

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2015 Nr. 101

A. TITEL

*Verdrag inzake bedingen van forumkeuze;
's-Gravenhage, 30 juni 2005*

B. TEKST

De Franse en de Engelse tekst van het Verdrag zijn geplaatst in *Trb.* 2009, 31.

C. VERTALING

Zie *Trb.* 2009, 31.

D. PARLEMENT

Zie *Trb.* 2009, 31.

E. PARTIJGEGEVENS

Zie *Trb.* 2009, 31.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
EU (Europese Unie)	01-04-2009		11-06-2015	R	01-10-2015		
Mexico			26-09-2007	T	01-10-2015		
Singapore	25-03-2015						
Verenigde Staten van Amerika	19-01-2009						

* 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

EU (Europese Unie), 1 april 2009

The European Community declares, in accordance with Article 30 of the Convention on Choice of Court Agreements, that it exercises competence over all the matters governed by this Convention. Its Member States will not sign, ratify, accept or approve the Convention, but shall be bound by the Convention by virtue of its conclusion by the European Community.

For the purpose of this declaration, the term "European Community" does not include Denmark by virtue of Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community.

EU (Europese Unie), 29 januari 2010

[...] as from 1 December 2009, the European Union has replaced and succeeded the European Community (Article 1, third paragraph, of the Treaty on European Union as it results from the amendments introduced by the Treaty of Lisbon) and has exercised all rights and assumed all obligations of the European Community whilst continuing to exercise existing rights and assume obligations of the European Union.

The General Secretariat of the Council of the European Union, therefore has the honour to notify the Permanent Representation of the Netherlands to the European Union that, as from 1 December 2009, the European Community has been replaced and succeeded by the European Union in respect of all Conventions/Agreements for which the Ministry of Foreign Affairs of the Kingdom of the Netherlands is the depositary and

to which the European Community, replaced from 1 December 2009 by the European Union, is a contracting party

EU (Europese Unie), 11 juni 2015

The objective of this declaration which excludes certain types of insurance contracts from the scope of the Convention is to protect certain policyholders, insured parties and beneficiaries who, according to internal EU law, receive special protection.

1. The European Union declares, in accordance with Article 21 of the Convention, that it will not apply the Convention to insurance contracts, except as provided for in paragraph 2 below.
2. The European Union will apply the Convention to insurance contracts in the following cases:
 - (a) where the contract is a reinsurance contract;
 - (b) where the choice of court agreement is entered into after the dispute has arisen;
 - (c) where, without prejudice to Article 1 (2) of the Convention, the choice of court agreement is concluded between a policyholder and an insurer, both of whom are, at the time of the conclusion of the contract of insurance, domiciled or habitually resident in the same Contracting State, and that agreement has the effect of conferring jurisdiction on the courts of that State, even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State;
 - (d) where the choice of court agreement relates to a contract of insurance which covers one or more of the following risks considered to be large risks:
 - (i) any loss or damage arising from perils which relate to their use for commercial purposes, of, or to:
 - (a) seagoing ships, installations situated offshore or on the high seas or river, canal and lake vessels;
 - (b) aircraft;
 - (c) railway rolling stock;
 - (ii) any loss of or damage to goods in transit or baggage other than passengers' baggage, irrespective of the form of transport;
 - (iii) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, arising out of the use or operation of:
 - (a) ships, installations or vessels as referred to in point (i)(a);
 - (b) aircraft, in so far as the law of the Contracting State in which such aircraft are registered does not prohibit choice of court agreements regarding the insurance of such risks;
 - (c) railway rolling stock;
 - (iv) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, for loss or damage caused by goods in transit or baggage as referred to in point (ii);
 - (v) any financial loss connected with the use or operation of ships, installations, vessels, aircraft or railway rolling stock as referred to in point (i), in particular loss of freight or charter-hire;
 - (vi) any risk or interest connected with any of the risks referred to in points (i) to (v);
 - (vii) any credit risk or suretyship risk where the policy holder is engaged professionally in an industrial or commercial activity or in one of the liberal professions and the risk relates to such activity;
 - (viii) any other risks where the policy holder carries on a business of a size which exceeds the limits of at least two of the following criteria:
 - (a) a balance-sheet total of EUR 6,2 million;
 - (b) a net turnover of EUR 12,8 million;
 - (c) an average number of 250 employees during the financial year.

The European Union makes the following unilateral declaration:

The European Union declares that it may, at a later stage in the light of the experience acquired in the application of the Convention, reassess the need to maintain its declaration under Article 21 of the Convention.

G. INWERKINGTREDING

Zie *Trb.* 2009, 31.

De bepalingen van het Verdrag zullen ingevolge artikel 31, eerste lid, juncto artikel 27 op 1 oktober 2015 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag alleen gelden voor Nederland (het Europese deel), als lidstaat van de Europese Unie.

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		01-10-2015		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Zie *Trb.* 2009, 31.

Titel : Statuut van de Haagse Conferentie voor Internationaal Privaatrecht;
's-Gravenhage, 31 oktober 1951
Laatste *Trb.* : *Trb.* 2011, 199

Uitgegeven de *achtste* juli 2015.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS