



Protocol to the Convention on Insider Trading *

Strasbourg, 11.IX.1989

Preamble

The member States of the Council of Europe, signatories to the Convention on Insider Trading (hereinafter called "the Convention") and to this Protocol,

Having regard to the undertakings contained in Chapters II and III of the Convention relating to exchange of information and mutual assistance in criminal matters respectively;

Considering that between States members of the European Economic Community the application of Community rules should be reserved,

Have agreed as follows:

Article 1

The following provision shall be inserted in the Convention:

"Article 16 bis

In their mutual relations, Parties which are members of the European Economic Community shall apply Community rules and shall therefore not apply the rules arising from this Convention except in so far as there is no Community rule governing the particular subject concerned."

Article 2

This Protocol shall be open for signature by the member States of the Council of Europe signatories to the Convention. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 3

This Protocol shall enter into force:

- either on the same date as the Convention, if on that date all Contracting States to the Convention have expressed their consent to be bound by this Protocol in accordance with the provisions of Article 2;

(*) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

- or subsequently, on the first day of the month after the date on which all Contracting States to the Convention have expressed their consent to be bound by this Protocol in accordance with the provisions of Article 2.

Article 4

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c the date of entry into force of this Protocol in accordance with the provisions of Article 3;
- d any other act, declaration, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, the 11th September 1989, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.