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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Reactions to reservations and declarations to international treaties
previously examined by the CAHDI**

47th meeting
Strasbourg, 20-21 March 2014

Public International Law Division and Treaty Office
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FOREWORD

Since 1998, the CAHDI operates as European Observatory of Reservations to International Treaties and regularly considers a list of outstanding reservations.

This document presents the reactions of member and observer States of the CAHDI to outstanding reservations and declarations examined by the Committee and for which the deadline for objection has expired. To this end, a table of objections to the reservations and declarations examined at the 45th (Strasbourg, 25-26 March 2013) and 46th (Strasbourg, 16-17 September 2013) meetings of the CAHDI is set out.

Appendix I contains the text of the reservations and declarations to treaties concluded outside the Council of Europe. Appendix II presents the text of the reservations and declarations to treaties concluded within the Council of Europe. The format of the information contained in these appendices is the following:

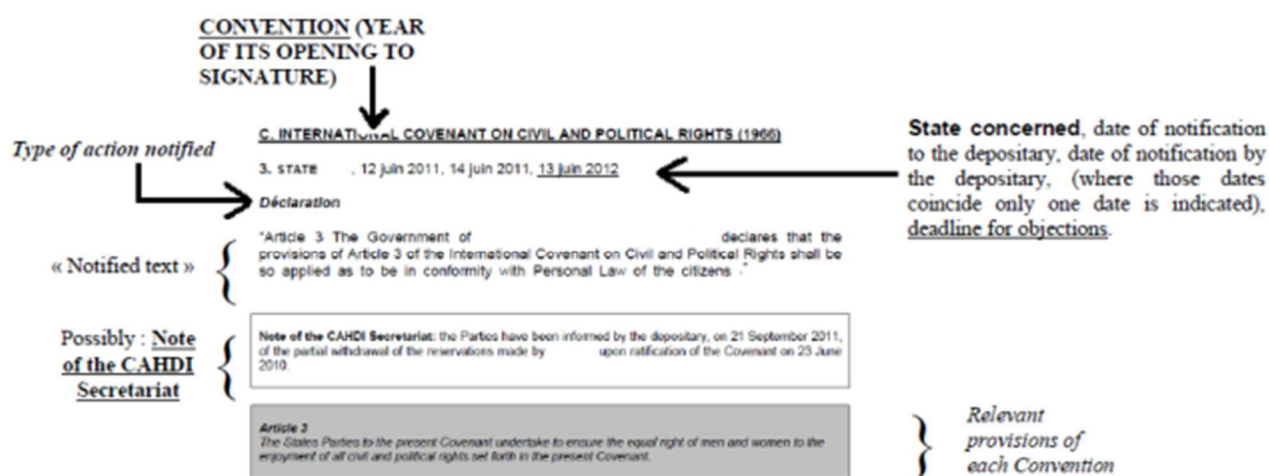


TABLE OF OBJECTIONS

LEGEND / LÉGENDE

Sign. : Made upon signature / *Formulée lors de la signature*

- State has objected / *L'Etat a fait objection*
- ◆ State has made a declaration / *L'Etat a fait une déclaration*
- ◀ State has objected to the original reservation(s), in case of a (partial) withdrawal / *L'Etat a fait objection à la (aux) réserve(s) originelle(s), en cas de retrait (partiel)*
- State considers the reservation to have been formulated belatedly / *L'Etat considère que la réserve est formulée tardivement*

TREATIES / TRAITES

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE / RESERVES ET DECLARATIONS AUX TRAITES CONCLUS EN DEHORS DU CONSEIL DE L'EUROPE

- A. Convention relating to the Status of Stateless Persons / *Convention relative au statut des apatrides* (1954)
- B. Convention on the Recognition and Enforcement of Foreign Arbitral Awards / *Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères* (1958)
- C. International Convention on the Elimination of All Forms of Racial Discrimination (1966) / *Convention internationale sur l'élimination de toutes les formes de discriminations raciales* (1966)
- D. United Nations Convention on the Law of the Sea / *Conventions des Nations Unies sur le droit de la mer* (1982)
- E. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment / *Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants* (1984)
- F. Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction / *Convention sur l'interdiction de l'emploi, du stockage, de la production et du transfert des mines antipersonnel et sur leur destruction* (1997)
- G. Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations / *Convention de Tampere sur la mise à disposition de ressources de télécommunication pour l'atténuation des effets des catastrophes et pour les opérations de secours en cas de catastrophe* (1998)
- H. International Convention for the Suppression of the Financing of Terrorism / *Convention internationale pour la répression du financement du terrorisme* (1999)
- I. United Nations Convention against Transnational Organized Crime / *Convention des Nations Unies contre la criminalité transnationale organisée* (2000)
- J. Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography / *Protocol facultatif à la Convention relative aux droits de l'enfant, concernant la vente d'enfants, la prostitution d'enfants et la pornographie mettant en scène des enfants* (2000)
- K. WHO Framework Convention on Tobacco Control / *Convention-Cadre de l'OMS pour la lutte anti-tabac* (2003)
- L. International Convention for the Suppression of Acts of Nuclear Terrorism / *Convention internationale pour la répression des actes de terrorisme nucléaire* (2005)
- M. Convention on the Rights of Persons with Disabilities / *Convention relative aux droits des personnes handicapées* (2006)

RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES / RESERVES ET DECLARATIONS AUX TRAITES DU CONSEIL DE L'EUROPE

- N. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence / *Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique* (2011)

[illegible]

¹ Objection to the reservation made upon signature / *Objection à la réserve formulée lors de la signature.*

Conventions		Conventions concluded outside the Council of Europe / <i>Conventions conclues en dehors du Conseil de l'Europe</i>																		CoE Conve ntions
		A	B		C	D		E		F	G	H	I	J	K	L		M		
Reservation/Réserve		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	N
CAHDI members, participants and observers ↓	State / <i>Etat</i> Deadline / délai	Rep. of Moldova <i>Rep. de Moldova</i> 19/04/13	Tajikistan <i>Tadjikistan</i> 21/08/13	Honduras 26/08/13	Grenada / <i>Grenade</i> 15/08/2013	Timor-Leste 15/01/14	Ecuador/ <i>Equateur</i> 23/10/13	United Arab Emirates <i>Emirats Arabes Unis</i> 23/07/13	Lao PDR / <i>RDP Lao</i> 25/09/13	Poland / <i>Pologne</i> 26/12/13	Luxembourg 10/06/13	Namibia/Namibie 17/10/13	VietNam 13/06/13	Malaysia <i>Malaisie</i> 18/04/13	Czech Rep. <i>Rep. Tchèque</i> 14/06/13	Turkey / <i>Turquie</i> 23/09/13	Costa Rica 03/03/2014	Israel / <i>Israël</i> 27/09/13	Malta / <i>Malte</i> 10/10/2013	Poland / <i>Pologne</i> 20/12/03
							●	●	●			●				◆	●			
Netherlands / <i>Pays-Bas</i>								●	●			●					●			
Norway/ <i>Norvège</i>									◆			●								
Poland/ <i>Pologne</i>												●								
Portugal								●	●			●								
Romania/ <i>Roumanie</i>								●												
Russian Federation/ <i>Fédération de Russie</i>																				
San Marino/ <i>Saint-Marin</i>																				
Serbia/ <i>Serbie</i>																				
Slovakia/ <i>Slovaquie</i>												●								
Slovenia/ <i>Slovénie</i>																				
Spain/ <i>Espagne</i>												●								
Sweden/ <i>Suède</i>							●	●	●			●								
Switzerland/ <i>Suisse</i>								●				●								
"the former Yugoslav Republic of Macedonia"/ <i>"l'ex-République yougoslave de Macédoine"</i>																				
Turkey/ <i>Turquie</i>																				
Ukraine																				
United Kingdom/ <i>Royaume-Uni</i>									●			●								
Australia / <i>Australie</i>																				
Canada												●								
Holy See/ <i>Saint-Siège</i>																				
Israel																				
Japan/ <i>Japon</i>																				
Mexico/ <i>Mexique</i>																				
New Zealand / <i>Nouvelle-Zélande</i>																				
United States of America/ <i>Etats-Unis d'Amérique</i>												●								

APPENDIX I

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

A. CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS (1954)

1. REPUBLIC OF MOLDOVA, 19 April 2012, 20 April 2012, 19 April 2013

Reservations

“According to article 38 part 1 from the Convention, [the] Republic of Moldova reserves the right to apply [the] provisions of articles 23, 24, 25 and 31 from the Convention according to the national legislation.

According to article 38 part 1 from the Convention, [the] Republic of Moldova reserves the right to apply the provisions of article 27 from the Convention only in regards with stateless which statute has being recognized by the Republic of Moldova, and for that who have permission to stay on the territory of [the] Republic of Moldova.”

Article 23 – Public relief

The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24 – Labour legislation and social security

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities; remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Article 25 – Administrative assistance

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting State in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

Article 27 – Identity papers

The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

Article 31 – Expulsion

1. *The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.*
2. *The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.*
3. *The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.*

Article 38 - Reservations

1. *At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1) and 33 to 42 inclusive.*
2. *Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.*

B. CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (1958)**2. TAJIKISTAN**, 14 August 2012, 22 August 2012, 21 August 2013**Reservation**

“The Republic of Tajikistan will apply this Convention to differences and arbitral [a]wards arising out after entering into force of this Convention with respect to the Republic of Tajikistan and made in the territory of another Contracting State;

The Republic of Tajikistan will not apply this Convention with regard to differences related to immovable property.”

3. HONDURAS, 21 August 2012, 27 August 2012, 26 August 2013**Late declaration**

“The State of Honduras will apply the Convention to the recognition and execution of arbitral [awards] issued in the territory of another Contracting State. Also, it will only apply the Convention to the differences arising out of legal relationships, whether contractual or not, considered as commercial by national legislation.

In keeping with the depositary practice followed in similar cases, the Secretary General proposes to receive the declaration in question for deposit in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of one year from the date of the present notification. In the absence of any such objection, the said declaration will be accepted for deposit upon the above-stipulated one year period, that is on 27 August 2013.”

Article I

(...)

3. *When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.*

C. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (1966)

4. GRENADA, 10 May 2013, 15 May 2013, 15 August 2013¹

Declaration

“The Constitution of Grenada entrenches and guarantees to every person in the State of Grenada the fundamental rights and freedoms of the individual irrespective of his race or place of origin. The Constitution prescribes judicial processes to be observed in the event of the violation of any of these rights whether by the State or by a private individual. Ratification of the Convention by Grenada does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligations to introduce judicial processes beyond those provided in the Constitution.

The Government of Grenada interprets article 4 of the said Convention as requiring a Party to the Convention to enact measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only where it considers that the need arises to enact such legislation.”

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;*
- b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;*
- c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.*

D. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982)

5. TIMOR-LESTE, 8 January 2013, 16 January 2013, 15 January 2014

Declaration

“1. Timor-Leste reaffirms, for the purposes of delimitation of the territorial sea, the Continental shelf and the exclusive economic zone, its rights under domestic law, that historically incorporate the eastern part of island of Timor, the enclave Oecusse-Ambeno, the island of Ataúro and the island of Jaco;

2. Ratification by Timor-Leste of this Convention does not imply the automatic recognition of any maritime or land boundary;

3. Timor-Leste does not consider itself bound by the declarations made by other States and it reserves its position as regards each declaration to be expressed in due time;

4. For the purposes of article 287 of the Convention, Timor-Leste declares that, in the absence of non-judicial means for the settlement of disputes arising out of the application of this Convention, it will choose one of the following means for the settlement of disputes:

- a) The International Tribunal for the Law of the Sea, established in pursuance of Annex VI;
- b) The International Court of Justice;
- c) An arbitral tribunal, constituted in accordance with Annex VII;
- d) A special arbitral tribunal, constituted in accordance with Annex VIII.”

¹ Under the terms of Article 20 paragraph 1 of the Convention: “The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.”

Article 287 – Choice of procedure

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI;

(b) the International Court of Justice;

(c) an arbitral tribunal constituted in accordance with Annex VII;

(d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.

2. A declaration made under paragraph 1 shall not affect or be affected by the obligation of a State Party to accept the jurisdiction of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to the extent and in the manner provided for in Part XI, section 5.

3. A State Party, which is a party to a dispute not covered by a declaration in force, shall be deemed to have accepted arbitration in accordance with Annex VII.

4. If the parties to a dispute have accepted the same procedure for the settlement of the dispute, it may be submitted only to that procedure, unless the parties otherwise agree.

5. If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree.

6. A declaration made under paragraph 1 shall remain in force until three months after notice of revocation has been deposited with the Secretary-General of the United Nations.

7. A new declaration, a notice of revocation or the expiry of a declaration does not in any way affect proceedings pending before a court or tribunal having jurisdiction under this article, unless the parties otherwise agree.

8. Declarations and notices referred to in this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

6. ECUADOR, 24 September 2012, 24 October 2012, 23 October 2013**Declaration**

I. The Ecuadorian State, pursuant to article 4 of the Constitution of the Republic, which provides that "the territory of Ecuador constitutes a single geographical and historical unit with natural, social and cultural dimensions, the legacy of our forebears and ancestral peoples. This territory includes the continental and maritime space, the adjacent islands, the territorial sea, the Galapagos Archipelago, the soil, the continental shelf, the subsoil and the superjacent continental, island and maritime space. Its boundaries are those established in the treaties in force", confirms the full validity of the Declaration of Santiago on the Maritime Zone, signed in Santiago, Chile, on 18 August 1952, by means of which Chile, Ecuador and Peru declared "... as a norm of their international maritime policy, the exclusive sovereignty and jurisdiction that each of them possesses in respect of the sea adjacent to the coasts of their respective countries, up to a minimum distance of 200 nautical miles from those coasts..." in order "... to ensure that their peoples have the necessary livelihood conditions and to provide them with the means for their economic development...";

II. The Ecuadorian State, in accordance with the provisions of the Convention, exercises sovereignty and jurisdiction over the 200 nautical miles that comprise the following maritime spaces:

1. Internal waters, which are the waters on the landward side of the baselines;
2. The territorial sea, which extends from the baselines to a limit not exceeding 12 nautical miles;
3. The exclusive economic zone, which is an area that extends for 188 nautical miles from the outer limits of the territorial sea; and,
4. The continental shelf;

III. Ecuador shall exercise its sovereign jurisdiction and competence, without limitation or restriction of any type, in the internal waters and the 12 nautical miles of the territorial sea, measured from the baselines. It guarantees the right of coastal and non-coastal countries to continuous and expeditious innocent passage of their ships, with the obligation that they comply with the provisions of the Ecuadorian State, and provided that such passage is not prejudicial to the peace, good order or security of the State;

IV. In the exclusive economic zone, the Republic of Ecuador shall have the following rights and obligations:

1. Exclusive sovereignty for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil;

2. Exclusive sovereignty for the purposes of the economic exploitation and exploration of the zone, such as the production of energy from the water, marine currents and winds;
3. Exercise of the exclusive right to authorize, regulate and undertake the construction, operation and use of all types of artificial islands, installations and structures within the 200 miles of its maritime territory, including the continental shelf;
4. The other rights and duties laid down in the Convention;
5. All other States, whether coastal or land-locked, enjoy the freedoms of navigation, overflight and the laying of submarine cables and pipelines, subject to the provisions of the Convention.

The other States shall observe and comply with the laws, rules and regulations issued by the Ecuadorian State in its capacity as a coastal State;

V. With regard to the continental shelf, the Ecuadorian State exercises exclusive sovereign rights for the purposes of exploring, conserving and exploiting its natural resources, and no one may exploit them without its express consent.

The Ecuadorian State declares that, within the timeframe and the conditions set forth in article 76 of the Convention, it will make use of its right to extend its continental shelf to a distance of 350 nautical miles measured from the baselines of the Galapagos Archipelago;

VI. Ecuador reiterates the full force and validity of Supreme Decree No. 959-A, published on 28 June 1971 in Official Register No. 265 of 13 July 1971, by means of which it established its straight baselines in accordance with international law. It reaffirms that the said lines in the Galapagos Archipelago are determined by the common geological origin of those islands, their historical unity and the fact that they belong to Ecuador, as well as the need to protect and preserve their unique ecosystems. The baselines, from which the maritime spaces described in paragraph II of the present Declaration are measured, are as follows:

1. Continental baselines:

- (a) The line will start from the point of intersection of the maritime boundary with Colombia with the straight line Punta Manglares (Colombia) - Punta Galera (Ecuador);
- (b) From this point, a straight line passing through Punta Galera and meeting the most northerly point of Isla de la Plata;
- (c) From this point a straight line to Puntilla de Santa Elena;
- (d) A straight line from Puntilla de Santa Elena in the direction of Cabo Blanco (Peru) to the intersection with the geographical parallel that constitutes the maritime boundary with Peru.

2. Insular baselines:

- (a) From Islote Darwin, a straight line to the north-eastern tip of Isla Pinta;
- (b) A straight line to the most northerly point of Isla Genovesa;
- (c) A straight line passing through Punta Valdizan, Isla San Cristobal, and intersecting the northern extension of the straight line joining the south-eastern tip of Isla Española with Punta Pitt, Isla San Cristobal;
- (d) A straight line from this intersection to the south-eastern tip of Isla Española;
- (e) A straight line to Punta Sur, Isla Santa Maria;
- (f) A straight line passing through the south-eastern tip of Isla Santa Isabela, near Punta Essex, and intersecting the southern extension of the line joining the outermost projecting point of the western coast of Isla Fernandina, approximately in its centre, with the western tip of the southern part of Isla Isabela, in the vicinity of Punta Cristobal;
- (g) From this point of intersection a line passing through the western tip of the southern part of Isla Isabela, in the vicinity of Punta Cristobal, to the outermost projecting point of the western coast of Isla Fernandina, approximately in its centre;
- (h) A straight line to Isla Darwin;

VII. With regard to the delimitation of the maritime spaces adjacent to the continental territory of Ecuador, the State declares that this is determined by the delimitation treaties in force and constituted by the geographical parallels extending from the points where the land boundaries reach the sea;

VIII. It confirms the full validity of the international instruments applicable to the Galapagos Archipelago, by means of which it has been listed as a United Nations Educational, Scientific and Cultural Organization (UNESCO) Natural Heritage for Humanity site and a biosphere reserve of the UNESCO Man and the Biosphere Programme.

The Ecuadorian State therefore exercises full jurisdiction and sovereignty over the Galapagos Marine Reserve, established by the law on the special regime for the conservation and sustainable development of the province of Galapagos, published in Official Register No. 278 of 18 March 1998, as well as over the Particularly Sensitive Sea area and the "area to be avoided", both established by the International Maritime Organization;

IX. Ecuador declares that the Gulf of Guayaquil is a historic bay, owing to its traditional use and exploitation by the people of Ecuador, as well as the positive influence of the waters of the Guayas river in generating an ecosystem rich in natural resources;

X. The Ecuadorian State declares that it has the exclusive right to regulate uses or activities not expressly provided for in the Convention (residual rights and jurisdiction) that relate to its rights within the 200 nautical miles, as well as any future expansion of the said rights;

XI. It declares that States whose warships, naval auxiliaries, or other vessels or aircraft that, subject to prior notification of and authorization by the Ecuadorian State, may pass through the maritime spaces subject to its sovereignty and jurisdiction, are liable for any damage they cause by polluting the marine environment, pursuant to articles 235 and 236 of the Convention;

XII. In accordance with the relevant provisions of the Convention, when the same or associated fish stocks are found both within the Ecuadorian 200-mile zone and in a maritime area adjacent to the said zone, the States whose nationals fish for those species in the area adjacent to the Ecuadorian zone must agree with the Ecuadorian State the measures necessary to conserve and protect them, as well as to promote their optimum utilization. In the absence of such agreement, Ecuador reserves to itself the exercise of its rights under article 116 and other provisions of the Convention, as well as all other relevant rules of international law;

XIII. The Ecuadorian State, in cases where it is party to a commercial contract in the Area of the seabed, will not submit itself to binding commercial arbitration, as this is prohibited by article 422 of its Constitution. In such cases, it will provide prior express notice of the dispute resolution mechanism to which it will submit, provided that this does not involve the transfer of its sovereign jurisdiction.

XIV. In accordance with article 287 of the Convention, Ecuador chooses, for the settlement of disputes concerning the interpretation or application of the Convention:

1. The International Tribunal for the Law of the Sea;
2. The International Court of Justice;
3. A special tribunal constituted in accordance with Annex VIII, for one or more of the categories of disputes relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping;

XV. With regard to article 297, paragraphs 2 and 3 of the Convention, the Government of Ecuador will not accept the submission to the procedures provided for in Part XV, section 2, of disputes relating to the exercise of its rights in relation to scientific research, as well as with respect to the regulation of fisheries within the 200 nautical miles, including its discretionary powers for determining the catch, its harvesting capacity, the allocation of surpluses, if any, and the terms and conditions established in its conservation and management laws and regulations;

XVI. With regard to the provisions of article 297, paragraph 3, subparagraphs (b) (iii) and (c), Ecuador will not accept the validity of any report of the conciliation commission that substitutes its discretion for that of the Ecuadorian State in relation to the use of surplus living resources within its areas of sovereignty and jurisdiction, in application of articles 62, 69 and 70 of the Convention, or whose recommendations entail effects detrimental to Ecuadorian fishing activities;

XVII. In accordance with article 298 of the Convention, Ecuador declares that it does not accept any of the procedures provided for in Part XV, section 2, with respect to the categories of disputes described in paragraph 1, subparagraphs (a), (b) and (c), of the said article 298;

XVIII. The Ecuadorian State declares, in accordance with articles 5 and 416 of the Constitution of the Republic, that its maritime spaces constitute a zone of peace; consequently, no military exercises or manoeuvres of any type, nor any shipping activities that threaten or could threaten peace and security, may be conducted without its express consent.

Furthermore, it hereby declares that prior notification and authorization shall be required for the transit through its maritime spaces of ships powered by nuclear energy or transporting radioactive, toxic, hazardous or harmful substances.

Subsequently, the Government of Ecuador notified the Secretary-General that it wished to clarify that, in respect of paragraph XIII of the aforementioned Declaration, in cases where Ecuador is party to a contract relating to activities in the Area of the seabed, Ecuador recognizes the competence of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea.

Due to the number of relevant provisions of the Convention to which this Declaration refers, it has been decided not to include them in this document.

For online readers, the text of the Convention is available at [the following link](#).

E. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)

7. UNITED ARAB EMIRATES, 19 July 2012, 24 July 2012, 23 July 2013

Reservations

"In accordance with paragraph 1 of article 28 of the Convention, the United Arab Emirates declares that it does not recognize the competence of the Committee against Torture referred to in article 20 of the Convention.

In accordance with paragraph 2 of article 30 of the Convention, the United Arab Emirates does not consider itself bound by paragraph 1 of article 30 relating to arbitration in this Convention."

Declaration

"The United Arab Emirates also confirms that the lawful sanctions applicable under national law, or pain or suffering arising from or associated with or incidental to these lawful sanctions, do not fall under the concept of "torture" defined in article 1 of this Convention or under the concept of cruel, inhuman or degrading treatment or punishment mentioned in this Convention."

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report

made in accordance with article 24.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20. (...)

Article 30

(...) 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 having made such a reservation. (...)

8. LAO PEOPLE'S DEMOCRATIC REPUBLIC, 26 September 2012, 25 September 2013

Declarations

"It is the understanding of the Government of the Lao People's Democratic Republic that the term 'torture' in Article 1, paragraph 1, of the Convention means torture as defined in both national law and international law.

The Government of the Lao People's Democratic Republic declares that, pursuant to Article 8, paragraph 2 of the Convention, it makes extradition conditional on the existence of a treaty. Therefore, it does not consider the Convention as the legal basis for extradition in respect of the offences set forth therein. It further declares that bilateral agreements will be the basis for extradition as between the Lao People's Democratic Republic and other States Parties in respect of any offences."

Article 1 is reproduced above.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offenses. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested state.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

F. CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION (1997)

9. POLAND, 27 December 2012, 26 December 2013

Declaration

"It is the understanding of the Government of the Republic of Poland that the mere participation in the planning or execution of operations, exercises or other military activity by the Polish Armed Forces, or individual Polish nationals, conducted in combination with the armed forces of States not party to the [Convention], which engage in activity prohibited under that Convention, is not, by itself, assistance, encouragement or inducement for the purposes of Article 1, paragraph (c) of the Convention."

Article 1 General obligations

1. Each State Party undertakes never under any circumstances:

a) To use anti-personnel mines;

b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;

c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

G. TAMPERE CONVENTION ON THE PROVISION OF TELECOMMUNICATION RESOURCES FOR DISASTER MITIGATION AND RELIEF OPERATIONS (1998)

10. LUXEMBOURG, 8 June 2012, 11 June 2012, 10 June 2013

Reservation

“To the extent to which certain provisions of the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations fall within the area of responsibility of the European Community, the full implementation of the Convention by Luxembourg has to be done in accordance with the procedures of this international organisation.”

H. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (1999)

11. NAMIBIA, 18 October 2012, 17 October 2013

Reservation

“That a struggle waged by people in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces, shall not be considered as terrorist acts.”

I. UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000)

12. VIET NAM, 8 June 2012, 14 June 2012, 13 June 2013

Reservation

“The Socialist Republic of Viet Nam does not consider itself bound by the provisions of paragraph 2 of Article 35 of this Convention.

Declarations

The Socialist Republic of Viet Nam declares that the provisions of the United Nations Convention against Transnational Organized Crime are non-self-executing. The implementation of provisions of this Convention shall be in accordance with Constitutional principles and substantive law of the Socialist Republic of Viet Nam, on the basis of bilateral or multilateral cooperative agreements with other States and the principle of reciprocity.

Pursuant to principles of the Vietnamese law, the Socialist Republic of Viet Nam declares that it does not consider itself bound by the provisions with regard to the criminal liability of legal persons set forth in Article 10 of this Convention.

The Socialist Republic of Viet Nam, pursuant to Article 16 of this Convention, declares that it shall not take this Convention as the direct legal basis for extradition. The Socialist Republic of Viet Nam shall carry out extradition in accordance with the provisions of the Vietnamese law, on the basis of treaties on extradition and the principle of reciprocity.”

Article 10 – Liability of legal persons

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.
 4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Article 16 - Extradition

(...) 14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

Article 35 – Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

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

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

J. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (2000)

13. MALAYSIA, 12 April 2012, 19 April 2012, 18 April 2013

Declaration

"1. The Government of Malaysia declares that the words 'any representation' in article 2 paragraph (c), shall be interpreted to mean 'any visual representation'.

2. The Government of Malaysia understands that article 3 paragraph (1)(a)(ii) of the said Optional Protocol is applicable only to States Parties to the Convention on Protection of Children and cooperation in Respect of Intercountry Adoption, done at the Hague on 29 May 1993."

Article 2

For the purpose of the present Protocol:

(...) (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2: (...)

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption; (...)"

K. WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (2003)

14. CZECH REPUBLIC, 1 June 2012, 15 June 2012, 14 June 2013

Interpretative declaration

"The Czech Republic makes the following interpretative declaration to the Convention:

The Czech Republic welcomes international cooperation in the field of tobacco control aimed at strengthening public health protection.

The Czech Republic declares that it does not consider guidelines adopted by the Conference of the Parties as instruments directly establishing legal obligations under the Convention.

The Czech Republic declares that it will not support any future proposals amending the Convention or relating to its Protocols which would be in contradiction with the constitutional principles of the Czech Republic as well as commitments arising from its membership in the European Union and from international agreements on free trade to which the Czech Republic has acceded.

The Czech Republic also declares that it considers Article 5 (3) a provision not affecting the right to non-discriminatory treatment of the tobacco industry by the Parties and thus permitting the necessary extent of cooperation with the tobacco industry as regards tobacco control."

Article 5 – General obligations

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and
(b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.

3. In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

L. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM (2005)

15. TURKEY, 24 September 2012, 23 September 2013

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 Turkey."

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.

16. COSTA RICA, 21 February 2013, 4 March 2013, 3 March 2014**Interpretative declaration**

“Article 3 of the Act approving the Convention establishes that “The Government of Costa Rica affirms that article 15 of the Convention, in accordance with article 31 of the Political Constitution, shall be interpreted to mean that the State does not relinquish its power to classify [an offence] in the specific case when a request for extradition is reviewed.””

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as 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.

M. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (2006)**17. ISRAEL**, 28 September 2012, 27 September 2013**Reservation**

“The State of Israel expresses its reservation with regard to the provisions concerning marriage in Article 23 (1) (a) of the Convention, to the extent that the laws on personal status, which are binding on the various religious communities in Israel, do not conform with these provisions”

Article 23 - Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized ;(...)

Article 46 - Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

18. MALTA, 10 October 2012, 11 October 2012, 10 October 2013**Reservation**

“Pursuant to Article 29 (a) (i) and (iii) of the Convention, while the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including the exercise of their right to vote by secret ballot in elections and referenda, and to stand for elections, Malta makes the following reservations:

With regard to (a) (i):

Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned.

With regard to (a) (iii):

Malta reserves the right to continue to apply its current electoral legislation in so far as assistance in voting procedures is concerned.”

Article 29 - Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis

with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;*
- ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;*
- iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;*

[...]

APPENDIX II

RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

N. COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (2011)

19. POLAND, 18 December 2012, 21 December 2012, 20 December 2013

Declaration upon signature

“The Republic of Poland declares that it will apply the Convention in accordance with the principles and the provisions of the Constitution of the Republic of Poland.”

Article 78 – Reservations

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.

2. Any State or the European Union 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 provisions laid down in:

- Article 30, paragraph 2;
- Article 44, paragraphs 1.e, 3 and 4;
- Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
- Article 58 in respect of Articles 37, 38 and 39;
- Article 59.

3. Any State or the European Union 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 to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.

4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.