

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2013 Nr. 23**

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A. TITEL

*Verdrag inzake de erkenning en de tenuitvoerlegging van beslissingen  
over onderhoudsverplichtingen;  
's-Gravenhage, 2 oktober 1973*

B. TEKST

De Franse en de Engelse tekst van het Verdrag zijn geplaatst in  
*Trb.* 1974, 85.

C. VERTALING

Zie *Trb.* 1974, 85. Voor een correctie zie *Trb.* 1981, 21.

D. PARLEMENT

Zie *Trb.* 1981, 21.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1974, 85 en rubriek H van *Trb.* 1984, 149. Toetreding is voorzien in artikel 31 van het Verdrag.

Partij	Onder- tekening	Ratificatie	Type <sup>*</sup>	In werking	Opzeg- ging	Buiten werking
Albanië		29-08-11	T	01-12-12		
Andorra		06-04-11	T	01-07-12		
Australië		20-10-00	T	01-02-02		
België	09-11-76					
Denemarken	26-05-87	07-10-87	R	01-01-88		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Duitsland	02-10-73	28-01-87	R	01-04-87		
Estland		17-12-96	T	01-04-98		
Finland	28-05-80	29-04-83	R	01-07-83		
Frankrijk	18-12-73	19-07-77	R	01-10-77		
Griekenland	13-11-03	13-11-03	R	01-02-04		
Italië	06-02-75	02-10-81	R	01-01-82		
Litouwen		05-06-02	T	01-10-03		
Luxemburg	02-10-73	19-03-81	R	01-06-81		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	02-10-73	12-12-80 – – – – – –	R	01-03-81 10-10-10 10-10-10 10-10-10 01-01-86 10-10-10 10-10-10		
Noorwegen	13-07-76	12-04-78	R	01-07-78		
Oekraïne		03-04-07	T	01-08-08		
Polen		14-02-95	T	01-07-96		
Portugal	10-10-73	04-12-75	R	01-08-76		
Slowakije		15-03-93	VG	01-01-93		
Spanje	26-10-82	16-06-87	R	01-09-87		
Tsjechië		28-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	06-02-75	12-05-76	R	01-08-76		
Turkije	02-10-73	23-08-83	R	01-11-83		
Verenigd Koninkrijk	30-11-73	21-12-79	R	01-03-80		
Zweden	01-02-77	17-02-77	R	01-05-77		
Zwitserland	23-07-75	18-05-76	R	01-08-76		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

## Uitbreidingen

### Australië

Uitgebreid tot	In werking	Buiten werking
Ashmore en Cartiereilanden	01-02-2002	
Australisch Antarctisch Territorium	01-02-2002	
Christmaseiland	01-02-2002	
Cocoseilanden	01-02-2002	
Heardeiland en McDonaldeilanden	01-02-2002	
Koraal Zee-eilanden	01-02-2002	
Norfolk	01-02-2002	

### Denemarken

Uitgebreid tot	In werking	Buiten werking
Faeröer	01-01-1988	

### Verenigd Koninkrijk

Uitgebreid tot	In werking	Buiten werking
Jersey	01-11-2003	
Man	01-04-1985	

## Verklaringen, voorbehouden en bezwaren

Andorra, 6 april 2011

In accordance with the first paragraph of Article 34 of the Convention, the principality of Andorra reserves the right not to recognise or enforce the decisions and the settlements described in paragraph 1 of Article 26.

Australië, 20 oktober 2000

The government of Australia, pursuant to subparagraph 2 of the first paragraph of Article 26, hereby reserves the right not to recognise or enforce decisions or settlements in respect of maintenance obligations (a) between persons related collaterally and (b) between persons related by affinity.

The government of Australia further declares, pursuant to Article 32, that the Convention will extend to all the territories for the international relations of which Australia is responsible.

Denemarken, 7 oktober 1987

With reservations provided for in Article 26, numbers 1 and 2, under a and b.

Duitsland, 28 januari 1987

The Federal Republic of Germany declares pursuant to sub-paragraph 2 of Article 26 of the Convention that it will not recognize or enforce a decision or settlement in respect of maintenance obligations

- a) between persons related collaterally and
- b) between persons related by affinity.

Notwithstanding this reservation, the Federal Republic of Germany will proceed as follows in accordance with its internal law:

It will also recognize and enforce in conformity with the provisions of the Convention any decisions and settlement from another Contracting State in respect of maintenance obligations between persons related collaterally and between persons related by affinity; however, it will refuse recognition and enforcement of such decisions at the request of the maintenance debtor if there is no maintenance obligation under the internal law of the State of which the debtor and the creditor are nationals or, in the absence of a common nationality, under the law applicable at the habitual residence of the debtor.

The Federal Republic of Germany also declares pursuant to Article 25 of the Convention that the provisions of the Convention will be extended, in relation to other States making a declaration under this Article, to an official deed (“acte authentique”) drawn up by or before an authority or public official and directly enforceable in the State of origin insofar as these provisions can be applied to such deeds.

Estland, 17 december 1996

[...], the Estonian Riigikogu while acceding to the said Convention made a reservation in accordance with Article 34 not to recognize and enforce the decisions or settlements of paragraphs 2 and 3 of Article 26.

Finland, 28 mei 1980

Subject to reservation provided for in Article 34 and Article 26, numbers 1 and 2.

Griekenland, 13 november 2003

Signature subject to the reservation entered pursuant to article 26.

Reservations to article 26 of the Convention:

Greece reserves the right not to recognise or enforce decisions or settlements in respect of maintenance obligations:

- a) between persons related collaterally (except for brothers and sisters), or
- b) between persons related by affinity.

Italië, 2 oktober 1981

In accordance with Article 34 of the Convention on the recognition and enforcement of decisions relating to maintenance obligations, the Italian Republic reserves the right not to recognise or enforce a decision or settlement unless it provides for the periodical payment of maintenance, provided for in Article 26, paragraph 3, except a decision or settlement providing for a single payment of the sum owed upon the dissolution of the marriage, as governed by the final sentence of Article 5, paragraph 4 of the law of 1 December 1970, No. 898.

Litouwen, 5 juni 2002

1. The Republic of Lithuania reserves the right not to recognize or enforce a decision or settlement insofar as it relates to a period of time after a maintenance creditor attains the age of twenty-one years or marries, except when the creditor is or was the spouse of the maintenance debtor (subparagraph 1 of Article 26 of the Convention);
2. The Republic of Lithuania reserves the right not to recognize or enforce a decision or a settlement in respect of maintenance obligations between persons related collaterally (subparagraph 2 (a) of Article 26 of the Convention);
3. The Republic of Lithuania reserves the right not to recognize or enforce a decision or settlement in respect of maintenance obligations between persons related by affinity (subparagraph 2 (b) of Article 26 of the Convention).

Luxemburg, 19 maart 1981

In accordance with Article 34 of the Convention the Grand Duchy of Luxembourg reserves the right not to recognise or enforce

- a decision or settlement in respect of maintenance obligations
  - a) between persons related collaterally
  - b) between persons related by affinity;
- a decision or settlement unless it provides for the periodical payment of maintenance.

**Nederlanden, het Koninkrijk der,** 12 december 1980

In application of Article 34 in connection with Article 26 of the Convention the Kingdom makes the reservation that the Convention shall

not be applied to decisions or settlements in respect of maintenance obligations between persons related collaterally.

[...] the provisions of the Convention are extended, in relation to other States making the same declarations to an official deed drawn up by or before an authority or public official and directly enforceable in the State of origin insofar as these provisions can be applied to such deeds.

**Nederlanden, het Koninkrijk der,** 18 oktober 2010

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

With effect from 10 October 2010, the Netherlands Antilles ceased to exist as a part of the Kingdom of the Netherlands. Since that date, the Kingdom consists of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten 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 formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – became part of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that applied 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.

**Nederlanden, het Koninkrijk der,** 25 juli 2012

The reservation and declaration [of 12 December 1980] are confirmed for Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).

The reservation and declaration remain valid for the European part of the Netherlands and Aruba.

**Noorwegen,** 13 juli 1976

With the reservation provided for in Article 26, paragraph 1, sub 2.

**Noorwegen,** 12 april 1978

In conformity with Article 34, the Government of Norway reserves the right provided for in Article 26, paragraph 1 No 2 not to recognise or enforce decisions and settlements relating to maintenance obligations

between persons related collaterally and between persons related by affinity.

Oekraïne, 3 april 2007

In accordance with Article 25 of the Convention Ukraine declares that it shall extend the provisions of this Convention over official documents determined by the Convention to the extent that the provisions of the Convention can be applied to such documents.

In accordance with Article 26 of the Convention Ukraine shall reserve the right not to recognise or not to implement decisions or agreements concerning obligations on keeping among persons who are non-direct relatives and among persons who are relatives on the part of the husband or wife, except cases in which the appropriate obligations on keeping would exist in accordance with the national legislation of Ukraine.

Polen, 14 februari 1995

Reservation referred to in Article 26(3) of the Convention on the recognition and enforcement of decisions relating to maintenance obligations, concluded on October 2nd, 1973.

The Republic of Poland, in accordance with Article 34, reserves the right not to recognize or enforce a decision or settlement unless it provides for a periodical payment of maintenance.

One of the principles of the Polish law concerning maintenance obligations is a periodical current provision of means of subsistence.

Portugal, 4 december 1975

In accordance with Article 34, first paragraph of the Convention Portugal reserves the right not to recognise or enforce the decisions and settlements mentioned in Article 26, paragraph 1 and 2 (b).

Slowakije, 1 januari 1993

Slovakia maintains the reservations made by Czechoslovakia.

Tsjechië, 1 januari 1993

The Czech Republic maintains the reservation made by Czechoslovakia.

Tsjechoslowakije (<01-01-1993), 6 februari 1975

The Socialist Republic of Czechoslovakia, referring to the Convention on the recognition and enforcement of decisions relating to maintenance obligations, concluded at The Hague on 2 October 1973, reserves the right in accordance with Article 34 of that Convention not to recognise or enforce the decisions and settlements relating to the maintenance obligations described in Article 26, para 2 (a) and (b), since Czechoslovak Law does not recognise maintenance obligations between the persons mentioned therein.

At the same time, the Socialist Republic of Czechoslovakia wishes to state, in connection with Article 32 of the Convention according to all

States the right to declare that the Convention shall be applicable to all territories for the international relations of which it is responsible, that keeping certain countries in a state of dependence is in its opinion contrary to the spirit and objectives of the United Nations Declaration of 14 December 1960 on the granting of independence to colonial countries and peoples, which declares the necessity for a speedy and unconditional end to colonialism in all its forms.

Turkije, 23 augustus 1983

Pursuant to article 34 of the Convention, the Republic of Turkey reserves the right provided for in article 26, paragraphs 2 and 3 not to recognise or enforce decisions or settlements in respect of maintenance obligations between persons related collaterally or by affinity, or decisions or settlements that do not provide for the periodical payment of maintenance.

Verenigd Koninkrijk, 21 december 1979

[...] (a) reserves the right provided for in Article 26(2) not to recognise or enforce a decision or settlement in respect of maintenance obligations between persons related collaterally and between persons related by affinity unless that decision or settlement requires the maintenance debtor to make payments to a person who is a child of the family (for the purposes of the law of England and Wales and Northern Ireland) or who is a child of the maintenance creditor who has been accepted as a child of the family by the maintenance debtor (for the purposes of the law of Scotland).

(b) reserves the right provided for in Article 26(3) not to recognise or enforce a decision or settlement unless it provides for the periodical payment of maintenance.

[...] and under the declaration with reference to Article 33 that the Convention shall extend to all the territorial units of the United Kingdom: England and Wales, Northern Ireland, Scotland.

Verenigd Koninkrijk, 5 januari 1984

In accordance with the second paragraph of Article 34, the United Kingdom, acting in respect of the Isle of Man:

- (i) reserves the right provided for in paragraph 2 of Article 26 not to recognise or enforce a decision or settlement in respect of maintenance obligations between persons related collaterally and between persons related by affinity unless that decision or settlement requires the maintenance debtor to make payments to a person who is a child of the family; and
- (ii) reserves the right provided for in paragraph 3 of Article 26 not to recognise or enforce a decision or settlement unless it provides for the periodical payment of maintenance.



Zweden, 17 februari 1977

In conformity with Article 34 of this Convention Sweden reserves the right not to recognise or enforce the decisions and settlements described in Article 26, numbers 1 and 2.

The provisions of the Convention will be extended, in relation to other States making a declaration under this Article to an official deed (“acte authentique”) drawn up by or before an authority or public official and directly enforceable in the State of origin insofar as these provisions can be applied to such deeds.

Zwitserland, 18 mei 1976

In conformity with Article 34, Switzerland reserves the right provided for in Article 26, paragraph 1, number 2, a en b., not to recognise or enforce the decisions and settlements relating to maintenance obligations between persons related collaterally and between persons related by affinity.

Zwitserland, 29 maart 1993

This reservation was withdrawn on 29 March 1993. It will cease to have effect on 1 June 1993.

### **Autoriteiten**

Estland, 17 december 1996

[...], the Estonian Riigikogu while acceding to the said Convention declared that the public body acting in Estonia as Transmitting- and Receiving Agency shall be the Ministry of Justice.

Noorwegen, 2 februari 1992

As from 01-01-1992 the Norwegian National Insurance Office for Social Insurance Abroad, Child Maintenance Division, functions as transmitting as well as receiving agency for the recovery of maintenance contributions to children where one of the parents is resident abroad.

Noorwegen, 25 januari 2008

The Norwegian body designated as requesting agency is:

The Labour and Welfare Collection Agency

The Norwegian body designated as receiving agency is:

The National Office for Social Insurance Abroad

Spanje, 20 november 2006

Central Authority:

Subdirección General de Cooperación Jurídica Internacional

Ministerio de Justicia

Verenigd Koninkrijk, 21 december 1979

Central Authority

The following authorities will receive requests for the recognition and enforcement of decisions relating to maintenance obligations:

in England and Wales

Home Office

in Northern Ireland

Northern Ireland Courts Service, Windsor House

in Scotland

Scottish Courts Administration

Verenigd Koninkrijk, 5 januari 1984

Requests for the recognition and enforcement in the Isle of Man of decisions relating to maintenance obligations are to be addressed to:

The Secretary of State

Verenigd Koninkrijk, 15 augustus 2003

Central Authority

The Attorney General of Jersey

#### G. INWERKINGTREDING

Zie *Trb.* 1981, 21 en *Trb.* 1994, 98.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 1 januari 1986 voor Nederland (het Europese deel), de Nederlandse Antillen en Aruba gold, vanaf 10 oktober 2010 voor Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint Maarten.

#### J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 1974, 85, *Trb.* 1981, 21, *Trb.* 1984, 149 en *Trb.* 1994, 98.

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

Laatste *Trb.* : *Trb.* 2012, 200

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

Laatste *Trb.* : *Trb.* 2012, 128

Titel : Statuut van de Haagse Conferentie voor Internationaal  
Privaatrecht;  
's-Gravenhage, 31 oktober 1951

Laatste *Trb.* : *Trb.* 2011, 199

- Titel : Verdrag inzake de wet welke van toepassing is op de aansprakelijkheid wegens produkten;  
's-Gravenhage, 2 oktober 1973
- Laatste *Trb.* : *Trb.* 2011, 252
- Titel : Verdrag inzake de wet die van toepassing is op onderhoudsverplichtingen;  
's-Gravenhage, 2 oktober 1973
- Laatste *Trb.* : *Trb.* 2013, 24

Uitgegeven de zesde februari 2013.

*De Minister van Buitenlandse Zaken,*

F.C.G.M. TIMMERMANS