

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2009 Nr. 222**

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A. TITEL<sup>1)</sup>

*Verdrag betreffende de bescherming en de bevordering van de  
diversiteit van cultuuruitingen;  
(met Bijlage)  
Parijs, 20 oktober 2005*

B. TEKST

De Engelse tekst van het Verdrag, met Bijlage, is geplaatst in *Trb.* 2007, 89.

C. VERTALING

Zie *Trb.* 2007, 89.

D. PARLEMENT

Bij brieven van 27 mei 2009 (Kamerstukken II 2008/2009, 31971, nr. 1) is het Verdrag, met Bijlage, in overeenstemming met artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Onderwijs, Cultuur en Wetenschap R. H. A. PLASTERK en de Minister van Buitenlandse Zaken M. J. M. VERHAGEN.

De goedkeuring door de Staten-Generaal is verleend op 1 juli 2009.

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<sup>1)</sup> In *Trb.* 2007, 89 staat in de titel Overeenkomst. Dit dient Verdrag te zijn.

## E. PARTIJGEGEVENS

Zie *Trb.* 2007, 89.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Afghanistan		30-03-09	R	30-06-09		
Albanië		17-11-06	T	18-03-07		
Andorra		06-02-07	T	06-05-07		
Argentinië		07-05-08	R	07-08-08		
Armenië		27-02-07	T	27-05-07		
Australië		18-09-09	T	18-12-09		
Bangladesh		31-05-07	R	31-08-07		
Barbados		02-10-08	T	02-01-09		
Belarus		06-09-06	R	18-03-07		
Benin		20-12-07	R	20-03-08		
Bolivia		04-08-06	R	18-03-07		
Bosnië en Herzegovina		27-01-09	R	27-04-09		
Brazilië		16-01-07	R	16-04-07		
Bulgarije		18-12-06	R	18-03-07		
Burkina Faso		15-09-06	R	18-03-07		
Burundi		14-10-08	R	14-01-09		
Cambodja		19-09-07	T	19-12-07		
Canada		28-11-05	R	18-03-07		
Chili		13-03-07	R	13-06-07		
China		30-01-07	R	30-04-07		
Congo, Republiek		22-10-08	R	22-01-09		
Cuba		29-05-07	R	29-08-07		
Cyprus		19-12-06	R	19-03-07		
Denemarken		18-12-06	R	18-03-07		
Djibouti		09-08-06	R	18-03-07		

Partij	Onder- tekening	Ratificatie	Type <sup>a</sup>	In werking	Opzeg- ging	Buiten werking
Dominicaanse Republiek, de		24-09-09	T	24-12-09		
Duitsland		12-03-07	R	12-06-07		
Ecuador		08-11-06	T	18-03-07		
EG (Europese Gemeenschap)		18-12-06	T	18-03-07		
Egypte		23-08-07	R	23-11-07		
Estland		18-12-06	R	18-03-07		
Ethiopië		02-09-08	R	02-12-08		
Finland		18-12-06	R	18-03-07		
Frankrijk		18-12-06	T	18-03-07		
Gabon		15-05-07	R	15-08-07		
Georgië		01-07-08	R	01-10-08		
Grenada		15-01-09	R	15-04-09		
Griekenland		03-01-07	R	03-04-07		
Guatemala		25-10-06	R	18-03-07		
Guinee		20-02-08	R	20-05-08		
Hongarije		09-05-08	R	09-08-08		
Ierland		22-12-06	R	22-03-07		
IJsland		01-02-07	R	01-05-07		
India		15-12-06	R	18-03-07		
Italië		19-02-07	R	19-05-07		
Ivoorkust		16-04-07	R	16-07-07		
Jamaica		04-05-07	R	04-08-07		
Jordanië		16-02-07	R	16-05-07		
Kameroen		22-11-06	T	18-03-07		
Kenia		24-10-07	R	24-01-08		
Koeweit		03-08-07	T	03-11-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Kroatië		31-08-06	R	18-03-07		
Laos		05-11-07	T	05-02-08		
Letland		06-07-07	T	06-10-07		
Litouwen		18-12-06	T	18-03-07		
Luxemburg		18-12-06	R	18-03-07		
Macedonië, Voormalige Joegoslavische Republiek		22-05-07	R	22-08-07		
Madagaskar		11-09-06	R	18-03-07		
Mali		09-11-06	R	18-03-07		
Malta		18-12-06	T	18-03-07		
Mauritius		29-03-06	R	18-03-07		
Mexico		05-07-06	R	18-03-07		
Moldavië		05-10-06	R	18-03-07		
Monaco		31-07-06	R	18-03-07		
Mongolië		15-10-07	T	15-01-08		
Montenegro		24-06-08	R	24-09-08		
Mozambique		18-10-07	R	18-01-08		
Namibië		29-11-06	R	18-03-07		
<b>Nederlanden, het Koninkrijk der</b> – Nederland – Ned. Antillen – Aruba		09-10-09 – –	T	09-01-10 – –		
Nicaragua		05-03-09	R	05-06-09		
Nieuw-Zeeland		05-10-07	T	05-01-08		
Niger		14-03-07	R	14-06-07		
Nigeria		21-01-08	R	21-04-08		
Noorwegen		17-01-07	R	17-04-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Oman		16-03-07	R	16-06-07		
Oostenrijk		18-12-06	R	18-03-07		
Panama		22-01-07	R	22-04-07		
Paraguay		30-10-07	R	30-01-08		
Peru		16-10-06	T	18-03-07		
Polen		17-08-07	T	17-11-07		
Portugal		16-03-07	R	16-06-07		
Qatar		21-04-09	T	21-07-09		
Roemenië		20-07-06	T	18-03-07		
Saint Lucia		01-02-07	R	01-05-07		
Saint Vincent en de Grenadines		25-09-09	T	25-12-09		
Senegal		07-11-06	R	18-03-07		
Servië		02-07-09	R	02-10-09		
Seychellen, de		20-06-08	T	20-09-08		
Slovenië		18-12-06	R	18-03-07		
Slowakije		18-12-06	R	18-03-07		
Soedan		19-06-08	R	19-09-08		
Spanje		18-12-06	R	18-03-07		
Syrië		05-02-08	T	05-05-08		
Tadzjikistan		24-10-07	R	24-01-08		
Togo		05-09-06	R	18-03-07		
Tsjaad		17-06-08	R	17-09-08		
Tunesië		15-02-07	R	15-05-07		
Uruguay		18-01-07	R	18-04-07		
Verenigd Koninkrijk, het		07-12-07	R	07-03-08		
Vietnam		07-08-07	R	07-11-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Zimbabwe		15-05-08	R	15-08-08		
Zuid-Afrika		21-12-06	R	21-03-07		
Zweden		18-12-06	R	18-03-07		
Zwitserland		16-07-08	R	16-10-08		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

## Uitbreidingen

### China

Uitgebreid tot	In werking	Buiten werking
Hong Kong SAR	30-04-2007	
Macau SAR	30-04-2007	

## Verklaringen, voorbehouden en bezwaren

Argentinië, 7 mei 2008

The Argentine Republic considers that article 27, paragraph 2 of the Convention does not apply to territories which are the subject of a dispute concerning sovereignty between two Parties to the Convention which has been recognised by the General Assembly of the United Nations.

Australië, 18 september 2009

Declaration in respect of Article 16:

Australia declares that it considers that the obligation in Article 16 on developed countries to 'facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners as well as cultural goods and services from developing countries' is not intended to affect the content or interpretation of domestic legislation, regulations, rules or criteria relating to eligibility for immigration visas or permits, or the exercise of discretion under legislation or regulations or in respect of rules or criteria.

Reservation with regard to Article 20(1) (a) and (b):

The Convention shall be interpreted and applied in a manner that is consistent with the rights and obligations of Australia under any other treaties to which it is a party, including the Marrakesh Agreement Establishing the World Trade Organization. This Convention shall not prejudice

the ability of Australia to freely negotiate rights and obligations in other current or future treaty negotiations.

Chili, 13 maart 2007

The Republic of Chile expresses a reservation with regard to the provisions of Article 25, paragraph 3, concerning the settlement of disputes and the Annex to the Convention. It hereby declares, in accordance with Article 25, paragraph 4, that it does not recognize the conciliation procedure laid down therein, which it considers to be inapplicable in its respect.

Denemarken, 18 december 2006

Until otherwise decided, the Convention will not apply to the Faroe Islands and Greenland.

EG (Europese Gemeenschap), 18 december 2006

Declaration of the European Community in application of Article 27(3)(c) of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

The current members of the European Community are the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

This Declaration indicates the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.

The Community has exclusive competence for the common commercial policy (Articles 131-134 of the Treaty), except for the commercial aspects of intellectual property and trade in services in those areas set out in Article 133 (5) and (6) of the Treaty (in particular, in this context, trade in cultural and audiovisual services) where responsibility is shared between the Community and the Member States. It conducts a development cooperation policy (Articles 177-181 of the Treaty) and a policy of cooperation with industrialised countries (Article 181a of the Treaty) without prejudice to the respective competences of the Member States. It has shared competence as regards the free movement of goods, persons, services and capital (Articles 23-31 and 39-60 of the Treaty), competition (Articles 81-89 of the Treaty) and the internal market, including intellectual property (Articles 94-97 of the Treaty). Pursuant to Article 151 of the Treaty, in particular paragraph 4 thereof, the Community

takes cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures.

The Community Acts listed below illustrate the extent of the area of competence of the Community in accordance with the provisions establishing the European Community.

Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the Agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) (OJ L 336, 23.12.1994, p. 1).

Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 - Statements on a Council Regulation applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 (OJ L 346, 31.12.2001, p. 1).

Council Decision 2005/599/EC of 21 June 2005 concerning the signing, on behalf of the European Community, of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 26).

Council Regulation (EC) No 2698/2000 of 27 November 2000 amending Regulation (EC) No 1488/96 on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA) (OJ L 311, 12.12.2000, p. 1).

Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People's Republic, and subsequent amendments, still applicable to Bulgaria and Romania (OJ L 375, 23.12.1989, p. 11).

Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia and repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC (OJ L 306, 7.12.2000, p. 1).

Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America (OJ L 52, 27.2.1992, p. 1).

Council Regulation (EC, Euratom) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia (OJ L 12, 18.1.2000, p. 1).

Decision No 792/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of culture (OJ L 138, 30.4.2004, p. 40).



Decision No 508/2000/EC of the European Parliament and the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1).

Decision No 1419/1999/EC of the European Parliament and of the Council of 25 May 1999 establishing a Community action for the European Capital of Culture event for the years 2005 to 2019 (OJ L 166, 1.7.1999, p. 1).

Council Decision of 22 September 1997 regarding the future of European cultural action (OJ C 305, 7.10.1997, p. 1).

Council Decision of 22 September 1997 on cross-border fixed book prices in European linguistic areas (OJ C 305, 7.10.1997, p. 2).

Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus -Development, Distribution and Promotion) (2001-2005) (OJ L 336, 30.12.2000, p. 82).

Decision No 163/2001 /EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) (OJ L 26, 27.1.2001, p. 1).

Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83 27.3.1999, p. 1), relating to State aid.

Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art (OJ L 272, 13.10.2001, p. 32).

Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ L 248, 6.10.1993, p. 15).

Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights (OJ L 290, 24.11.1993, p. 9).

Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 346, 27.11.1992, p. 61).

The exercise of Community competence is, by its nature, subject to continuous development. In this respect, therefore, the Community reserves the right to notify other future declarations regarding the distribution of competences between the European Community and the Member States.

Mexico, 5 juli 2006

The United Mexican States wishes to enter the following reservation to the application and interpretation of Article 20 of the Convention:

a) This Convention shall be implemented in a manner that is in harmony and compatible with other international treaties, especially the Marrakesh Agreement Establishing the World Trade Organization and other international trade treaties.

b) With regard to paragraph 1, Mexico recognizes that this Convention is not subordinate to any other treaties and that other treaties shall not be subordinate to this Convention.

c) With regard to paragraph 1 (b), Mexico does not prejudge its position in future international treaty negotiations.

**Nederlanden, het Koninkrijk der**, 29 oktober 2009

[...] in conformity with Article 28 of the Convention, the Ministry of Education, Culture and Science of the Netherlands will be the contact point as referred to in Article 9 of the above mentioned Convention.

Nieuw-Zeeland, 5 oktober 2007

[...] and declares that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this accession shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory;

and declares that it considers that the obligation in Article 16 on developed countries to facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatments to artists and other cultural professionals and practitioners as well as cultural goods and services from developing countries is not intended to affect the content or interpretation of domestic legislation, or rules or criteria relating to eligibility for immigration visas or permits, or the exercise of discretion under legislation, or in respect of rules or criteria, but is intended to reflect the way in which the entry of those eligible for visas or permits may be facilitated, such as through special procedures for processing applications;

and declares that it considers the clear legal effect of Article 20 is to ensure the provisions of the Convention do not modify in any way the rights and obligations of the Parties under other treaties to which they are also parties.

Vietnam, 7 augustus 2007

In ratifying the convention, the Socialist Republic of Vietnam, pursuant to paragraph 4 of Article 25 of the Convention, declares that the Socialist Republic of Vietnam does not consider itself bound by the provisions of paragraph 3 of Article 25 of the Convention.

#### G. INWERKINGTREDING

Zie *Trb.* 2007, 89.

Het Verdrag, met Bijlage, zal ingevolge artikel 29, eerste lid, voor het Koninkrijk der Nederlanden op 9 januari 2010 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag, met Bijlage, alleen voor Nederland gelden.

#### J. VERWIJZINGEN

Zie *Trb.* 2007, 89.

Titel : Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2009, 143

Titel : Statuut van de Organisatie der Verenigde Naties voor  
Onderwijs, Wetenschap en Cultuur;  
Londen, 16 november 1945

Laatste *Trb.* : *Trb.* 2009, 51

Uitgegeven de *zevende* december 2009.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN