

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 166

A. TITEL

Verdrag inzake de bevoegdheid, het toepasselijke recht, de erkenning, de tenuitvoerlegging en de samenwerking op het gebied van ouderlijke verantwoordelijkheid en maatregelen ter bescherming van kinderen; 's-Gravenhage, 19 oktober 1996

B. TEKST

De Franse en de Engelse tekst van het Verdrag zijn geplaatst in *Trb.* 1997, 299.

C. VERTALING

Zie *Trb.* 1997, 299.

D. PARLEMENT

Artikel 1 van de Rijkswet van 16 februari 2006 (*Stb.* 2006, 122) luidt als volgt:

„Artikel 1

Het op 19 oktober 1996 te 's-Gravenhage tot stand gekomen verdrag inzake de bevoegdheid, het toepasselijke recht, de erkenning, de tenuitvoerlegging en de samenwerking op het gebied van de ouderlijke verantwoordelijkheid en maatregelen ter bescherming van kinderen, waarvan de Engelse en Franse tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 1997, 299, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Minister van Justitie J. P. H. DÖNNER en de Minister van Buitenlandse Zaken B. R. BOT.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2004/2005, 29981 (R1782); Hand. II 2005/2006, 29981 (R1782); Kamerstukken I 2004/2005, 29981 (R1782); Hand. I 2004/2005, 29981 (R1782).

E. PARTIJGEGEVENS

Zie *Trb.* 1997, 299 en rubriek F. van *Trb.* 2003, 35.

Partij	Onder-tekening	Ratificatie	Type [*]	In werking	Opzeg-ging	Buiten werking
Albanië		18-05-06	T	01-04-07		
Armenië		01-03-07	T	01-05-08		
Australië	01-04-03	29-04-03	R	01-08-03		
België	01-04-03					
Bulgarije		08-03-06	T	01-02-07		
Cyprus	14-10-03	21-07-10	R	01-11-10		
Denemarken	01-04-03	30-06-11	R	01-10-11		
Dominicaanse Republiek, de		14-12-09	T	01-10-10		
Duitsland	01-04-03	17-09-10	R	01-01-11		
Ecuador		05-11-02	T	01-09-03		
Estland		06-08-02	T	01-06-03		
Finland	01-04-03	19-11-10	R	01-03-11		
Frankrijk	01-04-03	15-10-10	R	01-02-11		
Griekenland	01-04-03					
Hongarije	04-07-05	13-01-06	R	01-05-06		
Ierland	01-04-03	30-09-10	R	01-01-11		
Italië	01-04-03					
Kroatië	30-10-08	04-09-09	R	01-01-10		
Letland	15-05-02	12-12-02	R	01-04-03		
Litouwen		29-10-03	T	01-09-04		
Luxemburg	01-04-03	05-08-10	R	01-12-10		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Malta		24-02-11	T	01-01-12		
Marokko	19-10-96	22-08-02	R	01-12-02		
Monaco	14-05-97	14-05-97	R	01-01-02		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	01-09-97	31-01-11 31-01-11 31-01-11 31-01-11 – 31-01-11 –	R R R R – R –	01-05-11 01-05-11 01-05-11 01-05-11 – 01-05-11 –		
Oekraïne		03-04-07	T	01-02-08		
Oostenrijk	01-04-03	22-12-10	R	01-04-11		
Polen	22-11-00	27-07-10	R	01-11-10		
Portugal	01-04-03	14-04-11	R	01-08-11		
Roemenië	15-11-06	08-09-10	R	01-01-11		
Slovenië	13-05-04	11-10-04	R	01-02-05		
Slowakije	01-06-99	21-09-01	R	01-01-02		
Spanje	01-04-03	06-09-10	R	01-01-11		
Tsjechië	04-03-99	13-03-00	R	01-01-02		
Uruguay	17-11-09	17-11-09	R	01-03-10		
Verenigd Koninkrijk, het	01-04-03					
Verenigde Staten van Amerika, de	22-10-10					
Zweden	01-04-03					
Zwitserland	01-04-03	27-03-09	R	01-07-09		

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

Bezwaren tegen toetreding**Albanië**

Bezwaar door	Bezwaar
Denemarken	30-06-2011

Denemarken, 30 juni 2011

In accordance with Article 58, paragraph 3, the Kingdom of Denmark raises an objection to the accession to the Convention by the Republic of Albania.

Armenië

Bezwaar door	Bezwaar
Denemarken	30-06-2011

Denemarken, 30 juni 2011

In accordance with Article 58, paragraph 3, the Kingdom of Denmark raises an objection to the accession to the Convention by the Republic of Armenia.

Dominicaanse Republiek, de

Bezwaar door	Bezwaar
Denemarken	30-06-2011

Denemarken, 30 juni 2011

In accordance with Article 58, paragraph 3, the Kingdom of Denmark raises an objection to the accession to the Convention by the Dominican Republic.

Ecuador

Bezwaar door	Bezwaar
Denemarken	30-06-2011

Denemarken, 30 juni 2011

In accordance with Article 58, paragraph 3, the Kingdom of Denmark raises an objection to the accession to the Convention by Ecuador.

Oekraïne

Bezwaar door	Bezwaar
Denemarken	30-06-2011

Denemarken, 30 juni 2011

In accordance with Article 58, paragraph 3, the Kingdom of Denmark raises an objection to the accession to the Convention by Ukraine.

Verklaringen, voorbehouden en bezwaren

Albanië, 18 mei 2006

In accordance with the paragraph of the Article 34 of the Convention, the Republic of Albania declares that requests under paragraph 1 of this Article shall be communicated to its authorities only through its Central Authority.

In accordance with the paragraph 1 of the Article 60 of the Convention, the Republic of Albania reserves the right of jurisdiction of its authorities to take measures directed to the protection of the property of a child situated on its territory; and reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property, as it is provided in paragraph 1 of Article 55 of the Convention.

Armenië, 1 maart 2007

Pursuant to Article 34, paragraph 2 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, the Republic of Armenia declares that requests under Article 34, paragraph 1 of the Convention shall be communicated to its authorities only through its Central Authority.

Pursuant to Article 60 of the Convention, the Republic of Armenia makes the following reservations:

1. In accordance with Article 54, paragraph 2 of the Convention, to object to the use of French;
2. In accordance with Article 55, paragraph 1, subparagraph a, to reserve the jurisdiction of its authorities to take measures directed to the protection of real estate and other property of a child which is situated on its territory and is subject to state registration;
3. In accordance with Article 55, paragraph 1, subparagraph b, not to recognize any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.

België, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in

respect of a matter relating to the Convention, shall be recognised and enforced in Belgium by application of the relevant internal rules of Community law.

Bulgarije, 8 maart 2006

Declaration under Article 34, paragraph 2: In accordance with Article 34, paragraph 2, of the Convention, the Republic of Bulgaria declares that requests under paragraph 1 of the same article shall be communicated only through its Central Authority.

Reservation under Article 60, paragraph 1: In accordance with Article 60, paragraph 1, and pursuant to Article 55, paragraph 1, of the Convention, the Republic of Bulgaria reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory, as well as the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.

Bulgarije, 14 juli 2010

Articles 23, 26, 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention.

Accordingly, a judgment given in a court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognized and enforced in the Republic of Bulgaria by application of the relevant internal rules of the Community law.

Cyprus, 21 juli 2010

Pursuant to Article 45, paragraph 2, of the Convention (...), the Republic of Cyprus declares that requests [under] Article 34, paragraph 1, shall be communicated to its authorities only through its Central Authority.

Pursuant to Article 60, paragraph 1, of the Convention, the Republic of Cyprus makes a reservation provided for in Article 54, that any communication sent to the Central Authority of the Republic of Cyprus shall be in the original language and shall be accompanied by a translation into English.

Pursuant to Article 60, paragraph 1, of the Convention (...), the Republic of Cyprus reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory and reserves the right not to recognize any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property, as it is provided in paragraph 1 of Article 55 of the Convention.

Cyprus, 24 maart 2011

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Republic of Cyprus by application of the relevant internal rules of Community law.

(...) in accordance with Article 60, paragraph 2, of the said Convention, the withdrawal of the Reservation submitted by Cyprus at the time of ratification of the Convention pursuant to Article 60, paragraph 1. The withdrawal of the Reservation (...) concerns the Reservation submitted by Cyprus at the time of ratification in relation to Article 55 of the Convention.

Denemarken, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Denmark by application of the relevant internal rules of Community law.

Denemarken, 30 juni 2011

In accordance with Article 34, paragraph 2, the Kingdom of Denmark declares that requests under Article 34, paragraph 1, shall be communicated to its authorities only through its Central Authority.

In accordance with Article 60, paragraph 1, the Kingdom of Denmark declares that it objects to the use of French as provided for in Article 54, paragraph 2.

The Convention shall not apply to Greenland and the Faroe Islands.

Duitsland, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Federal Republic of Germany by application of the relevant internal rules of Community law.

Duitsland, 17 september 2010

The Federal Republic of Germany makes a reservation, in accordance with Article 54, paragraph 2, and Article 60 of the Convention, objecting to the use of the French language.

Estland, 6 augustus 2002

Pursuant to Article 34, paragraph 2, of the Convention the Republic of Estonia notifies that the requests under paragraph 1 of the same Article shall be communicated to the authorities of the Republic of Estonia only through its Central Authority.

Pursuant to Article 60, paragraph 1, of the Convention the Republic of Estonia makes a reservation provided for in Article 54 that any communication sent to the Central Authority of the Republic of Estonia shall be in the original language, and shall be accompanied by a translation into English.

Estland, 17 mei 2005

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Estonia by application of the relevant internal rules of Community law.

Finland, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Finland by application of the relevant internal rules of Community law.

Frankrijk, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and

enforced in France by application of the relevant internal rules of Community law.

Frankrijk, 15 oktober 2010

Declaration pursuant to Article 34, paragraph 2:

France declares that requests under paragraph 1 of this Article shall be communicated to its authorities only through its Central Authority.

Frankrijk, 8 juli 2011

The French Republic declares, pursuant to Article 52, paragraph 1 of the Convention, that the provisions on applicable law of this Convention shall take precedence over the provisions of the Convention between the French Republic and the People's Republic of Poland on Applicable Law, Jurisdiction and the Enforcement of Judgments in the Field of Personal and Family Law, signed at Warsaw on 5 April 1967.

Griekenland, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Greece by application of the relevant internal rules of Community law.

Hongarije, 22 september 2005

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgement. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Hungary by application of the relevant internal rules of Community law.

Hongarije, 13 januari 2006

1. To Paragraph 2 of Article 34

Pursuant to Paragraph 2 of Article 34 of the Convention, the Republic of Hungary has the honour to declare that requests under Paragraph 1 of Article 34 of the Convention are to be communicated only to its Central Authority.

2. To Paragraph 2 of Article 54

Pursuant to Paragraph 2 of Article 54 of the Convention, the Republic of Hungary reserves the right to accept the requests communicated to its

Central Authority only in Hungarian language, where that is not feasible, the request shall be accompanied by English translation.

3. To Paragraph 1 of Article 55

The Republic of Hungary reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory, and reserves the right not to recognise any parental responsibility or measure in so far it is incompatible with any measure taken by its authorities in relation to that property.

Ierland, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Ireland by application of the relevant internal rules of Community law.

Ierland, 24 december 2010

(...) Ireland, pursuant to Article 34, paragraph 2 of the Convention, hereby declares that requests under paragraph 1 of Article 34 shall be communicated to its authorities only through its Central Authority.

Italië, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Italy by application of the relevant internal rules of Community law.

Kroatië, 4 september 2009

Declaration concerning Article 34, paragraph 2

In accordance with Article 34, paragraph 2, of the Convention, the Republic of Croatia declares that requests under Article 34, paragraph 1, of the Convention, shall be communicated to its authorities only through its Central Authority.

Declaration concerning Articles 23, 26, and 52

The Republic of Croatia declares that, at the moment when it becomes the member of European Union, it shall apply the relevant internal rules of Community law to the recognition and enforcement of a decision, in

respect of the matter relating to the Convention, issued by a Court of a Member State of the European Union.

Reservation concerning Article 60 in connection with Article 55

In accordance with Article 60 of the Convention, the Republic of Croatia reserves the jurisdiction of its authorities to take measures for the protection of (immovable) property and related property's rights of a child, whereas such property is situated on its territory, and reserves the right not to recognise any decision on parental responsibility if it is incompatible with the measure of its authority in charge in relation to the property of a child.

Letland, 12 december 2002

Pursuant to Article 45, paragraph 2 of the Convention [...], the Republic of Latvia declares that requests under Article 34, paragraph 1 shall be communicated to its authorities only through its Central Authority.

Pursuant to Article 60, paragraph 1 of the Convention [...], the Republic of Latvia objects to the use of French as provided for in Article 54, paragraph 2 of the Convention.

Pursuant to Article 60, paragraph 1 of the Convention [...], the Republic of Latvia reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory as provided for in Article 55 of the Convention.

Letland, 12 mei 2009

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Republic of Latvia by application of the relevant internal rules of Community law.

Litouwen, 29 oktober 2003

... that requests under paragraph 1 of Article 34 shall be communicated to its authorities only through its Central Authority;

... that any communication sent to the Republic of Lithuania shall be translated into the Lithuanian language or, if it is not possible, into the English language;

... that the Republic of Lithuania reserves the jurisdiction of its authorities to take measures directed to the protection of immovable property of a child situated in the territory of the Republic of Lithuania.

Litouwen, 26 juli 2004

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the

recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Republic of Lithuania by application of the relevant internal rules of Community law.

Luxemburg, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Luxemburg by application of the relevant internal rules of Community law.

Luxemburg, 5 augustus 2010

The Grand Duchy of Luxembourg confirms the declaration pronounced at the time of signature.

Malta, 24 februari 2011

Pursuant to Article 34, paragraph 2 of the Convention, the Government of Malta declares, that requests received under Article 34, paragraph 1 of the Convention are to be communicated to its authorities only through its Central Authority.

Pursuant to Article 54 paragraph 2 of the Convention, the Government of Malta declares, that it cannot accept communications in the French language.

Pursuant to Article 60 and Article 55, paragraph 1 of the Convention, the Government of Malta reserves:

- a) the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory;
- b) the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgements. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Malta by application of the relevant internal rules of Community law.

Nederlanden, het Koninkrijk der, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Kingdom of the Netherlands by application of the relevant internal rules of Community law.

Nederlanden, het Koninkrijk der, 31 januari 2011

In accordance with the provisions of Article 52, first paragraph, of the Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children, concluded at The Hague on 19 October 1996, and Article 20 of the European Convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children, concluded at Luxembourg on 20 May 1980, the Government of the Kingdom of the Netherlands declares that in the relations of the Netherlands with other States Parties to both the Convention of 1996 and the Convention of 1980, the former Convention shall take precedence.

The Government of the Kingdom of the Netherlands declares that whereas Curaçao is not bound by the 1951 Convention relating to the Status of Refugees, Article 6 of the present Convention shall be interpreted as containing a reference only to such other international human rights or humanitarian instruments as are binding on the Kingdom of the Netherlands with respect to Curaçao.

Oekraïne, 3 april 2007

In accordance with Article 34, paragraph 2, of the Convention Ukraine declares that the requests for the purposes of paragraph 1 of this Article shall be sent to Ukraine only through its central authority.

In accordance with Article 44 of the Convention Ukraine declares that the requests according to Articles 8, 9 and 33 of the Convention shall be sent to the central authority of Ukraine.

In accordance with Articles 55 and 60 of the Convention Ukraine determines that it:

- a) keeps the jurisdiction of its competent authorities to take measures directed towards the protection of child's immovable property located in its territory.
- b) reserves the right not to recognize any parental responsibility as well as measures if they are incompatible with the measure used by its competent authorities in respect of child's immovable property located in its territory.

Oostenrijk, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Austria by application of the relevant internal rules of Community law.

Oostenrijk, 22 december 2010

The Republic of Austria makes a reservation in accordance with Article 54 paragraph 2 and Article 60 paragraph 1, objecting the use of the French language.

The Republic of Austria declares according to Article 52 paragraph 1 that the provisions of this Convention on applicable law shall prevail over the provisions of the Agreement between the Republic of Austria and the People's Republic of Poland on Mutual Legal Relations in Civil Matters and on Documents with final protocol and additional protocol.

Polen, 27 juli 2010

I – Declarations

1) requests under Article 34 par. 1 shall be communicated only through the Ministry of Justice (Article 34 par. 2),

2) Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Republic of Poland by application of the relevant internal rules of Community law.

II – Reservations

The Republic of Poland

1) reserves the jurisdiction of its authorities in order to take measures directed to the protection of immovable property of a child situated in the territory of the Republic of Poland (Article 55 par. 1 sub-par. a),

2) reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by the Polish authorities in relation to immovable property of a child situated in the territory of the Republic of Poland (Article 55 par. 1 sub-par. b).

Polen, 7 april 2011

The Republic of Poland declares pursuant to Article 52 paragraph 1 that the rules on applicable law of this Convention shall take precedence over the rules of the Convention between Poland and Austria on mutual relations in civil matters and on documents signed at Vienna on 11 december 1963 as modified by the protocol signed at Vienna on 25 January 1973.

Polen, 18 mei 2011

The Republic of Poland declares, pursuant to Article 52, paragraph 1 of the Convention, that the rules on applicable law of the Convention shall take precedence over the rules of the Treaty between the Polish People's Republic and the Czechoslovak Socialist Republic on Legal Aid and Settlement of Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Warsaw on 21 December 1987.

Polen, 8 juli 2011

The Republic of Poland declares, pursuant to Article 52, paragraph 1 of the Convention, that the rules on applicable law of this Convention shall take precedence over the rules of the Convention between the People's Republic of Poland and the French Republic on Applicable Law, Jurisdiction and the Enforcement of Judgments in the Field of Personal and Family Law, concluded in Warsaw on 5 April 1967.

Portugal, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Portugal by application of the relevant internal rules of Community law.

Portugal, 14 april 2011

Articles 23, 26 and 52 of the Convention allow contracting parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgements. The community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a court of a member state of the European Union, in respect of a matter relating to the Convention, shall be recognized and enforced in Portugal by application of the relevant internal rules of community law.

Roemenië, 15 november 2006

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Romania, from the date of its accession to the European Union, by application of the relevant internal rules of Community law.

Roemenië, 8 september 2010

1. In accordance with Article 34, paragraph 2 of the Convention, Romania declares that the requests received under paragraph 1 of Article 34 shall be communicated to its authorities only through its Central Authority, respectively, the National Authority for the Protection of Child's Rights;

2. In accordance with Article 2 of the Council Decision no.2003/93/CE of 12 December 2002, authorizing the Member States, in the interest of the Community, to sign the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children, published in the Official Journal of the European Communities no. L 48 of 21 February 2003, Romania declares the following:

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgements. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Romania by application of the relevant internal rules of Community law.

In accordance with Article 60 together with Article 55, paragraph 1 of the Convention, Romania reserves:

- a) the competence of its authorities to take measures for the protection of the child's goods situated on its territory;
- b) the right not to recognize the parental responsibility or measures which are incompatible with the measures taken by its authorities concerning these goods.

Slovenië, 13 mei 2004

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a

judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Republic of Slovenia by application of the relevant internal rules of Community law.

Slovenië, 11 oktober 2004

In compliance with Article 34, para. 2, of the said Convention, the Republic of Slovenia declares that the requests under Article 34, para. 1, of the Convention are to be communicated to its authorities only through the Ministry of Labour, Family and Social Affairs.

Slowakije, 21 september 2001

Under Article 60 of the Convention, the Slovak Republic reserves the jurisdiction of its authorities to take measures directed to the protection of immovable property of a child situated on the territory of the Slovak Republic as well as the right not to recognize any parental responsibility or measure in so far as it is incompatible with any measures taken by its authorities in relation to such property.

The Slovak Republic declares that requests under Article 34 para 1 of the Convention shall be communicated to its authorities only through its Central Authority.

Slowakije, 11 mei 2004

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Slovak Republic by application of the relevant internal rules of Community law.

Spanje, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Spain by application of the relevant internal rules of Community law.

Spanje, 6 september 2010

If the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Paren-

tal Responsibility and Measures for the Protection of Children were to be extended by the United Kingdom to the territory of Gibraltar, the Kingdom of 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 said non-autonomous territory depends.

3. As a result, any participation of the Gibraltar authorities in the application of this Convention will be understood as carried out exclusively within the framework of the internal competences of Gibraltar and cannot be considered to modify in any way the provisions of the two previous paragraphs.

4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007), agreed by Spain and the United Kingdom on 19 December 2007, applies to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

Pursuant to the provisions of article 34, paragraph 2 of the Convention, Spain declares that the requests referred to in article 34, paragraph 1 shall be communicated to its authorities solely through its Central Authority.

In accordance with the provisions of Article 29:

Pursuant to the provisions of article 60 and article 55, paragraph 1(a) and (b) of the Convention, Spain reserves the jurisdiction of its authorities to take measures directed to the protection of the property of a child which is situated on its territory, and the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.

Tsjechië, 13 maart 2000

Pursuant to Article 34, para. 2, of the Convention, the Czech Republic has the honour to declare that requests under Article 34, para. 1, of the Convention are to be communicated to its authorities only through the Authority for International Legal Protection of Children, having its seat in Brno, Benesova 22.

Tsjechië, 16 september 2004

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement, which is at least as

favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Czech Republic by application of the relevant internal rules of Community law.

Tsjechië, 18 mei 2011

The Czech Republic declares, pursuant to Article 52, paragraph 1 of the Convention, that the rules on applicable law of the Convention shall take precedence over the rules of the Treaty between the Czechoslovak Socialist Republic and the Polish People's Republic on Legal Aid and Settlement of Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Warsaw on 21 December 1987.

Verenigd Koninkrijk, het, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the United Kingdom of Great Britain and Northern Ireland by application of the relevant internal rules of Community law.

Zweden, 1 april 2003

Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgement given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in Sweden by application of the relevant internal rules of Community law. (Regulation (EC) No 1347/2000 plays a special role in this field since it relates to jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses.)

Zwitserland, 27 maart 2009

Reservation under Article 55, paragraph 1, sub-paragraph b, in accordance with Article 60

Switzerland reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to the property of a child situated on its territory.

Autoriteiten

Albanië, 18 mei 2006

In accordance with the paragraph 1 of the Article 29 of the Convention, the Central Authority to discharge the duties, which are imposed by this Convention is the Ministry of Justice.

Armenië, 12 februari 2008

... that the Central Authority in the Republic of Armenia to discharge the duties for the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, is the Ministry of Justice of the Republic of Armenia.

Australië, 13 april 2010

For the Commonwealth Central Authority:
International Family Law Section
Access to Justice Division
Commonwealth Attorney-General's Department

For Western Australia:

Department for Child protection

For Queensland:

Department of Communities (Child Safety)

For Tasmania:

Disability, Child, Youth and Family Services

Department of Health and Human Services

For the Northern Territory:

The Minister for Health and Community Services

Bulgarije, 8 maart 2006

Central Authority:

Declaration under Article 29, paragraph 1: In accordance with Article 29, paragraph 1, of the Convention, the Republic of Bulgaria designates as a Central Authority the Ministry of Justice.

Cyprus, 24 maart 2011

The Republic of Cyprus has designated the Ministry of Justice and Public Order as the Central Authority to discharge the duties which are imposed by the Convention.

Denemarken, 30 juni 2011

In accordance with Article 44, the Kingdom of Denmark designates the Central Authority as the authority to which requests under Articles 8, 9 and 33 are to be addressed.

Dominicaanse Republiek, de, 28 april 2010

Central Authority:

National Council for Childhood and Adolescence (CONANI)

Duitsland, 17 september 2010

a) Ad Article 29 of the Convention (Central Authority)

The Central Authority pursuant to Article 29 of the Convention shall be:

Bundesamt für Justiz (Federal Office of Justice)

Zentrale Behörde (Central Authority)

b) Ad Article 44 of the Convention (Competent courts and authorities)

aa) Competent authority pursuant to Article 33 of the Convention:

The responsibility for approving the placement of a child pursuant to Article 33 of the Hague Convention of 19 October 1996 within Germany shall be the supralocal public youth welfare authority (Land Youth Welfare Office, Landesjugendamt) in whose district the requesting authority proposes to place the child, otherwise the supralocal authority with whose area the Central Authority has identified the most substantial connection. Land Berlin shall be secondarily responsible.

bb) Authorities to which requests pursuant to Articles 8 and 9 of the Convention are to be directed:

In court proceedings relating to parental responsibility, the following Family Courts are responsible locally:

(a) While matrimonial proceedings are pending, the Family Court where the matrimonial proceedings are or were pending in the first instance has exclusive responsibility in so far as the proceedings affect the spouses' joint children.

(b) Otherwise responsibility lies with the Family Court within whose jurisdiction the child has its habitual residence.

(c) If there is no competence under (a) or (b) above, responsibility lies with the Family Court within whose area of jurisdiction the need for care becomes evident.

In cases concerning rights of access, parental authority or the surrender of children, the request may also be directed to the Family Court at the seat of the Higher Regional Court within whose area of jurisdiction the child is habitually resident if one parent has his/her habitual place of residence in another Member State of the European Union or in another Contracting State of the Hague Convention ("family court with specialist responsibility"). Family Courts with specialist responsibility specialize in international parent and child cases.

If an application for the recognition or enforcement of a decision pursuant to the Convention, Regulation (EC) No. 2201/2003 or the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980 or an application under the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 is or becomes pending at a German Family Court with specialist responsi-

lity, this same Family Court becomes responsible for all proceedings relating to rights of access, parental authority or surrender of children in respect of that child.

Family Courts with specialist responsibility are

- a) for the district of Berlin Higher Regional Court: Pankow/Weißensee Local Court;
- b) for the districts of the Higher Regional Courts in Lower Saxony: Celle Local Court;
- c) otherwise: the Local Court in whose district a Higher Regional Court is located.

The Central Authority can provide help with identifying the competent court or pass requests on to the competent court.

Ecuador, 27 februari 2006

Central Authority:

The President of the National Council for Children and Adolescents;

Ecuador, 30 mei 2008

Central Authority (modification):

National Council for Children and Adolescents

Estland, 6 augustus 2002

Pursuant to Article 29 of the Convention the Republic of Estonia designates as the Central Authority the Ministry of Justice.

Finland, 19 november 2010

Central Authority:

Ministry of Justice,
International Affairs

Frankrijk, 15 oktober 2010

Declaration pursuant to Article 29:

France declares that its Central Authority for the purposes of Convention is the 'Bureau de l'entraide civile et commerciale internationale' of the 'Sous-Direction du droit commercial' of the 'Direction des Affaires civiles et du Sceau' of the Ministry of Justice.

Hongarije, 8 januari 2007

Central Authority

Ministry of Social Affairs and Employment

Hongarije, 28 september 2010

Central Authority (modification):

Ministry of National Resources
Child and Youth Care Department

Ierland, 24 december 2010

Central Authority:

Minister for Justice and Law Reform

Central Authority for International Child Protection

Department of Justice and Law Reform

Furthermore, pursuant to Article 44 of the Convention, Ireland has designated its Central Authority as the authority in Ireland to which requests under Articles 8, 9 and 33 of the Convention are to be addressed.

Kroatië, 4 september 2009

Declaration concerning Article 29, paragraph 1

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Croatia designates the Ministry of Health and Social Welfare in Zagreb, Ksaver 200a, as the Central Authority to discharge the duties imposed by the Convention on such authorities.

Declaration concerning Article 44

In accordance with Article 44 of the Convention, the Republic of Croatia designates the Ministry of Health and Social Welfare in Zagreb, Ksaver 200a, as the Central Authority to which requests under Articles 8, 9 and 33 are to be addressed.

Letland, 1 juli 2003

Central Authority:

Secretariat of Minister for Special Assignments for Children and Family Affairs

Letland, 7 september 2009

Central Authority in accordance with Article 6 (modification):

Ministry of Justice

Litouwen, 29 oktober 2003

... designates the Ministry of Social Security and Labour of the Republic of Lithuania as a Central Authority to discharge the duties, which are imposed by the Convention;

... that certificate under paragraph 1 of Article 40 is issued by the child's habitual residence's district court of the Republic of Lithuania.

Litouwen, 19 september 2006

Central Authority (art. 29)

Ministry of Social Security and Labour of the Republic of Lithuania
Authority (Art. 44)

State Child Rights Protection Adoption Service

Ministry of Social Security and Labour of the Republic of Lithuania

Competent Authority (Art. 40)

The District Court of the Republic of Lithuania of the child's habitual residence.

Luxemburg, 5 augustus 2010

The competent Central Authority within the meaning of article 29 of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children is the Parquet Général.

Malta, 24 februari 2011

In accordance with the requirement of Article 29 of the said Convention and for the purposes of this Convention, the designated Central Authority for Malta is the Director for Social Welfare Standards, Ministry for Education Employment and Family, Department for Social Welfare Standards.

Monaco, 7 november 2005

Central Authority:

Direction des Services Judiciaires

Palais de Justice

Nederlanden, het Koninkrijk der, 31 januari 2011

The Central Authority for the European part and the Caribbean part of the Netherlands is the Ministry of Security and Justice.

The Central Authority for Curaçao is the Ministry of Justice.

Oekraïne, 3 april 2007

In accordance with Article 29, paragraph 1, of the Convention Ukraine determines the Ministry of Justice of Ukraine as the central executive authority empowered according to the provisions of this Convention.

Oostenrijk, 22 december 2010

The Republic of Austria informs in accordance with Article 45 paragraph 1 and Article 29 paragraph 1 that it has designated the Federal Ministry of Justice as Central Authority.

The Republic of Austria informs in accordance with Article 45 paragraph 1 and Article 44 that a query in accordance with Article 33 shall be sent to the Central Authority.

Polen, 27 juli 2010

In the Republic of Poland, in the meaning of Article 29 par. 1 of the Convention, the Ministry of Justice will be the Central Authority (Article 29 par. 1).

Portugal, 9 juni 2011

General Directorate of Social Welfare of the Ministry of Justice
Portuguese Central Authority.

Roemenië, 8 september 2010

1. In accordance with Article 29, paragraph 1 of the Convention, the National Authority for the Protection of Child's Rights is designated as the Central Authority to discharge the duties which are imposed by this Convention;
2. In accordance with Article 40, paragraph 3 of the Convention, the competent Romanian authority to draw up the certificate provided in paragraphs 1 and 2 of Article 40 is the Bucharest Tribunal;
3. In accordance with Article 44, the requests provided in Articles 8 and 9 shall be addressed to the Ministry of Justice and the requests provided in Article 33 shall be addressed to the National Authority for the Protection of Child's Rights.

Slovenië, 11 oktober 2004

Central Authority:

Ministry of Labour, Family and Social Affairs

Slowakije, 21 september 2001

In accordance with Articles 29, 40 and 44 of the Convention the Slovak Republic has designated the following authorities:

1. as the Central Authority under Article 29:
Ministerstvo spravodlivosti Slovenskej republiky
(Ministry of Justice of the Slovak Republic)
2. Under Article 44 as the Central Authority to which requests under Article 33 shall be addressed:
Ministerstvo práce,
sociálnych vecí a rodiny Slovenskej republiky
(Ministry of Labour, Social Affairs and Family of the Slovak Republic)
3. as the Central Authority competent to draw up the certificate under Article 40:
Central pre medzinárodno-právnu ochranu detí a mládeže
(Centre for International Legal Protection of Children and Youth).

Spanje, 6 september 2010

For the purposes of article 29, paragraph 1 of the Convention, Spain designates as its Central Authority the Directorate-General of International Legal Cooperation (Dirección General de Cooperación Jurídica Internacional) of the Ministry of Justice.

Tsjechië, 13 maart 2000

Pursuant to Article 29 of the Convention, the Czech Republic has the honour to designate the office of International Legal Protection of Children, having its seat in Brno, Benesova 22, as the central authority to discharge the duties imposed by the Convention.

Pursuant to Article 44 of the Convention, the Czech Republic has the honour to designate the Ministry of Justice of the Czech Republic, having its seat in Praha 2, Vysehradská 16, as the authority to which

requests for assuming or handing over jurisdiction under Articles 8 and 9 of the Convention, related to judicial proceeding in the Czech Republic or in another Contracting State, are to be addressed. The other requests under Articles 8 and 9 of the Convention and requests for consent to the placement of the child in a foster family or institutional care under Article 33 of the Convention are to be addressed to the Authority for International Legal Protection of Children, having its seat in Brno, Benesova 22.

Zwitserland, 14 juli 2009
 Central Authority:
 Federal Office of Justice
 International Private Law Unit

Zwitserland, 25 mei 2010
 For Cantonal central authorities, see:
http://www.hcch.net/index_en.php?act=authorities.details&aid=831

G. INWERKINGTREDING

Zie *Trb.* 2003, 35.

Het Verdrag is ingevolge artikel 61, tweede lid, onderdeel b, voor het Koninkrijk der Nederlanden op 1 mei 2011 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag voor Nederland (het Europese deel en het Caribische deel) en Curaçao.

J. VERWIJZINGEN

Zie *Trb.* 1997, 299 en *Trb.* 2003, 35.

Titel : Verdrag inzake de burgerrechtelijke aspecten van internationale ontvoering van kinderen;
 's-Gravenhage, 25 oktober 1980

Laatste *Trb.* : *Trb.* 2006, 87

Titel : Verdrag inzake de rechten van het kind;
 New York, 20 november 1989

Laatste *Trb.* : *Trb.* 2002, 233

Uitgegeven de vijftiende september 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL