

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2013 Nr. 51

A. TITEL

*Verdrag betreffende de bevoegdheid der autoriteiten en de
toepasselijke wet inzake de bescherming van minderjarigen;
's-Gravenhage, 5 oktober 1961*

B. TEKST

De Franse tekst van het Verdrag is geplaatst in *Trb.* 1963, 29.

C. VERTALING

Zie *Trb.* 1968, 101.

D. PARLEMENT

Zie *Trb.* 1971 en 141, *Trb.* 1982, 22.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1963, 29, rubriek H van *Trb.* 1969, 96 en
rubriek F van *Trb.* 1984, 143.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Duitsland	22-10-68	19-07-71	R	17-09-71		
Frankrijk	29-11-61	11-09-72	R	10-11-72		
Italië	15-12-61	22-02-95	R	23-04-95		
Joegoslavië (< 25-06-1991)	05-10-61					
Letland		24-01-01	T	25-03-01		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Litouwen		23-10-01	T	22-12-01		
Luxemburg	03-01-63	13-10-67	R	04-02-69		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	30-11-62	20-07-71 – – – – –	R	18-09-71 10-10-10 10-10-10 10-10-10 01-01-86 10-10-10 10-10-10		
Oostenrijk	28-11-66	12-03-75	R	11-05-75		
Polen		26-05-93	T	25-07-93		
Portugal	29-09-67	06-12-68	R	04-02-69		
Spanje	27-05-86	22-05-87	R	21-07-87		
Turkije		25-08-83	T	24-10-83		
Zwitserland	18-11-64	09-12-66	R	04-02-69		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Macau SAR	20-12-1999	

Portugal

Uitgebreid tot	In werking	Buiten werking
Macau (<20-12-1999)	01-04-1969	20-12-1999

Aanvaardingen van toetreding

Letland

Aanvaard door	Aanvaarding	In werking
Duitsland	13-07-2001	11-09-2001
Luxemburg	11-05-2001	11-05-2001
Oostenrijk	10-10-2002	09-12-2002
Polen	19-12-2002	17-02-2003
Spanje	26-03-2002	25-05-2002

Litouwen

Aanvaard door	Aanvaarding	In werking
Letland	06-04-2006	05-06-2006
Luxemburg	19-12-2001	17-02-2002
Oostenrijk	10-10-2002	09-12-2002
Polen	19-12-2002	17-02-2003
Spanje	17-12-2002	15-02-2003

Polen

Aanvaard door	Aanvaarding	In werking
Duitsland	14-09-1993	13-11-1993
Frankrijk	29-11-1993	28-01-1994
Luxemburg	27-07-1993	25-09-1993
Nederlanden, het Koninkrijk der	12-08-1993	11-10-1993
Portugal	03-08-2001	02-10-2001
Spanje	01-12-1994	30-01-1995
Zwitserland	22-04-1994	21-06-1994

Turkije

Aanvaard door	Aanvaarding	In werking
Duitsland	16-02-1984	16-04-1984

Aanvaard door	Aanvaarding	In werking
Frankrijk	28-10-1983	27-12-1983
Luxemburg	28-01-1988	28-03-1988
Nederlanden, het Koninkrijk der	02-06-1986	01-08-1986
Oostenrijk	18-03-1985	17-05-1985
Portugal	25-05-1984	25-07-1984
Spanje	01-12-1994	30-01-1995
Zwitserland	11-02-1986	12-04-1986

Verklaringen, voorbehouden en bezwaren

China, 7 oktober 1999

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao (hereinafter referred to as the Joint Declaration), the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999. Macao will from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is Provided both in Section VIII of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macao, which is annex I to the Joint Declaration, and Article 138 of the Basic Law of Macao Special Administrative Region of the People's Republic of China, which was adopted on 31 March 1993 by the National People's Congress of the People's Republic of China, that international agreements to which Government of the People's Republic of China is not yet a party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region.

In accordance with the provisions mentioned above: [...]

Convention Concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors, done at the Hague on 5 October 1961 (hereinafter referred to as the "Convention"), which applies to Macao at present, will continue to apply to the Macao Special Administrative Region with effect from 20 December 1999.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a party to the Convention.

Frankrijk, 29 november 1961

With the reservation provided for in Article fifteen.

Frankrijk, 28 februari 1984

[...] communicated the withdrawal of its reservation made in respect of the application of Article 15 of the Convention in conformity with Article 25.

The reservation will pursuant to Article 23, paragraph 4, of the Convention cease to have effect on 28 April 1984.

Litouwen, 23 oktober 2001

[...] the Republic of Lithuania reserves the right for its authorities empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of an infant, to take measures for the protection of his person or property.

Luxemburg, 3 januari 1963

1) In accordance with article 13, paragraph 3, the State of Luxembourg reserves the right to limit the application of the present Convention to infants who are nationals of one of the Contracting States.

2) In accordance with article 15, paragraph 1, the State of Luxembourg reserves the jurisdiction of its authorities empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of an infant, to take measures for the protection of his person or property.

Nederlanden, het Koninkrijk der, 20 juli 1971

– that the application of the Convention be limited to infants who are nationals of a Contracting State;

– that the authorities of the Kingdom of the Netherlands remain competent to take measures for the protection of the person or property of an infant, in the event that these authorities are empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of the infant in question.

Nederlanden, het Koninkrijk der, 29 januari 1982

[...] notified [...] of the withdrawal for the Kingdom in Europe and for the Netherlands Antilles of the reservations made at the time of ratification. The withdrawal will take effect on 30 March 1982.

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.

Oostenrijk, 12 maart 1975

The Republic of Austria, in accordance with article 13, paragraph 3 of the Convention concerning the powers of authorities and the law applicable in respect of the protection of infants, reserves the right to limit the application of the Convention to infants who are nationals of one of the contracting states.

Oostenrijk, 8 juni 1990

[...] withdraws the reservation referred to in Article 13, third paragraph, of the Convention made on the occasion of its ratification.

The reservation will cease to have effect on 7 August 1990.

Polen, 26 mei 1993

Pursuant to Article 15 of the Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, the Republic of Poland reserves the jurisdiction of its authorities empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of a minor, to take measures for the protection of his person or property.

Portugal, 31 januari 1969

Portugal declared to extend the application of the Convention to the whole of the territories of the Portuguese Republic.

Portugal, 29 september 1999

In accordance with the Joint Declaration of the Government of the Portuguese Republic and of the Government of the People's Republic of China on the question of Macau, signed in Beijing on 13 April 1987, the

Government of the Portuguese Republic will remain internationally responsible for Macau until 19 December 1999, the People's Republic of China resuming from that date the exercise of sovereignty over Macau, with effect from 20 December 1999.

From 20 December 1999 the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of the Convention in Macau.

Spanje, 22 mei 1987

The Spanish State limits the application of the ... Convention to minors having the nationality of a Contracting State.

The Spanish State reserves the jurisdiction of its authorities empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the father and the mother of a minor, to take measures for the protection of his person or property.

Spanje, 20 juni 1995

[...] informed [...] of the withdrawal by Spain of the reservations, made on the occasion of its ratification on 22 May 1987 of the Convention.

In accordance with Article 23, fourth paragraph, these reservations will cease to have effect on 19 August 1995.

Turkije, 25 augustus 1983

In accordance with article 15 of the Convention, the Republic of Turkey reserves the jurisdiction of its courts empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of an infant, to take measures for the protection of his person or property.

Zwitserland, 9 december 1966

Switzerland makes use of the reservation provided for in article 15 of the Convention and will consider the court empowered to decide on the nullity of a marriage, or on divorce or legal separation as competent to take measures, within the scope of article 133, paragraph 2, and articles 156 and 157 of the Swiss Civil Code, for the protection of the person or property of an infant.

Zwitserland, 29 maart 1993

[...] informed [...] of the withdrawal by Switzerland of the reservation with regard to Article 15, first paragraph, of the Convention made on the occasion of its ratification on 9 December 1966.

In accordance with Article 23, fourth paragraph, the reservation will cease to have effect on 29 May 1993.

Autoriteiten

Duitsland, 7 februari 1972

1. Authorities which have taken measures by virtue of the provisions of the Convention and which shall inform the authorities of the State of the infant's nationality of them and, where appropriate, those of the State of his habitual residence:

- a) the "Vormundschaftsgericht" (guardianship court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention are pending;
- b) if the infant has changed his state of habitual residence, the "Vormundschaftsgericht" (guardianship court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention were pending at the time of the change of State.

2. The following authorities in the territory of Germany to which the Convention applies are competent to receive information of measures taken by virtue of the provisions of the Convention in other contracting States:

- a) the "Vormundschaftsgericht" (guardianship court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention are pending;
- b) if the infant has changed his state of habitual residence, the "Vormundschaftsgericht" (guardianship court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention were pending at the time of the change of State;
- c) if no proceedings are pending in the territory of Germany to which this Convention applies, the "Jugendamt" (local authority child care department) in the district in which the infant has his habitual residence;
- d) if no proceedings are pending in the territory of Germany to which this Convention applies, and the infant does not have his habitual residence in that territory, the "Landesjugendamt" (central child care department) of Berlin.

The information may be given and received directly.

Duitsland, 18 oktober 1984

Competent Authority (modification):

[...] that "Vormundschaftsgericht (Guardianship Court)" under 1, a and b, and 2, a and b, has been replaced by "Vormundschaftsgericht (Guardianship Court), Familiengericht (Family Court)".

Duitsland, 23 november 2010

1. Authorities which have taken measures by virtue of the provisions of the Convention and which shall inform the authorities of the State of the infant's nationality of them and, where appropriate, those of the State of his habitual residence:

a) the "Familiengericht" (Family Court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention are pending;

b) if the infant has changed his State of habitual residence, the "Familiengericht" (Family Court) or "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention were pending at the time of the change of State.

2. The following authorities in the territory of Germany to which the Convention applies are competent to receive information of measures taken by virtue of the provisions of the Convention in other Contracting States:

a) the "Familiengericht" (Family Court) or "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention are pending;

b) if the infant has changed his State of habitual residence, the "Familiengericht" (Family Court) or the "Jugendamt" (local authority child care department) in which proceedings under the provisions of the Convention were pending at the time of the change;

c) if no proceedings are pending in the territory of Germany to which this Convention applies, the "Jugendamt" (local authority child care department) in the district in which the infant has his habitual residence;

d) if no proceedings are pending in the territory of Germany to which this Convention applies, and the infant does not have his habitual residence in that territory, the "Landesjugendamt" (central child care department) of Berlin.

The information may be given and received directly.

Frankrijk, 5 april 1973

Competent Authority:

1) The following authorities shall be competent to take measures by virtue of the provisions of the Convention and shall without delay communicate them to the authorities of the State of which the infant is a national or, where appropriate, the authorities of the State of his habitual residence:

a) for measures for the protection of the person of an infant: the "juge des enfants" (juvenile magistrate) for the area of jurisdiction in which the father, mother, tutor or guardian of the infant is domiciled or has his or her habitual residence or, failing this, the area of jurisdiction in which the infant has his habitual residence;

- b) for measures for the protection of the property of the infant: the “juge de tutelles” (the guardianship magistrate) of the “tribunal d’instance” (magistrates’ court) in the area of jurisdiction of which the infant has his domicile;
 - c) in general, any jurisdictional body before which proceedings concerning the measures provided for by the Convention are in progress;
 - d) in cases of emergency, the public prosecutor attached to the “tribunal de grande instance” (district court) in the area of jurisdiction of which the infant, his father, mother, tutor or guardian has his or her habitual residence and also the public prosecutor for the area in which the infant was found.
- 2) The following authorities shall be competent to receive without delay information about the measures taken by virtue of the provisions of the Convention in any of the other contracting States:
- a) the jurisdictional bodies and authorities referred to in para. 1 above;
 - b) failing domicile or habitual residence in France, and if there are no proceedings in progress before a jurisdictional body of any of the other authorities referred to above:
 - for measures for the protection of the person of an infant: Ministry of Justice, Division of Supervised Education;
 - for measures for the protection of the property of an infant: the “juge de tutelles” (guardianship magistrate) of the “tribunal d’instance” (magistrates’ court) in the area of jurisdiction in which the infant has property.

Frankrijk, 28 februari 1984

Competent Authority (modification):

2. a) the courts and authorities referred to in paragraph 1 above and, where decisions relating to the rights of custody and access to children are concerned the Ministry of Justice, Office of International Judicial Assistance of the Division of Civil Affairs and Seats.

Frankrijk, 3 januari 1994

Competent Authority (modification):

Addition to number 2, letter b):

- for measures concerning parental responsibility for the custody of children and the right of access: the Ministry of Justice, European and International Legal Affairs Department.

Frankrijk, 15 november 2005

Competent Authority (modification point 2a):

Ministry of Justice

Division of Civil Affairs and Seats

Office of civil assistance and international commerce (D3).

Frankrijk, 12 februari 2007

Competent Authorities (modification point 2b):

The following authorities are competent to receive information directly on orders made in another contracting State in the absence of an address or place of habitual residence in France, when no proceedings are under way before a court:

– for orders aimed at protecting the person of a minor:

Ministry of Justice

Division of judicial protection of the youth

– for orders aimed at protecting the property of a minor:

the judge responsible for appointing guardians at the court of first instance of the jurisdiction in which the minor's property is located;

– for orders relating to parental authority, the custody of children and rights of access:

Ministry of Justice

Division of Civil Affairs and Seats

Office of civil assistance and international commerce.

Italië, 22 februari 1995

Competent Authority:

The Ministry of Justice – Central Office for the justice of minors.

Letland, 24 januari 2001

Competent Authority:

National Centre for the Rights of the Child

Letland, 1 juli 2003

Central Authority (modification):

Secretariat of Minister for Special Assignments for Children and Family Affairs

Letland, 28 juli 2004

Competent Authority (modification):

Ministry of Children and Family Affairs

Letland, 2 september 2009

Competent Authority (Art. 11):

Ministry of Justice

Children Affairs Cooperation Division

Litouwen, 10 december 2001

Competent Authority:

Ministry of Social Security and Labour of the Republic of Lithuania

Litouwen, 19 september 2006

Competent Authority (Art. 11) (modification):

State Child Rights Protection and Adoption Service

Ministry of Social Security and Labour of the Republic of Lithuania

Luxemburg, 5 november 1969

Competent Authority (Art. 11):

The Children's Judge in Luxembourg

Nederlanden, het Koninkrijk der, 20 juli 1971

Competent Authority:

for the Kingdom in Europe: the Minister of Justice of the Netherlands

for the Netherlands Antilles: the Minister of Justice of the Netherlands Antilles

Nederlanden, het Koninkrijk der, 23 juni 1986

Competent Authority:

for Aruba: Ministry of Justice

Nederlanden, het Koninkrijk der, 25 juli 2012

For the European part of the Netherlands: the Minister of Security and Justice of the Netherlands

For Sint Maarten: the Minister of Justice of Sint Maarten

for Curaçao: the Minister of Justice of Curaçao

for the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba): the Minister of Security and Justice of the Netherlands

Oostenrijk, 29 juli 1975

Rectification of notification of 09-04-1975:

Courts and local authorities (child care departments) in which proceedings under the Convention are pending.

If no proceedings are pending in the territory of Austria or if the foreign authority is unaware of such proceedings, the Federal Ministry of Justice is designated as competent to receive information coming from abroad.

Polen, 26 mei 1993

Competent Authority (Art. 11):

Ministry of Justice

Portugal, 9 december 1968

Competent Authority (Art. 11):

La Direction Général des Services Tutélaires de Mineurs

Portugal, 10 augustus 1995

Competent Authority (Art. 11) (modification):

Instituto de Reinserção Social

Portugal, 28 februar 2008
 Competent Authority (Art. 11) (modification):
 Direcção-Geral de Reinserção Social do Ministério da Justiça
 (Directorate-General of Social Reintegration – Ministry of Justice)

Spanje, 22 mei 1987
 Competent Authority:
 Secretaría General Técnica
 Ministerio de Justicia

Spanje, 20 juli 1994
 Competent Authority (modification):
 la Dirección General de Codificación y Cooperación Jurídica
 Internaciocional,
 Ministerio de Justicia e Interior

Spanje, 12 maart 1999
 Competent Authority (modification):
 Secretaría General Técnica del Ministerio de Justicia

Spanje, 20 november 2006
 Competent Authority (modification):
 Subdirección General de Cooperación Jurídica Internacional
 Ministerio de Justicia

Turkije, 4 oktober 1983
 Competent Authority:
 Adalet Bakanligi
 Hukuk Isleri Genel Müdürlüğü
 (Ministry of Justice
 Directorate-General for Civil Affairs)

Turkije, 6 december 2000
 Competent Authority (modification):
 Director for International Law and Foreign Relations of the Ministry of
 Justice

Zwitserland, 18 augustus 1969
 Competent Authority:
 Division of Justice and Police

Zwitserland, 27 juni 1984
 Competent Authority (modification):
 Federal Office of Justice of the Federal Department of Justice and Police.

G. INWERKINGTREDING

Zie *Trb.* 1971, 141 en *Trb.* 1986, 105.

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, Curacao en Sint Maarten.

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 1963, 29, *Trb.* 1965, 205, *Trb.* 1967, 35, *Trb.* 1968, 62, *Trb.* 1969, 96, *Trb.* 1971, 62, *Trb.* 1971, 141, *Trb.* 1972, 40, *Trb.* 1973, 72, *Trb.* 1982, 22, *Trb.* 1984, 143, *Trb.* 1986, 105 en *Trb.* 1986, 105.

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 wetsconflicten betreffende de vorm
van testamentaire beschikkingen;
's-Gravenhage, 5 oktober 1961

Tekst : *Trb.* 1980, 54 (Engels, Frans en vertaling)

Laatste *Trb.* : *Trb.* 1994, 92

Titel : Verdrag tot afschaffing van het vereiste van legalisatie
van buitenlandse openbare akten;
's-Gravenhage, 5 oktober 1961

Tekst : *Trb.* 1963, 28 (Frans, Engels en vertaling)

Laatste *Trb.* : *Trb.* 2012, 56

Uitgegeven de *achttiende* maart 2013.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS