

Bilag 3

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

Artikel 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.

Tillægsprotokol til strafferetskonventionen om korrupsion

Europarådets medlemsstater og andre stater, der undertegner denne protokol,

som finder det hensigtsmæssigt at supplere strafferetskonventionen om korrupsion (ETS nr. 173, i det følgende benævnt »konventionen«) for at forebygge og bekæmpe korrupsion,

som også finder, at denne protokol vil muliggøre en bredere implementering af handlingsplanen mod korrupsion fra 1996,

har indgået følgende aftale:

KAPITEL I

ANVENDELSE AF TERMER

Artikel 1

Anvendelse af termer

I denne protokol:

1 anvendes udtrykket »*voldgiftsdommer*« i den betydning, det har i national ret i de kontraherende stater, men omfatter dog altid personer, der i medfør af en voldgiftsaftale anmodes om at træffe en juridisk bindende afgørelse i en tvist, som aftalens parter har indbragt for vedkommende;

2 betyder udtrykket »*voldgiftsaftale*« en efter national ret anerkendt aftale, hvorefter parterne indvilliger i at indbringe en tvist for en voldgiftsdommer med henblik på afgørelse;

3 anvendes udtrykket »*nævning*« i den betydning, det har i national ret i de kontraherende stater, men omfatter dog altid en lægmand, der som medlem af et kollegium under en straffesag skal afgøre, om tiltalte er skyldig.