

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 53

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 aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen;
Brussel, 29 november 1996*

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1997, 40.

D. PARLEMENT

Zie *Trb.* 2002, 171.

Artikel 1 van de Wet van 17 mei 2010 (*Stb.* 2010, 348) luidt als volgt:

„Artikel 1

De volgende verdragen worden goedgekeurd met het oog op het voor-nemen de toepassing ervan uit te breiden tot Bonaire, Sint Eustatius en Saba:

(...)

56. 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 aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen; Brussel, 29 november 1996 (*Trb.* 1997, 40);
(...):”.

Deze Wet is gecontrasigneerd door de Minister van Buitenlandse Zaken M. J. M. VERHAGEN en de Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties A. TH. B. BIJLEVELD-SCHOUTEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2008/2009, 2009/2010, 32047; Hand. II 2009/2010, 32047; Kamerstukken I 2009/2010, 32047 en 31954; Hand. I 2009/2010, 32047.

E. PARTIJGEGEVENS

Zie *Trb.* 2002, 171.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	29-11-96	12-03-02	R	17-10-02		
Bulgarije		06-12-07	T	01-01-08		
Cyprus		31-03-05	T	29-06-05		
Denemarken	29-11-96	02-10-00	R	17-10-02		
Duitsland	29-11-96	03-07-01	R	17-10-02		
Finland	29-11-96	18-12-98	R	17-10-02		
Frankrijk	29-11-96	04-08-00	R	17-10-02		
Griekenland	29-11-96	26-07-00	R	17-10-02		
Hongarije		18-01-10	T	18-04-10		
Ierland	29-11-96	03-06-02	R	17-10-02		
Italië	29-11-96	19-07-02	R	17-10-02		
Letland		31-08-04	T	30-11-04		
Litouwen		28-05-04	T	26-08-04		
Luxemburg	29-11-96	17-05-01	R	17-10-02		
Malta		03-02-11	T	04-05-11		
Nederlanden, het Koninkrijk der	29-11-96					

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
– Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		16-02-01 08-10-10 08-10-10 08-10-10 – – –	R R R R – – –	17-10-02 10-10-10 10-10-10 10-10-10 – – –		
Oostenrijk	29-11-96	21-05-99	R	17-10-02		
Polen		09-09-08	T	08-12-08		
Portugal	29-11-96	15-01-01	R	17-10-02		
Roemenië		06-12-07	T	01-01-08		
Slovenië		17-04-07	T	16-07-07		
Slowakije		30-09-04	T	29-12-04		
Spanje	29-11-96	20-01-00	R	17-10-02		
Verenigd Koninkrijk, het	29-11-96	11-10-99	R	17-10-02		
Zweden	29-11-96	10-06-99	R	17-10-02		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

België, 12 maart 2002

The Kingdom of Belgium declares that it accepts the jurisdiction of the Court of Justice of the European Communities in the manner prescribed in Article 2, under the conditions specified in Article 2(2)(b).

Bulgarije, 6 december 2007

With reference to Article 2 of the Protocol of 29 November 1996 the Republic of Bulgaria declares that it accepts the jurisdiction of the Court of Justice of the European Communities with respect to the Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on the European Union, on the protection of the European Communities' financial interests, in accordance with the procedures specified in Article 2, paragraph 2(a).

Denemarken, 2 oktober 2000

With reference to Article 2(1), Denmark accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol to that Convention under the conditions specified in Article 2(2)(b). Thus, a court in Denmark may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol thereto, if the relevant court considers that a decision on the question is necessary to enable it to give judgment.

Duitsland, 3 juli 2001

The Representatives of the Governments of the Member States of the European Union meeting within the Council, At the time of the signing of the Council act drawing up the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities, of the Convention on the protection of the European Communities' financial interests, Wishing to ensure that the said Convention is interpreted as effectively and uniformly as possible as from its entry into force, Declare themselves willing to take appropriate steps to ensure that the national procedures for adopting the Convention on the protection of the European Communities' financial interests and the Protocol concerning its interpretation are completed simultaneously at the earliest opportunity.

Declaration made pursuant to Article 2:

At the time of the signing of this Protocol, the following declared that they accepted the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures laid down in Article 2: The French Republic, Ireland and the Portuguese Republic, in accordance with the procedures laid down in Article 2(2)(a); The Federal Republic of Germany, the Hellenic Republic, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, in accordance with the procedures laid down in Article 2(2)(b).

Declaration:

The Federal Republic of Germany, the Hellenic Republic, the Kingdom of the Netherlands and the Republic of Austria 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 or 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 of the European Communities. For the Kingdom of Denmark and the Kingdom of Spain, the declaration(s) will be made at the time of adoption.

Finland, 18 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).

Frankrijk, 4 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(a). Pursuant to Article 2: In accordance with the declaration made by France on 14 March 2000 pursuant to Article 35 of the Treaty on European Union, the French Republic hereby stated that it accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Convention on the Protection of the European Communities' Financial Interests and of the first protocol to that Convention, under the conditions laid down in Article 2 (2)(b) thereof.

Griekenland, 26 juli 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.

Hongarije, 18 januari 2010

In accordance with Article 2(2)(b) of the Protocol of 29 November 1996, the Republic of Hungary acknowledges the competence of the European Court of Justice to give preliminary rulings on the interpretation of the Convention, drawn up on the basis of Article K.3 of the Treaty of the European Union, on the protection of the European Communities' financial interests and the Protocol to that Convention if any court or tribunal of the Republic of Hungary requests the European Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests and the Protocol thereto.

Ierland, 3 juni 2002

Ireland hereby declares pursuant to Article 2.1 of the Protocol that it accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Convention on the Protection of the European Communities' Financial Interests and

the First Protocol to that Convention under the conditions specified in Article 2.2 (a) of the said Protocol, namely that any court or tribunal of Ireland against whose decisions there is no judicial remedy under national law may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Convention on the Protection of the European Communities' Financial Interests and the First Protocol thereto if that court or tribunal considers that a decision on the question is necessary to enable it to give judgement.

Italië, 19 juli 2002

In relation to Article 2(1) 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 protection of the European Communities' financial interests and Declaration annexed thereto, done at Brussels on 29 November 1996, Italy 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 on the protection of the European Communities' financial interests and the first Protocol to that Convention under the conditions specified in paragraph 2(b).

Letland, 31 augustus 2004

In accordance with paragraph 2(a) of Article 2 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 protection of the European Communities' financial interests, Declaration concerning the simultaneous adoption of the Convention on the protection of the European Communities' financial interests and the Protocol on the interpretation by way of preliminary rulings, by the Court of Justice of the European Communities, of that Convention, and Declaration made pursuant to Article 2, the Republic of Latvia declares that any court of the Republic of Latvia against whose decision there is no juridical remedy under national law may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Convention on the protection of the Communities' financial interests and the first Protocol thereto if that court considers that decision on the question is necessary to enable it to give judgment.

Litouwen, 28 mei 2004

And whereas, pursuant to paragraph 1 of Article 2 of the Protocol adopted on 29 November 1996, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania recognizes the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Convention and the Protocol adopted on

27 of September 1996 pursuant to the conditions specified in subparagraph b of paragraph 2 of Article 2.

Luxemburg, 17 mei 2001

The Grand Duchy of Luxembourg accepts the jurisdiction of the Court of Justice of the European Communities on the terms specified in 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 protection of the European Communities' financial interests.

Nederlanden, het Koninkrijk der, 16 februari 2001

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, 21 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(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, 15 januari 2001

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, 17 april 2007

In accordance with Article 2(1) 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 protection of the European Communities' financial interests, the Republic of Slovenia declares that it accepts the jurisdiction of the Court of Justice pursuant to the conditions specified in Article 2(2)(b) of the Protocol.

Slovakije, 30 september 2004

The Slovak Republic declares that it shall recognise the jurisdiction of the Court of Justice of the European Communities to give a preliminary ruling concerning the interpretation of the Convention on the Protection of the European Communities' Financial Interests and the Protocol hereto with the specification according to the conditions laid down in the art. 2.2 (a) of the Protocol on the Interpretation of the Convention on the Protection of the European Communities' Financial Interests by way of preliminary rulings, by the Court of Justice of the European Communities.

Spanje, 20 januari 2000

First: In accordance with the provisions of Article 2(1), Spain declares that it accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings under the conditions specified in Article 2(2)(a). Second: Spain reserves the right to make provision in its national law to the effect that, where a question relating to interpretation of the Convention on the protection of the European Communities' financial interests is raised before a court against the decisions of which there is no judicial remedy under national law, that court will be required to seek a preliminary ruling.

Zweden, 10 juni 1999

(...) in accordance with Article 2(1) and (2)(b) of the Protocol, that Swedish courts are able to seek preliminary rulings by the Court of Justice of the European Communities on the interpretation of the Convention on the protection of the European Communities' financial interests and the first Protocol to that Convention. This option will no be limited to courts of final instance.

G. INWERKINGTREDING

Zie *Trb.* 2002, 171.

Wat betreft het Koninkrijk der Nederlanden, geldt de Overeenkomst, die vanaf 17 oktober 2002 voor het Europese deel van Nederland gold, sinds 10 oktober 2010 eveneens voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1997, 40 en *Trb.* 2002, 171.

Verbanden

Het Protocol dient ter aanvulling van:

Titel : Overeenkomst, opgesteld op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie, aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen;
Brussel, 26 juli 1995

Laatste *Trb.* : *Trb.* 2011, 51

Titel : Protocol, opgesteld op grond van artikel K.3 van het Verdrag betreffende de Europese Unie, bij de Overeenkomst aangaande de bescherming van de financiële belangen van de Europese Gemeenschappen;
Dublin, 27 september 1996

Laatste *Trb.* : *Trb.* 2011, 52

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 betreffende de werking van de Europese Unie¹⁾;
Rome, 25 maart 1957

Laatste *Trb.* : *Trb.* 2011, 47

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

Laatste *Trb.* : *Trb.* 2010, 247

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.* 2010, 248

¹⁾ De titel van het Verdrag luidde vóór 1 december 2009: Verdrag tot oprichting van de Europese Gemeenschap.

Uitgegeven de *eenentwintigste* maart 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL