

69 (1989) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 229

A. TITEL

*Verdrag inzake handel met voorkennis;
Straatsburg, 20 april 1989*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1993, 111.

C. VERTALING

Zie *Trb.* 1993, 111.

D. PARLEMENT

Zie *Trb.* 1994, 157.

E. PARTIJGEGEVENS

Zie *Trb.* 1993, 111.

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Cyprus	28-10-91	08-02-94	R	01-06-94		
Finland	13-09-95	13-09-95	R	01-01-96		
Luxemburg	29-08-97	29-08-97	R	01-12-97		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	01-06-93	04-07-94 26-10-07 –	R R	01-11-94 01-02-08 –		
Noorwegen	22-09-89	11-04-90	R	01-10-91		
Slovenië	23-11-93					
Tsjechië	15-10-99	08-09-00	R	01-01-01		
Verenigd Koninkrijk, het	13-09-89	21-12-90	R	01-10-91		
Zweden	15-09-89	03-06-91	R	01-10-91		

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

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Man	12-01-94	

Verklaringen, voorbehouden en bezwaren

Cyprus, 19 november 1997

By virtue of decision No. 35.901 of the Council of Ministers of the Republic of Cyprus of July 25th 1991, the designated authority for the effective implementation of the Convention is the Governor of the Central Bank of Cyprus.

Finland, 13 september 1995

The Government of Finland, in accordance with the provisions of Article 6 of this Convention and subject to the undertaking contained in that article, declares that the requested authority may restrict the strict secrecy obligation laid down in Article 6, paragraph 4.

In accordance with Article 4, paragraph 2, of the Convention, the competent authority in Finland is the "Financial Supervision, Kluuvikatu 5, P.O. Box 159, FIN-00101 Helsinki - Telephone : +358-0-18351, Telefax : +358-0-1835-328".

Luxemburg, 29 augustus 1997

In pursuance of Article 4 of the Convention, the competent authority in the Grand Duchy of Luxembourg is the “Commissariat aux bourses”.

The Grand Duchy of Luxembourg declares, in accordance with Article 6, paragraph 5, of the Convention, that it will use the derogations provided by its legislation to the obligation of secrecy mentioned in paragraph 4 of Article 6 in the case when the “Commissariat aux bourses” has the obligation to denounce to judicial authorities information communicated or gathered within the framework of the request.

Nederlanden, het Koninkrijk der, 21 juli 1994

In accordance with Article 3 of the Convention on Insider Trading, the Government of the Netherlands declares that it undertakes to provide other Parties, subject to reciprocity, with the greatest possible measure of mutual assistance in the exchange of information necessary for the surveillance of operations carried out in the organised stock markets which could adversely affect equal access to information for all users of the stock market or the quality of the information supplied to investors in order to ensure honest dealing.

In accordance with Article 4 of the Convention, the following authority is designated for the Netherlands to be actually responsible for submitting any request for assistance, and for receiving and taking action on requests for assistance from the corresponding authorities designated by each Party :

The Securities Board of the Netherlands (“Stichting Toezicht Effectenverkeer”), P.O. Box 11723, 1001 GS Amsterdam.

Contact officer of the Securities Board is Mr Paul Mulder, Secretary Legal Affairs, tel. (31) 20 6206549, fax (31) 20 6206649.

In accordance with Article 6, Section 5 of the Convention, the Government of the Netherlands declares the following derogations :

In accordance with national law, the Dutch authority as requested authority may be ordered by a judicial authority to disclose information gathered within the framework of the request for the purpose of court proceedings if the court deems that the disclosure of that information is of greater importance than the confidentiality requirement of the requested authority;

In accordance with national law, the Dutch authority as requested authority may, provided the requesting authority has been informed, wish to provide the competent Dutch authorities the information gathered within the framework of the request, to investigate violations of national law or to secure compliance with national law;

In accordance with national law, the Dutch authority as requested authority may, provided the requesting authority has been informed, wish to disclose information gathered within the framework of the request, if necessary to fulfil its tasks and duties.

Nederlanden, het Koninkrijk der, 26 oktober 2007

In accordance with Article 3 of the Convention, the Government of the Netherlands Antilles declares that it undertakes to provide other Parties, subject to reciprocity, with the greatest possible measure of mutual assistance in the exchange of information necessary for the surveillance of operations carried out in the organised stock markets which could adversely affect equal access to information for all users of the stock market or the quality of the information supplied to investors in order to ensure honest dealing.

In accordance with Article 4 of the Convention, the following authority is designated for the Netherlands Antilles to be actually responsible for submitting any request for assistance and for receiving and taking action on requests for assistance from the corresponding authorities designated by each Party:

Bank van de Nederlandse Antillen
Simon Bolivar Plein 1
Willemstad, Curaçao
Nederlandse Antillen
Tel. (599-9)434-5500
Fax (599-9)461-5004

In accordance with Article 6, paragraph 5, of the Convention, the Government of the Netherlands Antilles declares the following derogations:

- In accordance with the law of the Netherlands Antilles, the authority of the Netherlands Antilles as requested authority may be ordered by a judicial authority to disclose information gathered within the framework of the request for the purpose of court proceedings if the court deems that the disclosure of that information is of greater importance than the confidentiality requirement of the requested authority;
- In accordance with the law of the Netherlands Antilles, the authority of the Netherlands Antilles as requested authority may, provided the requesting authority has been informed, wish to provide the competent authorities of the Netherlands Antilles the information gathered within the framework of the request, to investigate violations of national law or to secure compliance with national law;
- In accordance with the law of the Netherlands Antilles, the authority of the Netherlands Antilles as requested authority may, provided the requesting authority has been informed, wish to disclose information gathered within the framework of the request, if necessary to fulfil its tasks and duties.

Noorwegen, 10 december 1997

The Norwegian authority responsible for submitting any request for assistance, and for receiving and taking action on request for assistance from the corresponding authorities designated by each party under the Convention is the following:

The Banking Insurance and Securities Commission of Norway – Østenskjerveien 43 – Pb. 100 Bryn – N-0611 OSLO – Norway.

Tsjechië, 8 september 2000

In accordance with Article 3 of the Convention on Insider Trading, the Czech Republic undertakes to provide other Parties, subject to reciprocity, with the greatest possible measure of mutual assistance in the exchange of information necessary for the surveillance of operations carried out in the organised stock markets which could adversely affect equal access to information for all users of the stock market or the quality of the information supplied to investors in order to ensure honest trading.

In accordance with Article 4 of the Convention, the Czech Republic designates the following authorities as responsible for preparing requests:

Czech Securities Commission
(Washingtonova 7, P.O. Box 208, 111 21 Praha 1
tel/ 0044202/21 09 61 11, fax: 004202/24 22 50 29
e-mail: Katerina.Palkova@SEC.cz)

Ministry of Finance
(Letenská 15, 118 10 Praha 1
Tel: 004202/5704 1111, fax: 004202/53 32 00
e-mail: Miroslava.Kaislerova@mfc.cz)

Prosecutor General's Office of the Czech Republic
(Jezuitská 4, 660 55 Brno
tel: 0040205/425 12 111, fax: 004205/422 19 621
e-mail: Benesova@NSZ.BRN. Justice.cz)

before the case is brought before court and
the Ministry of Justice of the Czech Republic
(Vysehradská 16, 128 00 Praha 2
tel: 004202/21 997 156, fax: 004202/249 11 365
e-mail: ZHavelkova@MSp.Justice.cz)

after it has been brought before court.

In accordance with Article 6, paragraph 5 of the Convention, the Czech Republic declares that under national law, public authorities have the duty to promptly report to public prosecutors' offices or to police authorities facts indicating that a criminal offence has been committed.

Verenigd Koninkrijk, het, 21 december 1990

In accordance with Article 4 of the Convention the United Kingdom designates the Department of Trade and Industry as the authority responsible for submitting and receiving and taking action on requests for assistance. The address of the designated authority is Financial Services Division 1a, Department of Trade and Industry, Room 623, 10-18 Victoria Street, LONDON SW1H 0NN.

In accordance with Article 6.5 of the Convention the United Kingdom declares the following derogations:

– The Data Protection Act 1984 gives people rights of access to computerised data about them. There are exceptions to this right, including

an exception in respect of personal data collected on behalf of overseas regulators under the Companies Act 1989.

– In accordance with national law, the United Kingdom as requested authority may be ordered by a judicial authority to disclose information communicated or gathered within the framework of the request for the purpose of court proceedings.

– In accordance with national law, the United Kingdom as requested authority may, provided the requesting authority has been informed, wish to investigate violations of its law or to secure compliance with such law.

Verenigd Koninkrijk, het, 12 januari 1994

I have the honour to declare, on behalf of the Government of the United Kingdom, that, as a result of the transfer of financial service functions from the Department of Trade and Industry to Her Majesty's Treasury, the declaration made in accordance with Article 4 of the Convention at the time of Deposit of the United Kingdom of ratification shall be withdrawn and replaced by the following declaration:

“In accordance with Article 4 of the Convention the United Kingdom designates:

Her Majesty's Treasury as the authority responsible for submitting and receiving requests for assistance. The address of the designated authority is HM Treasury, Securities and Investment Services Group, Parliament Street, London SW1P 3AG; and

The Department of Trade and Industry as the authority responsible for taking action on requests for assistance. The address of the designated authority is The Department of Trade and Industry, Investigations Division, CIB(D), 123 Victoria Street, London SW1E 6RB.”

In accordance with Article 4 of the Convention the United Kingdom designates the Isle of Man Treasury as the authority responsible for submitting and receiving and taking action on requests for assistance in the Isle of Man. The address of the designated authority is The Treasury, Central Government Offices, Bucks Road, Douglas, Isle of Man.

In accordance with Article 6.5 of the Convention the United Kingdom declares, in respect of the Isle of Man, that:

– The Data Protection Act 1986 (of Tynwald) gives people rights of access to computerised data about them. There are exceptions to this right, including an exception in respect of personal data collected on behalf of overseas regulators under the Company Securities (Insider Dealing) Act 1987 (of Tynwald).

– In accordance with the law of the Isle of Man, the Isle of Man Treasury, as the designated authority, may be ordered by a judicial authority to disclose information communicated or gathered within the framework of the request for the purpose of court proceedings.

– In accordance with the law of the Isle of Man, the Isle of Man Treasury, as the requested designated authority, may, provided the re-

questing authority has been informed, wish to investigate violations of Isle of Man law or to secure compliance with such law.

Zweden, 3 juni 1991

In accordance with Article 3 of the Convention, Sweden undertakes to provide other Parties, subject to reciprocity, with the greatest possible measure of mutual assistance in the exchange of information necessary for the surveillance of operations carried out in the organised stock markets which could adversely affect equal access to information for all users of the stock market or the quality of the information supplied to investors in order to ensure honest dealing.

In accordance with Article 4 of the Convention, Sweden designates the Bank Inspection Board, Box 16096, S-103 22 Stockholm, Sweden, to be actually responsible for submitting any request for assistance, and for receiving and taking action on requests for assistance from the corresponding authorities designated by each Party.

G. INWERKINGTREDING

Zie *Trb.* 1993, 111.

De bepalingen van het Verdrag, zoals gewijzigd door het Protocol van 11 september 1989, zullen ingevolge artikel 12, tweede lid, van het Verdrag voor de Nederlandse Antillen op 1 februari 2008 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag, dat al voor Nederland gold, ook voor de Nederlandse Antillen gelden.

J. VERWIJZINGEN

Zie *Trb.* 1993, 111 en *Trb.* 1994, 157.

Verbanden

Het Verdrag is gewijzigd door de inwerkingtreding van het:

Titel : Protocol bij het Verdrag inzake handel met voorkennis;
Straatsburg, 11 september 1989
Laatste *Trb.* : *Trb.* 2007, 230

Overige verwijzingen

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

- Titel : Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken;
Straatsburg, 20 april 1959
Laatste *Trb.* : *Trb.* 2002, 204
- Titel : Aanvullend Protocol bij het Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken;
Straatsburg, 17 maart 1978
Laatste *Trb.* : *Trb.* 1997, 284

Uitgegeven de *éénentwintigste* december 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN