part, the conduct of trading in influence referred to in Article 12 of the Convention.

In accordance with the provisions of Article 17, paragraph 2, of the Convention, the Principality of Monaco reserves its right not to establish its jurisdiction when the offender is one of its nationals or one of its public officials and when the offences are not punished by the Law of the territory on which they have been committed. When the offence implies one of its public officials or a member of its public or national assemblies or any other person referred to in Articles 9 to 11 who is at the same time one of its nationals, the rules of jurisdiction set in paragraphs 1b and c of Article 17 apply without prejudice of the provisions of Articles 5 to 10 of Monaco's Code of Criminal Procedure concerning the exercise of public action for crimes and offences committed outside of the Principality.

Monaco, 25 april 2007

According to the provisions of Article 29, paragraph 1, of the Convention, the Principality of Monaco declares that the central authority is the "Direction des Services Judiciaires, Palais de Justice, BP 5132, 98015 Monaco Cedex, Tél. +377.98.98.81.28, Fax: + 377.98.98.85.89".

The specialised authority is the "Service d'Information et de Contrôle des Circuits Financiers (SICCFIN)".

Montenegro, 19 oktober 2006

In accordance with Article 29 of the Convention, the following institutions have been designated as central authority of the Republic of Montenegro responsible for sending and answering requests made under Chapter IV of the Convention, the execution of such requests or transmission of them to the authorities competent for the execution:

Agency for Anti-corruption Initiative of the Republic of Montenegro
Trg Vektra bb
81 000 Podgorica

Nederlanden, het Koninkrijk der, 11 april 2002

In accordance with Article 37, paragraph 1, the Netherlands will not fulfil the obligation under Article 12.

In accordance with Article 37, paragraph 2, and 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 the 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 Articles 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.

Nederlanden, het Koninkrijk der, 28 september 2010

The Kingdom of the Netherlands declares that [...] the reservations [made in accordance with Article 37, paragraphs 1 and 2, of the Convention] shall also apply to [the Caribbean] part of the Netherlands as from 10 October 2010.

Nederlanden, het Koninkrijk der, 9 januari 2012

In accordance with Article 29, paragraph 2, of the Convention, the Netherlands declares that the central authority is:

Het Ministerie van Veiligheid en Justitie (Ministry of Security and Justice)

Directie Internationale Strafrechtelijke Aangelegenheden en Drugsbeleid
Bureau Internationale Rechtshulp in Strafzaken

Postbus 20301

2500 EH Den Haag.

Noorwegen, 2 maart 2004

In accordance with Article 29 of the Convention, the Kingdom of Norway declares that the designated authorities are:

1. the central authority concerning mutual assistance, Ref. Article 26:
Investigation and Prosecution of Economic and Environmental Crime
(Økokrim)

P.O. Box 8193 Dep.

0034 Oslo – Norway

2. the central authority concerning Extradition, Ref. Article 27:

The Ministry of Justice and the Police

P.O. Box 8005 Dep.

0030 Oslo – Norway

Oekraïne, 27 november 2009

Ukraine declares that the central authorities which are authorised pursuant to Article 29, paragraph 1, of the Convention, shall be the Ministry of Justice of Ukraine (concerning requests of courts) and the General Prosecutor's Office of Ukraine (concerning requests of pre-trial investigations authorities).

Polen, 11 december 2002

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Poland declares that the Central Authority for the requests concerning criminal proceedings is the Ministry of Justice, Al. Ujazdowskie 11, 00-950 Warszawa.

The Central Authority for the requests concerning other proceedings than criminal, conducted against legal persons in order to establish their responsibility or to impose a sanction on the legal person for the bribery of a person performing public function is the Office for Protection of Competition and Consumers (Urząd Ochrony Konkurencji i Konsumentów), pl. Powstanców Warszawy 1, 00-950 Warszawa.

Portugal, 7 mei 2002

In accordance with Article 29 of the Convention, the Republic of Portugal designates the following central authority:

Procuradoria Geral Da Republica

Rua da Escola Politécnica, n° 140

1269 – 269 Lisboa

Roemenië, 11 juli 2002

In accordance with Article 29 of the Convention, Romania designates the following authorities:

a) the Prosecutor's Office attached to the Supreme Court of Justice, for the requests of judicial assistance formulated in pre-trial investigation
Boulevard Libertatii nr. 14, sector 5 Bucharest

Tel.: 410 54 35 – fax: 337 47 54

b) the Ministry of Justice, for the requests of judicial assistance formulated during the trial or execution of punishment, as well as for the requests of extradition

str. Apollodor nr. 17, sector 5 Bucharest

Tel.: 314 15 14 - fax: 310 16 62

Russische Federatie, 5 januari 2009

In accordance with Article 29 of the Convention, the Russian Federation designates as central authorities:

For civil law issues including civil law aspects of criminal cases:
the Ministry of Justice of the Russian Federation.

For other issues of international co-operation:
the Prosecutor General's Office of the Russian Federation.

Servië, 20 juli 2006

In accordance with Article 29 of the Convention, the following institutions have been designated as central authorities of Serbia responsible for sending and answering requests made under Chapter IV of the Convention, the execution of such requests or transmission of them to the authorities competent for the execution:

Ministry of Justice of the Republic of Serbia

Nemanjina 22-26

11 000 Belgrade

Ministry of Internal Affairs of the Republic of Serbia

Department against Organised Crime

Finance Intelligence Unit

Section for the Suppression of Corruption

Kneza Milosa 101

11 000 Belgrade

The aforementioned Ministry of Justice is the only central authority in Serbia responsible for requests made with respect to the matter of extradition, dealt with in Article 27 of the Convention.

Slovenië, 15 december 2003

In accordance with Article 29 of the Convention, the Republic of Slovenia designates as central authority:

the Ministry of Justice

Department for International Legal Assistance

Županciceva 3

1000 Ljubljana

Slovenia

Slowakije, 9 juni 2000

In accordance with Article 29 of the Convention, the Slovak Republic declares that for the purposes of the Convention, the following authorities shall be henceforth considers as responsible central authorities. with respect to Article 26:

For sending and answering requests on mutual assistance if the proceedings have reached the trial: the Ministry of Justice of the Slovak Republic (address: Ministerstvo spravodlivosti Slovenskej republiky, Zupné námestie 13, 813 11 Bratislava).

For sending and answering requests on mutual assistance if the proceedings does not have reached the trial: the General Prosecutor's Office of the Slovak Republic (address: Generálna prokuratúra Slovenskej republiky, Zupné námestie 13, 812 85 Bratislava).

with respect to Article 27:

For receiving requests of extradition: the General Prosecutor's Office of the Slovak Republic (address: Generálna prokuratúra Slovenskej republiky, Zupné námestie 13, 812 85 Bratislava).

For sending requests for extradition: the Ministry of Justice of the Slovak Republic (address: Ministerstvo spravodlivosti Slovenskej republiky, Zupné námestie 13, 813 11 Bratislava).

Spanje, 28 april 2010

In accordance with Articles 17, paragraph 2, and 37, paragraph 2, of the Convention, the Kingdom of Spain reserves itself the right not to apply Article 17, paragraph 1.b, and to request therefore the requirement of dual punishability for the prosecution of offences committed abroad by its nationals.

In accordance with Article 29 of the Convention, the Government of Spain designates as the central authority for the purposes of this Convention:

Subdirección General para Asuntos de Justicia
en la Unión Europea y OO.II.

(Sub-Directorate General of Legal Affairs of the European Union and Organisation International

Directorate General for International Legal Cooperation of the Ministry of Justice)

Calle San Bernardo, 62

C.P. 28071 Madrid

Phone: +34 91 390 44 72/44 10

If this Convention were to be extended by the United Kingdom 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 Convention 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.

Tsjechië, 8 september 2000

In accordance with Article 29 of the Convention, the Czech Republic notifies that for the purposes of the Convention, the following authorities shall be henceforth considered as central authorities: Prosecutor General's office of the Czech Republic before the case is brought before court and the Ministry of Justice of the Czech Republic after it has been brought before court.

In accordance with Article 30, paragraph 2, of the Convention, the Czech Republic notifies that for the purposes of the Convention, the following authorities shall be henceforth considered as judicial authorities: Supreme Prosecutor's Office of the Czech Republic, High Prosecutor's Office in Prague, High Prosecutor's Office in Olomouc, regional and district prosecutors' offices, Municipal Prosecutor's Office in Brno, Municipal Prosecutor's Office in Prague, District Prosecutor's Offices in Prague, Ministry of Justice of the Czech Republic, Supreme Court of the Czech Republic, High Court in Prague, High Court in Olomouc, regional and district courts, Municipal Court in Brno, Municipal Court in Prague and district courts in Prague.

Verenigd Koninkrijk, 9 december 2003

Section 109 of the Anti-terrorism, Crime and Security Act 2001 (and section 69 of the Criminal Justice (Scotland) Act 2003) extend the normal jurisdiction of the United Kingdom courts over any offence of bribery at common law or under the Public Bodies Corrupt Practices Act 1889 or the Prevention of Corruption Act 1906 ("the 1906 Act") to cover offences by United Kingdom nationals which take place outside the United Kingdom. The United Kingdom therefore applies the jurisdictional rule laid down in Article 17, paragraph 1 (b), except that United Kingdom jurisdiction is limited to United Kingdom nationals, and accordingly does not cover public officials or members of domestic public assemblies except where they are United Kingdom nationals. The United Kingdom therefore makes a declaration under Article 17, paragraph 2, that it reserves the right to apply the jurisdictional rule laid down in paragraph 1.b only where the offender is a United Kingdom national. In addition, the United Kingdom makes a declaration under Article 17, paragraph 2 that it reserves the right not to apply the jurisdictional rule laid down in paragraph 1.c at all. Since United Kingdom law places no bar on the extradition of United Kingdom nationals, the United Kingdom does not need to change the law to meet the requirements of Article 17, paragraph 3.

The conduct referred to in Article 7 is largely covered by section 1 of the 1906 Act. The 1906 Act does not however cover the case where the undue advantage is not given directly to the agent but is given to a third party. The United Kingdom accepts this aspect of the law is in need of amendment and the draft Corruption Bill published in 2003 would make this change in respect of England, Wales and Northern Ireland. However for the present a reservation is necessary. Accordingly, in accordance

with Article 37, paragraph 1, the United Kingdom reserves the right not to establish as a criminal offence all of the conduct referred to in Article 7.

The conduct referred to in Article 12 is covered by United Kingdom law in so far as an agency relationship exists between the person who trades his influence and the person he influences. However not all of the conduct referred to in Article 12 is criminal under United Kingdom law. Accordingly, in accordance with Article 37, paragraph 1, the United Kingdom reserves the right not to establish as a criminal offence all of the conduct referred to in Article 12.

In accordance with Article 30, paragraph 6, of the Convention, the United Kingdom declares that all requests made under this chapter are to be addressed to its central authorities.

In accordance with Article 29, paragraph 2, of the Convention, the United Kingdom has designated in pursuance of Article 29, paragraph 1 that its central authority for mutual legal assistance is:

. the Home Office
50 Queen Anne's Gate
London – SW1H 9AT

and that its central authorities for extradition are:

For England, Wales and Northern Ireland:

. the Home Office
50 Queen Anne's Gate
London – SW1H 9AT

For Scotland:

. the Crown Office
25 Chambers Street
Edinburgh – EH1 1LA

Verenigd Koninkrijk, 11 september 2007

In accordance with Article 38, paragraph 2, of the Convention, the Government of the United Kingdom declares that it intends to uphold, wholly, the reservations made in accordance with Article 37 of the Convention. These reservations concern Articles 7, 12 and 17 of the Convention.

With regard to Article 7, the existing provision in the law of the United Kingdom (section 1 of the Prevention of Corruption Act 1906), whilst capturing most of the conduct referred to in Article 7, does not explicitly refer to the circumstance in which a bribe is not given directly to the individual who is being induced to act in a particular way but to a third party. It was previously explained that the Government was seeking, in the context of a wider reform, to amend this aspect of the law in England, Wales and Northern Ireland to ensure explicit coverage through a draft Corruption Bill published in 2003. However, in light of Parliamentary criticism that Bill was not formally introduced to Parliament and in December 2005 the Government issued a further consultation paper with the aim of establishing a consensus on an appropriate formulation. The

consultation closed in March 2006 and the summary of responses was published in March this year. In light of this consultation the Government has asked the Law Commission to undertake, as a priority, a further fundamental review and to prepare a draft Bill. We intend that this new Bill will, along with a wider reform, amend this aspect of the law. Separate consideration is also being given to this issue in Scotland. Therefore, for the time being, the United Kingdom wishes to maintain its reservation to Article 7 which was made in accordance with Article 37, paragraph 1.

The United Kingdom also wishes to maintain its reservation made in accordance with Article 37, paragraph 1, not to establish as a criminal offence all of the conduct referred to in Article 12. The law of the United Kingdom covers much of the conduct referred to in Article 12 but only in so far as an agent relationship exists between the "influence seller" and the person influenced.

In respect of Article 17, section 109 of the Anti-terrorism, Crime and Security Act 2001 [for Scotland section 69 of the Criminal Justice (Scotland) Act 2003], gave the United Kingdom courts jurisdiction over the common law offence of bribery, the section 1 offences of the Public Bodies Corrupt Practices Act 1889, and the section 1 offences of the 1906 Act, when they are committed overseas by United Kingdom nationals and incorporated bodies. The United Kingdom courts therefore apply the jurisdictional rule laid down in Article 17, paragraph 1(b), except that jurisdiction is limited to United Kingdom nationals, and accordingly does not cover public officials or members of domestic public assemblies except where they are United Kingdom nationals. The law has not changed. The United Kingdom is therefore maintaining its reservation made in accordance with Article 17, paragraph 2, and Article 37, paragraph 2, to apply the jurisdictional rule laid down in Article 17, paragraph 1(b) only where the offender is a United Kingdom national. The United Kingdom is also maintaining its reservation made under Article 17, paragraph 2, and Article 37, paragraph 2, not to apply the jurisdictional rule laid down in Article 17, paragraph 1(c) at all.

Zweden, 25 juni 2004

Sweden makes the explanatory statement that, in Sweden's view, a ratification of the Convention 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.

Sweden makes a reservation against the undertaking to introduce criminal provisions for trading in influence (Article 12 of the Convention).

Sweden reserves the right not to exercise jurisdiction solely on the grounds that a crime under the Convention involves a Swedish citizen who is an official of an international organisation or court, a member of a parliamentary assembly of an international or supranational organisation or a judge at an international court (Article 17.1 c of the Convention).

Sweden also reserves the right to maintain a requirement of dual criminality for Swedish jurisdiction for acts committed abroad. As central authority Sweden designates the Government Offices of Sweden (the Swedish Ministry of Justice).

Zwitserland, 31 maart 2006

Switzerland reserves its right to apply Article 12 of the Convention only if the conduct referred to constitutes an offence under the Swiss legislation.

Switzerland reserves its right to apply Article 17, paragraph 1, subparagraphs b and c, only if the conduct is also punishable where it has been committed and insofar as the author is in Switzerland and will not be extradited to a foreign State.

Switzerland declares that it will punish the active and passive bribery in the meaning of Articles 5, 9 and 11 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.

The central authority designated by Switzerland pursuant to Article 29 is the "Office fédéral de la justice, CH-3003 Berne".

G. INWERKINGTREDING

Zie *Trb.* 2002, 109 en *Trb.* 2010, 322.

J. VERWIJZINGEN

Zie *Trb.* 2000, 130, *Trb.* 2002, 109, *Trb.* 2006, 3, *Trb.* 2010, 322 en *Trb.* 2011, 140.

Verbanden

Het Verdrag wordt aangevuld door:

Titel: : Aanvullend Protocol bij het Verdrag inzake de Strafrechtelijke Bestrijding van Corruptie;
Straatsburg, 15 mei 2003
Laatste *Trb.* : *Trb.* 2012, 95

Overige verwijzingen

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2011, 176

Uitgegeven de *achtste* juni 2012.
De Minister van Buitenlandse Zaken,
U. ROSENTHAL