

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

---

---

JAARGANG 1998 Nr. 224

---

---

A. TITEL

*Europees Verdrag nopens de vreedzame regeling van geschillen;  
Straatsburg, 29 april 1957*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1957, 203. Zie ook *Trb.* 1958, 116 en *Trb.* 1961, 145.

Het Verdrag is voorts nog ondertekend voor:

Malta<sup>1)</sup>. . . . . 12 december 1966  
Liechtenstein . . . . . 11 december 1979

<sup>1)</sup> De Regering van Malta deelde op 29 december 1966 mee dat zij voornemens is bij de bekrachtiging van het Verdrag de volgende verklaring af te leggen:  
“The Government of Malta declares, in accordance with the provisions of Articles 34 and 35 of the Convention, that:

a) in regard to Chapter I, it accepts as compulsory ipso facto and without special convention, on conditions of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance over all disputes other than:

i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

v) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

vi) disputes relating to any matter excluded from compulsory adjudication or

arbitration under any treaty, convention or other international agreement or instrument to which Malta is a party;

vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary General of the Council of Europe, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

b) it does not consider itself bound by the provisions of Chapter III of the Convention."

#### C. VERTALING

Zie *Trb.* 1957, 203.

#### D. PARLEMENT

Zie *Trb.* 1958, 116.

#### E. BEKRACHTIGING

Zie *Trb.* 1958, 116 en *Trb.* 1961, 145<sup>1)</sup>.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 41 eerste lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Raad van Europa nedergelegd:

Zwitserland . . . . .	29 november 1965
Malta <sup>2)</sup> . . . . .	28 februari 1967
België <sup>3)</sup> . . . . .	20 april 1970
Liechtenstein . . . . .	18 februari 1980

<sup>1)</sup> De Bondsrepubliek Duitsland zond op 2 oktober 1990 een nota aan de Secretaris-Generaal van de Raad van Europa inzake de voortgezette toepassing vanaf 3 oktober 1990 van de verdragen waarbij de Bondsrepubliek Duitsland op die datum partij was. Het voor dit Verdrag relevante gedeelte van de nota luidt als volgt:

"The Permanent Representation of the Federal Republic of Germany to the Council of Europe presents its compliments to the General Secretariat of the Council of Europe and has the honour to inform the Secretariat that, with regard to the continued application of treaties of the Federal Republic of Germany and the treatment of treaties of the German Democratic Republic following its accession to the Federal Republic of Germany with effect from 3 October 1990, the

Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic on the establishment of German unity (Unification Treaty) contains the following relevant provisions.

1. Article 11

Treaties of the Federal Republic of Germany

The contracting parties proceed on the understanding that international treaties and agreements to which the Federal Republic of Germany is a contracting party, including treaties establishing membership of international organizations or institutions, shall retain their validity and that the rights and obligations arising therefrom, with the exception of the treaties named in Annex I, shall also relate to the territory specified in Article 3 of this Treaty, where adjustments become necessary in individual cases, the all-German Government shall consult with the respective contracting parties.

(The treaties listed in Annex I concern matters of status and security.)

.....  
The Federal Republic of Germany will proceed in accordance with these provisions.”

<sup>2)</sup> De Regering van Malta heeft bij de bekrachtiging dezelfde verklaring afgelegd als bij de ondertekening van het Verdrag op 12 december 1966 (zie rubriek B hierboven).

De Regering van Malta heeft op 2 september 1983 de volgende wijziging aangebracht in de voorbehouden, gemaakt bij de ondertekening en de bekrachtiging van het Verdrag:

“..... the acceptance by the Government of Malta of the Jurisdiction of the International Court of Justice shall be limited to all disputes with Malta other than -

1) the disputes mentioned in sub-paragraphs i) to viii), both inclusive, of the said Declaration, and

2) the following categories of disputes, that is to say -

‘disputes with Malta concerning or relating to:

a) its territory, including the territorial sea, and the status thereof;

b) the continental shelf or any other zone of maritime jurisdiction and the resources thereof;

c) the determination of delimitation of any of the above;

d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.’

The Government of Malta confirms the reservation of the right at any time, by means of a notification addressed to the Secretary General of the Council of Europe, and with effect as from the moment of such notification, to add to, amend or withdraw any of the foregoing reservation or any that may hereafter be added.

The Government of Malta further declares that the above reservations are made following similar reservations made with respect to the acceptance of the Compulsory jurisdiction of the International Court of Justice under paragraph 2 of Article 36 of the Statute of the said Court.”

Deze verklaring is op 5 september 1983 van kracht geworden.

<sup>3)</sup> In overeenstemming met artikel 34, eerste lid, van het Verdrag werd het Hoofdstuk III, handelende over scheidsrechterlijke regeling, van de bekrachtiging uitgesloten.

G. INWERKINGTREDING

Zie *Trb.* 1958, 116.

Vanaf 1 januari 1986 geldt het Verdrag, hetwelk te voren wat betreft het Koninkrijk der Nederlanden voor Nederland en de Nederlandse Antillen gold, voor Nederland, de Nederlandse Antillen en Aruba.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1961, 145.

J. GEGEVENS

Zie *Trb.* 1957, 203, *Trb.* 1958, 116 en *Trb.* 1961, 145.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationaal Gerechtshof zie ook, laatstelijk, *Trb.* 1997, 106.

Voor het op 5 mei 1949 te Londen tot stand gekomen Statuut van de Raad van Europa zie ook, laatstelijk, *Trb.* 1996, 355.

Voor het op 4 november 1950 te Rome tot stand gekomen Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden zie ook, laatstelijk, *Trb.* 1998, 87.

Voor het op 20 maart 1952 te Parijs tot stand gekomen Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden zie ook, laatstelijk, *Trb.* 1998, 88.

Uitgegeven de *zestiende* september 1998.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN