

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1974 Nr. 48

A. TITEL

*Overeenkomst inzake de oprichting van het
Afrikaans Ontwikkelingsfonds, met Bijlagen;
Abidjan, 29 november 1972*

B. TEKST

De tekst van de Overeenkomst, met Bijlagen, is geplaatst in *Trb.* 1973, 51. *)

De Overeenkomst is voorts nog ondertekend in overeenstemming met artikel 54 voor:

Spanje 1 maart 1973

C. VERTALING

Zie *Trb.* 1973, 51.

D. PARLEMENT

Bij brieven van 10 mei 1973 (*Bijl. Hand. I 1972/73*, nr. 75, en *Bijl. Hand. II 1972/73* – 12 386, nr. 1) is de Overeenkomst, met Bijlagen, in overeenstemming met artikel 60, tweede lid, en op de voet van artikel 61, derde lid, van de Grondwet overgelegd aan de Eerste en de Tweede Kamer van de Staten-Generaal.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Financiën R. J. NELISSEN, de Minister zonder Portefeuille, belast met de ontwikkelingssamenwerking, BOERTIEN en de Minister van Buitenlandse Zaken N. SCHMELZER.

De goedkeuring door de Staten-Generaal is verleend op 15 juni 1973.

* De ondertekening voor Joegoslavië is geschied op 23 januari 1973 en niet op 29 januari 1973.

E. BEKRACHTIGING

In overeenstemming met artikel 55, tweede lid, hebben de volgende Staten een akte van bekrachtiging, aanvaarding of goedkeuring nedergelegd bij de Afrikaanse Ontwikkelingsbank:

Canada	8 juni 1973
Zweden	18 juni 1973
de Afrikaanse Ontwikkelingsbank	22 juni 1973
het Koninkrijk der Nederlanden (voor Nederland) ¹⁾	23 juni 1973
Denemarken ²⁾	26 juni 1973
Noorwegen ³⁾	26 juni 1973
Japan ⁴⁾	27 juni 1973
Zwitserland ⁵⁾	28 juni 1973
het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland ⁶⁾	30 juni 1973
Joegoslavië ⁷⁾	1 juli 1973
Finland ⁸⁾	21 december 1973
Brazilië	28 december 1973
Spanje ⁹⁾	28 december 1973
de Bondsrepubliek Duitsland (mede voor Berlijn (West)) ¹⁰⁾	30 december 1973

¹⁾ Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

- “(i) That the immunity conferred by Article 43 (1) and by Article 48 (i) shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;
- (ii) that it retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to that State's citizens, nationals or residents;
- (iii) that it understands that the Fund will not normally claim exemption from excise duties levied by that State on goods originating in its territory, and from taxes on the sale of movable and immovable property, which form part of the price to be paid, but that where the Fund is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, whenever possible, appropriate administrative arrangements will be made by that State for the remission or return of the amount of duty or tax; and
- (iv) that the provision of Article 49 (3) shall apply to articles in respect of which a remission or return of duty or tax has been made by that State pursuant to the arrangements referred to in subparagraph (iii).”

2) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

“According to the main rule of Article 15, paragraph 4(a) in the Agreement Establishing the African Development Fund, the proceeds of any financing undertaken by the Fund shall be used only for procurement in the territories of State participants or members of goods produced in and services supplied from the territories of State participants or members.

The declared shipping policy of the Danish Government is based on the principle of free circulation of shipping in international trade in free and fair competition. In accordance with this policy, transactions and transfers in connection with maritime transport should not be hampered by provisions giving preferential treatment to one country or a group of countries, the aim always being that normal commercial consideration should determine the method and flag of shipment. The Government of Denmark trusts that Article 15 paragraph 4(a) will not be applied contrary to this principle.”

3) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

“The provision laid down in Article 49, paragraph 4, of the said Agreement, shall not preclude the right of Norwegian authorities to levy taxes on or in respect of salaries and emoluments paid by the Fund to Norwegian citizens or other persons resident in Norway.”

4) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

“In depositing the Instrument of Acceptance of the Agreement Establishing the African Development Fund, the Government of Japan declares in accordance with the provisions of sub-paragraphs (i) and (ii) of Article 58 of the Agreement:

- (i) that in the territory of Japan the immunity conferred by Article 43(1) and by Article 48(i) shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;
- (ii) that Japan retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its nationals.”

5) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

“Pursuant to sub-paragraph (ii) of Article 58 of the Agreement, Switzerland reserves the right to impose Federal, Cantonal and Communal income tax on the salaries and emoluments paid by the Fund to Swiss citizens resident in Switzerland.”

6) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

- “a) That in its territory the immunity conferred by Article 43(1) and by Article 48(1) of the Agreement shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;

- b) that it retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to citizens, nationals or residents of the United Kingdom;
- c) that it understands that the Fund will not normally claim exemption from excise duties levied by the United Kingdom on goods originating in its territory, and from taxes on the sale of movable and immovable property which form part of the price to be paid, but that where the Fund is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, whenever possible, appropriate administrative arrangements will be made by the United Kingdom for the remission or return of the amount of duty or tax and,
- d) that the provisions of Article 49(3) of the Agreement shall apply to articles in respect of which a remission or return of duty or tax has been made by the United Kingdom pursuant to the arrangements referred to in sub-paragraph (c) above.”.

7) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

- “(i) That in its territory the immunity conferred by Article 43(1) and by Article 48(i) shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;
- (ii) that it retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to that State’s citizens, nationals and residents;
- (iii) that it understands that the Fund will not normally claim exemption from excise duties levied by that State on goods originating in its territory, and from taxes on the sale of movable and immovable property, which form part of the price to be paid, but that where the Fund is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, whenever possible, appropriate administrative arrangements will be made by that State for the remission or return of the amount of duty or tax; and
- (iv) that the provisions of Article 49(3) shall apply to articles in respect of which a remission or return of duty or tax has been made by that State pursuant to the arrangements referred to in sub-paragraph (iii).”.

8) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

- “(i) that in the territory of Finland the immunity conferred by Article 43(1) and by Article 48(i) shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;

(ii) that Finland retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its citizens, nationals or residents.”.

9) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

“Approve and ratify all the provisions of the present Agreement together with all the reservations set out in Article 58, while ever pledging to comply with it in all parts.”.

10) Onder het volgende voorbehoud in overeenstemming met artikel 58 van de Overeenkomst:

- “a) that in the territory of the Federal Republic of Germany the immunity conferred by Article 43 (1) and Article 48 (i) of the Agreement shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund operated on its behalf, or to a traffic offence committed by the driver of such a vehicle;
- b) that the Federal Republic of Germany retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to any German citizen, national or other resident;
- c) that it understands that the Fund will not normally claim exemption from excise duties levied by the Federal Republic of Germany on goods originating in its territory, and from taxes on the sale of movable and immovable property, which form part of the price to be paid, but that where the Fund is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, whenever possible, appropriate administrative arrangements will be made by the Federal Republic of Germany for the remission or return of the amount of duty or tax;
- d) that the provisions of Article 49 (3) shall apply to articles in respect of which a remission or return of duty or tax has been made by the Federal Republic of Germany pursuant to the arrangements referred to in paragraph (c).”.

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zijn ingevolge artikel 56 op 30 juni 1973 in werking getreden voor de Staten die tot op die dag de Overeenkomst hebben bekrachtigd, aanvaard of goedgekeurd.

Voor de Staten die de Overeenkomst na 30 juni 1973 bekrachtigen, aanvaarden of goedkeuren treden zij in werking op de dag van nederlegging van de betreffende akte van bekrachtiging, aanvaarding of goedkeuring.

Wat het Koninkrijk der Nederlanden betreft, is de Overeenkomst op 30 juni 1973 voor Nederland in werking getreden.

J. GEGEVENS

Zie *Trb.* 1973, 51.

Uitgegeven de *tweede* april 1974.

De Minister van Buitenlandse Zaken.

M. VAN DER STOEL.