

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 24

A. TITEL

*Verdrag inzake de wet die van toepassing is op
onderhoudsverplichtingen;
's-Gravenhage, 2 oktober 1973*

B. TEKST

De Franse en de Engelse tekst van het Verdrag zijn geplaatst in *Trb.* 1974, 86.

C. VERTALING

Zie *Trb.* 1974, 86. Voor correcties zie *Trb.* 1977, 179 en *Trb.* 1981, 20.

D. PARLEMENT

Zie *Trb.* 1981, 20.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1974, 86. Toetreding is voorzien in artikel 21 van het Verdrag.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië		29-08-11	T	01-11-11		
België	09-11-76					
Duitsland	31-01-83	28-01-87	R	01-04-87		
Estland		22-10-01	T	01-01-02		
Frankrijk	18-12-73	19-07-77	R	01-10-77		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Griekenland	25-06-03	25-06-03	R	01-09-03		
Italië	06-02-75	02-10-81	R	01-01-82		
Japan	28-02-86	05-06-86	R	01-09-86		
Litouwen		11-06-01	T	01-09-01		
Luxemburg	02-10-73	13-10-81	R	01-01-82		
Nederlanden, het Koninkrijk der – 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		
Polen		13-02-96	T	01-05-96		
Portugal	10-10-73	17-12-75	R	01-10-77		
Spanje	26-10-82	04-07-86	R	01-10-86		
Turkije	02-10-73	23-08-83	R	01-11-83		
Zwitserland	23-07-75	18-05-76	R	01-10-77		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Verklaringen, voorbehouden en bezwaren

Duitsland, 28 januari 1987

The Federal Republic of Germany declares pursuant to Article 15 of the Convention that its authorities shall apply its internal law if the creditor and the debtor are both Germans within the meaning of the Basic Law of the Federal Republic of Germany and if the debtor has his habitual residence in the Federal Republic of Germany.

Griekenland, 25 juni 2003

Reservations to Article 14

Greece will not apply the Convention to maintenance obligations:

- 1) between collaterals (except brothers and sisters),
- 2) between in-laws, nor

3) between spouses whose marriage has been declared void or has been annulled when the decree of divorce, legal separation, nullity or annulment of the marriage has been rendered by default in a State in which the defaulting party did not have his habitual residence.

Italië, 2 oktober 1981

In accordance with Article 24 of the Convention on the law applicable to maintenance obligations, the Italian Republic reserves the right, provided for in Article 15, to the effect that its authorities shall apply the Italian law if the creditor and the debtor both have the Italian nationality and if the debtor has his habitual residence in Italy.

Litouwen, 11 juni 2001

[...] in accordance with Article 15 of the said Convention, the Republic of Lithuania reserves the right to apply its internal law if the creditor and the debtor are both nationals of the Republic of Lithuania under the Law on Citizenship of the Republic of Lithuania and if the debtor has his habitual residence in the Republic of Lithuania.

Luxemburg, 13 oktober 1981

The Government of Luxemburg reserves the right in accordance with Article 14 of the Convention, not to apply the Convention to maintenance obligations between divorces or legally separated spouses or spouses whose marriage has been declared void or annulled if the decree of divorce, legal separation, nullity or annulment has been rendered by default in a State in which the defaulting party did not have his habitual residence. In that case the Articles 4 to 6 are applicable. In accordance with Article 15, the Government of Luxemburg reserves the right to apply the Luxemburg law if the creditor and the debtor are both nationals of Luxemburg and if the maintenance debtor has his habitual residence in Luxemburg.

Nederlanden, het Koninkrijk der, 12 december 1980

In application of Article 24 in connection with Article 15 of the Convention the Kingdom makes the reservation that its authorities shall apply its internal law if the creditor and the debtor are both nationals of the Kingdom of the Netherlands and if the debtor has his habitual residence in the Kingdom.

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

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

Polen, 13 februari 1996

1. The Republic of Poland, in accordance with Article 24, reserves the right not to apply this Convention to maintenance obligations between persons related by affinity and between the spouses, in agreement with the provisions of Article 14 paragraph 2 and 3 of the Convention.

2. The Republic of Poland, in accordance with Article 24, makes a reservation to the effect that its authorities shall apply its internal law, in agreement with the provisions of Article 15 of the Convention.

Portugal, 17 december 1975

In accordance with Article 24, first paragraph, of the Convention Portugal reserves the right not to apply the Convention to the maintenance obligations mentioned in Article 14, numbers 2 and 3, and its authorities shall apply its internal law if the creditor and the debtor have both the Portuguese nationality and if the debtor has his habitual residence in Portugal (Article 15).

Spanje, 4 juli 1986

The Spanish State, in conformity with Article 24, makes a reservation to the effect that its authorities shall apply its internal law if the creditor and the maintenance debtor are both its nationals and if the debtor has his habitual residence in Spain.

Turkije, 23 augustus 1983

The Republic of Turkey reserves in accordance with Article 24 of the Convention:

1. the right referred to in Article 14, subparagraphs 1 and 2, not to apply the Convention to maintenance obligations between persons related collaterally and between persons related by affinity;
2. the right referred to in Article 15 to the effect that its authorities shall apply its international law if the creditor and the debtor have both the Turkish nationality, and if the debtor has his habitual residence in Turkey.

Zwitserland, 18 mei 1976

In conformity with Article 24, Switzerland reserves the right, provided for in Article 14, paragraphs 1 and 2, not to apply the Convention to maintenance obligations between persons related collaterally and between persons related by affinity.

[...] Switzerland reserves the right, provided for in Article 15, to apply the Swiss law if the creditor and the debtor have both the Swiss nationality and if the debtor has his habitual residence in Switzerland.

Zwitserland, 29 maart 1993

The following reservation was withdrawn on 29-03-1993 and ceased to have effect on 01-06-1993:

In conformity with Article 24, Switzerland reserves the right, provided for in Article 14, paragraphs 1 and 2, not to apply the Convention to maintenance obligations between persons related collaterally and between persons related by affinity.

G. INWERKINGTREDING

Zie *Trb.* 1981, 20 en *Trb.* 1994, 99.

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

Voor verwijzingen en overige verdragsgegevens zie *Trb.* 1974, 86, *Trb.* 1981, 20, *Trb.* 1984, 148 en *Trb.* 1994, 99.

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

Laatste *Trb.* : *Trb.* 2013, 23

Uitgegeven de zesde februari 2013.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS