

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 58

A. TITEL

*Internationaal verdrag inzake de wettelijke aansprakelijkheid voor schade door verontreiniging door bunkerolie, 2001;
(met Bijlage)
Londen, 23 maart 2001*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Bijlage, zijn geplaatst in *Trb.* 2005, 329.

C. VERTALING

Zie *Trb.* 2005, 329.

D. PARLEMENT

Artikel 1 van de Rijkswet van 7 oktober 2010 (*Stb.* 2010, 783) luidt als volgt:

„Artikel 1

Het op 23 maart 2001 te Londen tot stand gekomen Internationaal verdrag inzake de wettelijke aansprakelijkheid voor schade door verontreiniging door bunkerolie, 2001, waarvan de Engelse en Franse tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2005, 329, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Veiligheid en Justitie I. W. OPSTELTEN, de Minister van Buitenlandse Zaken U. ROSENTHAL en de Staatssecretaris van Infrastructuur en Milieu J. J. AT SMA.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2008/2009, 2009/2010, 31879 (R1877); Hand. II 2009/2010, 31879 (R1877); Kamerstukken I 2009/2010, 2010/2011, 31879 (R1877); Hand. I 2010/2011, 31879 (R1877).

E. PARTIJGEGEVENS

Zie *Trb.* 2005, 329.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië		30-04-10	T	30-07-10		
Antigua en Barbuda		19-12-08	T	19-03-09		
Australië	23-03-01	16-03-09	R	16-06-09		
Azerbeidzjan		22-06-10	T	22-09-10		
Bahama's		30-01-08	T	21-11-08		
Barbados		15-10-09	T	15-01-10		
België		11-08-09	T	11-11-09		
Brazilië	23-03-01					
Bulgarije		06-07-07	T	21-11-08		
Canada	23-03-01	02-10-09	R	02-01-10		
China		09-12-08	T	09-03-09		
Cookeilanden		21-08-08	T	21-11-08		
Cyprus		10-01-05	T	21-11-08		
Denemarken	23-03-01	23-07-08	R	21-11-08		
Duitsland	23-03-01	24-04-07	R	21-11-08		
Egypte		15-02-10	T	15-05-10		
Estland		05-10-06	T	21-11-08		
Ethiopië		17-02-09	T	17-05-09		
Finland	23-03-01	18-11-08	R	18-02-09		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Frankrijk		19-10-10	T	19-01-11		
Griekenland		22-12-05	T	21-11-08		
Hongarije		30-01-08	T	21-11-08		
Ierland		23-12-08	T	23-03-09		
Italië	23-03-01	18-11-10	R	18-02-11		
Jamaica		02-05-03	T	21-11-08		
Jordanië		24-03-10	T	24-06-10		
Kiribati		29-07-09	T	29-10-09		
Kroatië		15-12-06	T	21-11-08		
Letland		19-04-05	T	21-11-08		
Liberia		21-08-08	T	21-11-08		
Litouwen		14-09-07	T	21-11-08		
Luxemburg		21-11-05	T	21-11-08		
Maleisië		12-11-08	T	12-02-09		
Malta		12-11-08	T	12-02-09		
Marokko		14-04-10	T	14-07-10		
Marshalleilan- den, de		09-05-08	T	21-11-08		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		23-12-10 – – – – – – –	T	23-03-11 – – – – – –		
Nigeria		01-10-10	T	01-01-11		
Noord-Korea		17-07-09	T	17-10-09		
Noorwegen	23-03-01	25-03-08	R	21-11-08		
Panama		17-02-09	T	17-05-09		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Polen		15-12-06	T	21-11-08		
Roemenië		15-06-09	T	15-09-09		
Russische Federatie		24-02-09	T	24-05-09		
Saint Kitts en Nevis		21-10-09	T	21-01-10		
Saint Vincent en de Grenadines		26-11-08	T	26-02-09		
Samoa		18-05-04	T	21-11-08		
Servië		08-07-10	T	08-10-10		
Sierra Leone		21-11-07	T	21-11-08		
Singapore		31-03-06	T	21-11-08		
Slovenië		20-05-04	T	21-11-08		
Spanje	27-09-02	10-12-03	R	21-11-08		
Syrië		24-04-09	T	24-07-09		
Tonga		18-09-03	T	21-11-08		
Tuvalu		12-01-09	T	12-04-09		
Vanuatu		20-08-08	T	21-11-08		
Verenigd Koninkrijk, het	23-03-01	29-06-06	R	21-11-08		
Vietnam		18-06-10	T	18-09-10		
Zuid-Korea		28-08-09	T	28-11-09		
Zweden	23-03-01					

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hongkong SAR	22-01-2010	

Uitgebreid tot	In werking	Buiten werking
Macau SAR	09-03-2009	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Bermuda	16-01-2009	
Caymaneilanden	12-01-2011	
Gibraltar	28-11-2009	
Man	21-11-2008	

Verklaringen, voorbehouden en bezwaren

België, 11 augustus 2009

Judgements on matters covered by the Convention, when given by a court of another member state of the European Union, with the exception of Denmark, shall be recognized and enforced in Belgium according to the relevant Community rules on the subject.

Bulgarije, 6 juli 2007

Judgements on matters covered by the Convention shall, when given by a court in Belgium, France, Germany, Italy, Luxembourg, the Netherlands, Ireland, the United Kingdom of Great Britain and Northern Ireland, Greece, Portugal, Spain, Austria, Finland, Sweden, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Romania, be recognized and enforced in Bulgaria according to the relevant internal Community rules on the subject.

China, 9 december 2008

1. Article 7 of the Convention shall not apply to the ships operating exclusively within the inland waterways of the People's Republic of China.
2. In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention applies to the Macao Special Administrative Region of the People's Republic of China, and unless otherwise notified by the Government, shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China.
3. The declaration made by the People's Republic of China to Article 7 of the Convention also applies to the Macao Special Administrative Region of the People's Republic of China.

Cyprus, 10 januari 2005

Judgments on matters covered by the Convention shall, when given by a court in Austria, Belgium, the Czech Republic, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden or the United Kingdom, be recognised and enforced in the Republic of Cyprus according to the relevant internal Community rules on the subject (at present, these rules are laid down in Regulation (EC) No. 44/2001).

Denemarken, 23 maart 2001

In connection with Denmark's signature of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, Denmark declares that it reserves the right at a later stage to make a declaration indicating the relevant internal Community rules which will apply in the relation between Denmark and the other Member States of the European Community on the rules on jurisdiction and the recognition and enforcement of judgements covered by the Convention.

Denemarken, 23 juli 2008

The Government of Denmark declares that, due to its obligations towards the European Community, it shall until further notice not be bound by the provisions of Article 9 of the Convention regarding jurisdiction and Article 10 of the Convention regarding recognition and enforcement.

Duitsland, 23 maart 2001

Judgements on matters within the scope of this Convention, when given by a court in Austria, Belgium, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden or the United Kingdom, shall be recognized and enforced in the Federal Republic of Germany in accordance with the relevant internal Community rules (these rules are currently laid down in Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Official Journal of the European Communities L 12 of 16 January 2001, page 1ff)).

Signature is in accordance with the Council Decision authorizing the Member States to sign, ratify or accede, in the interest of the European Community, to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2002 (the Bunkers Convention).

Egypte, 15 februari 2010

The Arab Republic of Egypt hereby declares that the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, is not applicable to ships passing through the Suez Maritime Canal, in order to ensure the freedom of use of the Suez Canal and its ports.

Estland, 5 oktober 2006

1. Judgements on matters covered by the Convention shall, when given by a court of the Member State of the European Union, except the court of Denmark, be recognized and enforced in the Republic of Estonia according to the relevant European Community rules on the subject.
2. Based on the Article 7 paragraph 15 of the Convention, the Article 7 does not apply to ships operating exclusively within the waters of the Republic of Estonia.

Finland, 23 maart 2001

Judgements on matters covered by the Convention shall, when given by a Court of Austria, Belgium, France, Germany, Greece, Italy, Ireland, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom, be recognised and enforced in Finland according to the relevant internal Community rules on the subject.

Frankrijk, 19 oktober 2010

France declares that judgements on matters covered by the Convention, when given by a court of a Member State of the European Community except for France and Denmark, shall be recognized and enforced in France according to the relevant Community rules on the subject.

Ierland, 23 december 2008

Judgments on matters covered by the Convention shall, when given by a court of another Member State of the European Community other than Denmark, be recognised and enforced in Ireland according to the relevant internal Community rules on the subject.

Litouwen, 14 september 2007

... the Seimas of the Republic of Lithuania ... declares that judgments on matters covered by the Convention shall, when given by a court of Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom, be recognized and enforced in the Republic of Lithuania according to the relevant internal Community rules on the subject.

Luxemburg, 21 november 2005

Luxembourg, being subject to Community regulations on these matters in its mutual relations with the Member States of the European Community, will apply the Community regulations concerning jurisdiction to the extent that the pollution damage occurs in a geographical zone as specified in article 2 of the Convention, belonging to a Member State of the European Community, and that the defendant is domiciled in a Member State of the European Community.

Judgements as specified in article 10, paragraph 1 of the Convention, when given by a court of a Member State of the European Community, will be recognized and enforced in the Grand Duchy of Luxembourg in accordance with the Community regulations.

Malta, 12 november 2008

Judgements covered by the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, shall, when given by a court of the Republic of Austria, the Kingdom of Belgium, the Republic of Cyprus, the Czech Republic, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Ireland, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, the Slovak Republic, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, be recognized and enforced in Malta according to the relevant internal Community rules on the subject.

Nederlanden, het Koninkrijk der, 23 december 2010

The Kingdom of the Netherlands declares that judgments on matters covered by the Convention shall, when given by a court of Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the United Kingdom of Great Britain and Northern Ireland, be recognised and enforced in the European part of the Netherlands according to the relevant internal Community rules on the subject.

Noorwegen, 25 maart 2008

In accordance with article 4, paragraph 3 of the Convention, Norway will apply the Convention to warships, naval auxiliary ships or other ships owned or operated by the Norwegian State and used, for the time being, only on Government non-commercial service. The rules of the Convention will apply generally to such ships.

For such ships owned by the Norwegian State, it follows by Section 186, third paragraph of the Norwegian Maritime Act of June 24, 1994, No. 39, that if insurance or other financial security is not maintained in respect of such a ship, the ship may instead carry a certificate issued by the appropriate authority of the State, stating that the ship is owned by the State and that the ship's liability is covered within the limit prescribed in accordance with article 7, paragraph 1.

Polen, 7 januari 2007

Judgements on matters covered by the International Convention on Civil Liability for Bunker Oil Pollution Damage, when given by a court of the Kingdom of Belgium, the Federal Republic of Germany, the Hellenic

Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Slovenia, the Slovak Republic, be recognised and enforced in the Republic of Poland according to the relevant international Community rules on the subject.

Roemenië, 15 juni 2009

1. Judgements concerning issues provided for by the BUNKERS Convention of 2001, when delivered by courts from the Republic of Austria, the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Republic of Cyprus, the Hellenic Republic, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Republic of Ireland, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the United Kingdom of Great Britain and Northern Ireland, the Republic of Poland, the Republic of Portugal, the Republic of Slovakia, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden, the Kingdom of the Netherlands, or the Republic of Hungary, are recognized and enforced in Romania, in accordance with the relevant European Union Regulations;

2. Romania accedes to the BUNKERS Convention of 2001 in accordance with the Decision of the European Union Council no.2002/762/CE of 19 September 2002 to authorize the Member States in the interest of European Community to sign, to ratify or to accede to this international Convention.

Spanje, 10 december 2003

Spain declares that judicial rulings on the matters addressed by the Convention, whether pronounced by a Court in Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden or the United Kingdom of Great Britain and Northern Ireland, shall be recognized and acted upon in Spain, pursuant to the provisions in the relevant internal regulations of the European Union.

Syrië, 24 april 2009

The Syrian Arab Republic by joining this Agreement does not in any way recognise Israel and will not enter into any dealings with it as prescribed by the Agreement.

Verenigd Koninkrijk, het, 23 maart 2001

Judgements on matters covered by the Convention shall, when given by a court of Austria, Belgium, Finland, France, Germany, Greece, Ireland,

Italy, Luxembourg, Netherlands, Portugal Spain or Sweden, be recognised and enforced in the United Kingdom according to the relevant internal Community rules on the subject.

Verenigd Koninkrijk, het, 29 juni 2006

Judgements on matters covered by the Convention shall, when given by a court of Australia, Belgium, Czech Republic, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain or Sweden, be recognized and enforced in the United Kingdom according to the relevant internal Community rules on the subject.

Zweden, 23 maart 2001

I further declare that Judgements on matters covered by the Convention shall, when given by a court of Austria, Belgium, Finland, France, Germany, Greece, Italy, Ireland, Luxembourg, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Portugal or Spain, be recognised and enforced in Sweden according to the relevant internal Community rules on the subject.

G. INWERKINGTREDING

De bepalingen van het Verdrag, met Bijlage, zijn ingevolge artikel 14, eerste lid, in werking getreden op 21 november 2008.

Ten aanzien van elke staat die dit Verdrag bekrachtigt, aanvaardt, goedkeurt of ertoe toetreedt na 21 november 2008, treedt dit Verdrag ingevolge artikel 14, tweede lid, in werking drie maanden na de datum van nederlegging door die staat van de daartoe strekkende akte.

Het Verdrag, met Bijlage, zal ingevolge hetzelfde artikel voor het Koninkrijk der Nederlanden op 23 maart 2011 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag, met Bijlage, alleen voor Nederland (het Europese deel) gelden.

J. VERWIJZINGEN

Zie *Trb.* 2005, 329.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2010, 163

Titel : Verdrag inzake de Internationale Maritieme Organisatie;
Genève, 6 maart 1948

Laatste *Trb.* : *Trb.* 2008, 26

- Titel : Verdrag inzake beperking van aansprakelijkheid voor
maritieme vorderingen, 1976;
Londen, 19 november 1976
- Laatste *Trb.* : *Trb.* 2011, 45
- Titel : Verdrag van de Verenigde Naties inzake het recht van
de zee;
Montego-Bay, 10 december 1982
- Laatste *Trb.* : *Trb.* 2009, 77
- Titel : Protocol van 1992 tot wijziging van het Internationaal
Verdrag inzake de wettelijke aansprakelijkheid voor
schade door verontreiniging door olie, 1969;
Londen, 27 november 1992
- Laatste *Trb.* : *Trb.* 2006, 71
- Titel : Protocol van 1992 tot wijziging van het Internationaal
Verdrag betreffende de instelling van een Internationaal
Fonds voor vergoeding van schade door verontreini-
ging door olie, 1971;
Londen, 27 november 1992
- Laatste *Trb.* : *Trb.* 2006, 70
- Titel : Protocol van 1996 tot wijziging van het Verdrag inzake
de beperking van aansprakelijkheid voor maritieme vor-
deringen, 1976;
Londen, 2 mei 1996
- Tekst : *Trb.* 1997, 300 (Engels en Frans)
Trb. 2006, 17 (vertaling)
- Laatste *Trb.* : *Trb.* 2011, 46
- Titel : Internationaal Verdrag inzake aansprakelijkheid en ver-
goeding voor schade in verband met het vervoer over
zee van gevaarlijke en schadelijke stoffen, 1996;
Londen, 3 mei 1996
- Laatste *Trb.* : *Trb.* 2010, 316

Uitgegeven de eerste april 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL