

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2011 Nr. 28**

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A. TITEL

*Aanvullend Protocol bij het Verdrag tot bescherming van personen met betrekking tot de geautomatiseerde verwerking van persoonsgegevens inzake toezichthoudende autoriteiten en grensoverschrijdend verkeer van gegevens;  
Straatsburg, 8 november 2001*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2003, 122.

C. VERTALING

Zie *Trb.* 2003, 165 en voor een correctie *Trb.* 2004, 288.

D. PARLEMENT

Zie *Trb.* 2004, 288.

E. PARTIJGEGEVENS

Zie *Trb.* 2003, 122. Toetreding is voorzien in artikel 3 vierde lid van het Protocol.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	09-06-04	14-02-05	R	01-06-05		
Andorra	31-05-07	06-05-08	R	01-09-08		
België	30-04-02					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Bosnië en Herzegovina	02-03-04	31-03-06	R	01-07-06		
Bulgarije	02-06-10	08-07-10	R	01-11-10		
Cyprus	03-10-02	17-03-04	R	01-07-04		
Denemarken	08-11-01					
Duitsland	08-11-01	12-03-03	R	01-07-04		
Estland	15-12-08	28-07-09	R	01-11-09		
Finland	08-11-01					
Frankrijk	08-11-01	22-05-07	R	01-09-07		
Griekenland	08-11-01					
Hongarije	30-03-04	04-05-05	R	01-09-05		
Ierland	08-11-01	05-05-09	R	01-09-09		
IJsland	08-11-01					
Italië	08-11-01					
Kroatië	05-06-03	21-06-05	R	01-10-05		
Letland	22-05-07	21-11-07	R	01-03-08		
Liechtenstein	28-01-10	28-01-10	R	01-05-10		
Litouwen	08-11-01	02-03-04	R	01-07-04		
Luxemburg	24-02-04	23-01-07	R	01-05-07		
Macedonië, Voormalige Joegoslavische Republiek	04-01-08	26-09-08	R	01-01-09		
Moldavië	29-04-10					
Monaco	01-10-08	24-12-08	R	01-04-09		
Montenegro	24-02-09	03-03-10	R	01-07-10		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius	12-05-03	08-09-04 28-09-10 28-09-10	R R R	01-01-05 10-10-10 10-10-10		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
– Saba – Aruba – Curaçao – Sint Maarten		28-09-10 – – –	R	10-10-10 – – –		
Noorwegen	08-11-01					
Oekraïne	29-08-05	30-09-10	R	01-01-11		
Oostenrijk	08-11-01	04-04-08	R	01-08-08		
Polen	21-11-02	12-07-05	R	01-11-05		
Portugal	08-11-01	11-01-07	R	01-05-07		
Roemenië	13-07-04	15-02-06	R	01-06-06		
Russische Federatie	13-03-06					
Servië	02-07-08	08-12-08	R	01-04-09		
Slowakije	08-11-01	24-07-02	R	01-07-04		
Spanje	24-09-09	03-06-10	R	01-10-10		
Tsjechië	10-04-02	24-09-03	R	01-07-04		
Turkije	08-11-01					
Verenigd Koninkrijk, het	08-11-01					
Zweden	08-11-01	08-11-01	R	01-07-04		
Zwitserland	17-10-02	20-12-07	R	01-04-08		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

### Verklaringen, voorbehouden en bezwaren

Andorra, 6 mei 2008

In accordance with Article 1, paragraph 1, of the Additional Protocol, Andorra designates the “Agència Andorrana de Protecció de Dades” as the authority competent for controlling and ensuring compliance with the measures in its domestic law giving effect to the Chapters II and III of the Convention.

Bulgarije, 8 juli 2010

In accordance with Article 1, paragraph 1, of the Additional Protocol, Bulgaria declares the following:

- a. The supervisory authority under Article 1, paragraph 1, of the Additional Protocol is the Commission for Protection of Personal Data;
- b. The Commission for Protection of Personal Data is an independent state authority which exercises the protection of individuals in processing of their personal data and in providing the access to these data;
- c. The Commission for Protection of Personal Data passes decisions to complaints submitted by individuals concerning violation of their rights with regard to the processing of personal data;
- d. The decisions of the Commission for Protection of Personal Data are subject to appeal before the Supreme Administrative Court;
- e. The transfer of personal data to another State is admitted only if it ensures an adequate level of protection of the personal data on its territory.

Duitsland, 12 maart 2003

Article 1, paragraph 3, of the Additional Protocol (as well as paragraph 2 of its Preamble) provides that supervisory authorities shall exercise their functions in complete independence.

The Federal Republic of Germany recalls its statement made at the meeting of 6 to 8 June 2000 of the Consultative Committee, set up by virtue of Article 18 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, that the existing practice for supervising data protection in Germany meets the requirements of Article 1, paragraph 3, of the Additional Protocol because the supervisory authorities responsible for data protection – even where they are incorporated in a hierarchical administrative structure – exercise their functions in complete independence.

**Nederlanden, het Koninkrijk der**, 28 september 2010

The Kingdom of the Netherlands currently consists of three parts : the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international

agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

Spanje, 3 juni 2010

If the Additional Protocol were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.
2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.
3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Protocol will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

Verenigd Koninkrijk, het, 8 november 2001

The Government of the United Kingdom declares that the United Kingdom’s signature of the Additional Protocol is extended to the Bailiwicks of Jersey and Guernsey and the Isle of Man, being territories for whose international relations the United Kingdom is responsible.

#### G. INWERKINGTREDING

Zie *Trb.* 2004, 288.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol, dat vanaf 1 januari 2005 alleen voor het Europese deel van Nederland gold, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie *Trb.* 2003, 122 en 165 en *Trb.* 2004, 288.

**Verbanden**

Het Protocol dient ter aanvulling van:

Titel : Verdrag tot bescherming van personen met betrekking tot de geautomatiseerde verwerking van persoonsgegevens;  
: Straatsburg, 28 januari 1981  
Laatste *Trb.* : *Trb.* 2011, 22

**Overige verwijzingen**

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

Titel : Verdrag betreffende de werking van de Europese Unie<sup>1)</sup>;  
Rome, 25 maart 1957  
Laatste *Trb.* : *Trb.* 2010, 246

Uitgegeven de vierde februari 2011.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL

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<sup>1)</sup> De titel van het Verdrag luidde vóór 1 december 2009: Verdrag tot oprichting van de Europese Gemeenschap.