

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2015 Nr. 190

A. TITEL¹⁾

*Overeenkomst tot oprichting van de Afrikaanse Ontwikkelingsbank, gedaan te Khartoem op 4 augustus 1963, zoals gewijzigd bij Resolutie 05-79 aangenomen door de Raad van Bestuur op 17 mei 1979;
(met bijlagen)
Lusaka, 7 mei 1982*

B. TEKST

De Engelse tekst van de Overeenkomst, met bijlagen, zoals gewijzigd bij Resolutie No. 05-79, is geplaatst in *Trb.* 1981, 28.

Voor de Engelse tekst van Resolutie No. 06-79 en Resolutie No. 07-79, zie rubriek J van dat Tractatenblad.

Voor de Engelse tekst van Resolutie B/BG/92/06, zijnde een wijziging van artikel 31, eerste lid, van de Overeenkomst, zie rubriek J van *Trb.* 1992, 203.

Voor de Engelse tekst van Resoluties B/BG/97/05, B/BG/98/04 en B/BG/2001/08 zie rubriek J van *Trb.* 2003, 156.

C. VERTALING

Voor de vertaling van de Overeenkomst, met bijlagen, zoals gewijzigd bij Resolutie No. 05-79, zie *Trb.* 1981, 28.

Voor de vertaling van Resolutie No. 06-79 en Resolutie No. 07-79, zie rubriek J van dat Tractatenblad.

Voor de vertaling van Resoluties B/BG/97/05, B/BG/98/04 en B/BG/2001/08 zie rubriek J van *Trb.* 2003, 156.

D. PARLEMENT

Zie *Trb.* 1984, 76 en rubriek J van *Trb.* 1992, 203 en *Trb.* 2003, 156.

E. PARTIJGEGEVENS²⁾

Zie *Trb.* 1981, 28.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Angola			07-05-1982	R	07-05-1982		
Argentinië	06-06-1985		06-06-1985	R	06-06-1985		
België	15-02-1983		15-02-1983	R	15-02-1983		
Benin			07-05-1982	R	07-05-1982		
Botswana			07-05-1982	R	07-05-1982		
Brazilië	08-12-1982		14-07-1983	R	14-07-1983		
Burkina Faso			07-05-1982	R	07-05-1982		
Burundi			07-05-1982	R	07-05-1982		
Canada	23-12-1982		23-12-1982	R	30-12-1982		
Centraal-Afrikaanse Republiek			07-05-1982	R	07-05-1982		

¹⁾ De titel van het Verdrag luidde voorheen: Oprichting van de Afrikaanse Ontwikkelingsbank, met bijlagen, Khartoem, 4 augustus 1963

²⁾ Vervanging van gegevens over bekrachtiging en toetreding houdt verband met nieuw ontvangen informatie van de depositaris.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
China	09-05-1982		09-05-1982	R	09-05-1982		
Comoren			07-05-1982	R	07-05-1982		
Congo, Democratische Republiek			07-05-1982	R	07-05-1982		
Congo, Republiek			07-05-1982	R	07-05-1982		
Denemarken	07-09-1982		07-09-1982	R	30-12-1982		
Djibouti			07-05-1982	R	07-05-1982		
Duitsland	16-02-1983		16-02-1983	R	16-02-1983		
Egypte			07-05-1982	R	07-05-1982		
Equatoriaal-Guinea			07-05-1982	R	07-05-1982		
Ethiopië			07-05-1982	R	07-05-1982		
Finland	07-09-1982		07-09-1982	R	30-12-1982		
Frankrijk	01-07-1982		01-07-1982	R	30-12-1982		
Gabon			07-05-1982	R	07-05-1982		
Gambia			07-05-1982	R	07-05-1982		
Ghana			07-05-1982	R	07-05-1982		
Guinee			07-05-1982	R	07-05-1982		
Guinee-Bissau			07-05-1982	R	07-05-1982		
India	25-10-1983		06-12-1983	T	06-12-1983		
Italië	26-11-1982		26-11-1982	R	31-12-1982		
Ivoorkust			07-05-1982	R	07-05-1982		
Japan	03-02-1983		03-02-1983	R	03-02-1983		
Joegoslavië (< 25-06-1991)	15-09-1982		15-09-1982	R	15-09-1982		
Kaapverdië			07-05-1982	R	07-05-1982		
Kameroen			07-05-1982	R	07-05-1982		
Kenia			07-05-1982	R	07-05-1982		
Koeweit	09-11-1982		09-11-1982	R	30-12-1982		
Lesotho			07-05-1982	R	07-05-1982		
Liberia			07-05-1982	R	07-05-1982		
Luxemburg			29-05-2014	T	29-05-2014		
Madagaskar			07-05-1982	R	07-05-1982		
Malawi			07-05-1982	R	07-05-1982		
Mali			07-05-1982	R	07-05-1982		
Marokko			07-05-1982	R	07-05-1982		
Mauritanië			07-05-1982	R	07-05-1982		
Mauritius			07-05-1982	R	07-05-1982		
Mozambique			07-05-1982	R	07-05-1982		
Namibië			10-04-1991	T	10-04-1991		
Nederlanden, het Koninkrijk der	28-01-1983		28-01-1983	R	28-01-1983		
Niger			07-05-1982	R	07-05-1982		
Nigeria			07-05-1982	R	07-05-1982		
Noorwegen	07-09-1982		07-09-1982	R	30-12-1982		
Oostenrijk	23-07-1982		10-03-1983	R	10-03-1983		
Portugal	08-12-1983		15-12-1983	T	15-12-1983		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Rwanda			07-05-1982	R	07-05-1982		
Sao Tomé en Príncipe			07-05-1982	R	07-05-1982		
Saudi-Arabië			15-12-1983	T	15-12-1983		
Senegal			07-05-1982	R	07-05-1982		
Seychellen			07-05-1982	R	07-05-1982		
Sierra Leone			07-05-1982	R	07-05-1982		
Somalië			07-05-1982	R	07-05-1982		
Spanje	13-02-1984		13-02-1984	R	13-02-1984		
Sudan			07-05-1982	R	07-05-1982		
Swaziland			07-05-1982	R	07-05-1982		
Tanzania			07-05-1982	R	07-05-1982		
Togo			07-05-1982	R	07-05-1982		
Tsjaad			07-05-1982	R	07-05-1982		
Tunesië			07-05-1982	R	07-05-1982		
Turkije			09-09-2013	T	09-09-2013		
Uganda			07-05-1982	R	07-05-1982		
Verenigd Koninkrijk	23-12-1982		27-04-1983	R	27-04-1983		
Verenigde Staten van Amerika			31-01-1983	R	31-01-1983		
Zambia			07-05-1982	R	07-05-1982		
Zimbabwe			07-05-1982	R	07-05-1982		
Zuid-Afrika			13-12-1995	T	13-12-1995		
Zuid-Korea	27-09-1982		27-09-1982	R	30-12-1982		
Zuid-Sudan			30-04-2015	T	30-04-2015		
Zweden	07-09-1982		07-09-1982	R	30-12-1982		
Zwitserland	14-09-1982		14-09-1982	R	30-12-1982		
* 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

Canada, 23 december 1982

In so accepting the said Agreement, the Government of Canada, pursuant to paragraph 3 of article 64, hereby retains for itself the right to tax the salaries and emoluments paid by the Bank to Canadian citizens, nationals and residents.

Denemarken, 7 september 1982

According to the main rule of article 17, paragraph 1 (d), in the Agreement establishing the African Development Bank, the proceeds of any financing undertaken by the Bank shall be used only for procurement in Member Countries of goods and services produced in Member Countries.

The declared shipping policy of the Danish Government is based on the principle of free circulation of shipping in international trade in free and fair competition. In accordance with this policy, transactions and transfers in connection with maritime transport should not be hampered by provisions giving preferential treatment to one country or group of countries, the aim always being that normal commercial considerations should determine the method and flag of shipment. The Government of Denmark trusts that article 17, paragraph 1 (d), will not be applied contrary to this principle.

Duitsland, 16 februari 1983

1. The Federal Republic of Germany retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to German citizens, nationals or residents.

2. In the territory of the Federal Republic of Germany the immunities conferred by articles 53 and 56 of the Agreement shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Bank or operated on its behalf, or to a traffic offence committed by the driver of such a vehicle.
3. According to the exchange of notes between the African Development Bank and the Federal Republic of Germany executed at Abidjan on 24 January 1983,
 - (a) The Bank shall not claim exemption from direct taxation, customs duties or taxes having equivalent effect on goods imported or exported for other than its official use;
 - (b) The Bank shall not claim exemption from taxes and duties which are no more than charges for services rendered, and
 - (c) The Bank shall sell articles imported under an exemption pursuant to article 57 paragraph 1 of the Agreement in the territory of a member granting the exemption only on the terms agreed with that member.

India, 6 december 1983

[The] Government of India retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the African Development Bank to the citizens, nationals or residents of India.

Italië, 26 november 1982

The Government of Italy declares, in accordance with article 64 (3) of the Agreement Establishing the African Development Bank (Khartoum, 4 August 1963), amended by Resolution 05-09, that it retains for itself and its constitutional subdivisions the right to tax salaries and emoluments paid to citizens and residents of Italy.

Japan, 3 februari 1983

The Government of Japan, in accordance with the provisions of paragraph (3) of article 64 of the Agreement, retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to its nationals or residents.

Koeweit, 9 november 1982

It is understood that ratification of the Agreement [...] does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel.

Nederlanden, het Koninkrijk der, 28 januari 1983

The Kingdom of the Netherlands reserves the right to take into account, for the purpose of assessing the amount of income tax due on income from other sources, the salaries and emoluments paid to the professional staff of the African Development Bank and exempt from taxation under article 57 of the Agreement. The exemption shall not be deemed applicable to the pensions paid by the Bank.

Noorwegen, 7 september 1982

According to article 17, paragraph 1 (d) of the Agreement establishing the African Development Bank, the proceeds of any loan, investment or other financing undertaken in the ordinary operations of the Bank shall be used only for procurement in member countries of goods and services produced in member countries, except for special cases.

The declared shipping policy of the Norwegian Government is based on the principle of free circulation of shipping in international trade in free and fair competition. In accordance with this policy, transactions and transfers in connection with maritime transport should not be hampered by provisions giving preferential treatment to one country or a group of countries, the aim always being that normal commercial consideration should determine the method and flag of shipment. The Government of Norway trusts that article 17, paragraph 1 (d) will not be applied contrary to this principle.

The Government of Norway retains, in accordance with article 64.3 of the said Agreement, the right to tax salaries and emoluments paid by the bank to Norwegian citizens, nationals or residents.

Noorwegen, 13 september 2006

Withdrawal of the reservation, in accordance with Article 64.3, to the exemption for Taxation.

Verenigd Koninkrijk, 27 april 1983

1. As Bank telegrams and telephone calls are not defined as Government telegrams and telephone calls in Annex 2 to the International Telecommunications Conventions signed at Montreux on 12 November 1965 and at Málaga-Torremolinos on 25 October 1973 and are therefore not entitled by the Convention to the privileges thereby conferred on Government telegrams and telephone calls, the Government of the United Kingdom, having regard to their obligations under the International Telecommunications Conventions, declare that the privileges conferred by Article 55 of the Agreement shall be correspondingly restricted in the United Kingdom but, subject thereto, shall be not less favourable than the United Kingdom affords to international financial institutions of which it is a member.
2. In accordance with the provisions of article 64 (3) of the Agreement, the United Kingdom declares that it retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to

its citizens, nationals and permanent residents. The United Kingdom will not accord to consultants the privileges and immunities mentioned in article 56 unless they are experts performing missions for the Bank.

3. In accordance with its current practice in regard to international organisations, the United Kingdom will, pursuant to the terms of article 57 (1) of the Agreement, accord to the Bank the following taxation privileges:
 - a) Within the scope of its official activities, the Bank and its property and income will be exempt from all direct taxes, including income tax, capital gains tax and corporation tax. The Bank will also be exempt from municipal rates levied on its premises with the exception of the proportion which, as in the case of diplomatic missions, represents payments for specific services rendered.
 - b) The Bank will be accorded a refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture, and value added tax paid on the supply of goods or services of substantial value, necessary for the official activities of the Bank.
 - c) Goods the import and export of which by the Bank is necessary for the exercise of its official activities shall be exempt from all duties of customs and excise and other such charges except payments for services. The Bank will be accorded a refund of the duty and value added tax paid on the importation of hydrocarbon oils purchased by the Bank and necessary for the exercise of its official activities.
 - d) Exemption in respect of taxes or duties under the preceding sub-paragraphs will be accorded subject to compliance with conditions agreed with Her Majesty's Government. Goods which have been acquired or imported under the above provisions may not be sold, given away or otherwise disposed of in the United Kingdom except in accordance with conditions agreed with Her Majesty's Government.
4. In the territory of the United Kingdom the immunity conferred by article 52 (1) and article 56 (i) shall not apply in relation to a civil action by a third party for damage arising out of an accident caused by a motor vehicle belonging to or operated on behalf of the Bank or a person covered by article 56, as the case may be, or in relation to a traffic offence committed by the driver of such a vehicle.
5. Her Majesty's Government are not at the moment able to implement Article 57 (3) (ii) of the Agreement as this requires an amendment to existing legislation. Her Majesty's Government hope however that they will be in a position to implement it in the near future.

Verenigde Staten van Amerika, 31 januari 1983

The United States of America retains for itself and for all political subdivisions of the United States of America the right to tax salaries and emoluments paid by the African Development Bank to United States citizens or nationals.

Zweden, 7 september 1982

With reference to article 64.3 of the Agreement Establishing the African Development Bank, Sweden hereby declares that it retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to citizens, nationals or residents of Sweden.

According to the main rule of article 17, paragraph 1 (d) in the Agreement establishing the African Development Bank, the proceeds of any loan, investment or other financing undertaken by the Bank shall be used only for procurement in member countries of goods and services produced in member countries.

The shipping policy of the Swedish Government is based on the principle of free circulation of shipping in international trade in free and fair competition. The Swedish Government trusts that article 17, paragraph 1 (d) will not be applied contrary to this principle. Similarly, it is part of the assistance policy of the Swedish Government that multilateral development assistance should be based on the principle of free international competitive bidding. The Swedish Government expresses the hope that it will be possible to reach agreement on such modification of article 17, 1 (d) that it does not conflict with this principle.

Zwitserland, 14 september 1982

In accordance with article 64 (3) of the Agreement, Switzerland retains for itself the right to tax salaries and emoluments paid by the Bank to its nationals, residents of Switzerland.

G. INWERKINGTREDING

Zie *Trb.* 1984, 76 en rubriek J van *Trb.* 2003, 156.

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		28-01-1983		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Voor verwijzingen en overige verdragsgegevens, zie *Trb.* 1981, 28, *Trb.* 1984, 76, *Trb.* 1992, 203 en *Trb.* 2003, 156.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2015, 143

Titel : Overeenkomst tot oprichting van het Afrikaanse Ontwikkelingsfonds;
Abidjan, 29 november 1972

Laatste *Trb.* : *Trb.* 2005, 95

Uitgegeven de *vijfentwintigste* november 2015.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS