

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2014 Nr. 60

A. TITEL

*Europees Verdrag inzake nationaliteit;
Straatsburg, 6 november 1997*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1998, 10.

C. VERTALING

Zie *Trb.* 1998, 149 en *Trb.* 2001, 40.

In *Trb.* 1998, 149 dient in de vertaling de volgende correctie te worden aangebracht.

Op blz. 15, laatste alinea, dient „7 november 1997” te worden vervangen door „6 november 1997”.

In *Trb.* 2001, 40 is de correctie in de vertaling onjuist opgenomen. Deze dient als volgt te luiden: „Op blz. 4 van *Trb.* 1998, 149, in artikel 6, tweede lid, tweede zin, dient de zinsnede „Dit verzoek kan worden gedaan op voorwaarde van ...” te worden vervangen door „Aan dit verzoek kan de voorwaarde gesteld worden van ...”.

D. PARLEMENT

Zie *Trb.* 2001, 40.

E. PARTIJGEGEVENS

Zie *Trb.* 1998, 10. Toetreding is voorzien in artikel 28.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	07-05-99	11-02-04	R	01-06-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Bosnië en Herzegovina	31-03-06	22-10-08	R	01-02-09		
Bulgarije	15-01-98	02-02-06	R	01-06-06		
Denemarken	06-11-97	24-07-02	R	01-11-02		
Duitsland	04-02-02	11-05-05	R	01-09-05		
Finland	06-11-97	06-08-08	R	01-12-08		
Frankrijk	04-07-00					
Griekenland	06-11-97					
Hongarije	06-11-97	21-11-01	R	01-03-02		
IJsland	06-11-97	26-03-03	R	01-07-03		
Italië	06-11-97					
Kroatië	19-01-05					
Letland	30-05-01					
Luxemburg	26-05-08					
Macedonië, de voormalige Joegoslavische Republiek	06-11-97	03-06-03	R	01-10-03		
Malta	29-10-03					
Moldavië	03-11-98	30-11-99	R	01-03-00		
Montenegro	05-05-10	22-06-10	R	01-10-10		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	06-11-97	21-03-01 – – 21-03-01 – –	R R	01-07-01 10-10-10 10-10-10 10-10-10 01-07-01 10-10-10 10-10-10		
Noorwegen	06-11-97	04-06-09	R	01-10-09		
Oekraïne	01-07-03	21-12-06	R	01-04-07		
Oostenrijk	06-11-97	17-09-98	R	01-03-00		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Polen	29-04-99					
Portugal	06-11-97	15-10-01	R	01-02-02		
Roemenië	06-11-97	20-01-05	R	01-05-05		
Russische Federatie	06-11-97					
Slowakije	06-11-97	27-05-98	R	01-03-00		
Tsjechië	07-05-99	19-03-04	R	01-07-04		
Zweden	06-11-97	28-06-01	R	01-10-01		

* 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

Albanië, 11 februari 2004

The Republic of Albania declares that, concerning Article 22 of the European Convention on Nationality, in the Republic of Albania the age referred to in Article 22, paragraph b, is considered to have been reached with the completion of age 27.

Bosnië en Herzegovina, 22 oktober 2008

Pursuant to Article 22, sub-paragraph b, of the Convention, Bosnia and Herzegovina notifies that military service (conscription) in Bosnia and Herzegovina was abolished by the provisions of Article 79 of Bosnia and Herzegovina's Law of Defense, starting as of 1 January 2006.

Bulgarije, 2 februari 2006

Pursuant to Article 22, paragraph b, of the Convention, the Republic of Bulgaria declares that in the Republic of Bulgaria the age limit for compulsory military recruitment is 27.

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Bulgaria reserves the right not to apply the provision of Article 11 of the Convention.

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Bulgaria reserves the right not to apply the provision of Article 12 of the Convention.

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Bulgaria reserves the right not to apply the provision of Article 16 of the Convention.

In accordance with Article 29, paragraph 1, of the Convention, the Republic of Bulgaria reserves the right not to apply the provision of Article 17, paragraph 1, of the Convention. Under the terms of this reservation, the Republic of Bulgaria shall not apply in respect of the nationals of the Republic of Bulgaria in possession of another nationality and residing on its territory the rights and duties for which the Constitution and laws require only Bulgarian nationality.

Denemarken, 24 juli 2002

Denmark makes the reservation to the effect that Article 12 of the Convention shall not be binding on Denmark.

Referring to Article 29, paragraph 2, of the Convention, Denmark wishes, in that connection, to notify the Secretary General of the Council of Europe of the following:

Pursuant to section 44 of the Danish Constitution, naturalisation shall be granted by law. The Folketing (Danish Parliament) and, on behalf of the Folketing, the Naturalisation Committee of the Folketing are not part of the public administration and, consequently, are not bound by the general rules of administrative law, which implies that there is no right to an administrative review.

Introducing a right to review into the Danish procedure of considering applications for Danish nationality by naturalisation, cf. Article 12 of the Convention, would require an amendment to the Danish Constitution.

Pursuant to Article 22, sub-paragraph b of the Convention, Denmark shall uphold her declaration of 9 July 1980 concerning Article 6, paragraph 3, second sub-paragraph, of the European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality as amended by the Protocol of 24 November 1977.

It follows from this declaration that persons who are also nationals of a State Party, which does not require obligatory military service, shall be exempted from Danish military obligations only when they have had their habitual residence in the territory of that State Party from the age of 18 years to the age of 26 years.

Duitsland, 11 mei 2005

Germany declares that the procedure for the admission of late expatriates (Spätaussiedler – persons of German ethnic origin who have their residence in countries of the former Eastern Bloc) and of their spouses or descendants is not aimed at acquiring German nationality and that it is not part of any procedures relating to nationality.

Rationale

Article 10 of the European Convention on Nationality stipulates that applications relating to the acquisition of a State's nationality be processed within a reasonable time. As a rule, the aim of persons going through the admission procedure is to obtain admission to Germany. Under the new provisions of Section 7 of the StAG, a German within

the meaning of Article 116 (1) of the Basic Law who does not possess German nationality shall acquire German nationality *ex lege* upon the issue of the certificate [on his/her status as a late expatriate] as provided under Section 15 (1) or (2) of the Federal Act on Expellees' and Refugees' Affairs (Federal Expellees Act – BVFG). This provision also applies to descendants. On account of the fixing of quotas for persons to be admitted under the BVFG, the respective admission procedure may involve waiting periods of several years. Against this background, it must be stressed that the admission procedure is legally independent of the acquisition of German nationality.

Article 7

Germany declares that loss of German nationality *ex lege* may, on the basis of the “option provision” under Section 29 of the Nationality Act [Staatsangehörigkeitgesetz-StAG] (opting for either German or a foreign nationality upon coming of age), be effected in the case of a person having acquired German nationality by virtue of having been born within Germany (*jus soli*) in addition to a foreign nationality.

Rationale

A reservation is required on account of the provisions of the new subsections 2 and 3 of Section 29 of the Nationality Act (StAG), under which persons who had acquired German nationality under Section 4 (3) of the StAG and are required to state their respective option may lose their German nationality. This reservation is based on the fact that Article 7 of the European Convention on Nationality of 6 November 1997 provides that a State Party to the Convention may, in its internal law, provide for the loss of its nationality *ex lege* or at the initiative of the State Party only in the cases provided for in that Article. However, none of the cases definitively listed in Article 7 with regard to loss of nationality are in conformity with the provisions governing loss of nationality as laid down in Section 29 (2) and (3) of the StAG. The reservation required in this respect is compatible with the object and purpose of the Convention of 6 November 1997. The same applies to persons who under Section 40b of the StAG are eligible for privileged naturalization. Upon attaining their majority, they are also under the obligation to declare their intent (option), possibly entailing loss of German nationality under the provisions of Section 29 (2) and (3) of the StAG.

Article 7 (1) (f)

Germany declares that loss of nationality may also occur if, upon a person's coming of age, it is established that the requirements governing acquisition of German nationality were not met.

Rationale

This reservation is required since German law provides for the possibility of minors and adults losing their German nationality if the preconditions which led to the acquisition of German nationality are no longer fulfilled.

Article 7 (1) (g)

Germany declares that loss of German nationality can also occur in the case of an adult being adopted.

Rationale

This reservation is required since the German law of nationality and citizenship provides for loss of German nationality also in the case of adoption of an adult. This applies when – by way of exception – the adoption of an adult has the effects of the adoption of a minor. This is only likely to occur in quite exceptional cases.

Article 8

Germany declares that the following persons, irrespective of their place of residence, are not subject to loss of nationality as a result of release from nationality (i.e. release will not be granted to the following persons):

1. public officials, judges, military personnel (soldiers) of the Bundeswehr [Federal Armed Forces], and other persons employed in a professional or official capacity under public law for as long as their contractual relationship is not terminated, with the exception of persons holding honorary positions;
2. persons liable for military service (conscripts) – as long as the Federal Ministry of Defence or an agency designated by it does not declare that there are no objections to such release (i.e. does not issue a certificate of non-objection, cf. infra).

If the persons listed under sub-paragraphs 1 and 2 above are holders of multiple nationality, permission required for renunciation of German nationality effected by means of a declaration to this effect will be granted only if such persons have had their habitual residence abroad for at least ten years. In addition, persons liable for military service (conscripts) will also be granted such permission if they did their military service in one of the States of which they are a national, or if they produce a certificate of non-objection by the Federal Ministry of Defence or by the agency designated by it.

Rationale

The reservation regarding Article 8 of the Convention on loss of nationality at the initiative of the individual is required because the German law of nationality and citizenship, in Section 22 of the StAG, provides that, on principle, release from nationality shall not be granted to persons who – such as public officials, judges and military personnel (soldiers) of the Bundeswehr – are employed in a professional or official capacity under public law as well as persons liable for military service (conscripts). Furthermore, this reservation is required because, under Section 26 of the StAG, those members of the categories listed in Section 22 of the StAG who possess multiple nationality will be permitted to renounce German nationality if specific conditions are met.

This reservation is intended to obviate any misunderstandings regarding the applicability of Sections 22 and 26 of the StAG.

Article 22

Germany declares that this provision, with the exception of sub-paragraph (a), is not applied in respect of persons who have fulfilled civil service

as an alternative or have been exempted from military obligations on account of having fulfilled a service equivalent to military or civil service.

Rationale

This reservation is essentially aimed at adopting for Germany the legal situation established under the Convention of 6 May 1963 on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality. This legal situation takes account of equity in induction and has proved effective in practice. The only addition to this situation is part of the (new) provisions relating to sub-paragraph (a) of Art. 22 of the European Convention on Nationality : inclusion of civil service – which is not yet included in the Convention of 6 May 1963 – is mandatory for reasons of equal treatment; inclusion of equivalent forms of service (i.e. in Germany: service with the civil protection or disaster/emergency management organizations, and development aid service) is appropriate. This reservation must be made because otherwise holders of dual nationality living in Germany might invoke exceptions relating to military service which are not provided for under German law. As a result, these persons would, in principle, be privileged in relation to holders of only one nationality who are liable for military service. This applies, mutatis mutandis, to those provisions of the 1963 Convention relating to military obligations which refer to cases where one of the two Parties does not require obligatory military service.

Finland, 6 augustus 2008

Pursuant to Article 29, paragraph 1 of the Convention, Finland makes a reservation in respect of Article 21, paragraph 3, sub-paragraph g to the effect that the obligations based on Article 21 are not binding on Finland when, by virtue of the Conscription Act, units are called up for extra service, which means service in serious disruptive situations under normal conditions or in exceptional circumstances with the aim of raising and maintaining the defense preparedness and training formations in their pre-planned composition, so that the unit may be called up for service during service times of mobilization.

Pursuant to Article 29, paragraph 1 of the Convention, Finland makes a reservation in respect of Article 22, sub-paragraph a according to which persons who have been exempted from military service in relation to one State Party shall not be deemed to have performed their military service in Finland. A person may, however, be exempted from military service under section 74 or 76 of the Conscription Act.

Pursuant to Article 22, sub-paragraph b of the Convention, Finland notifies that the age referred to is 30 years.

Hongarije, 21 november 2001

With respect to Article 11, the Republic of Hungary declares to retain the right not to apply, in accordance with the Hungarian law in force,

the rule that decisions relating to the acquisition of nationality contain reasons in writing.

With respect to Article 12, the Republic of Hungary declares to retain the right not to apply, in accordance with the Hungarian law in force, the rule that decisions relating to the acquisition of nationality be open to an administrative or judicial review.

With respect to Article 21, paragraph 3, sub-paragraph a, the Republic of Hungary declares to retain the right that :

– only men living on the territory of the Republic of Hungary shall be considered to be subject to military obligations. Any such person possessing multiple nationality, who does not live on the territory of the country, may not be required to perform military or alternative service, nor may he perform such service as a volunteer;

– any such person possessing multiple nationality, who lives on the territory of the country and is subject to military obligations, shall not be exempted from being called to regular military service or civil service.

The Republic of Hungary shall review the grounds of the reservations made with respect to the European Convention before 30 June 2005.

The Republic of Hungary declares that a person subject to military service shall be deemed no to have satisfied his military obligations up to the completion of age 30.

Hongarije, 14 december 2010

In accordance with Article 23, paragraph 1.a, of the Convention, Hungary informs the Secretary General that by virtue of the decision taken by the Parliament of Hungary on 26 May 2010, the Act LV of 1993 on Hungarian Citizenship has been amended. The amendments entered into effect on 20 August 2010 and the enforcement of the provisions starts on 1 January 2011. The main aim of the amendments is simplifying and reducing the time-frame of the procedure for the acquisition of Hungarian citizenship through naturalization or renaturalization.

Macedonië, de voormalige Joegoslavische Republiek, 3 juni 2003

Pursuant to Article 22, sub-paragraph b, the Republic of Macedonia declares that persons, who are nationals of a State Party, which does not require obligatory military service, shall be considered as having satisfied their military obligations, in accordance with the legislation of the Republic of Macedonia, with the completion of the age of 27.

In accordance with Article 25 of the Convention, the Republic of Macedonia hereby declares that it excludes Chapter VII from the application of the Convention until harmonization of its domestic legislation with the provisions of the Convention, in which moment, in accordance with Article 25, paragraph 3, of the Convention, it shall notify the Secretary General that it shall apply the provisions of Chapter VII.

Moldavië, 30 november 1999

Concerning Article 7, paragraph 1, lit. (g), the Republic of Moldova reserves its right to recognize the right to keep the nationality of the Republic of Moldova to a child who has the nationality of the Republic of Moldova, was adopted abroad and who acquired the foreign nationality as a consequence of his or her adoption.

Concerning Article 22, lit. (b), the Republic of Moldova declares that in the Republic of Moldova the age referred in Article 22, lit. (b) is considered to be the completion of the age of 27.

Concerning the application of Article 6, paragraph 4, lit. (g), the Republic of Moldova declares that it would be able to apply it only after the adoption of the proper legal framework for the definition of the refugees statute in the Republic of Moldova, but no later than one year after the entry into force of the Convention for the Republic of Moldova.

Concerning Article 22, lit. (a), the Republic of Moldova reserves its right to recognize that a person who has his habitual residence on the territory of the Republic of Moldova and has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligations in relation to the Republic of Moldova.

Montenegro, 22 juni 2010

In accordance with Article 29, paragraph 1, of the Convention, Montenegro declares that it reserves the right not to apply the provision of Article 16 of the Convention.

Nederlanden, het Koninkrijk der, 21 maart 2001

With regard to Article 7, paragraph 2, of the Convention, the Kingdom of the Netherlands declares this provision to include the loss of the Dutch nationality by a child whose parents renounce the Dutch nationality as referred to in Article 8 of the Convention.

Noorwegen, 4 juni 2009

Norway declares that the age referred to in Article 22, paragraph b, is, as a general rule, considered to have been reached at the expiry of the calendar year in which the person reaches the age of 28 years. If the delay is due to an omission on his part, the age referred to in Article 22, paragraph b, is considered to have been reached at the expiry of the calendar year in which the person reaches the age of 33 years.

Oekraïne, 21 december 2006

In accordance with Article 8, paragraph 2, of the Convention, Ukraine declares that the term “nationals habitually resident abroad” is used in the meaning of “nationals of Ukraine habitually resident abroad in accordance with the national law which regulates the matters of travelling abroad for the citizens of Ukraine”.

In accordance with Article 25, paragraph 1, of the Convention, Ukraine declares that it excludes Chapter VII from the application of the Convention.

Oostenrijk, 17 september 1998

Austria declares that the term “parents/parents” used in Articles 6 and 7 of this Convention does not, according to the Austrian legislation on nationality, include the father of children born out of wedlock.

Austria declares that the term “lawful and habitual residence/résidence légale et habituelle” used in Articles 6 and 9 of this Convention will be interpreted according to the Austrian legislation on nationality as “*Hauptwohnsitz*” (main domicile) in the sense of the Austrian legislation concerning the main domicile.

Concerning Article 6, paragraph 1, lit (b), Austria declares to retain the right that foundlings found in the territory of the Republic are regarded, until proven to the contrary, as nationals by descent only if they are found under the age of six months.

Concerning Article 6, paragraph 2, lit (b), Austria declares to retain the right to grant an alien nationality only if he:

1. was born in the territory of the Republic and has been stateless since birth;

2. has had his ordinary residence in the territory of the Republic for a period of not less than ten years, of which a continuous period of not less than five years must precede the granting of nationality;

3. has not been convicted with final effect by a domestic court for certain offences, specified in section 14, paragraph 1, sub-paragraph 3, of the Law on Nationality 1985 as amended;

4. has neither been sentenced with final effect by a domestic nor a foreign court to imprisonment of five or more years; if the offences underlying the sentence pronounced by the foreign court are also punishable under domestic law and the sentence was passed in proceedings complying with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4th November 1950;

5. applies for naturalisation after completing the age of eighteen and not later than two years after attaining majority.

Concerning Article 6, paragraph 4, lit (g), Austria declares to retain the right not to facilitate the acquisition of its nationality for stateless persons and recognised refugees lawfully and habitually resident on its territory (i.e. main domicile) for this reason alone.

Austria declares to retain the right to deprive a national of its nationality if:

1. he acquired the nationality more than two years ago either through naturalisation or the extension of naturalisation under the Law on Nationality of 1985 as amended;

2. neither Section 10, paragraph 4, nor Section 16, paragraph 2, nor Section 17, paragraph 4, of the Law on Nationality 1985 as amended were applied;

3. on the day of naturalisation (extension of naturalisation) he was not a refugee as defined in the Convention of 28th July 1951 or the Protocol relating to the legal Status of Refugees of 31st January 1967, and

4. despite the acquisition of its nationality he has retained a foreign nationality for reasons he is accountable for.

Austria declares to retain the right to deprive a national of its nationality, if such person, being in the service of a foreign State, conducts himself in a manner seriously prejudicial to the interests or the reputation of the Republic of Austria.

Concerning Article 7 in conjunction with Article 7, paragraph 1, lit (c), Austria declares to retain the right to deprive a national of its nationality, if such person voluntarily enters the military service of a foreign State.

Concerning Article 7 in conjunction with Article 7, paragraph 1, lit (f), Austria declares to retain the right to deprive a national of its nationality whenever it has been ascertained that the conditions leading to the acquisition of nationality *ex lege*, as defined by its internal law, are not fulfilled any more.

Concerning Article 8, paragraph 1, Austria declares to retain the right of permitting renunciation of its nationality by a national only in the case that:

1. the national possesses a foreign nationality;
2. no criminal procedure or execution of a criminal sentence is pending in Austria for an offence punishable with more than six months of imprisonment;
3. in the case of the national, being a male person, he is not a member of the Federal Armed Forces and:
 - a) has not yet passed the age of sixteen or has already passed the age of thirty-six;
 - b) has fulfilled his regular military or civilian service obligations;
 - c) has been found unfit for military service by the Recruiting Commission or has been declared permanently unfit for any kind of civilian service by the competent administrative physician;
 - d) has been dispensed from recruitment to the Federal army for reasons of mental illness or mental disorder, or
 - e) has fulfilled the military obligations, or in their place service obligations in another State of which he is a national and is therefore dispensed from regular military or civilian service on the basis of a bilateral agreement or an international convention.

The conditions listed under sub-paragraphs 2 and 3 do not apply if the person renouncing his nationality has had his ordinary residence outside the territory of the Republic for a continuous period of not less than five years.

Concerning Article 22, lit (a), Austria declares to retain the right that a person who has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligation in relation to the Republic of Austria.

Concerning Article 22, lit (b), Austria declares that in the Republic of Austria the age referred to in Article 22, lit (b) is considered to have been reached with completion of age 35.

Austria declares that the terms “military obligations/obligations militaires” used in Articles 21 and 22 of this Convention will be interpreted in a manner that they only comprise the obligation of an individual to fulfil his compulsory military service. Other military obligations are not affected by this Convention.

Roemenië, 1 februari 2008

With reference to Article 17, paragraph 1, of the Convention, Romania declares that Romanian nationals having their permanent residence in Romania, and possessing also another nationality, shall enjoy on the territory of Romania the same rights and duties as other Romanian nationals, in accordance with the Romanian Constitution, which provides in its Article 16, paragraph 3: “public, civil, or military positions or dignities may be accessed, according to the law, by persons who possess the Romanian citizenship and whose domicile is in Romania”.

Regarding Article 22.b of the Convention, Romania declares the following:

In accordance with the provisions of Article 55 of the Constitution of Romania and of Act n° 46/1996 on the training of the population for the defence, the conditions for the fulfillment of military obligations are established by an organic law. Citizens between 20 years up to 35 years may be conscripted in accordance with the provisions set forth by the organic law, with the exception of volunteers.

Concerning the situation of a person with dual nationality – Romanian and that of a State that does not provide for military service – if that person had his stable residence in such a State for a number of years, he is under the obligation to fulfill the military service after at least six months from the establishment of his residence in Romania, if he is aged between 20-35. If he fulfilled the military service in another State and, afterwards, established his residence in Romania, such a person does not have to fulfill the military service.

In addition, the following categories of citizens are exempted from the obligation of fulfilling military service:

- a) mentally incapacitated persons;
- b) persons declared unfit for the military services who have been withdrawn from the military records for invalidities or diseases other than those provided in paragraph a);
- c) the ordinate clergy belonging to the legally recognized religious denominations;

d) persons sentenced to prison for more than 5 years for intentionally committed crimes.

With reference to Article 6, paragraph 4, sub-paragraphs e, f and g, of the Convention, Romania reserves its right to grant its nationality to persons who were born on its territory from parents with foreign nationality and to persons who are lawfully and habitually resident on its territory, including stateless persons and recognised refugees, at request, in accordance with the conditions stipulated by the domestic law.

For information, the present wording of Articles 8, 9 and 10 of the Law nr. 21/1991, consolidated, on Romanian citizenship, is the following:

Article 8 – The Romanian citizenship can be acquired, at request, by a stateless person or by a foreigner, provided the following conditions are met:

a) was born and domiciles at the date of application on the Romanian territory or, although was not born on this territory, has been legally domiciling on the Romanian territory for at least 8 years or for at least 5 years from marriage, if married and living with a Romanian citizen;

b) proves, by way of behaviour, actions and attitude, loyalty to Romania, does not commit nor sustain acts against the rule of law or the national security and declares that did not commit such acts in the past;

c) has 18 years of age;

d) has, in Romania, the legal means for a decent life, pursuant to the legislation on the regime of aliens;

e) is known for having a good behaviour and has not been sentenced in Romania or abroad for a crime which would make him/her undignified for acquiring the Romanian citizenship;

f) knows the Romanian language and has basic notions of Romanian culture and civilization, sufficiently for his/her integration in the social life;

g) knows the Romanian Constitution and the national anthem.

The period of domicile provided for in paragraph 1, letter a), may be reduced up to half in case the applicant is an internationally renowned personality or has invested in Romania at least 500.000 euros.

If the foreigner or the stateless persons applying for the Romanian citizenship leave the Romanian territory for more than 6 months within a year, that year does not count in the calculation of the period of domicile set forth in paragraph 1, letter a).

Article 9 – The child whose parents are foreigners or stateless persons and who is under 18 years of age acquires the Romanian citizenship together with his/her parents. In case only one of the parents acquires the Romanian citizenship, the parents will decide, mutually, on the citizenship of their child. Should the parents not agree, the decision will be taken by the tribunal having jurisdiction in view of the domicile of the child, with due regard to his/her interests. If the child is over 14 years of age, his/her consent is necessary.

The child acquires the Romanian citizenship on the same date as his/her parents.

Article 10 – The Romanian citizenship may be acquired, as well, by a person who lost this citizenship and who requests its re-acquisition, upholding at the same time the foreign citizenship and either establishing the domicile in Romania or maintaining it abroad, provided that the conditions set forth in article 8, paragraph 1, letters b), c), d) and e) are met.

The provisions of paragraph 1 apply *mutatis mutandis* to the stateless persons who previously were Romanian citizens.

The parents applying for the re-acquisition of the Romanian citizenship decide, as well, on the citizenship of their underage children. Should the parents not agree, the decision will be taken by the tribunal having jurisdiction in view of the domicile of the child, with due regard to his/her interests. If the child is over 14 years of age, his/her consent is necessary. The re-acquisition of the Romanian citizenship by one of the spouses has no consequence on the citizenship of the other spouse. The spouse, foreign citizen or stateless person, of the person who re-acquired the Romanian citizenship may acquire the Romanian citizenship in accordance with the conditions set forth in this law.

Article 10 – The former Romanian citizens who lost the Romanian citizenship before 22 December 1989 due to reasons which cannot be held against them, or following the abusive withdrawal of this citizenship without their consent, as well as their descendents of up to 2nd level kinship may re-acquire, or acquire, the Romanian citizenship, at request, upholding at the same time the foreign citizenship and either establishing the domicile in Romania or maintaining it abroad, provided that the conditions set forth in Article 8, paragraph 1, letters b), c), e) and f) are met.

The provisions of Article 10, paragraphs 2-4, apply *mutatis mutandis*.

With reference to Article 8, paragraph 1, of the Convention, Romania reserves its right to permit the renunciation of its nationality, if the petitioner person fulfills the conditions stipulated by the domestic law.

For information, the present wording of Article 26 of the Law nr. 21/1991, consolidated, on Romanian citizenship, is the following :

Article 26 – The loss of the Romanian citizenship can be approved, for founded reasons, if the person requesting it is over 18 years of age and he/she:

- a) is not accused in a criminal trial or has no criminal sentence to execute;
- b) has no debts to the State, to Romanian or foreign physical or legal entities or, having such debts, pays them or provides sufficient guarantees as to their payment;
- c) acquired another citizenship or has applied for another citizenship and has the assurance that he/she will acquire it.

Slowakije, 27 mei 1998

According to Article 22, paragraph b, the Slovak Republic declares that persons who are nationals of a State Party which does not require obliga-

tory military service and who are equally nationals of the Slovak Republic shall be considered as having satisfied their military obligations when they have their habitual residence in the territory of the Slovak Republic.

Tsjechië, 19 maart 2004

The Czech Republic declares in respect of Article 22, sub-paragraph b, that persons, who are nationals of the Czech Republic and equally nationals of another State Party which does not require obligatory military service and have their habitual residence in the territory of that State Party, shall be considered as having satisfied their military obligations in relation to the Czech Republic if the said habitual residence has been maintained up to the age of 35 years of the persons.

Zweden, 28 juni 2001

The Government of Sweden declares that the age referred to in Article 22 b of the Convention is 30.

G. INWERKINGTREDING

Zie *Trb.* 2001, 40.

J. VERWIJZINGEN

Zie *Trb.* 1998, 10, *Trb.* 1998, 149 en *Trb.* 2001, 40.

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De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS