

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 12 September 2014

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# **6<sup>th</sup> meeting of the Conference of the Parties to the CETS no. 198**

**Strasbourg, 29 September – 1<sup>st</sup> October 2014**

**Information Document**

**Item 13**

**Review and discussion of the Reservations and Declarations**

Memorandum prepared  
by the Secretariat

# Review and discussion of the Reservations and Declarations to CETS no. 198

Note by the Secretariat  
12 September 2014

## ***Issues for discussion:***

- *State Parties are invited to discuss the reservations and declarations under the Convention*
- *Each Party is invited to provide an update on any relevant action(s) planned, underway or completed in respect of issues discussed at the last Conference of the Parties' meeting*

## **I. OVERVIEW OF THE SITUATION: STATUS AS OF 12 SEPTEMBER 2014**

1. The Convention allows making declarations and reservations in respect of a series of substantive provisions; these possibilities are summed up and regulated in Article 53.

### **Article 53 – Declarations and reservations**

- 1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more of the declaration provided for in Article 3, paragraph 2, Article 9, paragraph 4, Article 17, paragraph 5, Article 24, paragraph 3, Article 31, paragraph 2, Article 35, paragraphs 1 and 3 and Article 42, paragraph 2.
- 2 Any State or the European Community may also, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General, reserve its right not to apply, in part or in whole, the provisions of Article 7, paragraph 2, sub-paragraph c; Article 9, paragraph 6; Article 46, paragraph 5; and Article 47.
- 3 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare the manner in which it intends to apply Articles 17 and 19 of this Convention, particularly taking into account applicable international agreements in the field of international co-operation in criminal matters. It shall notify any changes in this information to the Secretary General of the Council of Europe.
- 4 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare:
  - a that it will not apply Article 3, paragraph 4 of this Convention; or
  - b that it will apply Article 3, paragraph 4 of this Convention only partly; or
  - c the manner in which it intends to apply Article 3, paragraph 4 of this Convention.

It shall notify any changes in this information to the Secretary General of the Council of Europe.

- 5 No other reservation may be made.
- 6 Any Party which has made a reservation under this article may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

- 7 A Party which has made a reservation in respect of a provision of the Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

2. The Convention also requires countries to make declarations concerning the designation of responsible authorities under Articles 33 paragraph 2 and Article 46 paragraph 13 and in accordance with Article 51, Parties may specify the territorial application of the Convention in their respect.
3. The table attached in appendix II below provides an updated overview of the various declarations and reservations made by State Parties. Since the last meeting, it includes also the declarations and reservations made by Georgia and Sweden.

## **II. SOME OBSERVATIONS:**

4. Some comments can be made on the basis of the above table, bearing in mind that with the ratification of Sweden on 23 June 2014, twenty five States are Parties to the Convention.
5. 24 countries have made declarations/reservations; the on-line database of the Treaty Office does not contain, in respect of Albania, any information on its declarations/reservations, not even in respect of the central authority responsible for legal assistance (Article 33 paragraph 2) although this is a “mandatory” declaration; this constitutes an anomaly.<sup>1</sup>
6. Not all countries have communicated the name of the authority acting as an FIU (Article 46 paragraph 13); contrary to the designation of the central authority responsible for legal assistance (Article 33 paragraph 2 mentioned above), Article 46 paragraph 13 does not require that the name of the entity be formally communicated to the Secretary General at the time of the deposit of instruments of ratification. Several countries have identified the FIU through the declaration made in respect of Article 33 paragraph 2 but, for some of the Parties, there is still no indication of the FIU (e.g. Croatia, Latvia).
7. The number of reservations/declarations made in respect of substantive aspects of the Convention varies greatly and the number of countries which have made use of reservations (as opposed to declarations) is rather low; it would appear that the legal provisions of the vast majority of countries allow for the monitoring of bank accounts Article 7 paragraph 2, sub-paragraph c), to pronounce a conviction for money laundering without the need to establish precisely which criminal acts constitute the predicate offence (Article 9 paragraph 6), for the national FIU to provide information to foreign counterparts without a formal written request (Article 46 paragraph 5), and to cooperate for the postponement of transactions (Article 47); the vast majority of countries also do not limit requests for information on bank accounts to the categories of offences listed in the Appendix to the convention (Article 17 paragraph 5).
8. About one third of the Parties have limited the applicability of confiscation measures to certain offences (Article 3 paragraph 2) and have limited the incrimination of money

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<sup>1</sup> This matter is currently subject to an exchange between the CoE Treaty Office and Albania.

laundering to certain underlying predicate offences (Article 9 paragraph 4). Most countries have provided for this limitation by reference to the categories of offences in the Appendix to the Convention or by reference to all offences punishable with deprivation of liberty, or with more than one year imprisonment. Hungary reserves the right to apply confiscation measures only to offences specified in the Criminal Code and the Netherlands not to apply these to tax-, Customs- and excise-related offences. Money laundering predicate offences is limited in the Netherlands to offences that qualify as “misdrijven” (crimes), whereas, in Turkey, these are all offences as defined in domestic law which entail a maximum punishment of at least one year imprisonment (without prejudice to minimum limits of sentences).

9. Likewise (only) one third or so of the State Parties (9 out of 23) do not – partly or fully – accept the principle of reversed burden of proof for confiscation purposes (Article 3 paragraph 4). This may be seen as quite remarkable, if one looks back to the intensity of discussions on this matter in the last 15 years.
10. The areas which have most frequently triggered declarations appear to be the following:
  - the language of requests for assistance and information (Article 35 paragraph 3); and
  - prior consent of the Party to the use of information for other investigations and proceedings by the requesting country (Article 42 paragraph 2).

Moreover, more than half of the State Parties – when asked to execute a foreign confiscation order – are prevented by fundamental principles from being bound by the findings as stated by the requesting Party’s (Article 24 paragraph 3).

11. Five countries appear to have largely accepted the principles of the Convention as they have not made any declaration or reservation in respect of its substantive provisions: Albania, Belgium, Bosnia and Herzegovina, Republic of Montenegro, Republic of Serbia, and Spain.
12. It is worth recalling that San Marino removed or changed a number of its reservations and declarations in 2013, which is very welcome.
13. As for declarations on the territorial application of CETS 198: the Republic of Moldova has excluded the applicability to Transnistria, and the Netherlands, following the recent changes in the State structure of the Kingdom, have taken special measures for the coverage of the islands which are not part of the territory of the Netherlands in Europe. On the basis of the text of the Dutch declarations, the situation of Aruba may be difficult to comprehend for a Requesting Party seeking assistance for acts involving this territory.
14. At its 5<sup>th</sup> meeting, the Conference of the Parties discussed the reservations and declarations made by Parties and decided:
  - a) to invite the Netherlands to provide additional information concerning the applicability of CETS 198 to certain territories of the Kingdom; and
  - b) to invite all Parties to review their reservations and declarations in order to remove those that are no longer necessary.

## Appendix I – CETS no. 198

### Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism CETS No.: 198

Treaty open for signature by the member States, the non-member States which have participated in its elaboration and by the European Union, and for accession by other non-member States

#### Opening for signature

Place: Warsaw  
Date : 16/5/2005

#### Entry into force

Conditions: 6 Ratifications including 4 Member States.  
Date : 1/5/2008

**Status as of: 19/9/2014**

Member States of the Council of Europe

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	22/12/2005	6/2/2007	1/5/2008							
Andorra										
Armenia	17/11/2005	2/6/2008	1/10/2008			X	X			
Austria	16/5/2005									
Azerbaijan										
Belgium	16/5/2005	17/9/2009	1/1/2010				X			
Bosnia and Herzegovina	19/1/2006	11/1/2008	1/5/2008				X			
Bulgaria	22/11/2006	25/2/2013	1/6/2013		X	X	X			
Croatia	29/4/2008	10/10/2008	1/2/2009			X	X			
Cyprus	16/5/2005	27/3/2009	1/7/2009			X	X			
Czech Republic										
Denmark	28/9/2012									
Estonia	7/3/2013									
Finland	16/12/2005									
France	23/3/2011									
Georgia	25/3/2013	10/1/2014	1/5/2014		X	X	X			
Germany										
Greece	12/10/2006									
Hungary	14/4/2009	14/4/2009	1/8/2009		X	X	X			
Iceland	16/5/2005									
Ireland										
Italy	8/6/2005									

Latvia	19/5/2006	25/2/2010	1/6/2010			X	X				
Liechtenstein											
Lithuania											
Luxembourg	16/5/2005										
Malta	16/5/2005	30/1/2008	1/5/2008			X	X				
Moldova	16/5/2005	18/9/2007	1/5/2008		X	X	X	X			
Monaco											
Montenegro	16/5/2005	20/10/2008	1/2/2009	55			X				
Netherlands	17/11/2005	13/8/2008	1/12/2008			X	X	X			
Norway											
Poland	16/5/2005	8/8/2007	1/5/2008			X	X				
Portugal	16/5/2005	22/4/2010	1/8/2010			X	X				
Romania	16/5/2005	21/2/2007	1/5/2008			X	X				
Russia	26/1/2009										
San Marino	14/11/2006	27/7/2010	1/11/2010		X	X	X				
Serbia	16/5/2005	14/4/2009	1/8/2009	55			X				
Slovakia	12/11/2007	16/9/2008	1/1/2009		X	X	X				
Slovenia	28/3/2007	26/4/2010	1/8/2010		X	X	X				
Spain	20/2/2009	26/3/2010	1/7/2010			X	X				
Sweden	16/5/2005	23/6/2014	1/10/2014		X	X	X				
Switzerland											
The former Yugoslav Republic of Macedonia	17/11/2005	27/5/2009	1/9/2009			X	X				
Turkey	28/3/2007					X	X				
Ukraine	29/11/2005	2/2/2011	1/6/2011		X	X	X				
United Kingdom											

#### Non-members of the Council of Europe

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada										
Holy See										
Japan										
Mexico										
Morocco										
United States of America										

## International Organisations

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
European Union	2/4/2009									

Total number of signatures not followed by ratifications:	12
Total number of ratifications/accessions:	25

### Notes:

(55) Date of signature by the state union of Serbia and Montenegro.

a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source : Treaty Office on <http://conventions.coe.int> – \* [Disclaimer](#)

## Appendix II – List of declarations and reservations to CETS no. 198

DECLARATIONS under article 53 para. 1		
Article 3, paragraph 2 (limitation of confiscation of certain offences)	Armenia	Armenia will apply Article 3, paragraph 1, only to offences specified in the appendix to the Convention.
	Cyprus	The Republic of Cyprus 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.
	Georgia	Georgia declares that Article 3, paragraph 1, shall be applied only in so far as the offence is punishable by deprivation of liberty for a maximum of more than one year.
	Hungary	The Republic of Hungary reserves the right that Article 3, paragraph 2, of the Convention will apply only to offences specified in the Criminal Code of Hungary.
	Malta	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.
	Netherlands	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
	Sweden	Sweden reserves the right to apply Article 3.1 on confiscation, only in so far the offence is punishable by deprivation of liberty for a maximum of more than one year. Sweden reserves the right not to apply Article 3.1 in respect of confiscation of the proceeds from tax offences, in so far as such proceeds can be recovered within the framework of taxation proceedings
	Turkey	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.
	Ukraine	Ukraine declares that it will apply paragraph 1 of Article 3 of the Convention only to the offences which are punishable by deprivation of liberty.
	<b>Total: 9</b>	
Article 9, paragraph 4 (limitation of money laundering incrimination of certain offences)	Cyprus	The Republic of Cyprus 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.
	Hungary	The Republic of Hungary reserves the right that Article 9, paragraph 4 shall apply only in so far as the offence is punishable by deprivation of liberty.
	Malta	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.
	Netherlands	the Kingdom of the Netherlands declares that Article 9, paragraph 1, of the Convention will only be applied to predicate offences that qualify as “ <i>misdriften</i> ” (crimes) under the domestic law of the European part of the Netherlands or under the domestic law of the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).
	Turkey	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.
	Ukraine	Ukraine declares that it will apply paragraph 1 of Article 9 of the Convention only in so far as the predicate offence is punishable by deprivation of liberty.
	<b>Total: 6</b>	
Article 17, paragraph 5 (limitation of requests for information on bank accounts to the categories of offences)	Armenia	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.
	Portugal	The Portuguese Republic declares that the referred disposition applies only to the categories of infractions contained in the Appendix to the Convention, as defined by its legislation.
	Ukraine	Ukraine declares that it will apply Article 17 of the Convention only to the categories of offences specified in the list contained in the appendix to the Convention.
	<b>Total: 3</b>	



Appendix)		
Article 24, paragraph 3 (Execution of foreign confiscation orders: requested Party not bound by the findings as stated by the requesting Party)	Armenia	The Republic of Armenia will apply Article 24, paragraph 2 only subject to its constitutional principles and the basic concepts of its legal system.
	Bulgaria	The Republic of Bulgaria declares that the provisions of Article 24, paragraph 2, shall apply only subject to its constitutional principles and the basic concepts of its legal system.
	Croatia	The Republic of Croatia declares that Article 24, paragraph 2 of the Convention, applies only subject to the constitutional principles and the basic concepts of the Republic of Croatia's legal system.
	Cyprus	The Republic of Cyprus declares that Article 24, paragraph 2, shall apply subject to Cyprus's constitutional principles and to the basic concepts of the Cyprus legal system.
	Georgia	Georgia declares that Article 24, paragraph 2, shall be applied only subject to the constitutional principles and to the basic concepts of the legal system of Georgia.
	Hungary	The Republic of Hungary declares that the provisions of Article 24, paragraph 2, shall apply only subject to the constitutional principles and the basic concepts of the Hungarian legal system.
	Latvia	The Republic of Latvia declares that Article 24, paragraph 2, of the Convention, applies only subject to the constitutional principles and the basic concepts of the Republic of Latvia's legal system.
	Malta	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.
	Republic of Moldova	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.
	Romania	The provisions of Article 24, paragraph 2 shall apply only subject to the constitutional principles and the basic concepts of the Romanian legal system.
	San Marino	The Republic of San Marino declares that Article 24, paragraph 2, applies only subject to the constitutional principles and the basic concepts of the Republic of San Marino's legal system.
	Slovak Republic	The Slovak Republic declares that Article 24, paragraph 2, shall be only subject to its constitutional principles and the basic concepts of its legal system.
	"The former Yugoslav Republic of Macedonia"	The Republic of Macedonia declares that Article 24, paragraph 2, of the Convention, applies only subject to the constitutional principles and the basic concepts of the legal system of the Republic of Macedonia.
	Ukraine	Ukraine declares that it will apply paragraph 2 of Article 24 of the Convention only subject to the constitutional principles of Ukraine and the basic concepts of its legal system.
	<b>Total: 14</b>	
Article 31, paragraph 2 (restrictions to possibilities of direct communication of judicial documents)	Hungary	The Republic of Hungary declares that judicial documents must be delivered through the Ministry of Justice and Law Enforcement as Central Authority.
	Latvia	The Republic of Latvia declares that in the pre trial criminal proceedings the official serving of judicial documents is made by the Prosecutor General's Office of the Republic of Latvia. In the adjudication of a case the official serving of judicial documents is made by the Ministry of Justice of the Republic of Latvia.
	Republic of Moldova	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.

	Poland	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.
	Portugal	The Portuguese Republic declares that its application is subordinate to the existence of bilateral or multilateral conventions on judiciary mutual assistance between the Portuguese Republic and the Party of origin.
	Romania	In accordance with Article 31, paragraph 2, of the Convention, a) the requests of judicial assistance formulated in the stage of criminal investigations 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.
	San Marino	The Republic of San Marino declares that judicial documents can be delivered only through its Central Authority, without prejudice to what is provided by bilateral agreements.
	Slovak Republic	The Slovak Republic declares that it does not accept the procedure of serving the judicial documents mentioned in Article 31, paragraph 2, sub paragraphs a) and b).
	Sweden	Sweden reserves the right not to apply Article 31.2 b, as regards the serving of documents
	Ukraine	Ukraine declares that it will not use in its territory the methods of sending judicial documents provided for in paragraph 2 of Article 31 of the Convention.
	<b>Total: 10</b>	
Article 35 paragraph 1 (Modalities of transmission of requests for cooperation)	Bulgaria	The Republic of Bulgaria declares that concerning requests which are sent and received electronically or by any other means of telecommunication, the Bulgarian competent authorities shall be able to request the certification of authenticity of the materials sent, as well as to obtain originals by express mail.
	Georgia	Georgia declares that it will accept and execute requests received by electronic or other means of telecommunication, if the request is urgent and its authenticity is undisputed, provided the requesting authority subsequently submits the original of the request within the period specified by the requested authority.
	Republic of Moldova	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.
	Romania	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.
	San Marino	The Republic of San Marino commits to accept and execute requests received electronically or by other means of communication provided that the Requesting Party simultaneously transmits the original of such requests.
	Slovak Republic	The Slovak Republic declares that the competent authorities will start to proceed upon the request of the foreign authority delivered to them by fax or in electronic form, provided they do not doubt its authenticity and the case is of urgent character. Subsequently, the original copy of the request has to be delivered within the period laid down by the requested authority unless it drops the requirement of submitting such original copy.
	Slovenia	The Republic of Slovenia declares that it is ready to accept and execute requests received electronically or by other means of communication under the condition that the request was sent by a secure e-mail, in an encrypted form (e.g.: PGP key – Pretty Good Privacy or other equivalent commonly accepted mode of encoding) or by a protected network, as are ESW (Egmont Secure Web) and FIU-net.
	Sweden	Sweden reserves the right to require that requests made to it and documents supporting requests be made in Swedish, Danish, Norwegian or English or accompanied by a translation into one of these languages.
	Ukraine	Ukraine agrees to accept and execute requests, transmitted electronically or by any other means of communication, provided that the requesting Party simultaneously shall send the original of such requests by post or by courier. The information concerning the execution of requests transmitted electronically or by any other means of communication, will be sent to the requesting Party after the receipt of their original.
	<b>Total: 9</b>	

Article 35, paragraph 3 (language of requests)	Armenia	The requests made to the Republic of Armenia and the documents supporting such requests shall be accompanied by a translation into English.
	Bulgaria	The Republic of Bulgaria declares that, for each individual case, it will require requests and supporting documents sent to it pursuant to Article 35, paragraph 1, to be accompanied by a translation into Bulgarian or into one of the official languages of the Council of Europe.
	Croatia	The Republic of Croatia declares that requests and documents supporting such requests should be accompanied by a translation into the Croatian language or, if this is not possible, into the English language.
	Cyprus	The Government of Cyprus declares that requests and annexed documents should be addressed to it accompanied by a translation in English.
	Georgia	Georgia declares that requests and documents supporting such requests should be accompanied by a translation into the Georgian language or into one of the official languages of the Council of Europe if these requests and documents are not made in these languages.
	Hungary	The Republic of Hungary reserves the right that the requests and the documents supporting such requests shall be in Hungarian or in one of the official languages of the Council of Europe or they shall be accompanied by a translation into one of these languages. Concerning those Member States which accept requests not solely in their own official languages or requests accompanied by a translation into one of these languages, the Republic of Hungary accepts the request in English, in French or in German or with a translation into one of these languages.
	Latvia	The Republic of Latvia declares that requests made to the Republic of Latvia and documents supporting such requests shall be accompanied by a translation into Latvian or into English.
	Malta	The Government of Malta declares that requests and annexed documents should be addressed to it accompanied by a translation into English.
	Republic of Moldova	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.
	Netherlands	In accordance with Article 35, paragraph 3, of the Convention, the Kingdom of the Netherlands declares that requests made to the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) and documents supporting such requests in a language other than Dutch, English or Spanish shall be accompanied by a translation into one of these languages.
	Poland	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.
	Portugal	The Portuguese Republic declares that, for its purposes, the requirements and documents annexed which are addressed to it should be accompanied by the respective translation into Portuguese or into one of the Council of Europe's official languages.
	Romania	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.
	San Marino	The Republic of San Marino declares that requests and documents supporting such requests shall be accompanied by a translation into Italian or, if it is not possible, into English.
	Slovak Republic	The Slovak Republic declares that it reserves the right that requests made to it and documents supporting such requests be accompanied by a translation into the Slovak language. In urgent cases they can be sent with a translation into the English language.
	Slovenia	the Republic of Slovenia declares that it reserves the right to require that the requests and documents supporting such requests, addressed to the central authority of the Republic of Slovenia are accompanied by a translation into Slovenian or English language.
	Sweden	Sweden reserves the right to require that requests made to it and documents supporting requests be made in Swedish, Danish, Norwegian or English or accompanied by a translation into one of these languages.
	"The former Yugoslav Republic of Macedonia"	The Republic of Macedonia declares that requests and annexed documents supporting such requests should be accompanied by a translation into the Macedonian language, or if this is not possible, they can be sent with a translation into the English language.
	Ukraine	Ukraine declares that requests and documents supporting them shall be sent to Ukraine with a translation into Ukrainian or into one of the official languages of the Council of Europe if they are not made in these languages.
	<b>Total: 19</b>	
Article 42, paragraph 2 (prior	Armenia	Information or evidence provided by the Republic of Armenia, under Chapter 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.

consent of the requested Party to the use of information for other investigations and proceedings by the requesting Party)	Bulgaria	The Republic of Bulgaria declares that information or evidence provided by it under Chapter IV of the Convention may not, without the prior consent of the competent Bulgarian authorities, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	Croatia	The Republic of Croatia declares that, without its prior consent, information or evidence may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	Cyprus	The Government of Cyprus 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.
	Georgia	Georgia declares that, without its prior consent, information and documents provided by it under Chapter IV of the Convention may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	Hungary	The Republic of Hungary declares that the information and evidence provided under the provisions of Chapter IV of the Convention may not be used or transmitted for any purpose other than investigations or proceedings in the request by the authorities of the requesting Party without the prior consent of the authority which provided the information or evidence.
	Latvia	The Republic of Latvia declares that, without its prior consent, information or evidence provided by it may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	Malta	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.
	Republic of Moldova	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.
	Poland	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.
	Portugal	The Portuguese Republic declares that the information or elements of proof rendered by the Portuguese State cannot, without its consent, be used or transmitted by the applicant authorities of the Party aimed at investigation or procedures different from those specified in the requirement.
	Romania	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.
	San Marino	The Republic of San Marino declares that information and evidence provided by it under the provisions of Chapter IV of the Convention may not, without the prior consent of San Marino's competent authority, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	Slovak Republic	The Slovak Republic declares that without its prior consent the information or evidence provided under Chapter IV of this Convention may not be used or forwarded by the authorities of the requesting Party in investigations or criminal proceedings other than those specified in the request.
	Slovenia	The Republic of Slovenia declares that, without its prior consent, information or evidence provided by it under the Chapter IV, may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
	"The former Yugoslav Republic of Macedonia"	The Government of the Republic of Macedonia 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.
	Ukraine	Ukraine declares that, without a prior consent of Ukraine, information or evidence provided by it under chapter IV of the Convention may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.
<b>Total: 17</b>		

RESERVATIONS under article 53 para. 2		
Article 7, paragraph 2, sub-paragraph c (monitoring of bank accounts)	Slovak Republic	The Slovak Republic reserves the right not to apply in whole the procedure under Article 7, paragraph 2, sub-paragraph c).
	Total: 1	
Article 9, paragraph 6 (conviction for money laundering without establishing precisely which is the predicate offence)	Hungary	The Republic of Hungary reserves the right not to apply the provisions of Article 9, paragraph 6, of the Convention.
	Poland	The Republic of Poland declares that Article 9, paragraph 6, shall not be applied.
	Slovak Republic	The Slovak Republic reserves the right, while sentencing the person for money laundering, to exactly specify a predicate criminal offence that gave rise to property subject to Article 9, paragraph 1, sub-paragraphs a) or b).
	Turkey	The Republic of Turkey declares that Article 9, paragraph 6, shall apply only to offences defined in its domestic law.
	Ukraine	Ukraine declares that it will not apply paragraph 6 of Article 9 of the Convention.
	Total: 5	
Article 46, paragraph 5 (provision of information by the requested FIU without a formal written request)	Georgia	Georgia declares that Article 46, paragraph 5, shall not be applied.
	Turkey	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.
	Ukraine	Ukraine declares that it will apply paragraph 5 of Article 46 of the Convention, provided that the requesting Party shall ensure the use of the received information exclusively for the purposes of criminal proceeding in cases on legalization (laundering) of the proceeds from crime or on the financing of terrorism.
	Total: 3	
Article 47 (international cooperation for the postponement of transactions)	Georgia	Georgia declares that the Financial Monitoring Service of Georgia (FMS) shall adopt the measures defined in Article 47 as far as the legislation of Georgia permits.
	Turkey	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.
	Ukraine	Ukraine declares that it will apply paragraph 1 of Article 47 of the Convention subject to the national legislation.
	Total: 3	
DECLARATIONS under article 53 para. 3		
Modalities of application of Article 17 (requests for information on bank accounts) and 19 (requests for the monitoring of banking transactions)	----	

## DECLARATIONS under article 53 para. 4

Article 3 paragraph 4 Reversal of the burden of proof for confiscation (Non-application or only under specific circumstances)	Bulgaria	The Republic of Bulgaria declares that it shall not apply Article 3, paragraph 4, of this Convention.
	Georgia	Georgia declares that the provisions of Article 3, paragraph 4, shall be applied only in relation to the civil procedures of confiscation, in conformity with the legislation in Georgia.
	Republic of Moldova	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.
	Poland	The Republic of Poland declares that Article 3, paragraph 4, shall not be applied.
	Romania	The provisions of Article 3, paragraph 4 shall apply only partially, in conformity with the principles of the domestic law.
	Slovak Republic	The Slovak Republic declares that it does not apply the right to require that, in respect of a serious offence or offences as defined by the national law, an offender demonstrates the origin of alleged proceeds or other property liable to confiscation.
	Slovenia	The Republic of Slovenia declares that it reserves the right not to apply Article 3, paragraph 4, of the Convention.
	Sweden	Sweden reserves the right not to apply Article 3.4 with regard to confiscation
	Ukraine	Ukraine declares that it will not apply paragraph 4 of Article 3 of the Convention.
	<b>Total: 9</b>	

## DECLARATIONS concerning the designation of authorities

Article 33 para. 2 Central Authority for legal assistance	Armenia	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.
	Belgium	Belgium declares that the central authority designated under Article 33, paragraph 2, of the Convention, is the <i>Service Public Fédéral Justice, Direction générale Législation, Libertés et Droits fondamentaux, Service de coopération internationale pénale, Boulevard de Waterloo 115, B-1000 BRUXELLES.</i>
	Bosnia and Herzegovina	The central authority designated by Bosnia and Herzegovina for the purposes of Article 33 of the Convention is : Directorate for Coordination of Police Bodies of Bosnia and Herzegovina Ministry of Security of Bosnia and Herzegovina <u>Contact person:</u> Mr Branislav Pavlovic Sector for International Operative Police Collaboration Email : <a href="mailto:branislav.pavlovic@dkpt.gov.ba">branislav.pavlovic@dkpt.gov.ba</a> Tel : +387 33 250 062 Fax : +387 65 698 728
	Bulgaria	The Republic of Bulgaria declares that requests made under Chapter IV shall be sent and received through the following central authorities : - the General Prosecutor's Office of the Republic of Bulgaria – for the pre-trial stage of the criminal proceedings; - the Ministry of Justice of the Republic of Bulgaria – for the trial stage.
	Croatia	The Republic of Croatia declares that the central authorities designated in pursuance of paragraph 1 of Article 33 of the Convention are the Ministry of the Interior, Police Directorate, Criminal Police Department, Ilica 335, Zagreb, and State Attorney's Office of the Republic of Croatia, Gajevo 30a, Zagreb.
	Cyprus	The Republic of Cyprus declares that the central authorities designated in pursuance of paragraph 1 are:

		<ul style="list-style-type: none"> <li>- The Ministry of Justice and Public Order</li> <li>- The Unit for Combating Money Laundering (MOKAS) for decisions of freezing and confiscation</li> </ul>
	Georgia	<p>Georgia declares that the designated central authority, as stipulated by this Article, shall be:</p> <p>The Ministry of Justice of Georgia  Address: 24, Gorgasali str.  0114 Tbilisi, Georgia.  Phone: +995 32 240 51 42  Email: international@justice.gov.ge</p>
	Hungary	<p>The Republic of Hungary informs the Secretary General of the Council of Europe that the Central Authorities designated are:</p> <ul style="list-style-type: none"> <li>- Ministry of Justice and Law Enforcement (4 Kossuth Lajos Sqr., Budapest 1055, Hungary, 1363 Budapest, P.O. Box 54)</li> <li>- Prosecutor General's Office of the Republic of Hungary (16 Markó Str., Budapest 1055, Hungary, 1372 Budapest, P.O. Box 438).</li> </ul>
	Latvia	<p>The Republic of Latvia declares that the central authorities designated are as follows:</p> <p>In the pre-trial criminal proceedings up to the commencement of criminal prosecution:</p> <p><b>State Police</b>  Ciekurkalna 1st line 1, k-4  Riga, LV-1026  Latvia  Phone: +371 67075212  Fax: +371 67371227  E-mail: kanc@vp.gov.lv  Website : www.vp.gov.lv</p> <p>In the pre-trial criminal proceedings up to the transfer of a case to the court:</p> <p><b>Prosecutor General's Office</b>  Kalpaka Blvd. 6  Riga, LV-1801  Latvia  Phone: +371 67044400  Fax: +371 67044449  E-mail: webmaster@lrp.gov.lv  Website : www.lrp.gov.lv</p> <p>In the adjudication of a case:</p> <p><b>Ministry of Justice</b>  Brivibas Blvd. 36  Riga, LV-1536  Latvia  Phone: +371 67036801  Fax: +371 67285575  E-mail: tm.kanceleja@tm.gov.lv  Website : www.tm.gov.lv</p>

Malta	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
Republic of Montenegro	Montenegro designates the Ministry of Justice and the Directorate Against Money Laundering and Against the Financing of Terrorism as the central authorities responsible for carrying out the functions foreseen by this Convention : Ministry of Justice Vuka Karadzica 3 81 000 Podgorica Tel. +382 20 407 501 Fax +382 20 407 515 Directorate Against Money Laundering and Against the Financing of Terrorism Novaka Miloševa bb 81 000 Podgorica Tel. +382 20 210 025 Fax +382 20 210 086
Netherlands	The central authority, referred to in Article 33, paragraph 1, designated for the European part of the Netherlands and for the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) is: <i>Ministerie van Veiligheid en Justitie</i> (Ministry of Security and Justice) Afdeling Internationale Rechtshulp in Strafzaken P.O. Box 20301 2500 EH The Hague The Netherlands
Poland	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.
Portugal	The Portuguese Republic declares that, for its purposes, the central authority is the <i>Procuradoria-Geral da República</i> , situated on the Rua Escola Politécnica, 140, 1269 269, Lisbon.
Romania	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.
	San Marino	In accordance with Article 33, paragraph 2, of the Convention, the Republic of San Marino declares that the Central authority designated is: <i>Segretaria di Stato per gli Affari Esteri</i> (Palazzo Begni, Contrada Omerelli, n. 31, 47890 San Marino - Repubblica di San Marino), without prejudice of provisions specified by bilateral agreements allowing direct relations between judicial authorities.
	Republic of Serbia	In accordance with Article 33 of the Convention, Serbia designates as central authorities in charge of the implementation of the Convention: Ministry of Interior of the Republic of Serbia Directorate of Crime Police Department for the fight against organized crime Bulevar Mihajla Pupina 2 11070 Novi Beograd Tel./Fax: +381 11 31 48 66 Ministry of Finances of the Republic of Serbia Directorate for the prevention of money laundering Masarikova 2 11000 Beograd Tel.: +381 11 20 60 151 Fax: +381 11 20 60 150 Email: <a href="mailto:uprava@apml.org.rs">uprava@apml.org.rs</a> Internet: <a href="http://www.apml.org.rs">www.apml.org.rs</a>
	Slovak Republic	The Slovak Republic informs that the competent authorities are: Ministry of Justice of the Slovak Republic Župné námestie 13 813 11 Bratislava Slovakia and General Prosecutor's Office of the Slovak Republic Štúrova 2 812 85 Bratislava Slovakia
	Slovenia	The Republic of Slovenia declares that the central authority, responsible for sending and answering requests made under the Chapter IV, the execution of such requests or the transmission of them to the authorities competent for their execution, is: Ministry of Finance – Office for Money Laundering Prevention Cankarjeva 5, 1001 Ljubljana Phone: +386 (1) 200 18 00 Fax: +386 (1) 425 20 87 E-mail: <a href="mailto:mf.uppd@mf-rs.si">mf.uppd@mf-rs.si</a>
	Spain	Spain declares that the central authority designated is the “ <i>Subdirección General de Cooperación Jurídica Internacional</i> ” of the Ministry of Justice.
	Sweden	Sweden declares that the central authority for the serving of judicial documents (Article 31) is: The County Administrative Board of Stockholm The central authority for international service of documents Box 22067

		<p>104 22 STOCKHOLM  Tel: + 46 (0)8 785 40 00  Fax: + 46 (0)8 785 40 01  E-mail: <a href="mailto:stockholm@lansstyrelsen.se">stockholm@lansstyrelsen.se</a>  Sweden declares that the central authority for matters other than the serving of judicial documents is:  The Ministry of Justice  Division for Criminal Cases and International Judicial Co-operation  Central authority  SE-103 33 STOCKHOLM  SWEDEN  Tel: 00 46 8 405 10 00 (switchboard), 00 46 8 405 45 00 (office)  fax: 00 46 8 405 46 76  E-mail: <a href="mailto:ju.birs@gov.se">ju.birs@gov.se</a></p>
	“The former Yugoslav Republic of Macedonia”	<p>The Republic of Macedonia has designated the Ministry of Justice and the Office for Prevention of Money Laundering and Financing of Terrorism at the Ministry of Finance of the Republic of Macedonia as the central authorities responsible for carrying out the functions foreseen by this Convention:  Ministry of Justice of the Republic of Macedonia  “Dimitrie Cuposki” N° 9  1000 Skopje  Tel. +389 (0)2 3117-277  Fax. +389 (0)2 3226-975  Office for Prevention of Money Laundering and Financing of Terrorism  at the Ministry of Finance of the Republic of Macedonia  “Veljko Vlahovic” N° 11  1000 Skopje  Tel. +389 (0)2 3297-540  Fax. +389 (0)2 3224-824.</p>
	Turkey	<p>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</p>
	Ukraine	<p>Ukraine declares that its central authorities, designated in pursuance of paragraph 1 of Article 33 of the Convention, shall be the Ministry of Justice of Ukraine (concerning the execution of judgments) and the General Prosecutor’s Office of Ukraine (concerning legal proceedings during the investigation of criminal cases).</p>
	<b>Total: 24</b>	
Article 46 para.13 Unit acting as the FIU	Belgium	<p>Belgium declares that the unit which acts as FIU, designated pursuant to Article 46, paragraph 13, of the Convention, is the <i>Cellule de traitement de informations financières</i> (Belgian Financial Intelligence Unit), <i>Avenue de la Toison d’Or 55 (boîte 1), B-1060 BRUXELLES</i>.</p>

Cyprus	The Financial Intelligence Unit designated for the Republic of Cyprus is: Unit for Combating Money Laundering (MOKAS) P.O. Box: 23768 1686 Nicosia Cyprus Email: <a href="mailto:mokas@mokas.law.gov.cy">mokas@mokas.law.gov.cy</a>
Georgia	The Financial Intelligence Unit designated for Georgia shall be: The Financial Monitoring Service of Georgia (FMS) Address: Sanapiro str. 2, 0105 Tbilisi, Georgia. Phone: +995 32 229 67 00 Email: <a href="mailto:Info@fms.gov.ge">Info@fms.gov.ge</a>
Hungary	The Republic of Hungary designates the Hungarian Customs and Finance Guard Central Criminal Investigation Bureau as domestic financial intelligence unit.
Republic of Montenegro (through a declaration concerning article 33 para.2)	Montenegro designates the Ministry of Justice and the Directorate Against Money Laundering and Against the Financing of Terrorism as the central authorities responsible for carrying out the functions foreseen by this Convention : Ministry of Justice Vuka Karadzica 3 81 000 Podgorica Tel. +382 20 407 501 Fax +382 20 407 515 Directorate Against Money Laundering and Against the Financing of Terrorism Novaka Miloševa bb 81 000 Podgorica Tel. +382 20 210 025
Netherlands	The Financial Intelligence Unit designated for the European part of the Netherlands and for the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) is : Financial Intelligence Unit Nederland P.O. Box 3016 2700 KZ Zoetermeer The Netherlands
Portugal	The Portuguese Republic declares that, for its purposes, the unit which is the FIU is the <i>Unidade de Informação Financeira</i> , situated on Rua Luciano Cordeiro, 77, 1150-213, Lisbon.
Romania (through a declaration concerning article 33 para.2)	The Romanian central authorities designated for the application of the provisions of Chapter IV of the Convention are : - <b><u>National Office for Prevention and Combating of Money Laundering</u></b> <b><u>Str. Splaiul Independentei nr. 202A, sectorul 6</u></b> <b><u>Bucuresti, România</u></b> - 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

		<p>- Ministry of Administration and Interior Piata Revolutiei nr. 1A, sectorul 1 Bucuresti, România</p> <p>- Ministry of Public Finance Str. Apolodor nr. 17, sectorul 5 Bucuresti, România.</p>
	San Marino	The Republic of San Marino declares that Financial Intelligence Unit designated for the Republic of San Marino is: <i>Agenzia di Informazione Finanziaria</i> (Strada Paderna, n. 2, 47895 Domagnano, Repubblica di San Marino. Email: info@aif.sm, tel. +378 (0549) 888180, fax +378 (0549) 888181).
	Republic of Serbia (through a declaration concerning article 33 para.2)	<p>Serbia designates as central authorities in charge of the implementation of the Convention:</p> <p>Ministry of Interior of the Republic of Serbia Directorate of Crime Police Department for the fight against organized crime Bulevar Mihajla Pupina 2 11070 Novi Beograd Tel./Fax: +381 11 31 48 66</p> <p><b><u>Ministry of Finances of the Republic of Serbia</u></b> <b><u>Directorate for the prevention of money laundering</u></b> <b><u>Masarikova 2</u></b> <b><u>11000 Beograd</u></b> <b><u>Tel.: +381 11 20 60 151</u></b> <b><u>Fax: +381 11 20 60 150</u></b> <b><u>Email: uprava@apml.org.rs</u></b> <b><u>Internet: <a href="http://www.apml.org.rs">www.apml.org.rs</a></u></b></p>
	Slovak Republic	<p>The Slovak Republic declares that the financial intelligence unit shall be:</p> <p>Police Force Presidium Bureau of Combating Organized Crime Financial Intelligence Unit Racianska 45 812 72 Bratislava Slovakia</p>
	The former Yugoslav Republic of Macedonia (through a declaration concerning article 33 para.2)	<p>The Republic of Macedonia has designated the Ministry of Justice and the Office for Prevention of <b><u>Money Laundering and Financing of Terrorism at the Ministry of Finance of the Republic of Macedonia</u></b> as the central authorities responsible for carrying out the functions foreseen by this Convention:</p> <p>Ministry of Justice of the Republic of Macedonia "Dimitrie Cuposki" N° 9 1000 Skopje Tel. +389 (0)2 3117-277 Fax. +389 (0)2 3226-975 Office for Prevention of Money Laundering and Financing of Terrorism at the Ministry of Finance of the Republic of Macedonia "Veljko Vlahovic" N° 11 1000 Skopje Tel. +389 (0)2 3297-540 Fax. +389 (0)2 3224-824.</p>

	Turkey	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.
	Ukraine	Ukraine declares that the authority, empowered by Ukraine to execute the functions of a financial intelligence unit within the meaning of Article 46 of the Convention, shall be the central authority of executive power with the special status on issues of financial monitoring of Ukraine.
	Total: 14	
DECLARATIONS concerning the Convention's territorial application (article 51)		
	Republic of Moldova	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.
	Netherlands	The Kingdom of the Netherlands declares that the Convention shall apply to the Netherlands (the Kingdom in Europe).
	Total: 2	

15. In addition to the above, Spain has made a declaration (in relation to the particular situation of Gibraltar) which does not concern a specific provision of the Convention.