

10 (2004) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2009 Nr. 104

A. TITEL

*Protocol nr. 14 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende wijziging van het controlesysteem van het Verdrag;
Straatsburg, 13 mei 2004*

B. TEKST

De tekst van het Protocol is geplaatst in *Trb.* 2004, 191.

C. VERTALING

Zie *Trb.* 2004, 285.

D. PARLEMENT

Artikel I van de Rijkswet van 1 december 2005 (*Stb.* 2005, 644) luidt als volgt:

„Artikel I

Het op 13 mei 2004 te Straatsburg tot stand gekomen Protocol Nr. 14 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende wijziging van het controlesysteem van het Verdrag, waarvan de Engelse en Franse tekst zijn geplaatst in *Tractatenblad* 2004, 191 en de vertaling in het Nederlands is geplaatst in *Tractatenblad* 2004, 285, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken B. R. BOT en de Minister van Justitie J. P. H. DONNER.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2004/2005/2006, 30089 (R1788) Nr. 1, 2, 3, 4, 5 en 6; Hand. II 2005/2006, blz. 975; Kamerstukken I 2005/2006, 30089 (R1788), A; Hand. I 2005/2006, blz. 352-353.

E. PARTIJGEGEVENS

Zie *Trb.* 2004, 191.

Partij	Onder-tekening	Ratificatie	Type [*]	In werking	Opzeg-ging	Buiten werking
Albanië	10-11-04	03-02-06	R			
Andorra	12-11-04	17-07-06	R			
Armenië	13-05-04	07-01-05	R			
Azerbeidzjan	16-02-05	19-05-06	R			
België	20-04-05	14-09-06	R			
Bosnië en Herzegovina	10-11-04	19-05-06	R			
Bulgarije	23-09-05	17-11-05	R			
Cyprus	15-12-04	17-11-05	R			
Denemarken	13-05-04	10-11-04	R			
Duitsland	10-11-04	11-04-06	R			
Estland	13-05-04	26-01-06	R			
Finland	29-11-04	07-03-06	R			
Frankrijk	13-05-04	07-06-06	R			
Georgië	13-05-04	10-11-04	R			
Griekenland	13-05-04	05-08-05	R			
Hongarije	07-04-05	21-12-05	R			
Ierland	13-05-04	10-11-04	R			
IJsland	13-05-04	16-05-05	R			
Italië	13-05-04	07-03-06	R			
Kroatië	13-05-04	30-01-06	R			
Letland	13-05-04	28-03-06	R			

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Liechtenstein	20-09-04	07-09-05	R			
Litouwen	10-11-04	01-07-05	R			
Luxemburg	13-05-04	21-03-06	R			
Macedonië, Voormalige Joegoslavische Republiek	15-09-04	15-06-05	R			
Malta		04-10-04	O			
Moldavië	10-11-04	22-08-05	R			
Monaco	10-11-04	10-03-06	R			
Montenegro		14-06-06	VG ¹⁾			
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	13-05-04	02-02-06 02-02-06 02-02-06	R R R	– –		
Noorwegen	13-05-04	10-11-04	R			
Oekraïne	10-11-04	27-03-06	R			
Oostenrijk	10-11-04	23-01-06	R			
Polen	10-11-04	12-10-06	R			
Portugal	27-05-04	19-05-06	R			
Roemenië	13-05-04	16-05-05	R			
Russische Federatie	04-05-06					
San Marino	16-05-05	02-02-06	R			
Servië	10-11-04	06-09-05	R			
Slovenië	13-05-04	29-06-05	R			
Slowakije	22-10-04	16-05-05	R			
Spanje	10-05-05	15-03-06	R			
Tsjechië	29-06-05	19-05-06	R			
Turkije	06-10-04	02-10-06	R			

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Verenigd Koninkrijk, het	13-07-04	28-01-05	R			
Zweden	03-09-04	17-11-05	R			
Zwitserland	13-05-04	25-04-06	R			
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

1) Verklaring van voortgezette gebondenheid aan de ondertekening en ratificatie voor Servië en Montenegro.

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	28-01-2005	
Anguilla	28-01-2005	
Bermuda	28-01-2005	
Britse Maagdeneilanden	28-01-2005	
Caymaneilanden	28-01-2005	
Falklandeilanden	28-01-2005	
Gibraltar	28-01-2005	
Guernsey	28-01-2005	
Jersey	28-01-2005	
Man	28-01-2005	
Montserrat	28-01-2005	
Sint Helena	28-01-2005	
Turks- en Caicos-eilanden	28-01-2005	
Zuid-Georgië & Zuid-Sandwicheilanden	28-01-2005	

Verklaringen, voorbehouden en bezwaren

België, 20 april 2005

Concerning Article 12 of the amending Protocol modifying Article 35 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Belgium declares that it understands this provision within the meaning specified in particular in paragraphs 79, 80, 83 and 84 of the Explanatory Report, from which it results that:

- the Court shall apply the new admissibility criterion by establishing a case-law allowing to define the legal terms which state this criterion on the basis of an interpretation establishing objective criteria of definition (paragraphs 79 et 80);
- the new criterion is designed to avoid rejection of cases warranting an examination on the merits (paragraph 83);
- the single-judge formations and committees will not be able to apply the new criteria in the absence of a clear and well established case-law of the Court's Chambers and Grand Chamber (paragraph 84).

Duitsland, 29 mei 2009

The Government of the Federal Republic of Germany declares that the Federal Republic of Germany accepts in its respect the provisional application of the following provisions of Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, in accordance with the agreement reached by the States Parties to the European Convention on Human Rights in Madrid on 12 May 2009:

- Article 4 of Protocol No. 14 amending Article 24, paragraph 2, of the Convention (provision on rapporteurs assisting the Court);
- Article 6 of Protocol No. 14 amending Article 26, paragraphs 1 and 3, of the Convention (provisions on the single-judge formation);
- Article 7 of Protocol No. 14 amending Article 27 of the Convention (provisions on the competence of single judges), and
- Article 8 of Protocol No. 14 amending Article 28 of the Convention (provisions on the competence of committees),

to be applied jointly.
This declaration of acceptance will take effect on the first day of the month following the date of its receipt by the Secretary General of the Council of Europe; the above-mentioned parts of Protocol No. 14 will not be applied in respect of Parties that have not made such a declaration of acceptance.

Letland, 28 maart 2006

Bearing in mind Article 20, paragraph 2, of Protocol No. 14 to the Convention (hereinafter referred to as "this Protocol"), the Republic of Latvia interprets Article 12 of this Protocol amending Article 35 of the Convention (hereinafter referred to as "the Convention"), in the following manner:

1. The new admissibility criterion may not be applied to reject such applications, which examination would otherwise be important for the protection of human rights and fundamental freedoms as defined in the Convention and the Protocols thereto, as well as to reject such applications, which have not been duly considered by a domestic tribunal.
2. The single-judge formations and committees will be able to apply the new admissibility criterion only after the Court's Chambers and Grand Chamber develop their case-law on this subject.
3. The new admissibility criterion will not be applied to the applications declared admissible before the entry into force of this Protocol in accordance with the general principle of non-retroactivity of treaties, contained in Article 28 of the Vienna Convention on the Law of Treaties of 23 May 1969.

Luxemburg, 9 juni 2009

In accordance with the agreement reached by the High Contracting Parties to the European Convention on Human Rights in Madrid on 12 May 2009, I have the honour to notify you that the Grand Duchy of Luxembourg accepts, in its respect, the provisional application of the provisions regarding the new single-judge formation and the new competence of the committees of three judges contained in Protocol No. 14 to the European Convention on Human Rights.

Moldavië, 22 augustus 2005

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol shall be apply only on the territory controlled by the Government of the Republic of Moldova.

Nederlanden, het Koninkrijk der, 10 juni 2009

The Kingdom of the Netherlands notes that the Conference of the High Contracting Parties to the European Convention of Human Rights (hereafter: "the Convention"), meeting in the margins of the 119th Ministerial Session of the Committee of Ministers of the Council of Europe, held in Madrid on 12 May 2009, agreed by consensus that the provisions regarding the new single-judge formation and the new competence of the committees of three judges contained in Protocol No. 14 to the Convention are to be applied on a provisional basis with respect to those States that express their consent, according to the modalities set out in document CM(2009)71 rev2.

The Kingdom of the Netherlands considers that the above agreement fully satisfies the requirement of Article 25, paragraph 1(b), of the Vienna Convention on the Law of Treaties, concerning the provisional application of treaties that do not expressly provide for such application. The Kingdom of the Netherlands ratified Protocol No. 14 to the Convention on 2 February 2006 with respect to all constituent parts of the Kingdom. The Kingdom of the Netherlands hereby expresses its consent to the application of the provisions of Protocol No. 14 referred to above,

according to the modalities set out in document CM(2009)71 rev2. This expression of consent pertains to the Netherlands, the Netherlands Antilles and Aruba.

Polen, 10 november 2004 en 12 oktober 2006

The Government of the Republic of Poland declares that it interprets the amendments introduced by Protocol No. 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, in accordance with the provisions of Article 59, paragraph 3, of the said Convention, following the general principle of non-retroactivity of treaties, contained in Article 28 of the Vienna Convention on the Law of Treaties of 23 May 1969.

Russische Federatie, 4 mei 2006

The Russian Federation declares that, signing the Protocol under the condition of its subsequent ratification, it proceeds from the following:

- the Protocol will be applied in accordance with the understanding contained in the Declaration on “Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels” adopted by the Committee of Ministers of the Council of Europe at its 114th session on 12 May 2004;
- the provisions of the Protocol and their application will be without prejudice to further steps aimed at reaching a full consensus between Member States of the Council of Europe on issues of strengthening the control mechanism of the Convention for the Protection of Human Rights and Fundamental Freedoms and of the European Court of Human Rights, including elaboration of a new additional protocol to the Convention based on the proposals of the “Group of Wise Persons” established to consider the issue of the long-term effectiveness of the Convention control mechanism;
- the application of the Protocol will be without prejudice to the process of improving the modalities of functioning of the European Court of Human Rights, first of all to strengthening the stability of its Rules, not excluding supplementary measures to be adopted by the Committee of Ministers of the Council of Europe aimed at reinforcing the control over the use of financial means allocated to the European Court of Human Rights and at ensuring the quality of staff of its Registry, with the understanding that procedural rules relating to examination of applications by the European Court of Human Rights must be adopted in the form of an international treaty subject to ratification or to another form of expression by a State of its consent to be bound by its provisions.

The Russian Federation declares that, signing the Protocol under the condition of its subsequent ratification, it proceeds from the following:

- the application of Article 28, paragraph 3 of the Convention as amended by Article 8 of the Protocol does not exclude the right of a High Contracting Party concerned, if the judge elected in its respect is

not a member of the committee, to request that he or she be given the possibility to take the place of one of the members of the committee. The Russian Federation declares that, signing the Protocol under the condition of its subsequent ratification, it proceeds from the following:

- no provision of the Protocol will be applied prior to its entry into force in accordance with Article 19.

Verenigd Koninkrijk, het, 30 juni 2009

With reference to the agreement reached at the Conference of the High Contracting Parties to the European Convention on Human Rights, in Madrid on 12 May 2009, the Government of the United Kingdom declares that it accepts, in respect of the United Kingdom, the provisional application of the following parts of Protocol No. 14 to the Convention:

- Article 4 (the second paragraph added to Article 24 of the Convention);
- Article 6 (in so far as it relates to the single-judge formation);
- Article 7 (provisions on the competence of single judges), and
- Article 8 (provisions on the competence of committees). In accordance with the terms of the agreement, as reflected in paragraph (a) of document CM(2009)71 Rev2, this declaration takes effect on 1 July 2009.

Zwitserland, 12 mei 2009

On behalf of the Federal Swiss Council, I have the honour to notify you that Switzerland accepts, in its respect, that the provisions regarding the new single-judge formation and the new competence of the Committees of three judges contained in Protocol No. 14 to the European Convention on Human Rights be applied on a provisional basis, according to the modalities set out in document CM(2009)71 rev2.

F. VOORLOPIGE TOEPASSING

De artikelen 4, 6, 7 en 8 van het Protocol worden vanaf 1 juni 2009 voorlopig toegepast door Duitsland en Zwitserland en vanaf 1 juli 2009 door Luxemburg, het Koninkrijk der Nederlanden en het Verenigd Koninkrijk.

Wat betreft het Koninkrijk der Nederlanden, geldt de voorlopige toepassing voor het gehele Koninkrijk.

G. INWERKINGTREDING

Zie *Trb.* 2004, 191.

J. VERWIJZINGEN

Zie *Trb.* 2004, 191.

Verwijzingen

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
Laatste *Trb.* : *Trb.* 2007, 146

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
Laatste *Trb.* : *Trb.* 2008, 53

Uitgegeven de vierentwintigste juli 2009.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN