

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 95

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 | | |
| Bosnië en Herzegovina | 07-09-11 | 07-09-11 | R | 01-01-12 | | |
| Bulgarije | 15-05-03 | 04-02-04 | R | 01-02-05 | | |

| Partij | Onder- tekening | Ratificatie | Type* | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|---|---------------------------------|---|----------------|-------------------|
| 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 | | |
| 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 | | | | | |
| Litouwen | 02-12-10 | | | | | |
| 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 | | |
| Montenegro | 20-02-08 | 17-03-08 | R | 01-07-08 | | |
| 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 | | |

| Partij | Onder- tekening | Ratificatie | Type* | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|-------------|-------|---------------|----------------|-------------------|
| Oekraïne | 15-05-03 | 27-11-09 | R | 01-03-10 | | |
| 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= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend | | | | | | |

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 Faroe Islands and Greenland.

Nederlanden, het Koninkrijk der, 16 november 2005

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.

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 auth-

orities 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 en *Trb.* 2010, 323.

Verbanden

Het Protocol is een aanvulling op:

Titel : Verdrag inzake de strafrechtelijke bestrijding van corruptie;
Straatsburg, 27 januari 1999
Laatste *Trb.* : *Trb.* 2012, 94

Uitgegeven de *achtste* juni 2012.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL