

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 29

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 tot oprichting van een Europese Politiedienst; (met verklaringen)
Brussel, 24 juli 1996*

B. TEKST

De Nederlandse, de Engelse en de Franse tekst van het Protocol, met verklaringen, zijn geplaatst in *Trb.* 1996, 265.

D. PARLEMENT

Zie *Trb.* 2000, 28.

E. PARTIJGEGEVENS

Zie *Trb.* 2000, 28. Toetreding is voorzien in artikel 5 van het Protocol.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
België	24-07-96	12-06-98	R	29-12-98		01-01-10
Bulgarije		23-07-07	T	01-08-07		01-01-10
Cyprus		31-05-04	T	01-09-04		01-01-10
Denemarken	24-07-96	17-11-97	R	29-12-98		01-01-10
Duitsland	24-07-96	03-02-98	R	29-12-98		01-01-10
Estland		10-03-05	T	01-07-05		01-01-10

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Finland	24-07-96	30-12-97	R	29-12-98		01-01-10
Frankrijk	24-07-96	06-01-98	R	29-12-98		01-01-10
Griekenland	24-07-96	30-09-98	R	29-12-98		01-01-10
Hongarije		28-05-04	T	01-09-04		01-01-10
Ierland	24-07-96	11-03-98	R	29-12-98		01-01-10
Italië	24-07-96	30-04-98	R	29-12-98		01-01-10
Letland		31-05-04	T	01-09-04		01-01-10
Litouwen		27-05-04	T	01-09-04		01-01-10
Luxemburg	24-07-96	12-06-98	R	29-12-98		01-01-10
Malta		30-06-04	T	01-10-04		01-01-10
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	24-07-96	24-12-97 – – – – – –	R	29-12-98 – – – – – –		01-01-10 – – – – – –
Oostenrijk	24-07-96	30-01-98	R	29-12-98		01-01-10
Polen		29-07-04	T	01-11-04		01-01-10
Portugal	24-07-96	29-12-97	R	29-12-98		01-01-10
Roemenië		23-07-07	T	01-08-07		01-01-10
Slovenië		31-05-04	T	01-09-04		01-01-10
Slowakije		31-05-04	T	01-09-04		01-01-10
Spanje	24-07-96	06-10-97	R	29-12-98		01-01-10
Tsjechië		28-05-04	T	01-09-04		01-01-10
Verenigd Koninkrijk	24-07-96	10-12-96	R	29-12-98		01-01-10
Zweden	24-07-96	05-12-97	R	29-12-98		01-01-10

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						

Verklaringen, voorbehouden en bezwaren

België, 12 juni 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b);

Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling;

Again draws attention to the pressing need to achieve a solution similar to that stipulated in the present protocol concerning the competence to be conferred on the Court of Justice of the European Communities to interpret the Convention on the use of information technology for customs purposes (CIS) and the Convention on the protection of the European Communities' financial interests.

Bulgarije, 23 juli 2007

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 Europol Convention, the Republic of Bulgaria declares that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the procedures specified in Article 2, paragraph 2(a).

Denemarken, 17 november 1997

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b);

The present protocol does not currently apply to the Faroe Islands or Greenland.

Duitsland, 3 februari 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b);

Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the

Court of Justice of the European Communities to give a preliminary ruling.

Estland, 10 maart 2005

The Republic of Estonia declares that according to Article 2 paragraph 1 and paragraph 2(b) 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, 30 december 1997

Accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b).

Frankrijk, 6 januari 1998

Accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(a).

Griekenland, 30 september 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b); Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling.

Hongarije, 28 mei 2004

The Republic of Hungary accepts the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Europol Convention if any court or tribunal of the Republic of Hungary may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Europol Convention.

Ierland, 11 maart 1998

Accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(a).

Italië, 30 april 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b); Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is

raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling;

Again draws attention to the pressing need to achieve a solution similar to that stipulated in the present protocol concerning the competence to be conferred on the Court of Justice of the European Communities to interpret the Convention on the use of information technology for customs purposes (CIS) and the Convention on the protection of the European Communities' financial interests.

Letland, 31 mei 2004

In accordance with paragraph 1 of Article 2 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 establishment of a European Police Office, the Republic of 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 Europol Convention under the conditions specified in paragraph 2(a) of the said 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 establishment of a European Police Office, 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, 12 juni 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b);

Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling;

Again draws attention to the pressing need to achieve a solution similar to that stipulated in the present protocol concerning the competence to be conferred on the Court of Justice of the European Communities to interpret the Convention on the use of information technology for customs purposes (CIS) and the Convention on the protection of the European Communities' financial interests.

Nederlanden, het Koninkrijk der, 24 december 1997

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b); Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling;

Again draws attention to the pressing need to achieve a solution similar to that stipulated in the present protocol concerning the competence to be conferred on the Court of Justice of the European Communities to interpret the Convention on the use of information technology for customs purposes (CIS) and the Convention on the protection of the European Communities' financial interests.

Oostenrijk, 30 januari 1998

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b); Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling.

Portugal, 29 december 1997

Hereby accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b); Reserves the right to stipulate in its domestic legislation that, when a question concerning the interpretation of the Europol Convention is raised in a case pending before a domestic court against whose decisions no judicial remedy exists in domestic law, that court will request the Court of Justice of the European Communities to give a preliminary ruling.

Slovenië, 31 mei 2004

The Republic of Slovenia accepts the jurisdiction of the Court of Justice of the European Communities to give a preliminary ruling on the interpretation of the Europol Convention under the conditions specified in Article 2 paragraph 2(b) of the Protocol. The Republic of Slovenia declares that any court of the Republic of Slovenia may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of the Europol Convention if that court considers that a decision on the question is necessary to enable it to give judgement.

Spanje, 6 oktober 1997

Accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(a).

Tsjechië, 28 mei 2004

The Czech Republic 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 establishment of a European Police Office. The Czech Republic reserves the right to stipulate in its national law that, should a question concerning the interpretation of the Europol Convention be raised in a case pending before a national court against whose decisions there is no judicial remedy under national law, said court must refer the question to the Court of Justice of the European Communities for a ruling.

Zweden, 5 december 1997

Accepts the competence of the Court of Justice of the European Communities under the provisions of Article 2, paragraph 2(b).

G. INWERKINGTREDING

Zie *Trb.* 2000, 28.

Het Protocol is door de toepassing ingevolge artikel 64, tweede lid, van het in rubriek J hieronder genoemde Besluit van 6 april 2009, juncto artikel 2 van de in rubriek J hieronder genoemde Verordening van 27 november 2008, vanaf 1 januari 2010 op diezelfde datum buiten werking getreden.

Het Protocol is ingevolge dezelfde artikelen op 1 januari 2010 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.* 1996, 265 en *Trb.* 2000, 28.

Verbanden

Het Protocol strekte tot aanvulling van:

Titel : Overeenkomst op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie tot oprichting van een Europese Politiedienst (Europol-Overeenkomst); Brussel, 26 juli 1995

Laatste *Trb.* : *Trb.* 2010, 65

De Overeenkomst is buiten werking getreden door de toepassing van:

- Titel : Besluit 2009/371/JBZ van de Raad tot oprichting van de Europese politiedienst (Europol);
Luxemburg, 6 april 2009
- Tekst : *PbEU* L 121 van 15 mei 2009, blz. 37-66
- Titel : Verordening (EG) nr. 371/2009 van de Raad tot wijziging van Verordening (Euratom, EGKS, EEG) nr. 549/69 ter bepaling van de categorieën van ambtenaren en overige personeelsleden van de Europese Gemeenschappen waarop de bepalingen van de artikelen 12, 13, tweede alinea, en 14 van het Protocol betreffende de voorrechten en immuniteiten van de Gemeenschappen van toepassing zijn;
Brussel, 27 november 2008
- Tekst : *PbEU* L 121 van 15 mei 2009, blz. 1-2

Overige verwijzingen

- Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
- Laatste *Trb.* : *Trb.* 2012, 182
- Titel : Overeenkomst betreffende bepaalde instellingen welke de Europese Gemeenschappen gemeen hebben;
Rome, 25 maart 1957
- Laatste *Trb.* : *Trb.* 2004, 76

Uitgegeven de *elfde* februari 2013.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS