

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2011 Nr. 63**

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A. TITEL

*Europese Overeenkomst inzake de immuniteit van Staten;  
(met Bijlage en Aanvullend Protocol)  
Bazel, 16 mei 1972*

B. TEKST

De Engelse en de Franse tekst van de Overeenkomst, met Bijlage en Aanvullend Protocol, zijn geplaatst in *Trb.* 1973, 43.

C. VERTALING

Zie *Trb.* 1973, 43 en *Trb.* 1985, 38.

D. PARLEMENT

Zie *Trb.* 1985, 38.

E. PARTIJGEGEVENS

Zie *Trb.* 1973, 43. Toetreding is voorzien in artikel 37 van de Overeenkomst en artikel 11 van het Aanvullend Protocol.

## Overeenkomst

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	16-05-72	27-10-75	R	11-06-76		
Cyprus	15-12-75	10-03-76	R	11-06-76		
Duitsland	16-05-72	15-05-90	R	16-08-90		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Luxemburg	16-05-72	11-12-86	R	12-03-87		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	16-05-72	21-02-85 28-09-10 28-09-10 28-09-10 – – –	R R R R	22-05-85 10-10-10 10-10-10 10-10-10 – – –		
Oostenrijk	16-05-72	10-07-74	R	11-06-76		
Portugal	10-05-79					
Verenigd Koninkrijk, het	16-05-72	03-07-79	R	04-10-79		
Zwitserland	16-05-72	06-07-82	R	07-10-82		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

## Uitbreidingen

### Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	04-10-1979	
Belize (< 21-09-1981)	04-10-1979	21-09-1981
Brits Antarctisch Territorium	04-10-1979	
Britse Maagdeneilanden	04-10-1979	
Caymaneilanden	04-10-1979	
Ducie en Oeno-eilanden	04-10-1979	
Falklandeilanden	04-10-1979	
Guernsey	28-02-1988	
Henderson	04-10-1979	
Hongkong (< 01-07-1997)	04-10-1979	01-07-1997

Uitgebreid tot	In werking	Buiten werking
Jersey	28-02-1988	
Man	28-02-1988	
Montserrat	04-10-1979	
Pitcairneilanden	04-10-1979	
Sint-Helena, Ascension en Tristan da Cunha	04-10-1979	
Turks- en Caicos-eilanden	04-10-1979	

### **Verklaringen, voorbehouden en bezwaren**

België, 27 oktober 1975

In accordance with Article 21, the Belgian Government designates the “Tribunal de première instance” for determining the question whether the Belgian State should give effect to a foreign judgement.

With reference to Article 24, the Belgian Government declares that, in cases not falling within Articles 1 to 13, its courts shall be entitled to entertain proceedings against another Contracting State to the extent that its courts are entitled to entertain proceedings against States not Party to the present Convention. Such a declaration shall be without prejudice to the immunity from jurisdiction which foreign States enjoy in respect of acts performed in the exercise of sovereign authority (*acta jure imperii*).

België, 23 september 2003

In accordance with Article 28, paragraph 2, of the Convention, the Kingdom of Belgium declares that the French Community, the Flemish Community and the German-speaking Community as well as the Walloon Region, the Flemish Region and the Brussels-Capital Region may invoke the provisions of the European Convention on State Immunity applicable to Contracting States, and have the same obligations.

Duitsland, 15 mei 1990

Paragraph 4 of Article 21:

The question whether effect should be given by the Federal Republic of Germany or a Land to a judgment rendered by a court of another Contracting State in accordance with Article 20 or Article 25 or to a settlement in accordance with Article 22 of the Convention is determined by the competent Regional Court (*Landgericht*) in whose administrative district the Federal Government has its seat.

The Federal Republic of Germany declares in accordance with paragraph 1 of Article 24 of the Convention that, in cases not falling within Articles 1 to 13, its courts are entitled to entertain proceedings against another Contracting State to the extent that its courts are entitled to

entertain proceedings against States not Party to the Convention. Such a declaration is without prejudice to the immunity from jurisdiction which foreign States enjoy in respect of acts performed in the exercise of sovereign authority (*acta jure imperii*).

Duitsland, 5 juni 1992

The Federal Republic of Germany hereby amends its declaration relating to Article 28, paragraph 2, of the Convention to the effect that all constituent states (Laender) of the Federal Republic of Germany, namely Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North-Rhine/Westphalia, Rhineland-Palatina, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia shall be able to invoke the provisions of the Convention applying to the Contracting States and shall have the same duties as the latter.

Luxemburg, 11 december 1986

The competent Court, under Article 21 of the Convention, to determine the question whether effect should be given to a judgment delivered in pursuance of Article 20, is the Court of Appeal of Luxembourg, judging in accordance with the procedure of civil appeals, as for summary and urgent matters. Its decision is subject to appeal to the Supreme Court in compliance with the ordinary rules in civil matters.

In accordance with Article 24 of the Convention, the Courts of Luxembourg are entitled, in cases falling outside Articles 1 to 13 of the Convention, to entertain proceedings against another Contracting State to the extent to which its Courts are entitled to entertain such proceedings against States not Party to the Convention.

**Nederlanden, het Koninkrijk der,** 21 februari 1985

I have the honour, with reference to Article 24, first paragraph, of the European Convention on State Immunity, to declare, on behalf of the Kingdom of the Netherlands that in cases not falling within Articles 1 to 13, its courts shall be entitled to entertain proceedings against another Contracting State to the extent that its courts are entitled to entertain proceedings against States not Party to the present Convention.

The district court (“Arrondissementsrechtbank”) of The Hague has been designated as the competent court referred to in Article 21, first paragraph, of the Convention.

**Nederlanden, het Koninkrijk der,** 28 september 2010

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date

onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

Oostenrijk, 10 juli 1974

The Republic of Austria declares according to Article 28, paragraph 2, of the European Convention on State Immunity that its constituent States Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg and Vienna may invoke the provisions of the European Convention on State Immunity applicable to Contracting States and have the same obligations.

Oostenrijk, 11 januari 1976

In compliance with paragraph 4 of Article 21 of the European Convention on State Immunity, the Republic of Austria declares that it designates the Vienna Regional Civil Court (Landesgericht für Zivilrechtssachen Wien) as solely competent to determine whether the Republic of Austria shall give effect, in accordance with Article 20 of the above-mentioned Convention, to any judgement given by a court of another Contracting States.

Verenigd Koninkrijk, het, 3 juli 1979

In pursuance of the provisions of paragraph 1 of Article 24 thereof, the United Kingdom hereby declare that, in cases not falling within Article 1 to 13, their courts and the courts of any territory in respect of which they are a Party to the Convention shall be entitled to entertain proceedings against another Contracting State to extent that these courts are entitled to entertain proceedings against States not Party to the present Convention. This declaration is without prejudice to the immunity from

jurisdiction which foreign States enjoy in respect of acts performed in the exercise of sovereign authority (*acta jure imperii*).

In pursuance of the provisions of paragraph 2 of Article 19, the United Kingdom hereby declare that their courts, and the courts of any territory in respect of which they are a Party to the Convention, shall not be bound by the provisions of paragraph 1 of that Article.

In pursuance of the provisions of paragraph 4 of Article 21, the United Kingdom hereby designate as competent courts:

in England and Wales – the High Court of Justice;

in Scotland – the Court of Session;

in Northern Ireland – the Supreme Court of Judicature;

and any other territory in respect of which they are a Party to the Convention - the Supreme Court of the territory concerned.

The question whether effect is to be given to a judgment in accordance with paragraph 1 of Article 21 may however also be justiciable in other civil courts in the exercise of their normal jurisdiction.

I have the honour to inform you that simultaneously an instrument of ratification of the International Convention for the Unification of certain Rules concerning the Immunity of State-owned Ships, done at Brussels on 10 April 1926, and of the Protocol supplementary thereto, done at Brussels on 24 May 1934, is being deposited with the Government of the Kingdom of Belgium. This instrument of ratification, signed by Her Majesty The Queen in respect of the United Kingdom of Great Britain and Northern Ireland contains the following reservations:

We reserve the right to apply Article 1 of the Convention to any claim in respect of a ship which falls within the Admiralty jurisdiction of Our courts, or of Our courts in any territory in respect of which We are party to the Convention.

We reserve the right, with respect to Article 2 of the Convention, to apply in proceedings concerning another High Contracting Party or ship of another High Contracting Party the rules of procedure set out in Chapter II of the European Convention on State Immunity, signed at Basle on the Sixteenth day of May, in the Year of the Lord One thousand Nine hundred and Seventy-two.

In order to give effect to the terms of any international agreement with a non-Contracting State, We reserve the right to make special provision

a. as regards the delay of arrest of a ship or cargo belonging to such a State, and

b. to prohibit seizure of or execution against such a ship or cargo.

Verenigd Koninkrijk, het, 27 november 1987

I have the honour to state that the notifications made to your predecessor in paragraph 1.a and b of Mr Cape's letter of 2 July 1979 in connection with the said Convention shall apply equally to Guernsey, Jersey and the Isle of Man as territories in respect of which the United Kingdom is a Party to the said Convention.

In pursuance of the provisions of paragraph 2 of Article 19, the United Kingdom hereby declare that their courts, and the courts of any territory in respect of which they are a Party to the Convention, shall not be bound by the provisions of paragraph 1 of that Article.

In pursuance of the provisions of paragraph 4 of Article 21 of the said Convention, the United Kingdom designate as competent courts:

In Guernsey:- in the Island of Guernsey : the Royal Court of Guernsey;

– in the Island of Alderney : the Court of Alderney;

– in the Island of Sark : the Court of the Seneschal;

In Jersey:- the Royal Court of Jersey;

In the Isle of Man:- the High Court of Justice of the Isle of Man.

The question whether effect is to be given to a judgement in accordance with paragraph 1 of Article 21 may however also be justiciable in other civil courts in the exercise of their normal jurisdiction.

I have the honour to inform you that the United Kingdom is also acceding, separately in the name of Guernsey, Jersey and the Isle of Man, to the International Convention for the Unification of certain Rules concerning the Immunity of State-owned Ships, done at Brussels on 10 April 1926, and of the protocol supplementary thereto, done at Brussels on 24 May 1934, subject to the same reservations as are referred to in paragraph 2 of Mr Cape's aforementioned letter.

Verenigd Koninkrijk, het, 19 juni 1997

I am instructed by Her Britannic Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the European Convention on State Immunity signed at Basle on 16 May 1972 which applies to Hong Kong at present.

I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention to Hong Kong.

Zwitserland, 6 juli 1982

I have the honour to declare on behalf of the Swiss Federal Council and in accordance with Article 24 of the Convention, that in cases not falling within Articles 1 to 13, the Swiss courts shall be entitled to entertain proceedings against another Contracting State to the extent that its courts are entitled to entertain proceedings against States not Party to the present Convention.

**Aanvullend Protocol**

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agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

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#### G. INWERKINGTREDING

Zie *Trb.* 1985, 38.

Wat betreft het Koninkrijk der Nederlanden, gelden de Overeenkomst en het Aanvullend Protocol, die vanaf 22 mei 1985 alleen voor het Europese deel van Nederland golden, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

#### J. VERWIJZINGEN

Zie *Trb.* 1973, 43 en *Trb.* 1985, 38.

Titel : Statuut van de Raad van Europa;  
Londen, 5 mei 1949

Laatste *Trb.* : *Trb.* 2007, 146

Titel : Statuut van het Internationaal Gerechtshof  
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 1997, 106

Titel : Verdrag tot bescherming van de rechten van de mens  
en de fundamentele vrijheden;  
Rome, 4 november 1950

Laatste *Trb.* : *Trb.* 2010, 204

Uitgegeven de vierde april 2011.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL