

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 36

A. 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 inzake het gebruik van informatica op douanegebied; Brussel, 29 november 1996

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1997, 39.

D. PARLEMENT

Artikel 3 van de Wet van 8 juni 2000 (*Stb.* 2000, 280) luidt als volgt:

„Artikel 3

„Het op 29 november 1996 te Brussel tot stand gekomen 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 inzake het gebruik van informatica op douanegebied, waarvan de Nederlandse tekst is geplaatst in Tractatenblad 1997, 39, wordt goedgekeurd voor Nederland.”

Deze Wet is gecontrasigneerd door de Minister van Financiën G. ZALM, de Staatssecretaris van Buitenlandse Zaken D. A. BENSCHOP en de Minister van Justitie A. H. KORTHALS.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 1998/1999, 1999/2000, 26 439; Hand. II 1999/2000, blz. 5060–5061; Kamerstukken I 1999/2000, nrs. 240 en 240a; Hand. I 1999/2000, blz. 1445.

E. PARTIJGEGEVENS

Kennisgeving van de voltooiing van de procedures die overeenkomstig de onderscheiden grondwettelijke bepalingen vereist zijn voor de aanneming van het Protocol, is voorzien in artikel 4, tweede lid, van het Protocol.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
België	29-11-96	26-09-05	R	25-12-05		
Cyprus		15-07-04	T	25-12-05		
Denemarken	29-11-96	26-07-00	R	25-12-05		
Duitsland	29-11-96	30-04-04	R	25-12-05		
Estland		18-03-05	T	25-12-05		
Finland	29-11-96	22-03-99	R	25-12-05		
Frankrijk	29-11-96	11-08-00	R	25-12-05		
Griekenland	29-11-96	08-11-99	R	25-12-05		
Hongarije		31-08-04	T	25-12-05		
Ierland	29-11-96	27-03-02	R	25-12-05		
Italië	29-11-96	21-12-98	R	25-12-05		
Letland		14-06-04	T	25-12-05		
Litouwen		27-05-04	T	25-12-05		
Luxemburg	29-11-96	31-01-03	R	25-12-05		
Nederlanden, het Koninkrijk der (voor Nederland)	29-11-96	21-11-00	R	25-12-05		
Oostenrijk	29-11-96	28-08-98	R	25-12-05		
Polen		18-11-05	T	16-02-06		
Portugal	29-11-96	04-05-99	R	25-12-05		
Slovenië		08-07-04	T	25-12-05		
Slowakije		06-05-04	T	25-12-05		
Spanje	29-11-96	22-07-99	R	25-12-05		
Tsjechië		28-01-05	T	25-12-05		

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Verenigd Koninkrijk, het	29-11-96	30-09-97	R	25-12-05		
Zweden	29-11-96	16-02-98	R	25-12-05		

¹⁾ NB=Niet bekend, O=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Verklaringen, voorbehouden en bezwaren

België, 26 september 2005

The Kingdom of Belgium declares to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b).

Denemarken, 26 juli 2000

The Protocol does not apply to the Faroe Islands or Greenland. Accepts the jurisdiction of the Court of Justice of the European Communities as specified in Article 2(2)(b).

Duitsland, 30 april 2004

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b); Reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

Estland, 18 maart 2005

The Republic of Estonia declares that according to Article 2 paragraph 1 of the Protocol a court of Estonia may request the European Court of Justice to give a preliminary ruling on a question concerning the interpretation of the Convention raised in a case pending before it, if that court considers that a decision on that question is necessary to enable it to give judgement

Finland, 22 maart 1999

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b).

Frankrijk, 11 augustus 2000

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b).

Griekenland, 8 november 1999

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b); Reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

Hongarije, 31 augustus 2004

To Paragraph 2 of Article 2

According to the provisions of Paragraph 2 of Article 35 of the Treaty on European Union, the Republic of Hungary accepts the jurisdiction of the European Court of Justice in accordance with the provisions of Sub-paragraph b) of Paragraph 3 of Article 35 of the Treaty on European Union.

Ierland, 27 maart 2002

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(a).

Italië, 21 december 1998

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b); Reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

Letland, 14 juni 2004

Latvia declares that it accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Convention pursuant to the conditions specified in paragraph 2 (a) of the Protocol.

Litouwen, 27 mei 2004

Pursuant to Article 2 of the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the use of information technology for customs purposes, drawn up on the basis of Article K.3 of the Treaty on the European Union, the Seimas of the Republic of Lithuania states that the Republic of Lithuania recognises that the Court of Justice of the European Communities has jurisdiction, pursuant to the conditions laid down in Article 2(2)(b) of this Protocol, to give preliminary rulings on the interpretation of the Convention.

Luxemburg, 31 januari 2003

Le Grand-Duché de Luxembourg accepte la compétence de la Cour de Justice des Communautés européennes selon les modalités prévues à l'article 2, paragraphe 2, point b) du protocole.

Nederlanden, het Koninkrijk der, 21 november 2000

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b); Reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

Oostenrijk, 28 augustus 1998

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b); Reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.

Portugal, 4 mei 1999

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(a).

Slovenië, 8 juli 2004

The Republic of Slovenia accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the inter-

pretation of the Convention on the use of information technology for customs purposes pursuant to the conditions specified in paragraph 2(a).

Spanje, 22 juli 1999

The Kingdom of Spain accepts the jurisdiction of the Court of Justice to give preliminary rulings in accordance with the provisions of Article 2 and under the conditions specified in paragraph 2(a) of the same Article. The Kingdom of Spain reserves the right to establish provisions in its national legislation to the effect that when a question relating to the interpretation of the Convention on the use of information technology for customs purposes is raised in a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal will be required to refer the case to the Court of Justice.

Tsjechië, 28 januari 2005

The Czech Republic declares that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with Article 2(2)(b) of the Protocol drawn up on the basis of Article K.3 of the Treaty on European Union on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the use of information technology for customs purposes.

The Czech Republic reserves the right to stipulate in its national law that, where a question concerning the interpretation of the Convention on the use of information technology for customs purposes is raised in a case pending before a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice of the European Communities.

Zweden, 16 februari 1998

Declare to accept the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2 paragraph 2(b).

G. INWERKINGTREDING

De bepalingen van het Protocol zijn ingevolge artikel 4, derde lid, van het Protocol en de inwerkingtreding op 25 december 2005 van de hieronder in rubriek J genoemde Overeenkomst inzake het gebruik van informatica op douanegebied op diezelfde datum in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1997, 39.

Verbanden

Titel : Overeenkomst opgesteld op grond van artikel K.3 van het Verdrag betreffende de Europese Unie inzake het gebruik van informatica op douanegebied; Brussel, 26 juli 1995

Laatste *Trb.* : *Trb.* 2006, 37

Titel : Akkoord betreffende de voorlopige toepassing tussen een aantal Lid-Staten van de Europese Unie van de op basis van artikel K.3 van het Verdrag betreffende de Europese Unie opgestelde Overeenkomst inzake het gebruik van informatica op douanegebied; Brussel, 26 juli 1995

Tekst : *Trb.* 1995, 288 (Nederlands, Engels en Frans)

Laatste *Trb.* : *Trb.* 2006, 39

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 tot oprichting van de Europese Gemeenschap; Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2004, 120

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

Laatste *Trb.* : *Trb.* 2004, 121

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

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

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
Laatste *Trb.* : *Trb.* 2004, 122

Uitgegeven de vierentwintigste februari 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT