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No. 17 (2003) Cm 5990



Treaty Series No. 27 (2006)

# Criminal Law Convention on Corruption

Strasbourg, 27 January 1999

[The United Kingdom instrument of ratification was deposited on 9 December 2003 and the  
Convention entered into force for the United Kingdom on 1 April 2004]

# Additional Protocol to the Criminal Law Convention on Corruption

Strasbourg, 15 May 2003

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*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
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# CRIMINAL LAW CONVENTION ON CORRUPTION

## Preamble

The member States of the Council of Europe and the other States signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Recognising the value of fostering co-operation with the other States signatories to this Convention;

Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against corruption, including the adoption of appropriate legislation and preventive measures;

Emphasising that corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society;

Believing that an effective fight against corruption requires increased, rapid and well-functioning international co-operation in criminal matters;

Welcoming recent developments which further advance international understanding and co-operation in combating corruption, including actions of the United Nations, the World Bank, the International Monetary Fund, the World Trade Organisation, the Organisation of American States, the OECD and the European Union;

Having regard to the Programme of Action against Corruption adopted by the Committee of Ministers of the Council of Europe in November 1996 following the recommendations of the 19th Conference of European Ministers of Justice (Valletta, 1994);

Recalling in this respect the importance of the participation of non-member States in the Council of Europe's activities against corruption and welcoming their valuable contribution to the implementation of the Programme of Action against Corruption;

Further recalling that Resolution No. 1 adopted by the European Ministers of Justice at their 21st Conference (Prague, 1997) recommended the speedy implementation of the Programme of Action against Corruption, and called, in particular, for the early adoption of a criminal law convention providing for the co-ordinated incrimination of corruption offences, enhanced co-operation for the prosecution of such offences as well as an effective follow-up mechanism open to member States and non-member States on an equal footing;

Bearing in mind that the Heads of State and Government of the Council of Europe decided, on the occasion of their Second Summit held in Strasbourg on 10 and 11 October 1997, to seek common responses to the challenges posed by the growth in corruption and adopted an Action Plan which, in order to promote co-operation in the fight against corruption, including its links with organised crime and money laundering, instructed the Committee of Ministers, inter alia, to secure the rapid completion of international legal instruments pursuant to the Programme of Action against Corruption;

Considering moreover that Resolution (97) 24 on the 20 Guiding Principles for the Fight against Corruption, adopted on 6 November 1997 by the Committee of Ministers at its 101st Session, stresses the need rapidly to complete the elaboration of international legal instruments pursuant to the Programme of Action against Corruption;

In view of the adoption by the Committee of Ministers, at its 102nd Session on 4 May 1998, of Resolution (98) 7 authorising the partial and enlarged agreement establishing the "Group of States against Corruption – GRECO", which aims at improving the capacity of its members to fight corruption by following up compliance with their undertakings in this field,

Have agreed as follows:

## CHAPTER I

### USE OF TERMS

#### ARTICLE 1

##### **Use of terms**

For the purposes of this Convention:

- (a) “public official” shall be understood by reference to the definition of “official”, “public officer”, “mayor”, “minister” or “judge” in the national law of the State in which the person in question performs that function and as applied in its criminal law;
- (b) the term “judge” referred to in sub-paragraph a above shall include prosecutors and holders of judicial offices;
- (c) in the case of proceedings involving a public official of another State, the prosecuting State may apply the definition of public official only insofar as that definition is compatible with its national law;
- (d) “legal person” shall mean any entity having such status under the applicable national law, except for States or other public bodies in the exercise of State authority and for public international organisations.

## CHAPTER II

### MEASURES TO BE TAKEN AT NATIONAL LEVEL

#### ARTICLE 2

##### **Active bribery of domestic public officials**

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, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions.

#### ARTICLE 3

##### **Passive bribery of domestic public officials**

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 request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

#### ARTICLE 4

##### **Bribery of members of domestic 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 domestic public assembly exercising legislative or administrative powers.

#### 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 7

##### **Active bribery in the private sector**

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 in the course of business activity, the promising, offering or giving, directly or indirectly, of any undue advantage to any persons who direct or work for, in any capacity, private sector entities, for themselves or for anyone else, for them to act, or refrain from acting, in breach of their duties.

#### ARTICLE 8

##### **Passive bribery in the private sector**

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, in the course of business activity, the request or receipt, directly or indirectly, by any persons who direct or work for, in any capacity, private sector entities, of any undue advantage or the promise thereof for themselves or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in breach of their duties.

## ARTICLE 9

### **Bribery of officials of international organisations**

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 official or other contracted employee, within the meaning of the staff regulations, of any public international or supranational organisation or body of which the Party is a member, and any person, whether seconded or not, carrying out functions corresponding to those performed by such officials or agents.

## ARTICLE 10

### **Bribery of members of international parliamentary 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 Article 4 when involving any members of parliamentary assemblies of international or supranational organisations of which the Party is a member.

## ARTICLE 11

### **Bribery of judges and officials of international courts**

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 involving any holders of judicial office or officials of any international court whose jurisdiction is accepted by the Party.

## 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 13

### **Money laundering of proceeds from corruption offences**

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 the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Products from Crime (ETS No. 141)<sup>1</sup>, Article 6, paragraphs 1 and 2, under the conditions referred to therein, when the predicate offence consists of any of the criminal offences established

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<sup>1</sup> Treaty Series No. 59 (1993) CM 2337.



in accordance with Articles 2 to 12 of this Convention, to the extent that the Party has not made a reservation or a declaration with respect to these offences or does not consider such offences as serious ones for the purpose of their money laundering legislation.

#### ARTICLE 14

##### **Account offences**

Each Party shall adopt such legislative and other measures as may be necessary to establish as offences liable to criminal or other sanctions under its domestic law the following acts or omissions, when committed intentionally, in order to commit, conceal or disguise the offences referred to in Articles 2 to 12, to the extent the Party has not made a reservation or a declaration:

- (a) creating or using an invoice or any other accounting document or record containing false or incomplete information;
- (b) unlawfully omitting to make a record of a payment.

#### ARTICLE 15

##### **Participatory acts**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law aiding or abetting the commission of any of the criminal offences established in accordance with this Convention.

#### ARTICLE 16

##### **Immunity**

The provisions of this Convention shall be without prejudice to the provisions of any Treaty, Protocol or Statute, as well as their implementing texts, as regards the withdrawal of immunity.

#### 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 18

### **Corporate liability**

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for the criminal offences of active bribery, trading in influence and money laundering established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a power of representation of the legal person; or
- an authority to take decisions on behalf of the legal person; or
- an authority to exercise control within the legal person;

as well as for involvement of such a natural person as accessory or instigator in the above-mentioned offences.

2. Apart from the cases already provided for in paragraph 1, each Party shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of the criminal offences mentioned in paragraph 1 for the benefit of that legal person by a natural person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators of, or accessories to, the criminal offences mentioned in paragraph 1.

## ARTICLE 19

### **Sanctions and measures**

1. Having regard to the serious nature of the criminal offences established in accordance with this Convention, each Party shall provide, in respect of those criminal offences established in accordance with Articles 2 to 14, effective, proportionate and dissuasive sanctions and measures, including, when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.

2. Each Party shall ensure that legal persons held liable in accordance with Article 18, paragraphs 1 and 2, shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

3. Each Party shall adopt such legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences established in accordance with this Convention, or property the value of which corresponds to such proceeds.

## ARTICLE 20

### **Specialised authorities**

Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption. They shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. The Party shall ensure that the staff of such entities has adequate training and financial resources for their tasks.

## ARTICLE 21

### **Co-operation with and between national authorities**

Each Party shall adopt such measures as may be necessary to ensure that public authorities, as well as any public official, co-operate, in accordance with national law, with those of its authorities responsible for investigating and prosecuting criminal offences:

- (a) by informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the criminal offences established in accordance with Articles 2 to 14 has been committed, or
- (b) by providing, upon request, to the latter authorities all necessary information.

## ARTICLE 22

### **Protection of collaborators of justice and witnesses**

Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for:

- (a) those who report the criminal offences established in accordance with Articles 2 to 14 or otherwise co-operate with the investigating or prosecuting authorities;
- (b) witnesses who give testimony concerning these offences.

## ARTICLE 23

### **Measures to facilitate the gathering of evidence and the confiscation of proceeds**

1. Each Party shall adopt such legislative and other measures as may be necessary, including those permitting the use of special investigative techniques, in accordance with national law, to enable it to facilitate the gathering of evidence related to criminal offences established in accordance with Article 2 to 14 of this Convention and to identify, trace, freeze and seize instrumentalities and proceeds of corruption, or property the value of which corresponds to such proceeds, liable to measures set out in accordance with paragraph 3 of Article 19 of this Convention.
2. Each Party shall adopt such legislative and other measures as may be necessary to empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized in order to carry out the actions referred to in paragraph 1 of this Article.
3. Bank secrecy shall not be an obstacle to measures provided for in paragraphs 1 and 2 of this Article.

## CHAPTER III

### MONITORING OF IMPLEMENTATION

#### ARTICLE 24

##### **Monitoring**

The Group of States against Corruption (GRECO) shall monitor the implementation of this Convention by the Parties.

## CHAPTER IV

### INTERNATIONAL CO-OPERATION

#### ARTICLE 25

##### **General principles and measures for international co-operation**

1. The Parties shall co-operate with each other, in accordance with the provisions of relevant international instruments on international co-operation in criminal matters, or arrangements agreed on the basis of uniform or reciprocal legislation, and in accordance with their national law, to the widest extent possible for the purposes of investigations and proceedings concerning criminal offences established in accordance with this Convention.
2. Where no international instrument or arrangement referred to in paragraph 1 is in force between Parties, Articles 26 to 31 of this chapter shall apply.
3. Articles 26 to 31 of this chapter shall also apply where they are more favourable than those of the international instruments or arrangements referred to in paragraph 1.

#### ARTICLE 26

##### **Mutual assistance**

1. The Parties shall afford one another the widest measure of mutual assistance by promptly processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute criminal offences established in accordance with this Convention.
2. Mutual legal assistance under paragraph 1 of this Article may be refused if the requested Party believes that compliance with the request would undermine its fundamental interests, national sovereignty, national security or *ordre public*.
3. Parties shall not invoke bank secrecy as a ground to refuse any co-operation under this chapter. Where its domestic law so requires, a Party may require that a request for co-operation which would involve the lifting of bank secrecy be authorised by either a judge or another judicial authority, including public prosecutors, any of these authorities acting in relation to criminal offences.

#### ARTICLE 27

##### **Extradition**

1. The criminal offences established in accordance with this Convention 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.

2. 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 established in accordance with this Convention.

3. Parties that do not make extradition conditional on the existence of a treaty shall recognise criminal offences established in accordance with this Convention as extraditable offences between themselves.

4. 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.

5. If extradition for a criminal offence established in accordance with this Convention 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 to its competent authorities for the purpose of prosecution unless otherwise agreed with the requesting Party, and shall report the final outcome to the requesting Party in due course.

## ARTICLE 28

### **Spontaneous information**

Without prejudice to its own investigations or proceedings, a Party may without prior request forward to another Party information on facts when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request by that Party under this chapter.

## ARTICLE 29

### **Central authority**

1. The Parties shall designate a central authority or, if appropriate, several central authorities, which shall be responsible for sending and answering requests made under this chapter, the execution of such requests or the transmission of them to the authorities competent for their execution.

2. 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 paragraph 1 of this Article.

## ARTICLE 30

### **Direct communication**

1. The central authorities shall communicate directly with one another.

2. In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by the judicial authorities, including public prosecutors, of the requesting Party to such authorities of the requested Party. In 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.

3. Any request or communication under paragraphs 1 and 2 of this Article may be made through the International Criminal Police Organisation (Interpol).
4. Where a request is made pursuant to paragraph 2 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.
5. Requests or communications under paragraph 2 of this Article, which 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.
6. Each State 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 chapter are to be addressed to its central authority.

#### ARTICLE 31

##### **Information**

The requested Party shall promptly inform the requesting Party of the action taken on a request under this chapter and the final result of that action. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

#### CHAPTER V

##### **FINAL PROVISIONS**

#### ARTICLE 32

##### **Signature and entry into force**

1. This Convention shall be open for signature by the member States of the Council of Europe and by non-member States which have participated in its elaboration. Such States may express their consent to be bound by:
  - (a) signature without reservation as to ratification, acceptance or approval; or
  - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which fourteen States have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any such State, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, shall automatically become a member on the date the Convention enters into force.
4. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any signatory State, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, shall automatically become a member on the date the Convention enters into force in its respect.

## ARTICLE 33

### **Accession to the Convention**

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting States to the Convention, may invite the European Community as well as any State not a member of the Council and not having participated in its elaboration to accede to this Convention, by a decision taken by the majority provided for in Article 20d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
2. In respect of the European Community and any State acceding to it under paragraph 1 above, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe. The European Community and any State acceding to this Convention shall automatically become a member of GRECO, if it is not already a member at the time of accession, on the date the Convention enters into force in its respect.

## ARTICLE 34

### **Territorial application**

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

## ARTICLE 35

### **Relationship to other conventions and agreements**

1. This Convention does not affect the rights and undertakings derived from international multilateral conventions concerning special matters.
2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.
3. If two or more Parties have already concluded an agreement or treaty in respect of a subject which is dealt with in this Convention or otherwise have established their relations in respect of that subject, they shall be entitled to apply that agreement or treaty or to regulate those relations accordingly, in lieu of the present Convention, if it facilitates international co-operation.

## ARTICLE 36

### **Declarations**

Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it will establish as criminal offences the active and passive bribery of foreign public officials under Article 5, of officials of international organisations under Article 9 or of judges and officials of international courts under Article 11, only to the extent that the public official or judge acts or refrains from acting in breach of his duties.

## 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.

## ARTICLE 38

### **Validity and review of declarations and reservations**

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



## ARTICLE 39

### **Amendments**

1. Amendments to this Convention may be proposed by any Party, and shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe and to every non-member State which has acceded to, or has been invited to accede to, this Convention in accordance with the provisions of Article 33.
2. Any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems (CDPC), which shall submit to the Committee of Ministers its opinion on that proposed amendment.
3. The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the CDPC and, following consultation of the non-member States Parties to this Convention, may adopt the amendment.
4. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this Article shall be forwarded to the Parties for acceptance.
5. Any amendment adopted in accordance with paragraph 3 of this Article shall come into force on the thirtieth day after all Parties have informed the Secretary General of their acceptance thereof.

## ARTICLE 40

### **Settlement of disputes**

1. The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the interpretation and application of this Convention.
2. In case of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the European Committee on Crime Problems, to an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.

## ARTICLE 41

### **Denunciation**

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

## ARTICLE 42

### **Notification**

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Convention of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Convention in accordance with Articles 32 and 33;
- (d) any declaration or reservation made under Article 36 or Article 37;
- (e) any other act, notification or communication relating to this Convention.

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

Done at Strasbourg, this 27th day of January 1999, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Signature	27 Jan 1999	
	Ratification	19 Jul 2001	01 Jul 2002
Andorra	Signature	08 Nov 2001	
Armenia	Signature	15 May 2003	
	Ratification	09 Jan 2006	01 May 2006
Austria	Signature	13 Oct 2000	
Azerbaijan	Signature	21 May 2003	
	Ratification	11 Feb 2004	01 Jun 2004
Belgium	Signature .	20 Apr 1999	
	Ratification	23 Mar 2004	01 Jul 2004
Bosnia and Herzegovina	Signature	01 Mar 2000	
	Ratification	30 Jan 2002	01 Jul 2002
Bulgaria	Signature	27 Jan 1999	
	Ratification	07 Nov 2001	01 Jul 2002
Croatia	Signature	15 Sep 1999	
	Ratification	08 Nov 2000	01 Jul 2002
Cyprus	Signature	27 Jan 1999	
	Ratification	17 Jan 2001	01 Jul 2002
Czech Republic	Signature	15 Oct 1999	
	Ratification	08 Sep 2000	01 Jul 2002
Denmark	Signature	27 Jan 1999	
	Ratification	02 Aug 2000	01 Jul 2002
Estonia	Signature	08 Jun 2000	
	Ratification	06 Dec 2001	01 Jul 2002
Finland	Signature	27 Jan 1999	
	Ratification	03 Oct 2002	01 Feb 2003
France	Signature	09 Sep 1999	
Georgia	Signature	27 Jan 1999	
Germany	Signature	27 Jan 1999	
Greece	Signature	27 Jan 1999	
	Signature	26 Apr 1999	
Hungary	Signature	26 Apr 1999	
	Ratification	22 Nov 2000	01 Jul 2002
Iceland	Signature	27 Jan 1999	
	Ratification	11 Feb 2004	01 Jun 2004
Ireland	Signature	07 May 1999	
	Ratification	03 Oct 2003	01 Feb 2004
Italy	Signature	27 Jan 1999	
Latvia	Signature	27 Jan 1999	
	Ratification	09 Feb 2001	01 Jul 2002
Lithuania	Signature	27 Jan 1999	
	Ratification	08 Mar 2002	01 Jul 2002
Luxembourg	Signature	27 Jan 1999	
	Ratification	13 Jul 2005	01 Nov 2005
Malta	Signature	20 Nov 2000	
	Ratification	15 May 2003	01 Sep 2003
Moldova	Signature	24 Jun 1999	
	Ratification	14 Jan 2004	01 May 2004
Netherlands	Signature	29 Jun 2000	
	Ratification	11 Apr 2002	01 Aug 2002

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Norway	Signature	27 Jan 1999	
	Ratification	02 Mar 2004	01 Jul 2004
Poland	Signature	27 Jan 1999	
	Ratification	11 Dec 2002	01 Apr 2003
Portugal	Signature	30 Apr 1999	
	Ratification	07 May 2002	01 Sep 2002
Romania	Signature	27 Jan 1999	
	Ratification	11 Jul 2002	01 Nov 2002
Russia	Signature	27 Jan 1999	
San Marino	Signature	15 May 2003	
Serbia and Montenegro	Accession	18 Dec 2002	01 Apr 2003
Slovakia	Signature	27 Jan 1999	
	Ratification	09 Jun 2000	01 Jul 2002
Slovenia	Signature	07 May 1999	
	Ratification	12 May 2000	01 Jul 2002
Spain	Signature	10 May 2005	
Sweden	Signature	27 Jan 1999	
	Ratification	25 Jun 2004	01 Oct 2004
Switzerland	Signature	26 Feb 2001	
	Ratification	31 Mar 2006	01 Jul 2006
The former Yugoslav	Signature	28 Jul 1999	
Republic of Macedonia	Ratification	28 Jul 1999	01 Jul 2002
Turkey	Signature	27 Sep 2001	
	Ratification	29 Mar 2004	01 Jul 2004
Ukraine	Signature	27 Jan 1999	
United Kingdom	Signature	27 Jan 1999	
	Ratification	09 Dec 2003	01 Apr 2004
Non-member States of the Council of Europe			
Belarus	Signature	23 Jan 2001	
Mexico	Signature	15 May 2002	
	“ad referendum”		
United States	Signature	10 Oct 2000	

## DECLARATIONS AND RESERVATIONS

### **Albania:**

Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Albania, dated 27 June 2005 and in a Note Verbale from the Permanent Representation, dated 18 July 2005 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Albania declares that the central authority designated by the Republic of Albania is:

the Ministry of Justice

Boulevard “Zog I”

Tirana – Albania

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Albania, dated 27 June 2005 and in a Note Verbale from the Permanent Representation, dated 18 July 2005 – Or. Engl.

In accordance with Article 30, paragraph 6, of the Convention, the Republic of Albania declares that, for reasons of efficiency, requests made under Chapter IV are to be addressed to the central authority.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 30

Reservation contained in a Note Verbale from the Ministry of Foreign Affairs of Albania, dated 27 June 2005 and in a Note Verbale from the Permanent Representation, dated 18 July 2005 – Or. Engl.

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

[Note by the Secretariat: By a Note verbale from the Permanent Representative of Albania, dated 30 March 2006 – Or. Engl. – the Government of Albania has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 37

Reservation contained in a Note Verbale from the Ministry of Foreign Affairs of Albania, dated 27 June 2005 and in a Note Verbale from the Permanent Representation, dated 18 July 2005 – Or. Engl.

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

[Note by the Secretariat: By a Note verbale from the Permanent Representative of Albania, dated 30 March 2006 – Or. Engl. – the Government of Albania has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 37

#### **Armenia:**

Reservation contained in the instrument of ratification deposited on 9 January 2006 – Or. Engl.

Pursuant to Article 37, paragraph 1, of the Convention, the Republic of Armenia reserves its right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12.

Period covered: 1/5/2006 –  
The preceding statement concerns Article(s): 12, 37

Reservation contained in the instrument of ratification deposited on 9 January 2006 – Or. Engl.

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

Period covered: 1/5/2006 –  
The preceding statement concerns Article(s): 26, 37

Declaration contained in the instrument of ratification deposited on 9 January 2006 – Or. Engl.

Pursuant to Article 29 of the Convention, the Republic of Armenia declares that it designates the following central authorities, which shall be responsible for co-operation under Chapter IV of the Convention:

- (a) The General Prosecutor's office of the Republic of Armenia (5, Vazgen SARGSYAN Street, 375010 YEREVAN) for the criminal offences at the pre-trial stage;
- (b) The Ministry of Justice of the Republic of Armenia (3, Vazgen SARGSYAN Street, 375010 YEREVAN) for the criminal offences at the trial stage.

Period covered: 1/5/2006 –  
The preceding statement concerns Article(s): 29

**Azerbaijan:**

Declaration contained in the instrument of ratification deposited on 11 February 2004 – Or. Engl.

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

Period covered: 1/6/2004 –  
The preceding statement concerns Article(s):

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

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Azerbaijan reserves the right not to establish as criminal offence the conduct referred to in Articles 6, 10, 12 and the passive bribery offences under Article 5.

Period covered: 1/6/2004 –  
The preceding statement concerns Article(s): 10, 12, 37, 5, 6

Declaration contained in the instrument of ratification deposited on 11 February 2004 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Azerbaijan declares that it designates, according to Article 29, paragraph 1, as the central authority:

The Prosecutors' Office of the Republic of Azerbaijan Nigar Rafibeyli st. 7  
AZ 1001, Baky – Azerbaijan

Period covered: 1/6/2004 –  
The preceding statement concerns Article(s): 29

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

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

Period covered: 1/6/2004 –  
The preceding statement concerns Article(s): 26

**Belgium:**

Reservation contained in a Note verbale handed over by the Permanent Representative of Belgium to the Deputy Secretary General at the time of deposit of the instrument of ratification, on 23 March 2004 – Or. Fr.

According to Article 37, paragraph 1, of the Convention, Belgium reserves the right to establish as a criminal offence under its domestic law the conduct referred to in Articles 7 and 8 of the Convention only if such conduct was committed in view of the accomplishment or the omission of an act, without the knowledge and without authorisation, as the case may be, of the board of directors or of the general meeting, of the principal or of the employer.

Period covered: 1/7/2004 –  
The preceding statement concerns Article(s): 37, 7, 8

Reservation contained in a Note verbale handed over by the Permanent Representative of Belgium to the Deputy Secretary General at the time of deposit of the instrument of ratification, on 23 March 2004 – Or. Fr.

According to Article 37, paragraph 1, of the Convention, Belgium reserves the right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12 of the Convention which does not concern the use by a person holding a public function of the influence – be it real influence or supposed influence – that he or she disposes of owing to his or her function.

Period covered: 1/7/2004 –  
The preceding statement concerns Article(s): 12, 37

Reservation contained in a Note verbale handed over by the Permanent Representative of Belgium to the Deputy Secretary General at the time of deposit of the instrument of ratification, on 23 March 2004 – Or. Fr.

According to Article 37, paragraph 2, of the Convention, Belgium reserves the right to apply Article 17, paragraphs 1 b and c, only if the offence also constitutes an offence under the legislation of the State Party in which it has been committed, unless the offence concerns a person holding a public function in a State member of the European Union.

Period covered: 1/7/2004 –  
The preceding statement concerns Article(s): 17, 37

Declaration contained in a letter from the Permanent Representative of Belgium, dated 27 May 2004, registered at the Secretariat General on 28 May 2004 – Or. Fr.

According to Article 29, paragraph 1, of the Convention, the Government of the Kingdom of Belgium designates the “Service Public Fédéral Justice, Direction Générale de la Législation et des Libertés et Droits fondamentaux” as the central authority which shall be responsible for receiving the requests for mutual legal assistance and, either for executing or for transmitting them to the authorities competent for their execution. The address of this central authority is the following 115 Boulevard de Waterloo, 1000 Bruxelles Tel. 00.32.2.542.67.30 – Fax 00.32.2.538.83.75 – Email: <http://www.just.fgov.be>

Period covered: 1/7/2004 –  
The preceding statement concerns Article(s): 29

**Bosnia and Herzegovina:**

Declaration contained in a letter from the Minister of Foreign Affairs of Bosnia and Herzegovina, transmitted by the Permanent Representation on 29 October 2003, and registered at the Secretariat General on 29 October 2003 – Or. Engl.

Pursuant to the Law on Ministries and other Bodies of Administration of Bosnia and Herzegovina (“Official Gazette”, No. 5/03 of 7 March 2003), the Ministry of Security of Bosnia and Herzegovina has been responsible for “preventing and detecting perpetrators

of criminal acts of terrorism, drugs trafficking, forgery of native and foreign currency and trafficking of human beings and other criminal acts with the international and inter-entity elements”.

Therefore, the Ministry of Security will be the central authority-institution for preventing and detecting perpetrators of corruption on the State level of Bosnia and Herzegovina.

Period covered: 29/10/2003 –  
The preceding statement concerns Article(s): 29

### **Bulgaria**

Declaration contained in a Note verbale from the Permanent Representation of Bulgaria, dated 27 November 2003, registered at the Secretariat General on 1 December 2003 – Or. Engl.

Bulgaria declares that the central authority designated for the purposes of Article 29 of the Convention is the Ministry of Justice, 1 Slavonska Str., 1000 Sofia – Bulgaria.

Period covered: 1/12/2003 –  
The preceding statement concerns Article(s): 29

### **Croatia:**

Declaration contained in a Note verbale from the Permanent Representation of Croatia handed at the time of deposit of the instrument of acceptance, on 8 November 2000 – Or. Fr.

In accordance with Article 29 of the Convention, the central authority of the Republic of Croatia is the:

Ministry of Justice, Administration and Local Self-Government of the Republic of Croatia  
Directorate for International Co-operation,  
International Judicial Cooperation and Human Rights  
Ulica Republike Austrije 14  
10 000 Zagreb, Croatia

Liaison Officer:

Ms Lidija Lukina KARAJKOVIC, Deputy Minister  
Tel: 00.385.1.37.10.670  
Fax: 00.385.1.37.10.672

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

### **Cyprus:**

Reservation contained in the instrument of ratification deposited on 17 January 2001 – Or. Engl.

In accordance with Article 37, paragraph 3, of the Convention, the Republic of Cyprus reserves its right to refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence, which the requested Party considers a political offence.

[Note by the Secretariat: By a letter from the Charge d'affaires a.i. of Cyprus, dated 25 August 2004, registered to the Secretariat General on 26 August 2004 – Or. Engl. – the Government of Cyprus has informed the Secretary General of its intention to uphold this reservation for a period of 3 years (Article 38 of the Convention)]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 37



Declaration contained in a letter from the Chargé d'affaires of Cyprus, dated 23 October 2003, registered at the Secretariat General on 24 October 2003 – Or. Engl.

The central authority designated by Cyprus in pursuance of Article 29 of the Convention is the Ministry of Justice and Public Order, 125, Athalassas Ave, 1461 Nicosia, CYPRUS – Tel: + 357.22-805911; Fax: + 357.22-518349.

Period covered: 24/10/2003 –

The preceding statement concerns Article(s): 29

#### **Czech Republic:**

Reservation contained in the instrument of ratification deposited on 8 September 2000 – Or. Engl./Cze.

With the reservation provided for under Article 37, paragraph 1, of the Criminal Law Convention on Corruption, the Czech Republic declares that it shall establish the conduct referred to in Articles 7 and 8 of the Convention as a criminal offence under its domestic law only if it comes under any of the definitions of criminal offences laid down in the Criminal Code of the Czech Republic.

[Note by the Secretariat: By a Notification from the Permanent Representation of the Czech Republic, dated 28 December 2005, registered to the Secretariat General on 28 December 2004 – Or. Engl. – the Government of the Czech Republic has informed the Secretary General of its intention to uphold this reservation for a period of 3 years (Article 38 of the Convention).]

Period covered: 1/7/2002 –

The preceding statement concerns Article(s): 37, 7, 8

Declaration contained in a Note Verbale, handed over at the time of deposit of the instrument of ratification on 8 September 2000 – Or. Engl./Cze.

In accordance with Article 29 of the Convention, the Czech Republic notifies that for the purposes of the Convention, the following authorities shall be henceforth considered as central authorities: Prosecutor General's office of the Czech Republic before the case is brought before court and the Ministry of Justice of the Czech Republic after it has been brought before court.

Period covered: 1/7/2002 –

The preceding statement concerns Article(s): 29

Declaration contained in a Note Verbale, handed at the time of deposit of the instrument of ratification on 8 September 2000 – Or. Engl./Cze.

In accordance with Article 30, paragraph 2, of the Convention, the Czech Republic notifies that for the purposes of the Convention, the following authorities shall be henceforth considered as judicial authorities:

Supreme Prosecutor's Office of the Czech Republic, High Prosecutor's Office in Prague, High Prosecutor's Office in Olomouc, regional and district prosecutors' offices, Municipal Prosecutor's Office in Brno, Municipal Prosecutor's Office in Prague, District Prosecutor's Offices in Prague, Ministry of Justice of the Czech Republic,

Supreme Court of the Czech Republic, High Court in Prague, High Court in Olomouc, regional and district courts, Municipal Court in Brno, Municipal Court in Prague and district courts in Prague.

Period covered: 1/7/2002 –

The preceding statement concerns Article(s): 30

#### **Denmark:**

Reservation contained in a Note verbale from the Permanent Representation of Denmark appended to the instrument of ratification deposited on 2 August 2000 – Or. Engl.

With regard to Article 37, paragraph 1, of the Convention, Denmark reserves the right not to establish as a criminal offence under Danish law, in part or in whole, the conduct referred to in Article 12.

[Note by the Secretariat: By a letter from the Permanent Representative of Denmark, dated 31 March 2005, registered at the Secretariat General on 1 April 2005 – Or. Engl. – the Government of Denmark has informed the Secretary General of its intention to uphold this reservation, wholly, for a period of three years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 12, 37

Reservation contained in a Note verbale from the Permanent Representation of Denmark appended to the instrument of ratification deposited on 2 August 2000 – Or. Engl.

With regard to Article 37, paragraph 2, of the Convention, Denmark reserves the right to apply Article 17, paragraph 1b, in cases where the offender is one of its nationals, only if the offence is also a criminal offence according to the law of the Party where the offence was committed (dual criminality).

[Note by the Secretariat: By a letter from the Permanent Representative of Denmark, dated 31 March 2005, registered at the Secretariat General on 1 April 2005 – Or. Engl. – the Government of Denmark has informed the Secretary General of its intention to uphold this reservation, wholly, for a period of three years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 17, 37

Reservation contained in a Note verbale from the Permanent Representation of Denmark appended to the instrument of ratification deposited on 2 August 2000 – Or. Engl.

With regard to Article 37, paragraph 3, of the Convention, Denmark reserves the right to refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which according to Danish law is considered a political offence.

[Note by the Secretariat: By a letter from the Permanent Representative of Denmark, dated 31 March 2005, registered at the Secretariat General on 1 April 2005 – Or. Engl. – the Government of Denmark has informed the Secretary General of its intention to uphold this reservation, wholly, for a period of three years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 26, 37

Declaration contained in a Note verbale from the Permanent Representation of Denmark appended to the instrument of ratification deposited on 2 August 2000 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the Government of Denmark has designated the Ministry of Justice, Slotsholmsgade 10, DK-1216 Copenhagen K, Denmark, as competent authority.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

Declaration contained in a Note verbale from the Permanent Representation of Denmark appended to the instrument of ratification deposited on 2 August 2000 – Or. Engl.

In pursuance to Article 34 and until notification to the contrary, the Convention shall not apply to the Faroe Islands and Greenland.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 34

**Estonia:**

Declaration contained in the instrument of ratification, deposited on 6 December 2001 – Or. Fr.

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Estonia has designated the Ministry of Justice as the central authority.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

**Finland:**

Reservations contained in the instrument of acceptance deposited on 3 October 2002 – Or. Engl.

The Government of the Republic of Finland makes the following reservations:

Finland shall only establish as a criminal offence under its domestic law the conduct referred to in Article 12 to the extent it is considered a punishable corruption offence or punishable participation in such an offence, or other criminal offence.

Finland reserves itself the right to apply, in respect of its own nationals, the jurisdiction rule laid down in paragraph 1 (b) subject to the requirement of dual punishability set forth in Chapter I, section 11 of the Finnish penal Code in cases of active or passive bribery in the private sector referred to in Articles 7 and 8, provided that the criminal offence does not seriously interfere with or jeopardise the governmental, military or economic interests or benefits of Finland.

Period covered: 1/2/2003 –  
The preceding statement concerns Article(s): 37

Declaration contained in a letter from the Permanent Representative of Finland, dated 30 September 2003, registered at the Secretariat General on 1 October 2003 – Or. Engl.

The Government of Finland declares that the central authority designated pursuant to Article 29 is the Ministry of Justice, PO Box No. 25, 00023 Valtioneuvosto, Finland.

Period covered: 1/10/2003 –  
The preceding statement concerns Article(s): 29

**Hungary:**

Declaration contained in a Note Verbale from the Minister for Foreign Affairs of Hungary, handed at the time of deposit of the instrument of ratification on 22 November 2000 – Or. Fr.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Hungary designates the Ministry of Justice (1055 Budapest, Kossuth Lajos tér 4.) and the State Prosecutor's Office (1055 Budapest, Markó u. 16) as central authorities.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

Declaration contained in a Note Verbale from the Minister for Foreign Affairs of Hungary, handed at the time of deposit of the instrument of ratification on 22 November 2000 – Or. Fr.

In accordance with Article 30, paragraph 6, of the Convention, the Republic of Hungary informs that, for reasons of efficiency, requests made under Chapter IV are to be addressed to one of these authorities.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 30

Reservation contained in a Note Verbale from the Ministry for Foreign Affairs of Hungary, handed at the time of deposit of the instrument of ratification on 22 November 2000 – Or. Fr.

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

[Note by the Secretariat: By a Note verbale from the Permanent Representation of Hungary, dated 16 August 2004, registered to the Secretariat General on 17 August 2004 – Or. Engl. – the Government of Hungary has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 37, 8

**Iceland:**

Declaration contained in the instrument of ratification deposited on 11 February 2004 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the following authority is hereby designated as the central authority for the Republic of Iceland:

The National Commissioner of the Icelandic Police (Ríkislögreglustjórnin) Skúlagötu 21, 101 Reykjavík, Iceland

Period covered: 1/6/2004 –  
The preceding statement concerns Article(s): 29

**Ireland:**

Declaration contained in a Note verbale handed over by the Permanent Representative of Ireland to the Secretary General at the time of deposit of the instrument of ratification, on 3 October 2003 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, Ireland designates the Department of Justice, Equality and Law Reform, 72-76 St Stephen's Green, Dublin 2, as the central authority.

Period covered: 1/2/2004 –  
The preceding statement concerns Article(s): 29

**Latvia:**

Declaration contained in a Note verbale from the Ministry of Foreign Affairs of Latvia handed at the time of deposit of the instrument of ratification, on 9 February 2001 – Or. Engl.

For the purposes of the Convention, the Republic of Latvia declares that the term “national” relates to the citizens of the Republic of Latvia and to the non-citizens who are subjects of the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s) –

Reservation contained in a Note verbale from the Ministry of Foreign Affairs of Latvia handed at the time of deposit of the instrument of ratification, on 9 February 2001 – Or. Engl.

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

[Note by the Secretariat: By a Note verbale from the Permanent Representation of Latvia, dated 30 December 2004, registered by the Secretariat General on 19 January 2005 – Or. Engl. – the Government of Latvia has informed the Secretary General of its intention to uphold wholly this reservation for a period of 3 years (Article 38 of the Convention).]

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 37

Declaration contained in a Note verbale from the Ministry of Foreign Affairs of Latvia handed at the time of deposit of the instrument of ratification, on 9 February 2001 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Latvia declares that the authorities designated in pursuance of Article 29, paragraph 1, are:

- (1) Ministry of the Interior – during pre-trial investigation until prosecution.  
Raina blvd. 6, Riga, LV-1050, Latvia  
Phone: + 371.721.9263; Fax: + 371.227.1005  
E-mail: kanceleja@iem.gov.lv
- (2) Prosecutor General's Office – during pre-trial investigation until submitting the case to the court.  
O. Kalpaka blvd. 6, Riga, LV-1801, Latvia  
Phone: + 371.704.4400; Fax: + 371.704.4449  
E-mail: gen@lrp.gov.lv
- (3) Ministry of Justice – during the trial.  
Brivibas blvd. 36, Riga, LV-1536, Latvia  
Phone: + 371.708.8220, 728.0437  
Fax: + 371.721.0823, 728.5575  
E-mail: justice@latnet.lv

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

Renewal of reservation contained in a Note verbale from the Permanent Representation of Latvia, dated 30 December 2004, registered at the Secretariat General on 19 January 2005 – Or. Engl.

With due regard to well-established principles of international law, especially in the field of extradition, the Republic of Latvia declares that it renews its reservation for the period set out in paragraph 1 of Article 38 of the Convention.

The Republic of Latvia considers that the issue of mutual legal assistance, beyond all doubts, constitutes one of the fundamental elements of suppression of all forms of crimes, inter alia, corruption. Nevertheless, the Republic of Latvia would like to stress, that in accordance with the principles of its legal order, observation of human rights and rule of law is the core element for providing mutual legal assistance to other States.

If there is sufficient ground to believe that the offence which the request for mutual legal assistance refers to could be considered a political offence, the national authorities in charge are under an obligation to review the aforementioned request in the light of safeguards provided to any person in accordance with human rights.

Furthermore, the Republic of Latvia would like to emphasize that it has made similar reservations to all international instruments in the penal field, if this instrument contains clauses for extradition or mutual legal assistance.

Period covered: 19/1/2005 –  
The preceding statement concerns Article(s): 37, 38

#### **Lithuania:**

Declaration contained in the instrument of ratification deposited on 8 March 2002 – Or. Engl.

The Republic of Lithuania designates the Ministry of Justice of Lithuania and the Prosecutor's General Office under the Supreme Court of the Republic of Lithuania as the central authorities which shall be responsible for the implementation of the provisions of Article 29 of the Convention.

Period covered: 1/7/2002 –  
The preceding statement concerns Article(s): 29

**Luxembourg:**

Reservation contained in a letter from the Ministry of Foreign Affairs of Luxembourg, transmitted to the Secretariat General at the time of deposit of the instrument of ratification, on 13 July 2005 – Or. Engl.

In accordance with Article 17, paragraph 2 of the Criminal Law Convention on Corruption, the Government of the Grand Duchy of Luxembourg declares that, except in cases covered by paragraph 1, subparagraph a of Article 17 of this Convention, it will apply the jurisdiction rules laid down in Article 17, paragraph 1, subparagraphs b and c, only if the offender has the Luxembourgish nationality.

Period covered: 1/11/2005 –  
The preceding statement concerns Article(s): 17

Declaration contained in a letter from the Ministry of Foreign Affairs of Luxembourg, transmitted to the Secretariat General at the time of deposit of the instrument of ratification, on 13 July 2005 – Or. Engl.

The Government of the Grand Duchy of Luxembourg declares that the State Prosecutor General is designated to exercise in the Grand Duchy of Luxembourg the function of central authority in the meaning of Article 29 of the Criminal Law Convention on Corruption, without prejudice to the jurisdiction conferred by Law to other authorities. Where necessary, the State Prosecutor General will ensure the transmission of the request to the competent authority.

Period covered: 1/11/2005 –  
The preceding statement concerns Article(s): 29

**Malta:**

Declaration contained in a letter from the Minister of Foreign Affairs of Malta, dated 12 May 2003, appended to the instrument of ratification deposited on 15 May 2003 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, Malta declares that the central authorities are:

For requests concerning extradition:  
The Ministry for Justice and Home Affairs  
"Casa Leoni"  
St Joseph High Road  
St Venera CMR 02, Malta

For requests other than those concerning extradition:  
The Attorney General  
The Palace  
Valletta CMR 02  
Malta.

Period covered: 1/9/2003  
The preceding statement concerns Article(s): 29

Declaration contained in a letter from the Minister of Foreign Affairs of Malta, dated 12 May 2003, appended to the instrument of ratification deposited on 15 May 2003 – Or. Engl.

In accordance with Article 30, paragraph 6, of the Convention, Malta declares that, for reasons of efficiency, requests under Chapter IV are to be addressed to the relevant central authority.

Period covered: 1/9/2003 –  
The preceding statement concerns Article(s): 30

**Moldova:**

Declaration contained in the instrument of ratification deposited on 14 January 2004 – Or. Engl.

The provisions of the Convention will not be applicable on the territory effectively controlled by the institutions of the self-proclaimed transnistrian republic until the durable settlement of the conflict from this region.

Period covered: 1/5/2004 –  
The preceding statement concerns Article(s):

Declaration contained in a Note verbale from the Ministry of Foreign Affairs of Moldova, dated 12 January 2004, deposited with the instrument of ratification on 14 January 2004 – Or. Engl.

According to Article 29, paragraph 1, of the Convention, the following central authorities of the Republic of Moldova have been designated as the authorities competent for its implementation:

- (a) the Prosecutor General Office – for mutual assistance requests formulated within the criminal proceedings stage, including the requests for extradition;
- (b) the Ministry of Justice – for mutual assistance requests formulated within the judicial stage and that of the execution of the sentences, including the requests for extradition.

Period covered: 1/5/2004 –  
The preceding statement concerns Article(s): 29

**Netherlands:**

Reservations contained in the instrument of acceptance deposited on 11 April 2002 – Or. Engl.

In accordance with Article 37, paragraph 1, the Netherlands will not fulfil the obligation under Article 12.

In accordance with Article 37, paragraph 2, and with regard to Article 17, paragraph 1, the Netherlands may exercise jurisdiction in the following cases:

- (a) – in respect of a criminal offence that is committed in whole or in part on the Dutch territory;
- (b) – over both Dutch nationals and Dutch public officials in respect of offences established in accordance with Article 2 and in respect of offences established in accordance with Articles 4 to 6 and Articles 9 to 11 in conjunction with Article 2, where these constitute criminal offences under the law of the country in which they were committed;
  - over Dutch public officials and also over Dutch nationals who are not Dutch public officials in respect of offences established in accordance with Articles 4 to 6 and 9 to 11 in conjunction with Article 3, where these constitute criminal offences under the law of the country in which they were committed;
  - over Dutch nationals in respect of offences established in accordance with Articles 7, 8, 13 and 14, where these constitute criminal offences under the law of the country in which they were committed;
- (c) – over Dutch nationals involved in an offence that constitutes a criminal offence under the law of the country in which it was committed.

[Note by the Secretariat: By a Note verbale from the Ministry for Foreign Affairs of the Netherlands, dated 27 January 2005 – Or. Engl. – the Government of the Netherlands has informed the Secretary General of its intention to uphold wholly these reservations for a period of 3 years (Article 38 of the Convention)]

Period covered: 1/8/2002 –  
The preceding statement concerns Article(s): 37

Declaration contained in a Note verbale from the Permanent Representation of the Netherlands, dated 15 April 2002, registered at the Secretariat General on 15 April 2002 – Or. Engl. In accordance with Article 29, paragraph 2, of the Convention, the Netherlands declare that the central authority is:

Het Ministerie van Justitie (Ministry of Justice)  
Directie Internationale Strafrechtelijke Aangelegenheden en Drugsbeleid  
Bureau Internationale Rechtshulp in Strafzaken Postbus 20301  
2500 EH Den Haag.

Period covered: 1/8/2002 –  
The preceding statement concerns Article(s): 29

Declaration contained in the instrument of acceptance deposited on 11 April 2002 – Or. Engl.  
The Kingdom of the Netherlands accepts the Convention for the Kingdom in Europe.

Period covered: 1/8/2002 –  
The preceding statement concerns Article(s): 34

#### **Norway:**

Declaration contained in a Note Verbale handed over to the Secretary General of the Council of Europe at the time of deposit of the instrument of ratification on 2 March 2004 – Or. Engl.

In accordance with Article 29 of the Convention, the Kingdom of Norway declares that the designated authorities are:

1. the central authority concerning mutual assistance, Ref. Article 26:  
Investigation and Prosecution of Economic and Environmental Crime (Økokrim)  
P.O. Box 8193 Dep.  
0034 Oslo – NORWAY
2. the central authority concerning Extradition, Ref. Article 27:  
The Ministry of Justice and the Police  
P.O. Box 8005 Dep.  
0030 Oslo – NORWAY

Period covered: 1/7/2004 –  
The preceding statement concerns Article(s): 29

#### **Poland:**

Reservations contained in the instrument of ratification deposited on 11 December 2002 – Or. Engl.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Poland reserves its right not to establish as a criminal offence under its domestic law the conduct referred to in Article 7 of the Convention, insofar as the conduct described in the Article 7 does not constitute a criminal offence under provisions of the Criminal Code.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Poland reserves its rights not to establish as a criminal offence under its domestic law the conduct referred to in Article 8 of the Convention, insofar as the conduct described in the Article 8 does not constitute a criminal offence under provisions of the Criminal Code.



In accordance with Article 37, paragraph 1, of the Convention, the Republic of Poland reserves its right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12 of the Convention, insofar as the conduct described in the Article 12 does not constitute a criminal offence under provisions of the Criminal Code.

Period covered: 1/4/2002 –  
The preceding statement concerns Article(s): 37

Declaration contained in the instrument of ratification deposited on 11 December 2002 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the Republic of Poland declares that the Central Authority for the requests concerning criminal proceedings is the Ministry of Justice, Al. Ujazdowskie 11, 00-950 Warszawa.

The Central Authority for the requests concerning other proceedings than criminal, conducted against legal persons in order to establish their responsibility or to impose a sanction on the legal person for the bribery of a person performing public function is the Office for Protection of Competition and Consumers (Urząd Ochrony Konkurencji i Konsumentów), pl. Powstanców Warszawy 1, 00-950 Warszawa.

Period covered: 1/4/2002 –  
The preceding statement concerns Article(s): 29

**Portugal:**

Declaration contained in the instrument of ratification deposited on 7 May 2002 – Or. Fr./Por.

In accordance with Article 29 of the Convention, the Republic of Portugal designates the following central authority:

PROCURADORIA GERAL DA REPUBLICA  
Rua da Escola Politecnica, nº 140  
1269-269 LISBOA

Period covered: 1/9/2002 –  
The preceding statement concerns Article(s): 29

Reservation contained in the instrument of ratification deposited on 7 May 2002 – Or. Fr./Por.

In accordance with Article 17, paragraph 2, of the Convention, the Republic of Portugal declares that where the offender is one of its citizens, but not an official or not performing a political function within the State of Portugal, it shall apply the jurisdiction rule laid down in paragraph 1b of Article 17 of the Convention only if:

- the offender is present on its territory;
- the offences committed are also punished by the Law of the territory on which they have been committed, except if the power of punishment is not exerted in this territory;
- these offences are offences allowing extradition and extradition can not be granted.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Portugal reserves its right not to establish as a criminal offence the passive bribery offences under Article 5 and 6, except where the offenders are public officials of other member States of the European Union or perform therein a political function and provided that the offence has been committed in whole or in part in the territory of Portugal.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Portugal declares that it considers as criminal offences the conduct referred to in Articles 7 and 8 of the Convention only if the corruption in the private sector results in a distortion of competition or an economic loss for third persons.

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

[Note by the Secretariat: By a letter from the Permanent Representative of Portugal, dated 4 April 2005, registered at the Secretariat General on 5 April 2005 – Or. Fr. – the Government of Portugal has informed the Secretary General of its intention to uphold these reservations, wholly, for a period of three years (Article 38 of the Convention)]

Period covered: 1/9/2002 –  
The preceding statement concerns Article(s): 17, 37

**Romania:**

Declaration contained in the instrument of ratification deposited on 11 July 2002 – Or. Engl.

In accordance with Article 29 of the Convention, Romania designates the following authorities:

- (a) the Prosecutor's Office attached to the Supreme Court of Justice, for the requests of judicial assistance formulated in pre-trial investigation  
Boulevard Libertatii nr. 14, sector 5 Bucharest  
Tel: 410 54 35; Fax: 337 47 54
- (b) the Ministry of Justice, for the requests of judicial assistance formulated during the trial or execution of punishment, as well as for the requests of extradition str.  
Apollodor nr. 17, sector 5 Bucharest  
Tel: 314 15 14; Fax: 310 1662

Period covered: 1/11/2002 –  
The preceding statement concerns Article(s): 29

**Serbia and Montenegro:**

Declaration contained in a Note verbale from the Permanent Representation of Serbia and Montenegro, dated 1 July 2004, registered at the Secretariat General on 5 July 2004 – Or. Engl.

In accordance with Article 29 of the Convention, the following institutions have been designated as central authorities of Serbia and Montenegro responsible for sending and answering requests made under Chapter IV of the Convention, the execution of such requests or transmission of them to the authorities competent for the execution:

Ministry of Justice of the Republic of Serbia  
Nemanjina 22–26  
11 000 Belgrade

Ministry of Internal Affairs of the Republic of Serbia  
Department against Organised Crime  
Finance Intelligence Unit  
Section for the Suppression of Corruption  
Kneza Milosa 101  
11 000 Belgrade

Agency for Anti-corruption Initiative of the Republic of Montenegro Trg Vektra bb  
81 000 Podgorica

Besides the above-mentioned institutions, the central authority in Serbia and Montenegro in the sense of Article 26 of the Convention is also:

Ministry for Human and Minority Rights of Serbia and Montenegro  
Bulevar Mihaila Pupina 2  
11 070 New Belgrade

The aforementioned Ministry for Human and Minority Rights of Serbia and Montenegro is the only central authority in Serbia and Montenegro responsible for requests made with respect to the matter of extradition, dealt with in Article 27 of the Convention.

Period covered: 5/7/2004 –

The preceding statement concerns Article(s): 26, 27, 29

**Slovakia:**

Declaration contained in a Note verbale handed to the Secretary General by the Permanent Representative of Slovakia at the time of deposit of the instrument of ratification, on 9 June 2000 – Or. Engl.

In accordance with Article 29 of the Convention, the Slovak Republic declares that for the purposes of the Convention, the following authorities shall be henceforth considered as responsible central authorities.

with respect to Article 26:

For sending and answering requests on mutual assistance if the proceedings have reached the trial: the Ministry of Justice of the Slovak Republic (address: Ministerstvo spravodlivosti Slovenskej republiky, Zupné námestie 13, 813 11 Bratislava).

For sending and answering requests on mutual assistance if the proceedings does not have reached the trial: the General Prosecutor's Office of the Slovak Republic (address: Generálna prokuratúra Slovenskej republiky, Zupné námestie 13, 812 85 Bratislava).

with respect to Article 27:

For receiving requests of extradition: the General Prosecutor's Office of the Slovak Republic (address: Generálna prokuratúra Slovenskej republiky, Zupné námestie 13, 812 85 Bratislava).

For sending requests for extradition: the Ministry of Justice of the Slovak Republic (address: Ministerstvo spravodlivosti Slovenskej republiky, Zupné námestie 13, 813 11 Bratislava).

Period covered: 1/7/2002 –

The preceding statement concerns Article(s): 26, 27, 29

**Slovenia:**

Declaration contained in a Note verbale from the Permanent Representation of Slovenia, dated 15 December 2003, registered at the Secretariat General on 15 December 2003 – Or. Engl.

In accordance with Article 29 of the Convention, the Republic of Slovenia designates as central authority:

The Ministry of Justice  
Department for International Legal Assistance Zupanciceva 3  
1000 Ljubljana  
SLOVENIA

Period covered: 15/12/2003 –

The preceding statement concerns Article(s): 29

**Sweden:**

Declaration contained in the instrument of ratification deposited on 25 June 2004 – Or. Engl.

Sweden makes the explanatory statement that, in Sweden's view, a ratification of the Convention does not mean that its membership of the Group of States against Corruption (GRECO) cannot be reviewed if reasons to do so arise in the future. Period covered: 1/10/2004 –

The preceding statement concerns Article(s):

Reservation contained in the instrument of ratification deposited on 25 June 2004 –  
Or. Engl.

Sweden makes a reservation against the undertaking to introduce criminal provisions for trading in influence (Article 12 of the Convention).

Period covered: 1/10/2004 –

The preceding statement concerns Article(s): 12, 37

Reservation contained in the instrument of ratification deposited on 25 June 2004  
Or. Engl.

Sweden reserves the right not to exercise jurisdiction solely on the grounds that a crime under the Convention involves a Swedish citizen who is an official of an international organisation or court, a member of a parliamentary assembly of an international or supranational organisation or a judge at an international court (Article 17.1 c of the Convention).

Sweden also reserves the right to maintain a requirement of dual criminality for Swedish jurisdiction for acts committed abroad.

Period covered: 1/10/2004 –

The preceding statement concerns Article(s): 17, 37

Declaration contained in the instrument of ratification deposited on 25 June 2004 –  
Or. Engl.

As central authority Sweden designates the Government Offices of Sweden (the Swedish Ministry of Justice).

Period covered: 1/10/2004 –

The preceding statement concerns Article(s): 29

#### **Switzerland:**

Declaration contained in the instrument of ratification deposited on 31 March 2006 –  
Or. Fr.

Switzerland declares that it will punish the active and passive bribery in the meaning of Articles 5, 9 and 11 only if the conduct of the bribed person consists in performing or refraining from performing an act contrary to his/her duties or depending on his/her power of estimation.

Period covered: 1/7/2006 –

The preceding statement concerns Article(s): 36

Reservation contained in the instrument of ratification deposited on 31 March 2006 –  
Or. Fr.

Switzerland reserves its right to apply Article 12 of the Convention only if the conduct referred to constitutes an offence under the Swiss legislation.

Period covered: 1/7/2006 –

The preceding statement concerns Article(s): 12, 37

Reservation contained in the instrument of ratification deposited on 31 March 2006 –  
Or. Fr.

Switzerland reserves its right to apply Article 17, paragraph 1, subparagraphs b and c, only if the conduct is also punishable where it has been committed and insofar as the author is in Switzerland and will not be extradited to a foreign State.

Period covered: 1/7/2006 –  
The preceding statement concerns Article(s): 17, 37

Declaration contained in the instrument of ratification deposited on 31 March 2006 –  
Or. Fr.

The central authority designated by Switzerland pursuant to Article 29 is the “Office fédéral de la justice, CH-3003 Berne”.

Period covered: 1/7/2006 –  
The preceding statement concerns Article(s): 29

### **United Kingdom:**

Reservation contained in a Note verbale handed over by the Permanent Representative of the United Kingdom to the Secretary General at the time of deposit of the instrument of ratification, on 9 December 2003 – Or. Engl.

Section 109 of the Anti-terrorism, Crime and Security Act 2001 (and section 69 of the Criminal Justice (Scotland) Act 2003) extend the normal jurisdiction of the United Kingdom courts over any offence of bribery at common law or under the Public Bodies Corrupt Practices Act 1889 or the Prevention of Corruption Act 1906 (“the 1906 Act”) to cover offences by United Kingdom nationals which take place outside the United Kingdom. The United Kingdom therefore applies the jurisdictional rule laid down in Article 17, paragraph 1 (b), except that United Kingdom jurisdiction is limited to United Kingdom nationals, and accordingly does not cover public officials or members of domestic public assemblies except where they are United Kingdom nationals. The United Kingdom therefore makes a declaration under Article 17, paragraph 2, that it reserves the right to apply the jurisdictional rule laid down in paragraph 1 (b) only where the offender is a United Kingdom national. In addition, the United Kingdom makes a declaration under Article 17, paragraph 2 that it reserves the right not to apply the jurisdictional rule laid down in paragraph 1 (c) at all.

Since United Kingdom law places no bar on the extradition of United Kingdom nationals, the United Kingdom does not need to change the law to meet the requirements of Article 17, paragraph 3.

The conduct referred to in Article 7 is largely covered by section 1 of the 1906 Act. The 1906 Act does not however cover the case where the undue advantage is not given directly to the agent but is given to a third party. The United Kingdom accepts this aspect of the law is in need of amendment and the draft Corruption Bill published in 2003 would make this change in respect of England, Wales and Northern Ireland. However for the present a reservation is necessary. Accordingly, in accordance with Article 37, paragraph 1, the United Kingdom reserves the right not to establish as a criminal offence all of the conduct referred to in Article 7.

The conduct referred to in Article 12 is covered by United Kingdom law in so far as an agency relationship exists between the person who trades his influence and the person he influences. However not all of the conduct referred to in Article 12 is criminal under United Kingdom law. Accordingly, in accordance with Article 37, paragraph 1, the United Kingdom reserves the right not to establish as a criminal offence all of the conduct referred to in Article 12.

Period covered: 1/4/2004 –  
The preceding statement concerns Article(s): 12, 17, 37, 7

Declaration contained in a Note verbale handed over by the Permanent Representative of the United Kingdom to the Secretary General at the time of deposit of the instrument of ratification, on 9 December 2003 – Or. Engl.

In accordance with Article 30, paragraph 6, of the Convention, the United Kingdom declares that all requests made under this chapter are to be addressed to its central authorities.

Period covered: 1/4/2004 –  
The preceding statement concerns Article(s): 30

Declaration contained in a Note verbale handed over by the Permanent Representative of the United Kingdom to the Secretary General at the time of deposit of the instrument of ratification, on 9 December 2003 – Or. Engl.

In accordance with Article 29, paragraph 2, of the Convention, the United Kingdom has designated in pursuance of Article 29, paragraph 1 that its central authority for mutual legal assistance is:

The Home Office  
50 Queen Anne's Gate,  
London SW1H 9AT

and that its central authorities for extradition are:

For England, Wales and Northern Ireland:

The Home Office  
50 Queen Anne's Gate,  
London SW1H 9AT

For Scotland:

the Crown Office  
25 Chambers Street  
Edinburgh EH1 1LA

Period covered: 1/4/2004 –  
The preceding statement concerns Article(s): 29

#### **ADDITIONAL PROTOCOL TO THE CRIMINAL LAW CONVENTION ON CORRUPTION**

The member States of the Council of Europe and the other States signatory hereto,

Considering that it is desirable to supplement the Criminal Law Convention on Corruption (ETS No. 173, hereafter "the Convention") in order to prevent and fight against corruption;

Considering also that the present Protocol will allow the broader implementation of the 1996 Programme of Action against Corruption,

Have agreed as follows:

## CHAPTER I

### USE OF TERMS

#### ARTICLE 1

##### **Use of terms**

For the purpose of this Protocol:

1. The term “*arbitrator*” shall be understood by reference to the national law of the States Parties to this Protocol, but shall in any case include a person who by virtue of an arbitration agreement is called upon to render a legally binding decision in a dispute submitted to him/her by the parties to the agreement.
2. The term “*arbitration agreement*” means an agreement recognised by the national law whereby the parties agree to submit a dispute for a decision by an arbitrator.
3. The term “*juror*” shall be understood by reference to the national law of the States Parties to this Protocol but shall in any case include a lay person acting as a member of a collegial body which has the responsibility of deciding on the guilt of an accused person in the framework of a trial.
4. In the case of proceedings involving a foreign arbitrator or juror, the prosecuting State may apply the definition of arbitrator or juror only in so far as that definition is compatible with its national law.

## CHAPTER II

### MEASURES TO BE TAKEN AT NATIONAL LEVEL

#### ARTICLE 2

##### **Active bribery of domestic arbitrator**

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, offering or giving by any person, directly or indirectly, of any undue advantage to an arbitrator exercising his/her functions under the national law on arbitration of the Party, for himself or herself or for anyone else, for him or for her to act or refrain from acting in the exercise of his or her functions.

#### ARTICLE 3

##### **Passive bribery of domestic arbitrators**

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 request or receipt by an arbitrator exercising his/her functions under the national law on arbitration of the Party, directly or indirectly, of any undue advantage for himself or herself or for anyone else, or the acceptance of an offer or promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

#### ARTICLE 4

##### **Bribery of foreign arbitrators**

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 an arbitrator exercising his/her functions under the national law on arbitration of any other State.

#### ARTICLE 5

##### **Bribery of domestic jurors**

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 acting as a juror within its judicial system.

#### ARTICLE 6

##### **Bribery of foreign jurors**

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 acting as a juror within the judicial system of any other State.

### CHAPTER III

#### **MONITORING OF IMPLEMENTATION AND FINAL PROVISIONS**

#### ARTICLE 7

##### **Monitoring of implementation**

The Group of States against Corruption (GRECO) shall monitor the implementation of this Protocol by the Parties.

#### ARTICLE 8

##### **Relationship to the Convention**

1. As between the States Parties the provisions of Articles 2 to 6 of this Protocol shall be regarded as additional Articles to the Convention.
2. The provisions of the Convention shall apply to the extent that they are compatible with the provisions of this Protocol.

#### ARTICLE 9

##### **Declarations and reservations**

1. If a Party has made a declaration in accordance with Article 36 of the Convention, it may make a similar declaration relating to Articles 4 and 6 of this Protocol at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession.



2. If a Party has made a reservation in accordance with Article 37, paragraph 1, of the Convention restricting the application of the passive bribery offences defined in Article 5 of the Convention, it may make a similar reservation concerning Articles 4 and 6 of this Protocol at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. Any other reservation made by a Party, in accordance with Article 37 of the Convention shall be applicable also to this Protocol, unless that Party otherwise declares at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession.

3. No other reservation may be made.

## ARTICLE 10

### **Signature and entry into force**

1. This Protocol shall be open for signature by States which have signed the Convention. These States may express their consent to be bound by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

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

3. This Protocol shall enter into force on the first day of the month following the expiry of a period of three months after the date on which five States have expressed their consent to be bound by the Protocol in accordance with the provisions of paragraphs 1 and 2, and only after the Convention itself has entered into force.

4. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiry of a period of three months after the date of the expression of its consent to be bound by the Protocol in accordance with the provisions of paragraphs 1 and 2.

5. A signatory State may not ratify, accept or approve this Protocol without having, simultaneously or previously, expressed its consent to be bound by the Convention.

## ARTICLE 11

### **Accession to the Protocol**

1. Any State or the European Community having acceded to the Convention may accede to this Protocol after it has entered into force.

2. In respect of any State or the European Community acceding to the Protocol, it shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of an instrument of accession with the Secretary General of the Council of Europe.

## ARTICLE 12

### **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 Protocol shall apply.
2. Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiry of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made in pursuance of the two preceding paragraphs may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

## ARTICLE 13

### **Denunciation**

1. Any Party may, at any time, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.
3. Denunciation of the Convention automatically entails denunciation of this Protocol.

## ARTICLE 14

### **Notification**

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

- (a) any signature of this Protocol;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Protocol in accordance with Articles 10, 11 and 12;
- (d) any declaration or reservation made under Articles 9 and 12;
- (e) any other act, notification or communication relating to this Protocol.

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

Done at Strasbourg, this 15th day of May 2003, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding Parties.

## RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Signature	15 May 2003	
	Ratification	15 Nov 2004	01 Mar 2005
Armenia	Signature	15 May 2003	
	Ratification	09 Jan 2006	01 May 2006
Belgium	Signature	07 Mar 2005	
Bulgaria	Signature	15 May 2003	
	Ratification	04 Feb 2004	01 Feb 2005
Croatia	Signature	17 Sep 2003	
	Ratification	10 May 2005	01 Sep 2005
Cyprus	Signature	15 May 2003	
Denmark	Signature	15 May 2003	
	Ratification	16 Nov 2005	01 Mar 2006
France	Signature	15 May 2003	
Germany	Signature	15 May 2003	
Greece	Signature	15 May 2003	
Hungary	Signature	15 May 2003	
Iceland	Signature	15 May 2003	
Ireland	Signature	15 May 2003	
	Ratification	11 Jul 2005	01 Nov 2005
Italy	Signature	15 May 2003	
Latvia	Signature	07 Apr 2005	
Luxembourg	Signature	11 Jun 2003	
	Ratification	13 Jul 2005	01 Nov 2005
Malta	Signature	15 May 2003	
Moldova	Signature	15 May 2003	
Netherlands	Signature	26 Feb 2004	
	Ratification	16 Nov 2005	01 Mar 2006
Norway	Signature	02 Mar 2004	
	Ratification	02 Mar 2004	01 Feb 2005
Portugal	Signature	15 May 2003	
Romania	Signature	09 Oct 2003	
	Ratification	29 Nov 2004	01 Mar 2005
San Marino	Signature	15 May 2003	
Slovakia	Signature	12 Jan 2005	
	Ratification	07 Apr 2005	01 Aug 2005
Slovenia	Signature	09 Mar 2004	
	Ratification	11 Oct 2004	01 Feb 2005
Sweden	Signature	15 May 2003	
	Ratification	25 Jun 2004	01 Feb 2005
Switzerland	Signature	03 Jun 2004	
	Ratification	31 Mar 2006	01 Jul 2006
The former Yugoslav	Signature	15 May 2003	
Republic of Macedonia	Ratification	14 Nov 2005	01 Mar 2006
Ukraine	Signature	15 May 2003	
United Kingdom	Signature	15 May 2003	
	Ratification	09 Dec 2003	01 Feb 2005

## DECLARATIONS AND RESERVATIONS

**Denmark:**

Declaration contained in the instrument of ratification deposited on 16 November 2005 – Or. Engl.

Pursuant to Article 12 of the Protocol, Denmark declares that, until further notice, the Protocol will not apply to the Feroe Islands and Greenland.

Period covered: 1/3/2006 –  
The preceding statement concerns Article(s): 12

**Netherlands:**

Reservation contained in the instrument of acceptance deposited on 16 November 2005 – Or. Engl.

In conformity with the provisions of Article 10, paragraph 1, and Article 9, paragraph 2, of the Additional Protocol to the Criminal Law Convention on Corruption, the Kingdom of the Netherlands declares that it accepts the said Protocol for the Kingdom in Europe, subject to the following reservations made by the Kingdom of the Netherlands when depositing its instrument of acceptance of the Convention: In accordance with Article 37, paragraph 2, and with regard to Article 17, paragraph 1, the Netherlands may exercise jurisdiction in the following cases:

- (a) in respect of a criminal offence that is committed in whole or in part on Dutch territory;
- (b) – over both Dutch nationals and Dutch public officials in respect of offences established in accordance with Article 2 and in respect of offences established in accordance with Articles 4 to 6 and Articles 9 to 11 in conjunction with Article 2, where these constitute criminal offences under the law of the country in which they were committed;
  - over Dutch public officials and also over Dutch nationals who are not Dutch public officials in respect of offences established in accordance with Articles 4 to 6 and 9 to 11 in conjunction with Article 3, where these constitute criminal offences under the law of the country in which they were committed;
  - over Dutch nationals in respect of offences established in accordance with Articles 7, 8, 13 and 14, where these constitute criminal offences under the law of the country in which they were committed.
- (c) over Dutch nationals involved in an offence that constitutes a criminal offence under the law of the country in which it was committed.

Period covered: 1/3/2006 –  
The preceding statement concerns Article(s): 9

Declaration contained in the instrument of acceptance deposited on 16 November 2005 – Or. Engl.

In accordance with Article 37, paragraph 1, the Netherlands will not fulfil the obligation under Article 12.

Period covered: 1/3/2006 –  
The preceding statement concerns Article(s): 12

**Sweden:**

Declaration contained in the instrument of ratification deposited on 25 June 2004 – Or. Engl.

Sweden makes the explanatory statement that, in Sweden's view, a ratification of the Additional Protocol does not mean that its membership of the Group of States against Corruption (GRECO) cannot be reviewed if reasons to do so arise in the future.

Period covered: 1/2/2005 –  
The preceding statement concerns Article(s):

**Switzerland:**

Declaration contained in the instrument of ratification deposited on 31 March 2006 –  
Or. Fr.

Switzerland declares that it will punish offences in the meaning of Articles 4 and 6 of the Additional Protocol only if the conduct of the bribed person consists in performing or refraining from performing an act contrary to his/her duties or depending on his/her power of estimation.

Period covered: 1/7/2006 –  
The preceding statement concerns Article(s): 9

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