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ON PUBLIC INTERNATIONAL LAW
(CAHDI)

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EUROPEAN OBSERVATORY OF RESERVATIONS TO INTERNATIONAL TREATIES:
LIST OF OUTSTANDING RESERVATIONS AND DECLARATIONS
TO INTERNATIONAL TREATIES

Secretariat memorandum
Prepared by the Directorate General of Legal Affairs

Foreword

1. At its second meeting (Paris, 14-16 September 1998) the Group of Specialists on Reservations to International Treaties (DI-S-RIT) agreed to propose to the CAHDI to operate as an European observatory of reservations to international treaties (see meeting report, document DI-S-RIT (98) 10).
2. In this context, the CAHDI regularly considers a list of reservations giving rise to doubts as to their admissibility.
3. The following list includes two parts. Part I concerns reservations and declarations to treaties concluded outside the Council of Europe. The information contained therein can be consulted at the United Nations Treaty Collection site <http://untreaty.un.org/>.
4. Part II concerns reservations and declarations to Council of Europe treaties. Information was provided by the Central Department of the Directorate General of Legal Affairs of the Council of Europe and can be accessed via internet at the new URL <http://conventions.coe.int>.
5. The format of the information is CONVENTION: State reserving, date of notification to the depository/date of notification by the depository/deadline for objections. In as far as possible, the text of the reservation and declaration is included.

Action required

Members of the CAHDI are called upon to consider the following outstanding reservations and declarations in the context of its operation as an European observatory of reservations to international treaties.

List of outstanding reservations and declarations

PART I: RESERVATIONS AND DECLARATIONS TO NON-COUNCIL OF EUROPE TREATIES

1. CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS, NEW YORK, 28 SEPTEMBER 1954

Slovakia, 3 April 2000, 12 April 2000, 11 April 2001

“Declaration

The Slovak Republic shall not be bound by Article 27 to that effect it shall issue identity papers to any stateless person that is not in possession of a valid travel document. The Slovak Republic shall issue identity papers only to the stateless persons present on the territory of the Slovak Republic who have been granted long-term or permanent resident status”.

2. VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER, VIENNA, 22 MARCH 1985

China (communication relation to Macau), 19 October 1999, 17 April 2000, 16 April 2001

“The Vienna Convention for the Protection of the Ozone Layer, which the Government of the People’s Republic of China deposited the instrument of accession on 11 September 1989 (...) will apply to the Macau Special Administrative Region with effect from 20 December 1999.

The Government of the People’s Republic of China also wishes to make the following declaration:

Provisions of Article 5 of the Montreal Protocol on Substances that deplete the Ozone Layer of 16 September 1987 will not be applied to the Macau Special Administrative Region, and provisions of paragraph 1 of Article 5 of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer of 29 June 1990 will not be applied to the Macau Special Administrative Region.

In reference to the communication made on 19 October 1999, the Government of China furthermore informs the Secretary-General of the following:

The above-mentioned declaration is solely to make the provisions of the Protocol that had previously applied to Macau continue to so apply to the Macau Special Administrative Region. The declaration is not purported to modify the obligations previously undertaken by Macau under the Protocol and is fully consistent with the objectives and purposes of the Protocol. In fact, the Chinese Government had made a statement of the same nature in the note of 6 June 1997 to the Secretary-General of the United Nations concerning the continuing application of the Protocol to the Hong Kong Special Administrative Region. The past two and a half years since Hong Kong’s return to China saw a clear and full understanding on the part of the Parties to the Protocol of the approach adopted by the Chinese Government.”

3. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER, MONTREAL, 16 SEPTEMBER 1987

China (communication relating to Macau), 19 October 1999, 17 April 2000, 16 April 2001

"(...) as well as the Montreal Protocol on Substances that Deplete the Ozone Layer of 16 September 1987 (...) will apply to the Macau Special Administrative Region with effect from 20 December 1999.

The Government of the People's Republic of China also wishes to make the following declaration:

Provisions of Article 5 of the Montreal Protocol on Substances that deplete the Ozone Layer of 16 September 1987 will not be applied to the Macau Special Administrative Region, and provisions of paragraph 1 of Article 5 of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer of 29 June 1990 will not be applied to the Macau Special Administrative Region.

In reference to the communication made on 19 October 1999, the Government of China furthermore informs the Secretary-General of the following:

The above-mentioned declaration is solely to make the provisions of the Protocol that had previously applied to Macau continue to so apply to the Macau Special Administrative Region. The declaration is not purported to modify the obligations previously undertaken by Macau under the protocol and is fully consistent with the objectives and purposes of the Protocol. In fact, the Chinese Government has made a statement of the same nature in the note of 6 June 1997 to the Secretary-General of the United Nations concerning the continuing application of the Protocol to the Hong Kong Special Administrative Region. The past two and a half years since Hong Kong's return to China saw a clear and full understanding on the part of the Parties to the Protocol of the approach adopted by the Chinese Government".

4. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN NEW YORK, 18 DECEMBER 1979

Saudi Arabia, 7 September 2000, not available, October 2001

Reservations:

"1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.

2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention."

5. KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE KYOTO, 11 DECEMBER 1997

Kiribati, 7 September 2000, 19 October 2000, 18 October 2001

Declaration:

"The Government of the Republic of Kiribati declares its understanding that accession to the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of the climate change and that no provision in the Protocol can be interpreted as derogating from principles of general international law."

6. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, NEW YORK, 16 DECEMBER 1966

Botswana, 8 September 2000, 16 October 2000, 15 October 2001

Reservations made upon signature and confirmed upon ratification:

"The Government of the Republic of Botswana considers itself bound by:

a) Article 7 of the Covenant to the extent that "torture, cruel, inhuman or degrading treatment" means torture inhuman or degrading punishment or other treatment prohibited by Section 7 of the Constitution of the Republic of Botswana.

b) Article 12 paragraph 3 of the Covenant to the extent that the provisions are compatible with Section 14 of the Constitution of the Republic of Botswana relating to the imposition of restrictions reasonably required in certain exceptional instances."

7. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS NEW YORK, 15 DECEMBER 1997

Sudan, 8 September 2000, 10 October 2000, 9 October 2001

Declaration concerning article 19, paragraph 2:

"This paragraph shall not create any additional obligation to the Government of the Republic of the Sudan. It does not affect and does not diminish the responsibility of the Government of the Republic of the Sudan to maintain by all legitimate means order and law or re-establish it in the country or to defend its national unity or territorial integrity.

This paragraph does not affect the principle of non-interference in internal affairs of states, directly or indirectly, as it is set out in the United Nations Charter and relative provisions of international law".

8. VIENNA CONVENTION ON THE LAW OF TREATIES, VIENNA, 23 MAY 1969

Peru, 14 September 2000, 9 November 2000, 8 November 2001

Reservation:

"For the Government of Peru, the application of articles 11, 12 and 25 of the Convention must be understood in accordance with, and subject to, the process of treaty signature, approval, ratification, accession and entry into force stipulated by its constitutional provisions".

9. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, VIENNA, 20 DECEMBER 1988

San Marino, 10 October 2000, 26 October 2000, 25 October 2001

Declaration:

"[The Republic of San Marino declares] that any confiscation activity under article 5 is subject to the fact that the crime is considered as such also by San Marino legal system.

Moreover, it declares that the establishment of "joint teams" and "liaison officers", under article 9, item 1, letter c) and d), as well as "controlled delivery" under article 11 of the [...] Convention, are not provided for by San Marino legal system."

10. CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL, NEW YORK, 9 DECEMBER 1994

Costa Rica, 17 October 2000, 31 October 2000, 30 October 2001

Reservation:

"The Government of the Republic enters a reservation to article 2, paragraph 2, of the Convention, to the effect that limiting the scope of application of the Convention is contrary to the pacifist thinking of our country and, accordingly, that, in the event of conflicts with the application of the Convention, Costa Rica will, where necessary, give precedence to humanitarian law."

11. CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS, NEW YORK, 14 DECEMBER 1973.

Algeria, 7 November 2000, 15 November 2000, 14 November 2001

Reservation:

The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 13, paragraph 1, of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

The Government of the People's Democratic Republic of Algeria states that in each individual case, a dispute may be submitted to arbitration or referred to the International Court of Justice only with the consent of all parties to the dispute.

12. CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL, VIENNA, 26 OCTOBER 1979

Pakistan, 12 September 2000, 22 September 2000, 21 September 2001

"1. The Government of the Islamic Republic of Pakistan does not consider itself bound by paragraph 2 of Article 2, as it regards the question of domestic use, storage and transport of nuclear material beyond the scope of the said Convention.

2. The Government of the Islamic Republic of Pakistan does not consider itself bound by either of the dispute settlement procedures provided for in paragraph 2 of Article 17 of the said Convention."

13. UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA, PARIS, 14 OCTOBER 1994

USA, 17 November 2000, 1 December 2000, 30 November 2001

Understandings:

" (1) Foreign assistance.-- The United States understands that, as a "developed country," pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the

provision of any resource, including technology, to any "affected country," as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) Financial resources and mechanism.-- The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) United States land management.-- The United States understands that it is a "developed country party" as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) Legal process for amending the Convention.-- In accordance with Article 34 (4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) Dispute settlement.-- The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28 (6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice."

14. CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS, NEW YORK, 28 SEPTEMBER 1954

Guatemala, 28 November 2000, 14 December 2000, 13 December 2001

Upon signature:

Reservation:

"Guatemala signs the present Convention with the reservation that the expression "treatment as favourable as possible", referred to in those of its provisions to which reservations may be made, must not be understood to include the special treatment which has been or may be granted to the nationals of, Spain, the Latin American countries in general, and in particular to the countries which constituted the United Provinces of Central America and now form the Organization of Central American States."

Upon ratification:

Confirmation of the reservation made upon signature, as modified:

Reservation:

"Guatemala ratifies the present Convention with the reservation that the expression "treatment as favourable as possible", referred to in those of its provisions to which reservations may be made, shall not be understood to include the special treatment which Guatemala has granted or may grant to nationals of Spain, the Latin American countries in general, and in particular the countries which constitute the Central American Integration System (SICA), which are those countries which constituted the United Provinces of Central America, plus the Republic of Panama."

15. VIENNA CONVENTION ON CONSULAR RELATIONS, VIENNA 24 APRIL 1963

Belize, 30 November 2000, 14 December 2000, 13 December 2001

Declaration:

"The Government of Belize will interpret the exemption accorded to members of a consular post by paragraph 3 of Article 44 from liability to give evidence concerning matters connected with the exercise of their functions as relating only to acts in respect of which consular officers and consular employees enjoy immunity from the jurisdiction of the judicial or administrative authorities of the receiving State in accordance with the provisions of Article 43 of the Convention. The Government of Belize further declares that it will interpret Chapter II of the Convention as applying to all career consular employees, including those employed at a consular post headed by an honorary consular officer."

16. UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, PALERMO, 15 NOVEMBER 2000

Nicaragua, 14 December 2000, 10 January 2001, 9 January 2002

Declaration:

"On signing the present Convention and in accordance with article 34 thereof, the State of the Republic of Nicaragua declares that such measures as may be necessary to harmonize the Convention with its domestic law, will be the outcome of the processes of revision of criminal legislation which the State of the Republic of Nicaragua is currently pursuing or which it may pursue in the future. Moreover, the State of the Republic of Nicaragua reserves the right, at the moment of depositing its instrument of ratification of the present Convention, to invoke, in accordance with the general principles of international law, article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969."

17. PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES AS AMENDED ON 3 MAY 1996 (PROTOCOL II AS AMENDED ON 3 MAY 1996) ANNEXED TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS, GENEVA, 3 MAY 1996

Republic of Moldova, 19 September 2000, 23 January 2001, 22 January 2002

Consent to be bound (reissued):

"This communication, depositary notification C.N.864.2000.TREATIES-10 of 19 September 2000 relating to the consent to be bound by the Republic of Moldova to the Protocol, is hereby withdrawn.

Therefore, this communication should be considered null and void."

PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

1. CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ETS No 005), 4 NOVEMBER 1950

Ukraine, 10 July 2000, 27 July 2000, 26 July 2001

Letter by the Director of Legal Co-operation to the member States of the Council of Europe on 27 July 2000:

"I have the honour to refer to the reservation made by Ukraine with respect to Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms which was notified to the member States on 21 November 1997 (letter JJ3898C):

"The provisions of Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 shall apply in the part that does not contradict paragraphs 50, 51, 52 and 53 of the Interim Disciplinary Statute of the Armed Forces of Ukraine approved by the Decree No 431 of the President of Ukraine dated 7 October 1993, concerning the imposition of arrest as a disciplinary sanction."

The notification also contained the text of paragraphs 50, 51, 52 and 53 of the Interim Disciplinary Statute of the Armed Forces as they had been communicated by Ukraine.

By a letter dated 3 July 2000 and registered in the Secretariat on 10 July 2000, the Permanent Representative of Ukraine to the Council of Europe, Mr Olexandre KUPCHYSHYN, informed the Secretary General that the text communicated in 1997 by the Ukrainian authorities did not correspond to the provisions of Articles 50, 51, 52 and 53 of the Interim Disciplinary Statute of the Armed Forces, but to the provisions of Articles 50, 51, 52 and 53 of the Interim Statute of Internal Service of the Armed Forces of Ukraine.

The Permanent Representative of Ukraine also informed the Secretary General that the Law "On the Disciplinary Statute of the Armed Forces of Ukraine" of 24 March 1999 had introduced amendments to Article 3 of the Law of Ukraine "On the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, First Protocol and Protocols Nos. 2, 4 and 11 thereto" which is now worded as follows:

"The provisions of Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 shall apply in the part that does not contradict Articles 48, 49, 50 and 51 of the Disciplinary Statute of the Armed Forces of Ukraine concerning the imposition of arrest as a disciplinary sanction".

The amendments entered into force on 24 March 1999. The Permanent Representative of Ukraine emphasised that the changes were purely formal and consisted mainly in a renumbering of certain provisions of the Interim Disciplinary Statute (Articles 50, 51, 52 and 53 became Articles 48, 49, 50 and 51).

The texts of both the original Articles 50, 51, 52 and 53 of the Interim Disciplinary Statute of the Armed Forces of Ukraine and Articles 48, 49, 50 and 51 of the Disciplinary Statute of the Armed Forces of Ukraine are attached, respectively, as Appendices I and II.

Appendix I to letter JJ4701C of 27 July 2000

The Interim Disciplinary Statute of the Armed Forces of Ukraine

Disciplinary penalties which are imposed on soldiers, sailors, sergeants and sergeants-majors

Article 50. On soldiers (sailors) of fixed-date service can be imposed such sanctions :

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) deprivation of regular release from location of military unit or from ship on the bank;
- e) appointment out of turn on duty to work - till 5 duties;
- f) arrest with supervision in the guard-room till 10 days;
- g) deprivation of breastplate "Excellent specialist";
- h) reducing of the senior soldier (senior sailor) to the rank.

Article 51. On soldiers and sailors of contract service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) appointment out of turn on duty to work - till 5 duties;
- e) arrest with supervision in the guard-room till 10 days;
- f) deprivation of breastplate "Excellent specialist of the Armed Forces of Ukraine";
- g) reducing of the senior soldier (senior sailor) to the rank;
- h) discharge from military service for service incompliance.

Article 52. On sergeants and sergeants-majors of fixed-date service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) deprivation of regular release from location of military unit or from ship on the bank;
- e) arrest with supervision in the guard-room till 10 days;
- f) deprivation of breastplate "Excellent specialist";
- g) demotion;
- h) demotion in military rank by one grade;
- i) demotion in military rank by one grade with transfer to a lower post;
- j) reducing of the sergeant (sergeant-major) to the rank.

Article 53. On sergeants and sergeants-majors of contract service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) arrest with supervision in the guard-room till 7 days;
- e) deprivation of breastplate "Excellent specialist of the Armed Forces of Ukraine";
- f) demotion;
- g) demotion in military rank by one grade;
- h) demotion in military rank by one grade with transfer to a lower post;
- i) reducing of the sergeant (sergeant-major) to the rank;
- j) discharge from military service for service incompliance.

Appendix II to letter JJ4701C of 27 July 2000

The Law of Ukraine "On Disciplinary Statute of the Armed Forces of Ukraine" of 24 March 1999

Disciplinary penalties which are imposed on soldiers (sailors), sergeants (sergeants-majors)

Article 48. On soldiers (sailors) of fixed-date service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) deprivation of regular release from location of military unit or from ship on the bank;
- e) appointment out of turn on duty to work - till 5 duties;
- f) arrest with detention in the guard-room till 10 days;
- g) reducing of the senior soldier (senior sailor) to the rank.

Article 49. On soldiers (sailors) of contract service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) warning of service incompliance;
- e) appointment out of turn on duty to work - till 5 duties;
- f) arrest with detention in the guard-room till 10 days;
- g) reducing to the senior soldier (senior sailor) rank;
- h) discharge from military service by contract for non-execution of terms of contract or service incompliance.

Article 50. On sergeants (sergeants-majors) of fixed-date service can be imposed such sanctions:

- a) remark;

- b) reprimand;
- c) severe reprimand;
- d) deprivation of regular release from location of military unit or from ship on the bank;
- e) arrest with detention in the guard-room till 10 days;
- f) demotion;
- g) demotion in military rank by one grade;
- h) demotion in military rank by one grade with transfer to a lower post;
- i) reducing of the sergeant (sergeant-major) to the rank.

Article 51. On sergeants (sergeants-majors) of contract service can be imposed such sanctions:

- a) remark;
- b) reprimand;
- c) severe reprimand;
- d) warning of imperfect service compliance;
- e) arrest with detaining in the guard-room till 7 days;
- f) demotion;
- g) demotion in military rank on one grade;
- h) demotion in military rank on one grade with transferring to lower post;
- i) reducing to the sergeant (sergeant-major) rank;
- j) discharge from military service by contract for non-execution of terms of contract or service incompliance.

2. EUROPEAN SOCIAL CHARTER (ETS No. 35), 18 OCTOBER 1961¹

Cyprus, 27 September 2000, 20 October 2000, 19 October 2001

¹ *Relevant provisions :*

Article 37 – Denunciation

1 Any Contracting Party may denounce this Charter only at the end of a period of five years from the date on which the Charter entered into force for it, or at the end of any successive period of two years, and, in each case, after giving six months notice to the Secretary General of the Council of Europe who shall inform the other Parties and the Director General of the International Labour Office accordingly. Such denunciation shall not affect the validity of the Charter in respect of the other Contracting Parties provided that at all times there are not less than five such Contracting Parties.

2 Any Contracting Party may, in accordance with the provisions set out in the preceding paragraph, denounce any article or paragraph of Part II of the Charter accepted by it provided that the number of articles or paragraphs by which this Contracting Party is bound shall never be less than 10 in the former case and 45 in the latter and that this number of articles or paragraphs shall continue to include the articles selected by the Contracting Party among those to which special reference is made in Article 20, paragraph 1, sub-paragraph b.

3 Any Contracting Party may denounce the present Charter or any of the articles or paragraphs of Part II of the Charter, under the conditions specified in paragraph 1 of this article in respect of any territory to which the said Charter is applicable by virtue of a declaration made in accordance with paragraph 2 of Article 34.

European Social Charter (Revised) (ETS No. 163) - Article B - Links with the European Social Charter and the 1988 Additional Protocol

1 No Contracting Party to the European Social Charter or Party to the Additional Protocol of 5 May 1988 may ratify, accept or approve this Charter without considering itself bound by at least the provisions corresponding to the provisions of the European Social Charter and, where appropriate, of the Additional Protocol, to which it was bound.

"In accordance with Article 37 of the Charter, the Republic of Cyprus gives notice of its intention to denounce Article 2, paragraph 3, and Article 7, paragraph 7, of the European Social Charter.

The denunciation is made for purely technical reasons so that the ratification of the Revised Charter will be possible. The denunciation will in no way constitute a regression in the protection afforded to workers as the existing legislation safeguards the right of all employees to three weeks annual holiday with pay. The European Committee of Social Rights has in its conclusions confirmed the compliance of the situation in Cyprus with the aforesaid provisions of the Charter."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

3. CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (ETS No. 104), 19 SEPTEMBER 1979²

Croatia, 3 July 2000, 21 July 2000, 19 July 2001

"Pursuant to the provisions of paragraph 1 of Article 22, the Republic of Croatia makes the following reservations relating to Articles 5, 6 and 7 of the Convention:

Appendix I

- *Salvinia natans* : protection not to be implemented on fish farms.
- *Trapa natans* : protection not to be implemented on fish farms.
- *Rheum raphanistrum*.

Appendix II

To be considered a species mentioned in Appendix III :

- *Felis silvestris*
- *Ursus arctus*.
- *Vipera ammodytes*

Appendix III

- *Paracentrotus lividus*"

Note by the Secretariat : The reservations have been formulated in accordance with the relevant provisions.

² *Relevant provisions:*

Article 22

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations regarding certain species specified in Appendices I to III and/or, for certain species mentioned in the reservation or reservations, regarding certain means or methods of killing, capture and other exploitation listed in Appendix IV. No reservations of a general nature may be made.

2 Any Contracting Party which extends the application of this Convention to a territory mentioned in the declaration referred to in paragraph 2 of Article 21 may, in respect of the territory concerned, make one or more reservations in accordance with the provisions of the preceding paragraph.

3 No other reservation may be made.

4 Any Contracting Party which has made a reservation under paragraphs 1 and 2 of this article may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect as from the date of receipt of the notification by the Secretary General.

4. PROTOCOL No. 6 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONCERNING THE ABOLITION OF THE DEATH PENALTY (ETS No. 114), 28 APRIL 1983³

Cyprus, 19 June 2000, 15 March 2000, 14 March 2001

It is hereby communicated, in accordance with Article 2 of the Protocol, that the death penalty is retained for the following offences under the Military Criminal Code and Procedure Law no. 40 of 1964 as amended:

- Treason (section 13)
- Surrender of entrusted post by military commander (section 14)
- Capitulation in open place by officer in command (section 15) (a)
- Instigating or leading a revolt within the armed forces (section 42 (2))
- Transmission of military secrets to a foreign state, spy of agent (section 70 (1))
- Instigating or leading a revolt among war prisoners (section 95 (2)).

An English translation of the provisions of the above offences is attached as Appendix I to this Communication.

It is further communicated that by virtue of the provisions of the Military Criminal Code and Procedure (Amendment) Law no. 91(I) of 1995, the death penalty, wherever provided for in the principal law, is imposed only when the offence is committed in time of war. According to the same provisions, the death penalty is not a mandatory sanction, but may, on the discretion of the Court, be substituted by imprisonment for life or for a shorter period.

An English translation of the provisions of the Military Criminal Code and Procedure (Amendment) Law no. 91(I) of 1995 is attached as Appendix II.

Appendix I - Translation into English of the provisions of the offences under the Military Criminal Code and Procedure Law no. 40 of 1964 carrying the death penalty

Treason - Section 13

A member of the armed forces who in time of war or armed revolt or state of emergency

- a. takes arms against the Republic;
- b. voluntarily undertakes any military service with the enemy;
- c. surrenders to the enemy or to another, in the interests of the enemy, either the force commended by him or the fort of other military post or town entrusted to him, or arms or any means of war or ammunition or supplies of the army in food stuffs and materials of all kinds or money;
- d. comes to terms with the enemy for the purpose of helping the operations thereof;

³ *Relevant provisions :*

Article 2 – Death penalty in time of war

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.

Article 4 – Prohibition of reservations

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.

- e. knowingly acts in a manner capable of benefiting the military operations of the enemy or of damaging the operations of the army;
- f. causes or participates in an agreement purporting to compel the commander of a besieged position, to surrender or come to terms;
- g. causes the army in the face of the enemy to take to flight or obstructs the reassembling thereof or in any way tries to inspire fear in the army;
- h. attempts anything which is capable of endangering the life, corporal integrity or the personal liberty of the Commander, is guilty of a felony and is punishable with death and degradation.

Surrender of entrusted post by military commander - Section 14

- A military commander or garrison (fortress) commander, who has come to terms with the enemy and surrendered the post entrusted to him without having exhausted all the possible means of defence and without having performed all the obligations imposed upon him by the military duty and honour, is guilty of a felony and is punishable with death and degradation.

Capitulation in open place by officer in command - Section 15

- A commander of an armed military unit who, in an open place comes to terms is guilty of a felony and is punishable

a. with death and degradation, if as a result of his coming to terms his force has laid down the arms, or if before negotiating orally or in writing, he did not fulfil the obligations imposed on him by the military duty and honour;

b.

Revolt within the armed forces - Section 42

1. (defines revolt)

2. The instigators and the leaders of a revolt as well as the officer superior in rank, are guilty of a felony and are punishable with death and degradation. The other rebels are guilty of a felony and are punishable in time of peace with imprisonment not exceeding seven years, and in time of war, armed revolt, state of emergency or mobilisation, with death.

3.

Transmission of military secrets - Section 70

1. A member of the armed forces of any person, in the service of the army, who unlawfully and intentionally delivers or makes known to another or allows to come to the possession or knowledge of another documents, plans or other objects or secret information of a military significance is guilty of a felony and is punishable with imprisonment not exceeding fourteen years and with death and degradation if he delivered them or made them known to a foreign State or spy or agent thereof.

.....

2. (defines what constitutes military secrets).

Revolt among prisoners of war - Section 95

1. (defines state of revolt among prisoners of war)

2. The inciters and those who led the revolt as well as the officers and non-commissioned officers, are guilty of a felony and are punishable with death and the others with imprisonment not exceeding fourteen years.

3.

Appendix II - Number 91(I) of 1995 - A Law to amend the Military Criminal Code and Procedure.

The House of Representatives enacts as follows:

1. This Law may be cited as the Military Criminal Code and Procedure (Amendment) Law of 1995 and shall be read as one with the Military Criminal Code and Procedure of 1964 to 1993 (hereinafter referred to as "the principal law") and the principal law and this Law shall together be cited as the Military Criminal Code and Procedure of 1964 to 1995.

2. The following new subsection is substituted for subsection 2 of section 7 of the principal law:

"(2). The death penalty wherever provided in this law is imposed only when the offence is committed in time of war, without prejudice to the right of the Court to impose life imprisonment or imprisonment for a shorter period of time where the circumstances so justify".

Ukraine, 30 June 2000, 21 July 2000, 20 July 2001

"On 29 December 1999, the Constitutional Court of Ukraine ruled that the provisions of the Criminal Code of Ukraine which provided for death penalty were unconstitutional. According to the Law of Ukraine of 22 February 2000 "On the Introduction of Amendments to the Criminal, Criminal Procedure and Correctional Labour Codes of Ukraine", the Criminal Code of Ukraine has been brought into conformity with the above-mentioned ruling of the Constitutional Court of Ukraine. The death penalty was replaced by life imprisonment (Article 25 of the Criminal Code of Ukraine). The Law of Ukraine "On the ratification of Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the Death Penalty, of 1983" envisages retaining of application of the death penalty for offences committed in time of war by means of introduction of appropriate amendments to the legislation in force.

Pursuant to Article 2 of the Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Ukraine will notify the Secretary General of the Council of Europe in case of introduction of these amendments."

5. EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ETS No. 126), 26 NOVEMBER 1987⁴

Georgia, 20 June 2000, 21 July 2000, 20 July 2001

" Georgia declares that it will not be responsible for violations of the provisions of the Convention and the safety of the members of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment on the territories of Abkhazia and the Tskhinval region until the territorial integrity of Georgia is restored and full and effective control over these territories is exercised by the legitimate authorities."

⁴ *Relevant provisions :*

Article 21

No reservation may be made in respect of the provisions of this Convention.

6. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (ETS No. 148), 5 NOVEMBER 1992⁵

Denmark, 8 September 2000, 28 November 2000, 27 November 2001

"The Danish Realm comprises Denmark, the Faroe Islands and Greenland.

Section 11 of Act No. 137 of 23 March 1948 on Home Rule of the Faroe Islands states that "Faroese is recognized as the principal language, but Danish is to be learnt well and carefully, and Danish may be used as well as Faroese in public affairs." By virtue of the said Act the Faroese language enjoys a high degree of protection and the provisions of the Charter will therefore not be applicable to the Faroese language, cf. Article 4 (2) of the Charter. For this reason, the Danish Government does not intend to submit periodical reports according to Article 15 of the Charter as far as the Faroese language is concerned.

Denmark's ratification of the Charter does not in any way prejudice the outcome of the negotiations on the future constitutional status of the Faroe Islands.

Section 9 of Act No. 577 of 29 November 1978 on Greenland Home Rule states that:

"(1) Greenlandic shall be the principal language, Danish must be thoroughly taught.

(2) Either language may be used for official purposes."

By virtue of the said Act the Greenlandic language enjoys a high degree of protection and the provisions of the Charter will therefore not be applicable to the Greenlandic language, cf. Article 4(2) of the Charter. For this reason, the Danish Government does not intend to submit periodical reports according to Article 15 of the Charter as far as the Greenlandic language is concerned.

⁵ *Relevant provisions :*

Article 2 – Undertakings

1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 7 – Objectives and principles

(...)

5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

In accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the European Charter for Regional or Minority Languages, Denmark declares that it will apply the following provisions of Part III of the Charter to the German minority language in Southern Jutland:

Article 8, paragraph 1 a iii; b iv, c iii/iv, d iii; e ii, f ii, g; h; i; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a/b/c;

Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b i/ii, c i/ii; d, e i, f ii; g, paragraph 2;

Article 12, paragraph 1 a; b; d; e; f; g; paragraph 2; paragraph 3

Article 13, paragraph 1 a; c; d; paragraph 2 c;

Article 14, a; b.

The Danish Government considers that Article 9, paragraphs 1 b iii, and 1 c iii, does not preclude that national procedural law may contain rules which require that documents produced in a foreign language before courts as a general rule be accompanied by a translation.

Upon instruction the Representation hereby transmits certified translations into English of the Greenland Home Rule Act of 29 November 1978 and the Home Rule Act of the Faroe Islands of 23 March 1948, on the basis of which mandatory consultations were held as part of the ratification process. Attention is drawn to sections 9 and 11 respectively and to the corresponding lists of matters brought under Home Rule⁶."

Slovenia, 4 October 2000, 20 October 2000, 19 October 2001

"The Republic of Slovenia declares, that the Italian and Hungarian languages are considered as regional or minority languages in the territory of the Republic of Slovenia within the meaning of the European Charter for Regional or Minority Languages. In accordance with Article 2, paragraph 2, of the Charter, the Republic of Slovenia will apply to these two languages the following provisions of the Part III of the Charter:

Article 8

Paragraph 1, sub-paragraphs a (i, ii, iii), c (i, ii, iii), d (i, ii, iii), e (iii), f (iii, g, h, i)

Paragraph 2

Article 9

Paragraph 1, sub-paragraphs a, b, c, d

Paragraph 2, sub-paragraphs a, b c

Article 10

Paragraph 1

Paragraph 2

Paragraph 3

Paragraph 4

Paragraph 5

Article 11

Paragraph 1, sub-paragraphs a (i), e (i)

Paragraph 2

Paragraph 3

Article 12

Paragraph 1, sub-paragraphs a, d, e, f

⁶ Texts available at the Secretariat General.

Paragraph 2

Paragraph 3

Article 13

Paragraph 1

Paragraph 2

Article 14

Paragraph a

Paragraph b

In accordance with Article 7, paragraph 5, of the Charter, the Republic of Slovenia will apply *mutatis mutandis* the provisions of Article 7, paragraphs 1 to 4, also to the romani language."

Note by the Secretariat : The Slovenian declarations have been formulated in accordance with the relevant provisions.

7. FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (ETS NO. 157), 1 FEBRUARY 1995⁷

Azerbaijan, 26 June 2000, 21 July 2000, 20 July 2001

"The Republic of Azerbaijan, confirming its adherence to the universal values and respecting human rights and fundamental freedoms, declares that the ratification of the Framework Convention for the Protection of National Minorities and implementation of its provisions do not imply any right to engage in any activity violating the territorial integrity and sovereignty, or internal and international security of the Republic of Azerbaijan."

Poland, 20 December 2000, 21 December 2000, 20 December 2001

"Taking into consideration the fact, that the Framework Convention for the Protection of National Minorities contains no definition of the notion of national minorities, the Republic of Poland declares that it understands this term as national minorities residing within the territory of the Republic of Poland and whose members are Polish citizens.

The Republic of Poland shall at the same time implement the Framework Convention under Article 18 of the Convention by concluding of international agreements mentioned in this article, the aim of which is to protect national minorities in Poland and minorities or groups of Poles in other States."

⁷ *Note by the Secretariat* : The Framework Convention contains no provisions relating to reservations or declarations. *Other relevant provisions*:

Article 18

1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

8. EUROPEAN CONVENTION ON THE EXERCISE OF CHILDREN'S RIGHTS (ETS NO. 160), 25 JANUARY 1996⁸

Slovenia, 28 March 2000, 12 May 2000, 11 May 2001

"According to Article 1, paragraph 4 of the European Convention on the Exercise of Children's Rights, done in Strasbourg on 25 January 1996, the Republic of Slovenia hereby states the procedures in the field of family law, which are encompassed in this Convention. The latter are as follows: the procedure of deciding on upbringing of a child, the procedure of adoption, the procedure of custody, the procedure of managing the child's assets and the procedure of determining the level of maintenance."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

9. EUROPEAN SOCIAL CHARTER (REVISED) (ETS No. 163), 3 MAY 1996⁹

Andorra, 4 November 2000, 10 November 2000, 9 November 2001

"The Government of the Principality of Andorra wishes this act of signature to be interpreted as a sign in favour of European solidarity. With the signature of the European Social Charter (revised), the Principality of Andorra joins the majority of member States of the Council of Europe which have recognised the Charter's principles. Nevertheless, the particular structure of the Andorran society and economy commit the Principality of Andorra to protect the essential elements of its specificity, and in this view, some articles of the European Social Charter (revised) seem to present difficulties for an immediate ratification."

Note by the Secretariat : The declaration has been formulated at the time of signature of the Convention.

⁸ *Relevant provisions* :

Article 1 – Scope and object of the Convention

- 1 This Convention shall apply to children who have not reached the age of 18 years.
- 2 The object of the present Convention is, in the best interests of children, to promote their rights, to grant them procedural rights and to facilitate the exercise of these rights by ensuring that children are, themselves or through other persons or bodies, informed and allowed to participate in proceedings affecting them before a judicial authority.
- 3 For the purposes of this Convention proceedings before a judicial authority affecting children are family proceedings, in particular those involving the exercise of parental responsibilities such as residence and access to children.
- 4 Every State shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, specify at least three categories of family cases before a judicial authority to which this Convention is to apply.

⁹ *Relevant provisions* :

Article A – Undertakings

- 1 Subject to the provisions of Article B below, each of the Parties undertakes:
 - a to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part;
 - b to consider itself bound by at least six of the following nine articles of Part II of this Charter: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20;
 - c to consider itself bound by an additional number of articles or numbered paragraphs of Part II of the Charter which it may select, provided that the total number of articles or numbered paragraphs by which it is bound is not less than sixteen articles or sixty-three numbered paragraphs.
 - 2 The articles or paragraphs selected in accordance with sub-paragraphs b and c of paragraph 1 of this article shall be notified to the Secretary General of the Council of Europe at the time when the instrument of ratification, acceptance or approval is deposited.
- (...)

Bulgaria, 7 June 2000, 13 July 2000, 12 July 2001

"In accordance with Part III, Article A, paragraph 1, of the Charter, the Republic of Bulgaria declares the following :

1. The Republic of Bulgaria considers Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means both national and international in character, as stated in the introductory paragraph of that Part.

2. The Republic of Bulgaria considers itself bound by the following Articles of Part II of the Charter:

Article 1

Article 2, paragraphs 2, 4-7

Article 3

Article 4, paragraphs 2-5

Articles 5, 6, 7, 8, 11

Article 12, paragraphs 1 and 3

Article 13, paragraphs 1-3

Articles 14,16

Article 17, paragraph 2

Article 18, paragraph 4,

Articles 20, 21, 22, 24, 25, 26

Article 27, paragraphs 2 and 3

Articles 28 and 29.

3. In accordance with Part IV, Article D, paragraph 2, of the Charter, the Republic of Bulgaria accepts the supervision of its obligations under this Charter following the procedure provided in the Additional Protocol to the European Social Charter providing for a system of collective complaints of 9 November 1995."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

Cyprus, 27 September 2000, 20 October 2000, 19 October 2001

"In accordance with Part III, Article A, of the revised European Social Charter, the Republic of Cyprus considers itself bound by Articles 1, 5, 6, 9, 10, 11, 12, 14, 15, 19, 20, 24 and 28 as well as by the following paragraphs:

- . paragraphs 1, 2, 5 and 7 of Article 2,
- . paragraphs 1, 2 and 3 of Article 3,
- . paragraphs 1, 2, 3, 4, 6, 8 and 10 of Article 7,
- . paragraphs 1, 2 and 3 of Article 8,
- . paragraphs 2 and 3 of Article 13,
- . paragraph 4 of Article 18, and
- . paragraph 3 of Article 27."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

Estonia, 11 September 2000, 6 October 2000, 5 October 2001

"In accordance with Part III, Article A, paragraph 2, of the Charter, the Republic of Estonia notifies that it considers itself bound by the following articles of Part II of the Charter:

- 1) Article 1 - The right to work (paragraphs 1-4, in full);
- 2) Article 2 – The right to just conditions of work (paragraphs 1-3, 5-7);
- 3) Article 3 – The right to safe and healthy working conditions (paragraphs 1-3);
- 4) Article 4 – The right to a fair remuneration (paragraphs 2, 3, 4, 5);
- 5) Article 5 – The right to organise (in full);
- 6) Article 6 – The right to bargain collectively (paragraphs 1-4, in full);
- 7) Article 7 – The right of children and young persons to protection (paragraphs 1-4, 7-10);
- 8) Article 8 – The right of employed women to protection of maternity (paragraphs 1-5, in full);
- 9) Article 9 – The right to vocational guidance (in full);
- 10) Article 10 – The right to vocational training (paragraphs 1, 3, 4);
- 11) Article 11 – The right to protection of health (paragraphs 1-3, in full);
- 12) Article 12 – The right to social security (paragraphs 1-4, in full);
- 13) Article 13 – The right to social and medical assistance (paragraphs 1-3);
- 14) Article 14 – The right to benefit from social welfare services (paragraphs 1,2, in full);
- 15) Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community (paragraphs 1-3, in full);
- 16) Article 16 – The right of the family to social, legal and economic protection (in full);
- 17) Article 17 – the right of children and young persons to social, legal and economic protection (paragraphs 1, 2, in full);
- 18) Article 19 – The right of migrant workers and their families to protection and assistance (paragraphs 1-12, in full);
- 19) Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (in full);
- 20) Article 21 – the right to information and consultation (in full);
- 21) Article 22 – The right to take part in the determination and improvement of the working conditions and working environment (in full);
- 22) Article 24 – The right to protection in cases of termination of employment (in full);
- 23) Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer (in full);
- 24) Article 27 – The right of workers with family responsibilities to equal opportunities and treatment (1-3, in full);
- 25) Article 28 – the right of workers representatives to protection in the undertaking and facilities to be accorded to them (in full);
- 26) Article 29 – The right to information and consultation in collective redundancy procedures (in full)."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

Ireland, 4 November 2000, 10 November 2000, 9 November 2001

"In accordance with Part III, Article A, of the Charter, Ireland considers itself bound by all the provisions of the Charter, except :

Article 8, paragraph 3;

Article 21, paragraphs a and b;

Article 27, paragraph 1, sub-paragraph c;

Article 31.

In view of the general wording of Article 31 of the Charter, Ireland is not in a position to accept the provisions of this article at this time. However, Ireland will follow closely the interpretation to be given to the provisions of Article 31 by the Council of Europe with a view to their acceptance by Ireland at a later date."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

10. CONVENTION FOR THE PROTECTION OF ENVIRONMENT THROUGH CRIMINAL LAW (ETS No. 172), 4 NOVEMBER 1998¹⁰

Italy, 6 November 2000, 10 November 2000, 9 November 2001

"Italy reserves itself the right not to apply Article 9, paragraph 1, in the part providing for the adoption of measures to impose criminal sanctions and measures on legal persons on whose behalf an offence referred to in Articles 2 or 3 has been committed by their organs or by members thereof or by another representative."

Note by the Secretariat : The declaration has been formulated in accordance with the relevant provisions.

¹⁰ *Relevant provisions* :

Article 9 – Corporate liability

1 Each Party shall adopt such appropriate measures as may be necessary to enable it to impose criminal or administrative sanctions or measures on legal persons on whose behalf an offence referred to in Articles 2 or 3 has been committed by their organs or by members thereof or by another representative.

2 Corporate liability under paragraph 1 of this article shall not exclude criminal proceedings against a natural person.

3 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply paragraph 1 of this article or any part thereof or that it applies only to offences specified in such declaration.

Article 17 – Reservations

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of one or more of the reservations provided for in Article 3, paragraphs 2 and 3, Article 5, paragraph 4, Article 7, paragraph 2, Article 9, paragraph 3 and Article 10, paragraph 2. No other reservation may be made.

2 Any State which has made a reservation under the preceding paragraph 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.

3 A Party which has made a reservation in respect of a provision of this 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.