

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1997 Nr. 273

A. TITEL

*Verdrag inzake de betekening en de kennisgeving in het buitenland van gerechtelijke en buitengerechtelijke stukken in burgerlijke en in handelszaken;
's-Gravenhage, 15 november 1965*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1966, 91.
Voor de ondertekeningen zie ook, laatstelijk, *Trb.* 1994, 93.

C. VERTALING

Zie *Trb.* 1969, 55 en 210.

D. PARLEMENT

Zie *Trb.* 1975, 150.

E. BEKRACHTIGING

Zie *Trb.* 1968, 63, *Trb.* 1969, 55 en 210, *Trb.* 1971, 63, *Trb.* 1973, 73, *Trb.* 1975, 150, *Trb.* 1981, 150, *Trb.* 1982, 112, *Trb.* 1984, 145, *Trb.* 1989, 101, *Trb.* 1994, 93 en *Trb.* 1996, 281.

F. TOETREDING

Zie *Trb.* 1969, 210, *Trb.* 1971, 63, *Trb.* 1973, 73, *Trb.* 1975, 150, *Trb.* 1981, 150, *Trb.* 1982, 112, *Trb.* 1984, 145, *Trb.* 1986, 100, *Trb.* 1989, 101, *Trb.* 1994, 93 en *Trb.* 1996, 281.

Overeenkomstig artikel 28, eerste lid, van het Verdrag hebben de volgende Staten een akte van toetreding bij het Ministerie van Buitenlandse Zaken te 's-Gravenhage nedergelegd:

Wit-Rusland 6 juni 1997

de Bahama's. 17 juni 1997

G. INWERKINGTREDING

Zie *Trb.* 1969, 55 en 210, *Trb.* 1971, 63, *Trb.* 1973, 73, *Trb.* 1975, 150, *Trb.* 1981, 150, *Trb.* 1982, 112, *Trb.* 1984, 145, *Trb.* 1989, 101, *Trb.* 1994, 93 en *Trb.* 1996, 281.

Wat Wit-Rusland en de Bahama's betreft, loopt de in artikel 28, tweede lid, van het Verdrag bedoelde consultatieperiode tot 1 januari 1998.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1971, 63¹⁾, *Trb.* 1975, 150, *Trb.* 1981, 150, *Trb.* 1984, 145, *Trb.* 1986, 100, *Trb.* 1989, 101 en *Trb.* 1994, 93.

¹⁾ Op 16 juni 1997 heeft de Minister van Buitenlandse Zaken de volgende nota gedateerd 11 juni 1997 van de Ambassade van *het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* ontvangen met betrekking tot de overdracht op 1 juli 1997 van het bestuur over Hong Kong door het Verenigd Koninkrijk aan de Volksrepubliek China:

11 June 1997

Your Excellency

I am instructed by Her Britannic Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters done at the Hague on 15 November 1965 (hereinafter referred to as the Convention) which applies to Hong Kong at present.

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

I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention."

Op 16 juni 1997 heeft de Minister van Buitenlandse Zaken eveneens een nota gedateerd 10 juni 1997 van de Ambassadeur van *de Volksrepubliek China* ontvangen met betrekking tot het weer uitoefenen van de soevereiniteit over Hong Kong door de Volksrepubliek China. De vertaling van de nota luidt als volgt:

"No. He Wai Fa (97)-52

The Hague, June 10, 1997

Your Excellency,

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed on 19 December

1984, the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

In this connection, I am instructed by the Minister of Foreign Affairs of the People's Republic of China to make the following notification:

The Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters done on 15 November 1965 (hereinafter referred to as the "Convention"), by which the Government of the Kingdom of the Netherlands is designated as the depository, to which the Government of the People's Republic of China deposited its instrument of accession on 3 May 1991, will apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People's Republic of China also makes the following declarations:

1. In accordance with Paragraph 2 of Article 8 of the Convention, it declares that the means of service referred to in Paragraph 1 of this Article may be used within the Hong Kong Special Administrative Region only when the document is to be served upon a national of the state in which the document originates.

2. In accordance with Article 18 of the Convention, it designates the Administrative Secretary of the Government of the Hong Kong Special Administrative Region as the Other Authority in the Hong Kong Special Administrative Region.

3. It designates the Registrar of the High Court of the Hong Kong Special Administrative Region as the authority for the purpose of Article 6 and 9 of the Convention.

4. With reference to the provisions of Sub-paragraphs (b) and (c) of Article 10 of the Convention, documents for service through official channels will be accepted in the Hong Kong Special Administrative Region only by the Central Authority or Other Authority designated, and only from judicial, consular or diplomatic officers of other Contracting States.

The Government of the People's Republic of China will assume responsibility for the international rights and obligations arising from the application of the Convention to the Hong Kong Special Administrative Region.

It would be appreciated if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration."

De Ambassade van Spanje te 's-Gravenhage heeft bij Nota van 26 augustus 1997 de volgende verklaring afgelegd:

«España no reconoce, para la aplicación del presente Convenio, como autoridad al Tribunal Supremo de Gibraltar, y en consecuencia, cualquier documentación intervenida por dicho órgano se considerará como nula y no existente.»

J. GEGEVENS

Zie *Trb.* 1966, 91, *Trb.* 1967, 36, *Trb.* 1968, 63, *Trb.* 1969, 55 en 210, *Trb.* 1971, 63, *Trb.* 1973, 73, *Trb.* 1975, 150, *Trb.* 1981, 150, *Trb.* 1984, 145, *Trb.* 1989, 101, *Trb.* 1994, 93 en *Trb.* 1996, 281.

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Zie op blz. 3 van dit Tractatenblad in noot 1 van rubriek H.

Uitgegeven de *eenentwintigste* oktober 1997.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO