

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2014 Nr. 120**

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A. TITEL

*Verdrag tot invoering van een eenvormige wet op cheques;  
(met Bijlagen en Protocol)  
Genève, 19 maart 1931*

B. TEKST

De Franse en de Engelse tekst van het Verdrag, met Bijlagen en Protocol, zijn geplaatst in *Stb.* 1934, 210.

C. VERTALING

Zie *Stb.* 1934, 210.

D. PARLEMENT

Zie *Trb.* 1959, 165.

E. PARTIJGEGEVENS

Zie *Stb.* 1934, 210 en rubriek E en F van *Trb.* 1959, 165.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Azerbeidzjan		30-08-00	T	28-11-00		
België	19-03-31	18-12-61	R	18-03-61		
Brazilië		26-08-42	T	24-11-42		
Denemarken		27-07-32	R	01-01-34		
Duitsland		03-10-33	R	01-01-34		
Ecuador	19-03-31					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Finland		31-08-32	R	01-01-34		
Frankrijk		27-04-36	T	26-07-36		
Griekenland		01-06-34	R	30-08-34		
Hongarije		28-10-64	T	26-01-65		
Indonesië		09-03-59	VG	27-12-49		
Italië		31-08-33	R	01-01-34		
Japan		25-08-33	R	01-01-34		
Joegoslavië (< 25-06-1991)	19-03-31					
Liberia		16-09-05	T	15-12-05		
Litouwen		10-02-97	T	11-05-97		
Luxemburg		01-08-68	T	30-10-68		
Malawi		03-11-65	T	01-02-66	30-07-68	30-07-69
Mexico	19-03-31					
Monaco		09-02-33	R	01-01-34		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		02-04-34 – – – – – –	R	01-07-34 10-10-10 10-10-10 10-10-10 01-01-86 10-10-10 10-10-10		
Nicaragua		16-03-32	T	01-01-34		
Noorwegen		27-07-32	R	01-01-34		
Oostenrijk		01-12-58	T	01-03-59		
Polen		19-12-36	T	19-03-37		
Portugal		08-06-34	R	06-09-34		
Roemenië	19-03-31					
Spanje	19-03-31					

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Tsjechoslowakije (<01-01-1993)	19-03-31					
Turkije	19-03-31					
Zweden		27-07-32	R	01-01-34		
Zwitserland		26-08-32	R	01-07-37		
* 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
Macao SAR	20-12-1999	

### Denemarken

Uitgebreid tot	In werking	Buiten werking
Groenland	01-07-1965	

### Portugal

Uitgebreid tot	In werking	Buiten werking
Azoren	18-08-1953	
Macau (<20-12-1999)	18-08-1953	20-12-1999
Madeira	18-08-1953	

## Verklaringen, voorbehouden en bezwaren

Brazilië, 26 augustus 1942

This accession is given subject to the reservations mentioned in Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 29 and 30 of Annex II to the Convention.

Denemarken, 27 juli 1932

The undertaking of the Government of the King to introduce in Denmark the Uniform Law forming Annex I to this Convention is subject to the reservations referred to in Articles 4, 6, 9, 14, para. 1, 16 (a), 18, 25, 26, 27 and 29 of Annex II to the said Convention.

The Government of the King, by its acceptance of this Convention, does not intend to assume any obligations as regards Greenland.

Denemarken, 31 januari 1966

As from December 1, 1965, the Danish laws giving effect to the uniform legislation introduced by the Convention were amended to provide that Saturdays shall be assimilated to legal holidays. This communication should be considered as a notification made in accordance with the third paragraph of article I of the Convention.

In the same communication, the Government of Denmark also notified the Secretary-General that the declaration made on its behalf under article X, paragraph 1, of the Convention upon its ratification to the effect that it "does not intend to assume any obligations as regards Greenland", should be considered as withdrawn as from 1 July 1965.

Duitsland, 3 oktober 1933

This ratification is given subject to the reservations mentioned in Articles 6, 14, 15, 16, paragraph 2, 18, 23, 24, 25, 26 and 29 of Annex II to the Convention.

Duitsland, 21 februari 1974

[...], the Government of the German Democratic Republic stated that the German Democratic Republic had declared the reapplication of the Convention as of 6 June 1958.

Duitsland, 13 januari 1976

With reference to the communication by the German Democratic Republic [...] concerning the application, as from 6 June 1958, of the Convention of 19 March 1931 providing a Uniform Law for Cheques, the Government of the Federal Republic of Germany declares that in the relation between the Federal Republic of Germany and the German Democratic Republic the declaration of application has no retroactive effect beyond 21 June 1973.

Duitsland, 28 april 1976

Subsequently, [...], the Government of the German Democratic Republic declared:

The Government of the German Democratic Republic takes the view that in accordance with the applicable rules of international law and the international practice of States the regulations on the reapplication of agreements concluded under international law are an internal affair of the successor State concerned. Accordingly, the German Democratic

Republic was entitled to determine the date of reapplication of the Convention providing a Uniform Law for cheques of 19 March 1931 to which it acceded on the basis of the succession of States.

Finland, 31 augustus 1932

This ratification is subject to the reservations mentioned in Articles 4, 6, 9, 14, paragraph 1, 16 (a), 18 and 27 of Annex II to this Convention, and has availed itself of the right granted to the High Contracting Parties by Articles 25, 26 and 29 of the said Annex to legislate on the matters referred to therein.

Finland, 29 juli 1966

As from 1 June 1966, the First of May and Saturdays of June, July and August shall be assimilated to legal holidays. This communication should be considered as a notification made in accordance with the third paragraph of article I of the Convention.

Finland, 6 juni 1977

As from 1 April 1968, the Finnish laws giving effect to the uniform legislation introduced by the two Conventions were amended to provide that Saturdays throughout the year shall be assimilated to legal holidays. This communication should be considered as a notification made in accordance with the third paragraph of article I [of the Convention].

Frankrijk, 27 april 1936

Declares that Articles 1, 2, 4, 5, 6, 9, 11, 12, 13, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30 and 31 of Annex II to this Convention are being applied.

Frankrijk, 20 oktober 1937

[...] that, in consequence of certain changes introduced into French legislation regarding the maturity of commercial bills by the Decree-Law of August 31st, 1937, and in application of Article 27 of Annex II to the Convention and Article II of the Final Act of the Conference by which it was adopted, no payment whatsoever, in respect of a bill, draft cheque, current account, deposit of funds or securities or otherwise, may be demanded and no protest may be drawn up on Saturdays or Mondays, which for these purposes only, are assimilated to legal holidays.

Frankrijk, 7 februari 1979

The French Government is at present conducting a campaign against tax fraud. To this end, it has, inter alia, taken measures to impose restrictions on the endorsing of cheques; these measures are embodied in the French Finance Act of 1979.

These measures may well be deemed to conflict with the Convention of 19 March 1931 providing a Uniform Law for Cheques, for which the

United Nations has assumed depositary functions. France has been a party to that Convention since 27 April 1936.

Accordingly, in order to avoid any conflict between French domestic legislation and the provisions of the Convention, the French Government intends to make, with respect to articles 5 and 14 of annex I, the reservation provided for in annex II, article 7, of the Convention of 19 March 1931.

Note from the Secretariat. Since no objections by the Contracting States were received within 90 days from the date of circulation of this communication by the Secretary-General (effected on 10 February 1979), the reservation was deemed accepted and took effect on 11 May 1979.

Verklaring van Duitsland, 20 februari 1980

The Government of the Federal Republic of Germany has taken note of the communication of the French Government on the Convention of 19 March 1931 providing a Uniform Law for Cheques, which was received by the Secretary-General of the United Nations on 7 February 1979 and distributed with circular note C.N.29.1979.Treaties-1 of 10 February 1979 of the Acting Director of the General Legal Division and which informed about the modification of France's membership of the Convention effected by the said communication, and raises no objections thereto.

Griekenland, 1 juni 1934

Subject to the following conditions:

A. The Hellenic Government does not avail itself of the reservations provided in Articles 1, 2, 5-8, 10-14, 16, paragraph 1 (a) and (b), 18, paragraph 1, 19-22, 24 and 26, paragraph 2, of Annex II.

B. The Hellenic Government avails itself of the following reservations provided in Annex II:

(1) The reservation in Article 3, paragraph 3 of Article 2 of the Uniform Law being replaced by the words: "A cheque which does not specify the place of payment shall be regarded as payable at the place where it was drawn".

(2) The reservation in Article 4, the following paragraph being added to Article 3: "A cheque issued and payable in Greece shall not be valid as a cheque unless it is drawn on a banking Company or Greek legal person having the status of an institution of public law, engaging in banking business".

(3) The reservation in Article 9, the following provision being added to paragraph 3 of Article 6 of the Uniform Law: "But in such exceptional case the issue of the cheque to bearer is prohibited."

(4) The reservation in Article 15, the following paragraph being added to Article 31 of the Uniform Law: "By presidential decree,

promulgated at the instance of the Ministers of Justice and National Economy, it may be decided what institutions in Greece are to be regarded as clearing-houses.”

(5) The reservation in the second paragraph of Article 16, it being laid down that “provisions with regard to the loss or theft of cheques shall be embodied in Greek law”.

(6) The reservation in Article 17, the following paragraph being added at the end of Article 35: “In exceptional circumstances connected with the rate of exchange of Greek currency, the effects of the stipulation contained in paragraph 3 of the present Article may be abrogated in each case by special legislation as regards cheques payable in Greece. The above provision may also be applied as regards cheques issued in Greece.”

(7) The reservation in Article 23, the following being added to No. 2 in Article 45 of the Uniform Law: “which, however, in the case of cheques issued and payable in Greece, shall be calculated in each case at the legal rate of interest in force in Greece”. Similarly, the following is added to No. 2 of Article 46 of the Uniform Law: “except in the special case dealt with in No. 2 of the preceding Article”.

(8) The reservation in Article 25, the following Article being added to the National Law: “In the event of forfeiture of the bearer’s rights or limitation of the right of action, proceedings may be taken against the drawer or endorser on the ground of his having made an inequitable gain. The right to take such proceedings lapses after three years from the date of the issue of the cheque.”

(9) The reservation in the first paragraph of Article 26, a provision being enacted to the following effect: “The causes of interruption or suspension of limitation of actions enacted in the present law shall be governed by the rules regarding limitation and short-term limitation of actions.”

(10) The reservation in Article 27, a separate Article being appended in the following terms: “Legal holidays within the meaning of the present law shall be all Sundays and all full days of rest observed by public offices.”

(11) The reservation in Article 28 and the reservation in Article 29.

(12) The reservation in Article 30.

Hongarije, 28 oktober 1964

In accordance with article 30 of Annex II to the Convention, the Hungarian People’s Republic declares that the Uniform Law for Cheques shall not be applicable to the special kinds of cheques used in inland trade between Socialist economic organizations.

Hongarije, 5 January 1966

[...], the Government of Hungary, with reference to the third paragraph of article I of the Convention and article 27 of Annex II to the Conven-

tion, notified the Secretary-General that “in respect of cheques, no payment may be demanded in Hungary on legal holidays”. The list of holidays is as follows: 1 January (New Year’s Day), 6 January (Epiphany), Good Friday, Easter Monday, 1 May (Legal Holiday), Ascension, Whit-Monday, Corpus Christi, 15 August (Assumption), 26 October (National Day), 1 November (All Saints’ Day), 8 December (Immaculate Conception), 25 December and 26 December (Christmas), Saturdays and Sundays” [...]

Italië, 31 augustus 1933

In accordance with Article 1 of this Convention, the Royal Italian Government intends to avail itself of the rights provided in Articles 2, 3, 4, 5, 6, 7, 9, 10, 14, 16, para. 2, 19, 20, 21, para. 2, 23, 25, 26, 29 and 30 of Annex II.

In connection with Article 15 of Annex II to this Convention, the institutions referred to in the said article are, in Italy, solely the “Stanze di compensazione”.

Japan, 25 augustus 1933

By application of Article I, paragraph 2, of the Convention, this ratification is subject to the benefit of the provisions mentioned in Annex II to this Convention.

Malawi, 30 juli 1968

[...], the Government of Malawi informed the Secretary-General that it denounced the Convention under the procedure provided in the third paragraph of article 8 of the Convention, which read as follows: In urgent cases a High Contracting Party which denounces the Convention shall immediately notify direct all other High Contracting Parties, and the denunciation shall take effect two days after the receipt of such notification by the said High Contracting Parties. A High Contracting Party denouncing the Convention in these circumstances shall also inform the Secretary-General of the League of Nations of its decision.

And that, in accordance with the above-mentioned provisions, the denunciation took effect on 5 October 1967 in respect of France; on 8 October 1967 in respect of Austria, Denmark, Italy and Norway; on 9 October 1968 in respect of Portugal and Sweden; on 13 October 1967 in respect of Finland; on 14 October 1967 in respect of Poland; on 15 October 1967 in respect of Brazil, Greece, Hungary, Indonesia and Monaco; on 18 October 1967 in respect of Belgium and Switzerland; and on 24 April 1968 in respect of Japan.

The Government of Malawi further informed the Secretary-General that it no longer considered itself bound by the Convention in respect of Nicaragua, the Government of that State having not acknowledged, inspite of several requests, the notification of denunciation addressed to it by the Government of Malawi, and that it had so notified the Government of Nicaragua. Subsequently, in a communication addressed to the



Secretary-General on 19 March 1969, the Government of Malawi informed him that the latter notification had been received by the Government of Nicaragua on 17 January 1969.

Noorwegen, 27 juli 1932

This ratification is subject to the reservations mentioned in Articles 4, 6, 9, 14, paragraph 1, 16 (a) and 18 of Annex II to the Convention, and the Royal Norwegian Government reserves the right, at the same time, to avail itself of the right granted to each of the High Contracting Parties by Articles 25, 26, 27 and 29 of the said Annex to legislate on the matters referred to therein.

Noorwegen, 15 april 1970

[...], the Government of Norway notified the Secretary-General that as from 1 June 1970, legislation would be promulgated in Norway assimilating Saturdays and the first day of the month of May to legal holidays.

Oostenrijk, 1 december 1958

The ratification by the Government of Austria is made subject to the reservations contained in articles 6, 14, 15, 16 (paragraph 2), 17, 18, 23, 24, 25, 26, 27, 28, 29 and 30 of Annex II to the Convention.

Oostenrijk, 26 november 1968

[...], the Government of Austria, with reference to the reservations provided for in article 27 of Annex II to the Convention, specified legal holidays or days assimilated to such holidays as regards the limit of time for presentment and all acts relating to cheques.

Polen, 19 december 1936

This accession is given subject to the reservations mentioned in Articles 3, 4, 5, 8, 9, 14, paragraph 1, 15, 16, paragraph 1 (a), 16, paragraph 2, 17, 23, 24, 25, 26, 28, 29 and 30 of Annex II to the Convention.

Portugal, 8 juni 1934

The ratification was made subject to the reservation that the provisions of the Convention do not apply to the colonial territory of Portugal.

Portugal, 18 augustus 1953

[...] withdrawal of the reservation made upon ratification.

Zweden, 27 juli 1932

This ratification is subject to the reservations mentioned in Articles 4, 6, 9, 14, paragraph 1, 16 (a) and 18 of Annex II to the Convention, and the Royal Swedish Government has availed itself of the right granted to the High Contracting Parties by Articles 25, 26 and 29 of the said Annex to legislate on the matters referred to therein.

Zweden, 16 mei 1961

[...], the Government of Sweden notified the Secretary-General that the Swedish Government, after having obtained the approval of the Parliament, promulgated on 7 April 1961 the law under which Saturdays from 1 June to 30 September of each year shall be assimilated to legal holidays for the purposes including the presentation for acceptance or payment and all other acts relating to bills of exchange. The Government of Sweden further requested that this communication be considered as a notification of reservations made in accordance with the third paragraph of article I of the Convention.

Zweden, 18 juni 1965

[...], the Government of Sweden notified the Secretary-General of the following: on 26 May 1965, the Swedish Government, with the approval of the Parliament, promulgated legal provisions under which the Swedish law giving effect to the uniform legislation introduced by the Convention was amended to provide that Saturdays shall be assimilated to legal holidays, as is already the case with the Saturdays of April, May, June, July, August and September. These provisions will enter into force on 1 October 1965.

Zwitserland, 26 augustus 1932

This ratification is given subject to the reservations mentioned in Articles 2, 4, 8, 15, 16, paragraph 2, 19, 24, 25, 26, 27, 29 and 30 of Annex II.

### **Depositaire mededelingen**

Griekenland, 1 juni 1934

All the parties to this Convention have agreed to consider the instrument of ratification deposited by this country, after the date stipulated in the Convention, as valid. The Japanese Government, however, is of opinion that this ratification has the character of an accession.

**Nederlanden, het Koninkrijk der**, 2 april 1934

All the parties to this Convention have agreed to consider the instrument of ratification deposited by this country, after the date stipulated in the Convention, as valid. The Japanese Government, however, is of opinion that this ratification has the character of an accession.

Noorwegen, 27 juli 1932

All the parties to this Convention have agreed to consider the instrument of ratification deposited by this country, after the date stipulated in the Convention, as valid. The Japanese Government, however, is of opinion that this ratification has the character of an accession.

Portugal, 8 juni 1934

All the parties to this Convention have agreed to consider the instrument of ratification deposited by this country, after the date stipulated in the Convention, as valid. The Japanese Government, however, is of opinion that this ratification has the character of an accession.

Zwitserland, 26 augustus 1932

All the parties to this Convention have agreed to consider the instrument of ratification deposited by this country, after the date stipulated in the Convention, as valid. The Japanese Government, however, is of opinion that this ratification has the character of an accession.

#### G. INWERKINGTREDING

Zie *Trb.* 1959, 165.

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

#### J. VERWIJZINGEN

Zie *Trb.* 1959, 165.

- Titel : Verdrag tot regeling van zekere wetsconflicten ten aanzien van cheques;  
Genève, 19 maart 1931
- Laatste *Trb.* : *Trb.* 2013, 16
- Titel : Verdrag betreffende het zegelrecht ten aanzien van cheques;  
Genève, 19 maart 1931
- Laatste *Trb.* : *Trb.* 1996, 111

Uitgegeven de *negentiende* juni 2014.

*De Minister van Buitenlandse Zaken,*

F.C.G.M. TIMMERMANS