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La Convenzione del Consiglio d'Europa sui reati relativi ai beni culturali Nicosia 19 maggio 2017

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La cooperazione internazionale nella repressione del traffico illecito di opere d'arte: la Convenzione di Nicosia del 19 maggio 2017

In data 3 maggio 2017, il Consiglio d'Europa ha adottato una Convenzione volta a prevenire e combattere il traffico illecito e la distruzione di beni culturali, nel quadro dell'azione dell'Organizzazione per la lotta contro il terrorismo e la criminalità organizzata. Aperta alla firma a Nicosia il 19 maggio scorso, la Convenzione è finalizzata al contrasto del traffico illecito di beni culturali attraverso strumenti di diritto penale, secondo una ormai diffusa tendenza che vede nella repressione penale la frontiera più avanzata della disciplina internazionale di fattispecie di varia natura. Non intendiamo soffermarci qui su questa diffusa pratica che declina al penale la cooperazione fra gli Stati, ma solo presentare brevemente il contenuto della Convenzione.

Il Capitolo II della Convenzione prevede infatti l'obbligo per gli Stati di introdurre nel proprio ordinamento alcune nuove infrazioni penali, ove già non contemplate, come il furto dei reperti, lo scavo non autorizzato, l'importazione e l'esportazione illegali, nonché l'acquisizione e la commercializzazione dei beni così ottenuti.

Il capitolo III detta invece le norme procedurali per la cooperazione fra gli Stati, mentre il monitoraggio sull'applicazione della Convenzione è affidato a un Comitato composto dagli Stati parti (Parte V).

Pregio indiscusso della Convenzione, che è al momento l'unico strumento internazionale in materia, è quello di essere aperta alla partecipazione anche degli Stati non membri del Consiglio d'Europa, perseguendo così l'obiettivo di creare una rete di diritto penale uniforme in materia di repressione del traffico illecito internazionale di beni culturali.

Non resta che augurare a questa nuova Convenzione miglior fortuna della Convenzione di Delfi del 1985 ("European Convention on Offences relating to Cultural Property"), mai entrata in vigore perché nessuno Stato la volle ratificare.

(Federica Antonietta Gentile)

Council of Europe Convention on Offences relating to Cultural Property

Nicosia, 19.V.2017

Preamble

The member States of the Council of Europe and the other signatories to this Convention,

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

Being convinced that the diverse cultural property belonging to peoples constitutes a unique and important testimony of the culture and identity of such peoples, and forms their cultural heritage;

Concerned that offences related to cultural property are growing and that such offences, to an increasing extent, are leading to the destruction of the world's cultural heritage;

Considering that unlawfully excavated and illicitly exported or imported cultural property is increasingly being sold in many different ways, including through antique shops and auction houses, and over the internet;

Considering that organised crime is involved in the trafficking of cultural property;

Concerned that terrorist groups are involved in the deliberate destruction of cultural heritage and use the illicit trade of cultural property as a source of financing;

Convinced of the need for a new Council of Europe Convention on Offences relating to Cultural Property which sets out criminal sanctions in this regard and which will replace the European Convention on Offences relating to Cultural Property (ETS No. 119), opened for signature in Delphi on 23 June 1985;

Having regard to the European Cultural Convention (ETS No. 18, 1954), the European Convention on the Protection of the Archaeological Heritage (ETS No. 66, 1969; ETS No. 143, revised in 1992), the Convention for the Protection of the Architectural Heritage of Europe (ETS No. 121, 1985) and the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199, 2005);

Having regard to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30, 1959) and the European Convention on Extradition (ETS No. 24, 1957);

Bearing in mind Resolution 2199 (2015) adopted by the Security Council of the United Nations at its 7379th meeting, on 12 February 2015, and in particular paragraphs 15, 16 and 17; Resolution 2253 (2015) adopted by the Security Council of the United Nations at its 7587th meeting, on 17 December 2015, and in particular paragraphs 14 and 15; Resolution 2322 (2016) adopted by the Security Council of the United Nations at its 7831st meeting, on 12 December 2016, and in particular paragraph 12; Resolution 2347 (2017) adopted by the Security Council of the United Nations at its 7907th meeting, on 24 March 2017;

Bearing in mind also the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, its First Protocol of 1954 and Second Protocol of 1999; the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and its Operational Guidelines adopted in 2015 by the third Meeting of States Parties; the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage; the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects; the 2000 United Nations Convention against Transnational Organized Crime and the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage;

Also bearing in mind Resolution 2057 (2015) on cultural heritage in crisis and post-crisis situations, adopted by the Standing Committee of the Parliamentary Assembly of the Council of Europe on 22 May 2015;

Taking into consideration the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, adopted by the General Assembly of the United Nations with its Resolution 69/196 of 18 December 2014;

Considering that the purpose of this Convention is to protect cultural property through the prevention of and the fight against criminal offences relating to cultural property;

Recognising that, to efficiently combat cultural property crimes, close international co-operation between Council of Europe member States and non-member States alike should be encouraged,

Have agreed as follows:

Chapter I – Purpose, scope, use of terms

Article 1 – Purpose of the Convention

1 The purpose of this Convention is to:

a prevent and combat the destruction of, damage to, and trafficking of cultural property by providing for the criminalisation of certain acts;

b strengthen crime prevention and the criminal justice response to all criminal offences relating to cultural property;

c promote national and international co-operation in combating criminal offences relating to cultural property;

and thereby protect cultural property.

2 In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a follow-up mechanism.

Article 2 – Scope and use of terms

1 This Convention applies to the prevention, investigation, and prosecution of the criminal offences referred to in this Convention relating to movable and immovable cultural property.

2 For the purposes of this Convention the term “cultural property” shall mean:

a in respect of movable property, any object, situated on land or underwater or removed therefrom, which is, on religious or secular grounds, classified, defined or specifically designated by any Party to this Convention or to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as being of importance for archaeology, prehistory, ethnology, history, literature, art or science, and which belongs to the following categories:

(a) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

(b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;

(c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;

(d) elements of artistic or historical monuments or archaeological sites which have been dismembered;

(e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;

(f) objects of ethnological interest;

(g) property of artistic interest, such as:

(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

(ii) original works of statuary art and sculpture in any material;

(iii) original engravings, prints and lithographs;

(iv) original artistic assemblages and montages in any material;

(h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;

(i) postage, revenue and similar stamps, singly or in collections;

(j) archives, including sound, photographic and cinematographic archives;

(k) articles of furniture more than one hundred years old and old musical instruments;

b in respect of immovable property, any monument, group of buildings, site or structure of any other kind, whether situated on land or underwater, which is, on religious or secular grounds, defined or specifically designated by any Party to this Convention or by any Party to the 1970 UNESCO Convention as being of importance for archaeology, prehistory, ethnology, history, art or science or listed in accordance with Article 1 and Article 11 (paragraphs 2 or 4) of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage.

Chapter II – Substantive criminal law

Article 3 – Theft and other forms of unlawful appropriation

Each Party shall ensure that the offence of theft and other forms of unlawful appropriation as set out in their domestic criminal law apply to movable cultural property.

Article 4 – Unlawful excavation and removal

1 Each Party shall ensure that the following conducts constitute a criminal offence under its domestic law, when committed intentionally:

a the excavation on land or under water in order to find and remove cultural property without the authorisation required by the law of the State where the excavation took place;

b the removal and retention of movable cultural property excavated without the authorisation required by the law of the State where the excavation took place;

c the unlawful retention of movable cultural property excavated in compliance with the authorisation required by the law of the State where the excavation took place.

2 Any 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 to provide for non-criminal sanctions, instead of criminal sanctions for the conduct described in paragraph 1 of this article.

Article 5 – Illegal importation

1 Each Party shall ensure that, when committed intentionally, the importation of movable cultural property, the importation of which is prohibited pursuant to its domestic law on the grounds that it has been:

a stolen in another State;

b excavated or retained under circumstances described in Article 4 of this Convention; or

c exported in violation of the law of the State that has classified, defined or specifically designated such cultural property in accordance with Article 2 of this Convention,

constitutes a criminal offence under its domestic law where the offender knew that the cultural property had been stolen, excavated or exported in violation of the law of that other State.

2 Any 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 to provide for non-criminal sanctions, instead of criminal sanctions for the conduct described in paragraph 1 of the present article.

Article 6 – Illegal exportation

1 Each Party shall ensure that the exportation of movable cultural property, if the exportation is prohibited or carried out without authorisation pursuant to its domestic law, constitutes a criminal offence under its domestic law, when committed intentionally.

2 Each Party shall consider taking the necessary measures to apply paragraph 1 of the present article also in respect of movable cultural property that had been illegally imported.

Article 7 – Acquisition

1 Each Party shall ensure that the acquisition of movable cultural property that has been stolen in accordance with Article 3 of this Convention or has been excavated, imported or exported under circumstances described in Articles 4, 5 or 6 of this Convention constitutes a criminal offence under its domestic law where the person knows of such unlawful provenance.

2 Each Party shall consider taking the necessary measures to ensure that the conduct described in paragraph 1 of the present article constitutes a criminal offence also in the case of a person who should have known of the cultural property's unlawful provenance if he or she had exercised due care and attention in acquiring the cultural property.

Article 8 – Placing on the market

1 Each Party shall ensure that the placing on the market of movable cultural property that has been stolen in accordance with Article 3 of this Convention or has been excavated, imported or exported under circumstances described in Articles 4, 5 or 6 of this Convention constitutes a criminal offence under its domestic law where the person knows of such unlawful provenance.

2 Each Party shall consider taking the necessary measures to ensure that the conduct described in paragraph 1 of this article constitutes a criminal offence also in the case of a person who should have known of the cultural property's unlawful provenance if he or she had exercised due care and attention in placing the cultural property on the market.

Article 9 – Falsification of documents

Each Party shall ensure that the making of false documents and the act of tampering with documents relating to movable cultural property constitute

criminal offences under its domestic law, where these actions are intended to present the property as having licit provenance.

Article 10 – Destruction and damage

1 Each Party shall ensure that the following conducts constitute a criminal offence under its domestic law, when committed intentionally:

a the unlawful destruction or damaging of movable or immovable cultural property, regardless of the ownership of such property;

b the unlawful removal, in whole or in part, of any elements from movable or immovable cultural property, with a view to importing, exporting or placing on the market these elements under the circumstances described in Articles 5, 6 and 8 of this Convention

2 Any 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 paragraph 1 of the present article, or to apply it only in specific cases or conditions in cases where the cultural property has been destroyed or damaged by the owner of the cultural property or with the owner's consent.

Article 11 – Aiding or abetting and attempt

1 Each Party shall ensure that the intentional aiding or abetting the commission of a criminal offence referred to in this Convention also constitutes a criminal offence under its domestic law.

2 Each Party shall ensure that the intentional attempt to commit any of the criminal offences referred to in this Convention with the exception of those defined in Article 4, paragraph 1, sub-paragraph a and in Article 8 also constitutes a criminal offence under its domestic law.

3 Any 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 provision of paragraph 1 of the present article in respect of offences defined in Article 4, paragraph 1, sub-paragraph a.

Article 12 – Jurisdiction

1 Each Party shall take the necessary measures to establish jurisdiction over the criminal offences referred to in this Convention, when the offence is committed:

- a in its territory;
- b on board a ship flying the flag of that Party;
- c on board an aircraft registered under the laws of that Party; or
- d by one of its nationals.

2 Each Party shall take the necessary measures to establish jurisdiction over any criminal offence referred to in this Convention, when the alleged offender is present in its territory and cannot be extradited to another State, solely on the basis of his or her nationality.

3 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 paragraph 1, sub-paragraph d of the present article.

4 Where more than one Party claims jurisdiction over an alleged offence in accordance with this Convention, the Parties concerned shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

5 Without prejudice to the general rules of international law, this Convention shall not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.

Article 13 – Liability of legal persons

1 Each Party shall ensure that legal persons can be held liable for criminal offences referred to in this Convention, when 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 that legal person, based on:

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

2 Apart from the cases provided for in paragraph 1 of the present article, each Party shall 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 of the present article has made possible the commission of a criminal offence referred to in this Convention for the benefit of that legal person by a natural person acting under its authority.

3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.

4 Such liability shall be without prejudice to the criminal liability of a natural person who has committed the offence.

Article 14 – Sanctions and measures

1 Each Party shall ensure that the criminal offences referred to in this Convention, when committed by natural persons, are punishable by effective, proportionate and dissuasive sanctions, which take into account the seriousness of the offence. These sanctions shall include, except for offences defined in Article 4, paragraph 1, sub-paragraph a and in Article 5, paragraph 1, sub-paragraphs b and c of this Convention, penalties involving deprivation of liberty that may give rise to extradition.

2 Each Party shall ensure that legal persons held liable in accordance with Article 13 of this Convention are subject to effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal monetary sanctions, and could include other measures, such as:

- a temporary or permanent disqualification from exercising commercial activity;
- b exclusion from entitlement to public benefits or aid;
- c placing under judicial supervision;
- d a judicial winding-up order.

3 Each Party shall take the necessary legislative and other measures, in accordance with domestic law, to permit seizure and confiscation of the:

- a instrumentalities used to commit criminal offences referred to in this Convention;
- b proceeds derived from such offences, or property whose value corresponds to such proceeds.

4 Each Party shall, where cultural property has been seized in the course of criminal proceedings but is no longer required for the purposes of these proceedings, undertake to apply, where appropriate, its criminal procedural law, other domestic law or applicable international treaties when deciding to hand over that property to the State that had specifically designated, classified or defined it as cultural property in accordance with Article 2 of this Convention.

Article 15 – Aggravating circumstances

Each Party shall ensure that the following circumstances, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of domestic law, be taken into consideration as aggravating circumstances in determining the sanctions in relation to the criminal offences referred to in this Convention:

a the offence was committed by persons abusing the trust placed in them in their capacity as professionals;

b the offence was committed by a public official tasked with the conservation or the protection of movable or immovable cultural property, if he or she has intentionally refrained from properly performing his or her duties with a view to obtaining an undue advantage or a prospect thereof;

c the offence was committed in the framework of a criminal organisation;

d the perpetrator has previously been convicted of the offences referred to in this Convention.

Article 16 – Previous sentences passed by another Party

Each Party shall take the necessary measures to provide for the possibility to take into account final sentences passed by another Party in relation to the criminal offences referred to in this Convention when determining the sanctions.

Chapter III – Investigation, prosecution and procedural law

Article 17 – Initiation of proceedings

Each Party shall take the necessary legislative and other measures to ensure that investigations or prosecution of criminal offences referred to in this Convention should not be subordinate to a complaint.

Article 18 – Investigations

Each Party shall consider taking legislative and other measures to ensure that persons, units or services in charge of investigations are specialised in the field of combating the trafficking of cultural property or that persons are trained for this purpose.

Article 19 – International co-operation in criminal matters

1 The Parties shall co-operate with each other, in accordance with the provisions of this Convention and in pursuance of relevant applicable international and regional instruments and arrangements agreed on the basis of uniform legislation or reciprocity and their domestic law, to the widest extent

possible, for the purpose of investigations or proceedings concerning the criminal offences referred to in this Convention, including seizure and confiscation.

2 If a Party that makes extradition or mutual legal assistance in criminal matters conditional on the existence of a treaty receives a request for extradition or legal assistance in criminal matters from a Party with which it has no such a treaty, it may, acting in full compliance with its obligations under international law and subject to the conditions provided for by the domestic law of the requested Party, consider this Convention as the legal basis for extradition or mutual legal assistance in criminal matters in respect of the offences referred to in this Convention and may apply, *mutatis mutandis*, Articles 16 and 18 of the United Nations Convention on Transnational Organized Crime to this effect.

Chapter IV – Preventive measures and other administrative measures

Article 20 – Measures at domestic level

Each Party should, taking into account its obligations under applicable international treaties, consider taking the legislative and other necessary measures to:

a establish or develop inventories or databases of its cultural property defined under Article 2, paragraph 2, of this Convention;

b introduce import and export control procedures, in accordance with the relevant international instruments, including a system whereby the importation and exportation of movable cultural property are subject to the issuance of specific certificates;

c introduce due diligence provisions for art and antiquity dealers, auction houses and others involved in the trade in cultural property, and introduce an obligation to establish records of their transactions. These records should be made available to the competent authorities in accordance with domestic law;

d establish a central national authority or empower existing authorities and putting in place other mechanisms for co-ordinating the activities related to the protection of cultural property;

e enable the monitoring and reporting of suspicious dealings or sales on the internet;

f enable the mandatory reporting to the competent authorities of the discovery by chance of cultural property of the archaeological heritage;

g promote awareness-raising campaigns addressed to the general public about the protection of cultural property and the dangers posed by the crimes against it;

h ensure that museums and similar institutions whose acquisition policy is under State control do not acquire illicitly removed cultural property, and provide information and training for the relevant officials on the prevention of and fight against cultural property-related crimes;

i encourage museums and similar institutions, whose acquisition policy is not under State control, to comply with existing ethical rules on the acquisition of movable cultural property and report to law enforcement authorities any suspected trafficking of cultural property;

j encourage internet service providers, internet platforms and web-based sellers to co-operate in preventing the trafficking of cultural property by participating in the elaboration and implementation of relevant policies;

k prevent free ports from being used for the purpose of trafficking of cultural property either through legislative measures or by encouraging them to establish and effectively implement internal norms through self-regulation;

l improve the dissemination of information relating to any cultural property that has been the subject of an offence as defined by this Convention to its customs and police authorities in order to prevent the trafficking of this cultural property.

Article 21 – Measures at international level

Each Party shall co-operate to the widest extent possible for the purpose of preventing and fighting the intentional destruction of, damage to, and trafficking of cultural property. In particular, the States Parties should:

a promote consultation and exchange of information as regards the identification, seizure and confiscation of cultural property that has been the subject of an offence defined by this Convention and that has been recovered within their territory;

b contribute to international data collection on trafficking of movable cultural property by sharing or interconnecting national inventories or databases on cultural property that has been the subject of an offence defined by this Convention, and/or contributing to international inventories or databases, such as the Interpol database on stolen works of art;

c facilitate co-operation for the purpose of also protecting and preserving cultural property in times of instability or conflict.

Chapter V – Follow-up mechanism

Article 22 – Committee of the Parties

1 The Committee of the Parties shall be composed of representatives of the Parties to the Convention.

2 The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention for the tenth signatory having ratified it. It shall subsequently meet whenever at least one third of the Parties or the Secretary General so requests.

3 The Committee of the Parties shall adopt its own rules of procedure.

4 The Committee of the Parties shall be assisted by the Secretariat of the Council of Europe in carrying out its functions.

5 The Committee of the Parties may propose to the Committee of Ministers appropriate ways to engage relevant expertise in support of the effective implementation of this Convention.

Article 23 – Other representatives

1 The Parliamentary Assembly of the Council of Europe, the European Committee on Crime Problems (CDPC) and the Steering Committee for Culture, Heritage and Landscape (CDCPP) shall each appoint a representative to the Committee of the Parties in order to contribute to a multisectoral and multidisciplinary approach.

2 The Committee of Ministers may invite other Council of Europe bodies to appoint a representative to the Committee of the Parties, after consultation with the committee.

3 Representatives of relevant international bodies may be admitted as observers to the Committee of the Parties following the procedure established by the relevant rules of the Council of Europe.

4 Representatives of relevant official bodies of the Parties may be admitted as observers to the Committee of the Parties following the procedure established by the relevant rules of the Council of Europe.

5 Representatives of civil society, and in particular non-governmental organisations, may be admitted as observers to the Committee of the Parties

following the procedure established by the relevant rules of the Council of Europe.

6 In the appointment of representatives under paragraphs 2 to 5 of the present article, a balanced representation of the different sectors and disciplines shall be ensured.

7 Representatives appointed in accordance with paragraphs 1 to 5 of this article shall participate in meetings of the Committee of the Parties without the right to vote.

Article 24 – Functions of the Committee of the Parties

1 The Committee of the Parties shall monitor the implementation of this Convention. Its rules of procedure shall determine the procedure for evaluating the implementation of this Convention.

2 The Committee of the Parties shall also facilitate the collection, analysis and exchange of information, experience and good practice between States to improve their capacity to prevent and combat trafficking in cultural property. The committee may avail itself of the expertise of other relevant Council of Europe committees and bodies.

3 Furthermore, the Committee of the Parties shall, where appropriate:

a facilitate the effective use and implementation of this Convention, including the identification of any problems that may arise and the effects of any declaration or reservation made under this Convention;

b express an opinion on any question concerning the application of this Convention and facilitate the exchange of information on significant legal, policy or technological developments;

c make specific recommendations to Parties concerning the implementation of this Convention.

4 The European Committee on Crime Problems and the Steering Committee for Culture, Heritage and Landscape shall be kept periodically informed about the activities mentioned in paragraphs 1, 2 and 3 of this article.

Chapter VI – Relationship with other international instruments

Article 25 – Relationship with other international instruments

1 This Convention shall not affect the rights and obligations arising from the provisions of other international instruments to which Parties to the present Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention. However, where Parties

establish their relations in respect of the matters dealt with in the present Convention other than as regulated therein, they shall do so in a manner that is not inconsistent with the Convention's objectives and principles.

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.

Chapter VII – Amendments to the Convention

Article 26 – Amendments

1 Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member States of the Council of Europe, the non-member States which have participated in its elaboration and to any State which has acceded to, or has been invited to accede to this Convention in accordance with the provisions of Article 28.

2 Any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems and the Steering Committee for Culture, Heritage and Landscape, which shall submit to the Committee of the Parties their opinions on that proposed amendment.

3 The Committee of Ministers of the Council of Europe shall consider the proposed amendment and the opinion submitted by the Committee of Parties and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

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 enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

Chapter VIII – Final clauses

Article 27 – Signature and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe and the non-member States which have participated in its elaboration.

2 This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five Signatories, including at least three member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.

4 In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force, in its respect, on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 28 – Accession to the Convention

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

2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 29 – Territorial application

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

2 Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in any such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 30 – Reservations

1 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 one or more of the reservations provided for in Articles 4, 5, 10, 11 and 12, paragraph 3, of this Convention. No other reservation may be made in respect of any provision of this Convention.

2 Each Party which has made a reservation may, at any time, withdraw it entirely or partially by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect from the date of the receipt of such notification by the Secretary General.

3 A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if the reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article 31 – 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 six months after the date of receipt of the notification by the Secretary General.

Article 32 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any Signatory, any Contracting State and any other State which has been invited to accede to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention in accordance with Article 27, paragraphs 3 and 4; Article 28, paragraph 2, and Article 29, paragraph 2;

d any amendment adopted in accordance with Article 26 and the date on which such an amendment enters into force;

e any reservation and withdrawal of reservation made in pursuance of Article 30;

f any denunciation made in pursuance of Article 31;

g any other act, declaration, notification or communication relating to this Convention.

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

Done at Nicosia, this 19th day of May 2017, 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 this Convention.