



PRACTICAL GUIDE



**Treaty Office
of the Council of Europe**

September 2020

PRACTICAL GUIDE

**Guide to procedures applicable
to the daily management of acts
concerning the conventions
of the Council of Europe**

**Treaty Office
of the Council of Europe**

September 2020

French edition:

Guide de la pratique du Bureau des Traités

The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

All requests concerning the reproduction or translation of all or part of this document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int). All other correspondence concerning this document should be addressed to the Directorate of Legal Advice and Public International Law – Treaty Office.

Cover and layout: Documents and Publications Production Department (SPDP), Council of Europe

Photos: © Shutterstock

© Council of Europe, September 2020
Printed at the Council of Europe

Contents

INTRODUCTION	5
I. OPERATIONAL PROCEDURES	7
1. Drafting of a new treaty	8
2. Titles of treaties	8
3. Decisions to adopt and open for signature	9
4. Simultaneous adoption and opening for signature of a treaty	10
5. Production and communication	11
6. Opening for signature	12
a. Model of invitation letter to an opening for signature ceremony	13
b. Example of room layout	16
c. Model of signatory list for Protocol	17
d. Communication on the website	17
7. Day-to-day treaty management	18
a. Signature	18
b. Ratification/acceptance/approval/accession (consent)	20
c. Procès-verbal of signature and ratification - Models	22
d. Exceptional circumstances	27
e. Entry into force	27
8. Participation of non-member States in Council of Europe treaties	30
a. Procedure	33
b. Examples illustrating the procedure	34
9. Modification of treaties	41
a. Correction of treaties	41
b. Modification of treaties: adding of new signatories	43
c. Amendments to treaties	44
d. Separation and reunification of States – European upheavals	45
e. Special statements	46
II. COUNCIL OF EUROPE DEPOSITARY PRACTICE	49
Depositary functions in the Council of Europe	49
1. Checklists for the depositary	53
2. Opening for signature	53
3. Full powers of signature and Instruments of ratification	54
Full powers of signature	54
Instrument of ratification/acceptance/approval	55
4. Ceremony of signature – Deposit of instrument of ratification	56
a. Procedure for signature	56
b. Deposit of instruments of ratification	56
5. Parent treaties	57
6. Mandatory declarations and terms of signature	57
a. Mandatory declarations	57
b. Terms of signature	58
7. Renewal of reservations	61
a. Procedure of follow-up to and renewal of reservations and declarations:	62
b. Follow-up table	63
c. Correspondence related to the renewal of reservations:	64
8. Notifications	68
a. Presentation	68
b. Procedure	68
c. List of notifications	70
d. Specific notifications	93
9. Custody: living historical archives	108
APPENDIX 1 – GLOSSARY ON TREATIES	109
APPENDIX 2 – FUNDAMENTAL TEXTS	111



Introduction

The present publication provides an overview over the Council of Europe's treaty-making and depositary activities. It is intended as a practical tool, assembling in a single document an overview of treaty-related procedures and practices as well as examples of the most common documents used in this context.

Since it was founded in 1949, the Council of Europe has contributed, by concluding treaties, to achieving greater unity between its member States and to creating a truly European legal space. To date, more than 220 treaties have been concluded with a view to fostering international co-operation, establishing common European standards and approximating the legislation of European states.

The Council of Europe Treaty Series groups together all treaties concluded since 1949. Whether termed "agreement", "convention", "arrangement", "charter", or "code", these texts are all international treaties in the sense of the 1969 Vienna Convention on the Law of Treaties.

The Secretary General of the Council of Europe is the depositary of all these treaties. The tasks related to the exercise of depositary functions are carried out by the Treaty Office, which is responsible for the day-to-day administration of the Council of Europe treaties.

The Treaty Office publishes and is the custodian of the original texts of all the treaties and organises each signature or ratification ceremony. It receives and registers the ratifications, as well as any declarations and reservations that may accompany them, and any withdrawal or modification thereof. It ensures that the documents it receives are in due and proper form and notifies them to the member States of the Council of Europe and other States or organisations which are parties to the treaties. The Treaty Office also exercises all the specific functions that are sometimes assigned to it by the treaties.

The text of all Council of Europe treaties, their explanatory reports, the status of signatures and ratifications, declarations and reservations made by States and the notifications issued by the Treaty Office since 2000 are available on the website of the Council of Europe Treaty Office: <https://www.coe.int/en/web/conventions>.

I hope this publication will be of use for all those interested in the Council of Europe and its conventional *acquis*.

Jörg Polakiewicz

Director of Legal Advice and Public International Law (Legal Adviser)
Council of Europe

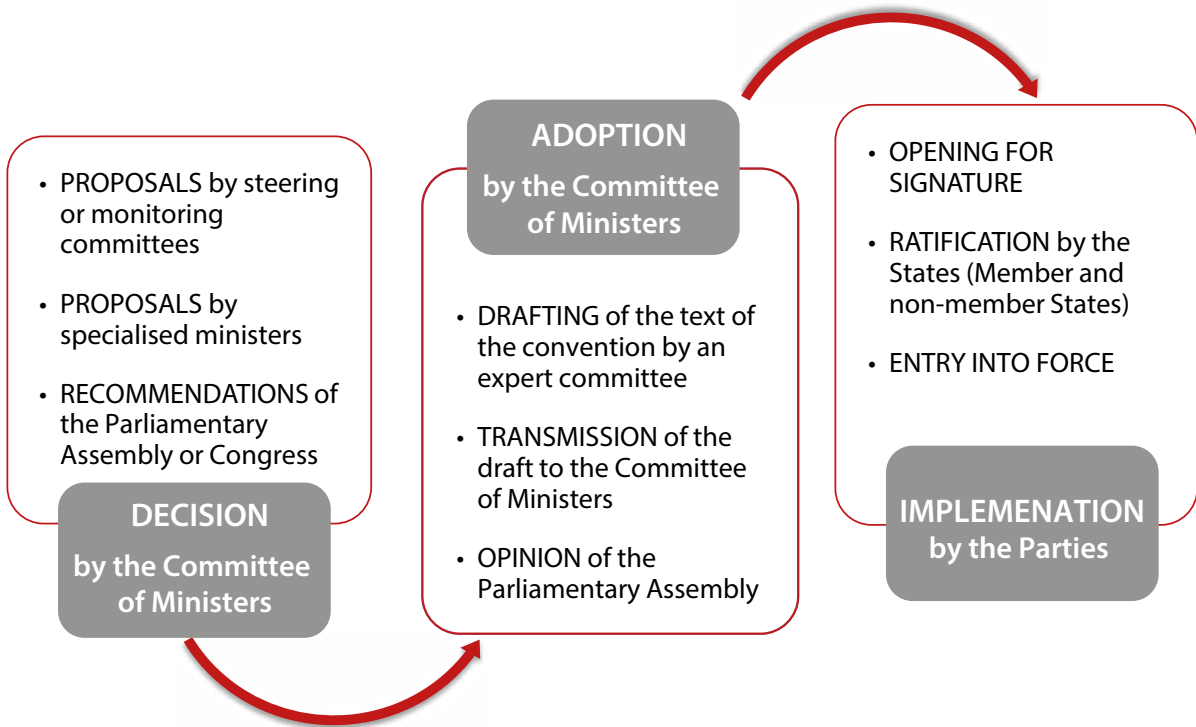
I. Operational procedures

There are several stages in the life of a Council of Europe treaty, from the drafting to the day-to-day management of signatures and ratifications.

These stages, detailed below, are illustrated with models and examples that provide a very concrete understanding of the phases to be followed and the key points to be followed and complied with.

- ▶ Drafting of a new treaty
- ▶ Titles of treaties
- ▶ Decisions to adopt and open for signature
- ▶ Simultaneous adoption and opening for signature of a treaty
- ▶ Production and communication
- ▶ Opening for signature
- ▶ Day-to-day treaty management
- ▶ Participation of non-member States
- ▶ Modification of treaties

1. Drafting of a new treaty



2. Titles of treaties

“European Treaty Series” (ETS) and “Council of Europe Treaty Series” (CETS)

The 1949 Statute of the Council of Europe has been numbered “1” in the series. Amendments and texts of statutory character adopted after this have been numbered 6, 7, 8 and 11. However, as these texts are not treaties in the meaning of the 1969 Vienna Convention on the Law of Treaties, they have been removed from the list of treaties and appended to the Statute of the Council of Europe.

Treaties Nos. 3 and 4 are the headquarters agreements concluded between the Council of Europe and France. As these texts are bilateral treaties, and not multilateral treaties adopted pursuant to Article 15 of the Statute, they have also been removed from the list.

As regards treaties supplemented by protocols “A” or “B”, this corresponds to a practice followed until 1972 when a convention and a protocol were adopted and opened for signature on the same day in order to underline the links between the two instruments. This practice is no longer used. All treaties (conventions, protocols) have their own separate number in the series.

Conventions and agreements opened for signature between 1949 and 2003 were published in the “European Treaty Series” (ETS Nos. 1 to 193 included). Since 2004, this Series is continued by the “Council of Europe Treaty Series” (CETS No. 194 and following).

It was decided, in December 2011, in agreement with the editorial department and the Secretariat of the Committee of Ministers, that in respect to the titles of the conventions, protocols and agreements, in English, the initials of the words within the title would be written in uppercase, except for articles, conjunctions, prepositions and gerunds such as “relating, concerning, establishing, etc.”. They remain in lowercase in French.

3. Decisions to adopt and open for signature

MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2017)1291/10.3

5 July 2017

1291st meeting, 5 July 2017

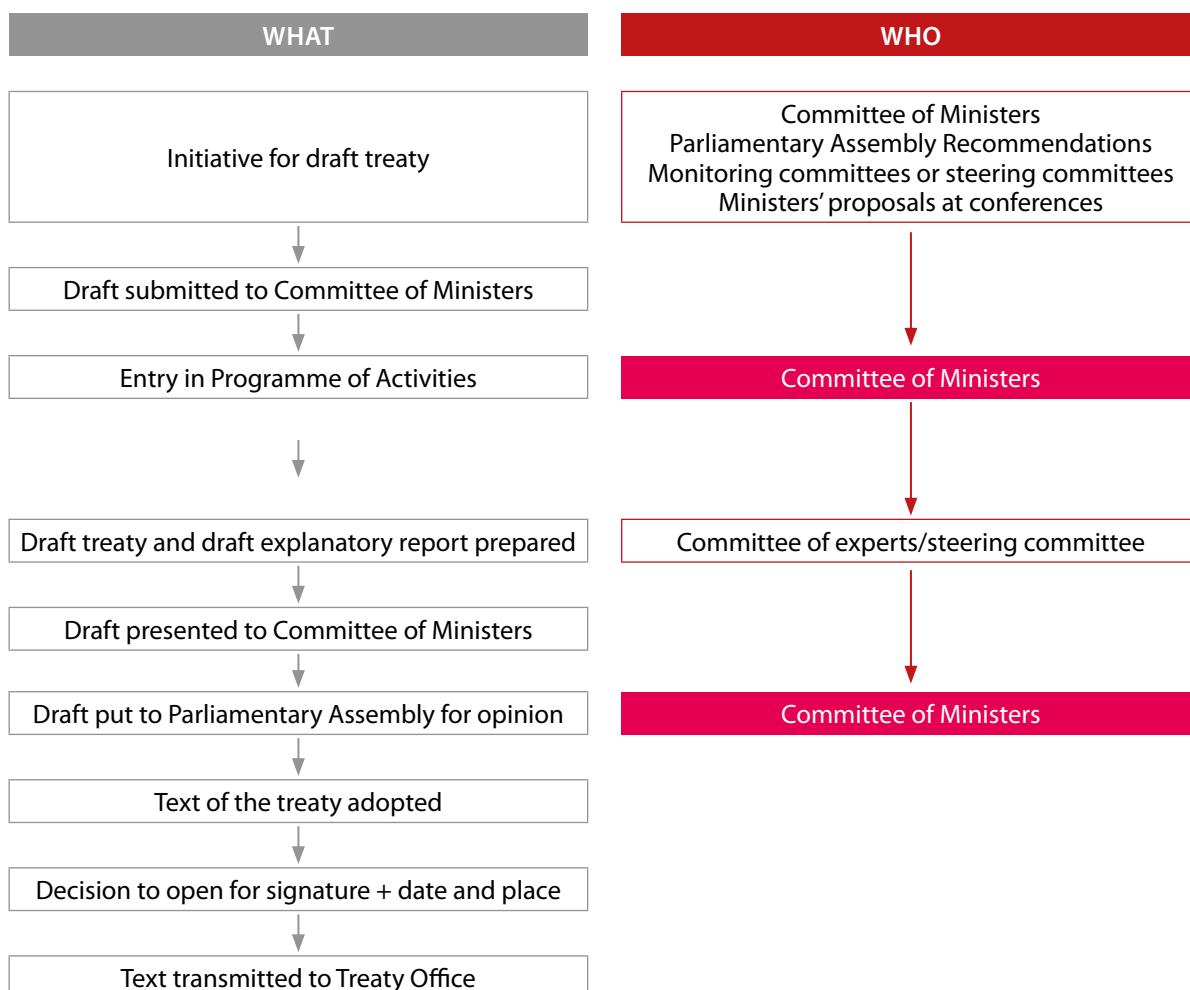
10.3 European Committee on Crime Problems (CDPC)

Draft Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167) and its explanatory report

Decisions

The Deputies

1. took note of the Parliamentary Assembly's opinion (Opinion No. 295) on the draft Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167);
2. adopted the Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167), as it appears in document CM(2017)90, and took note of its explanatory report, as it appears in document CM(2017)90-add;
3. agreed to open the Protocol for signature on the occasion of the 73rd plenary meeting of the Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC OC) (Strasbourg, 22 November 2017).



4. Simultaneous adoption and opening for signature of a treaty

Case of Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention (CETS No. 194)

Very exceptionally, the opening for signature of a treaty coincides with the date of its adoption by the Committee of Ministers. From a purely organisational and technical point of view, there is then a need for high responsiveness to speed up the usual procedures.

In such a case, the Permanent Representations are informed of the date of adoption and opening for signature of the treaty by a letter accompanied by a draft of the treaty as soon it is available on the Committee of Ministers website. They are also invited to speed up the process for the establishment of full powers of signature, if necessary.

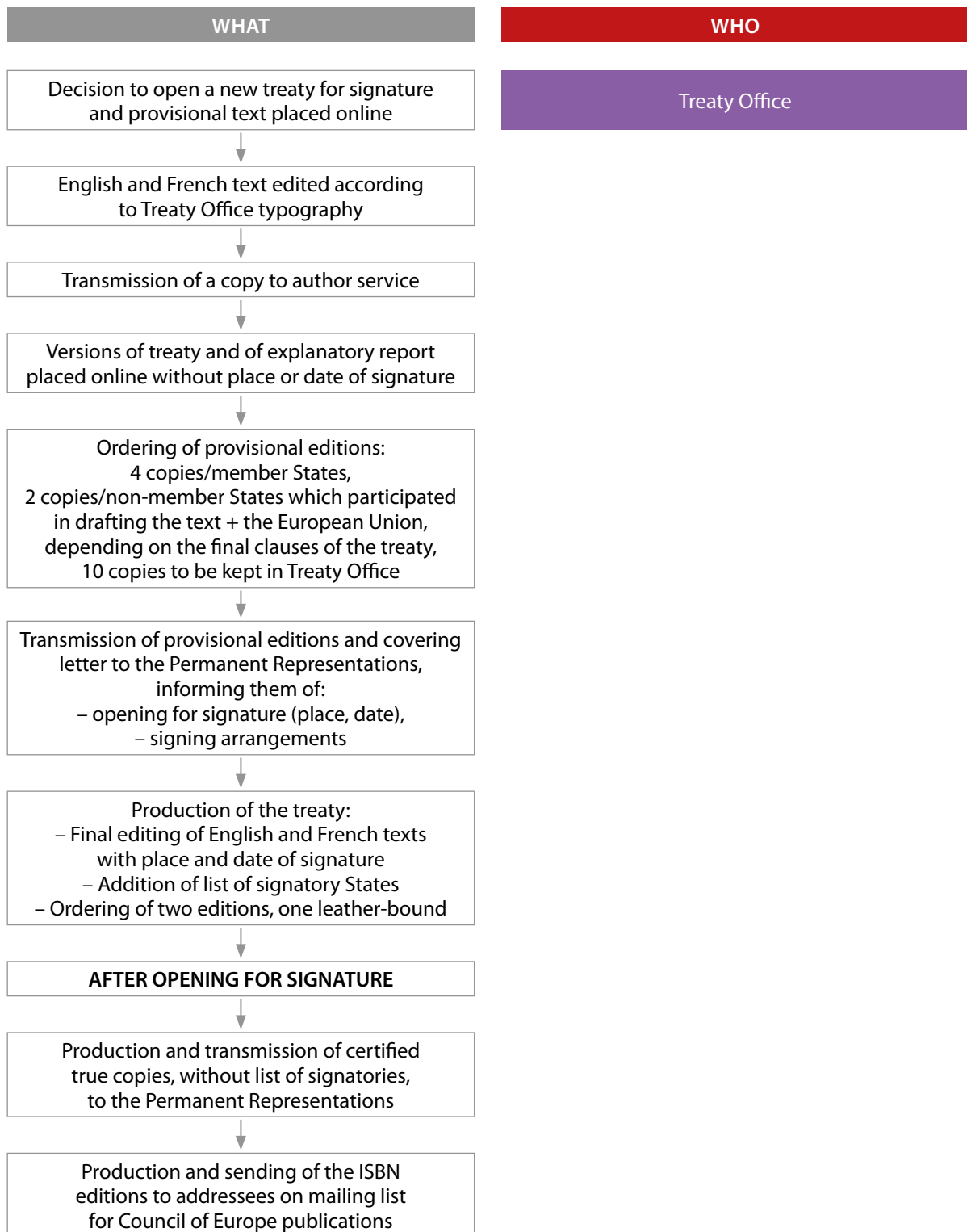
In the meantime, the Treaty Office starts the technical preparation of the treaty, with leather cover and signatory pages. In this case, the adopted text being, in the absolute, not known in advance (as changes may be made at the time of adoption), both parts of the treaty are printed separately: on one hand, the booklet of the text in French and in English, as it will be presented and adopted, on the other hand the booklet with the date, place and signatories. Both booklets are bound, but in such a way that they can be separated.

This means that if there are changes in the text at the time of adoption the “signatories” booklet can still be signed and will be connected to the adopted text (as it would be impossible to print and bind the new text at the time of signature taking the changes into account). If, on the contrary, the text remains identical, both booklets are bound definitively by the technical department, after the ceremony.

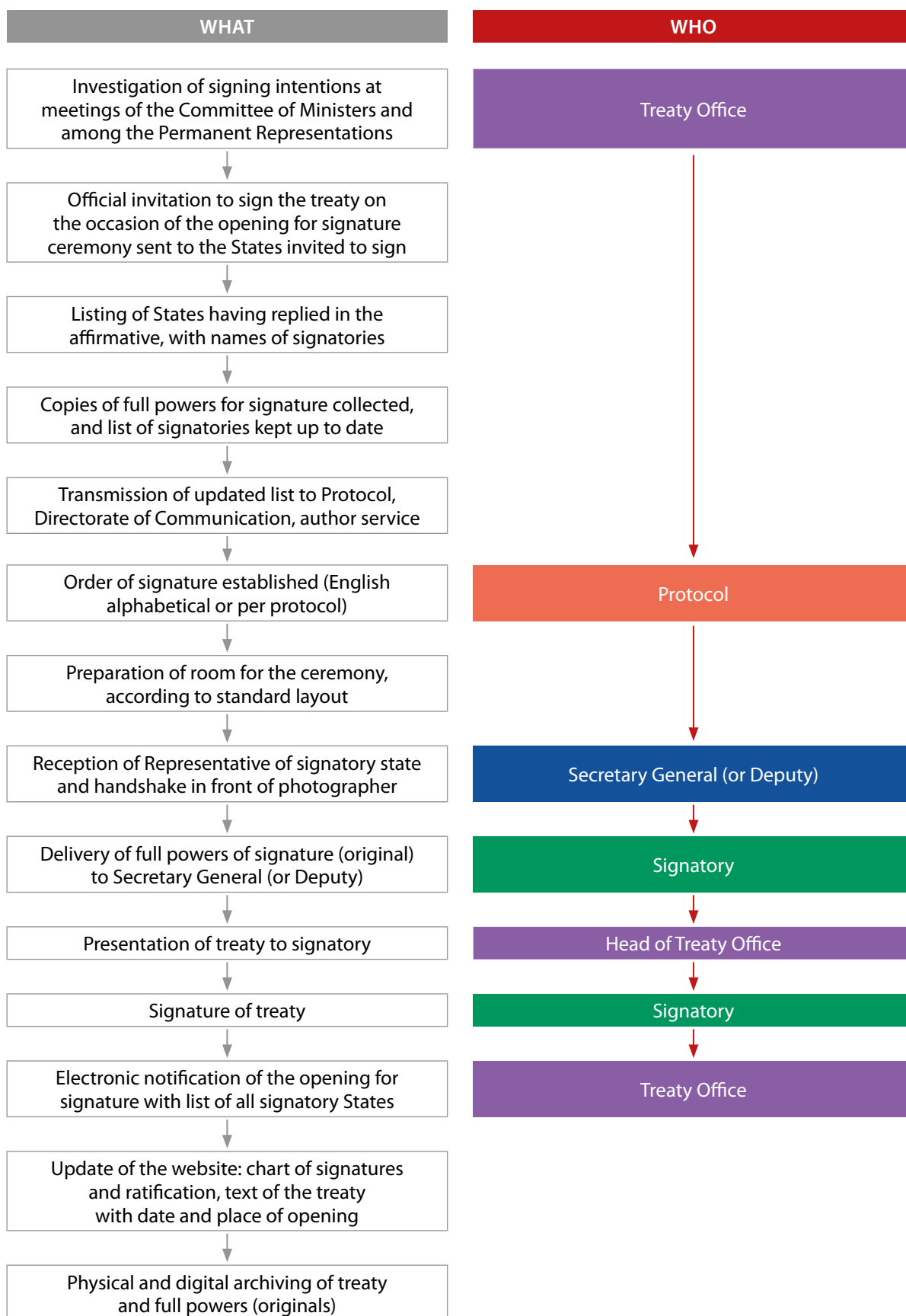
ISBN editions and certified true copies are prepared after the opening for signature and are then sent to the recipients of Council of Europe publications and the Permanent Representations.

The above procedure is of course not usual and should be avoided, so that the opening for signature of a treaty is a perfectly controlled event.

5. Production and communication



6. Opening for signature



a. Model of invitation letter to an opening for signature ceremony

Ref: **/2018 AG/ik

Strasbourg, 22 May 2018

Letter to all Contracting States to the Convention ETS No. 108

Subject: **Opening for signature of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**

Dear Ambassador,

At the 128th Session of the Committee of Ministers, in Elsinore, Denmark, on 18 May 2018, the Ministers adopted the Protocol amending the Convention for the *Protection of Individuals with regard to Automatic Processing of Personal Data*. The texts of the Protocol and of its explanatory report are available on the Treaty Office's website of the Council of Europe: Conventions.coe.int, rubric *Recent Changes, New treaties*. Please find enclosed an electronic copy of the provisional edition of this Protocol. Hard copies of this document will be transmitted to you within the next few days.

The Protocol will be opened for signature by Contracting States to the *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)*.

The ceremony of opening for signature will take place in Strasbourg on Wednesday **10 October 2018** at 1:00 pm, at the Committee of Ministers' ante-room of the Council of Europe, during the fourth part-session of the Parliamentary Assembly. Please find enclosed the ceremony formalities (scenario) for this event.

In order to be able to prepare the necessary documents, I would be grateful if you could inform us whether your government intends to sign the *Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*.

As regards the procedure to be followed for the signature of the Protocol, I would like to remind you that any person designated, other than the Head of State, the Head of Government or the Minister for Foreign Affairs, should be invested with full powers by his/her government. The original of the full powers should be handed over at the time of signature.

Intentions to sign should be communicated by **28 September 2018** and copies of the full powers (in English or French, or accompanied by a translation into one of these two languages) by **5 October 2018** to the Treaty Office (e-mail: treaty.office@coe.int). The specific information to be provided by each state is set out in the attached table, along with the dates when it is required. I would kindly ask you to transmit this table to all the relevant authorities.

Should you have any questions, please do not hesitate to contact:

Ms / Mr Name SURNAME - Tel: +... / e-mail: *** and

Ms / Mr Name SURNAME - Tel: +... / e-mail: ***

Yours sincerely,

Name SURNAME
Director of Legal Advice and
Public International Law

Encl.

APPENDIX 1

CEREMONY OF OPENING FOR SIGNATURE

PROTOCOL AMENDING THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA

STRASBOURG, 10 OCTOBER 2018

All information and documents required in advance of the ceremony should be sent by e-mail to the Treaty Office of the Council of Europe (treaty.office@coe.int), and to [Name SURNAME + E-mail]

REQUIRED INFORMATION / DOCUMENT	LAST DUE DATE
<p>Name and title of the person signing the Treaty</p> <p>The Council of Europe needs confirmation of the name and title of the person who will sign the Convention.</p>	28 September 2018
<p>Copy of full powers</p> <p>Any person designated, other than the Head of State, the Head of Government or the Minister of Foreign Affairs, must be invested with full powers by his/her government. The full powers must include the following elements:</p> <ul style="list-style-type: none">– Full name, title and signature of the person authorising the signature (Head of State, Head of Government or Minister for Foreign Affairs).– Full name and title of the person who is authorised to sign and, if appropriate, the name and title of an alternate person.– Full title of the Convention to be signed. <p>The full powers of signature must be drawn up in English or French, or accompanied by a translation into English or French.</p> <p>The Council of Europe needs to receive a copy of the full powers in advance in order to ensure that the documents are in line with the legal requirements.</p>	5 October 2018
<p>Original of full powers</p> <p>The original full powers must be handed to the Secretary General of the Council of Europe during the ceremony. The original documents are retained by the Depositary.</p>	10 October 2018

APPENDIX 2

CEREMONY OF OPENING FOR SIGNATURE

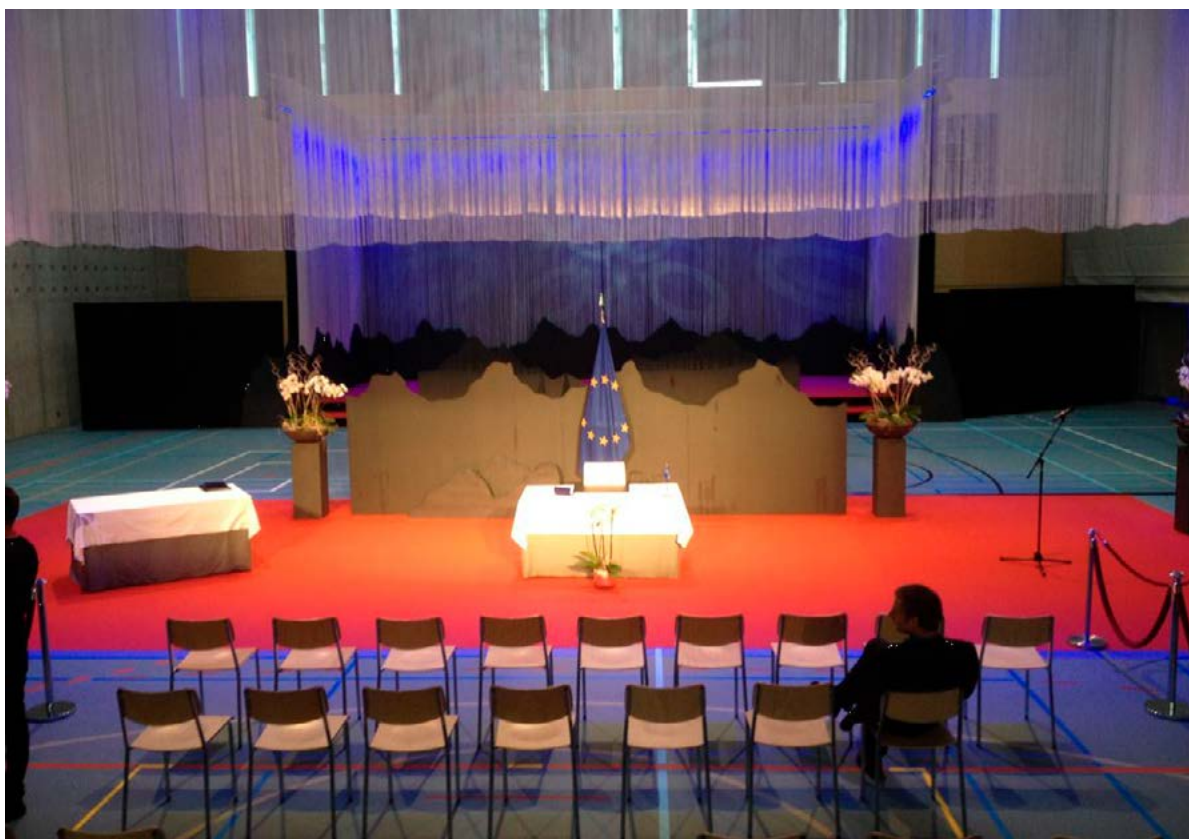
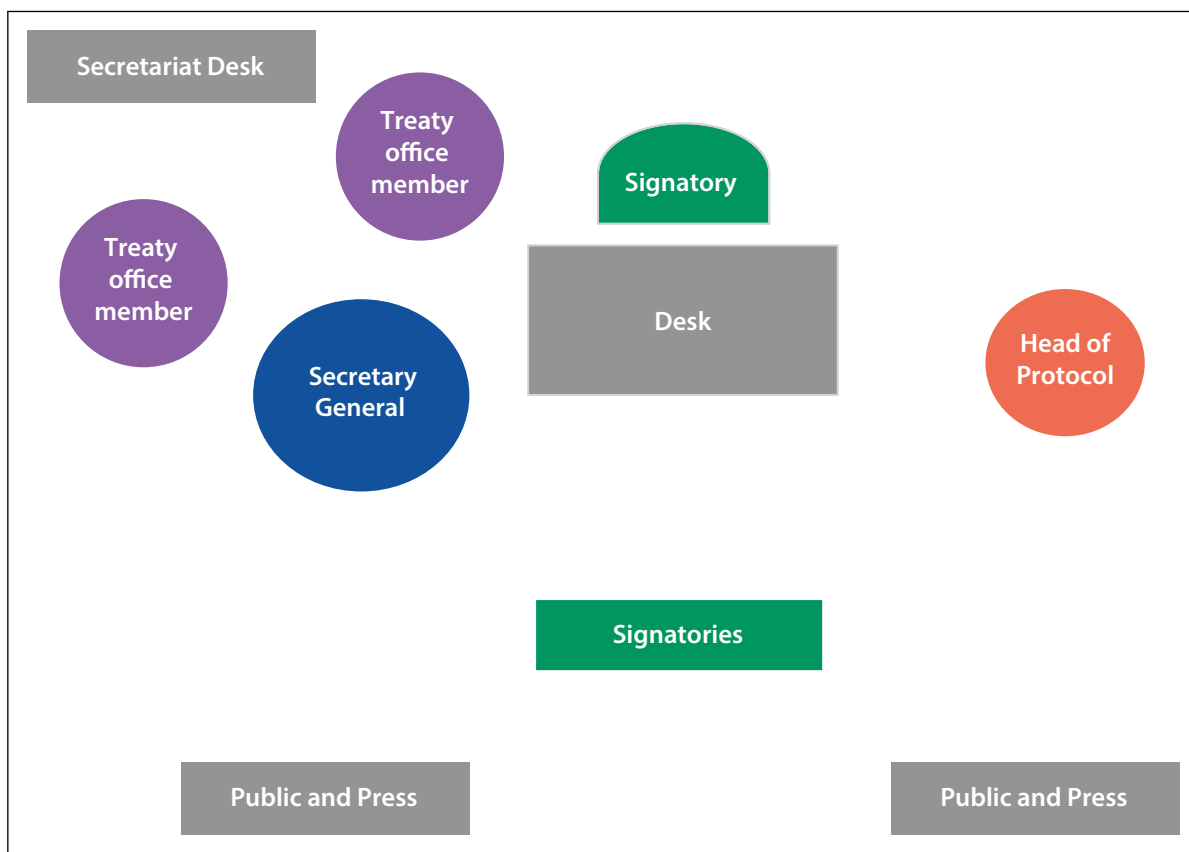
PROTOCOL AMENDING THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS
WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA

STRASBOURG, 10 OCTOBER 2018 – 1:00 P.M.

PALAIS DE L'EUROPE – COMMITTEE OF MINISTERS' ANTE-ROOM

OPENING FOR SIGNATURE OF THE PROTOCOL AMENDING THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA		
Date and timing	Setting	Scenario
10 October 2018 from 1:00 p.m. to 1:15 p.m.	Committee of Ministers' ante-room Council of Europe Strasbourg	<p>The ceremony will start when all the signatories (the persons empowered to sign) are present.</p> <p>Mr Rafael BENITEZ (Head of Protocol) will open the ceremony and will invite Mr Thorbjørn JAGLAND (Secretary General) and Ms Marija PEJČINOVIĆ BURIĆ (Chair of the Committee of Ministers of the Council of Europe, Deputy Prime Minister and Minister of Foreign and European Affairs of Croatia) to deliver their statement.</p> <p>Mr Rafael BENITEZ will call each Representative of the countries having expressed their wish to sign.</p> <p>The Representative of the country will shake hands with Mr Thorbjørn JAGLAND, hand over the originals of his/her Full powers, and then sit for the signature.</p> <p>Mr Jörg POLAKIEWICZ (Director of Legal Advice and Public International Law) will present the original text of the Protocol to the Representative of the country for signature.</p> <p>After the signature, Mr Jörg POLAKIEWICZ will take back the Protocol signed, and the Full powers handed over. The Representative of the country will stand up, shake hands again with Mr Thorbjørn JAGLAND, return to his place and stay there until the end of the Ceremony.</p> <p>The procedure is repeated until such a time as all the countries have signed.</p> <p>After the last signature, Mr Rafael BENITEZ will announce the end of the signing ceremony.</p> <p>The treaty ceremony will be open to the public and the press.</p>

b. Example of room layout



c. Model of signatory list for Protocol

CEREMONY OF OPENING FOR SIGNATURE

PROTOCOL AMENDING THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS
WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA

STRASBOURG, 10 OCTOBER 2018

Austria	Ambassador Gerhard JANDL
Belgium	Ambassador Gilles HEYVAERT
Bulgaria	Ambassador Katya TODOROVA
Czech Republic	Ambassador Emil RUFFER
Estonia	Ambassador Katrin KIVI
Finland	Mr Matti Anttonen, Secretary of State of the Ministry of Foreign Affairs of the Republic of Finland
France	Ambassadeur Jean-Baptiste MATTEI
Germany	Ambassador Rolf MAFAEL
Ireland	Ambassador Keith MCBEAN
Latvia	Ambassador Ivars PUNDURS
Lithuania	Ms Irma Gudziunaite, Vice-Minister of Justice of the Republic of Lithuania
Luxembourg	Ambassador Stephan MÜLLER
Monaco	Ambassadeur Rémi MORTIER
Netherlands	Ambassador Roeland BÖCKER
Norway	Ambassador Elisabeth WALAAS
Portugal	Ambassadeur João Maria CABRAL
Russian Federation	Ambassador Ivan SOLTANOVSKY
Spain	Ambassadeur Manuel MONTOBBIO
Sweden	Ambassador Torbjörn HAAK
United Kingdom	Ambassador Christopher YVON
Uruguay	S. E. M. Guillermo DIGHIERO Ambassadeur de la République orientale de l'Uruguay en République française

Note: The list is bilingual, depending on the language preference of the signatory, French or English

d. Communication on the website

The screenshot shows the Council of Europe Treaty Office website. The header includes the Council of Europe logo and the text 'COUNCIL OF EUROPE' and 'Treaty Office'. The navigation menu contains: Home, General Information, Full list, Recent changes, Search, Partial Agreements, Translations, Templates, Notifications, and Contact. Below the menu, it says 'You are here: Conventions > Recent changes'.

Recent changes for treaties - Monthly summary

This page summarizes the signature, consent or denunciation of treaties having occurred during the current month.

Information on previous legal acts are available through the [form](#) Recent Changes for Treaties.

For any information on a treaty, please click on its number in the European Treaty Series (ETS) or the Council of Europe Treaty Series (CETS).

Recent Changes for Treaties - October

[Previous month.](#)

10 October 2018

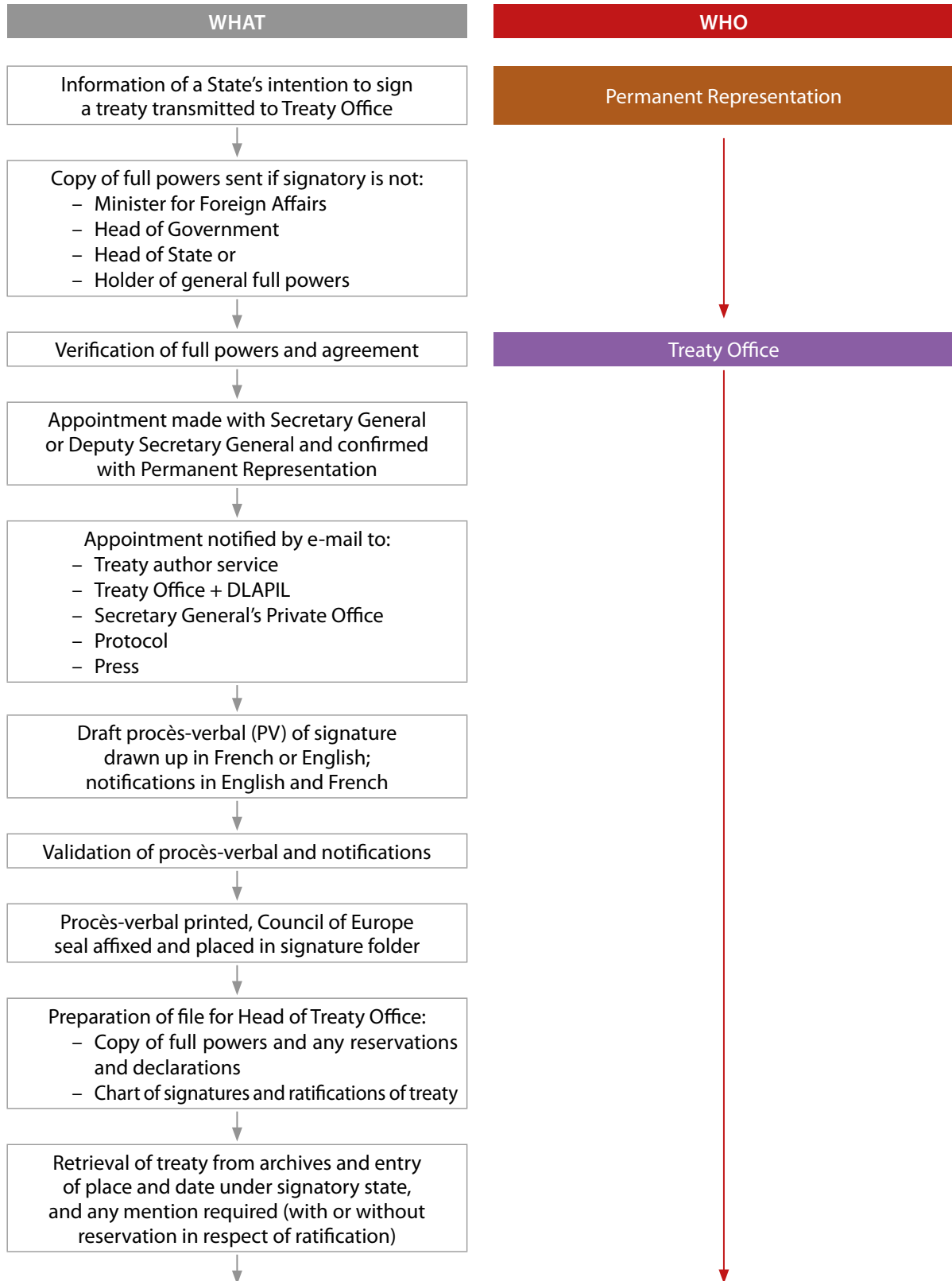
Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Monaco, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, the United Kingdom and Uruguay signed the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (

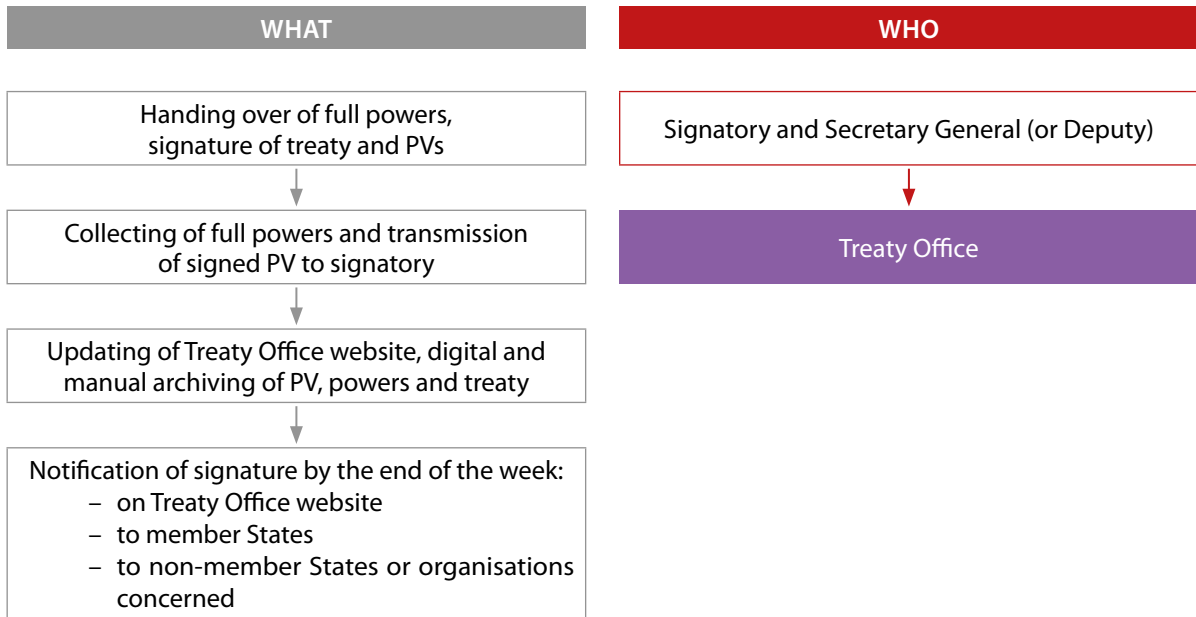
Council of Europe, Avenue de l'Europe F-67075 Strasbourg Cedex, France - Tel. [+33 \(0\)3 88 41 20 00](tel:+33388412000)

[Disclaimer](#) - © Council of Europe 2019 - [photo credit](#) - [Contact](#) - [RSS](#)

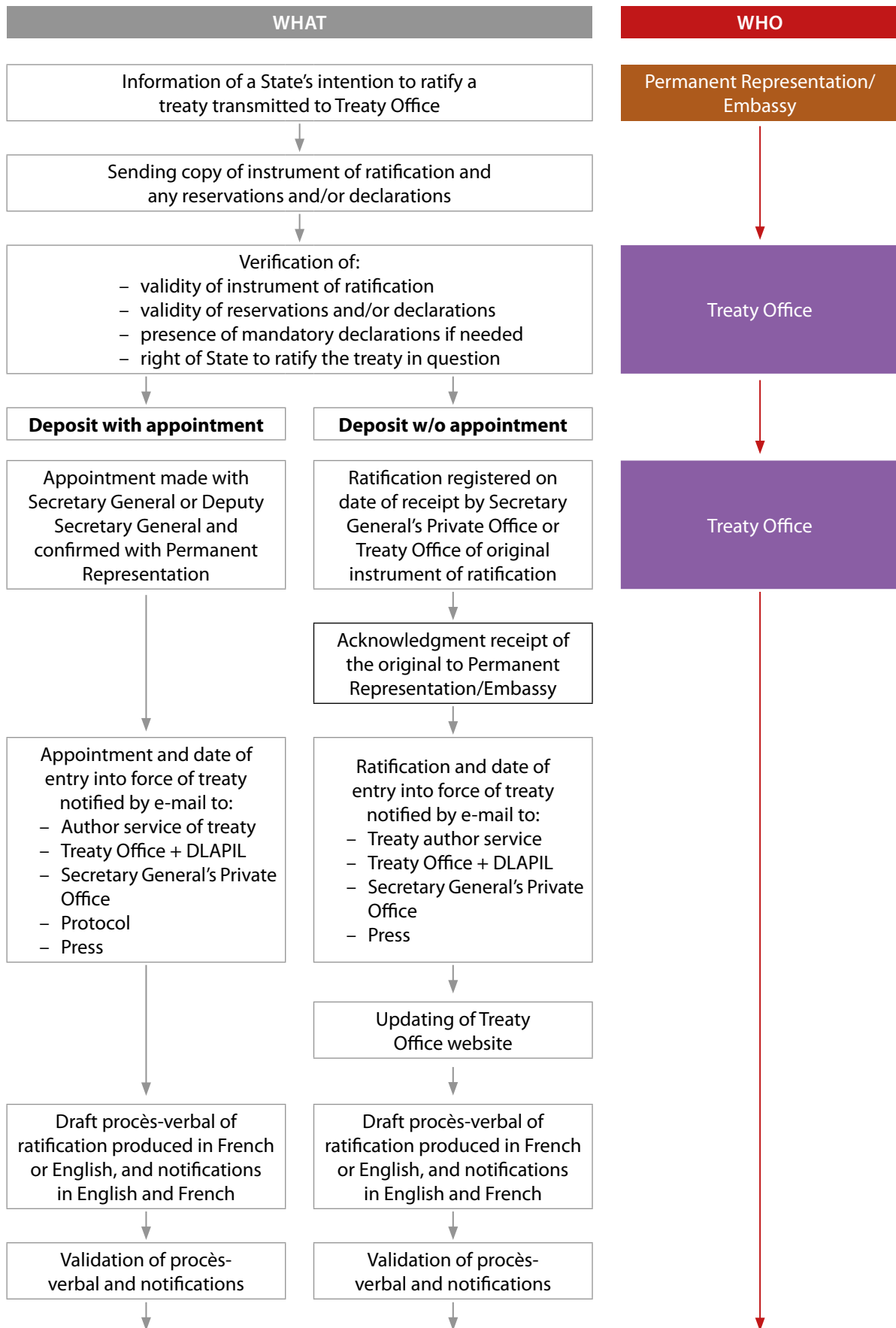
7. Day-to-day treaty management

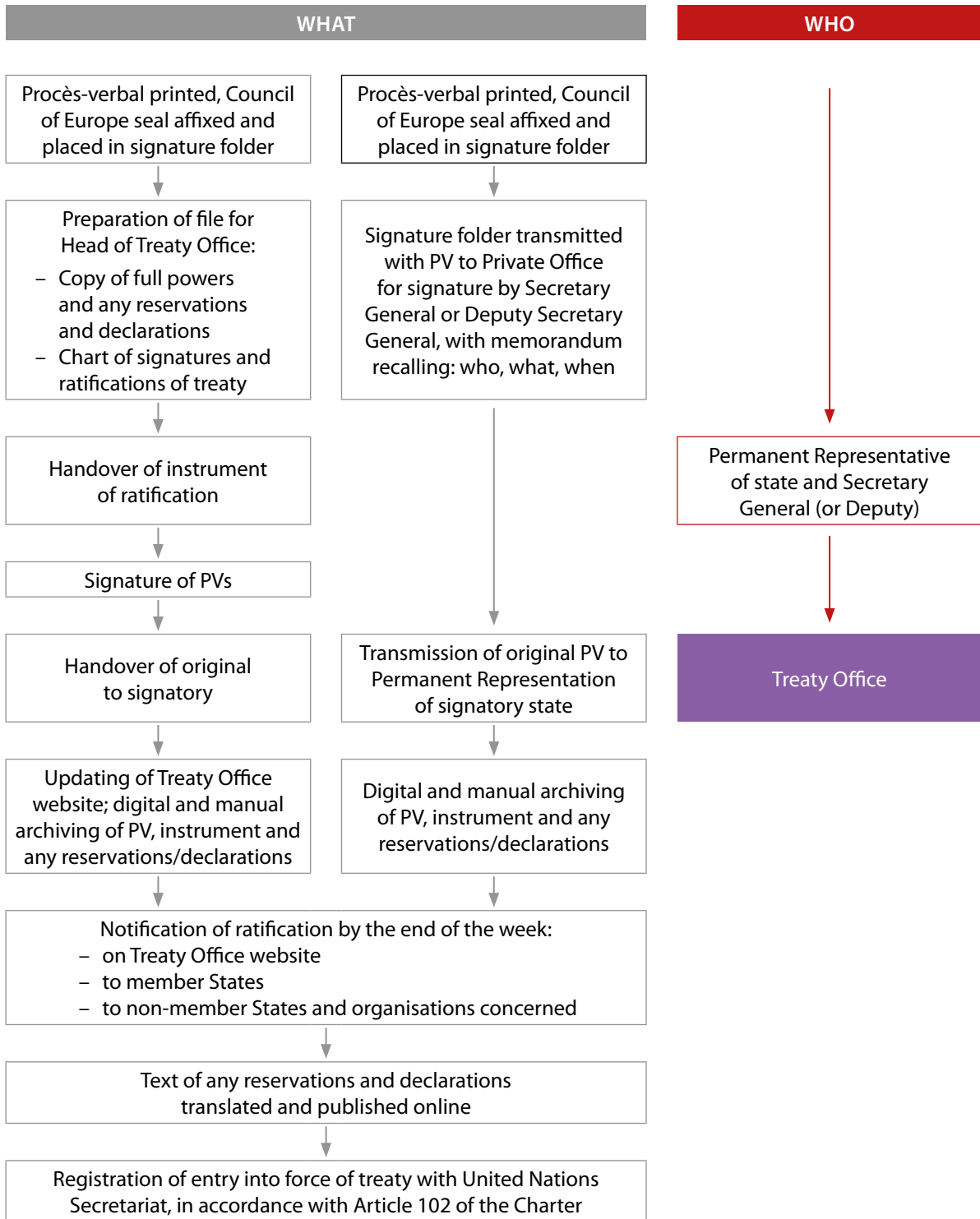
a. Signature





b. Ratification/acceptance/approval/accession (consent)





c. Procès-verbal of signature and ratification - Models

Signature



Procès-verbal of signature – Procès-verbal de signature

on behalf of the Republic of Azerbaijan,
of the Fourth Additional Protocols to the European
Convention on Extradition.

On the fifteenth day of October, Two thousand and Nineteen, at the seat of the Council of Europe in Strasbourg, Mr Fikrat MAMMADOV, Minister of Justice of Azerbaijan, invested with full powers on behalf of his Government, signed the Fourth Additional Protocol to the European Convention on Extradition (CETS 212), which was opened for signature by the member States of the Council of Europe which are Parties to or have signed the Convention, in Vienna, on 20 September 2012.

The full powers of signature contain reservations made in accordance with Articles 1 and 6 of the Fourth Additional Protocol, as well as declarations on the scope of application of the Protocol.

In witness whereof this procès-verbal has been drawn up and signed by Ms Marija PEJČINOVIC BURIĆ, Secretary General of the Council of Europe, and by Mr Fikrat MAMMADOV, in two copies, of which one will be deposited in the Archives of the Council of Europe and the other handed to the Minister of Justice of Azerbaijan.

The Secretary General
of the Council of Europe,



Marija PEJČINOVIC BURIĆ

The Minister of Justice
of Azerbaijan



Fikrat MAMMADOV



Procès-verbal of signature – Procès-verbal de signature

on behalf of Malta,
of Protocol No. 15 amending the Convention for the
Protection of Human Rights and Fundamental Freedoms,
and

Procès-verbal of deposit / Procès-verbal de dépôt

of the instrument of ratification of the said Protocol.

On the sixteenth day of January, Two thousand and Eighteen, at the seat of the Council of Europe in Strasbourg, Mr Joseph FILLETTI, Ambassador, Permanent Representative of Malta to the Council of Europe, invested with full powers on behalf of his Government, signed Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS 213), which was opened for signature by the High Contracting Parties to the Convention, in Strasbourg, on 24 June 2013, and deposited simultaneously the instrument of ratification thereof.

In witness whereof this procès-verbal has been drawn up and signed by Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe, and by Mr Joseph FILLETTI, in two copies, of which one will be deposited in the Archives of the Council of Europe and the other handed to the Permanent Representative of Malta.

The Deputy Secretary General
of the Council of Europe,

The Permanent Representative of Malta
to the Council of Europe,



Gabriella BATTAINI-DRAGONI



Joseph FILLETTI

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Procès-verbal of deposit – Procès-verbal de dépôt

on behalf of the Republic of Croatia,
of the instrument of ratification of the Council of Europe
Convention on the counterfeiting of medical products and
similar crimes involving threats to public health,
signed by Croatia on 3 September 2015.

On the twentieth day of September, Two thousand and Nineteen, at the seat of the Council of Europe in Strasbourg, Mr Toma GALLI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Croatia to the Council of Europe, deposited with the Secretary General of the Council of Europe the instrument of ratification of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS 211), which was opened for signature by the member States of the Council of Europe, the European Union and the non-member States which have participated in its elaboration or enjoy observer status with the Council of Europe, in Moscow, on 28 October 2011.

The instrument of ratification contains a reservation made in accordance with Article 10 of the Convention.

In witness whereof this procès-verbal has been drawn up and signed by Ms Marija PEJČINOVIĆ BURIĆ, Secretary General of the Council of Europe, and by Mr Toma GALLI, in two copies, of which one will be deposited in the Archives of the Council of Europe and the other handed to the Permanent Representative of Croatia.

The Secretary General
of the Council of Europe,



Marija PEJČINOVIĆ BURIĆ

The Permanent Representative of Croatia
to the Council of Europe,



Toma GALLI



Procès-verbal of deposit – Procès-verbal de dépôt

on behalf of the Republic of North Macedonia,
of the instrument of ratification of the Convention on
Mutual Administrative Assistance in Tax Matters, as
amended by the 2010 Protocol, signed on 27 June 2018.

On the thirtieth day of September, Two thousand and Nineteen, at the seat of the Council of Europe in Strasbourg, the Secretary General of the Council of Europe received from Mr Zoran BARBUTOV, *Chargé d'Affaires a.i.*, Deputy Permanent Representative of North Macedonia to the Council of Europe, the instrument of ratification of the Convention on Mutual Administrative Assistance in Tax Matters (ETS 127), which was opened for signature by the member States of the Council of Europe and the member countries of OECD, in Strasbourg, on 25 January 1988, as amended by the 2010 Protocol (CETS 208) which was opened for signature by the signatories to the Convention, in Paris, on 27 May 2010.

The instrument of ratification contains reservations and declarations made in accordance with Articles 2, 3 and 30 of the Convention.

In witness whereof this procès-verbal has been drawn up and signed by Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe, in two copies, of which one will be deposited in the Archives of the Council of Europe and the other transmitted to the *Chargé d'Affaires a.i.* of North Macedonia.

The Deputy Secretary General
of the Council of Europe,



Gabriella BATTAINI-DRAGONI



Procès-verbal of deposit – Procès-verbal de dépôt

de la part de la République tunisienne,
de l'instrument d'adhésion à la Convention du
Conseil de l'Europe sur la protection des enfants
contre l'exploitation et les abus sexuels.


Le quinze octobre deux mille dix-neuf, au siège du Conseil de l'Europe à Strasbourg, Madame Naziha LAÂBIDI, Ministre de la Femme, de la Famille et de l'Enfance de la Tunisie, a déposé auprès du Secrétaire Général du Conseil de l'Europe, l'instrument d'adhésion à la Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels (STCE 201), qui a été ouverte à la signature des Etats membres du Conseil de l'Europe, des Etats non membres ayant participé à son élaboration, ainsi qu'à celle de l'Union européenne, à Lanzarote, le 25 octobre 2007.

L'instrument d'adhésion contient une déclaration faite conformément à l'article 37 de la Convention.

En foi de quoi a été dressé le présent procès-verbal, signé par Madame Gabriella BATTAINI-DRAGONI, Secrétaire Générale Adjointe du Conseil de l'Europe, et par Madame Naziha LAÂBIDI, en deux exemplaires, dont l'un sera déposé dans les Archives du Conseil de l'Europe et l'autre remis à la Ministre de la Femme, de la Famille et de l'Enfance de la Tunisie.

La Secrétaire Générale Adjointe
du Conseil de l'Europe,

La Ministre de la Femme, de la Famille
et de l'Enfance de la Tunisie,


Gabriella BATTAINI-DRAGONI


Naziha LAÂBIDI

d. Exceptional circumstances

Given the exceptional circumstances during the Covid-19 pandemic, the Treaty Office introduced some flexibility in its working methods. Scanned copies of declarations received by e-mail were accepted to register derogations to Article 15 of the European Convention on Human Rights (the Convention), ratifications, updates of authorities and renewal of reservations in relation to the Council of Europe's treaties.

Nevertheless, States were requested to provide the Treaty Office with originals as soon as possible thereafter

e. Entry into force

A new treaty comes into force once it is ratified by a certain number of States, as provided in the final clauses. Example:

Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221)

Nicosia, 19 May 2017

Chapter VIII – Final clauses

Article 27 – Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe and the non-member States which have participated in its elaboration.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five Signatories, including at least three member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
4. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force, in its respect, on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Calculation of the date of Entry into force

In most treaties, the date of entry into force is, according to the final clauses, “the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval”.

In the case of deposit between 1 and 31 January, entry into force on 1 May.

A few protocols also enter into force “the first day of the month following the expiration of a period of one month after the date of the deposit”.

In the case of deposit between 1 and 31 January, entry into force on 1 March.

In order to simplify the process, the setting of the date of entry into force of a treaty to the first day of the month following the expiration of a period of X months has been in effect since the European Convention on the Obtaining Abroad of Information and Evidence in Administrative Matters (ETS. No. 100).

Prior to this, conventions did indeed provide a date of entry into force, for example:

- “three months after the date of the deposit of its instrument of ratification or acceptance”: European Convention on the Calculation of Time-Limits (ETS No. 76) or
- “90 days after the date of the deposit of its instrument of ratification, acceptance or approval”: Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 99), or
- “one month after the date of deposit of its instrument of ratification, acceptance or approval”: Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (ETS No. 95).

In order to establish the exact meaning of “one month” – that is 28, 29, 30 or 31 days, depending on the month or year and whether to take into account the day of the deposit of the instrument of ratification, or the following day, we refer to the European Convention on the Calculation of Time-Limits (ETS No. 76), which states:

Article 3

1. Time-limits expressed in days, weeks, months or years shall run from the dies a quo at midnight to the dies ad quem at midnight.”

... which means, according to the explanatory report, that:

“the day on which the time limit begins to run (dies a quo) is not to be taken into account in the calculation, whereas the day on which it expires (dies ad quem) is to be taken into account. The term ‘midnight’ means ‘24 hours.’”

... Examples:

A time limit of one month,

- starting on 5 January, ends on 5 February;
- starting on 30 April, ends on 30 May (and not the last day of May);
- starting on 30 May or 31 May, ends on 30 June;
- starting on 31 January, ends on 28 or 29 February, depending on whether it is a leap year or not.”

The new definition of time-limits of entry into force of a treaty is simpler and limits possible errors of interpretation.

Registration with the United Nations

In accordance with Article 102 of the United Nations Charter, the Treaty Office request the registration of the entry into force of a treaty with the United Nations Secretariat, in a letter accompanied by the following documents:

- a certified true copy of the treaty;
- a plain copy in electronic form;
- two copies of the notifications, in English and in French, of opening for signature together with the list of signatory States;
- two copies of the notifications, in English and in French, of entry into force;
- two copies of the notifications, in English and in French, of the consents to the treaty since opening for signature;
- a chart of signatures and ratifications and the list of the texts of the reservations and declarations made by the States, up to and including the first day of the month of the notification to the UN of the date of entry into force of the Treaty.

Model of registration letter (in French only)

Monsieur Santiago VILLALPANDO
Chef de la Section des Traités
Bureau des Affaires Juridiques
Secrétariat des Nations Unies
Bureau n° DC2-0520
S 3230
NEW YORK N. Y. 10017
U.S.A.

Réf JJ047/2019 AG/gd

Strasbourg, le 10 septembre 2019

Monsieur,

J'ai l'honneur de vous faire parvenir, ci-joint, pour enregistrement au Secrétariat des Nations Unies, conformément à l'article 102 de la Charte, une copie certifiée conforme et une copie simple sous format électronique du Traité suivant :

N° STCE 215 : Convention du Conseil de l'Europe sur la manipulation de compétitions sportives

ouverte à la signature, à Magglingen/Macolin, le **18/09/2014**

entré en vigueur le **01/09/2019**

conformément aux dispositions de l'**article 32**

ainsi que, pour ce traité :

- la notification d'ouverture à la signature, comportant les noms et titres des signataires;
- un état au 9 septembre 2019 indiquant les dates :
 - des signatures
 - de dépôt des instruments de ratification,
 - d'entrée en vigueur;
- les textes des réserves et des déclarations formulées par les Etats rassemblés sous la forme de fascicules à jour au 9 septembre 2019 en anglais et en français.

Vous voudrez bien trouver également ci-joint deux copies, en anglais et en français, des notifications relatives aux actes juridiques (signatures sans réserve de ratification, ratifications, adhésions) qui se sont produits concernant ce traité depuis son ouverture à la signature, à savoir :

STCE 215 : Notifications JJ7890C Tr./215-4; JJ8017C Tr./215-7; JJ8294C Tr./215-18; JJ8829C Tr./215-24; JJ8874C Tr./215-27; JJ8884C Tr./215-28.

Je saisis cette occasion pour rappeler que les textes des traités sous format électronique Html et PDF/A, ainsi que les notifications en version PDF/A, sont disponibles sur le site du Bureau des Traités <<http://conventions.coe.int>>.

Conformément à l'article 5 du Règlement relatif à l'enregistrement des accords internationaux, je certifie par la présente que les textes soumis constituent des copies exactes et intégrales.

Je vous prie d'agréer, Monsieur, l'expression de ma considération distinguée.

Ana Gomez

Chef de l'Unité du Bureau des traités

8. Participation of non-member States in Council of Europe treaties

Participation in most Council of Europe treaties is not exclusively limited to the member States of the Council of Europe. Most treaties are “open” to accession by non-member States, even non-European States, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe. The modalities are usually specified in the relevant provisions of each treaty.

- ▶ In principle, the Committee of Ministers may take the initiative of inviting a non-member State to accede to a specific Convention. It is nevertheless customary for the non-member State to request accession in a letter addressed to the Secretary General of the Council of Europe. The letter should be signed by the Minister for Foreign Affairs or a diplomatic representative acting upon instructions of his/her government.
- ▶ The modalities of accession by non-member States are set up in the final clauses of each treaty. However, in general, the unanimous agreement of the parties is required for a non-member State to be invited to accede to a Council of Europe treaty. A note for information on the specific modalities of accession to the treaties “open” to non-member States is available on the information page of each relevant treaty, on the Treaty Office website.
- ▶ In accordance with the Council of Europe’s practice and before formally inscribing the point on the agenda of the Committee of Ministers, the Secretariat consults the member States’ delegations, and the other non-member States which are parties to the convention, on the request for accession. The States are given a precise time limit for the formulation of objections, usually two months.
- ▶ Formal requests for accession are examined by the Rapporteur group on legal co-operation of the Committee of Ministers and, then, by the Committee of Ministers. The decision inviting the non-member State is usually taken at the level of the Ministers’ Deputies. Since April 2013, the validity of an invitation is five years.
- ▶ The Committee of Ministers may also request that an expertise be carried out, concerning the compatibility of the domestic law of the State concerned with the standards of the Council of Europe. Such a consultation takes place particularly if the subject of the Convention renders it advisable and if at least one member State so requests during the deliberations of the Committee of Ministers. It is likely that consultation of a committee of experts will considerably prolong the procedure, which may easily last more than a year. When there is no consultation, the necessary decisions may be taken in a much shorter time.
- ▶ Certain Council of Europe conventions contain a provision on the financing of their follow-up mechanism by non-member States. The Committee of Ministers has adopted Resolution CM/Res(2020)6 concerning financial arrangements for the participation of non-member States in Council of Europe conventions and Resolution CM/Res(2019)3 on financial arrangements for the participation of non-member States in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- ▶ It is customary for the instrument of accession to be deposited at the seat of the Council of Europe in Strasbourg, in the presence of a Representative of the acceding State and of the Secretary General of the Council of Europe or his Deputy. The procedure is the same as for the deposit of an instrument of ratification by member States: signature of a procès-verbal, one copy of this procès-verbal is handed over to the acceding State, updating of the Treaty Office website and notification to the member States of the Council of Europe and the non-member States parties to the convention. Instruments of accession may also be sent by post. States having acceded to a convention are entitled to accede to the protocols thereto.

Resolution CM/Res(2020)6 concerning financial arrangements for the participation of non-member States in Council of Europe conventions

(Adopted by the Committee of Ministers – 1380th meeting of the Ministers' Deputies – 1 July 2020)

The Committee of Ministers, pursuant to Articles 15.a, 38 and 39 of the Statute of the Council of Europe,

Having regard to the Financial Regulations of the Council of Europe;

Considering the growing interest of non-member States of the Council of Europe in acceding to one or more Council of Europe conventions;

In view of the costs that these accessions entail for the Organisation, when the conventions concerned provide follow-up mechanisms, which are covered by the Organisation's budgets;

Having regard to the fact that certain Council of Europe conventions provide for a financial contribution to their follow-up mechanism by Contracting Parties not members of the Council of Europe;

Having regard to the need to update the legal framework governing the financial conditions for this participation;

In view of the proposal made by the Secretary General in document CM(2020)21,

Decides that Resolution CM/Res(2015)1 shall be repealed and replaced by the present resolution,

Resolves as follows:

1. Any Contracting Party to a Council of Europe convention containing a clause on financial participation in its follow-up mechanism, which is not a member of the Council of Europe, shall contribute to the financing of the said convention in keeping with the arrangements laid down in this resolution when it participates as of right in the follow-up mechanism of the convention.
2. During any prior contacts, the Secretariat shall inform the authorities of the applicant State of the budgetary implications of possible accession to the convention concerned. Their attention shall be drawn in particular to the relevant provisions of the convention and to the present resolution.
3. The amount of the contribution which all Contracting Parties to a Council of Europe convention which are not members of the Council of Europe must make to the Organisation shall be calculated in accordance with the method set out in the appendix to this resolution, in the absence of a specific provision in the relevant convention. A minimum contribution of €7 500 will be required, unless the Committee of Ministers decides otherwise. This amount will be adjusted annually based on the annual inflation rate in the host country of the Organisation as at 28 February of the previous year.
4. Unless the Committee of Ministers decides otherwise, the contribution shall be allocated to the General Budget or where applicable to the budget of the Partial Agreement concerned.
5. Every year the Secretary General shall notify the governments of the non-member States concerned of the amount of their contribution and, unless the Committee of Ministers decides otherwise, shall ask them to proceed to payment. The provisions of Article 10 of the Financial Regulations shall apply mutatis mutandis to the contribution of any Contracting Party to a Council of Europe convention which is not a member of the Council of Europe.

Calculation method

The calculation method retained consists in:

- a. identifying the budgetary cost of the convention concerned (staff and operational costs) (A),
- b. adding administrative costs (27%) (B) = 27%*A
- c. applying the Ordinary Budget scale, with the addition of the non-member State which wishes to accede to the convention and as resulting from the Committee of Ministers' Resolution Res(94)31 on the method of calculating the scale of member States' contributions, to the estimated cost of the Convention (A+B).

Resolution CM/Res(2019)3 on financial arrangements for the participation of non-member States in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210)

(Adopted by the Committee of Ministers – 1347th meeting of the Ministers' Deputies – 29 May 2019)

The Committee of Ministers, pursuant to Articles 15.a, 38 and 39 of the Statute of the Council of Europe (ETS No. 1),

Having regard to the Financial Regulations of the Council of Europe;

Having regard to Resolution CM/Res(2015)1 concerning financial arrangements for the participation of non-member States in Council of Europe conventions;

Considering that Resolution CM/Res(2015)1 only applies to Council of Europe conventions that contain a clause on the financial participation of non-member States;

Noting that the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, hereinafter "the convention") does not contain such a clause;

Noting that the convention is open to the participation of non-member States and the European Union, either through ratification or accession;

In view of the costs that the accession of a non-member State or the European Union to the convention would entail for the Organisation, in particular in relation to the follow-up mechanism of the convention, and that these costs are covered by the Organisation's budgets;

Considering the need to introduce a mechanism for covering such costs by establishing a legal framework governing the financial conditions for non-member States' participation in the follow-up mechanism of the convention,

Resolves as follows:

1. Any Party to the convention which is not a member of the Council of Europe shall contribute to the financing of the convention, in keeping with the arrangements laid down in this resolution, when it participates, as of right, in the follow-up mechanism of the convention.
2. During any prior contacts, the Secretariat shall inform the authorities of the applicant State of the budgetary implications of possible accession to the convention. Their attention shall be drawn in particular to the relevant provisions of the present resolution.
3. The Committee of Ministers' decision to invite a State which is not a member of the Council of Europe to accede to the convention shall refer to the commitment by the State in question to provide an annual financial contribution.
4. The amount of the contribution that all Contracting Parties to the convention which are not members of the Council of Europe must make to the Organisation each year shall be calculated in accordance with the method set out in the appendix to this resolution. A minimum contribution of €7 500 will be required. This amount will be adjusted annually based on the annual inflation rate in the host country of the Organisation as at 28 February of the previous year.
5. Unless the Committee of Ministers decides otherwise, the contribution shall be allocated to the General Budget.
6. Every year the Secretary General shall notify the governments of the Parties concerned of the amount of their contribution and, unless the Committee of Ministers decides otherwise, shall ask them to proceed to payment. The provisions of Article 10 of the Financial Regulations shall apply mutatis mutandis to the contribution of any contracting party to the convention which is not a member of the Council of Europe.
7. The present resolution shall remain in force until the adoption of a resolution applicable to all Council of Europe conventions not containing a clause on the financial participation of non-member States.

Appendix

Calculation method

The calculation method retained consists in:

- a. identifying the budgetary cost of the convention concerned (staff and operational costs) (A);
- b. adding administrative costs (27%) (B) = 27%*A;
- c. applying the Ordinary Budget scale, with the addition of the non-member State which wishes to accede to the convention and as resulting from the Committee of Ministers' Resolution Res(94)31 on the method of calculating the scale of member States' contributions to Council of Europe budgets, to the estimated cost of the convention (A+B).

a. Procedure

The steps of the procedure for inviting a non-member State of the Council of Europe to accede to or sign a treaty can be summarised as follows:

1. Request by State to be invited.
2. Acknowledgment of the request to the State and information to service author of the treaty, Directorate of External Relations, Secretariat of the Committee of Ministers.
3. Collection of relevant reports and expertise carried out when necessary.
4. Consultation of member States of the Council of Europe and non-member States parties to the treaty if requested in the relevant provisions of said treaty.
- 5.a. If no objection is raised, the item is added to the agenda of the GR-J by transmission of the supporting documents to the Secretariat of the Committee of Ministers.
- 5.b. If objections are raised, the procedure is cancelled. Information of the result of the consultation is sent to the State, copy to the service author of the treaty and the Directorate of External Relations.
6. Decision by the Committee of Ministers to invite the State to accede to/sign the treaty.
7. Formal invitation, valid five years, sent to the State, copy to the service author of the treaty and the Directorate of External Relations.

b. Examples illustrating the procedure

1. Request by State to be invited and unofficial translation in French



Embajada de Guatemala

E3.EU/CE-2019-No. 524

The Mission of Guatemala to the European Union presents its compliments to the Council of Europe, and has the honor to make reference to the development of a National Cybersecurity Strategy and the importance the Government of Guatemala attaches to the strengthening of its legal frameworks and the approval of regulations on cybercrime and electronic evidence harmonized with the Convention on Cybercrime of the Council of Europe, recognized as the most important international instrument on this matter.

In this regard, the Mission of Guatemala to the European Union wishes to convey the request from the Government of Guatemala to be invited to accede to the Budapest Convention on Cybercrime.

The Mission of Guatemala to the European Union avails itself of this opportunity to renew the Secretary General of the Council of Europe the assurances of its highest consideration.



Brussels, 07 October 2019.

*Executive Secretariat
of the Cybercrime Convention
Council of Europe
Strasbourg, France*

MDR

TRADUCTION NON OFFICIELLE (*)

Annexe à la lettre JJ57/2019 AG/ik du 8 novembre 2019
Ambassade du Guatemala
E3.EU/CE-2019 No. 524

La Mission du Guatemala auprès de l'Union européenne présente ses compliments au Conseil de l'Europe et à l'honneur de faire référence au développement d'une Stratégie de Cybersécurité Nationale et à l'importance que le Gouvernement du Guatemala attache au renforcement de son cadre juridique et à l'approbation des réglementations sur la cybercriminalité et les preuves électroniques, harmonisées avec la Convention sur la cybercriminalité du Conseil de l'Europe, reconnue comme l'instrument international le plus important en la matière.

Dans ce contexte, la Mission du Guatemala auprès du Conseil de l'Europe souhaite transmettre la demande du Gouvernement du Guatemala à être invité à adhérer à la Convention de Budapest sur la cybercriminalité.

La Mission du Guatemala auprès de l'Union européenne saisit cette opportunité pour renouveler à la Secrétaire Générale du Conseil de l'Europe l'assurance de sa haute considération.

(Seau)

Bruxelles, 7 octobre 2019
Secrétariat exécutif
De la Convention sur la Cybercriminalité
Conseil de l'Europe
Strasbourg, France

(*) Lettre enregistrée au Secrétariat Général le 24 octobre 2019 – Or. angl.

2. Confirmation of receipt

Treaty Office

Mission of Guatemala
to the European Union.
Avenue Winston Churchill 185
Bruxelles 1180
BELGIQUE

Réf 55/2019- AG/ik

Strasbourg, 7 November 2019

Madam, Sir,

I have the honour to refer to the note verbale of the Mission of Guatemala to the European Union, dated 7 October 2019, received and registered by the Secretariat General on 24 October 2019, expressing the interest of the Government of Guatemala to be invited to accede to the Convention on Cybercrime (ETS No. 185).

According to Article 37, paragraph 1, of the Convention, and in line with the practice of the Council of Europe, member States of the Council of Europe and non-member States Contracting to the Convention will be consulted on the request to be invited to accede, before the request is formally submitted to the Committee of Ministers for decision.

The Treaty Office is at your disposal and will keep you informed of any developments concerning this request.

Please accept, Madam, Sir, the assurance of my highest consideration.

Yours sincerely,

Ana GOMEZ
Head of the Treaty Office Unit

Cybercrime Convention Committee (T-CY)

Cooperation with Guatemala

Note by the Secretariat

1 Introduction

The Government of Guatemala, by Note Verbale from the Mission of Guatemala to the European Union in Brussels, dated 7 October 2019, submitted a request for accession to the Budapest Convention on Cybercrime (ETS 185).

The purpose of the present note is to provide supplementary information on the state of cooperation with Guatemala in cybercrime matters, including an overview of implementation of the principles of the Budapest Convention.

2 Cooperation with Guatemala

The authorities of Guatemala have been participating in a range of capacity building activities on cybercrime of the Council of Europe since 2008, including:

- Participation by Guatemalan experts in regional events in Colombia (2008), Mexico (2010), Costa Rica (2012), and again Mexico (in 2014);
- Participation in activities under the project on Global Action on Cybercrime Extended (GLACY+):
 - Advisory mission on legislation to GUATEMALA, 13-14 February 2017;
 - Hemispheric Forum on International Cooperation Against Cybercrime, Santo Domingo, DOMINICAN REPUBLIC, 5-7 December 2017;
 - 1st CyberRed Annual Meeting, International Conference and Cybercrime Forum, Lisbon, PORTUGAL, 5-7 February 2018;
 - Council of Europe/EUROJUST Conference, The Hague, NETHERLANDS, 7-8 March 2018;
 - Advisory mission on legislation to GUATEMALA, 21-24 January 2019;
 - 2nd Meeting of the Ibero American Network of Cyber Prosecutors (CiberRed/CiberRede), Santiago, CHILE, 25-26 June 2019;
 - Council of Europe/EUROJUST Conference, The Hague, NETHERLANDS, 30 September – 1 October 2019.
- Participation in Octopus Conferences in 2016 and 2018 at the level of vice-minister.

Importantly, in February 2017, the Council of Europe – under the GLACY+ project on Global Action on Cybercrime Extended – carried out an advisory mission to assist the authorities in the preparation of a bill on cybercrime in line with the Budapest Convention.

In May 2017, some concerns were raised by the Inter-American Commission on Human Rights of the Organisation of American States regarding the potential impact of some provisions on the freedom of expression.

Through further exchanges with the authorities in 2017 and a second GLACY+ advisory mission in January 2019 the draft was further improved and the concerns of the Inter-American Commission on Human Rights were addressed, in particular to protect the freedom of expression. The revised draft was submitted to Parliament in August 2019.

In short, the authorities have been cooperating closely with the Council of Europe and have taken on advice provided in the preparation of legislation.

2

Attempt, aiding and abetting (Art. 11)	
Corporate liability (Art. 12)	Article 4
Procedural law	
Scope (Art. 14)	Article 26
Conditions and safeguards (Art. 15)	Articles 24 and 25 and references to protections under the Constitution and international agreements
Expedited preservation (Art. 16)	Article 27
Expedited preserv. & partial disclosure (Art. 17)	Article 27
Production order (Art. 18)	Article 28
Search and seizure (Art. 19)	Article 29
Real-time collection of traffic data (Art. 20)	Article 30
Interception of content data (Art. 21)	Article 30
Jurisdiction	
Jurisdiction (Art. 22)	Article 3
International cooperation	
Chapter III	Article 31 refers to the applicability of international cooperation in criminal matters to which Guatemala is a Party, as well as of international human rights treaties regarding the processing of data. Article 35 establishes a 24/7 contact point.

The draft law on cybercrime is thus largely in line with the Budapest Convention.

3.2 Safeguards and conditions

Article 15 of the Budapest Convention requires Parties to:

"... ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality."

Guatemala is Party to a number of international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the American Convention on Human Rights and others.

Guatemala abolished capital punishment for civil crimes in October 2017 when the Constitutional Court declared it unconstitutional. This punishment can currently only be applied in times of war.

4

3 Cybercrime legislation

The draft "Law on the Prevention and Protection against Cybercrime" ("Ley de Prevención y Protección contra la Ciberdelincuencia", Initiative 5601) was submitted to the Congress of Guatemala on 6 August 2019. By early October 2019, the draft law was before the Commission for Security of the Congress.¹

3.1 Substantive and procedural laws

The summary below represents an overview of provisions of the Budapest Convention against this draft law.

The submission to Congress ("Exposición de Motivos") states that the draft law is based on the Budapest Convention as reference and that Guatemala should accede to this treaty in the future. It refers to the fundamental rights provided for in the Constitution and international agreements and at the same time the need to protect individuals and families against crime in an effective manner.

The Criminal Code in force already criminalises some of the conduct of Articles 2 to 5, 8 and 10 of the Budapest Convention but in a somewhat inconsistent and incomplete manner. The draft law is aimed to remedy this and also add specific procedural powers.

The draft law also contains offences not foreseen in the Budapest Convention such as "identity theft" (Article 14), "cyber bullying" (Article 19), "grooming of children" (Article 20).

Provisions of Budapest Convention	Equivalent in domestic legislation (draft "Law on the Prevention and Protection against Cybercrime", Initiative 5601)
Definitions (Art. 1)	Article 7
Substantive law	
Illegal access (Art. 2)	Articles 8 and 9
Illegal interception (Art. 3)	Article 10
Data interference (Art. 4)	Article 11
System interference (Art. 5)	Article 12
Misuse of devices (Art. 6)	Article 15
Forgery (Art. 7)	Article 13
Fraud (Art. 8)	Article 16
Child pornography (Art. 9)	Article 18 (with reference to relevant provisions of the Criminal Code and laws and decrees related to sexual violence and the protection of children and adolescents)
Copyright and related rights (Art. 10)	Article 21 (with reference to specific laws on IPR offences)

¹ Information provided by Member of Congress José Rodrigo Valladares Guillén in a letter to the T-CY Secretariat dated 8 October 2019.

3

The draft Law on Cybercrime comprises a chapter on rights to the protection of personal data ("Habeas Data") that stipulates in Article 24 the "protection of personal data in the Internet" which establishes a number of conditions for the processing of personal data by criminal justice authorities. Article 25 provides that criminal justice authorities need to be enabled to apply data protection rules.

The procedural powers of the draft law require authorisation of a prosecutor for data preservation, of a judge or court for production orders or search or seizure. The interception of communications is limited to the investigation of organised crime groups.

4 Institutions

The "Ministerio Público" (prosecution service) is the primary law enforcement agency in Guatemala with jurisdiction to investigate and prosecute a wide range of criminal matters. The Ministro Público is also the Central Authority with respect to fulfilling Guatemala's responsibilities under extradition and mutual legal assistance treaties. Under Article 6 of the draft Law on Cybercrime, cybercrime offenses will be characterized as an "Acción Pública" and the Ministerio Público will have the responsibility of investigating and prosecuting these offenses with the support of the National Civilian Police, the National Forensic Service, the Computer Security Incident Response Centre, and the 24/7 Contact Point.

The draft Law on Cybercrime foresees the strengthening of criminal justice capacities to permit the implementation of this law.

5 Conclusion

The authorities of Guatemala have been closely cooperating with the Council of Europe in the reform of domestic legislation. Should the draft Law on Cybercrime that is currently before Congress be adopted, domestic legislation will be largely in line with the Budapest Convention.

Procedural powers seem to be limited by conditions and safeguards in line with Article 15 Budapest Convention.

With the legal framework expected soon to be in place, further capacity building will be needed. The Council of Europe is able to provide such support through current projects such as the joint project with the European Union on Global Action on Cybercrime Extended (GLACY+) and the project Cybercrime@Octopus.

6 Contact

In case of need for additional information please contact:

Alexander Seger
Executive Secretary Cybercrime Convention Committee Tel +33-3-9021-4506
Directorate General of Human Rights and Rule of Law Fax +33-3-9021-5650
Council of Europe, Strasbourg, France Email alexander.seger@coe.int

5

4. Consultation

Treaty Office



Letter to all member States of the Council of Europe and Contracting non-member States to the Convention

Réf 57/2019 AG/ik

Strasbourg, 8 November 2019

Dear Ambassador,

By a note verbale dated 7 October 2019, received and registered at the Secretariat General on 24 October 2019, the Mission of Guatemala to the European Union expressed to the Secretary General of the Council of Europe the interest of the Government of Guatemala to be invited to accede to the Convention on Cybercrime (ETS No. 185), which was opened for signature, in Budapest, on 23 November 2001. Please find attached a copy of the note verbale.

According to Article 37, paragraph 1, of the Convention and following the practice of the Council of Europe, all member States of the Council of Europe and Contracting non-member States to the Convention are consulted on the request for accession.

Article 37, paragraph 1, of the Convention reads as follows:

“After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Contracting States to the Convention, may invite any State which is not a member of the Council and which has not participated in its elaboration to accede to this Convention. The decision shall be taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.”

Consequently, I would be grateful if you could inform me by 20 January 2020 whether your authorities would object to the accession of Guatemala to the above-mentioned Convention if such a request was formally submitted to the Committee of Ministers.

Please find enclosed, for your information, a note on the co-operation with Guatemala in the field of cybercrime, prepared by the Secretariat of the Cybercrime Convention Committee (T CY).

Yours sincerely,

Jörg POLAKIEWICZ
Director of Legal Advice and
Public International Law

5.a. Positive result of the consultation – no objections to the accession

Ministers' Deputies / Rapporteur Groups

GR-J

Rapporteur Group on Legal Co-operation

GR-J(2019)xxx 2020

Convention on Cybercrime (ETS No. 185) –

Request by Guatemala to be invited to accede

Item to be considered by the GR-J at its meeting on 31 March 2020

1. By a note verbale dated 7 October 2019, received and registered at the Secretariat General on 24 October 2019, the Mission of Guatemala to the European Union expressed to the Secretary General of the Council of Europe the interest of the Government of Guatemala to be invited to accede to the Convention on Cybercrime (ETS No. 185) (see Appendix 1).

2. According to Article 37, paragraph 1, of the Convention and in line with the practice of the Council of Europe, the Secretariat proceeded to a consultation of member States of the Council of Europe and non-member States which are Contracting States to the Convention, requesting them to communicate to the Secretariat whether their authorities would object to the accession of Guatemala to the Convention on Cybercrime if the request to be invited to accede was formally submitted to the Committee of Ministers. The deadline for replying was 20 January 2020. No objection was communicated to the Secretariat.

3. An information note of the Secretariat of the Cybercrime Convention Committee (T-CY) on co-operation with Guatemala appears in Appendix 2.

4. The relevant provisions of the Convention on Cybercrime can be summarised as follows.

a. Summary of the Convention

5. The Convention on Cybercrime (ETS No. 185) was opened for signature by the member States of the Council of Europe and by non-member States having participated in its elaboration, in Budapest, on 23 November 2001. It entered into force on 1 July 2004. The chart of signatures and ratifications appears in Appendix 3.

6. The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also provides a series of procedural powers, such as the search for computer networks and the interception of data. Its main objective, set out in the preamble, is "to pursue a common criminal policy aimed at the protection of society against cybercrime, inter alia by adopting appropriate legislation and fostering international co-operation".

7. The Convention has been complemented by an additional protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189), which was opened for signature on 28 January 2003 and entered into force on 1 March 2006. States having acceded to the Convention are entitled to accede to the Protocol thereto.

...

5.b. Negative result of the consultation – objections to the accession

Treaty Office



Embassy of the Republic of...
Address

Réf ** /2018 - AG/ik

Strasbourg, 19 December 2018

Madam, Sir,

I have the honour to refer to your note verbale No. ..., received and registered at the Secretariat General on (date of receipt), transmitting the letter of H.E. Mr Xxx XXX, Minister for Foreign Affairs of the Republic of..., informing the Secretary General of the Council of Europe of the interest of the Government of... to be invited to accede to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

According to Article 23, paragraph 1, of the Convention and following the practice of the Council of Europe, all member States of the Council of Europe and non-member States Parties to this Convention were consulted on the request for accession.

In addition, further to the recommendation of the Consultative Committee of the Convention (T-PD), endorsed by a decision of the Ministers' Deputies adopted at its 1031st meeting on 2 July 2008, the T-PD was consulted and issued an opinion on the request of accession by... This opinion was disseminated among all the parties to the convention.

The member States of the Council of Europe and other parties to the convention have appreciated the interest shown by the Republic of... in this important instrument. However, objections have been raised and it would therefore not be possible to identify now the majorities necessary to invite your country to accede to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. I recall that Article 23, paragraph 1, of the Convention governing the invitation of a non-member State to accede to this Convention requires a two-thirds majority under Article 20.d of the Statute of the Council of Europe and the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

For your information, the grounds for these objections are based on the opinion furnished by the Consultative Committee of the Convention (T-PD). The opinion and conclusions of the T-PD are attached to this letter. In this respect, several States have underlined the committee's offer of co-operation with the competent national authorities of... with a view to bringing the law closer to the provisions of the Convention.

Please accept, Madam, Sir, the assurance of my highest consideration.

Jörg POLAKIEWICZ

Director of Legal Advice and
Public International Law

6. Decision by the Committee of Ministers to invite the State to accede to the Convention

MINISTERS' DEPUTIES Decisions CM/Del/Dec(2020)xxxx/xxx .. March 2020

XXXXth meeting, ... March 2020

xx.x Convention on Cybercrime (ETS No. 185)

Request by Guatemala to be invited to accede

Reference document

GR-J(2020)

Decisions

The Deputies

1. invited Guatemala to accede to the Convention on Cybercrime (ETS No. 185);
2. agreed, in accordance with their decisions of 10 April 2013 on the review of Council of Europe conventions, that the decision to invite Guatemala to accede to the Convention on Cybercrime (ETS No. 185) is valid five years as from its adoption.

7. Formal invitation

Treaty Office



Mission of Guatemala
to the European Union.
Avenue Winston Churchill 185
Bruxelles 1180
BELGIQUE

Réf ** /2019 AG/ik

Strasbourg, le 21 juin 2019

Madam, Sir,

I have the honour to refer to the note verbale of the Mission of Guatemala to the European Union, dated 7 October 2019, received and registered by the Secretariat General on 24 October 2019, expressing the interest of the Government of Guatemala to be invited to accede to the Convention on Cybercrime (ETS No. 185).

I am pleased to inform you that the Committee of Ministers of the Council of Europe, during the ... th meeting of the Ministers' Deputies on ... March 2020, decided to invite Guatemala to accede to the Convention on Cybercrime (ETS No. 185) in accordance with its Article 37, paragraph 1.

In conformity with the Ministers' Deputies decisions of 10 April 2013 (1168th meeting) on the review of Council of Europe conventions, this invitation to accede to the Convention on Cybercrime is valid five years as from its adoption

Please accept, Madam, Sir, the assurance of my highest consideration.

Yours sincerely

Jörg POLAKIEWICZ
Director of Legal Advice and
Public International Law

9. Modification of treaties

- ▶ Correction of treaties.
- ▶ Modification of treaties: adding of new signatories.
- ▶ Amendments to treaties.
- ▶ Separation and reunification of States – European upheavals.
- ▶ Special statements.

a. Correction of treaties

It is possible that a material error may appear in a treaty or in its explanatory report. This happened, for example, with the Criminal Law Convention on Corruption (ETS No. 173) and the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention) (CETS No. 211).

Once informed of the error, the Head of the Treaty Office analyses the text, ascertains if it is a material error that can be corrected and when it occurred. He or she informs the Secretariat of the steering committee of the convention of the necessity to prepare a **procès-verbal of correction** of the text, signed by the Secretary General.

If the error was present in the text adopted by the Committee of Ministers, the correction has to be submitted to the Ministers' Deputies, who need to adopt it.

The certificate prepared by the Treaty Office is written in French and English and contains the points that have been corrected. It is then signed by the Secretary General and added to the original convention.

The Treaty Office notifies the procès-verbal of correction to the member States and the non-member States Parties to the convention and transmits a certified true copy to the Permanent Representations.

The text of the treaty available on the Treaty Office website is consequently corrected. The official ISBN brochure is reprinted in its corrected version and the former existing stock is destroyed, to avoid any risk of confusion.

In the case of the Criminal Law Convention on Corruption, the word "thirtieth" was translated, in the French version, by "troisième" (third).

Certified true copy transmitted to the Permanent Representations

	Certificate of the Secretary General of the Council of Europe	Procès-verbal du Secrétaire Général du Conseil de l'Europe
CRIMINAL LAW CONVENTION ON CORRUPTION of 27 January 1999	concerning the correction of the text of Article 39, paragraph 5, French version only, of the Criminal Law Convention on Corruption, signed in Strasbourg on 27 January 1999	concernant la rectification du texte de l'article 39, paragraphe 5, version française uniquement, de la Convention pénale sur la corruption, signée à Strasbourg, le 27 janvier 1999
CONVENTION PÉNALE SUR LA CORRUPTION du 27 janvier 1999	Noting that the English and French texts of paragraph 5 of Article 39 of the Criminal Law Convention on Corruption (ETS 173, 1999), signed in Strasbourg on 27 January 1999, are not fully concordant;	Constatant que la concordance des textes français et anglais du paragraphe 5 de l'article 39 de la Convention pénale sur la corruption (STE 173, 1999), signée à Strasbourg le 27 janvier 1999, est imparfaite;
CERTIFICATE OF CORRECTION of the text of Article 39, paragraph 5, French version only	Noting that the French version contains a material error that was already contained in the text which was adopted by the Committee of Ministers at their 103 rd Session on 4 November 1998;	Constatant que la version française comporte une erreur matérielle qui figurait déjà dans le texte qui a été adopté par le Comité des Ministres lors de sa 103 ^e Session, le 4 novembre 1998;
PROCÈS-VERBAL DE RECTIFICATION du texte de l'article 39, paragraphe 5, version française uniquement	Whereas the Committee of Ministers, at the 687 th meeting of the Ministers' Deputies, held on 16 November 1999, approved the correction of the French text of the said Convention,	Considérant que le Comité des Ministres, au cours de la 687 ^e réunion des Délégués, tenue à Strasbourg le 16 novembre 1999, a approuvé la rectification du texte français de ladite Convention,
	The Secretary General of the Council of Europe hereby certifies as follows:	Le Secrétaire Général du Conseil de l'Europe certifie, par les présentes, ce qui suit :
	In the French text of paragraph 5 of Article 39, the word "troisième" is replaced by the word "trentième".	Dans le texte français du paragraphe 5 de l'article 39, le mot "troisième" est remplacé par le mot "trentième".
	<i>Done at Strasbourg, on 21 January 2000.</i>	<i>Fait à Strasbourg, le 21 janvier 2000.</i>
	Walter SCHWIMMER Secretary General Secrétaire Général	
	Certified a true copy of the sole original document in English and in French, deposited in the archives of the Council of Europe.	Copie certifiée conforme à l'exemplaire original unique en langues française et anglaise, déposé dans les archives du Conseil de l'Europe.
	The Director General of Legal Affairs of the Council of Europe :	Le Directeur Général des Affaires juridiques du Conseil de l'Europe :
STRASBOURG, 21.I.2000		Guy DE VEL



**COUNCIL OF EUROPE CONVENTION
ON THE COUNTERFEITING OF MEDICAL PRODUCTS
AND SIMILAR CRIMES
INVOLVING THREATS TO PUBLIC HEALTH**

Moscow, 28 October 2011

**CONVENTION DU CONSEIL DE L'EUROPE
SUR LA CONTREFAÇON DES PRODUITS MÉDICAUX
ET LES INFRACTIONS SIMILAIRES
MENAÇANT LA SANTÉ PUBLIQUE**

Moscou, 28 octobre 2011

CERTIFICATE OF CORRECTION

PROCÈS-VERBAL DE RECTIFICATION

STRASBOURG, 3 .X.2012

**Paragraph 149 of the Explanatory Report,
dealing with Article 25 of the Convention**

"149. With respect to the Convention, the Committee of the Parties has the traditional follow-up competencies and:

(...)

– serves as a clearing house and facilitates the exchange of information on significant legal, policy or technological developments in relation to the application of the provisions of the Convention. In this context, the Committee of the Parties may avail itself of the expertise of other relevant Council of Europe committees and bodies. In addition to the committees mentioned above under the commentary to Article 24, paragraph 1, the Committee of Experts on Minimizing Public Health Risks posed by Counterfeit Medical Products and Related Crimes (CD-P-PH/CMED), which is, inter alia, tasked with the development and promotion of multisectoral risk prevention and management strategies for public health protection from counterfeit medical products and related crimes, and the General European Network of Official Medicines Control Laboratories (OMCL) could be mentioned as examples of such expert committees and bodies of the Council of Europe."

**Paragraphe 149 du Rapport explicatif, traitant de
l'article 25 de la Convention**

«149. En ce qui concerne la Convention, le Comité des Parties possède les compétences classiques de suivi et :

(...)

– sert d'organisme centralisateur des données et facilite la mise en commun des informations sur les importantes avancées juridiques, politiques ou technologiques relatives à l'application des dispositions de la Convention. Dans ce contexte, le Comité des Parties peut bénéficier de la compétence d'autres comités et organes pertinents du Conseil de l'Europe. En complément des comités susmentionnés dans le commentaire de l'article 24, paragraphe 1, le Comité d'Experts sur la réduction des risques de santé publique liés à la contrefaçon des médicaments et à la criminalité connexe (CD-P-PH/CMED), chargé, entre autres, du développement et de la promotion de stratégies multisectorielles de prévention et de gestion des risques en vue de protéger la santé publique contre la contrefaçon des médicaments et la criminalité connexe, et le Réseau européen des laboratoires officiels de contrôle des médicaments (OMCL) sont à citer comme exemples de ces organes et comités d'experts du Conseil de l'Europe.»

Done in Strasbourg, on 3 October 2012.

Fait à Strasbourg, le 3 octobre 2012.

Thorbjørn JAGLAND
Secretary General
Secrétaire Général

b. Modification of treaties: adding of new signatories

When a State joins the Council of Europe as a member, it becomes entitled to sign all treaties of the Council of Europe. It is then necessary to add by hand the name of this State to all treaties to which it is not yet party, in French and English. The Treaty Office therefore requests the General Directorate of Administration to recruit a calligrapher to undertake this very specific work.

The Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211) and the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216) are open for signature by any non-member State of the Council of Europe upon invitation by the Committee of Ministers. This means that, after the opening for signature of these two conventions, each new State which is invited to sign will be added, by hand, in the signatory pages of the treaty.

Recent example:

On 3 July 2019, the Ivory Coast signed the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211).



c. Amendments to treaties

Amending a treaty allows for the updating, supplementing or clarifying of technical points of a treaty when necessary. The following procedures have been used:

Drafting a Protocol of amendment, which will modify one or several articles of the parent convention

The protocol constitutes a treaty in its own right and is subject to the same procedure as any other treaty, from adoption to the opening for signature. A protocol of amendment enters into force when all parties have approved or ratified it, which is constraining and can take a long time. Nevertheless, requiring the ratification by all parties has the advantage that only one version of the treaty is in force at any given time – the initial text prior to entry into force of the amending protocol and the amended text thereafter. Recent examples of amending protocols are:

- ▶ Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (**CETS No. 213**);
- ▶ Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (**CETS No. 222**).

Exceptionally, the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (**CETS No. 223**) may also enter into force after acceptance or ratification by a significant number of parties and following the expiry of a period of five years. After its entry into force, the protocol would be binding only to parties which have ratified it. The remaining parties would still be bound by the original version of the treaty. Another exceptional case due to the nature of its amendments, the Protocol amending the European Landscape Convention (**CETS No. 219**) may enter into force following the expiry of a period of two years after its opening for ratification, unless a party to the convention objects to its entry into force.

Drafting a new treaty: a revised convention

Revised conventions have been used where fundamental changes have occurred in the conditions under which the original treaties were concluded. The new treaty will enter into force following ratification by a limited number of States and in relation to those States. Once a revised convention enters into force, the original convention continues to exist and to have effect between the States parties thereto. In this case, two treaty regimes coexist. Recent examples of revised conventions are:

- ▶ the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (**CETS No. 218**);
- ▶ Council of Europe Convention on Cinematographic Co-Production (revised) (**CETS No. 220**).

Simplified procedure of amendment provided for certain treaties

Following the proposal by a party, a draft amendment is prepared by the competent committee. The draft amendment is submitted to the Committee of Ministers for adoption. Following its adoption, the Treaty Office notifies the amendment to all parties to the treaty. The amendment enters into force once all parties have accepted it. Examples of these procedures can be found in:

- ▶ the Council of Europe Convention on the Manipulation of Sports Competitions (**CETS No. 215**);
- ▶ the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (**CETS No. 199**);
- ▶ the Council of Europe Convention on Action against Trafficking in Human Beings (**CETS No. 197**).

Simplified procedures of amendment as regards appendices of a purely technical nature provided for certain treaties

These amendments can usually be adopted by a conventional committee without the intervention of the Committee of Ministers. Their entry into force is often based on the tacit consent of the parties: in other words, the amendments become effective vis-à-vis all those parties who have not expressed an objection to their entry into force. However, a certain number of opting-out notifications can prevent the amendments from coming into force vis-à-vis all parties. This is the case for the Convention on the prevention of terrorism (**CETS No. 196**) and the Convention on the Conservation of Wildlife and Natural Habitats (**ETS No. 104**).

d. Separation and reunification of States – European upheavals

Article 35 of the 1978 Vienna Convention on Succession of States in respect of Treaties provides that:

When, after separation of any part of the territory of a State, the predecessor State continues to exist, any treaty which at the date of the succession of States was in force in respect of the predecessor State continues in force in respect of its remaining territory unless:

- a. the States concerned otherwise agree;
- b. it is established that the treaty related only to the territory which has separated from the predecessor State; or
- c. it appears from the treaty or it is otherwise established that the application of the treaty in respect of the predecessor State would be incompatible with the object and purpose of the treaty or would radically change the conditions for its operation.

The Council of Europe's practice regarding state succession in connection with treaties

- ▶ **Unification of Germany:** automatic extension of the scope of application of the international treaties and agreements to which the Federal Republic of Germany was already a party.
- ▶ **Dissolution of the USSR:** the Russian Federation became a party to the Council of Europe conventions to which the Soviet Union had acceded. No other State which emerged from the Soviet Union invoked the status of a "successor State".
- ▶ **Dissolution of the Czech and Slovak Federal Republic on 1 January 1993:** this State had been a member State of the Council of Europe since 21 February 1991. Czechoslovakia had also been a party to the European Convention on Human Rights and its protocols, as well as to 10 other conventions and protocols.

The Czech Republic and Slovakia acceded to the Council of Europe on 30 June 1993 and expressed their intention to succeed the Czech and Slovak Federal Republic, with effect from 1 January 1993. The Committee of Ministers decided that the Czech Republic and Slovakia should be considered as parties to the conventions and protocols to which Czechoslovakia had been a party, with effect from 1 January 1993.

- ▶ **Disappearance of the "Yugoslav Socialist Federal Republic"** for the purposes of the Council of Europe conventions and agreements to which it had been a party. It was decided, between 1992 and 1994, to invite Slovenia, Croatia, Bosnia and Herzegovina and "the former Yugoslav Republic of Macedonia" to become parties to the conventions to which former Yugoslavia had been a party, except to the European Cultural Convention (**ETS No. 18**) as regards "the former Yugoslav Republic of Macedonia". These States became parties by notification and without retroactive effect.
- ▶ **Separation of Serbia and Montenegro (2006):** in this case, a part of the territory of a State seceded. In this case there was a successor State (Serbia) and a new independent State (Montenegro), as provided for by the Constitutional Charter of Serbia and Montenegro, Article 60 on secession: "Should Montenegro break away from the state union of Serbia and Montenegro, the international instruments pertaining to the Federal Republic of Yugoslavia, particularly UN [Security Council] Resolution 1244, would concern and apply in their entirety to Serbia as the successor."

However, State succession is not automatic: Serbia has declared its intention to be considered as the successor of Serbia-Montenegro. The recognition of the succession depended, in the Council of Europe, on the decision in which the Committee of Ministers:

- took note of the separation;
- noted that Serbia was the successor State;
- noted that Serbia was therefore a member of the Council of Europe and a party to the conventions and partial agreements of the Council of Europe to which the predecessor State had acceded;
- approved the amendment of Article 26 of the Statute of the Council of Europe (changing the number of seats in the Assembly).

The successor State is also bound by the reservations made by the predecessor State at the time of the ratification of the treaties. It can withdraw them but not make new reservations.

Regarding Montenegro, a new independent State, it acceded to the Council of Europe in May 2007, after completing all the steps of the usual procedure of accession to the Council of Europe.

These States are now all Member States of the Council of Europe.

Role of the Treaty Office:

The Treaty Office sends a note verbale to the members States of the Council of Europe and to the non-member States parties to the relevant treaties, reminding them of the terms of the decision of the Committee of Ministers, and listing the treaties to which the State is considered successor.

An explanatory note is also added to the charts of signatures and ratifications on the Treaty Office website.

Council of Europe's practice regarding the change of name of a member State in connection with treaties

On 18 February 2019 the Council of Europe was notified by the Permanent Representation of the Republic of North Macedonia of the entry into force of the Final Agreement for the Settlement of the Differences as Described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995, and the Establishment of a Strategic Partnership between the Parties ("Final Agreement") signed in Prespa on 17 June 2018.

Consequently, as of 12 February 2019, the official name of "the former Yugoslav Republic of Macedonia" is the Republic of North Macedonia, which is the constitutional name of the country. The short name of the country is North Macedonia. The short version will be used by the Council of Europe.

The following modifications were made by the Treaty Office in relation to Council of Europe treaties:

- the name "the former Yugoslav Republic of Macedonia" was replaced by North Macedonia in all charts and headings referring to the country on the Treaty Office website and in its database, but not in the texts of registered reservations and declarations as they cannot be modified retroactively. Henceforth, North Macedonia will be placed between the Netherlands and Norway in English alphabetical order, and between Luxembourg and Malta in French;
- the text "For the Government of the Republic of North Macedonia:" will be added to all treaties which have not yet been signed by this State;
- the procès-verbaux of signature and ratification will be drawn up in accordance with the usual procedure, including the name and title of the Representative of North Macedonia signing those documents.

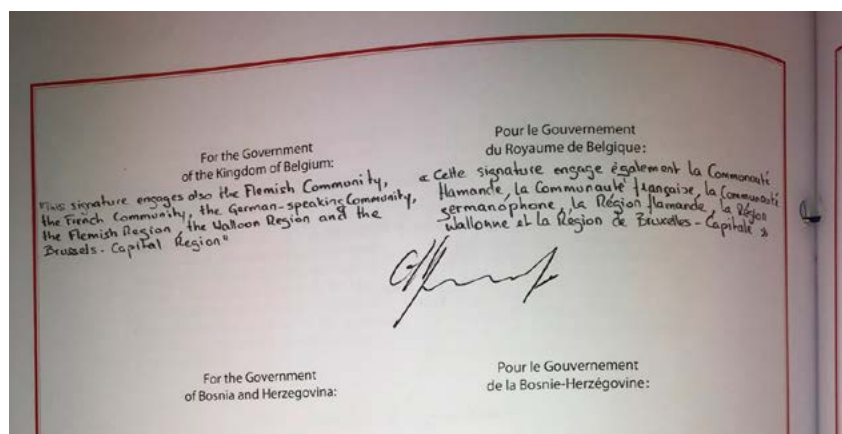
e. Special statements

The complexity of the division of competences in the Belgian constitutional system requires that clarifications are made when signing certain treaties, to the effect that a treaty engages the entire State or establishes the limits of the responsibilities of the communities, federal authorities or regional authorities.

An indication is written in the treaty at the time of signature, as specified in the full powers. This is not a statement, but a simple "modality of signature" which is not notified to the States.

The following text was added to the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223) at the time of its signature by Belgium:

- ▶ This signature engages also the Flemish Community, the French Community, the German-speaking Community, the Flemish Region, the Walloon Region and the Brussels-Capital Region
- ▶ Cette signature engage également la Communauté flamande, la Communauté française, la Communauté germanophone, la Région flamande, la Région wallonne et la Région de Bruxelles-Capitale



In the same manner, the procès-verbal of signature of the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199) was signed by the two representatives of different Regions and Communities.



European Treaties – Traités européens

Procès-verbal of signature – Procès-verbal de signature

de la part du Royaume de Belgique ,
de la Convention-cadre du Conseil de l'Europe
sur la valeur du patrimoine culturel pour la société.

Le vingt-cinq juin deux mille douze, au siège du Conseil de l'Europe à Strasbourg, Monsieur Alain COOLS, Ambassadeur, Représentant Permanent de la Belgique auprès du Conseil de l'Europe, et Monsieur Nic VANDERMARLIERE, Délégué de la Communauté flamande et de la Région flamande à Paris, munis des pleins pouvoirs de leur Gouvernement, ont signé la Convention-cadre du Conseil de l'Europe sur la valeur du patrimoine culturel pour la société (STE 199), qui a été ouverte à la signature des Etats membres du Conseil de l'Europe, à Faro, le 27 octobre 2005.

En foi de quoi a été dressé le présent procès-verbal, signé par Madame Maud de BOER-BUQUICCHIO, Secrétaire Générale Adjointe du Conseil de l'Europe, par Monsieur Alain COOLS et par Monsieur Nic VANDERMARLIERE, en trois exemplaires, dont l'un sera déposé dans les Archives du Conseil de l'Europe, le deuxième remis au Représentant Permanent de la Belgique et le dernier remis au Délégué de la Communauté flamande et de la région flamande à Paris .

La Secrétaire Générale Adjointe
du Conseil de l'Europe,

Maud de BOER-BUQUICCHIO

Le Représentant Permanent
de la Belgique auprès
du Conseil de l'Europe,

Alain COOLS

Délégué de la Communauté
flamande et de la Région flamande
à Paris,

Nic VANDERMARLIERE

II. Council of Europe depository practice

Depository functions in the Council of Europe

Downloadable [full version](http://www.coe.int/en/web/conventions/home) including references: www.coe.int/en/web/conventions/home

The Secretary General of the Council of Europe is the depository of Council of Europe treaties with the exception of the Statute of the Council of Europe (ETS No. 1, 1949, for which the United Kingdom is the depository). In practice, depository functions are performed by the treaty office within the Directorate of Legal Advice and Public International Law (DLAPIL).

I would like to underline that we not only perform the core depository functions, but we also advise member states on questions of treaty law and participation in the elaboration of new treaties. The core depository functions such as publishing and archiving treaty texts, organising ceremonies of signature or ratification, receiving and registering all acts relating to treaties and notifying them to member states and other parties, rarely give rise to particular legal issues.

While we have developed a certain practice of the Organisation, we are in principle guided by Articles 76 to 80 of the 1969 Vienna Convention on the Law of Treaties (VCLT). All Council of Europe treaties are registered with the Secretariat of the UN within one month of entry into force.

The treaty office maintains custody of all original documents including full powers and instruments of ratification and accession presented to it. These documents are kept in a closely controlled area with very limited access but readily available since Council of Europe treaties remain open for signature at any time by a member state wishing to join the treaty. All these documents are also digitalised.

In fact, nowadays all treaty information is also available on the Council of Europe's website. This website was created, in English and in French, in January 2000. There is no separate restricted internal database for treaty information as all the information is automatically displayed in a publicly accessible website. The website contains the text of each Council of Europe treaty, its explanatory report, a table with dates of signature and ratification by individual states and organisations as well as any reservations or declarations made by them.

The website's database enables many forms of statistics to be generated and searches to be carried out on the legal acts, sorted either by state, by treaty or partial agreement, or by time period.

During 2003, German, Italian and Russian versions of the website were added with the contribution of the Ministries for Foreign Affairs of Germany, Italy, Switzerland and the Russian Federation, which transmitted official and non-official translations of the treaties. Moreover, since 2009, official as well as non-official translations of treaties and explanatory reports into non-official languages - from Albanian to Yiddish - are being transmitted to the treaty office by various official entities to be published online for information purposes.

Notifications of all legal acts (signatures, ratifications, declarations, etc.) are sent electronically to all member states and other parties at a set time each week. All notifications issued since January 2000 are published online in the two official languages, English and French.

The treaty office's website is kept fully up to date and is revised immediately following each treaty act. The website receives in excess of 1 million visits annually.

Reservations and declarations

Under the regime of the Vienna Convention on the Law of Treaties, two competing requirements must be reconciled. On the one hand, it must be ensured that the relevant treaty provisions on reservations and declarations are respected. On the other hand, the depository is in principle not entitled to decide on the admissibility or the legal effects of reservations and declarations.

In 1976, the Committee of Ministers discussed the nature and scope of depository functions exercised by the Secretary General. This discussion was prompted by a statement made by Turkey in relation to the ratification of seven European treaties. In December 1975, Turkey presented each of its instruments of ratification with an accompanying letter from the Permanent Representative of Turkey, stating that:

“The Government of Turkey, while ratifying the Agreement/Arrangement/Convention/ Protocol ..., declares that it does not consider itself bound to carry out the provisions of the said Agreement in relation to the Greek Cypriot Administration, which is not constitutionally entitled to represent alone the Republic of Cyprus.”

This statement could not be assimilated with any of the authorised reservations. One of the treaties in question even prohibited the making of any reservations. In substance, the statement undoubtedly has an effect on the application of the treaty, which is entirely excluded, but only in relations between the declaring state and one other party. In this sense, it resembles a declaration of non-recognition.

The Secretary General initially refused the registration of the Turkish instruments of ratification and asked the Committee of Ministers for guidance. Following prolonged deliberations, the Ministers’ Deputies finally adopted the following decision during their 254th meeting, in February 1976:

“The Deputies,

in the light of the foregoing discussion, and referring solely to the procedural aspects of the deposit of the seven instruments of ratification, considered that the Secretary General should proceed, with effect from 19 December 1975, to the registration of these instruments of ratification as presented by the Permanent Representative of Turkey by letter dated 19 December 1975 and notify the Governments of member states thereof, it being understood that the registration of reservations by the Secretary General has no effect on their validity.

The above decision will in no way affect the position of the Government of the Republic of Cyprus in the Committee of Ministers of the Council of Europe.”

It should be underlined that the use of the term “reservations” was requested by the Turkish Government. The Committee of Ministers as such reserved its position as to the nature and scope of the Turkish statement. The International Law Commission’s Guide to Practice does not categorise such statements. It is interesting to note that this issue is still on the agenda of CAHDI. In 2016, 2017 and 2018 Turkey again formulated statements, this time expressly categorised as “declarations”, regarding the application of a number of conventions regarding Cyprus. Some states have objected to these “declarations” considering that they would in reality amount to reservations contrary to the object and purpose of the conventions in question.

In this respect also, I would like to refer to the recent terminological practice of one member state, namely Austria, for which the treaty office has now included a “Note by the Secretariat” stating that “Austria refers to its expressions of disagreement with interpretative declarations as ‘oppositions’ not as ‘objections’.”

In general, Council of Europe practice in relation to reservations can be summarised as follows: in his capacity as depositary, the Secretary General has the task of ensuring that reservations conform to the final clauses of the respective treaty. In order to do this, the treaty office must evaluate the legal nature of a statement to determine whether it constitutes a proper reservation or only an interpretative declaration. If the treaty does not permit any reservations the treaty office can refuse to register the ratification. If there are doubts as to whether a reservation is compatible with the object and purpose of the treaty (Article 19 (c) of the VCLT), it is common practice within the Council of Europe to informally consult the state concerned. If the latter insists on making the reservation in question, the treaty office will register and notify it. In such cases it is for the other parties to raise objections to statements which they consider to constitute inadmissible reservations.

Late reservations

In the Council of Europe, we follow strictly the Vienna Convention regime on reservations. Reservations may only be made at the time of signature or when depositing an instrument of ratification, acceptance, approval or accession (Article 19 of the VCLT). Reservations made upon signature subject to ratification must be formally confirmed by the reserving state when expressing its consent to be bound by the treaty (Article 23 (2) of the VCLT). Accepting the belated formulation of reservations creates a dangerous precedent which could be invoked by other states in order to formulate new reservations or to widen the scope of existing ones. Such a practice would jeopardise legal certainty and impair the uniform implementation of European treaties. It would also run counter to the efforts by the Parliamentary Assembly and the Committee of Ministers to reduce the number of reservations.

I am quite proud to say that we have so far successfully resisted all attempts to circumvent this rule. Exceptions may only be justified by the fact that a certain reservation or declaration had been formulated by the competent national authority (parliament or government) before ratification, but due to administrative oversight it had been forgotten to communicate the text when depositing the instrument of ratification or accession. Examples are the reservation made by Greece in 1988 to the European Convention on the Suppression of Terrorism (ETS No. 90, 1977) or declarations made in 1997 by Portugal with regard to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30, 1959).

Declarations regarding territories of disputed jurisdiction

At present there are a number of unresolved conflicts in Europe involving in particular Abkhazia, Crimea, Donetsk and Luhansk, Nagorno-Karabakh, Northern Cyprus, South Ossetia (Tskhinvali) and Transnistria. Although these conflicts are hardly similar to each other in a number of respects, as a result five of our member states - Azerbaijan, Cyprus, Georgia, Moldova, and Ukraine - have within their territorial borders regions over which they have no effective control because of annexation, military occupation and/or the control of separatist de facto entities.

The treaty office has recorded a number of declarations by states ratifying Council of Europe conventions whereby such states have declared their inability to ensure compliance with the conventions in question in those parts of their territory falling out of the sphere of their effective control. Usually they are made without reference to any particular provision of the conventions in question. Examples are declarations by Azerbaijan in respect of Nagorno-Karabakh, Georgia in respect of the territories of Abkhazia and Tskhinvali regions, Moldova in respect of Transnistria and Ukraine in respect of Crimea and the Donetsk and Luhansk regions under separatist control. Such declarations have however not always been made consistently in respect of all Council of Europe treaties.

The legal nature of such declarations remains contested. The International Law Commission's Guide to Practice on Reservations to Treaties, states in Guideline 1.1.3 that "a unilateral statement by which a State purports to exclude the application of some provisions of a treaty, or of the treaty as a whole with respect to certain specific aspects, to a territory to which they would be applicable in the absence of such a statement constitutes a reservation." The subsequent commentary qualifies this statement however and concludes that "these are not reservations in the sense of the Vienna Convention." In the Case of *Ilaşcu and Others v. Moldova and the Russian Federation*, a Grand Chamber of the European Court of Human Rights (the Court) found that such a declaration made by Moldova in respect of Transnistria "cannot be equated with a reservation within the meaning of the Convention, so that it must be deemed invalid." A careful reading of the decision in the *Ilaşcu* case suggests that the declaration was only found to be invalid as a reservation within the meaning of Article 57 alone or even taken together with Article 56 of the Convention. In that sense, the decision is wholly consistent with the Court's earlier case law, which seeks to avoid any loopholes or gaps, whether in space or time, which would deprive persons of the effective protection of the Convention.

Despite some differences, the statements by Azerbaijan, Georgia, Moldova and Ukraine should in my view not be seen as reservations in the sense of the Vienna Convention, but rather as declarations relating to a factual situation in the territories in question. Their main purpose is to inform the other states parties of a situation which makes it impossible for the countries in question to guarantee compliance with their treaty commitments in territories over which they exercise no effective control. Indeed, none of the statements has prompted objections by other parties. Had we considered them as reservations, some of these declarations would have been prohibited because certain of the conventions to which they have been made exclude explicitly the formulation of any reservations.

It must be stressed that the statements of this kind cannot absolve the countries of all responsibility regarding events occurring on these territories. They remain responsible in so far as they exercise "jurisdiction", for example as a consequence of military action against separatist movements. Under the Convention, states parties remain moreover under an obligation to use all the legal and diplomatic means available to them in the attempt to continue to secure to the people living there the enjoyment of rights and freedoms under the Convention.

The European Convention on Human Rights as a special case

Also as regards depositary practice, the Convention constitutes a special case. Already in 1975, the then Director of Legal Affairs observed in respect of a reservation entered by France in respect of Article 15 of the Convention:

The European Convention on Human Rights having instituted specific procedures and organs for the quasi-judicial and judicial supervision of its application, any questions concerning the scope and admissibility of a reservation relating to one of its provisions may, if appropriate, be raised and settled by the same organs.

While refraining from any act or declaration that could interfere with the exercise of the functions of the Court, the Secretary General as depositary has to ensure that reservations conform to the applicable clauses, in particular Articles 56 and 57 of the Convention. In order to do this, the treaty office evaluates the legal nature of a statement independently, if necessary after having consulted the state concerned and determines whether it constitutes a proper reservation or only an interpretative declaration.

In that context, it is worth mentioning that various member states, before expressing their consent to be bound, have informally consulted the treaty office with respect to the compatibility of legally complex reservations or declarations, in particular but not only relating to the Convention. Though not legally binding for the states concerned, the opinions given by the treaty office have provided useful guidance and have usually been followed in practice.

Additional depositary functions

Depositaries are occasionally required to perform additional functions such as convening conferences or meetings of the parties or maintaining a register of experts. In our practice we have had two interesting cases relating to the provisional application of certain provisions of Protocol 14 to the Convention and the so-called Riga Protocol on foreign fighters (CETS No. 217, 2015).

Provisional application of Protocol 14 and Protocol 14bis to the Convention

The urgent need to reform certain aspects of the control mechanism of the European Convention on Human Rights was the principal reason for the adoption of Protocol No. 14 to the Convention in 2004. The ratification process took however much longer than expected. Faced with an ever-accelerating influx of new applications and a constantly growing backlog of cases, the President of the Court drew in October 2008 attention to the extremely serious situation and proposed the urgent implementation of certain procedural provisions of Protocol No. 14, in particular the single-judge procedure and the competence of the three-judge committee for repetitive cases.

The rather complex legal issues raised by the proposed provisional application were examined by the Steering Committee on Human Rights (CDDH) and the CAHDI. Since Protocol No. 14 did not contain any provision allowing provisional application, it was necessary to create a legal basis for that purpose. Taking into account the different constitutional traditions among the member states, it was eventually decided to use two parallel procedures. On the one hand, Protocol No. 14bis was adopted by the Committee of Ministers which simply reproduced the relevant provisions of Protocol No. 14 combined with a provision allowing for their provisional application. This option had however the drawback that it required the signature and ratification of a new legal instrument. Following CAHDI's advice, 10 member states were able to pursue a more rapid option, namely the adoption of an agreement on provisional application by a conference of the parties. In his capacity as depositary of the Convention, the Secretary General convened a conference of high contracting parties in the margins of the 119th Ministerial Session of the Committee of Ministers held in Madrid on 12 May 2009. The Secretary General opened the conference and presided over it until a chairperson was elected. The conference agreed by consensus that "the provisions regarding the new single-judge formation and the new competence of the Committees of three judges contained in Protocol No. 14 to the European Convention on Human Rights are to be applied on a provisional basis with respect to those states that express their consent."

Activation of the 24/7 network under the Riga Protocol

The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217, 2015) effectively implements UNSC Resolution 2178 (2014) on 'Threats to international peace and security caused by terrorist acts'. It provides inter alia for the setting up of a network of contact points for the exchange of police information between the parties concerning persons alleged to have committed the crime of travelling abroad for the purposes of terrorism. With a view to facilitating the timely exchange of information prior to the entry into force of the Protocol, the member states of the Council of Europe called at the 126th Committee of Ministers' Ministerial Session on 18 May 2016 "for the expeditious designation of the 24/7 contact points ... as provided for by the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217), pending its entry into force." It can be argued that in this particular case the ministers acted simultaneously as a forum of negotiating states and the Secretary General subsequently invited member states to appoint such contacts.

Concluding remarks

The Max Planck Encyclopedia of Public International Law describes the role of the depositary as "an understated yet highly significant role in the administration of the treaty". I could not agree more. The functions that the Secretary General exercises as depositary are not very visible or spectacular, but essential for the proper management of our treaties which constitute a unique integrated system of legal standards collectively defined within the Organisation and agreed upon by the member States.

Our conventions and agreements are essential for the Council of Europe. Most of our activities are to some extent treaty-based. To date, 223 international conventions and agreements have been concluded within our Organisation with a view to fostering international co-operation, establishing common European standards and approximating the legislation of European states. Treaties constitute the most effective means of achieving the aim of the Council of Europe that is to achieve a greater unity between its members.

Seminar "Managing the International Order – The Functions of Treaty Depositaries"
Helsinki, 19 September 2018

Presentation by Mr. Jörg Polakiewicz
Director of Legal Advice and Public International Law (Legal Adviser)

1. Checklists for the depositary

Legal basis: Article 77, paragraph 1.d, of the 1969 Vienna Convention on the Law of Treaties provides that one of the depositary's functions is "examining whether the signature or any instrument, notification or communication relating to the treaty is in due and proper form and, if need be, bringing the matter to the attention of the State in question".

The validity of the legal acts relating to treaties depends on compliance with the related legal procedures and obligations. It is therefore important to bear in mind the key points to be verified, complied with or performed for each stage in the management and custody of treaties.

The depositary must ascertain, among other things, whether:

- ▶ the State is entitled to sign or ratify the treaty in question;
- ▶ the full powers of signature or the instrument of ratification contain the mandatory elements specified in the United Nations Directives;
- ▶ the mandatory declarations are made;
- ▶ the reservations which a State intends to make are authorised.

2. Opening for signature

Invitation, preparation, ceremony

- ▶ Prepare and send a letter inviting the member States to the ceremony marking the opening for signature.
- ▶ Prepare a retro-schedule with important deadlines to respect.
- ▶ Draw up a table of States wishing to sign, with the names and titles of their representatives.
- ▶ Verify that the State wishing to sign is actually entitled to do so (cf. Parent treaties).
- ▶ Receive and verify full powers of signature (cf. full powers).
- ▶ Draw up the list of signatories in English alphabetical order. When the ceremony takes place elsewhere than in Strasbourg, the host State generally signs first, subject to the agreement of the Head of Protocol of the Council of Europe.
- ▶ Give confirmation of the date, place and timing of the ceremony to the representatives of the States wishing to sign and inform them how the ceremony will be conducted.
- ▶ Forward the list of signatories to Protocol and the Directorate of Communication.
- ▶ Prepare a "book" of signatories with photo, name and State.
- ▶ Have the room prepared with the following layout:
 - Chair and desk with desk pad, pens, table flag and flowers for the signatory,
 - Council of Europe flag at the back,
 - Table for Treaty Office members,
 - Desk with microphone for Head of Protocol,
 - Labels/labelled chairs for signatories,
 - Marked-off press area.
- ▶ Rehearsal with positioning of Secretary General, Treaty Office members, Head of Protocol and signatory.
- ▶ Prepare Treaty: indicate for each State where to sign, note in pencil special mentions such as ad referendum, with or without reservation as to ratification.
- ▶ Ceremony:
 - Each signatory called by Head of Protocol,
 - Delivery of full powers (original) by signatory to Secretary General,
 - Handshake in front of photographers,
 - Head of Treaty Office presents treaty to be signed,
 - Signature.
- ▶ Update Treaty Office website.
- ▶ Archive full powers and treaty.

3. Full powers of signature and Instruments of ratification

Full powers of signature

Only a Head of State or Government or a Minister for Foreign Affairs, or a person acting *ad interim* in one of these positions, can perform actions relating to treaties by virtue of their office. Any other person intending to sign a treaty deposited with the Secretary General must hold appropriate full powers.

The standing instructions of the United Nations Secretary-General applicable to full powers are as follows¹:

- ▶ Signature by Head of State or Government or Minister for Foreign Affairs or a person discharging one of these offices *ad interim*;
- ▶ Exact and complete title of the treaty in question;
- ▶ Express authorisation to sign the treaty in question;
- ▶ Name, forename and title of the person duly authorised to sign the treaty in question.

Note:

- when general full powers have been granted to a person and lodged beforehand with the Secretariat, specific full powers are no longer necessary;
- a copy of the full powers is transmitted for verification to the Treaty Office before the date set for signature of the treaty concerned;
- full powers must be drawn up in French or in English, or accompanied by a French or English translation.

MODEL OF FULL POWERS OF SIGNATURE

(to be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],
HEREBY AUTHORISE [name and title] to sign (*) the [title of the convention, protocol,
agreement, charter, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

(*) Subject to the provisions of the treaty, one of the following alternatives is to be added:

- , with reservation as to [ratification] [acceptance] [approval],
- , without reservation as to [ratification] [acceptance] [approval].

¹ LA41TR/221/ Directives on Full Powers / 2010 (United Nations).

Instrument of ratification/acceptance/approval

Only a Head of State or Government or a Minister for Foreign Affairs, or a person acting *ad interim* in one of these positions, can sign instruments of ratification. The same applies to instruments of acceptance, approval or accession. The deposit of the instrument of ratification binds the State to the treaty. The State party must then abide by and implement the provisions of the treaty. Ratification is feasible only if the State has signed the treaty.

The United Nations Secretary-General's standing instructions applicable to instruments of ratification are as follows²:

- ▶ Signature by Head of State or Government or Minister for Foreign Affairs or person discharging one of these offices *ad interim*;
- ▶ Exact and complete title of the treaty in question;
- ▶ Date of the State's signature of the treaty in question;
- ▶ Explicit mention of the Government's ratification of the treaty in question.

Note:

- where applicable the instrument of ratification should comprise, or be accompanied by, a *note verbale* or letter containing the mandatory declarations prescribed in the treaty concerned;
- the instrument of ratification may comprise or be accompanied by a note verbale or letter setting out reservations or territorial applications if these are permissible under the treaty concerned;
- if reservations or declarations have been made at the time of the signature of the treaty, they must be confirmed when the instrument of ratification is deposited, unless the State intends not to maintain these reservations or declarations;
- the instrument of ratification must be drawn up in French or in English or accompanied by a French or English translation.

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(to be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of the convention, protocol, agreement, charter, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [convention, protocol, agreement, charter, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the said [convention, protocol, agreement, charter, etc.], [ratifies / accepts / approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification / acceptance / approval] at [place] on [date].

² LA41/TR/221/3/2005 (United Nations).

Templates of legal instruments related to Council of Europe Treaties are available on the Treaty Office website, section “[templates](#)”

Particularity: Case of an instrument of ratification or full powers signed by a person who is no longer in function by the time of the deposit or signature

The ratification of the European Convention on Human Rights by France presents a particularity that is evident in the following chronology:

- ▶ 9 March 1974: George Pompidou, President of the French Republic, signs the instrument of ratification of the Convention;
- ▶ 2 April 1974: Death of President Pompidou;
- ▶ 3 May 1974: Deposit of the instrument of ratification of the Convention.

The deposit of the instrument of ratification took place almost two months after its signature by the French President, and one month after his death. This does not invalidate the instrument of ratification but constitutes a particular case in the archives of the Treaty Office.

4. Ceremony of signature – Deposit of instrument of ratification

a. Procedure for signature

A Council of Europe member State or any State invited to do so may sign a treaty at any time. The State informs the Treaty Office or the Private Office of the Secretary General of its intention by letter, note verbale, or viva voce. The procedure is the following:

- ▶ Contact the Treaty Office to organise an appointment with the Secretary General or his/her deputy.
- ▶ Send a copy of the full powers to the Treaty Office at least 24 hours before the appointment.
- ▶ During the appointment, the signatory hands over the original of the full powers, signs the original treaty and the procès-verbal prepared for the occasion, a copy of which will be given to them.

b. Deposit of an instrument of ratification

There are two ways to deposit an instrument:

- ▶ In person, during a meeting with the Secretary General
The original of the instrument of ratification is handed over to the Secretary General or his/her deputy in person. The appointment is organised by the Treaty Office. A copy of the instrument is to be sent to the Treaty Office at least 24 hours before the appointment. The person depositing the instrument of ratification is not required to produce full powers authorising them to do so. Handing over the original of the instrument of ratification is sufficient.
- ▶ By mail

The original of the instrument of ratification is sent by mail to the Treaty Office for registration. This is the usual way of depositing an instrument.

A procès-verbal is drawn up each time an instrument of ratification is deposited. It mentions any reservations and/or declarations contained in the instrument of ratification. A copy of the procès-verbal is then given or sent to the Permanent Representative of the State which has deposited the instrument.

The date of registration is the date of receipt of the original of the instrument by the Secretary General or by the Treaty Office.

After each signature or ratification, the Treaty Office website is updated and a notification is sent to all member States and, where appropriate, to the other States or organisations party to the treaty.

Accession to a treaty

Accession is the usual method by which non-member States of the Council of Europe express their consent to be bound by a treaty. The procedure for accession is identical to a ratification procedure. However, accession is not preceded by signature.

5. Parent treaties

As regards the right of a State to sign or ratify a Council of Europe convention, close attention must be paid to protocols: a State can only sign a protocol to a convention if it is signatory to the parent convention, or signs it at the same time. The same rule applies to consent (ratification, acceptance, approval, accession).

Special cases:

States parties to Conventions ETS Nos. 65, 66 and 120 cannot ratify Conventions ETS Nos. 193, 143 and CETS No. 218 respectively without denouncing the former either beforehand or simultaneously.

The Agreement ETS No. 156 can only be signed by States parties to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

States parties to Convention ETS No. 165 must refrain from ratifying several conventions in the same field, namely Conventions ETS Nos. 15, 21, 32, 49 and 138.

Since the opening of Protocol CETS No. 222 amending Protocol ETS No. 167, and before its entry into force, state parties to Convention ETS No. 112 can only ratify the Protocol ETS No. 167 if they simultaneously ratify the Protocol CETS No. 222.

6. Mandatory declarations and terms of signature

There are several Council of Europe treaties where particular care should be taken if a State wishes to sign and/or ratify them. A range of obligations must be complied with, and attention should be drawn to certain requirements. Whether they relate to mandatory declarations, renewable reservations, declarations of authorities, parent treaties and protocols to be signed and ratified respectively, to treaties to be denounced, or simply to specific information which the Treaty Office is to publish online when certain treaties are signed or ratified, the list of these particular points is important to bear in mind.

a. Mandatory declarations

Upon consent

ETS No. 25	Declaration Article 11 (documents accepted at national frontiers)
ETS No. 70	Declaration Article 63 (sanctions applicable and their enforcement)
ETS No. 101	Declaration Article 11 (competent authorities)
ETS No. 107	Declaration Article 7 (competent authorities)
ETS No. 116	Declaration Article 12 (competent authorities)
ETS No. 122	Declaration Article 12 (at least 20 binding paragraphs of Part I)
ETS No. 132	Declaration Article 19 (competent authorities)
ETS No. 141	Declaration Article 23 (competent authorities)
ETS No. 147	Declaration Article 5 (competent authorities)
ETS No. 148	Declaration Article 3 (languages covered by Part III)
ETS No. 156	Declaration Article 17 (competent authority)
ETS No. 159	Declaration Article 8 (application of the provisions of Articles 4 and 5 or only one of those articles)
ETS No. 160	Declaration Article 1 (categories of cases)
ETS No. 163	Declaration Article A (except binding articles and paragraphs of Part II)
ETS No. 166	Declaration Article 22.b (age to be defined if the State has mandatory military service).
ETS No. 169	Declaration Article 6 (application of the provisions of Articles 4 and 5 of ETS No. 159 or only of one of those articles)
ETS No. 173	Declaration Article 29 (central authority)
ETS No. 182	Declarations Articles 17, 18, 19 (competent authorities)
ETS No. 185	Declaration Article 24 (name of authority competent for extradition) Declaration Article 27 (name of authority competent for mutual assistance) Declaration Article 35 (point of contact 24/7 Network) to be transmitted to DG1

CETS No. 198	Declaration Article 33 (competent authority)
CETS No. 201	Declaration Article 37.2 (competent authority)
CETS No. 206	Declaration Article 16.1 (categories of territorial communities or authorities and legal persons mentioned under Article 3.1, which the State contemplates excluding from the scope of the Protocol – if the State lodges no declaration under this article, it is deemed not to exclude any category)
CETS No. 207	Declaration Article 3 (categories of local or regional authorities which the State intends to exclude from the scope of the Protocol – if the State lodges no declaration under this article, it is deemed not to exclude any category)
CETS No. 214	Declaration Article 10 (courts designated)
CETS No. 220	Declaration Article 5 (competent authorities)

Before entry into force if possible

ETS No. 71	Declaration Article 3 (competent authorities)
ETS No. 80	Declaration Article 8 (competent authority)
ETS No. 92	Declaration Articles 2 or 8 (competent authorities)
ETS No. 108	Declaration Article 13 (competent authorities)
ETS No. 138	Declaration Article 23 (central authority)
ETS No. 165	Declaration Article II.2 (competent authority) Declaration Article IX.2 (Network ENIC/NARIC)
ETS No. 192	Declaration Article 11 (competent authorities)
CETS No. 202	Declaration Article 28 (competent authorities)
CETS No. 215	Declarations Article 9 (betting regulatory authority or other responsible authority) Declaration Article 13 (national platform)

Scheduled renewals

ETS No. 58	Reservation Article 25: every 5 years
ETS No. 85	Reservation Article 14: every 5 years
ETS No. 173	Declarations Article 36 and Reservation Article 37: every 3 years (as per Article 38)
CETS No. 196	Reservations Article 20: every 3 years, plus justification if maintained
CETS No. 210	Reservations Article 79: every 5 years, plus justification if maintained

b. Terms of signature

There is also a list of treaties which can be signed with or without reservation in respect of ratification:

1. This Convention shall be open for signature by the member States of the Council of Europe and the non-member States which have participated in its elaboration. Such States may express their consent to be bound by:

a. signature without reservation as to ratification, acceptance or approval; or

b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

The signatory State should clearly express its intention in the full powers of signature. If this is not the case, and after consultation of the relevant Permanent Representation, the Treaty Office considers the signature as being “with reservation in respect of ratification, acceptance or approval”.

Reminder:

Signature without reservation in respect to ratification (definitive signature)

A signature is definitive when a State expresses its consent to be bound by the treaty by means of signature, without having to ratify, accept or approve it. A State may only sign a treaty definitively if the treaty so permits. (See Article 12 of the 1969 Vienna Convention on the Law of Treaties).

Signature with reservation in respect of ratification (simple)

A signature with reservation in respect of ratification is also called a “simple signature” and is that most commonly provided for in treaties. Such a signature does not express a State’s consent to be bound by the treaty until the State has ratified, accepted or approved it. (See sections 14 and 18 of the 1969 Vienna Convention on the Law of Treaties).

List of treaties that may be signed without reservation in respect of ratification

CETS No. 220	Council of Europe Convention on Cinematographic Co-Production (revised)
CETS No. 214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms
CETS No. 213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms
CETS No. 200	Council of Europe Convention on the avoidance of statelessness in relation to State succession
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. 191	Additional Protocol to the Criminal Law Convention on Corruption
CETS No. 190	Protocol amending the European Convention on the Suppression of Terrorism
ETS No. 189	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems
ETS No. 188	Additional Protocol to the Anti-Doping Convention
ETS No. 180	Convention on Information and Legal Co-operation concerning “Information Society Services”
ETS No. 179	Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid
ETS No. 178	European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access
ETS No. 175	European Convention on the Promotion of a Transnational Long-Term Voluntary Service for Young People
ETS No. 173	Criminal Law Convention on Corruption
ETS No. 172	Convention on the Protection of Environment through Criminal Law
ETS No. 169	Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation
ETS No. 166	European Convention on Nationality
ETS No. 165	Convention on the Recognition of Qualifications concerning Higher Education in the European Region
ETS No. 162	Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe
ETS No. 161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights
ETS No. 159	Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities
ETS No. 158	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
ETS No. 156	Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
ETS No. 154	Protocol to the European Convention on Social Security
ETS No. 153	European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite
ETS No. 149	Second Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality

ETS No. 147	European Convention on Cinematographic Co-Production
ETS No. 145	Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes
ETS No. 142	Protocol amending the European Social Charter
ETS No. 141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
ETS No. 138	European Convention on the General Equivalence of Periods of University Study
ETS No. 135	Anti-Doping Convention
ETS No. 129	Arrangement for the Application of the European Agreement of 17 October 1980 concerning the Provision of Medical Care to Persons during Temporary Residence
ETS No. 124	European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations
ETS No. 120	European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches
ETS No. 115	Protocol amending the European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products
ETS No. 107	European Agreement on Transfer of Responsibility for Refugees
ETS No. 97	Additional Protocol to the European Convention on Information on Foreign Law
ETS No. 96	Additional Protocol to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality
ETS No. 92	European Agreement on the Transmission of Applications for Legal Aid
ETS No. 84	European Agreement on the Exchange of Tissue-Typing Reagents
ETS No. 80	Agreement on the Transfer of Corpses
ETS No. 78A	Supplementary Agreement for the Application of the European Convention on Social Security
ETS No. 69	European Agreement on continued Payment of Scholarships to students studying abroad
ETS No. 68	European Agreement on Au Pair Placement
ETS No. 64	European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products
ETS No. 53	European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories
ETS No. 49	Protocol to the European Convention on the Equivalence of Diplomas leading to Admission to Universities
ETS No. 40	Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances
ETS No. 39	European Agreement on the Exchanges of Blood-Grouping Reagents
ETS No. 38	European Agreement on Mutual Assistance in the matter of Special Medical Treatments and Climatic Facilities
ETS No. 37	European Agreement on Travel by Young Persons on Collective Passports between the Member Countries of the Council of Europe
ETS No. 34	European Agreement on the Protection of Television Broadcasts
ETS No. 33	Agreement on the Temporary Importation, free of duty, of Medical, Surgical and Laboratory Equipment for use on free loan in Hospitals and other Medical Institutions for purposes of Diagnosis or Treatment
ETS No. 31	European Agreement on the Abolition of Visas for Refugees
ETS No. 27	European Agreement concerning Programme Exchanges by means of Television Films
ETS No. 26	European Agreement on the Exchange of Therapeutic Substances of Human Origin
ETS No. 25	European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe
ETS No. 20	Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment

7. Renewal of reservations

A few treaties allow reservations for a limited period only, of three or five years. These reservations may, however, be renewed if the reserving State expresses its willingness to do so and provides an explanation justifying their upholding. This is the case, for example, in the following conventions:

Criminal Law Convention on Corruption (ETS No. 173)

Article 38 – Validity and review of declarations and reservations

1. Declarations referred to in Article 36 and reservations referred to in Article 37 shall be valid for a period of three years from the day of the entry into force of this Convention in respect of the State concerned. However, such declarations and reservations may be renewed for periods of the same duration.
2. Twelve months before the date of expiry of the declaration or reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the State concerned. No later than three months before the expiry, the State shall notify the Secretary General that it is upholding, amending or withdrawing its declaration or reservation. In the absence of a notification by the State concerned, the Secretariat General shall inform that State that its declaration or reservation is considered to have been extended automatically for a period of six months. Failure by the State concerned to notify its intention to uphold or modify its declaration or reservation before the expiry of that period shall cause the declaration or reservation to lapse.
3. If a Party makes a declaration or a reservation in conformity with Articles 36 and 37, it shall provide, before its renewal or upon request, an explanation to GRECO, on the grounds justifying its continuance.

Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)

Article 20 – Exclusion of the political exception clause

5. The reservation shall be valid for a period of three years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservation may be renewed for periods of the same duration.
6. Twelve months before the date of expiry of the reservation, the Secretary General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before expiry, the Party shall notify the Secretary General of the Council of Europe that it is upholding, amending or withdrawing its reservation. Where a Party notifies the Secretary General of the Council of Europe that it is upholding its reservation, it shall provide an explanation of the grounds justifying its continuance. In the absence of notification by the Party concerned, the Secretary General of the Council of Europe shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)

Article 79 – Validity and review of reservations

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.
2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.
3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.




Other conventions authorising the renewal of reservations every five years:

- ▶ **ETS No. 58:** European Convention on the Adoption of Children, opened for signature on 24 April 1967: three reservations still valid in 2013.
- ▶ **ETS No. 85:** European Convention on the Legal Status of Children born out of Wedlock, opened for signature on 28 May 1970: one reservation still valid in 2013.

The Treaty Office follows the procedure below for monitoring the periodic renewal of reservations to these treaties.

a. Procedure of follow-up to and renewal of reservations and declarations:

The expiry dates of reservations are contained in a table of renewal of reservations and declarations, which is available on the Treaty Office website via a link on the page of the treaty concerned. The Secretariat, through the Treaty Office, ensures the follow-up and informs the States parties of the expiry dates of their reservations.

Home General Information ▾ Full list Recent changes ▾ Search ▾ Partial Agreements ▾ Translations ▾ Templates Notifications Contact	
You are here: Conventions	
Details of Treaty No.210 <i>Council of Europe Convention on preventing and combating violence against women and domestic violence</i>	
Title	Council of Europe Convention on preventing and combating violence against women and domestic violence
Reference	CETS No.210
Opening of the treaty	Istanbul, 11/05/2011 - 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
Entry into Force	01/08/2014 - 10 Ratifications including 8 Member States.
Summary	<p></p> <p>This new landmark treaty of the Council of Europe opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.</p> <p>The Convention also establishes a specific monitoring mechanism ("GREVIO") in order to ensure effective implementation of its provisions by the Parties.</p>
Official Texts	
Texts DE, IT, RU	
Related links	Signatures and ratifications Reservations and declarations Explanatory report
Related texts	<ul style="list-style-type: none">• Appendix - Privileges and immunities (Article 66).• Chart of renewal of reservations.• Translations sorted by non-official languages.• Note for information - Accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence by a State which is not a member of the Council of Europe.

In accordance with the provisions of the conventions concerned, the Treaty Office reminds the reserving States parties, 12 or 18 months before the expiry date, that if they so wish, they need to renew their reservations and declarations within the specified timeframe. In the absence of a reply three months before the date of expiry, the Treaty Office sends a new reminder to the States concerned, extending the date of renewal for six months. If no reply is received, the reservations expire automatically at the end of the extension period.

b. Follow-up table

CETS No. 210 – Chart of renewal of reservations

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Council of Europe Treaty Series - No. 210

Council of Europe Convention on preventing and combating violence against women and domestic violence ¹

Istanbul, 11.V.2011

Chart of renewal of reservations (Article 79) ²

Member States	Initial Declaration or Reservation	Current Renewal	Expiry	Automatic extension before lapse
Albania				
Andorra	01/08/2014		Text	01/08/2019
Armenia				
Austria				
Azerbaijan				
Belgium				
Bosnia and Herzegovina				
Bulgaria				
Croatia				
Cyprus	01/03/2018		Text	01/03/2023
Czech Republic				
Denmark	01/08/2014	01/08/2019	Text	01/08/2024
Estonia				
Finland	01/08/2015		Text	01/08/2020
France	01/11/2014	01/11/2019	Text	01/11/2024
Georgia	01/09/2017		Text	01/09/2022
Germany	01/02/2018		Text	01/02/2023
Greece	01/10/2018		Text	01/10/2023
Hungary				
Iceland				
Ireland	01/07/2019		Text	01/07/2024
Italy				
Latvia				
Liechtenstein				
Lithuania				
Luxembourg				
Malta	01/11/2014	01/11/2019	Text	01/11/2024
Moldova				
Monaco	01/02/2015		Text	01/02/2020
Montenegro				
Netherlands				

...

(1) Status as of 2 August 2019 – Last update France.

c. Correspondence related to the renewal of reservations:

Expiry of validity

PERMANENT REPRESENTATIVE

... (relevant state)

Réf JJ**/2018 AG/gd

Strasbourg, 11 May 2018

Dear Ambassador,

I have the honour to refer to the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), which entered into force in respect of... on 1 November 2014. In accordance with Article 78 of the Convention and at the time of its approval, the Government of ... made the following reservation:

“In accordance with Article 78, paragraph 2, of the Convention,... reserves the right not to apply the provisions laid down in Article 44, paragraph 3, and Article 58 of the Convention.”

I would like to draw your attention to Article 79 of this Convention which provides as follows:

“Article 79 - Validity and review of reservations

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.”

In accordance with Article 79, paragraph 2, of the Convention, it is hereby given notice that the reservation made by your government will expire on 1 November 2019.

Therefore, your government is kindly requested to notify the Secretary General before 31 July 2019 whether it intends to uphold or withdraw, wholly or in part, its reservation.

Yours sincerely,

Ana GOMEZ

Head of the Treaty Office Unit

Automatic extension

PERMANENT REPRESENTATIVE

... (relevant state)

Réf JJ**/2016 AG/gd

Strasbourg, 3 May 2016

Dear Ambassador,

I have the honour to refer to my letter dated 3 August 2015, concerning the Criminal Law Convention on Corruption (ETS No. 173), by which I was giving you notice that the reservation made by your government pursuant to Article 37 of the Convention will expire on 1 August 2016 (copy appended).

In accordance with Article 38, paragraph 2, of the Convention, your government was kindly requested to notify the Secretary General before 30 April 2016 whether it intends to uphold or withdraw, wholly or in part, its reservation.

As your government's notification did not reach the Secretariat General before the deadline provided for by Article 38, paragraph 2, of the Convention, I have the honour to inform you herewith that the validity of the reservations made by your government is considered to have been extended automatically for a period of six months, with an expiry on 1 February 2017.

In case your government would not notify the Secretary General of its intention to uphold or modify its reservations before the expiry of that period, the reservations would lapse.

Your government is therefore kindly requested to notify the Secretary General before 1 February 2017 whether it intends to uphold or withdraw, wholly or in part, its reservation.

Yours sincerely,

Ana GOMEZ

Head of the Treaty Office Unit

Reservations expired



PERMANENT REPRESENTATIVE

... (relevant state)

Réf JJ**/2020 XX/yy

Strasbourg, [date]

Dear Ambassador,

I have the honour to refer to my letter dated (dd/mm/yy), concerning the Criminal Law Convention on Corruption (ETS No. 173), by which I gave you notice that the reservations made by your government pursuant to Article 37 of the Convention would expire on (dd/mm/yy), and to my letter dated (dd/mm/yy), by which I informed you that, in accordance with Article 38, paragraph 2, of this Convention, the validity of the reservations made by your government had been extended automatically for a period of six months, with an expiry on (dd/mm/yy) (copies appended).

Your government was kindly requested to notify the Secretary General before (dd/mm/yy) whether it intended to uphold or withdraw, wholly or in part, its reservations.

As your government's notification did not reach the Secretariat General before the deadline provided for by Article 38, paragraph 2, of the Convention, I, therefore, inform you herewith that the following reservations made by your government are considered to have lapsed as of (dd/mm/yy):

"In accordance with Article 37, paragraph 2, of the Convention, the Republic of ... reserves the right to apply Article 17, paragraphs 1.b and 1.c, only if the offence also constitutes an offence under the legislation of the State Party in which it has been committed (double criminality).

In accordance with Article 37, paragraph 3, of the Convention, the Republic of ... declares that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence, which the Republic of ... considers a political offence."

Yours sincerely,

Ana GOMEZ

Head of the Treaty Office Unit

Reservations renewed or withdrawn

You are here: Conventions > Search

Search on Reservations and Declarations

Reservations and Declarations for Treaty No.173 - Criminal Law Convention on Corruption

Nature of declaration : Reservations

Declarations in force as of today

Status as of 31/10/2019



Azerbaijan

Reservation contained in the instrument of ratification deposited on 11 February 2004 - Or. Engl.

In accordance with Article 37, paragraph 3, of the Convention, the Republic of Azerbaijan declares that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which the Republic of Azerbaijan considers as political offence.

[Note by the Secretariat: The Government of Azerbaijan has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention):

- by a letter from the Minister of Foreign Affairs of Azerbaijan, dated 17 September 2007, transmitted by a letter from the Permanent Representative of Azerbaijan, dated 15 February 2008, registered at the Secretariat General on 19 February 2008 - Or. Engl. (*Period covered: from 01/06/2007 to 01/06/2010*);
- by a letter from the Minister of Foreign Affairs of Azerbaijan, dated 24 February 2010, registered at the Secretariat General on 25 February 2010 - Or. Engl. (*Period covered: from 01/06/2010 to 01/06/2013*);
- by a letter from the Minister of Foreign Affairs of the Republic of Azerbaijan, dated 23 November 2012, registered at the Secretariat General on 10 January 2013 - Or. Engl. (*Period covered: from 01/06/2013 to 01/06/2016*);
- by a letter from the Minister of Foreign Affairs of the Republic of Azerbaijan, dated 29 September 2015, registered at the Secretariat General on 19 October 2015 - Or. Engl. (*Period covered: from 01/06/2016 to 01/06/2019*);
- by a letter from the Minister of Foreign Affairs of the Republic of Azerbaijan, dated 3 October 2018, registered at the Secretariat General on 16 October 2018 - Or. Engl. (*Period covered: from 01/06/2019 to 01/06/2022*).]

Period covered: 01/06/2004 -

Articles concerned : 26, 37

Source : Treaty Office on <http://conventions.coe.int> - * Disclaimer.



Hungary

Reservation contained in a Note Verbale from the Ministry for Foreign Affairs of Hungary, handed at the time of deposit of the instrument of ratification on 22 November 2000 - Or. Fr., and withdrawn by a Declaration of withdrawal of a reservation from the President of the Republic of Hungary, dated 4 December 2014, registered at the Secretariat General on 27 February 2015 - Or. Engl.

In accordance with Article 37, paragraph 1, of the Convention, Hungary reserves the right not to establish as criminal offences the conduct referred to in Article 8 and committed by foreign citizens in the course of business activities abroad.

[Note by the Secretariat : The Government of Hungary has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention):

- by a Note verbale from the Permanent Representation of Hungary, dated 16 August 2004, registered to the Secretariat General on 17 August 2004 - Or. Engl. (*Period covered: from 01/07/2005 to 01/07/2008*);
- by a Note verbale from the Permanent Representation of Hungary, dated 14 November 2007, registered to the Secretariat General on 20 November 2007 - Or. Engl. (*Period covered: from 01/07/2008 to 01/07/2011*);
- by a Note verbale from the Permanent Representation of Hungary, dated 12 May 2011, registered to the Secretariat General on 12 May 2011 - Or. Engl. (*Period covered: from 01/07/2011 to 01/07/2014*);
- by a Note verbale from the Permanent Representation of Hungary, dated 14 March 2014, registered at the Secretariat General on 14 March 2014 - Or. Engl. (*Period covered: from 01/07/2014 to 27/02/2015*).]

Period covered: 01/07/2002 - 27/02/2015

Articles concerned : 8

Source : Treaty Office on <http://conventions.coe.int> - * Disclaimer.

The Treaty Office publishes the texts of the declarations and reservations on its website and updates the corresponding tables of renewal of reservations and declarations.

8. Notifications

a. Presentation

Each task of the Treaty Office is marked by an action, which has already been mentioned but which has not been detailed so far: the notification of the acts relating to treaties.

The notification consists of officially informing about the performance of a legal act relating to a particular treaty. In such a case, the Secretary General, through the Treaty Office, informs the member States and, if relevant, the non-member States which have participated in the elaboration of the treaty, or party to it, of the acts performed in relation to this treaty, as provided in the final clauses of the treaty.

For example:

European Landscape Convention (ETS No. 176)

Article 18 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State or the European Community having acceded to this Convention, of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 13, 14 and 15;
- d. any declaration made under Article 15;
- e. any denunciation made under Article 16;
- f. any proposal for amendment, any amendment adopted pursuant to Article 17 and the date on which it comes into force;
- g. any other act, notification, information or communication relating to this Convention.

CEETS No. 210: Council of Europe Convention on preventing and combating violence against women and domestic violence

Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d. any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e. any reservation and withdrawal of reservation made in pursuance of Article 78;
- f. any denunciation made in pursuance of the provisions of Article 80;
- g. any other act, notification or communication relating to this Convention.

b. Procedure

In the past, paper notifications were sent out approximately every three weeks, accompanied by a note verbale. The development of digital technology has simplified the treatment of information and saved a significant amount of time. It also improved visibility and allowed a faster and more regular dissemination of notifications. Thus, notifications are now sent soon after the registration of legal acts. The website is updated immediately, while the texts of the reservations and declarations are only posted on the website only once the notifications have been sent.

At the end of each week, notifications are published on the Treaty Office website, in a secure and printable PDF format, in French and in English. The member States of the Council of Europe and the other States concerned receive from the Treaty Office an e-mail listing the acts in relation to treaties that have been registered during the week and containing links to the online electronic versions of the notifications.

At the end of each month, a note verbale listing all the notifications made during that month, initialled by the Head of the Legal Advice Department and Treaty Office, was addressed to the Permanent Representations of the member States. In addition, a letter was sent to the non-member States and the organisations concerned listing the notifications addressed to them.

In the interest of environmental sustainability and the preservation of natural resources, as well as saving time and money, notifications are at present sent only by electronic means.

Once a treaty has entered into force and has been registered by the United Nations, a monthly statement of legal acts (excluding signatures and declarations of authority) is notified electronically to the United Nations, in English and French.

Summary:

- ▶ Notifications published online on the website: www.coe.int/en/web/conventions/notifications.
- ▶ E-mail the member and relevant non-member States with the list of notifications and links to the website.
- ▶ Letter to the UN with the list of notifications of ratifications.

c. List of notifications

Notification of opening for signature

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

PUBLIC INTERNATIONAL LAW
AND TREATY OFFICE DIVISION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 24 November 2017

Ref : JJ8542C
Tr./222-1

NOTIFICATION OF SIGNATURES

States: Austria, Bulgaria, Luxembourg, Norway and Switzerland.

Represented by: Mr Rudolf LENNKH, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Austria to the Council of Europe.

Ms Katya TODOROVA, Ambassador, Permanent Representative of Bulgaria to the Council of Europe.

Mr Stephan MÜLLER, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Luxembourg to the Council of Europe.

Ms Elisabeth WALAAS, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Norway to the Council of Europe.

Mr Markus BÖRLIN, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Switzerland to the Council of Europe.

Instrument: Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons, opened for signature, in Strasbourg, on 22 November 2017 (CETS No. 222).

Date of entry into force of the instrument: /

Date of signatures: 22 November 2017.

Reservations : /

Declarations : /

Notification made in accordance with Article 7 of the Protocol.

Copy to all member States + Australia, Bahamas, Bolivia, Brazil, Canada, Chile, Costa Rica, Ecuador, Ghana, Honduras, India, Israel, Japan, Korea, Mauritius, Mexico, Mongolia, Panama, Philippines, Tonga, Trinidad and Tobago, United States of America, Venezuela.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 48 13
Tel ► +33 (0)3 88 41 36 68

Mail ► TreatyOffice@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

Notification of signature

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

Treaty Office



Strasbourg, 4 October 2019

Ref: JJ8936C
Tr./223-14

NOTIFICATION OF SIGNATURE

State: Armenia.

Represented by: Mr Paruyr HOVHANNISYAN, Ambassador, Permanent Representative of Armenia to the Council of Europe.

Instrument: Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, opened in Strasbourg, on 10 October 2018 (CETS No. 223).

Date of entry into force of the instrument: /

Date of signature: 2 October 2019.

Reservations: /

Declarations: /

Notification made in accordance with Article 40 of the Protocol.

Copy to all member States + Argentina, Cabo Verde, Mauritius, Mexico, Morocco, Senegal, Tunisia and Uruguay.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**
TREATY OFFICE



Strasbourg, 21 February 2020

Ref.: JJ9009C
Tr./218-36

NOTIFICATION OF RATIFICATION

State: Romania.

Represented by: Mr Răzvan RUSU, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Romania to the Council of Europe.

Instrument: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, opened for signature, in Saint-Denis, on 3 July 2016 (CETS No. 218).

Date of entry into force of the instrument: 1 November 2017.

Date of ratification: 17 February 2020.

Date of entry into force in respect of Romania: 1 April 2020.

Reservations: /

Declarations: /

Notification made in accordance with Article 22 of the Convention.

Copy to all member States + Belarus, Holy See, Kazakhstan, Morocco.

Notification of denunciation

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

Treaty Office



Strasbourg, 13 September 2019

Ref : JJ8929C
Tr./120-61

NOTIFICATION OF DENUNCIATION

State: Estonia.

Represented by: Mr Rasmus LUMI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Estonia to the Council of Europe.

Instrument: European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, opened for signature, in Strasbourg, on 19 August 1985 (ETS No. 120).

Date of entry into force of the instrument: 1 November 1985.

Date of entry into force in respect of Estonia: 1 April 2003.

Date of denunciation: 12 September 2019.

Date of effect of the denunciation: 1 April 2020.

Notification made in accordance with Article 17 of the Convention.

Copy to all member States + Belarus, Holy See, Kazakhstan, Morocco.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

Notification of ratification (...) and entry into force

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW

Treaty Office



Strasbourg, 17 May 2019

Ref : JJ8874C
Tr./215-27

NOTIFICATION OF RATIFICATION AND OF ENTRY INTO FORCE

State: Switzerland.

Represented by: Mr Ignazio CASSIS, Head of the Federal Department of Foreign Affairs of Switzerland.

Instrument: Council of Europe Convention on the Manipulation of Sports Competitions, opened for signature, in Magglingen, on 18 September 2014 (CETS No. 215).

Date of entry into force of the instrument: 1 September 2019.

Date of ratification: 16 May 2019.

Date of entry into force in respect of Norway, Republic of Moldova, Portugal, Switzerland and Ukraine: 1 September 2019.

Reservations: CETS No. 215 Res./Decl. Switzerland
Declarations: (See annex)

Notification made in accordance with Article 41 of the Convention.

Copy to all Member States + Australia, Belarus, Canada, Holy See, Israel, Japan, Kazakhstan, Mexico, Morocco, New Zealand, United States of America and European Union.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

Treaty Office



Strasbourg, 20 September 2019

Ref: JJ8931C
Tr./108-118

NOTIFICATION OF DECLARATION

State: Argentina.

Instrument: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, opened for signature, in Strasbourg, on 28 January 1981 (ETS No. 108).

Date of entry into force of the instrument: 1 October 1985.

Date of entry into force in respect of Argentina: 1 June 2019.

Reservations: ETS n° 108 Res./Decl. Argentina.
Declarations: (see Annex)

Date of effect of the declaration: 13 September 2019.

Notification made in accordance with Article 27 of the Convention.

Copy to all member States + Argentina, Cabo Verde, Mauritius, Mexico, Morocco, Senegal, Tunisia, Uruguay, European Union.



ETS/STE No. 108

**CONVENTION FOR THE PROTECTION OF INDIVIDUALS
WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA**

opened for signature, in Strasbourg, on 28 January 1981

**CONVENTION POUR LA PROTECTION DES PERSONNES À L'ÉGARD DU TRAITEMENT
AUTOMATISÉ DES DONNÉES À CARACTÈRE PERSONNEL**

ouverte à la signature, à Strasbourg, le 28 janvier 1981

Reservations and Declarations
Réserves et Déclarations

ARGENTINA

Declaration *contained in Note Verbale from the Embassy of the Argentine Republic in France, dated 6 September 2019, registered at the Secretariat General on 13 September 2019 - Or. Fr.*

The Republic of Argentina designates the Public Information Access Agency (*Agence de l'accès à l'information publique* – AAIP), Avenida Presidente General Julio A. Roca 710, 2do piso, Ciudad Autónoma de Buenos Aires (C1067ABP) as the authority in order to implement the Convention, in conformity with its Article 13, paragraph 2.

ARGENTINE

Déclaration *consignée dans une Note Verbale de l'Ambassade de la République Argentine en France, datée du 6 septembre 2019, enregistrée au Secrétariat Général le 13 septembre 2019 - Or. fr.*

La République Argentine désigne l'Agence de l'accès à l'information publique (AAIP), Avenida Presidente General Julio A. Roca 710, 2do piso, Ciudad Autónoma de Buenos Aires (C1067ABP), en tant qu'autorité pour l'application de la Convention, conformément aux termes de son article 13, paragraphe 2.

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

PUBLIC INTERNATIONAL LAW
AND TREATY OFFICE DIVISION



Strasbourg, 5 January 2018

Ref : JJ8573C
Tr./213-63

NOTIFICATION OF TERRITORIAL APPLICATION

State: The Netherlands.

— Represented by: Mr Roeland BÖCKER, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Netherlands to the Council of Europe.

Instrument: Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature, in Strasbourg, on 24 June 2013 (CETS No. 213).

Date of entry into force
of the instrument: /

Declaration of acceptance
for Sint Maarten: CETS No. 213 Res./Decl. Netherlands.
(see Annex)

Notification made in accordance with Article 9 of the Protocol.

Copy to all member States.



CETS/STCE No 213

**PROTOCOL No. 15 AMENDING THE CONVENTION FOR THE PROTECTION
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**
opened for signature, in Strasbourg, on 24 June 2013

**PROTOCOLE N° 15 PORTANT AMENDEMENT A LA CONVENTION DE SAUVEGARDE
DES DROITS DE L'HOMME ET DES LIBERTES FONDAMENTALES**
ouvert à la signature, à Strasbourg, le 24 juin 2013

Reservations and Declarations
Réserves et Déclarations

THE NETHERLANDS

Declaration ***contained in a Declaration of Territorial Application from the Minister of Foreign
Affairs of the Netherlands and registered by the Secretariat General on
21 December 2017 - Or. Engl.***

The Kingdom of the Netherlands accepts the Convention for Sint Maarten.

PAYS-BAS

Déclaration ***consignée dans une Déclaration du Ministre des Affaires étrangères des Pays-
Bas et enregistrée auprès du Secrétariat Général le 21 décembre 2017 - Or. angl.***

Le Royaume des Pays-Bas accepte la Convention pour Sint Maarten.

Notification of renewal of a reservation

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

Treaty Office



Strasbourg, 30 August 2019

Ref: JJ8913C
Tr./196-82

NOTIFICATION OF RENEWAL OF A RESERVATION

State: Sweden.

Instrument: Council of Europe Convention on the Prevention of Terrorism, opened in Warsaw, on 16 May 2005 (CETS No. 196).

Date of entry into force of the instrument: 1 June 2007.

Date of entry into force in respect of Sweden: 1 December 2010.

Reservations: CETS No. 196 Res./Decl. Sweden.
Declarations: (See Annex)

Period covered: 3 years as from 1 December 2019.

Notification made in accordance with Article 32 of the Convention.

Copy to all member States + Canada, Holy See, Japan, Mexico, United States of America and the European Union.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

**COUNCIL OF EUROPE CONVENTION
ON THE PREVENTION OF TERRORISM**
opened for signature, in Warsaw, on 16 May 2005

**CONVENTION DU CONSEIL DE L'EUROPE
POUR LA PREVENTION DU TERRORISME**
ouverte à la signature, à Varsovie, le 16 mai 2005

Reservations and Declarations
Réerves et Déclarations

SWEDEN

Renewal of reservation *contained in a letter from the Minister of Foreign Affairs of Sweden, dated 13 August 2019, registered at the Secretariat General on 28 August 2019 – Or. Engl.*

In accordance with Article 20, paragraph 5, of the Convention, the Swedish Government declares that it upholds wholly its reservation made at the time of ratification of the Convention, as the reasons for making the reservation still apply.

Note by the Secretariat: The reservation made at the time of ratification reads as follows:

"Sweden reserves the right to, in relation to other States than the Member States of the European Union and Norway and Iceland, as a ground to refuse a request for extradition, invoke that the offence referred to in the request concerns a political offence, an offence connected with a political offence or an offence inspired by political motives (Article 20, paragraphs 1 and 2)."

SUEDE

Renouvellement de réserve *consigné dans une lettre de la Ministre des Affaires étrangères de la Suède, datée du 13 août 2019, enregistrée par le Secrétariat Général le 28 août 2019 – Or. angl.*

Conformément à l'article 20, paragraphe 5, de la Convention, le Gouvernement suédois déclare qu'il maintient intégralement sa réserve faite lors de la ratification de la Convention, les raisons pour lesquelles la réserve a été faite étant toujours applicables.

Note du Secrétariat : La réserve faite lors de la ratification de la Convention se lit comme suit :

« La Suède se réserve le droit, en ce qui concerne les Etats autres que les Etats membres de l'Union européenne, la Norvège et l'Islande, en tant que motif pour refuser une demande d'extradition, d'invoquer que l'infraction visée dans la demande concerne une infraction politique, une infraction connexe à une infraction politique ou une infraction inspirée par des mobiles politiques (article 20, paragraphes 1 et 2). »

Notification of amendment of a declaration/reservation

SECRETARIAT GENERAL

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW (JURISCONSULT)
PUBLIC INTERNATIONAL LAW DIVISION
AND TREATY OFFICE

Please quote: JJ7993C
Tr./106-57

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 17 July 2015

NOTIFICATION OF AMENDMENT OF A DECLARATION

State : Hungary.

Instrument : European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, opened for signature, in Madrid, on 21 May 1980 (ETS No. 106),

Date of entry into force in respect of Hungary: 22 June 1994.

Date of entry into force of the instrument : 22 December 1981.

Reservations : ETS No. 106 Res./Decl. Hungary.
Declarations : (See Annex)

Date of effect of the amendment: 10 July 2015.

Notification made in accordance with Article 12 of the Convention.

Copy to all member States.

Conseil de l'Europe
F-67075 Strasbourg Cedex
Tél.: +33 (0)3 88 41 20 00

Bureau des Traités: +33 (0)3 90 21 43 18
+33 (0)3 88 41 36 68
Fax: +33 (0)3 90 21 51 31

E-mail: treaty.office@coe.int
<http://conventions.coe.int>



**EUROPEAN OUTLINE CONVENTION ON TRANSFRONTIER
CO-OPERATION BETWEEN TERRITORIAL COMMUNITIES OR AUTHORITIES**

opened for signature, in Madrid, on 21 May 1980

**CONVENTION-CADRE EUROPÉENNE SUR LA COOPÉRATION TRANSFRONTALIÈRE
DES COLLECTIVITÉS OU AUTORITÉS TERRITORIALES**

ouverte à la signature, à Madrid, le 21 mai 1980

Reservations and Declarations
Réerves et Déclarations

HUNGARY

Amendment of a declaration contained in a Declaration from the Minister of Foreign Affairs of Hungary, dated 15 May 2015, registered at the Secretariat General on 10 July 2015 - Or. Engl.

The Government of Hungary declares that the National Assembly of Hungary has authorised as follows the amendment of the Declaration to Article 3, paragraph 5, of the Convention, made by Hungary on 11 December 1998:

In accordance with Article 3, paragraph 5, of the Convention, the Metropolitan and County Government Offices (*Fővárosi és Megyei Kormányhivatalok*) are the competent authorities responsible for legal supervision of local governments.

Note by the Secretariat: The declaration made on 11 December 1998 read as follows:

"In accordance with Article 3, paragraph 5, of the Convention, the competent authorities are the Metropolitan Public Administration Office (Fővárosi Közigazgatási Hivatal) and the County Public Administration Office (Megyei Közigazgatási Hivatal)."

HONGRIE

Amendement d'une déclaration consigné dans une Déclaration du Ministre des Affaires étrangères de la Hongrie, datée du 15 mai 2015, enregistrée au Secrétariat Général le 10 juillet 2015 – Or. angl.

Le Gouvernement hongrois déclare que l'Assemblée Nationale de Hongrie a autorisé comme suit l'amendement de la Déclaration à l'article 3, paragraphe 5, de la Convention faite par la Hongrie le 11 décembre 1998 :

Conformément à l'article 3, paragraphe 5, de la Convention, les Bureaux gouvernementaux urbains et du comté (*Fővárosi és Megyei Kormányhivatalok*) sont les autorités compétentes responsables de la tutelle juridique des administrations locales.

Note du Secrétariat : La déclaration faite le 11 décembre 1998 se lisait comme suit:

« Conformément à l'article 3, paragraphe 5, de la Convention, les autorités compétentes sont le Bureau de l'Administration publique urbaine (Fővárosi Közigazgatási Hivatal) et le Bureau de l'Administration publique du Comté (Megyei Közigazgatási Hivatal). »

Notification of withdrawal of a declaration/reservation

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW

Treaty Office



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 18 October 2019

Ref: JJ8944C
Tr./141-123

NOTIFICATION OF PARTIAL WITHDRAWAL OF A RESERVATION

State: Luxembourg.

Instrument: Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, opened for signature, in Strasbourg, on 8 November 1990 (ETS No. 141).

Date of entry into force of the instrument: 1 September 1993.

Date of entry into force in respect of Luxembourg: 1 January 2002.

Reservations: ETS No. 141 Res./Decl. Luxembourg.
Declarations: (See Annex)

Date of effect of the partial withdrawal: 14 October 2019.

Notification made in accordance with Article 44 of the Convention.

Copy to all member States + Australia, Kazakhstan.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int



**CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION
OF THE PROCEEDS FROM CRIME**

opened for signature, in Strasbourg, on 8 November 1990

**CONVENTION RELATIVE AU BLANCHIMENT, AU DÉPISTAGE, À LA SAISIE
ET À LA CONFISCATION DES PRODUITS DU CRIME**

ouverte à la signature, à Strasbourg, le 8 novembre 1990

**Reservations and Declarations
Réserves et Déclarations**

LUXEMBOURG

Partial withdrawal of a reservation contained in a Note verbale from the Permanent Representation of Luxembourg to the Council of Europe, dated 14 October 2019, registered at the Secretariat General on 14 October 2019 – Or. Fr.

In accordance with Article 20, paragraph 2, of the Convention, the Government of Luxembourg partially withdraws its reservation made on 12 September 2001 at the time of ratification of the Convention. The reservation now reads as follows:

In accordance with Article 6, paragraph 4, of the Convention, Article 6, paragraph 1, of the Convention shall apply only to the offences mentioned in Article 8-1, item 1), of the Law of 19 February 1973 concerning the sale of medicinal substances and the fight against drug addiction, and in Article 506-1, item 1), of the Penal Code.

Note by the Secretariat: The initial reservation read as follows:

"In accordance with Article 2, paragraph 2, and Article 6, paragraph 4, of the Convention, Article 2, paragraph 1, and Article 6, paragraph 1, of the Convention shall apply only to the offences mentioned in Article 8-1, item 1), of the Law of 19 February 1973 concerning the sale of medicinal substances and the fight against drug addiction, and in Article 506-1, item 1), of the Penal Code."

LUXEMBOURG

Retrait partiel de réserve consigné dans une Note verbale de la Représentation Permanente du Luxembourg auprès du Conseil de l'Europe, datée du 14 octobre 2019, enregistrée au Secrétariat Général le 14 octobre 2019 - Or. fr.

Conformément à l'article 20, paragraphe 2, de la Convention, le Gouvernement du Luxembourg retire partiellement sa réserve faite le 12 septembre 2001 lors de la ratification de la Convention. La réserve se lit désormais comme suit :

Conformément à l'article 6, paragraphe 4, de la Convention, l'article 6, paragraphe 1, de la Convention ne s'applique qu'aux infractions visées au point 1) de l'article 8-1 de la loi du 19 février 1973 concernant la vente de substances médicamenteuses et la lutte contre la toxicomanie et au point 1) de l'article 506-1 du code pénal.

Note du Secrétariat : La réserve initiale se lisait comme suit :

« Conformément à l'article 2, paragraphe 2, et à l'article 6, paragraphe 4, de la Convention, l'article 2, paragraphe 1, et l'article 6, paragraphe 1, de la Convention ne s'appliquent qu'aux infractions visées au point 1) de l'article 8-1 de la loi du 19 février 1973 concernant la vente de substances médicamenteuses et la lutte contre la toxicomanie et au point 1) de l'article 506-1 du code pénal. »

Notification of objection

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW

Treaty Office



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 31 October 2019

Ref : JJ8956C
Tr./193-24

NOTIFICATION OF OBJECTION

State: Greece.

Instrument: European Convention for the Protection of Animals during International Transport (Revised), opened for signature, in Chişinau, on 6 November 2003 (ETS No. 193).

Date of entry into force of the instrument: 14 March 2006.

Date of entry into force in respect of Greece: 14 March 2006.

Reservations: ETS No. 193 Res./Decl. Greece.
Declarations: (See Annex)

Date of effect of the objection: 17 October 2019.

Notification made in accordance with Article 41 of the Convention.

Copy to all member States + European Union.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS DURING INTERNATIONAL TRANSPORT (REVISED)

opened for signature, in Chişinău, on 6 November 2003

CONVENTION EUROPEENNE SUR LA PROTECTION DES ANIMAUX EN TRANSPORT INTERNATIONAL (REVISEE)

ouverte à la signature, à Chişinău, le 6 novembre 2003

Reservations and Declarations
Réerves et Déclarations

GREECE

Objection contained in a Note Verbale from the Permanent Representation of Greece, dated 25 September 2019, registered at the Secretariat General on 17 October 2019 - Or. Engl.

The Government of the Hellenic Republic has examined the declaration made by the Republic of Turkey upon ratification, on 7 February 2019, of the European Convention for the Protection of Animals during International Transport (Revised).

The Republic of Turkey, *inter alia*, declares its ratification of the Convention should not imply any obligation on the part of Turkey to enter into any dealing with the Republic of Cyprus within the framework of the said Convention.

The Government of the Hellenic Republic reiterates its view that the above Declaration amounts to a reservation, as it purports to exclude the application of the Convention in its entirety between Turkey and the Republic of Cyprus, thus defeating the object and purpose of the said Convention.

The Government of the Hellenic Republic, therefore, objects to the declaration made by the Republic of Turkey upon ratification of the Convention.

This objection shall not preclude the entry into force of the Convention between the Hellenic Republic and the Republic of Turkey.

GRÈCE

Objection consignée dans une Note verbale de la Représentation Permanente de la Grèce, datée du 25 septembre 2019, enregistrée au Secrétariat Général le 17 octobre 2019 - Or. angl.

Le Gouvernement de la République hellénique a examiné la déclaration déposée par la République de Turquie à l'occasion de la ratification, le 7 février 2019, de la Convention européenne sur la protection des animaux en transport international (révisée).

La République de Turquie déclare, entre autres, que sa ratification de la Convention n'implique aucune obligation de la part de la République de Turquie d'entretenir avec la République de Chypre des relations dans le cadre de ladite Convention.

Le Gouvernement de la République hellénique réitère son avis que la déclaration susmentionnée constitue en fait une réserve, car elle vise à exclure l'application de la Convention dans son intégralité entre la Turquie et la République de Chypre, ce qui va à l'encontre de l'objet et du but de ladite Convention.

Par conséquent, le Gouvernement de la République hellénique fait objection à la déclaration faite par la République de Turquie à l'occasion de la ratification de ladite Convention.

Cette objection ne fait pas obstacle à l'entrée en vigueur de la Convention entre la République hellénique et la République de Turquie.

Notification of withdrawal of an objection

SECRETARIAT GENERAL

DIRECTORATE GENERAL I
LEGAL AFFAIRS

Please quote: JJ5272C
Tr./025-36



C O P Y

Strasbourg, 25 September 2002

NOTIFICATION OF PARTIAL WITHDRAWAL OF AN OBJECTION

State: Netherlands.

Instrument: European Agreement on Regulations governing the Movement of Persons between member States of the Council of Europe, opened for signature, in Paris, on 13 December 1957 (ETS No. 25).

Date of entry into force of the instrument: 1 January 1958.

Objection: ETS No. 25 Res./Decl. Netherlands.
(See Annex)

Notification made in accordance with Article 12 of the Agreement.

Copy to all member States.

Council of Europe
F-67075 Strasbourg Cedex

Tel.: +33 (0)3 88 41 20 00
Treaty Office: +33 (0)3 88 41 36 68/37 85
Fax: +33 (0)3 88 41 20 52

E-mail: treaty.office@coe.int
<http://conventions.coe.int>



ETS/STE No. 25

**EUROPEAN AGREEMENT ON REGULATIONS GOVERNING THE MOVEMENT OF
PERSONS BETWEEN MEMBER STATES OF THE COUNCIL OF EUROPE**

opened for signature, in Paris, on 13 December 1957

**ACCORD EUROPEEN SUR LE REGIME DE LA CIRCULATION DES PERSONNES
ENTRE LES PAYS MEMBRES DU CONSEIL DE L'EUROPE**

ouvert à la signature, à Paris, le 13 décembre 1957

Reservations and Declarations
Réserves et Déclarations

NETHERLANDS

Partial withdrawal of an objection contained in a letter from the Chargé d'affaires a.i. of the Netherlands, dated 30 July 2002, registered at the Secretariat General on 1 August 2002 - Or. Fr.

The Dutch authorities withdraw their objection to the inclusion, in the scope of application of the Agreement, of the valid Slovene emergency passport under the condition that its use is limited to returning in Slovenia.

PAYS-BAS

Retrait partiel d'une objection consigné dans une lettre du Chargé d'affaires a.i. des Pays-Bas, en date du 30 juillet 2002, enregistrée au Secrétariat Général le 1er août 2002 - Or. fr.

Les autorités néerlandaises retirent leur objection à l'inclusion, dans le champ d'application de l'Accord, du passeport d'urgence slovène en cours de validité sous réserve de son utilisation limitée au retour en Slovénie.

Notification of Amendment to Appendix

SECRETARIAT GENERAL

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW (JURSICONSULT)
PUBLIC INTERNATIONAL LAW DIVISION
AND TREATY OFFICE
Please quote : JJ7859C
Tr./198-57

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 24 October 2014

NOTIFICATION OF AMENDMENT OF APPENDIX

Instrument: Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, opened for signature, in Warsaw, on 16 May 2005 (CETS No. 198).

Date of entry into force of the instrument: 1 May 2008.

Amendment:
: Amendment of the list of designated categories of offences constituting the Convention's Appendix (see Annex).
Decision adopted by the Ministers' Deputies at their 1210th meeting (22 October 2014, item 10.5).

Signatory States: Austria, Denmark, Estonia, Finland, France, Greece, Iceland, Italy, Luxembourg, Russian Federation, Turkey, United Kingdom, European Union.

Contracting States: Albania, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Georgia, Hungary, Latvia, Malta, Republic of Moldova, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Ukraine.

The amendment shall enter into force following the expiry of a period of one year following the date of this Notification. During this period, any Party may notify the Secretary General of the Council of Europe of any objection to the entry into force of the amendment in its respect. If one third of the Parties notifies the Secretary General of an objection to the entry into force of the amendment, the amendment shall not enter into force. If less than one third of the Parties notifies an objection, the amendment shall enter into force for those Parties which have not notified an objection. (*Article 54 of the Convention*).

Notification made in accordance with Article 56 of the Convention.

Copy to all member States + Canada, Holy See, Japan, Mexico, Morocco, United States of America and European Community.

Council of Europe
F-67075 Strasbourg Cedex

Treaty Office : +33 (0)3 90 21 43 18
+33 (0)3 88 41 36 68

E-mail: treaty.office@coe.int
<http://conventions.coe.int>

Tel.: +33 (0)3 88 41 20 00

Fax: +33 (0)3 90 21 51 31



**COUNCIL OF EUROPE CONVENTION ON LAUNDERING, SEARCH,
SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME
AND ON THE FINANCING OF TERRORISM**

opened for signature, in Warsaw, on 16 May 2005

**CONVENTION DU CONSEIL DE L'EUROPE RELATIVE AU BLANCHIMENT,
AU DEPISTAGE, A LA SAISIE ET A LA CONFISCATION DES PRODUITS DU CRIME
ET AU FINANCEMENT DU TERRORISME**

ouverte à la signature, à Varsovie, le 16 mai 2005

Appendix to the Convention

- a participation in an organised criminal group and racketeering;
- b terrorism, including financing of terrorism;
- c trafficking in human beings and migrant smuggling;
- d sexual exploitation, including sexual exploitation of children;
- e illicit trafficking in narcotic drugs and psychotropic substances;
- f illicit arms trafficking;
- g illicit trafficking in stolen and other goods;
- h corruption and bribery;
- i fraud;
- j counterfeiting currency;
- k counterfeiting and piracy of products;
- l environmental crime;
- m murder, grievous bodily injury;
- n kidnapping, illegal restraint and hostage-taking;
- o robbery or theft;
- p smuggling (**including in relation to customs and excise duties and taxes**);
- q **tax crimes (related to direct taxes and indirect taxes)**
- r extortion;
- s forgery;
- t piracy; and
- u insider trading and market manipulation.

Note by the Secretariat: The amendments to the Appendix adopted by the Ministers' Deputies at their 1210th meeting are typed in bold.

Annexe à la Convention

- a la participation à un groupe criminel organisé;
- b le terrorisme, y compris le financement du terrorisme;
- c la traite d'êtres humains et le trafic illicite de migrants ;
- d l'exploitation sexuelle, y compris celle des enfants ;
- e le trafic illicite de stupéfiants et de substances psychotropes ;
- f le trafic d'armes ;
- g le trafic illicite de biens volés et autres biens;
- h la corruption ;
- i la fraude et l'escroquerie;
- j la contrefaçon de monnaie ;
- k la contrefaçon et le piratage de produits ;
- l les crimes et les délits contre l'environnement ;
- m les meurtres et les blessures corporelles graves ;
- n l'enlèvement, la séquestration et la prise d'otages ;
- o le vol ;
- p la contrebande (**y compris relativement aux taxes et droits de douane et d'accise**) ;
- q **infractions fiscales pénales (liées aux impôts directs et indirects)** ;
- r l'extorsion ;
- s le faux ;
- t a piraterie ;
- u les délits d'initiés et la manipulation de marchés boursiers.

Note du Secrétariat : Les amendements adoptés par les Délégués des Ministres lors de leur 1210^e réunion figurent en gras.

Notification of entry into force of Amendment to Appendix

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

PUBLIC INTERNATIONAL LAW
AND TREATY OFFICE DIVISION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 9 March 2018

Ref : JJ8619C
Tr./104-90

NOTIFICATION OF ENTRY INTO FORCE OF AMENDMENT TO APPENDIX

Instrument: Convention on the Conservation of European Wildlife and Natural Habitats, opened for signature, in Bern, on 19 September 1979 (ETS No. 104).

Date of entry into force of the instrument: 1 June 1982.

Amended Appendix: Appendix II - Strictly protected Fauna Species. Amendments adopted by the Standing Committee on 8 December 2017 (see Annex).

Date of entry into force of the amended Appendix: 8 March 2018.

State having notified objections: Czech Republic.

Notification made in accordance with Article 24 of the Convention.

Copy to all member States + Belarus, Burkina Faso, Morocco, Senegal, Tunisia and European Union.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 48 13
Tel ► +33 (0)3 88 41 36 68

Mail ► TreatyOffice@coe.int
Site ► <http://conventions.coe.int>

www.coe.int



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

ETS/STE No. 104

**CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS**

opened for signature, in Bern, on 19 September 1979

**CONVENTION RELATIVE A LA CONSERVATION DE LA VIE SAUVAGE
ET DU MILIEU NATUREL DE L'EUROPE**

ouverte à la signature, à Berne, le 19 septembre 1979

APPENDIX/ANNEXE II

STRICTLY PROTECTED FAUNA SPECIES
ESPÈCES DE FAUNE STRICTEMENT PROTÉGÉES

NEW SPECIES ADDED

NOUVELLES ESPÈCES AJOUTÉES

Mammals/Mammifères

CARNIVORA

Felidae

Lynx lynx balcanicus

d. Specific notifications

Article 15 of the European Convention on Human Rights: Derogation in time of emergency

Under Article 15 of the European Convention on Human Rights, Contracting States may derogate from most of their obligations under the Convention: “[i]n time of war or other public emergency threatening the life of the nation”. Some rights, however, are declared non-derogable by Article 15. These are the so-called “absolute rights”: the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, and of slavery, and the nullum crimen, nulla poena sine lege principle.

When an emergency situation pertains and a Contracting State wishes to use its power of derogation, it is imperative for the State in question to make a formal derogation under Article 15 indicating the rights and the territory to which the derogation applies.

Moreover, in case of such derogation, the third paragraph of Article 15 requires that the State concerned keep the Secretary General of the Council of Europe fully informed of the measures that it has taken and the reasons for doing so, as well as when such measures have ceased to operate. These rules have generally been complied with by the Contracting States.

Procedure:

Beginning of Derogation

A Notification of Derogation is received from the Ministry for Foreign Affairs or the Permanent Representation, either in paper form or by e-mail followed by an original paper copy:

1. Date of effect

The date of effect of the derogation is the date of registration of the document by the Secretariat General, even if the derogation indicates an earlier date.

2. Internal information

An e-mail, together with a pdf copy of the document, is then immediately sent to the Private Office, the Secretariat of the Committee of Ministers, the Registry of the Court, the Secretariat of the Parliamentary Assembly, and the Director of Human Rights (DGI)

3. Official Notification

A copy of the Derogation and its cover letter, as well as a translation into the other official language, is then sent electronically, if possible on the same day, to:

- all member States, with copy to the state concerned;
- the President of the European Court of Human Rights;
- the President of the Parliamentary Assembly.

4. Website

The information is published on the Treaty Office website.

End of Derogation

A Notification of Withdrawal or of End of Derogation is received from the Ministry for Foreign Affairs or the Permanent Representation, either in paper form or by e-mail followed by an original paper copy.

1. Date of effect

The date of effect of the withdrawal of the Derogation is the date of end of effect indicated in the document or, in the absence of a specified date, the date of registration of the document by the Secretariat General.

2 to 4: same procedure.

Examples of notification

Notification of derogation

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**
TREATY OFFICE



Strasbourg, 20 March 2020

Ref.: JJ9016C
Tr./005-228

NOTE VERBALE

The Secretariat General of the Council of Europe (Treaty Office) presents its compliments to the Ministry of Foreign Affairs and has the honour to enclose a copy of a Note verbale from the Permanent Representation of the Republic of Moldova to the Council of Europe, dated 18 March 2020, transmitted to the Secretary General of the Council of Europe on 19 March 2020, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

This information is transmitted in pursuance of Resolution (56) 16 of the Committee of Ministers.

The Secretariat General of the Council of Europe (Treaty Office) avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

(seal)

Encl.

Note to all member States.
Copy Republic of Moldova.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 48 13
Tel ► +33 (0)3 88 41 36 68

Mail ► TreatyOffice@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

COPY (*)

Annex to the letter JJ9016C
dated 20 March 2020
ETS No. 5 – Article 15

**Permanent Representation
of the Republic of Moldova
to the Council of Europe**

No. FRA-CoE/352/169

The Permanent Representation of the Republic of Moldova to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and, in accordance with relevant provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, wishes to inform about the decision of the Parliament of the Republic of Moldova to declare a state of emergency on 17 March 2020 as a critical measure to stop the spread of COVID-19. The state of emergency has been instituted for a period of 60 days, from 17 March - 15 May 2020 on the entirety of the territory of the Republic of Moldova.

The measures already in force or envisaged to be gradually implemented entail or may entail restrictions to fundamental rights and liberties *inter alia* by way of establishing a special regime of entry and exit from the country, a special regime of movement on the territory of the Republic of Moldova, suspending the activity of educational establishments, introducing the quarantine regime, prohibiting meetings, public demonstrations and other mass gatherings, and therefore, triggering the necessity for the Republic of Moldova to derogate, in accordance with Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms from the application of certain provisions of the Convention and its Protocols, in particular, Article 11 of the Convention, Article 2 of the First Protocol and Article 2 of the Protocol No. 4.

Bearing in mind the worrying trends of COVID-19 spread in Europe, the afore-mentioned measures are essential steps in combating the spread of the COVID-19 and protect the population against this global pandemic.

The Permanent Representation kindly asks that this Note Verbale be considered as a notification for the purposes of Article 15, paragraph 3, of the Convention. Additionally, the Representation will duly inform the Secretary General when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

The Permanent Representation of the Republic of Moldova to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

(*seal*)

Strasbourg, 18 March 2020

SECRETARY GENERAL
OF THE COUNCIL OF EUROPE
STRASBOURG

(*) Declaration registered at the Secretariat General on 19 March 2020 – Or. Engl.

Notification of end of derogation

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

TREATY OFFICE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 20 May 2020

Ref.: JJ9053C
Tr./005-253

NOTE VERBALE

— The Secretariat General of the Council of Europe (Treaty Office) presents its compliments to the Ministry of Foreign Affairs and has the honour to enclose a copy and a translation of Note verbale No. FRA-CoE/352/284 from the Permanent Representation of the Republic of Moldova to the Council of Europe, dated 19 May 2020 and transmitted to the Secretary General of the Council of Europe on 19 May 2020, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

This information is transmitted in pursuance of Resolution (56) 16 of the Committee of Ministers.

The Secretariat General of the Council of Europe (Treaty Office) avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.



Note to all member States.
Copy Republic of Moldova.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 48 13
Tel ► +33 (0)3 88 41 36 68

Mail ► TreatyOffice@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

Copy (*)

Annex to the Note verbale JJ9053C
dated 20 May 2020
ETS No. 5 – Article 15

**Permanent Representation
of the Republic of Moldova
to the Council of Europe**

Nr. FRA-CoE/352/284

Note Verbale

The Permanent Representation of the Republic of Moldova to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and with reference to the Note Verbale No. FRA-CoE/352/169 from 18 March 2020 notifying about the declaration of the state of emergency and the exercise by the Republic of Moldova of the right of derogation from its obligations under the European Convention on Human Rights, has the honor to inform that the state of emergency in the Republic of Moldova ceased on 15 May 2020, thus bringing to an end the derogations announced by the Republic of Moldova from Article 11 of the Convention, Article 2 of the First Protocol and Article 2 of the Fourth Protocol to the Convention.

The Permanent Representation kindly requests this communication be considered a notification on the end of derogations, in accordance with article 15(3) of the Convention.

The Permanent Representation of the Republic of Moldova to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

(seal)
Strasbourg, 19 May 2020

To Mrs. Marija Pejcinovic Buric
Secretary General
of the Council of Europe

(* *Withdrawal of Derogation registered at the Secretariat General on 19 May 2020 – Or. Engl.*

Extension of territorial application of:

European Convention on Extradition (ETS No. 24)

European Convention on Mutual Assistance in Criminal Matters (ETS No. 30)

Article 27, paragraph 4, of the Convention ETS No. 24 provides that:

By direct arrangement between two or more Contracting Parties, the application of this Convention may be extended, subject to the conditions laid down in the arrangement, to any territory of such Parties, other than the territories mentioned in paragraphs 1, 2 and 3 of this article, for whose international relations any such Party is responsible.

Article 25, paragraph 5, of the Convention ETS No. 30 provides that:

By direct arrangement between two or more Contracting Parties and subject to the conditions laid down in the arrangement, the application of this Convention may be extended to any territory, other than the territories mentioned in paragraphs 1, 2, 3 and 4 of this article, of one of these Parties, for the international relations of which any such Party is responsible.

In consequence, each party may conclude bilateral agreements with other parties regarding extension of the application of the conventions to other territories, and then transmits the information to the Treaty Office, who notifies as follows:

The Netherlands - Extension to Aruba, Curaçao, Sint Maarten, and the Caribbean part of the Netherlands

SECRETARIAT GENERAL

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW (JURISCONSULT)
LEGAL ADVICE DEPARTMENT AND TREATY OFFICE

Please quote: JJ7378C
Tr./024-110, 086-53, 098-57



Strasbourg, 24 February 2012

NOTIFICATION OF DECLARATIONS

State: Netherlands.

Instruments:

1. **European Convention on Extradition, opened for signature, in Paris, on 13 December 1957 (ETS No. 24).**

Date of entry into force of the instrument: 18 April 1960.

Date of entry into force in respect of the Netherlands: 15 May 1969.

Reservations: ETS No. 24 Res./Decl. Netherlands.
Declarations: (See Annex I).

Date of effect of the declarations: 10 October 2010.

Notification made in accordance with Article 32 of the Convention.

Copy to all member States + Israel, Korea, South Africa.

2. Additional Protocol to the European Convention on Extradition, opened for signature, in Strasbourg, on 15 October 1975 (ETS No. 86).

Date of entry into force of the instrument: 20 August 1979.

Date of entry into force in respect of the Netherlands: 12 April 1982.

Reservations: ETS No. 86 Res./Decl. Netherlands.
Declarations: (See Annex II)

Date of effect of the declaration: 10 October 2010.

Notification made in accordance with Article 9 of the Protocol.

3. Second Additional Protocol to the European Convention on Extradition, opened for signature, in Strasbourg, on 17 March 1978 (ETS No. 98).

Date of entry into force of the instrument: 5 June 1983.

Date of entry into force in respect of the Netherlands: 5 June 1983.

Reservations: ETS No. 98 Res./Decl. Netherlands.
Declarations: (See Annex III)

Date of effect of the declaration: 10 October 2010.

Notification made in accordance with Article 12 of the Protocol.



ETS/STE No. 024
Annex/Annexe I

EUROPEAN CONVENTION ON EXTRADITION

opened for signature, in Paris, on 13 December 1957

CONVENTION EUROPÉENNE D'EXTRADITION

ouverte à la signature, à Paris, le 13 décembre 1957

Reservations and Declarations
Réserves et Déclarations

NETHERLANDS

Declarations *transmitted by a Note verbale from the Permanent Representation of the Netherlands, dated 4 January 2012, registered at the Secretariat General on 9 January 2012 - Or. Engl.*

The reservations and declarations as made by the Kingdom of the Netherlands on 14 February 1969 and, as amended, on 15 October 1987 apply to Aruba and, as succeeding to the Netherlands Antilles, to Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) in their relations with the States with which notes were exchanged on the extension of the Convention :

Sweden,	on 8 July 1993 and 29 July 1993
Liechtenstein,	on 30 June 1993 and 29 September 1993
Switzerland,	on 20 October 1993 and 28 October 1993
Luxembourg,	on 20 September 1993 and 22 November 1993
France,	on 30 July 1993 and 22 November 1993
Italy,	on 8 June 1993 and 21 December 1993
Turkey,	on 19 January 1994 and 3 February 1994
Denmark,	on 20 January 1994 and 4 February 1994
Norway,	on 26 January 1994 and 18 February 1994
Cyprus,	on 3 August 1993 and 3 March 1994
Czech Republic,	on 20 July 1993 and 21 February 1994
Greece,	on 21 September 1993 and 16 June 1994
Slovakia,	on 20 July 1993 and 30 June 1994
Iceland,	on 26 January 1994 and 22 July 1994
Austria,	on 22 July 1994 and 28 July 1994
Spain,	on 11 November 1993 and 24 November 1994
United Kingdom of Great Britain and Northern Ireland,	on 8 November 1994 and 4 November 1994
Israel,	on 28 February 1994 and 31 July 1995
Portugal,	on 6 July 1995 and 29 August 1995
Croatia,	on 16 October 1995 and 12 February 1996
Hungary,	on 28 March 1996 and 2 April 1996
Finland,	on 5 February 1996 and 4 July 1996
Bulgaria,	on 29 March 1996 and 17 July 1996

Having regard to the relations existing in public law between the European part of the Netherlands, Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), the term "metropolitan territories", used in paragraph 1 of Article 27 of the present Convention, no longer has its original sense in relation to the Kingdom of the Netherlands and consequently shall be deemed to signify, so far as it concerns the Kingdom, "European territory".

Note by the Secretariat: These Declarations supplement the Note verbale from the Permanent Representation of the Netherlands dated 27 September 2010, concerning the modification in the structure of the Kingdom as of 10 October 2010 (See Notification JJ7130C dated 8 October 2010).

PAYS-BAS

Déclarations transmises par une Note verbale de la Représentation Permanente des Pays-Bas, datée du 4 janvier 2012, enregistrée au Secrétariat Général le 9 janvier 2012 - Or. angl.

Les réserves et déclarations telles que formulées par le Royaume des Pays-Bas le 14 février 1969 et, telles qu'amendées, le 15 octobre 1987, s'appliquent à Aruba et, comme succédant aux Antilles néerlandaises, à Curaçao, Sint Maarten et la partie caribéenne des Pays-Bas (les îles Bonaire, Sint Eustatius et Saba) dans leurs relations avec les Etats avec lesquels des Notes relatives à l'extension de la Convention ont été échangées:

Suède,	les 8 juillet 1993 et 29 juillet 1993
Liechtenstein,	les 30 juin 1993 et 29 septembre 1993
Suisse,	les 20 octobre 1993 et 28 octobre 1993
Luxembourg,	les 20 septembre 1993 et 22 novembre 1993
France,	les 30 juillet 1993 et 22 novembre 1993
Italie,	les 8 juin 1993 et 21 décembre 1993
Turquie,	les 19 janvier 1994 et 3 février 1994
Danemark,	les 20 janvier 1994 et 4 février 1994
Norvège,	les 26 janvier 1994 et 18 février 1994
Chypre,	les 3 août 1993 et 3 mars 1994
République tchèque,	les 20 juillet 1993 et 21 février 1994
Grèce,	les 21 septembre 1993 et 16 juin 1994
Slovaquie,	les 20 juillet 1993 et 30 juin 1994
Islande,	les 26 janvier 1994 et 22 juillet 1994
Autriche,	les 22 juillet 1994 et 28 juillet 1994
Espagne,	les 11 novembre 1993 et 24 novembre 1994
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,	les 8 novembre 1994 et 4 novembre 1994
Israël,	les 28 février 1994 et 31 juillet 1995
Portugal,	les 6 juillet 1995 et 29 août 1995
Croatie,	les 16 octobre 1995 et 12 février 1996
Hongrie,	les 28 mars 1996 et 2 avril 1996
Finlande,	les 5 février 1996 et 4 juillet 1996
Bulgarie,	les 29 mars 1996 et 17 juillet 1996

Eu égard aux relations qui existent en droit public entre la partie européenne des Pays-Bas, Aruba, Curaçao, Sint Maarten et la partie caribéenne des Pays-Bas (les îles Bonaire, Sint Eustatius et Saba), le terme "territoires métropolitains", utilisé au paragraphe 1 de l'article 27 de la présente Convention, a perdu son sens initial en ce qui concerne le Royaume des Pays-Bas et sera en conséquence, en ce qui a trait au Royaume, considéré comme signifiant "territoire européen".

Note du Secrétariat: Ces Déclarations complètent la Note verbale de la Représentation Permanente des Pays-Bas datée du 27 septembre 2010, sur la modification des relations constitutionnelles internes au sein du Royaume à compter du 10 octobre 2010 (voir la Notification JJ7130C datée du 8 octobre 2010).



ETS/STE No. 86
Annex/Annexe II

**ADDITIONAL PROTOCOL
TO THE EUROPEAN CONVENTION ON EXTRADITION**

opened for signature, in Strasbourg, on 15 October 1975

**PROTOCOLE ADDITIONNEL
A LA CONVENTION EUROPEENNE D'EXTRADITION**

ouvert à la signature, à Strasbourg, le 15 octobre 1975

Reservations and Declarations
Réserves et Déclarations

NETHERLANDS

Declaration *transmitted by a Note verbale from the Permanent Representation of the Netherlands, dated 4 January 2012, registered at the Secretariat General on 9 January 2012 - Or. Engl.*

The Protocol remains applicable in the relation between Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) and those States with which notes have been exchanged on the extension of the Convention. The declaration as made for the Kingdom of the Netherlands on 12 January 1982 remains applicable between the States mentioned above and Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

Note by the Secretariat: This Declaration supplements the Note verbale from the Permanent Representation of the Netherlands dated 27 September 2010, concerning the modification in the structure of the Kingdom as of 10 October 2010 (See Notification JJ7130C dated 8 October 2010).

PAYS-BAS

Déclaration *transmise par une Note verbale de la Représentation Permanente des Pays-Bas, datée du 4 janvier 2012, enregistrée au Secrétariat Général le 9 janvier 2012 - Or. angl.*

Le Protocole reste applicable aux relations entre Curaçao, Sint Maarten et la partie caribéenne des Pays-Bas (les îles Bonaire, Sint Eustatius et Saba) et les Etats avec lesquels des Notes relatives à l'extension de la Convention ont été échangées. La déclaration telle que formulée pour le Royaume des Pays-Bas le 12 janvier 1982 reste applicable entre les Etats sus-mentionnés et Curaçao, Sint Maarten et la partie caribéenne des Pays-Bas (les îles Bonaire, Sint Eustatius et Saba).

Note du Secrétariat: Cette Déclaration complète la Note verbale de la Représentation Permanente des Pays-Bas datée du 27 septembre 2010, sur la modification des relations constitutionnelles internes au sein du Royaume à compter du 10 octobre 2010 (voir la Notification JJ7130C datée du 8 octobre 2010).



ETS/STE No. 098
Annex/Annexe III

SECOND ADDITIONAL PROTOCOL
TO THE EUROPEAN CONVENTION ON EXTRADITION

opened for signature, in Strasbourg, on 17 March 1978

DEUXIÈME PROTOCOLE ADDITIONNEL
À LA CONVENTION EUROPÉENNE D'EXTRADITION

ouvert à la signature, à Strasbourg, le 17 mars 1978

Reservations and Declarations
Réserves et Déclarations

NETHERLANDS

Declaration *transmitted by a Note verbale from the Permanent Representation of the Netherlands, dated 4 January 2012, registered at the Secretariat General on 9 January 2012 - Or. Engl.*

The Protocol remains applicable in the relation between Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) and those States with which notes have been exchanged on the extension of the Convention.

Note by the Secretariat: This Declaration supplements the Note verbale from the Permanent Representation of the Netherlands dated 27 September 2010, concerning the modification in the structure of the Kingdom as of 10 October 2010 (See Notification JJ7130C dated 8 October 2010).

PAYS-BAS

Déclaration *transmise par une Note verbale de la Représentation Permanente des Pays-Bas, datée du 4 janvier 2012, enregistrée au Secrétariat Général le 9 janvier 2012 - Or. angl.*

Le Protocole reste applicable aux relations entre Curaçao, Sint Maarten et la partie caribéenne des Pays-Bas (les îles Bonaire, Sint Eustatius et Saba) et les Etats avec lesquels des Notes relatives à l'extension de la Convention ont été échangées.

Note du Secrétariat: Cette Déclaration complète la Note verbale de la Représentation Permanente des Pays-Bas datée du 27 septembre 2010, sur la modification des relations constitutionnelles internes au sein du Royaume à compter du 10 octobre 2010 (voir la Notification JJ7130C datée du 8 octobre 2010).

Exception:

In the case of extension of the application of these conventions to other territories by the United Kingdom, a consultation among the parties is carried out by the Treaty Office, at the United Kingdom's request. The consultation and the result are notified as follows:

Consultation on the United Kingdom's request to extend the application of ETS No. 30 to Gibraltar

DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW

Treaty Office



Letter to the member States of the Council of Europe, and to the non- member States Parties to the European Convention on Mutual Assistance in Criminal Matters

Ref ► JJ8909C Tr./030-128

Strasbourg, 1 August 2019

Dear Ambassador,

I have the honour to refer to the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 20 April 1959 (ETS No. 30).

Article 25, paragraph 5, of the Convention reads as follows:

“By direct arrangement between two or more Contracting Parties and subject to the conditions laid down in the arrangement, the application of this Convention may be extended to any territory, other than the territories mentioned in paragraphs 1, 2, 3 and 4 of this article, of one of these Parties, for the international relations of which any such Party is responsible.”

By a letter addressed to Mr Thorbjørn JAGLAND, dated 29 July 2019 and registered at the Secretariat General on 31 July 2019 (see Annex), Mr Dominic RAAB, MP, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, declared that the Government of the United Kingdom wishes to extend the application of the Convention to Gibraltar. This extension would not apply to the Additional Protocols of 1978 and 2001.

I would be grateful if you could inform me whether your Government accepts this territorial extension or whether it formulates an objection thereto.

In the absence of any objection from your authorities within 90 days from the date of this notification, this territorial extension would be considered to be tacitly accepted and will take effect between your country and the United Kingdom as of 27 October 2019.

Yours faithfully,

Ana Gomez
Head of the Treaty Office Unit

Letter to all member States + Chile, Israel and Republic of Korea.
Copy for information: Brazil, South Africa and United Kingdom.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mali ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

COPY

Annex to Letter JJ8909C Tr./030-128
dated 1 August 2019 – Or. Engl.

**Foreign &
Commonwealth
Office**

Secretary of State

29th July 2019

Mr Thorbjørn Jagland
Secretary General
Council of Europe
Strasbourg

Dear Sir,

I have the honour to refer to the European Convention on Mutual Assistance in Criminal Matters, which the United Kingdom of Great Britain and Northern Ireland ratified on 29 August 1991 ("the Convention").

I have further the honour to inform you that the United Kingdom of Great Britain and Northern Ireland wishes the application of the Convention to be extended to the territory of Gibraltar, for whose international relations the United Kingdom is responsible. This extension would not apply to the Additional Protocols of 1978 and 2001.

The Government of the United Kingdom requests the Secretariat General of the Council of Europe to circulate this Note to all other Contracting Parties informing them that, pursuant to Article 25, paragraph 5, of the Convention, an arrangement giving effect to this extension will be deemed to have been made between the United Kingdom and each of the Contracting Parties from which the Secretariat has not received a Note of objection within 90 days of the date of circulation.

(signed) Rt Hon Dominic Raab MP

2 / 2

**DIRECTORATE OF LEGAL ADVICE
AND PUBLIC INTERNATIONAL LAW**

Treaty Office



Strasbourg, 31 October 2019

Ref: JJ8955C
Tr./030-131

NOTIFICATION OF ENTRY INTO FORCE OF TERRITORIAL APPLICATION

State: United Kingdom.

Instrument: European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg, on 20 April 1959 (ETS No. 30).

Date of entry into force of the instrument: 12 June 1962.

Territorial application: Gibraltar.
Letter dated 29 July 2019, registered at the Secretariat General on 31 July 2019 (See Annex), notified to all Parties to the Convention together with a letter from the Secretariat General (See Notification JJ8909C, Tr./030-128) fixing a period of 90 days for the formulation of objections.

Contracting Party having notified objections: Austria.

Contracting Parties not having notified objections: Albania, Andorra, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, Chile, Israel, Republic of Korea.

Date of entry into force of the arrangement on territorial application between the United Kingdom and the Contracting Parties which have not notified objections: 27 October 2019.

Notification made in accordance with Article 30 of the Convention.

Copy to all member States + Chile, Israel, Republic of Korea.

COUNCIL OF EUROPE
F-67075 Strasbourg Cedex

Tel ► +33 (0)3 90 21 43 18
Tel ► +33 (0)3 88 41 36 68

Mail ► treaty.office@coe.int
Site ► <http://conventions.coe.int>

www.coe.int

COPY

Annex to Letter JJ8909C.Tr./030-128
dated 1 August 2019 – Or. Engl.

**Foreign &
Commonwealth
Office**

Secretary of State

29th July 2019

Mr Thorbjørn Jagland
Secretary General
Council of Europe
Strasbourg

Dear Sir,

I have the honour to refer to the European Convention on Mutual Assistance in Criminal Matters, which the United Kingdom of Great Britain and Northern Ireland ratified on 29 August 1991 (“the Convention”).

I have further the honour to inform you that the United Kingdom of Great Britain and Northern Ireland wishes the application of the Convention to be extended to the territory of Gibraltar, for whose international relations the United Kingdom is responsible. This extension would not apply to the Additional Protocols of 1978 and 2001.

The Government of the United Kingdom requests the Secretariat General of the Council of Europe to circulate this Note to all other Contracting Parties informing them that, pursuant to Article 25, paragraph 5, of the Convention, an arrangement giving effect to this extension will be deemed to have been made between the United Kingdom and each of the Contracting Parties from which the Secretariat has not received a Note of objection within 90 days of the date of circulation.

(signed) Rt Hon Dominic Raab MP

2 / 2

9. Custody: living historical archives

Treaties and related legal acts are kept in the archives of the Treaty Office, in fireproof and waterproof vaults. Furthermore, each document is scanned and stored in a digital database for preservation purposes. At present, there are 223 treaties and more than 60 000 documents kept in the archives: procès-verbaux, instruments of ratification, full powers of signature and declarations.

These documents are both historical and active. States wishing to sign a treaty do so in the original, which therefore continues to evolve and live as the number of signatures increases. Similarly, the names of non-member States invited to sign a treaty are added to the treaty by hand, thus increasing the number of signatories. This is the case, for example, for the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215), which is open for signature “by the member States of the Council of Europe, the other States Parties to the European Cultural Convention, the European Union and the non-member States which have participated in its elaboration or enjoying observer status with the Council of Europe”. It is also open for signature “by any other non-member State of the Council of Europe at the invitation of the Committee of Ministers”.

Regular handling of the treaties is therefore necessary and is undertaken with the essential care for the proper storage of an archival document. Treaties are laid flat in de-acidified archive boxes and protected from light.

Instruments of ratification and full powers are also kept in the same cabinets, under the same conditions as the treaties, and classified by date.

The oldest and frailest documents are only handled in case of absolute necessity and remain out of harm’s way even if the cabinet containing them is opened.

Since January 2012, digital archiving of each legal act related to treaties has been carried out by the Treaty Office, the documents being stored with specific coding supported by metadata which allows them to be retrieved and consulted.

In addition, the digitalisation of the archives continues, the objective being to store all legal acts relating to treaties since 1949 in the database.

The digitally archived historical documents are:

- ▶ Treaties
- ▶ Full powers of signature and their translations
- ▶ Instruments of ratification and their translations
- ▶ Reservations, declarations and any communication related to a treaty
- ▶ Procès-verbaux of signature and ratification
- ▶ Notifications

In conclusion, the particularity of the Treaty Office of the Council of Europe, and its value, lies in the diversity of its tasks and duties, the historical dimension for which it is guarantor and spokesperson, the reliability and accuracy of the information archived and the degree of expertise that this contributes.

Appendix 1 – Glossary on treaties

www.coe.int/en/web/conventions/glossary

Acceptance: see Ratification.

Accession: see Ratification. Accession is the usual method by which a State, which has not taken part in the negotiations or signed the treaty, may subsequently consent to be bound by its terms. The treaty may stipulate accession by certain States. In that case, these States have a right to accede to the treaty. Accession may also require an invitation to accede decided by the Committee of Ministers, upon request of the State interested. In general, accession is permitted after the entry into force of the treaty.

Adoption: The Committee of Ministers adopts treaties, by a decision taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee. When adopted, the text of the treaty is definitive.

Approval: see Ratification.

Communication: A communication is a declaration by which a State expresses its views relating to a treaty, notifies a new domestic law or specifies the content of a domestic law in relation to the treaty, or rectifies an error or an omission made upon ratification. Communications may be made under the terms of the treaty, for example when a State has to designate a competent national authority or formulated spontaneously by States.

Declaration: A declaration is a notification by which a State clarifies the meaning or the scope it gives to a treaty or to a provision, or by which a State sets down the reasons for becoming a party.

Depositary: The depositary of the European treaties is the Secretary General of the Council of Europe. He/she receives and transmits all the States' notifications related to the life of the treaties: signatures, ratifications, acceptances and accessions, reservations and declarations, etc. He/she is the guardian of the treaties.

Entry into force: The treaty comes into force when a sufficient number of States have expressed their consent to be bound by the treaty. The treaty then has a legal existence in the international legal system and in the legal systems of States parties.

Explanatory report: Since 1965, each newly adopted treaty has an explanatory report which details the main stages in its preparation and comments article by article on the *raison d'être* and the meaning of the provisions of the treaty. Since 2001, all explanatory reports are publicly available. The explanatory report does not constitute an instrument providing an authoritative interpretation of the treaty.

Interpretative declaration: An interpretative declaration is a declaration by which a State sets down the meaning it gives to a provision of a treaty.

Opening for signature: When the treaty is adopted, the Committee of Ministers opens the treaty for signature, by a decision taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee. (see Statutory Resolution (93) 27 on majorities required for decisions of the Committee of Ministers, adopted by the Committee of Ministers, on 14 May 1993). After the date of opening for signature, States may sign and ratify the treaty.

Partial agreement: A partial agreement is a particular form of agreement, which allows some member States of the Council of Europe to participate in an activity in spite of the abstention of other member States.

Party: Parties to a treaty are the States or the International Organisations, which have consented to be bound by the treaty and for which the treaty is in force (see Article 2 of the 1969 Vienna Convention on the Law of Treaties). Parties to European treaties may be the member States of the Council of Europe, non-member States or the European Community.

Protocol: A protocol is a legal instrument, which complements, amends or modifies the main treaty.

Ratification: Ratification is an act by which a State expresses its definitive consent to be bound by the treaty. The State party must then respect the provisions of the treaty and implement it.

Reservations: A reservation is “a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State” (see Article 2 of the 1969 Vienna Convention on the Law of Treaties).

Signature: Signature of a treaty is an act by which the State expresses its interest in the treaty and its intention to become a party to it. The State is not bound by the signature. However, it has the obligation not to defeat the object and purpose of the treaty until it has made its intention clear not to become a party to the treaty (See Article 18 of the 1969 Vienna Convention on the Law of Treaties).

Territorial declaration: A territorial declaration is a declaration by which a State specifies the territory or territories to which the treaty will apply.

Treaty: A treaty is “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (see Article 2 of the 1969 Vienna Convention on the Law of Treaties).

The European Treaties Series contains “conventions”, “agreements”, “charters”, “codes”, “framework conventions” and “outline conventions”. All these legal instruments are treaties as defined by the 1969 Vienna Convention on the Law of Treaties.

The sole difference between “conventions” and “agreements” is the form in which a State may express its consent to be bound. Agreements may be signed with or without reservation as to ratification, acceptance or approval. Conventions may, in principle, be ratified. See Model final clauses for conventions and agreements concluded within the Council of Europe.

The treaties concluded within the Council of Europe are multilateral treaties, which means that they are concluded between more than two States. Only two bilateral treaties were concluded within the Council of Europe. These were concluded between the Council of Europe and France, host State of the Organisation: the Special Agreement relating to the seat of the Council of Europe, 2 September 1949, and the Supplementary Agreement amending certain provisions of the General Agreement on Privileges and Immunities of the Council of Europe, 18 March 1950.

Appendix 2 – Fundamental texts

Statute of the Council of Europe

(London, 5 May 1949)

Article 1

- b. The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.
- c. This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.
- d. Participation in the Council of Europe shall not affect the collaboration of its members in the work of the United Nations and of other international organisations or unions to which they are parties.
- e. Matters relating to national defence do not fall within the scope of the Council of Europe.

Article 15

- a. On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to members by the Secretary General.
- b. In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations.

Resolution (51) 30 – Revision of the Statute

(Adopted by the Committee of Ministers at its 8th Session, 3 May 1951)

The Committee of Ministers,

Having regard to certain proposals by the Consultative Assembly for the revision of the Statute,

Considering that the measures mentioned below are not incompatible with the provisions of the present Statute,

Announces its intention of putting the following provisions into effect:

Part B: Powers of the Committee of Ministers (Article 15 of the Statute)

The conclusions of the Committee of Ministers may, where appropriate, take the form of a convention or agreement. In such a case the following provisions shall apply:

- i. The convention or agreement shall be submitted by the Secretary General to all members for ratification;
- ii. Each member undertakes that, within one year of such submission or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the convention or agreement shall be brought before the competent authority or authorities in its country;
- iii. The instruments of ratification shall be deposited with the Secretary General;
- iv. The convention or agreement shall be binding only on such members as have ratified it.

Statutory Resolution (93) 27 – Majorities required for decisions of the Committee of Ministers

(adopted by the Committee of Ministers at its 92nd Session – 14 May 1993)

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe;
Having regard to the Parliamentary Assembly's proposals for institutional reforms within the Council of Europe;
Bearing in mind the increased membership of the Council of Europe and the need to strengthen the Organisation's capacity for action;

Considering it therefore desirable to reduce the number of cases where unanimity is required for decisions of the Committee of Ministers;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe;

Resolves as follows:

I. Opening of conventions and agreements for signature

Decisions on the opening for signature of conventions and agreements concluded within the Council of Europe shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the committee, as set out in Article 20.d of the Statute.

II. Partial agreements

In accordance with the Statutory Resolution on Partial and Enlarged Agreements decisions authorising certain member states to pursue an activity as a Partial Agreement shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the committee, as set out in Article 20.d of the Statute.

Charter of the United Nations

(San Francisco, 26 June 1945)

CHAPTER XVI: MISCELLANEOUS PROVISIONS

Article 102

Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Resolution (54) 6

(Adopted by the Ministers' Deputies – 3 April 1954)

Registration with the United Nations Secretariat-General of Agreements and Conventions of the Council of Europe

The Committee of Ministers,

Having regard to Article 102 of the Charter of the United Nations;

Considering that the treaties and international agreements concluded within the framework of the Council of Europe are deposited with the Secretary-General, who is therefore in possession of the information necessary to effect registration with the Secretariat of the United Nations,

Resolves:

1. to authorise the Secretary General of the Council of Europe, acting as the agent of the Members of the Council which are parties to treaties and international agreements concluded within the framework of the Council of Europe and deposited with him, to register any such treaties and agreements with the Secretariat of the United Nations;
2. to instruct the Secretary General to transmit the text of this Resolution to the Secretary-General of the United Nations.

Rule No. 1390 of 11 May 2017

(11 May 2017)

Role of the Directorate of Legal Advice and Public International Law within the Secretariat General of the Council of Europe

The Secretary General of the Council of Europe,

HAVING REGARD to Rule No. 1326 of 25 January 2011 defining the tasks and responsibilities of the Legal Advice Department and Treaty Office within the Directorate of Legal Advice and Public International Law;

TAKING INTO ACCOUNT the restructuring of the Directorate of Legal Advice and Public International Law in 2014;

CONSIDERING that it is necessary to adopt a new instrument defining the role of the Directorate of Legal Advice and Public International Law within the Secretariat General of the Council of Europe;

DECIDES:

Article 1

The Directorate of Legal Advice and Public International Law (hereinafter "DLAPIL") shall perform, under the authority of the Secretary General, the following tasks:

- a. advising the Secretary General and the Major Administrative Entities on all legal matters, especially on such theoretical and practical problems of international and national law as may arise, in particular in the framework of the drafting of such legal texts as they may be required to draw up (draft recommendations, declarations and resolutions, contracts, draft letters, working papers, etc.);
- b. providing such legal assistance as may be needed by the Committee of Ministers, its Chairmanship, Rapporteur Groups and Working Parties, as well as the Bureau of the Ministers' Deputies;
- c. providing such legal assistance as may be needed for the proceedings of the Parliamentary Assembly and its committees;
- d. providing such legal assistance as may be needed by the other institutions and bodies of the Council of Europe, such as the European Court of Human Rights, the Commissioner for Human Rights, the Congress of Local and Regional Authorities and the Partial Agreements;
- e. providing legal opinions to the various committees within the Organisation, in particular as regards draft treaties and their final clauses, with a view to ensuring the desirable harmony between international legally binding instruments prepared within the Council of Europe;
- f. performing the functions of the Secretary General as depositary of Council of Europe treaties concluded in the framework of the Council of Europe as well as all the legal tasks related to the exercise of depositary functions and those deriving from the Statute of the Council of Europe Development Bank regarding notifications to the members of the Bank and the Governor;
- g. upon a request from the Major Administrative Entities concerned, keeping the originals of the agreements which the Council of Europe may conclude with States as well as other entities, such as intergovernmental organisations, public entities and non-governmental organisations;
- h. keeping a register of acts notified to the Secretary General for the purposes of acceding to Partial Agreements as well as acts notifying withdrawal therefrom;
- i. assisting, upon request, the representative of the Secretary General of the Council of Europe to the Committee of Representatives of the Secretaries/Directors-General (CRSG) within the Co-ordination system;
- j. replying in the name of the Secretary General to administrative complaints which may be introduced under the relevant provisions of the Staff Regulations;
- k. representing the Secretary General, if necessary, having recourse to the services of external lawyers or other experts, in internal litigation procedures, in particular before the Administrative Tribunal, and in any disputes with third parties;
- l. ensuring the legal protection of the European emblem;
- m. upon the Secretary General's request, representing him or her in any other procedure for which the Secretary General considers the participation of DLAPIL as indispensable.

Requests for legal assistance under paragraphs b, c, d and e above shall be transmitted to DLAPIL by the Major Administrative Entity concerned.

Article 2

The concerned Major Administrative Entities of the Secretariat General of the Council of Europe shall be required:

- a. to consult DLAPIL on any matter, draft document, draft instrument, draft contract or draft letter raising points of a legal or statutory nature;
- b. to request a legal opinion from DLAPIL on any draft internal rule, including in particular draft resolutions, regulations, instructions and rules related to staff matters;
- c. to communicate to DLAPIL all acts notified to the Secretary General for the purposes of acceding to Partial Agreements as well as acts notifying withdrawal therefrom;
- d. to request a legal opinion from DLAPIL on any draft treaty (convention, agreement, protocol) prepared within the Council of Europe and to ensure that all draft treaties have obtained the approval of DLAPIL before being submitted to the Committee of Ministers for adoption.

Article 3

A specialised unit within DLAPIL provides legal support to co-operation projects in particular by drafting standard documents and guidance for use by operational services in the context of procurement or grant award procedures and advising on all legal aspects of procurement and granting.

Article 4

This rule repeals Rule No. 1326 of 25 January 2011 defining the tasks and responsibilities of the Legal Advice Department and Treaty Office within the Directorate of Legal Advice and Public International Law.

Article 5

This Rule shall enter into force on the first day of the month following its signature by the Secretary General.

Model final clauses for conventions, additional protocols and amending protocols concluded within the Council of Europe

(adopted by the Ministers' Deputies of the Council of Europe at their 1291st meeting – 5 July 2017)

(Downloadable Version: www.coe.int/en/web/conventions/templates)

Introduction

At the 315th meeting of the Ministers' Deputies on 18 February 1980, the Committee of Ministers of the Council of Europe adopted a single set of model final clauses, applicable to both conventions and agreements concluded within the Council of Europe. This document replaced two previous sets of final clauses approved by the Committee of Ministers at the 113th meeting of the Ministers' Deputies on 18 September 1962. One of these sets was designed for agreements that can be signed without reservation in respect of ratification or acceptance, and the other for conventions requiring ratification or acceptance. It should also be underlined that the system of the Council of Europe concerning the means of expressing the consent to be bound by a treaty differs from that of the United Nations. Indeed, in the practice of the Council of Europe, the member States usually express their consent to be bound by a treaty by signature followed by ratification, acceptance or approval, and non-member States which have not participated in the elaboration of treaties accede to these treaties upon invitation. In addition, it is recalled that the 1980 Model Final Clauses were designed as a non-binding tool for the committees charged with drawing up Council of Europe conventions or agreements.

This model of final clauses has been used at least partially in most of the conventions and agreements elaborated within the Council of Europe. Nevertheless, some developments which have taken place since 1980 revealed the need for certain changes to the current model final clauses for future conventions. These developments concern in particular:

- the type of binding legal instrument concluded within the Council of Europe over the last 35 years. Most of these instruments were conventions and protocols. Since February 1980, only three agreements have been concluded;
- the increased participation of non-member States, the European Union and international organisations in the elaboration of conventions and protocols;

- the global reach and transnational character of the recent Council of Europe conventions and protocols, which lead to an increase of requests for accession from non-member States to these instruments. Therefore, in order to treat all Contracting States to conventions and protocols on equal footing, the consultation and invitation procedures have been revised.

Finally, due to an important increase in additional protocols that complement the existing conventions, it appeared also necessary to elaborate specific model final clauses for additional protocols. In addition and in order to provide guidance on the specificities of protocols aiming to amend existing conventions, a third set of model final clauses has also been prepared.

Despite the diversity of terminology, it should be noted that a main difference between both types of protocols is that one aims to amend a convention while the other aims at complementing a convention. Therefore, the terminology cannot determine the content. If a protocol is intended to amend the articles of a convention and to ultimately be absorbed by it, the final clauses for amending protocols should be used.

The three sets of model final clauses appearing hereafter apply respectively to conventions, additional protocols and amending protocols. These model final clauses are intended only to facilitate the task of the drafters and maintain coherence among Council of Europe conventions and protocols. They are not binding and different clauses may be adopted to fit particular cases, depending on the content. Therefore, the wording between square brackets could be adapted accordingly.

Lastly, it should be underlined that since 1st April 2005, and following the instructions of the Secretary General to the Legal Service, the words “Council of Europe” appear in the titles of conventions instead of “European”. Therefore, the “European Treaty Series” (ETS Nos. 1 to 193) has been continued by the “Council of Europe Treaty Series” (CETS No. 194 and following).

MODEL FINAL CLAUSES FOR CONVENTIONS

Article A – Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration [and the European Union] [or any regional economic integration organisation].
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which [five] Signatories, including at least [three] member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
4. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article B – Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consulting the Contracting States to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe [or any regional economic integration organisation] which has not participated in the elaboration of the Convention to accede to this Convention by a decision taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article C – Territorial application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in any such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article D – Reservations

Option 1

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

Option 2

1. Any State [or the European Union] [or any regional economic integration organisation] 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 Articles

No other reservation may be made in respect of any provision of this Convention.

2. Each Party which has made a reservation may, at any time, withdraw it entirely or partially by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect from the date of the 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 the reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.]

Article E – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of [three, six, twelve,...] months after the date of receipt of the notification by the Secretary General.

Article F – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, [the European Union,] [any regional economic integration organisation,] any Signatory, any Contracting State [Party] and any other State which has been invited to accede to this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles ...;
- d. any amendment adopted in accordance with Article ... and the date on which such an amendment enters into force;
- e. any reservation and withdrawal of reservation made in pursuance of Article ...;
- f. any denunciation made in pursuance of Article ...;
- g. any other act, declaration, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at xxx, this xxx day of xxx, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, [to the European Union] [to any regional economic integration organisation] and to any State invited to accede to this Convention.

MODEL FINAL CLAUSES FOR ADDITIONAL PROTOCOLS

Article A – Signature and entry into force

1. This Protocol shall be open for signature by Signatories [and Parties] to the Convention. It shall be subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously expressed its consent to be bound by the provisions of the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
2. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which [five] Signatories, including at least [three] member States of the Council of Europe, have expressed their consent to be bound by the Protocol in accordance with the provisions of the preceding paragraph.
3. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article B – Accession

1. After the entry into force of this Protocol, any state party to the convention may also accede to this Protocol. A State that has the right to become a party to the convention according to its provisions may accede to this Protocol while expressing its consent to be bound by the Convention.
2. In respect of any State acceding to the Protocol under paragraph 1 above, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article C – Territorial application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Protocol shall apply.
2. Any State may, at any later time, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article D – Denunciation

1. Any Party may, at any time, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of [three, six, twelve,...] months after the date of receipt of the notification by the Secretary General.
3. Denunciation of the Convention automatically entails denunciation of this Protocol.

Article E – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, [the European Union,] [any regional economic integration organisation,] any Signatory, any Contracting State [Party] and any other State which has been invited to accede to this Protocol of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Protocol in accordance with Articles ...;

- d any denunciation made in pursuance of Article ...;
- e any other act, declaration, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at xxx, this xxx day of xxx, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Protocol, [to the European Union], [to any regional economic integration organisation] and to any State invited to accede to it.

MODEL FINAL CLAUSES FOR AMENDING PROTOCOLS

Amendment of a convention is governed by the provisions therein. Article 39 of the 1969 Vienna Convention on the Law of Treaties applies should the convention not contain any provisions governing its amendment.

Within the Council of Europe's practice, conventions are amended through the adoption of protocols, usually entering into force after ratification by all the parties to the convention, where additional protocols only need a set number of ratifications.

Two types of amending protocols exist within the Council of Europe's treaty law practice. The first type consists of protocols which amend a convention upon entering into force and, the amending provisions having been absorbed by the convention, can no longer be signed or ratified by new parties to the convention. The second type consists of protocols which amend some provisions of a convention while at the same time adding additional provisions to it and which can still be signed or ratified by new parties to the convention after their entry into force. Elaboration of these protocols with a dual aim should be avoided, as their different legal natures cannot be reflected in the modalities of their entry into force.

Finally, it should also be pointed out that, in principle, an amending protocol relates to a convention rather than to an additional protocol. Indeed, an amending protocol to an additional protocol raises uncertainties about whether the amending protocol should be ratified by all parties to the convention or only by all parties to the additional protocol.

Article A – Signature and entry into force

1. This Protocol shall be open for signature by Signatories and parties to the convention. It shall be subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted, approved or acceded to the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
2. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all parties to the convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of the preceding paragraph.
3. From the date of its entry into force, this Protocol of amendment shall form an integral part of the Convention.

Article B – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, [the European Union,] [any regional economic integration organisation,] any Signatory and any Contracting State [Party] of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c the date of entry into force of this Protocol of amendment in accordance with Article ...;
- d any other act, declaration, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at xxx, this xxx day of xxx, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Protocol [and to the European Union] [and to any regional economic integration organisation].

CM/Del/Dec(2013)1168/10.2 – Review of Council of Europe conventions – Report by the Secretary General

(1168th Meeting – 10 April 2013)

Decisions

While welcoming the Secretary General's report on the review of Council of Europe conventions, the Deputies,

On measures relating to the promotion of Council of Europe conventions

1. took note with satisfaction of the initiatives taken by the Albanian and Andorran Chairmanships of the Committee of Ministers to promote certain key conventions of the Council of Europe during their chairmanship and called on the future chairmanships of the Committee of Ministers to take similar initiatives in consultation with the Secretary General;
2. welcomed the efforts made by the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Commissioner for Human Rights to promote Council of Europe conventions and invited them to continue, in particular through their dialogue with national authorities and involvement in Council of Europe campaigns;
3. welcomed the efforts made by the Secretary General to promote Council of Europe conventions and invited him to continue, in particular:
 - during his bilateral contacts with national authorities;
 - by organising treaty ceremonies on the occasion of the Sessions of the Committee of Ministers, the Conferences of Ministers of Justice or other major events;
 - by organising thematic campaigns which would include the promotion of conventions;
4. invited the Secretary General:
 - when appropriate, to inform international organisations and non-member States, when negotiations of new conventions are opened, in particular through the Council of Europe liaison offices and bilateral contacts;
 - to provide for the publication of information on the launching of negotiations on new conventions, including on the Council of Europe website;
 - to involve civil society more in activities for the promotion of Council of Europe conventions and in particular the national human rights institutions;

On measures relating to the management of Council of Europe conventions

5. noted that the review of conventions has highlighted the links between the Council of Europe, as an institutional framework for negotiation, and the conventions concluded within it, and the need to maintain these links alive, by developing the means to gauge the impact and preserve the relevance of the conventions;
6. noted that although a number of conventions already provide for an independent and/or intergovernmental monitoring mechanism, tasked with assessing Parties' compliance with their obligations under the conventions, and although these mechanisms should be preserved, it is also essential to have an overview of how the conventions operate and to be able to identify the amendments needed to preserve their relevance and, if necessary, adapt them to changes;
7. took note of the fact that the steering or ad hoc committees, on account of their terms of reference and expertise, have an overview of the conventions concluded in their area of responsibility and are, accordingly, able to assess the general functioning of a group of conventions;
8. instructed the Secretariat to identify for each convention a steering or ad hoc committee as a reference point and agreed to refer in these committees' future terms of reference (biennium 2014-2015) to those conventions;
9. instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:
 - propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;

- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers;

10. agreed that the need to insert a monitoring clause in future conventions should be decided on a case-by-case basis and that, where necessary, this monitoring could be carried out by a new committee or by assigning this responsibility to an existing committee;

On the participation of non-member States in Council of Europe conventions

11. took note of the important number of Council of Europe conventions opened to States which are not members of the Organisation and expressed their interest in the participation of these States in these conventions;

12. reiterated that the opening of a Council of Europe convention to non-member States must be decided during the drafting procedure on a case-by-case basis;

13. agreed, when participation in a convention by non-member States is envisaged during the drafting procedure, on the need to insert a provision on financial contributions from those States;

14. agreed, where there is provision in a convention for accession by non-member States:
- to apply the usual informal consultation procedure of the member States on the requests by non-member States to be invited to accede to a convention and, where necessary as a result of this consultation, to seek the opinion of the competent committees, in particular regarding the requesting State's capacity to fulfil the obligations arising under the convention in question;
 - to limit the validity of an invitation by the Committee of Ministers to accede to a convention to a period of five years;
 - to provide, in cases where there is no convention-based body including all the Parties, for participation, with a right to vote, by non-member States in steering committee or ad hoc committee meetings pertaining to the conventions to which those States are Parties;

On reservations to Council of Europe conventions

15. agreed on the need, during the drafting process of each convention, to examine whether to include explicit provisions on reservations, which would determine on a case-by-case basis the regime applicable;

16. invited the bodies responsible for monitoring conventions, if appropriate, to raise with the national authorities, particularly on the occasion of on-the-spot visits, the question of the need to maintain reservations already formulated, and the possibility of considering their withdrawal;

On the participation by the European Union in Council of Europe conventions

17. while noting that the European Union had expressed its readiness to examine with the Council of Europe the possibility for the EU to join certain Council of Europe's conventions, agreed that this should be done at the appropriate time in order to avoid any interference with the current negotiations on EU accession to the European Convention on Human Rights;

18. agreed to evaluate the implementation of these decisions within three years.

Statutory Resolution (93) 28 – Partial and enlarged agreements

(adopted by the Committee of Ministers at its 92nd Session – 14 May 1993)

The Committee of Ministers,

Considering that the Statute of the Council of Europe gives the Organisation competence in a wide range of spheres, in which it pursues the aim of achieving a greater unity between its members;

Considering that Partial Agreements allowing members to abstain from participating in a course of action advocated by other members, as established in the Statutory Resolution adopted by the Committee of Ministers at its 9th Session on 2 August 1951, have proved fruitful;

Considering that in some cases the problems dealt with in the Council of Europe outstrip the geographical framework of the territory of its members and that the Organisation must be ready to examine any proposal emanating from non-member States for the joint carrying out of an intergovernmental activity;

Considering that provision ought therefore to be made for flexible and non-institutionalised arrangements whereby some or all members as well as non-members of the Council of Europe may pursue an intergovernmental activity together on an equal footing, within the framework of a Partial, Enlarged Partial or Enlarged Agreement;

Having regard to the Parliamentary Assembly's favourable opinion,

Resolves as follows:

I. Participation in activities

Activities or a series of activities which are not pursued as a joint effort by all member states of the Council of Europe or to which one wishes to associate non-member states of the Council of Europe may be carried out:

- by some member states of the Council of Europe as a Partial Agreement;
- by some member states of the Council of Europe together with one or more non-member states as an Enlarged Partial Agreement;
- by all member states of the Council of Europe together with one or more non-member states as an Enlarged Agreement.

II. Decision on participation

The Committee of Ministers may, by the majority stipulated in Article 20.d of the Statute of the Council of Europe:

- authorise some member states to carry out an activity or a series of activities within the framework of the Organisation, the activity or series of activities being adopted only by the Representatives who vote in favour of it and being limited accordingly;
- in its composition restricted to Representatives of member states of a Partial Agreement, invite any non-member state to join the Partial Agreement or certain of its activities;
- invite any non-member state to join the member states of the Council of Europe in carrying out an activity or series of activities.

III. Budget

The Partial Agreement, Enlarged Partial Agreement or Enlarged Agreement (hereinafter "the Agreement") will be financed by a budget constituted by contributions from the member States and non-member States participating in it.

The scale according to which the contributions of non-member states are calculated shall be decided in agreement with the latter; as a general rule, that scale shall conform to the criteria for determining the scale of contributions to the general budget of the Council of Europe.

The budget shall be adopted annually by an organ composed of the Representatives on the Committee of Ministers of the member states participating in the activity and where appropriate of Representatives of the non-member states participating in the activity who shall thus be entitled to vote.

The Financial Regulations shall apply, *mutatis mutandis*, to the adoption and management of the budget of the Agreement.

IV. Functioning of the Agreement

The decision setting up the Agreement shall provide for its organs and lay down specific arrangements for the pursuit of its activities. Unless otherwise stipulated in the decision, the general rules in force in the Council of Europe concerning committee structures, terms of reference and working methods and, in particular, the Rules of Procedure for the meetings of the Ministers' Deputies shall apply, *mutatis mutandis*, to the organs of the Agreement.

Secretarial services for the organs of the Agreement shall be provided by the Secretary General of the Council of Europe.

V. Additional members and observers

Unless otherwise provided in the decision setting up the Agreement,

- any member state of the Council of Europe may join at any moment any Agreement by making a declaration to this effect to the Secretary General;
- any non-member state of the Council of Europe may be invited to join an Enlarged or Enlarged Partial Agreement by decision of the Committee of Ministers, following consultation of the non-member states already participating;
- any non-member state and any international intergovernmental organisation may be invited by the Committee of Ministers, following consultation of the non-member states already participating, to take part as an observer in the activities of a Partial, Enlarged Partial or Enlarged Agreement. No budget contribution shall be required from observers.

VI. European Community

The European Community may be invited by the Committee of Ministers to participate in a Partial, Enlarged Partial or Enlarged Agreement. The modalities of its participation shall be determined in the decision inviting it to participate.

VII. Transitional provisions

This text replaces the Statutory Resolution on Partial Agreements adopted by the Committee of Ministers at its 9th Session on 2 August 1951.

Partial Agreements already established shall continue to function according to their own rules.

Resolution (96) 36 – Establishing the criteria for partial and enlarged agreements

(Adopted by the Committee of Ministers at the 575th meeting of the Ministers' Deputies – 17 October 1996)

The Committee of Ministers,

Considering Statutory Resolution (93) 28 on Partial and Enlarged Agreements adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session;

Having regard in particular to paragraph III of Statutory Resolution (93) 28 as well as to Resolution (94) 31 on the method of calculating the scales of member States' contributions to Council of Europe budgets;

Wishing to ensure that Partial and Enlarged Agreements created within the Council of Europe follow common criteria;

On the basis of the proposals presented by its Ad hoc Working Party on Partial Agreements,

Decides that, in the case of the setting up of a new Partial and Enlarged Agreement, and for existing Partial and Enlarged Agreements, the following criteria should be observed:

1. All future Agreements shall be founded on the political priorities as defined by the Committee of Ministers, and must in all events contribute to the achievement of the Organisation's priority aims.
2. No new Partial Agreement shall be established without a sufficient number of participating states. The Committee of Ministers shall decide the required minimum number of participating states for each new Partial Agreement. Unless otherwise decided by the Committee of Ministers, the minimum membership criterion is fixed at one third of the member states of the Council of Europe. If an existing Partial Agreement no longer meets the minimum membership criterion decided at its establishment, the Committee of Ministers will decide whether it should continue.
3. To participate regularly in the activities of a Partial Agreement, member states of the Council of Europe will have to be members of the said Agreement, unless the Partial Agreement member states decide otherwise.
4. The membership of a Partial Agreement should, in principle, reflect a certain geographical balance among the different regions covered by the Organisation, in order to avoid a drift away from the Organisation's core values and an associated lack of coherence, as well as the creation of unduly "restricted" Agreements.
5. Agreements shall seek the necessary synergy with other bodies and institutions, governmental and/or non-governmental, in order notably to avoid duplication of work, and with regard to co-operation on financing activities to be undertaken within the framework of such Agreements.

6. New Agreements shall be created for an initial trial period of not more than three years, at the end of which a strict evaluation shall be undertaken by the Committee of Ministers with a view to deciding whether the Agreement should be either dissolved or allowed to continue, subject to paragraph 2 above.

7. With a view to ensuring the exercise by the Committee of Ministers of the necessary political control, and without prejudice to paragraph 6 above, all Agreements shall submit an annual report of their activities and financing to the Committee of Ministers.

Document CM(2013)58-final – Partial and enlarged agreements – Practical modalities governing accessions to and withdrawals from partial and enlarged agreements

(adopted by the Deputies at their 1175th Meeting – 3 July 2013)

1. Subject to the relevant provisions of some of the statutes governing Partial, Enlarged Partial and Enlarged Agreements (hereinafter referred to as “Partial Agreement”), the following principles shall apply in respect of accession to and withdrawal from a Partial Agreement:

A. ACCESSION

2. Member States of the Council of Europe

2.1. Member States of the Council of Europe may become members of a Partial Agreement by taking part in the adoption of the Committee of Ministers’ resolution establishing the Partial Agreement. In this case, they shall become members on the very date of the resolution. The latter shall specify the consequences, especially in the financial sphere, of their membership of the Partial Agreement.

2.2. States may also accede at any time thereafter by means of a declaration addressed to the Secretary General, which shall take effect on the date of its receipt by the Secretary General, unless another date is specified in the declaration. The declaration shall be made by the Minister for Foreign Affairs or the Permanent Representative of the State concerned and include a confirmation of the financial obligations undertaken by the State concerned, be they dispensatory or not.

3. States that are not members of the Council of Europe

3.1. In the course of any prior contacts, the Secretariat shall inform the authorities of the requesting State that an application for accession must be made by the Minister for Foreign Affairs or a diplomatic representative especially empowered to do so. The requesting State shall also be informed beforehand as regards budgetary implications. Its attention will, in particular, be drawn to the relevant provisions of the Financial Regulations applicable.

3.2. The Secretary General shall acknowledge receipt of the application and inform the State that it will be submitted to the Committee of Ministers.

3.3. Once the decision is taken, the Secretary General shall immediately inform the State concerned.

3.4. This State shall communicate its acceptance of the Committee of Ministers’ decision as soon as possible, by means of a declaration addressed to the Secretary General. The declaration shall be made by the Minister for Foreign Affairs or a diplomatic representative especially empowered to do so and include a confirmation of the financial obligations undertaken by the State concerned. Accession to the Partial Agreement shall take effect on the date of receipt of the declaration by the Secretary General unless another date is specified in the declaration.

3.5. The same provisions shall apply *mutatis mutandis* in the event of an application for status as an associate member or observer.

3.6. Where the Statute of the Partial Agreement confers the right of accession on non-member States (for example States Parties to the European Cultural Convention), those States shall accede by means of a declaration addressed to the Secretary General, in accordance with the same modalities as member States.

B. WITHDRAWAL

4.1. Whether a State is a member of the Council of Europe or not, withdrawal shall be effected by means of a declaration addressed to the Secretary General by the Minister for Foreign Affairs or by the Permanent Representative or a diplomatic representative who shall be given specific powers to this effect.

4.2. The Secretary General shall acknowledge receipt of the declaration and inform the State concerned that it will be submitted to the Committee of Ministers.

4.3. The withdrawal shall take effect:

- at the end of the financial year in which it is notified, if the notification is given before 1 June of that financial year;
- at the end of the next financial year, if the notification is given on or after 1 June of the financial year.

4.4. In accordance with Article 18 of the Financial Regulations of the Council of Europe, the Committee of Ministers shall examine the financial consequences of the withdrawal and make the appropriate arrangements.

4.5. The Secretary General shall immediately inform the State concerned of the consequences for it of its withdrawal and shall keep the Committee of Ministers informed of the outcome.

C. INFORMATION OF MEMBER STATES

5. The Secretariat will periodically notify all delegations of the state of new accessions and withdrawals as regards the Partial Agreements.

Guide to procedures applicable to the daily management of acts concerning the conventions of the Council of Europe

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.