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

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

Document prepared by
the Secretariat of the CAHDI

Foreword

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

Action required

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

List of outstanding reservations and declarations

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

A. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, NEW YORK, 16 DECEMBER 1966¹

1. BAHRAIN, 4 December 2006, 28 December 2006, 27 December 2007

Reservation

1. The Government of the Kingdom of Bahrain interprets the Provisions of Articles 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah.

2. The Government of the Kingdom of Bahrain interprets the provisions of Article 9, Paragraph (5) as not detracting from its right to layout the basis and rules of obtaining the compensation mentioned in this Paragraph.

3. The Government of the Kingdom of Bahrain interprets Article 14 Paragraph (7) as no obligation arise from it further those set out in Article 10 of the Criminal Law of Bahrain which provides:

'Legal Proceedings cannot be instated against a person who has been acquitted by Foreign Courts from offenses of which he is accused or a final judgement has been delivered against him and the said person fulfilled the punishment or the punishment has been abolished by prescription.'

2. MALDIVES, 19 September 2006, 19 September 2006, 18 September 2007

Reservation

The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives.

B. CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, NEW YORK, 9 DECEMBER 1948²

3. MONTENEGRO, 23 October 2006, 30 October 2006, 29 October 2007

Reservation made by Serbia and Montenegro upon accession, confirmed by Montenegro upon succession:

[Montenegro] does not consider itself bound by Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide and, therefore, before any dispute to which the [Montenegro] is a party may be validly submitted to the jurisdiction of the International Court of Justice under this Article, the specific and explicit consent of the [Montenegro] is required in each case.

C. INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES, NEW YORK, 17 DECEMBER 1979³

4. IRAN (ISLAMIC REPUBLIC OF), 20 November 2006, 28 November 2006, 27 November 2007

Reservation

Pursuant to Article 16, paragraph 2 of the International Convention against the Taking of Hostages, the Government of the Islamic Republic of Iran declares that it does not consider itself bound by the provisions of Article 16, paragraph 1 of the Convention regarding the reference of any dispute concerning the interpretation, or application of this Convention, which is not settled by negotiation to arbitration or to the International Court of Justice.

Interpretative declaration

The Government of the Islamic Republic of Iran declares its categorical condemnation of each and every act of terrorism, including taking innocent civilians as hostages, which violates human rights and fundamental freedom of human kind, undermines the stability and security of human communities, and hinders countries from development and progress. The Islamic Republic of Iran believes that elimination of terrorism requires a comprehensive campaign by the international community to identify and eradicate political, economic, social and international root causes of the scourge.

The Islamic Republic of Iran further believes that fighting terrorism should not affect the legitimate struggle of peoples under colonial domination and foreign occupation in the exercise of their right of self-determination, as enshrined in a variety of international documents, including the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and Article 1 paragraph 4 of the Protocol I Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts.

D. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM, NEW YORK, 13 APRIL 2005⁴

5. TURKEY, 14 September 2005, 31 October 2005

Upon signature

Declaration

It is the understanding of the Republic of Turkey that the term international humanitarian law in Article 4 (2) of the International Convention for the Suppression of Acts of Nuclear Terrorism, refers to the legal instruments to which Turkey is already party to. The Article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby creating new obligations for the Republic of Turkey.

Reservation

Pursuant to Article 23 (2) of the Convention, the Government of the Republic of Turkey declares that it does not considers itself bound by article 23 (1) of the Convention.

6. EGYPT, 20 September 2005, 3 November 2005

Reservation made upon signature:

The Arab Republic of Egypt declares its commitment to article 4 of the Convention provided that the armed forces of a State do not violate the rules and principles of international law in the exercise of their duties under that article, and also provided that the article is not interpreted as excluding the activities of armed forces during an armed conflict from the scope of application of this Convention on the grounds that the activities of States - under certain legal circumstances - are not considered terrorist activities.

The Arab Republic of Egypt declares that it does not consider itself bound by paragraph 1 of article 23 of the Convention.

E. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, NEW YORK, 13 DECEMBER 2006

7. EL SALVADOR, 30 March 2007, 18 April 2007

Reservation made upon signature

The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.

F. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, NEW YORK, 13 DECEMBER 2006

8. EL SALVADOR, 30 March 2007, 18 April 2007

Reservation made upon signature

The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.

PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

A. EUROPEAN CONVENTION ON EXTRADITION (ETS No. 24), 13 DECEMBER 1957⁵

1. GREECE, 17 October 2006, 20 October 2006, 19 October 2007

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Hellenic Republic notifies that on 9 July 2004 the law nr. 3251/2004 has entered into force, implementing the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA). The Hellenic Republic shall apply this law in relations to Contracting Parties which are Member States of the European Union and have also implemented the Framework Decision on the European arrest warrant.

Note by the Secretariat: The declaration has been formulated in accordance with Article 28, paragraph 3, of the Convention.

2. BULGARIA, 13 November 2006, 24 November 2006, 23 November 2007

On 25 October 2006, the National Assembly of Bulgaria adopted a Law by which it modified the declaration of the Republic of Bulgaria relating to paragraph 1 of Article 6 of the European Convention on Extradition, as follows:

"The Republic of Bulgaria declares that it will refuse extradition of its nationals. The Republic of Bulgaria declares that it will recognize as a national for the purposes of the Convention any person having Bulgarian nationality at the time of receiving the request for extradition."⁶

Note by the Secretariat: The declaration has been formulated in accordance with Article 6, paragraph 1, of the Convention.

3. ROMANIA, 9 February 2007, 23 February 2007, 22 February 2008

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Romania declares that, starting with 1 January 2007, it applies Title III of the Law no. 302/2004 on the judicial cooperation in criminal matter, which implements the provisions of the European Union Council Framework Decision no. 584/JHA of 13 June 2002 on the European arrest warrant and the surrender of all persons between Member States, in relations between Romania and the other Member States of the European Union.

By way of exception, the European Convention on Extradition, done at Paris on 13 December 1957, and its Additional Protocols, done at Strasbourg on 15 October 1975 and 17 March 1978, will continue to apply in the following cases :

a. to the extradition requests made or received before 1 January 2007, which are pending, and also to the requests made on the grounds of Article 14 of the European Convention on Extradition, regarding extradition requests made before that date;

b. to the acts which represent the object of notifications sent by some Member States of the European Union to the General Secretariat of the Council of the European Union according to Article 32 of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, with the meaning that for those acts the provisions of the extradition treaties in force will continue to apply on a transitory basis.

The above does not alter by any means the application of the Convention in relations between Romania and the Parties to the Convention that are not Member States of the European Union.

Note by the Secretariat: The declaration has been formulated in accordance with Article 28, paragraph 3, of the Convention.

**B. EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS,
(ETS No. 30), 20 APRIL 1959⁷**

4. MONACO, 19 March 2007, 23 March 2007, 22 March 2008

Reservations

Regarding Article 2 of the Convention, the Principality of Monaco reserves the right to grant mutual assistance in pursuance of the Convention at the express condition that the results of inquiries as well as information contained in the documents and files transmitted cannot, without its prior consent, be used or transmitted by the authorities of the requesting Party for purposes different from those indicated in the request.

In accordance with Article 5 of the Convention, the Principality of Monaco reserves the ability to submit the execution of letters rogatory, for the purposes of search or seizure of objects, to the conditions provided for by Article 5, paragraph 1, sub-paragraph a of the Convention.

Declarations

The Principality of Monaco declares that it avails itself of the option provided for in Article 7, paragraph 3, and accordingly specifies that service of summonses on accused persons who are in its territory shall be transmitted to Monaco's authorities not less than 30 days before the date set for the appearance of such persons.

The Principality of Monaco declares that the terms "Ministry of Justice", for the purposes of the Convention, apply to the "*Direction des Services Judiciaires*".

The Principality of Monaco declares that it avails itself of the option provided for in Article 15, paragraph 6, of the Convention in relation to paragraphs 2 and 4 of Article 15, so that the provisions of those two paragraphs shall apply as follows:

Article 15, paragraph 2: in case of urgency, when the letters rogatory referred to in Articles 3, 4 and 5 are addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party, a copy thereof shall at the same time be communicated to the Ministry of Justice of the requested Party;

Article 15, paragraph 4: requests for mutual assistance other than those provided for in paragraphs 1 and 3 of Article 15, and in particular, requests for investigation preliminary to prosecution shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and returned by the same channel.

The Principality of Monaco declares that it avails itself of the option provided for in Article 16, paragraph 2, of the Convention and requires that requests for mutual assistance and annexed documents shall be addressed to it accompanied by a translation into French.

Note by the Secretariat: The reservations have been formulated in accordance with Articles 5 and 23 of the Convention. The declarations have been formulated in accordance with Articles 7, 15 and 16 of the Convention

C. EUROPEAN CONVENTION ON THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS (ETS No. 73), 15 MAY 1972⁸

5. MOLDOVA, 23 January 2007, 2 February 2007, 1 February 2008

In accordance with Article 41, paragraph 1, the Republic of Moldova declares that:

- . it will refuse a request for proceedings, if it considers that the offence is a purely religious offence, in accordance with paragraph a of Appendix I;
- . it will refuse a request for proceedings for an act the sanctions for which, in accordance with its own law, can be imposed only by an administrative authority, in accordance with paragraph b of Appendix I;
- . it will not apply Articles 30 and 31 in respect of an act for which the sanctions, in accordance with its own law or that of the other State concerned, can be imposed only by an administrative authority, in accordance with paragraph g of Appendix I.

In accordance with Article 41, paragraph 1 of Appendix II, the Republic of Moldova declares that the term “national” means a citizen of the Republic of Moldova, the foreign citizen or stateless person with residence permits in the Republic of Moldova.

In accordance with Article 13, paragraph 3, the Republic of Moldova declares that the requests for transfer of criminal proceedings formulated during the pre-trial stage shall be addressed to the General Prosecutor’s Office, and the requests formulated during the trial stage shall be addressed to the Ministry of Justice.

In accordance with Article 18, paragraph 2, the Republic of Moldova declares that the requests formulated pursuant to this Convention and the supporting documents shall be transmitted to the authorities of the Republic of Moldova accompanied by a translation into the Moldavian language or into one of the official languages of the Council of Europe.

In accordance with Article 40, paragraph 1, the Republic of Moldova declares that until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

Note by the Secretariat: The reservation has been formulated in accordance with Article 41 and the declarations in accordance with Articles 13, 18 and 40 of the Convention.

D. EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT (ETS NO. 122), 15 OCTOBER 1985⁹

6. FRANCE, 17 January 2007, 2 February 2007, 1 February 2008

The French Republic considers that the provisions of Article 3, paragraph 2, must be interpreted as giving to the States the possibility to make the executive organ answerable to the deliberative organ of a territorial authority.

In accordance with Article 12, paragraph 2, the French Republic considers itself bound by all the paragraphs of Part I of the Charter, except paragraph 2 of Article 7.

In accordance with Article 13, the local and regional authorities to which the Charter applies are the territorial authorities which are named in Articles 72, 73, 74 and in Title XIII of the Constitution or which are created on their basis. The French Republic therefore considers that

the public establishments of intercommunal cooperation, which are not territorial authorities, are excluded from the scope of application of the Charter.

Note by the Secretariat: The first declaration is an interpretative declaration of Article 3, paragraph 2, of the Charter. The other declarations have been formulated in accordance with Articles 12 and 13 of the Charter.

E. EUROPEAN CONVENTION FOR THE PROTECTION OF VERTEBRATE ANIMALS USED FOR EXPERIMENTAL AND OTHER SCIENTIFIC PURPOSES (ETS No. 123), 18 MARCH 1986¹⁰

7. SLOVENIA, 15 December 2006, 15 December 2006, 14 December 2007

In accordance with Article 35, paragraph 1, of the Convention, the Republic of Slovenia declares that it does not consider itself bound by requirements to communicate statistical information referred to in Article 28, paragraph 1.

Note by the Secretariat: The declaration has been formulated in accordance with Article 35, paragraph 1, of the Convention.

F. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (ETS No. 148), 5 NOVEMBER 1992¹¹

8. CZECH REPUBLIC, 15 November 2006, 17 November 2006, 16 November 2007

The Czech Republic hereby declares that it will apply the provisions of the Charter in conformity with its constitutional order and the relevant international treaties by which it is bound.

Though there exists no general legal regulation in the Czech Republic relating to the country's official language, for the purposes of the Charter, regarded as minority languages are languages meeting the conditions of Article 1.a. In conformity with the Charter, the Czech Republic therefore declares that it considers the Slovak, Polish, German and Roma languages as minority languages which are spoken in its territory and in respect of which it will apply the provisions of Part II of the Charter.

The Czech Republic declares that, pursuant to Article 2, paragraph 2, and Article 3, paragraph 1, of the Charter, it will apply the following selected provisions of Part III of the Charter to these languages:

The Polish language in the Moravian-Silesian Region, in the territory of the districts of Frydek-Místek and Karviná:

Article 8, paragraph 1 a (i), a (ii), b (i), b (ii), c (i), c (ii), d (ii), e (iii), f (iii), g, h, i, paragraph 2;
 Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a;
 Article 10, paragraph 1 a (iv), paragraph 2 b, e, f, g, paragraph 4 a, paragraph 5;
 Article 11, paragraph 1 a (iii), b (ii), c (ii), d, e (i), paragraph 2;
 Article 12, paragraph 1 a, f, g, paragraph 2, paragraph 3;
 Article 13, paragraph 1 c, paragraph 2 e;
 Article 14 a, b;

The Slovak language all over the territory of the Czech Republic:

Article 8, paragraph 1 a (iv), b (iv), e (iii), g, i, paragraph 2;
 Article 9, paragraph 1 a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d, paragraph 2 a;

Article 10, paragraph 1 a (iv), a (v), paragraph 2 b, e, f, paragraph 3 c, paragraph 4 a, paragraph 5;
 Article 11, paragraph 1 a (iii), b (ii), d, e (i), paragraph 2;
 Article 12, paragraph 1 a, f, g, paragraph 2, paragraph 3;
 Article 13, paragraph 1 c, paragraph 2 e;
 Article 14 a, b.

Note by the Secretariat: The declarations have been formulated in accordance with Articles 2 and 3 of the Charter.

9. UKRAINE, 19 September 2005, 5 April 2007, 4 April 2008

Ukraine declares that the provisions of the Charter shall apply to the languages of the following ethnic minorities of Ukraine : Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.

Ukraine undertakes obligations under Parts I, II, IV, V of the Charter except paragraph 5 of Article 7 of Part II.

Ukraine declares that the following paragraphs and subparagraphs of Article 8 to 14 of Part III of the Charter shall be applied with respect to each regional language listed above to which the provisions of the Charter shall apply :

- a. Subparagraphs a (iii), b (iv), c (iv), d (iv), e (iii), f (iii), g, h, i of paragraph 1, and paragraph 2 of Article 8;
- b. Subparagraphs a (iii), b (iii), c (iii) of paragraph 1, subparagraph c of paragraph 2 and paragraph 3 of Article 9;
- c. Subparagraphs a, c, d, e, f, g of paragraph 2, and subparagraph c of paragraph 4 of Article 10;
- d. Subparagraphs a (iii), b (ii), c (ii), d, e (i), g of paragraph 1, paragraph 2 and paragraph 3 of Article 11;
- e. Subparagraphs a, b, c, d, f, g of paragraph 1, paragraph 2 and paragraph 3 of Article 12;
- f. Subparagraphs b and c of paragraph 1 of Article 13;
- g. Subparagraphs a and b of Article 14.

Ukraine declares that, in application of the provisions of the Charter, the measures aimed at the establishment of the Ukrainian language as the official language, its development and functioning in all spheres of social life in the whole territory of Ukraine shall not be construed as preventing or threatening the preservation or development of the languages to which the provisions of the Charter shall apply as stated above.

Note by the Secretariat: The declarations have been formulated in accordance with Articles 2 and 3 of the Charter.

G. EUROPEAN CONVENTION ON THE EXERCISE OF CHILDREN'S RIGHTS
(ETS No. 160), 25 JANUARY 1996¹²

10. UKRAINE, 21 December 2006, 12 January 2007, 11 January 2008

In accordance with Article 1, paragraph 4, of the Convention, Ukraine declares that this Convention applies to the consideration by courts of cases concerning:

- . adoption of a child;
- . establishment of tutelage, care about a child;

- . annulment or impugment of parental rights;
- . other matters of relations between parents and a child;
- . any other matters which concern a child personally as well as matters of its family (including its upbringing, restoration of parental rights, management of its property).

Note by the Secretariat: The declaration has been formulated in accordance with Article 1, paragraph 4, of the Convention.

H. EUROPEAN AGREEMENT RELATING TO PERSONS PARTICIPATING IN PROCEEDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS (ETS No. 161), 5 MARCH 1996¹³

11. MONACO, 19 March 2007, 23 March 2007, 22 March 2008

The Principality of Monaco declares that it interprets Article 4, paragraph 1a, of the Agreement as not applying to detained persons.

Note by the Secretariat: The declaration is an interpretative declaration of Article 4, paragraph 1 (a) of the Agreement.

I. CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND DIGNITY OF THE HUMAN BEING WITH REGARD TO THE APPLICATION OF BIOLOGY AND MEDICINE: CONVENTION ON HUMAN RIGHTS AND BIOMEDICINE (ETS No. 164), 4 APRIL 1997¹⁴

12. NORWAY, 13 October 2006, 20 October 2006, 19 October 2007

In accordance with Article 36 of the Convention, the Government of the Kingdom of Norway reserves the right not to apply Article 20, paragraph 2, sub-paragraph ii, of the Convention, to the effect that Norway also authorises the removal of regenerative tissue from persons who do not have the capacity to consent in cases where the recipient is a child or parent of the donor, or in special cases, a close relative of the donor, cf. section 1, third paragraph, item 2, of Act of 9 February 1973 No. 6 relating to transplantation, hospital autopsies and the donation of bodies, etc. (Transplantation Act).

According to section 1, third paragraph, item 2, of the Transplantation Act, the removal of regenerative tissue from persons who do not have the capacity to consent may be authorised in cases where the recipient is a child or parent of the donor, or in special cases, a close relative of the donor, cf. section 1, third paragraph, item 2, of the said Act. Consequently, the provisions of Norwegian law go beyond those of Article 20, paragraph 2, sub-paragraph ii of the Convention, which only authorise the removal of regenerative tissue in cases where the recipient is a brother or a sister of the donor.

Note by the Secretariat: The reservation has been formulated in accordance with Article 36 of the Convention.

J. EUROPEAN CONVENTION ON NATIONALITY (No 166), 6 NOVEMBER 1997¹⁵

13. UKRAINE, 21 December 2006, 12 January 2007, 11 January 2008

In accordance with Article 8, paragraph 2, of the Convention, Ukraine declares that the term “nationals habitually resident abroad” is used in the meaning of “nationals of Ukraine habitually resident abroad in accordance with the national law which regulates the matters of traveling abroad for the citizens of Ukraine”.

In accordance with Article 25, paragraph 1, of the Convention, Ukraine declares that it excludes Chapter VII from the application of the Convention.

Note by the Secretariat: The declarations have been formulated in accordance with Articles 8 and 25 of the Convention.

K. ADDITIONAL PROTOCOL TO THE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS (ETS No. 167), 18 DECEMBER 1997¹⁶

14. IRELAND, 13 December 2006, 15 December 2006, 14 December 2007

Pursuant to Article 3, paragraph 6, of the Additional Protocol, Ireland declares that it will not apply Article 3 of the said Protocol and will not take over the execution of sentences under the circumstances described in Article 3 until notification to the contrary.

Note by the Secretariat: The declaration has been formulated in accordance with Article 3, paragraph 6, of the Protocol.

L. CRIMINAL LAW CONVENTION ON CORRUPTION (ETS No. 173), 27 JANUARY 1999¹⁷

15. MONACO, 19 March 2007, 23 March 2007, 22 March 2008

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal offence the passive bribery of foreign public officials and of members of foreign public assemblies referred to in Articles 5 and 6 of the Convention.

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal offence, in whole or in part, the conduct of trading in influence referred to in Article 12 of the Convention.

In accordance with the provisions of Article 17, paragraph 2, of the Convention, the Principality of Monaco reserves its right not to establish its jurisdiction when the offender is one of its nationals or one of its public officials and when the offences are not punished by the Law of the territory on which they have been committed. When the offence implies one of its public officials or a member of its public or national assemblies or any other person referred to in Articles 9 to 11 who is at the same time one of its nationals, the rules of jurisdiction set in paragraphs 1b and c of Article 17 apply without prejudice of the provisions of Articles 5 to 10 of Monaco's Code of Criminal Procedure concerning the exercise of public action for crimes and offences committed outside of the Principality.

Note by the Secretariat: The reservations have been formulated in accordance with Article 37 of the Convention.

M. CONVENTION ON CYBERCRIME (ETS No. 185), 23 NOVEMBER 2001¹⁸

16. UNITED STATES OF AMERICA, 29 September 2006, 6 October 2006, 5 October 2007

Reservations

The United States of America, pursuant to Articles 4 and 42 of the Convention, reserves the right to require that the conduct result in serious harm, which shall be determined in accordance with applicable United States federal law.

The United States of America, pursuant to Articles 6 and 42 of the Convention, reserves the right not to apply paragraphs (1) (a) (i) and (1) (b) of Article 6 ("Misuses of devices") with respect to devices designed or adapted primarily for the purpose of committing the offenses established in Article 4 ("Data interference") and Article 5 ("System interference").

The United States of America, pursuant to Articles 9 and 42 of the Convention, reserves the right to apply paragraphs (2) (b) and (c) of Article 9 only to the extent consistent with the Constitution of the United States as interpreted by the United States and as provided for under its federal law, which includes, for example, crimes of distribution of material considered to be obscene under applicable United States standards.

The United States of America, pursuant to Articles 10 and 42 of the Convention, reserves the right to impose other effective remedies in lieu of criminal liability under paragraphs 1 and 2 of Article 10 ("Offenses related to infringement of copyright and related rights") with respect to infringements of certain rental rights to the extent the criminalisation of such infringements is not required pursuant to the obligations the United States has undertaken under the agreements referenced in paragraphs 1 and 2.

The United States of America, pursuant to Articles 22 and 42 of the Convention, reserves the right not to apply in part paragraphs (1) (b), (c) and (d) of Article 22 ("Jurisdiction"). The United States does not provide for plenary jurisdiction over offenses that are committed outside its territory by its citizen or on board ships flying its flag or aircraft registered under its laws. However, United States law does provide for jurisdiction over a number of offenses to be established under the Convention that are committed abroad by United States nationals in circumstances implicating particular federal interests, as well as over a number of such offenses committed on board United States-flagged ships or aircraft registered under United States law. Accordingly, the United States will implement paragraphs (1) (b), (c) and (d) to the extent provided for under its federal law.

The United States of America, pursuant to Articles 41 and 42 of the Convention, reserves the right to assume obligations under Chapter II of the Convention in a manner consistent with its fundamental principles of federalism.

Declarations

The United States of America declares, pursuant to Articles 2 and 40, that under United States law, the offenses set forth in Article 2 ("Illegal access") includes an additional requirement of intent to obtain computer data.

The United States of America declares, pursuant to Articles 6 and 40, that under United States law, the offense set forth in paragraph (1) (b) of Article 6 ("Misuse of devices") includes a requirement that a minimum number of items be possessed. The minimum number shall be the same as that provided for by applicable United States federal law.

The United States of America declares, pursuant to Articles 7 and 40, that under United States law, the offense set forth in Article 7 ("Computer-related forgery") includes a requirement of intent to defraud.

En application des articles 27 et 40 de la Convention, les Etats-Unis d'Amérique déclarent que les demandes formulées auprès des Etats-Unis d'Amérique au titre du paragraphe 9.e de l'article 27 ("Procédures relatives aux demandes d'entraide en l'absence d'accords internationaux applicables") doivent être adressées à leur autorité centrale pour l'entraide.

En application de l'article 24, paragraphe 7, de la Convention, les Etats-Unis ne désignent pas d'autorité responsable des demandes d'extradition ou d'arrestation provisoire, en l'absence de traité, étant donné que les Etats-Unis continueront à s'appuyer sur des traités d'extradition bilatéraux, et que l'autorité responsable de l'envoi ou de la réception d'une demande d'extradition au titre des Etats-Unis est établie dans les traités d'extradition bilatéraux applicables.

Note by the Secretariat: The reservations have been formulated in accordance with Articles 4, 6, 9, 10, 22, 41 and 42 and the declarations in accordance with Articles 2, 6, 7, 24, 27 et 40 of the Convention.

17. FINLAND, 24 May 2007, 1st June 2007, 31 May 2008

Pursuant to Article 2 of the Convention, the Republic of Finland declares that it requires for the punishability of illegal access as referred to in the Article that the offence be committed by infringing security measures.

Pursuant to Article 11, paragraph 3, of the Convention, the Republic of Finland declares that it will not apply paragraph 2 of the same article, concerning the criminalisation of attempt, to petty criminal damage nor petty forgery.

Pursuant to Article 14, paragraph 3.a, of the Convention, the Republic of Finland declares that it only applies Article 20 to offences aimed at a computer system committed by using telecommunications terminal equipment, pandering, threatening of persons to be heard in the administration of justice, menace, narcotic offences or attempts of the above, preparation of offences to be committed with terrorist intent and offences punishable by imprisonment of at least four years.

Pursuant to Article 14, paragraph 3.b, of the Convention, the Republic of Finland declares that it does not apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system if the system is being operated for the benefit of a closed group of users and does not employ public communications networks and is not connected with another computer system, whether public or private.

Note by the Secretariat: The reservations have been formulated in accordance with Articles 11 and 14 and the declaration in accordance with Article 2 of the Convention

N. PROTOCOL NO. 13 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, CONCERNING THE ABOLITION OF THE DEATH PENALTY IN ALL CIRCUMSTANCES (ETS No. 187), 3 MAY 2002

18. MOLDOVA, 18 October 2006, 20 October 2006, 19 October 2007

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

Note by the Secretariat: Moldova has formulated a similar declaration to several other treaties of the Council of Europe.

O. ADDITIONAL PROTOCOL TO THE CONVENTION ON CYBERCRIME, CONCERNING THE CRIMINALISATION OF ACTS OF A RACIST AND XENOPHOBIC NATURE COMMITTED THROUGH COMPUTER SYSTEMS (ETS No. 189), 28 JANUARY 2003¹⁹

19. LITHUANIA, 12 October 2006, 27 October 2006, 26 October 2007

In accordance with Article 6, paragraph 2, subparagraph a, and Article 12, paragraph 3, of the Additional Protocol to the Convention on Cybercrime, the Republic of Lithuania states that criminal liability for denial or gross minimisation arises if it has been committed “with the intent to incite hatred, discrimination or violence against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors”.

Note by the Secretariat: The declaration has been formulated in accordance with Articles 6, paragraph 2, and 12, paragraph 3, of the Protocol.

20. UKRAINE, 21 December 2006, 12 January 2007, 11 January 2007

In accordance with Article 6, paragraph 2, subparagraph a, of the Additional Protocol to the Convention on Cybercrime, Ukraine declares that it shall require that denial or gross minimization referred to in paragraph 1 of that Article is committed with the intention to provoke hatred, discrimination or violence against any person or group of persons based on signs of race, colour, national or ethnic origin as well as faith if they are used as a reason for any of those actions.

Note by the Secretariat: The declaration has been formulated in accordance with Article 6, paragraph 2, of the Protocol.

P. PROTOCOL AMENDING THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM (ETS No. 190), 15 MAY 2003²⁰

21. RUSSIA, 4 October 2006, 6 October 2006, 5 October 2007

The Russian Federation assumes that the provisions of Article 4 of the Protocol shall be applied in such a way as to ensure inevitable liability for the commitment of crimes falling within the scope of the Protocol, without prejudice to effective international co-operation in extradition and legal assistance matters.

Note by the Secretariat: The declaration of Russia is an interpretative declaration of Article 4 of the Protocol.

22. UKRAINE, 21 December 2006, 12 January 2007, 11 January 2008

In accordance with Article 3, paragraph 2, of the Protocol amending the European Convention on the Suppression of Terrorism, Ukraine declares that it shall consider the Convention as the legal basis for the cooperation in matters of extradition of offenders in relation with the States Parties in case of unavailability of an international extradition treaty.

Note by the Secretariat: The declaration has been formulated in accordance with Article 3,

paragraph 2, of the Protocol.

Q. 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), 13 MAY 2004

23. POLAND, 12 October 2006, 27 October 2006, 26 October 2007

The Government of the Republic of Poland declares that it interprets the amendments introduced by Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, in accordance with the provisions of Article 59, paragraph 3, of the said Convention, following the general principle of non-retroactivity of treaties, contained in Article 28 of the Vienna Convention on the Law of Treaties of 23 May 1969.

Note by the Secretariat: The declaration of Poland is an interpretative declaration of the provisions of Protocol No. 14.
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R. COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM (CETS No. 196), 16 MAY 2005²¹

24. UKRAINE, 21 December 2006, 12 January 2007, 11 January 2008

In accordance with Article 22, paragraph 4, of the Convention, Ukraine reserves the right not to be bound by the conditions established in accordance with paragraph 2 of this Article by the Party which gives the information, unless it shall receive in advance the notification about the nature of the information given and give its consent to the transfer of the information.

In accordance with Article 18, paragraph 2, of the Convention, Ukraine declares that it shall not extradite citizens of Ukraine to another state. For the purpose of this Convention any person shall be considered as a citizen of Ukraine who in accordance with the Ukrainian laws is a citizen of Ukraine at the moment of decision making about his/her extradition.

In accordance with Article 19, paragraph 2, of the Convention, Ukraine declares that in case of receiving of a request about extradition of a transgressor from a Party to this Convention with which the extradition treaty is not available, it shall consider this Convention as a legal basis for extradition of the offenders concerning the offences set forth in Articles 5-7 and 9 of this Convention.

Note by the Secretariat: The declaration has been formulated in accordance with Articles 18 and 19 of the Convention. The reservation has been formulated in accordance with Article 22 of the Convention.

25. DENMARK, 24 April 2007, 4 May 2007, 3 May 2008

In accordance with Article 20 (2) of the Convention, the Government of the Kingdom of Denmark declares that it reserves the right to not apply Article 20 (1) as far as extradition in respect of the offences referred to in Article 5, including Article 5 in relation to Article 9, is concerned.

The Government of the Kingdom of Denmark declares that until further notice the Convention will not apply to the Feroe Islands and to Greenland.

Note by the Secretariat: The reservation has been formulated in accordance with Article 20 of
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the Convention. The declaration has been formulated in accordance with Article 25 of the Convention.

S. COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (CETS NO. 197), 16 MAY 2005

26. GEORGIA, 14 March 2007, 16 March 2007, 15 March 2008

Georgia declares that, until the restoration of the territorial integrity of Georgia, the Convention shall apply on the part of the territory of Georgia where Georgia exercises its full jurisdiction.

Note by the Secretariat: Georgia has formulated a similar declaration to several other treaties of the Council of Europe.

T. COUNCIL OF EUROPE CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME AND ON THE FINANCING OF TERRORISM (CETS No. 198), 16 MAY 2005²²

27. TURKEY, 28 March 2007, 30 March 2007, 29 March 2008

In accordance with Article 53, paragraph 1, the Republic of Turkey declares that Article 3, paragraph 1, shall apply only to offences punishable by deprivation of liberty or a detention order for a maximum of more than one year as defined in its domestic law and without prejudice to minimum limits of sentences.

In accordance with Article 53, paragraph 1, the Republic of Turkey declares that Article 9, paragraph 1, shall apply only to offences punishable by deprivation of liberty or a detention order for a maximum of more than one year as defined in its domestic law and without prejudice to minimum limits of sentences.

In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Article 9, paragraph 6, shall apply only to offences defined in its domestic law.

In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Article 46, paragraph 5, shall apply only to cases which are in competence of the Ministry of Finance, Financial Crimes Investigation Board (MASAK), in accordance with its domestic law.

In accordance with Article 46, paragraph 13, the Republic of Turkey declares that the Ministry of Finance, Financial Crimes Investigation Board (MASAK), is the Turkish FIU within the meaning of this Article.

In accordance with Article 53, paragraph 2, the Republic of Turkey declares that Financial Crimes Investigation Board (MASAK) shall adopt the measures defined in Article 47 as far as its domestic law permits.

Note by the Secretariat: The declarations have been formulated in accordance with Articles 46 and 53 of the Convention.

28. ROMANIA, 21 February 2007, 4 May 2007, 3 May 2008

In accordance with Article 24, paragraph 3, of the Convention, the provisions of Article 24, paragraph 2 shall apply only subject to the constitutional principles and the basic concepts of the Romanian legal system;

In accordance with Article 35, paragraphs 1 and 3, of the Convention, the requests and the documents supporting such requests addressed to Romanian authorities shall be accompanied by a translation in Romanian language or in one of the official languages of the Council of Europe.

In accordance with Article 42, paragraph 2, of the Convention, the information or evidence provided under the provisions of Chapter IV of the Convention may not be used or transmitted without its prior consent by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

In accordance with Article 53, paragraph 4, of the Convention, the provisions of Article 3, paragraph 4 shall apply only partially, in conformity with the principles of the domestic law.

Note by the Secretariat: The declarations have been formulated in accordance with Articles 24, 35, 42 and 53 of the Convention.

¹ *Relevant provisions:*

Article 3 :

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 9 :

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 14 :

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 18 :

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 23 :

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

² *Relevant provisions:*

Article IX :

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

³ *Relevant provisions:*

Article 16 :

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General in the United Nations.

⁴ *Relevant provisions:*

Article 4 :

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities

undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention, does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 23:

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 on the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

⁵ *Relevant provisions:*

Article 6 – Extradition of nationals

- 1
 - a A Contracting Party shall have the right to refuse extradition of its nationals.
 - b Each Contracting Party may, by a declaration made at the time of signature or of deposit of its instrument of ratification or accession, define as far as it is concerned the term "nationals" within the meaning of this Convention.
 - c Nationality shall be determined as at the time of the decision concerning extradition. If, however, the person claimed is first recognised as a national of the requested Party during the period between the time of the decision and the time contemplated for the surrender, the requested Party may avail itself of the provision contained in sub-paragraph a of this article.

Article 28 – Relations between this Convention and bilateral Agreements

(...)

3 Where, as between two or more Contracting Parties, extradition takes place on the basis of a uniform law, the Parties shall be free to regulate their mutual relations in respect of extradition exclusively in accordance with such a system notwithstanding the provisions of this Convention. The same principle shall apply as between two or more Contracting Parties each of which has in force a law providing for the execution in its territory of warrants of arrest issued in the territory of the other Party or Parties. Contracting Parties which exclude or may in the future exclude the application of this Convention as between themselves in accordance with this paragraph shall notify the Secretary General of the Council of Europe accordingly. The Secretary General shall inform the other Contracting Parties of any notification received in accordance with this paragraph.

⁶ **Note by the Secretariat:** The declaration as amended on 6 January 2004 read as follows: "The Republic of Bulgaria declares that it will recognize as a national for the purposes of the Convention any person having Bulgarian nationality at the time of receiving the request for extradition."

⁷ *Relevant provisions:*

Article 2

Assistance may be refused:

- a if the request concerns an offence which the requested Party considers a political offence, an offence connected with a political offence, or a fiscal offence;
- b if the requested Party considers that execution of the request is likely to prejudice the sovereignty, security, *ordre public* or other essential interests of its country.

Article 5

1 Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, reserve the right to make the execution of letters rogatory for search or seizure of property dependent on one or more of the following conditions:

- a that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the requested Party;

(...)

2 Where a Contracting Party makes a declaration in accordance with paragraph 1 of this article, any other Party may apply reciprocity.

Article 7

(...)

- 3 Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, request that service of a summons on an accused person who is in its territory be transmitted to its authorities by a certain time before the date set for appearance. This time shall be specified in the aforesaid declaration and shall not exceed 50 days.

This time shall be taken into account when the date of appearance is being fixed and when the summons is being transmitted.

Article 15

- 1 Letters rogatory referred to in Articles 3, 4 and 5 as well as the applications referred to in Article 11 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and shall be returned through the same channels.
- 2 In case of urgency, letters rogatory may be addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party. They shall be returned together with the relevant documents through the channels stipulated in paragraph 1 of this article.
- 3 Requests provided for in paragraph 1 of Article 13 may be addressed directly by the judicial authorities concerned to the appropriate authorities of the requested Party, and the replies may be returned directly by those authorities. Requests provided for in paragraph 2 of Article 13 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party.
- 4 Requests for mutual assistance, other than those provided for in paragraphs 1 and 3 of this article and, in particular, requests for investigation preliminary to prosecution, may be communicated directly between the judicial authorities.
- 5 In cases where direct transmission is permitted under this Convention, it may take place through the International Criminal Police Organisation (Interpol).
- 6 A Contracting Party may, when signing this Convention or depositing its instrument of ratification or accession, by a declaration addressed to the Secretary General of the Council of Europe, give notice that some or all requests for assistance shall be sent to it through channels other than those provided for in this article, or require that, in a case provided for in paragraph 2 of this article, a copy of the letters rogatory shall be transmitted at the same time to its Ministry of Justice.
- 7 The provisions of this article are without prejudice to those of bilateral agreements or arrangements in force between Contracting Parties which provide for the direct transmission of requests for assistance between their respective authorities.

Article 16

(...)

- 2 Each Contracting Party may, when signing or depositing its instrument of ratification or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, reserve the right to stipulate that requests and annexed documents shall be addressed to it accompanied by a translation into its own language or into either of the official languages of the Council of Europe or into one of the latter languages, specified by it. The other Contracting Parties may apply reciprocity.

Article 23

- 1 Any Contracting Party may, when signing this Convention or when depositing its instrument of ratification or accession, make a reservation in respect of any provision or provisions of the Convention.
- 2 Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Secretary General of the Council of Europe.
- 3 A Contracting Party which has made a reservation in respect of a provision of the Convention may not claim application of the said provision by another Party save in so far as it has itself accepted the provision.

⁸ *Relevant provisions:*

Article 13

(...)

- 3 Any Contracting State may, by declaration addressed to the Secretary General of the Council of Europe, give notice of its intention to adopt in so far as it itself is concerned rules of transmission other than those laid down in paragraph 1 of this article.

Article 18

(...)

- 2 Any Contracting State may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, by declaration addressed to the Secretary General of the Council of Europe, reserve the right to require that, with the exception of the copy of the written decision referred to in Article 16, paragraph 2, the said documents be accompanied by a translation. The other Contracting States shall send the translations in either the national language of the receiving State or such one of the official languages of the Council of Europe as

the receiving State shall indicate. However, such an indication is not obligatory. The other Contracting States may claim reciprocity.

Article 40

- 1 Any Contracting State may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Convention shall apply.

Article 41

- 1 Any Contracting State may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, declare that it avails itself of one or more of the reservations provided for in Appendix I or make a declaration provided for in Appendix II to this Convention.

⁹ *Relevant provisions:*

Article 3 – Concept of local self-government

(...)

- 2 This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

Article 7 – Conditions under which responsibilities at local level are exercised

- 1 The conditions of office of local elected representatives shall provide for free exercise of their functions.
- 2 They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.

Article 13 – Authorities to which the Charter applies

The principles of local self-government contained in the present Charter apply to all the categories of local authorities existing within the territory of the Party. However, each Party may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe.

¹⁰ *Relevant provisions:*

Article 28

- 1 Subject to requirements of national legislation relating to secrecy and confidentiality, each Party shall communicate every year to the Secretary General of the Council of Europe information in respect of the items mentioned in paragraph 2 of Article 27, presented in the form set out in Appendix B to this Convention.

Article 35

- 1 Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations. No reservations may, however, be made in respect of Articles 1 to 14 or Articles 18 to 20.

¹¹ *Relevant provisions:*

Article 1 – Definitions

For the purposes of this Charter:

- a “regional or minority languages” means languages that are:
 - i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
 - ii different from the official language(s) of that State;
 it does not include either dialects of the official language(s) of the State or the languages of migrants;

Article 2 – Undertakings

(...)

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

Article 3 – Practical arrangements

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

¹² *Relevant provisions:*

Article 1 – Scope and object of the Convention

(...)

- 4 Every State shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, specify at least three categories of family cases before a judicial authority to which this Convention is to apply.

¹³ *Relevant provisions:*

Article 4

- 1 a The Contracting Parties undertake not to hinder the free movement and travel, for the purpose of attending and returning from proceedings before the Court, of persons referred to in paragraph 1 of Article 1 of this Agreement.
- b No restrictions shall be placed on their movement and travel other than such as are in accordance with the law and necessary in a democratic society in the interests of national security or public safety, for the maintenance of ordre public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

¹⁴ *Relevant provisions:*

Article 20 – Protection of persons not able to consent to organ removal

- 1 No organ or tissue removal may be carried out on a person who does not have the capacity to consent under Article 5.
- 2 Exceptionally and under the protective conditions prescribed by law, the removal of regenerative tissue from a person who does not have the capacity to consent may be authorised provided the following conditions are met:
- i there is no compatible donor available who has the capacity to consent;
 - ii the recipient is a brother or sister of the donor;
 - iii the donation must have the potential to be life-saving for the recipient;
 - iv the authorisation provided for under paragraphs 2 and 3 of Article 6 has been given specifically and in writing, in accordance with the law and with the approval of the competent body;
 - v the potential donor concerned does not object.

Article 36 – Reservations

- 1 Any State and the European Community may, when signing this Convention or when depositing the instrument of ratification, acceptance, approval or accession, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
- 2 Any reservation made under this article shall contain a brief statement of the relevant law.
- 3 Any Party which extends the application of this Convention to a territory mentioned in the declaration referred to in Article 35, paragraph 2, may, in respect of the territory concerned, make a reservation in accordance with the provisions of the preceding paragraphs.
- 4 Any Party which has made the reservation mentioned in this article may withdraw it by means of a declaration 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 one month after the date of its receipt by the Secretary General.

¹⁵ *Relevant provisions:*

Article 8 – Loss of nationality at the initiative of the individual

- 1 Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless.
- 2 However, a State Party may provide in its internal law that renunciation may be effected only by nationals who are habitually resident abroad.

Article 25 – Declarations concerning the application of the Convention

- 1 Each State may declare, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, that it will exclude Chapter VII from the application of the Convention.

¹⁶ *Relevant provisions:*

Article 3 – Sentenced persons subject to an expulsion or deportation order

- 1 Upon being requested by the sentencing State, the administering State may, subject to the provisions of this Article, agree to the transfer of a sentenced person without the consent of that person, where the sentence passed on the latter, or an administrative decision consequential to that sentence, includes an expulsion or deportation order or any other measure as the result of which that person will no longer be allowed to remain in the territory of the sentencing State once he or she is released from prison.

2 The administering State shall not give its agreement for the purposes of paragraph 1 before having taken into consideration the opinion of the sentenced person.

3 For the purposes of the application of this Article, the sentencing State shall furnish the administering State with:

- a a declaration containing the opinion of the sentenced person as to his or her proposed transfer, and
- b a copy of the expulsion or deportation order or any other order having the effect that the sentenced person will no longer be allowed to remain in the territory of the sentencing State once he or she is released from prison.

4 Any person transferred under the provisions of this Article shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any offence committed prior to his or her transfer other than that for which the sentence to be enforced was imposed, nor shall he or she for any other reason be restricted in his or her personal freedom, except in the following cases:

- a when the sentencing State so authorises: a request for authorisation shall be submitted, accompanied by all relevant documents and a legal record of any statement made by the convicted person; authorisation shall be given when the offence for which it is requested would itself be subject to extradition under the law of the sentencing State or when extradition would be excluded only by reason of the amount of punishment;
- b when the sentenced person, having had an opportunity to leave the territory of the administering State, has not done so within 45 days of his or her final discharge, or if he or she has returned to that territory after leaving it.

5 Notwithstanding the provisions of paragraph 4, the administering State may take any measures necessary under its law, including proceedings in absentia, to prevent any legal effects of lapse of time.

6 Any contracting State may, by way of a declaration addressed to the Secretary General of the Council of Europe, indicate that it will not take over the execution of sentences under the circumstances described in this Article.

¹⁷ *Relevant provisions:*

Article 5 – Bribery of foreign public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving a public official of any other State.

Article 6 – Bribery of members of foreign public assemblies

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person who is a member of any public assembly exercising legislative or administrative powers in any other State.

Article 12 – Trading in influence

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person referred to in Articles 2, 4 to 6 and 9 to 11 in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result.

Article 17 – Jurisdiction

1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over a criminal offence established in accordance with Articles 2 to 14 of this Convention where:

- a the offence is committed in whole or in part in its territory;
- b the offender is one of its nationals, one of its public officials, or a member of one of its domestic public assemblies;
- c the offence involves one of its public officials or members of its domestic public assemblies or any person referred to in Articles 9 to 11 who is at the same time one of its nationals.

2 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1 b and c of this article or any part thereof.

3 If a Party has made use of the reservation possibility provided for in paragraph 2 of this article, it shall adopt such measures as may be necessary to establish jurisdiction over a criminal offence established in accordance with this Convention, in cases where an alleged offender is present in its territory and it does not extradite him to another Party, solely on the basis of his nationality, after a request for extradition.

4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with national law.

Article 37 – Reservations

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, reserve its right not to establish as a criminal offence under its domestic law, in part or in whole, the conduct referred to in Articles 4, 6 to 8, 10 and 12 or the passive bribery offences defined in Article 5.

2 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession declare that it avails itself of the reservation provided for in Article 17, paragraph 2.

3 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession declare that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which the requested Party considers a political offence.

4 No State may, by application of paragraphs 1, 2 and 3 of this article, enter reservations to more than five of the provisions mentioned thereon. No other reservation may be made. Reservations of the same nature with respect to Articles 4, 6 and 10 shall be considered as one reservation."

¹⁸ *Relevant provisions:*

Article 2 – Illegal access

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.

Article 4 – Data interference

1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.

2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.

Article 6 – Misuse of devices

1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:

- a the production, sale, procurement for use, import, distribution or otherwise making available of:
 - i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5;
 - ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed,

with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and

- b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.

2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.

3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.

Article 7 – Computer-related forgery

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.

Article 9 – Offences related to child pornography

1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:

- a producing child pornography for the purpose of its distribution through a computer system;
- b offering or making available child pornography through a computer system;
- c distributing or transmitting child pornography through a computer system;

-
- d procuring child pornography through a computer system for oneself or for another person;
 - e possessing child pornography in a computer system or on a computer-data storage medium.
- 2 For the purpose of paragraph 1 above, the term “child pornography” shall include pornographic material that visually depicts:

(...)

- b a person appearing to be a minor engaged in sexually explicit conduct;
- 4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.

Article 10 – Offences related to infringements of copyright and related rights

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.
- 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.
- 3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party’s international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.

Article 11 – Attempt and aiding or abetting

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed.
- 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention.
- 3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.

Article 14 – Scope of procedural provisions

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings.
- 2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to:
- a the criminal offences established in accordance with Articles 2 through 11 of this Convention;
 - b other criminal offences committed by means of a computer system; and
 - c the collection of evidence in electronic form of a criminal offence.
- 3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20.
- b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system:
 - i is being operated for the benefit of a closed group of users, and
 - ii does not employ public communications networks and is not connected with another computer system, whether public or private,
 that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21.

Article 20 – Real-time collection of traffic data

- 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:
 - a collect or record through the application of technical means on the territory of that Party, and
 - b compel a service provider, within its existing technical capability:
 - i to collect or record through the application of technical means on the territory of that Party; or
 - ii to co-operate and assist the competent authorities in the collection or recording of,
 traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system.
- 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory.
- 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.
- 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

Article 21 – Interception of content data

- 1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to:
 - a collect or record through the application of technical means on the territory of that Party, and
 - b compel a service provider, within its existing technical capability:
 - i to collect or record through the application of technical means on the territory of that Party, or
 - ii to co-operate and assist the competent authorities in the collection or recording of,
 content data, in real-time, of specified communications in its territory transmitted by means of a computer system.
- 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory.
- 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.
- 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

Article 22 – Jurisdiction

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:
 - (..)
 - d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.

Article 24 – Extradition

- 1
 - a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty.
 - b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.
- 2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.
- 3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article.

4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.

5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.

6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.

7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty.

b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements

1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.

2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.

b The central authorities shall communicate directly with each other;

c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph;

d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.

4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if:

a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or

b it considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests.

5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.

6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.

7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.

8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.

b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol).

- c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.
- d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.
- e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.

Article 41 – Federal clause

- 1 A federal State may reserve the right to assume obligations under Chapter II of this Convention consistent with its fundamental principles governing the relationship between its central government and constituent States or other similar territorial entities provided that it is still able to co-operate under Chapter III.
- 2 When making a reservation under paragraph 1, a federal State may not apply the terms of such reservation to exclude or substantially diminish its obligations to provide for measures set forth in Chapter II. Overall, it shall provide for a broad and effective law enforcement capability with respect to those measures.
- 3 With regard to the provisions of this Convention, the application of which comes under the jurisdiction of constituent States or other similar territorial entities, that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States of the said provisions with its favourable opinion, encouraging them to take appropriate action to give them effect.

Article 42 – Reservations

By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.

¹⁹ *Relevant provisions:*

Article 6 – Denial, gross minimisation, approval or justification of genocide or crimes against humanity

- 1 Each Party shall adopt such legislative measures as may be necessary to establish the following conduct as criminal offences under its domestic law, when committed intentionally and without right:
 - distributing or otherwise making available, through a computer system to the public, material which denies, grossly minimises, approves or justifies acts constituting genocide or crimes against humanity, as defined by international law and recognised as such by final and binding decisions of the International Military Tribunal, established by the London Agreement of 8 August 1945, or of any other international court established by relevant international instruments and whose jurisdiction is recognised by that Party.
- 2 A Party may either
 - a require that the denial or the gross minimisation referred to in paragraph 1 of this article is committed with the intent to incite hatred, discrimination or violence against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors, or otherwise
 - b reserve the right not to apply, in whole or in part, paragraph 1 of this article.

Article 12 – Reservations and declarations

(...)

- 3 By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the possibility of requiring additional elements as provided for in Article 5, paragraph 2.a, and Article 6, paragraph 2.a, of this Protocol.

²⁰ *Relevant provisions:*

Article 3

(...)

- 2 The text of Article 4 of the Convention shall be supplemented by the following paragraph:
 - “2 When a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, the requested Contracting State may, at its discretion, consider this Convention as a legal basis for extradition in relation to any of the offences mentioned in Articles 1 or 2.”.

Article 4

- 1 The text of Article 5 of the Convention shall become paragraph 1 of this article.
- 2 The text of Article 5 of the Convention shall be supplemented by the following paragraphs:
- “2 Nothing in this Convention shall be interpreted as imposing on the requested State an obligation to extradite if the person subject of the extradition request risks being exposed to torture.
- 3 Nothing in this Convention shall be interpreted either as imposing on the requested State an obligation to extradite if the person subject of the extradition request risks being exposed to the death penalty or, where the law of the requested State does not allow for life imprisonment, to life imprisonment without the possibility of parole, unless under applicable extradition treaties the requested State is under the obligation to extradite if the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be imposed or, where imposed, will not be carried out, or that the person concerned will not be subject to life imprisonment without the possibility of parole.”

²¹ *Relevant provisions:*

Article 18 – Extradite or prosecute

(...)

- 2 Whenever a Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that Party to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this Party and the Party seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1

Article 19 – Extradition

- 1 The offences set forth in Articles 5 to 7 and 9 of this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Convention. Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.
- 2 When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, if it so decides, consider this Convention as a legal basis for extradition in respect of the offences set forth in Articles 5 to 7 and 9 of this Convention. Extradition shall be subject to the other conditions provided by the law of the requested Party.
- 3 Parties which do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Articles 5 to 7 and 9 of this Convention as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.
- 4 Where necessary, the offences set forth in Articles 5 to 7 and 9 of this Convention shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 14.
- 5 The provisions of all extradition treaties and agreements concluded between Parties in respect of offences set forth in Articles 5 to 7 and 9 of this Convention shall be deemed to be modified as between Parties to the extent that they are incompatible with this Convention.

Article 20 – Exclusion of the political exception clause

- 1 None of the offences referred to in Articles 5 to 7 and 9 of this Convention, shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence, an offence connected with a political offence, or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
- 2 Without prejudice to the application of Articles 19 to 23 of the Vienna Convention on the Law of Treaties of 23 May 1969 to the other Articles of this Convention, any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession of the Convention, declare that it reserves the right to not apply paragraph 1 of this Article as far as extradition in respect of an offence set forth in this Convention is concerned. The Party undertakes to apply this reservation on a case-by-case basis, through a duly reasoned decision.

Article 22 – Spontaneous information

- 1 Without prejudice to their own investigations or proceedings, the competent authorities of a Party may, without prior request, forward to the competent authorities of another Party information obtained within the framework of their own investigations, when they consider that the disclosure of such information might assist the Party receiving the information in initiating or carrying out investigations or proceedings, or might lead to a request by that Party under this Convention.

- 2 The Party providing the information may, pursuant to its national law, impose conditions on the use of such information by the Party receiving the information.
- 3 The Party receiving the information shall be bound by those conditions.
- 4 However, any Party may, at any time, by means of a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to be bound by the conditions imposed by the Party providing the information under paragraph 2 above, unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

Article 25 – Territorial application

- 1 Any State or the European Community 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.

²² *Relevant provisions:*

Article 24 – Execution of confiscation

- 1 The procedures for obtaining and enforcing the confiscation under Article 23 shall be governed by the law of the requested Party.
- 2 The requested Party shall be bound by the findings as to the facts in so far as they are stated in a conviction or judicial decision of the requesting Party or in so far as such conviction or judicial decision is implicitly based on them.
- 3 Each State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that paragraph 2 of this article applies only subject to its constitutional principles and the basic concepts of its legal system.
- 4 If the confiscation consists in the requirement to pay a sum of money, the competent authority of the requested Party shall convert the amount thereof into the currency of that Party at the rate of exchange ruling at the time when the decision to enforce the confiscation is taken.
- 5 In the case of Article 23, paragraph 1.a, the requesting Party alone shall have the right to decide on any application for review of the confiscation order.

Article 35 – Form of request and languages

- 1 All requests under this chapter shall be made in writing. They may be transmitted electronically, or by any other means of telecommunication, provided that the requesting Party is prepared, upon request, to produce at any time a written record of such communication and the original. However each Party may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, indicate the conditions in which it is ready to accept and execute requests received electronically or by any other means of communication.
- 2 Subject to the provisions of paragraph 3 of this article, translations of the requests or supporting documents shall not be required.
- 3 At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, any State or the European Community may communicate to the Secretary General of the Council of Europe a declaration that it reserves the right to require that requests made to it and documents supporting such requests be accompanied by a translation into its own language or into one of the official languages of the Council of Europe or into such one of these languages as it shall indicate. It may on that occasion declare its readiness to accept translations in any other language as it may specify. The other Parties may apply the reciprocity rule.

Article 42 – Restriction of use

- 1 The requested Party may make the execution of a request dependent on the condition that the information or evidence obtained will not, without its prior consent, be used or transmitted by the authorities of the requesting Party for investigations or proceedings other than those specified in the request.
- 2 Each State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by declaration addressed to the Secretary General of the Council of Europe, declare that, without its prior consent, information or evidence provided by it under this chapter may not be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

Article 46 – Co-operation between FIUs

- 13 Parties shall indicate the unit which is an FIU within the meaning of this article.

Article 53 – Declarations and reservations

- 1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more of the declaration provided for in Article 3, paragraph 2, Article 9, paragraph 4, Article 17, paragraph 5, Article 24, paragraph 3, Article 31, paragraph 2, Article 35, paragraphs 1 and 3 and Article 42, paragraph 2.

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