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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**37th meeting
Strasbourg, 19-20 March 2009**

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

Document prepared by the Secretariat of the CAHDI

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 outstanding reservations.
3. The following list concerns reservations and declarations to treaties concluded within the Council of Europe. The information contained therein can be consulted at the Council of Europe Treaty Collection site <http://conventions.coe.int/>.
4. The format of the information is CONVENTION: **State reserving**, date of notification to the depositary, date of notification by the depositary (where those dates coincide they are indicated only once), 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 a European observatory of reservations to international treaties. A table of objections to these reservations and declarations is circulated as an Addendum to this document.

A. COUNCIL OF EUROPE FRAMEWORK CONVENTION ON THE VALUE OF CULTURAL HERITAGE FOR SOCIETY, FARO, 27 OCTOBER 2005

1. MOLDOVA, 1 December 2008, 5 December 2008, 4 December 2009

Declaration

The Republic of Moldova declares that, until the full re-establishment of its territorial integrity, the provisions of the Convention will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

B. PROTOCOL AMENDING THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM, STRASBOURG, 15 MAY 2003

2. AZERBAIJAN, 2 December 2008, 5 December 2008, 4 December 2009

Declaration

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Protocol in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories is enclosed).

C. SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, STRASBOURG, 8 NOVEMBER 2001

3. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA", 16 December 2008, 18 December 2008, 17 December 2009

Declaration

"(...)

In accordance with Article 6¹ of the Second Additional Protocol, the Republic of Macedonia declares that the competent authorities for the purposes of the Convention and this Protocol are the courts of first instance with extended competence.

(...)"

D. ANTI-DOPING CONVENTION, STRASBOURG, 16 NOVEMBER 1989

4. MOLDOVA, 27 January 2009, 6 February 2009, 5 February 2010

Declaration

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

¹ **Article 6 – Judicial authorities**

Article 24 of the Convention shall be replaced by the following provisions:

"Any State shall at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, define what authorities it will, for the purpose of the Convention, deem judicial authorities. It subsequently may, at any time and in the same manner, change the terms of its declaration."

**E. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES,
STRASBOURG, 5 NOVEMBER 1992**

5. POLAND, 12 February 2009, 20 February 2009, 19 February 2010

Declaration

“(…)

The Republic of Poland declares that it shall apply the Charter in accordance with the Act on national and ethnic minorities and on regional language, dated 6 January 2005.

(…)”