

27 (1985) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2009 Nr. 140

A. TITEL

*Verdrag inzake het recht dat toepasselijk is op trusts en inzake de
erkenning van trusts;
's-Gravenhage, 1 juli 1985*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in
Trb. 1985, 141.

C. VERTALING

Zie *Trb.* 1985, 141.

D. PARLEMENT

Zie *Trb.* 1996, 9.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1985, 141 en rubriek F van *Trb.* 1996, 9.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Australië	17-10-91	17-10-91	R	01-01-92		
Canada	11-10-88	20-10-92	R	01-01-93		
China						
Cyprus	11-03-98					
Frankrijk	26-11-91					

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Italië	01-07-85	21-02-90	R	01-01-92		
Liechtenstein		13-12-04	T	01-04-06		
Luxemburg	01-07-85	16-10-03	R	01-01-04		
Malta		07-12-94	T	01-03-96		
Monaco		01-06-07	T	01-09-08		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	01-07-85	28-11-95 – –	R	01-02-96 – –		
San Marino		28-04-05	T	01-08-06		
Verenigd Koninkrijk, het	10-01-86	17-11-89	R	01-01-92		
Verenigde Staten van Amerika, de	13-06-88					
Zwitserland	03-04-07	26-04-07	R	01-07-07		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekräftiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Canada

Uitgebreid tot	In werking	Buiten werking
Alberta	01-01-1993	
Brits Columbia	01-01-1993	
Manitoba	01-07-1994	
New Brunswick	01-01-1993	
Newfoundland en Labrador	01-01-1993	
Nova Scotia	01-05-2006	
Prins Edwardeiland	01-01-1993	
Saskatchewan	01-09-1994	

China

Uitgebreid tot	In werking	Buiten werking
Hong Kong SAR	01-07-1997	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	01-01-1992	
Bermuda	01-01-1992	
Brits Antarctisch Territorium	01-01-1992	
Britse Maagdeneilanden	01-01-1992	
Falklandeilanden	01-01-1992	
Gibraltar	01-01-1992	
Guernsey	01-07-1993	
Hong Kong (< 01-07-1997)	01-01-1992	01-07-1997
Jersey	01-03-1992	
Man	01-01-1992	
Montserrat	01-01-1992	
Sint Helena	01-01-1992	
Turks- en Caicos-eilanden	01-07-1993	
Zuid-Georgië & Zuid-Sandwicheilanden	01-01-1992	

Verklaringen, voorbehouden en bezwaren

Canada, 20 oktober 1992

1. The Government of Canada declares, in accordance with Article 29 of the Convention, that the Convention shall extend to the following provinces:

Alberta, British Columbia, New Brunswick, Newfoundland and Prince Edward Island and that Canada may modify this declaration by submitting another declaration at any time.

2. The Government of Canada also declares, in accordance with Article 20 of the Convention, that the provisions of the Convention will be extended to trusts declared by judicial decisions in Alberta, British Columbia, New Brunswick, Newfoundland and Prince Edward Island. The Government of Canada further declares, by way of reservation, in accordance with Article 26 of the Convention and pursuant to Article 16,

that the Province of Alberta will not apply the second paragraph of Article 16.

Canada, 14 april 1994

In accordance with the provisions of Article 20, the Government of Canada declares that, in addition to trusts declared by judicial decisions in the Provinces of Alberta, British Columbia, New Brunswick, Newfoundland and Prince Edward Island, the provisions of the Convention shall extend to trusts declared by judicial decisions in the Province of Manitoba.

The Government of Canada further declares that it may at any time submit other declarations or reservations, pursuant to Article 29 of the Convention, with respect to other territorial units.

Canada, 8 juni 1994

In accordance with the provisions of Article 20, the Government of Canada declares that, in addition to trusts declared by judicial decisions in the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Prince Edward Island, the provisions of the Convention shall extend to trusts declared by judicial decisions in the Province of Saskatchewan.

The Government of Canada further declares that it may at any time submit other declarations or reservations, pursuant to Article 29 of the Convention, with respect to other territorial units.

Canada, 17 februari 2006

1. In accordance with the provisions of Article 29, the Government of Canada declares that, in addition to the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Prince Edward Island and Saskatchewan, the Convention shall extend to the Province of Nova Scotia.

2. In accordance with the provisions of Article 20, the Government of Canada declares that, in addition to trusts declared by judicial decisions in the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Prince Edward Island and Saskatchewan, the provisions of the Convention shall extend to trusts declared by judicial decisions in the Province of Nova Scotia.

3. The Government of Canada further declares that it may at any time submit other declarations or reservations pursuant to Article 29 of the Convention with respect to other territorial units.

China, 16 juni 1997

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed on 19 December 1984 (hereinafter referred to as the "Joint Declaration"), the People's Republic of China will resume the exercise of

sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section XI of Annex I to the Joint Declaration, "Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong", and Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China, that international agreements to which the People's Republic of China is not a Party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region.

In accordance with the above provisions, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to make the following notification:

The Convention on the Law Applicable to Trusts and on Their Recognition done at The Hague on 1 July 1985 (hereinafter referred to as the "Convention"), by which the Government of the Kingdom of the Netherlands is designated as the depositary, which applies to Hong Kong at present, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997.

The Government of the People's Republic of China also makes the following declarations:

1. Paragraph 2 of Article 16 of the Convention will not apply to the Hong Kong Special Administrative Region.

2. In accordance with Article 20 of the Convention, the provisions of the Convention will be extended to trusts declared by judicial decisions in the Hong Kong Special Administrative Region.

Within the above ambit, responsibility for the international rights and obligations of a Party to the Convention will be assumed by the Government of the People's Republic of China.

Luxemburg, 16 oktober 2003

The Government of Luxemburg declares, in accordance with Article 16, paragraph 3 of the Convention, that Article 16, paragraph 2, will not be applicable.

The Government of Luxemburg declares, in accordance with Article 20 of the Convention, that the provisions of the Convention have been extended to trusts declared by judicial decision.

Monaco, 1 juni 2007

The Principality of Monaco declares, in accordance with Article 20, that the provisions of the Convention will be extended to trusts declared by judicial decisions.

The Principality of Monaco declares, as a reservation, that it will not apply the provision of Article 16, second paragraph.

Verenigd Koninkrijk, het, 17 november 1989

The United Kingdom, by way of reservation, declares that it will not apply the second paragraph of Article 16.

The United Kingdom declares, in accordance with Article 20, that the provisions of the Convention will be extended to trusts declared by judicial decisions.

Verenigd Koninkrijk, het, 16 juni 1997

(...) in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention to Hong Kong.

(...)

G. INWERKINGTREDING

Zie *Trb.* 1996, 9.

J. VERWIJZINGEN

Zie *Trb.* 1985, 141 en *Trb.* 1996, 9.

Titel : Statuut van de Haagse Conferentie voor Internationaal
Privaatrecht, zoals herzien in 2005;
's-Gravenhage, 31 oktober 1951

Laatste *Trb.* : *Trb.* 2007, 201

Uitgegeven de vijftiengste september 2009.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN