

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2011 Nr. 51**

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A. TITEL

*Overeenkomst, opgesteld op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie, aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen; Brussel, 26 juli 1995*

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van de Overeenkomst zijn geplaatst in *Trb.* 1995, 289.

D. PARLEMENT

Zie *Trb.* 2002, 174.

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Artikel 1 van de Wet van 17 mei 2010 (*Stb.* 2010, 348) luidt als volgt:

„Artikel 1

De volgende verdragen worden goedgekeurd met het oog op het voornemen de toepassing ervan uit te breiden tot Bonaire, Sint Eustatius en Saba:

(...)

54. Overeenkomst, opgesteld op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie, aangaande de bescherming van de

financiële belangen van de Europese Gemeenschappen; Brussel, 26 juli 1995 (*Trb.* 1995, 289);  
(...):”.

Deze Wet is gecontrasigneerd door de Minister van Buitenlandse Zaken M. J. M. VERHAGEN en de Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties A. TH. B. BIJLEVELD-SCHOUTEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2008/2009, 2009/2010, 32047; Hand. II 2009/2010, 32047; Kamerstukken I 2009/2010, 32047 en 31954; Hand. I 2009/2010, 32047.

#### E. PARTIJGEGEVENS

Zie *Trb.* 2002, 174.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
België	26-07-95	12-03-02	R	17-10-02		
Bulgarije		06-12-07	T	01-01-08		
Cyprus		31-03-05	T	29-06-05		
Denemarken	26-07-95	02-10-00	R	17-10-02		
Duitsland	26-07-95	24-11-98	R	17-10-02		
Estland		03-02-05	T	04-05-05		
Finland	26-07-95	18-12-98	R	17-10-02		
Frankrijk	26-07-95	04-08-00	R	17-10-02		
Griekenland	26-07-95	26-07-00	R	17-10-02		
Hongarije		18-01-10	T	18-04-10		
Ierland	26-07-95	03-06-02	R	17-10-02		
Italië	26-07-95	19-07-02	R	17-10-02		
Letland		31-08-04	T	30-11-04		
Litouwen		28-05-04	T	26-08-04		
Luxemburg	26-07-95	17-05-01	R	17-10-02		
Malta		03-02-11	T	04-05-11		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	26-07-95	16-02-01 08-10-10 08-10-10 08-10-10 – – –	R R R R – – –	17-10-02 10-10-10 10-10-10 10-10-10 – – –		
Oostenrijk	26-07-95	21-05-99	R	17-10-02		
Polen		09-09-08	T	08-12-08		
Portugal	26-07-95	15-01-01	R	17-10-02		
Roemenië		06-12-07	T	01-01-08		
Slovenië		17-04-07	T	16-07-07		
Slowakije		30-09-04	T	29-12-04		
Spanje	26-07-95	20-01-00	R	17-10-02		
Verenigd Koninkrijk, het	26-07-95	11-10-99	R	17-10-02		
Zweden	26-07-95	10-06-99	R	17-10-02		
* 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

#### Bulgarije, 6 maart 2007

With reference to Article 8, paragraph 1 of the Convention the Republic of Bulgaria expresses its consent that disputes between Member States on the interpretation and application of the Convention shall be referred to the Court of Justice of the European Communities.

#### Denemarken, 2 oktober 2000

With reference to Article 7(2)(a) to (c), Denmark shall not be bound by Article 7(1) in the cases listed in Article 7(2)(a), (b) and (c). As regards the acts listed in Article 7(2)(b), this declaration covers offences under Chapter 12 (Offences against the independence and safety of the State), Chapter 13 (Offences against the Constitution and the supreme authorities of the State) and Chapter 14 (Offences against public authority)

of the Danish Criminal Code, and offences which may be similarly categorised. Denmark understands Article 7(2)(b) *inter alia* to include acts described in §8(1) of the Danish Criminal Code. Furthermore, Denmark interprets Article 7 as only applying to the ability to impose punishment, not the ability to deprive someone of their rights.

The Faroe Islands and Greenland are not covered by the Convention for the time being.

Duitsland, 24 november 1998

The Federal Republic of Germany is not bound by Article 7(1) if the act which was the subject of the judgement rendered abroad took place entirely or partly on its territory, unless the act took place partly on the territory of the Member State where the judgement was rendered.

Finland, 18 december 1998

Article 7(1) does not bind Finland in the cases mentioned in Article 7(2)(a) to (c).

Frankrijk, 4 augustus 2000

Pursuant to Article 4(2):

Where the offences covered by Article 1 and Article 2(1) of this convention are committed outside the territory of the French republic, France states, in accordance with the provisions of Article 4(2), that charges for such offences may be brought against the persons listed in Article 4(1), third indent, only at the request of the public prosecutor. Prosecution must be preceded by a complaint by the victim or by his legal successor(s) or by official denunciation of the offence by the authorities of the country in which it was committed.

Griekenland, 26 juli 2000

In accordance with Article 7(2) of the Convention, Greece will not be bound by paragraph 1 of the Article in the cases referred to in subparagraphs (b) and (c) of Article 7(2) of the Convention drawn up on the basis of Article K.3. of the Treaty on European Union on the protection of the European Communities' financial interests.

Italië, 19 juli 2002

In relation to Article 7(2) of the Convention on the protection of the European Communities' financial interests, done at Brussels on 26 July 1995, Italy declares that it shall not be bound by Article 7(1) in respect of the cases described in Article 7(2)(a), (b) and (c).

**Nederlanden, het Koninkrijk der**, 8 oktober 2010

Reservation in respect of Article 6 of the Convention:

The Government of the Netherlands, for the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), declares that

with regard to Article 6(1), jurisdiction may be exercised by the Netherlands in the following cases:

- (a) where the offence is committed in whole or in part within the territory of the Caribbean part of the Netherlands;
- (b) in respect of the offence punishable under Article 2, with regard to Netherlands officials and also with regard to Netherlands nationals who are not Netherlands officials, insofar as it is punishable under the law of the country where it was committed, in respect of the offences punishable under Articles 3 and 4, with regard to both Netherlands nationals and Netherlands officials, insofar as the relevant offence is punishable under the law of the country where it was committed;
- (c) with regard to Netherlands nationals, insofar as the offence is punishable under the law of the country where it was committed,

As regards the Caribbean part of the Netherlands, the competence of the Court of Justice to give preliminary rulings under the Protocol drawn up in Brussels on 29 November 1996 not only relates to the Convention drawn up in Brussels on 26 July 1995 but also to the Protocol drawn up in Dublin on 27 September 1996.

Oostenrijk, 21 mei 1999

Pursuant to Article 7(2) of the Convention, the Republic of Austria hereby declares that it is not bound by Article 7(1) of the Convention in the following cases: (a) if the facts which were the subject of the judgment rendered took place on its own territory either in whole or in part; in the latter case, this exception shall not apply if those facts took place partly on the territory of the Member State where the judgment was rendered; (b) if the facts which were the subject of the judgment rendered abroad constitute one of the following offences: Exploitation of a business or industrial secret in favour of foreign interests (Article 124 of the Penal Code) High treason and preparations to that end (Arts 242 and 244 of the Penal Code) Subversive links (Art. 246 of the Penal Code) Debasement of the State and its image (Art. 248 of the Penal Code) Attacks on supreme organs of the State (Arts 249 to 251 of the Penal Code) Treason (Arts 252 to 258 of the Penal Code) Punishable acts committed against the armed forces of the State (Arts 259 and 260 of the Penal Code) Punishable acts committed against an Austrian official (Art. 74, fourth line of the Penal Code) in the performance of his duties, or by virtue thereof Offences against the Foreign Trade Law and Offences against the War Materials Law; c) if the facts which were the subject of the foreign judgment rendered were committed by an Austrian official (Art. 74, fourth line of the Penal Code) contrary to his official duties.

Slovenië, 17 april 2007

In relation to Article 7(1) of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the Republic of Slovenia

declares that it shall not be bound by Article 7(1) in respect of those cases referred to in Article 7(2)(b) of the Convention.

Slovakije, 30 september 2004

The Slovak Republic declares that it shall not be bound by art.7 (2) of the Convention, if the acts, which were the subject to the judgement issued abroad, are crimes against security or another equally fundamental interest of the Slovak Republic.

Verenigd Koninkrijk, het, 11 oktober 1999

United Kingdom will not apply the rule laid down in the third indent of Article 4, paragraph 1.

Zweden, 10 juni 1999

(...) in accordance with Article 7(2)(a) and (b) of the Convention, (...) Sweden will be able to bring proceedings against a person who has been convicted of the same offence in another State which is a member of the European Union if the offence was: (a) wholly or partly committed on Swedish territory, or (b) directed against Sweden's security or other equally essential interests of Sweden.

#### G. INWERKINGTREDING

Zie *Trb.* 2002, 174.

Wat betreft het Koninkrijk der Nederlanden, geldt de Overeenkomst, die vanaf 17 oktober 2002 voor het Europese deel van Nederland gold, sinds 10 oktober 2010 eveneens voor het Caribische deel van Nederland.

#### J. VERWIJZINGEN

Zie *Trb.* 1995, 289 en *Trb.* 2002, 174.

### **Verbanden**

De Overeenkomst wordt aangevuld door:

- Titel : Protocol, opgesteld op grond van artikel K.3 van het Verdrag betreffende de Europese Unie, bij de Overeenkomst aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen; Dublin, 27 september 1996
- Laatste *Trb.* : *Trb.* 2011, 52

Titel : Protocol, opgesteld op grond van artikel K.3 van het Verdrag betreffende de Europese Unie, betreffende de prejudiciële uitlegging door het Hof van Justitie van de Europese Gemeenschappen, van de Overeenkomst aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen;  
Brussel, 29 november 1996

Laatste *Trb.* : *Trb.* 2011, 53

Titel : Tweede Protocol, opgesteld op grond van artikel K.3 van het Verdrag betreffende de Europese Unie, bij de Overeenkomst aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen;  
Brussel, 19 juni 1997

Laatste *Trb.* : *Trb.* 2011, 55

### **Overige verwijzingen**

Titel : Verdrag tot oprichting van de Europese Gemeenschap voor Kolen en Staal;  
Parijs, 18 april 1951

Laatste *Trb.* : *Trb.* 2002, 145

Titel : Verdrag betreffende de werking van de Europese Unie<sup>1)</sup>;  
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2011, 47

Titel : Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie (EURATOM);  
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2010, 247

Titel : Overeenkomst betreffende bepaalde instellingen welke de Europese Gemeenschappen gemeen hebben;  
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2004, 76

Titel : Europees Verdrag betreffende uitlevering;  
Parijs, 13 december 1957

Laatste *Trb.* : *Trb.* 2006, 168

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

Titel : Verdrag betreffende de Europese Unie;  
Maastricht, 7 februari 1992  
Laatste *Trb.* : *Trb.* 2010, 248

Uitgegeven de *eenentwintigste* maart 2011.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL