

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 19

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

Zie *Trb.* 2006, 36.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 36. Toetreding is voorzien in artikel 5, eerste lid, van het Protocol.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	29-11-96	26-09-05	R	25-12-05		27-05-11
Bulgarije		08-11-07	T	01-12-07		27-05-11
Cyprus		15-07-04	T	25-12-05		27-05-11
Denemarken	29-11-96	26-07-00	R	25-12-05		27-05-11
Duitsland	29-11-96	30-04-04	R	25-12-05		27-05-11
Estland		18-03-05	T	25-12-05		27-05-11
Finland	29-11-96	22-03-99	R	25-12-05		27-05-11

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Frankrijk	29-11-96	11-08-00	R	25-12-05		27-05-11
Griekenland	29-11-96	08-11-99	R	25-12-05		27-05-11
Hongarije		31-08-04	T	25-12-05		27-05-11
Ierland	29-11-96	27-03-02	R	25-12-05		27-05-11
Italië	29-11-96	21-12-98	R	25-12-05		27-05-11
Letland		14-06-04	T	25-12-05		27-05-11
Litouwen		27-05-04	T	25-12-05		27-05-11
Luxemburg	29-11-96	31-01-03	R	25-12-05		27-05-11
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	29-11-96	21-11-00 – – – – – –	R	25-12-05 – – – – – –		27-05-11 – – – – – –
Oostenrijk	29-11-96	28-08-98	R	25-12-05		27-05-11
Polen		18-11-05	T	16-02-06		27-05-11
Portugal	29-11-96	04-05-99	R	25-12-05		27-05-11
Roemenië		08-11-07	T	01-12-07		27-05-11
Slovenië		08-07-04	T	25-12-05		27-05-11
Slowakije		06-05-04	T	25-12-05		27-05-11
Spanje	29-11-96	22-07-99	R	25-12-05		27-05-11
Tsjechië		28-01-05	T	25-12-05		27-05-11
Verenigd Koninkrijk	29-11-96	30-09-97	R	25-12-05		27-05-11
Zweden	29-11-96	16-02-98	R	25-12-05		27-05-11

* 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, 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).

Bulgarije, 22 februari 2007

Pursuant to Article 2, paragraph 1 of the Protocol the Republic of Bulgaria declares that it accepts 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.

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: 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 French 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).

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 use of information technology for customs purposes 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. The declarations for the Kingdom of Denmark and the Kingdom of Spain will be made at the time of adoption.

Declaration concerning the simultaneous adoption of the Convention on the use of information technology for customs purposes and the Protocol on the interpretation by way of preliminary rulings, by the Court of Justice of the European Communities, of that Convention, 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 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 use of information technology for customs purposes, 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 use of information technology for customs purposes and the Protocol concerning its interpretation are completed simultaneously at the earliest opportunity. In witness whereof the undersigned Plenipotentiaries have signed this Declaration. Done at Brussels on the twenty-ninth day of November in the year one thousand nine hundred and ninety-six.

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

The Grand Duchy of Luxembourg accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 2(2)(b) of the Protocol.

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

Slowakije, 6 mei 2004

The Slovak Republic declares that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with Article 2 paragraph 2 (a) 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.

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

Declaration made pursuant to Article 2 of the Protocol of 29 November 1996 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 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

Zie *Trb.* 2006, 36.

Het Protocol is door de toepassing van het in rubriek J hieronder genoemde Besluit van 30 november 2009 ingevolge artikel 36, tweede lid, van het Besluit vanaf 27 mei 2011, op diezelfde datum buiten werking getreden.

Het Protocol is ingevolge hetzelfde artikel op 27 mei 2011 buiten werking getreden voor het Koninkrijk der Nederlanden.

Wat betreft het Koninkrijk der Nederlanden, gold het Protocol alleen voor Nederland (het Europese deel) en is dus ook alleen voor Nederland (het Europese deel) buiten werking getreden.

J. VERWIJZINGEN

Zie *Trb.* 1997, 39 en *Trb.* 2006, 36.

Verbanden

Het Protocol strekte tot aanvulling van:

- 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.* 2013, 18

De Overeenkomst is buiten werking getreden door de toepassing van:

- Titel : Besluit 2009/917/JBZ van de Raad inzake het gebruik van informatica op douanegebied;
Brussel, 30 november 2009
- Tekst : *PbEU* L 323 van 10 december 2009, blz. 20-30

Overige verwijzingen

- Titel : Verdrag betreffende de werking van de Europese Unie¹;
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2012, 181
- Titel : Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie (EURATOM);
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2010, 247
- Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
- Laatste *Trb.* : *Trb.* 2012, 182

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

Uitgegeven de *eerste* februari 2013.
De Minister van Buitenlandse Zaken,
F.C.G.M. TIMMERMANS