

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 174

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Republiek Kroatië inzake de tewerkstelling van partners van het diplomatieke en consulaire personeel;
Zagreb, 6 mei 2005*

B. TEKST

Agreement between the Kingdom of the Netherlands and the Republic of Croatia on employment of partners of members of diplomatic missions and consular posts

The Kingdom of the Netherlands

and

The Republic of Croatia,

hereinafter referred to as “the Parties”,

Desiring to conclude an Agreement with a view to facilitating employment of partners of members of diplomatic missions and consular posts from the sending State on the territory of the receiving State,

Have agreed as follows:

Article 1

Authorisation to engage in gainful occupation

1. Based on reciprocity, a partner of a member of a diplomatic mission or a consular post of the sending State is authorised to engage in a gainful occupation in the receiving State in accordance with the provisions of the laws and regulations of the receiving State and subject to the provisions of this Agreement.

2. For the purposes of this Agreement:

a) "A member of a diplomatic mission or a consular post" means any accredited employee of the sending State, who is not a national or permanent resident of the receiving State, in a diplomatic mission, a consular post or a mission to an international organisation in the receiving State;

b) "Partner" means the spouse or the partner of a member of a diplomatic mission, a consular post or a mission to an international organisation in the receiving State;

c) "Conventions" means the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963), or other international agreements on privileges and immunities to which the Parties are parties.

Article 2

Procedures

1. Prior to engaging in a gainful occupation a partner shall obtain an authorisation from the receiving State.

2. A request for authorisation to engage in a gainful occupation shall be sent on the partner's behalf by the Embassy of the sending State to the Protocol Department of the Ministry of Foreign Affairs of the receiving State.

3. The request for authorisation shall contain information on the nature of the occupation for which the authorisation is requested.

4. Once it has been established that the partner on whose behalf authorisation is being requested is a partner as defined in this Agreement, the Ministry of Foreign Affairs of the receiving State shall officially notify the Embassy of the sending State that the partner in question may engage in a gainful occupation, and shall issue the corresponding certificate for the partner.

5. The partner in question is allowed to engage in a gainful occupation based on the said certificate in the receiving State.

6. The occupation mentioned in paragraph 3 of this Article shall be printed on the identification card of the partner.

7. Should the partner seek to change his or her occupation at any time after receiving the authorisation, a further request for authorisation must be made.

Article 3

Civil and administrative privileges and immunities

A partner engaging in a gainful occupation in accordance with this Agreement shall not enjoy immunity from civil and administrative juris-

diction in respect of any claims brought against him or her on account of acts and agreements directly connected with the performance of that occupation.

Article 4

Criminal immunity

If the partner authorised to engage in gainful occupation has been granted immunity from criminal jurisdiction of the receiving State, on the basis of the Conventions:

- a) The sending State shall waive the immunity of the authorised partner concerned from the criminal jurisdiction of the receiving State in respect of any act or omission relating to the gainful occupation he or she carries out, except in special cases in which the sending State considers that such a waiver would be contrary to its interests;
- b) Such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from the execution of a sentence, for which a specific waiver shall be required. In such cases, the receiving State shall request the sending State to waive any such exemption.

Article 5

Social security and taxation

A partner who has obtained authorisation to engage in a gainful occupation under this Agreement shall be subject to the social security regime of the receiving State for all matters connected with his or her employment in that State. A partner shall also be obliged to pay, in the receiving State, all taxes on income arising from the occupation carried out in accordance with this Agreement.

Article 6

Ending the authorisation

1. The authorisation to engage in a gainful occupation granted to a partner shall end when the appointment of the member of the diplomatic mission or consular post in question ends.
2. The occupation carried out under this Agreement shall not entitle the partner to continue to reside in the receiving State. Nor shall it entitle the partner to remain in that occupation or to engage in a different occupation in the receiving State once the authorisation granted under this Agreement has ended.

Article 7

Duration and termination

This Agreement has been concluded for an indefinite period of time, and either Party may terminate it at any time by giving six (6) months' notice in writing to the other Party through diplomatic channels.

Article 8

Entry into force

This Agreement shall enter into force on the date of the receipt of the last written notification through diplomatic channels that the requirements provided in the respective internal legislation for its entry into force have been fulfilled, and shall be provisionally applied from the date of its signature.

DONE at Zagreb on this 6th May 2005, in two originals in the English language.

For the Kingdom of the Netherlands

LIONEL VEER

For the Republic of Croatia

GORDAN BAKOTA

D. PARLEMENT

Het Verdrag heeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

De voorlopige toepassing van het Verdrag (zie rubriek F hieronder) is medegedeeld aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba bij brieven van 2 juni 2005.

F. VOORLOPIGE TOEPASSING

Het Verdrag wordt ingevolge artikel 8 vanaf 6 mei 2005 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, geldt de voorlopige toepassing voor het gehele Koninkrijk.

G. INWERKINGTREDING

Dit Verdrag treedt in werking op de datum van ontvangst van de laatste schriftelijke kennisgeving langs diplomatieke weg dat aan de vereisten, voorzien in de desbetreffende nationale wetgeving, voor inwerkingtreding is voldaan.

J. VERWIJZINGEN

- Titel : Verdrag van Wenen inzake diplomatiek verkeer;
Wenen, 18 april 1961
- Tekst : *Trb.* 1962, 101 (Engels en Frans)
Trb. 1962, 159 (vertaling)
- Laatste *Trb.* : *Trb.* 1994, 212
- Titel : Verdrag van Wenen inzake consulaire betrekkingen;
Wenen, 24 april 1963
- Tekst : *Trb.* 1965, 40 (Engels, Frans en Spaans)
Trb. 1981, 143 (vertaling)
- Laatste *Trb.* : *Trb.* 1994, 213

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *dertigste* juni 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT