

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2001 Nr. 40

A. TITEL

*Europees Verdrag inzake nationaliteit;
Straatsburg, 6 november 1997*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1998, 10.

Zie voor ondertekening ook *Trb.* 1998, 149.

In overeenstemming met artikel 27, eerste lid, is het Verdrag nog ondertekend voor:

Moldavië ¹⁾	3 november 1998
Polen ¹⁾	29 april 1999
Albanië ¹⁾	7 mei 1999
Tsjechië ¹⁾	7 mei 1999
Frankrijk ¹⁾	4 juli 2000

¹⁾ Onder voorbehoud van bekrachtiging.

C. VERTALING

Zie *Trb.* 1998, 149.

Op blz. 4 van *Trb.* 1998, 149 dient in artikel 6, tweede lid, tweede zin de zinsnede „Dit verzoek kan worden gedaan op voorwaarde dat ...” te worden vervangen door „Aan dit verzoek kan de voorwaarde gesteld worden dat ...”

D. PARLEMENT

Artikel 1 van de Rijkswet van 21 december 2000 (*Stb.* 619) luidt als volgt:

„Het op 6 november 1997 te Straatsburg totstandgekomen Europees Verdrag inzake nationaliteit, waarvan de Engelse en Franse tekst zijn geplaatst in Tractatenblad 1998, 10, en de vertaling in het Nederlands is geplaatst in Tractatenblad 1998, 149, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Staatssecretaris van Justitie M. J. COHEN en de Minister van Buitenlandse Zaken J. J. VAN AARTSEN.

Voor de behandeling in de Staten-Generaal zie kamerstukken II 1999/2000, 2000/01, 26 990 (R 1647); hand. II 2000/01, blz. 1663–1669; 1700; 2377–2379 en 2651; kamerstukken I 2000/01, nrs. 145 en 145a; hand. I 2000/01, zie vergadering d.d. 18 en 19 december 2000.

E. BEKRACHTIGING

De volgende staten hebben in overeenstemming met artikel 27, eerste lid, een akte van bekrachtiging, aanvaarding of goedkeuring bij de Secretaris-Generaal van de Raad van Europa nedergelegd:

Slowakije ¹⁾	27 mei 1998
Oostenrijk ²⁾	17 september 1998
Moldavië ³⁾	30 november 1999
het Koninkrijk der Nederlanden ⁴⁾	21 maart 2001

¹⁾ Onder de volgende verklaring:

“According to Article 22, paragraph b, the Slovak Republic declares that persons who are nationals of a State Party which does not require obligatory military service and who are equally nationals of the Slovak Republic shall be considered as having satisfied their military obligations when they have their habitual residence in the territory of the Slovak Republic.”.

²⁾ Onder de volgende voorbehouden en verklaringen:

“1) Reservation concerning Article 6 and Article 7

Austria declares that the term “parents/parents” used in Articles 6 and 7 of this Convention does not, according to the Austrian legislation on nationality, include the father of children born out of wedlock.

2) Declaration concerning Article 6 and Article 9

Austria declares that the term “lawful and habitual residence/résidence légale et habituelle” used in Articles 6 and 9 of this Convention will be interpreted according to the Austrian legislation on nationality as “*Hauptwohnsitz*” (main domicile) in the sense of the Austrian legislation concerning the main domicile.

3) Declaration concerning Article 6, paragraph 1, lit. (b)

Austria declares to retain the right that foundlings found in the territory of the Republic are regarded, until proven to the contrary, as nationals by descent only if they are found under the age of six months.

4) Reservation concerning Article 6, paragraph 2, lit. (b)

Austria declares to retain the right to grant an alien nationality only if he:

1. was born in the territory of the Republic and has been stateless since birth;
2. has had his ordinary residence in the territory of the Republic for a period of not less than ten years, of which a continuous period of not less than five years must precede the granting of nationality;
3. has not been convicted with final effect by a domestic court for certain offences, specified in section 14, paragraph 1, sub-paragraph 3, of the Law on Nationality 1985 as amended;
4. has neither been sentenced with final effect by a domestic nor a foreign court to imprisonment of five or more years; if the offences underlying the sen-

tence pronounced by the foreign court are also punishable under domestic law and the sentence was passed in proceedings complying with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4th November 1950;

5. applies for naturalisation after completing the age of eighteen and not later than two years after attaining majority.

5) Reservation concerning Article 6, paragraph 4, lit. (g)

Austria declares to retain the right not to facilitate the acquisition of its nationality for stateless persons and recognised refugees lawfully and habitually resident on its territory (i.e. main domicile) for this reason alone.

6) Reservations concerning Article 7

i) Austria declares to retain the right to deprive a national of its nationality if:

1. he acquired the nationality more than two years ago either through naturalisation or the extension of naturalisation under the Law on Nationality of 1985 as amended;

2. neither Section 10, paragraph 4, nor Section 16, paragraph 2, nor Section 17, paragraph 4, of the Law on Nationality 1985 as amended were applied;

3. on the day of naturalisation (extension of naturalisation) he was not a refugee as defined in the Convention of 28th July 1951 or the Protocol relating to the legal Status of Refugees of 31st January 1967, and

4. despite the acquisition of its nationality he has retained a foreign nationality for reasons he is accountable for.

ii) Austria declares to retain the right to deprive a national of its nationality, if such person, being in the service of a foreign State, conducts himself in a manner seriously prejudicial to the interests or the reputation of the Republic of Austria.

7) Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (c)

Austria declares to retain the right to deprive a national of its nationality, if such person voluntarily enters the military service of a foreign State.

8) Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (f)

Austria declares to retain the right to deprive a national of its nationality whenever it has been ascertained that the conditions leading to the acquisition of nationality *ex lege*, as defined by its internal law, are not fulfilled any more.

9) Reservation concerning Article 8, paragraph 1

Austria declares to retain the right of permitting renunciation of its nationality by a national only in the case that:

1. the national possesses a foreign nationality;

2. no criminal procedure or execution of a criminal sentence is pending in Austria for an offence punishable with more than six months of imprisonment;

3. in the case of the national, being a male person, he is not a member of the Federal Armed Forces and:

a) has not yet passed the age of sixteen or has already passed the age of thirty-six;

b) has fulfilled his regular military or civilian service obligations;

c) has been found unfit for military service by the Recruiting Commission or has been declared permanently unfit for any kind of civilian service by the competent administrative physician;

d) has been dispensed from recruitment to the Federal army for reasons of mental illness or mental disorder, or

e) has fulfilled the military obligations, or in their place service obligations in

another State of which he is a national and is therefore dispensed from regular military or civilian service on the basis of a bilateral agreement or an international convention.

The conditions listed under sub-paragraphs 2 and 3 do not apply if the person renouncing his nationality has had his ordinary residence outside the territory of the Republic for a continuous period of not less than five years.

10) Reservation concerning Article 22, lit. (a)

Austria declares to retain the right that a person who has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligation in relation to the Republic of Austria.

11) Declaration concerning Article 22, lit. (b)

Austria declares that in the Republic of Austria the age referred to in Article 22, lit. (b) is considered to have been reached with completion of age 35.

12) Reservation concerning Article 21 and Article 22

Austria declares that the terms "military obligations/obligations militaires" used in Articles 21 and 22 of this Convention will be interpreted in a manner that they only comprise the obligation of an individual to fulfil his compulsory military service. Other military obligations are not affected by this Convention."

³⁾ Onder de volgende voorbehouden en verklaringen:

"1. Concerning the application of Article 6, paragraph 4, lit. (g), the Republic of Moldova declares that it would be able to apply it only after the adoption of the proper legal framework for the definition of the refugees statute in the Republic of Moldova, but no later than one year after the entry into force of the Convention for the Republic of Moldova.

2. Concerning Article 7, paragraph 1, lit. (g), the Republic of Moldova reserves its right to recognize the right to keep the nationality of the Republic of Moldova to a child who has the nationality of the Republic of Moldova, was adopted abroad and who acquired the foreign nationality as a consequence of his or her adoption.

3. Concerning Article 22, lit. (a), the Republic of Moldova reserves its right to recognize that a person who has his habitual residence on the territory of the Republic of Moldova and has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligations in relation to the Republic of Moldova.

4. Concerning Article 22, lit. (b), the Republic of Moldova declares that in the Republic of Moldova the age referred in Article 22, lit. (b) is considered to be the completion of the age of 27."

Op 30 juni 2000 is als bijlage bij bovenstaande voorbehouden en verklaringen de wet inzake nationaliteit van Moldavië gevoegd. De Engelse vertaling daarvan is niet afgedrukt.

⁴⁾ Onder de volgende verklaring:

"With regard to Article 7, second paragraph, of the Convention the Kingdom of the Netherlands declares this provision to include the loss of the Dutch nationality by a child whose parents renounce the Dutch nationality as referred to in Article 8 of the Convention."

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 27, tweede lid, op 1 maart 2000 in werking getreden voor Moldavië, Oostenrijk en Slowakije.

Voor iedere staat die daarna zijn instemming door dit Verdrag te worden gebonden tot uitdrukking brengt, treedt het Verdrag ingevolge artikel 27, derde lid, in werking op de eerste dag van de maand die volgt na het verstrijken van een periode van drie maanden na de datum van ondertekening of van de nederlegging van de akte van bekrachtiging, aanvaarding of goedkeuring.

Het Verdrag zal voor het *Koninkrijk der Nederlanden* (voor het gehele Koninkrijk) op 1 juli 2001 in werking treden.

J. GEGEVENS

Zie *Trb.* 1998, 10 en *Trb.* 1998, 149.

Voor het op 5 mei 1949 te Londen tot stand gekomen Statuut van de Raad van Europa zie ook *Trb.* 1996, 355.

Voor het op 4 november 1950 te Rome tot stand gekomen Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden zie ook *Trb.* 1998, 87.

Van de op 13 september 1973 te Bern tot stand gekomen Overeenkomst inzake beperking van het aantal gevallen van staatsloosheid zijn de tekst en de vertaling geplaatst in *Trb.* 1974, 32; zie ook, laatstelijk, *Trb.* 2001, 41.

Uitgegeven de *zevenentwintigste* maart 2001.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN