

The European Space Agency presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-665/04 of 23 July 2004, which reads as follows:

“The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the European Space Agency, hereinafter referred to as ESA, and, with reference to the consultations between the Ministry and ESA regarding the registration of apprentices who have been accepted by ESA into its apprenticeship programme in the Netherlands, has the honour to propose the following:

Recalling the Agreement that has been concluded on 10 February 1999 between the Kingdom of the Netherlands and ESA concerning the European Space Research Technology Centre (hereinafter referred to as the Headquarters Agreement), which forms the basis for the contacts and cooperation between the Netherlands and ESA,

Noting that the Headquarters Agreement contains no provisions concerning the registration of apprentices who have been accepted by ESA for its apprenticeship programme for the European Space Research Technology Centre, hereinafter referred to as ESTEC, in the Netherlands,

Taking note of ESA's need for an efficient and time effective system to register such apprentices in the Netherlands;

Noting ESA's wish to come to an exchange of Diplomatic Notes, in which the registration of apprentices at ESTEC in the Netherlands is settled;

Proposes to come to the following Agreement:

1. For the purposes of the present exchange of Diplomatic Notes, 'apprentice' means a person who has been accepted by ESA for its apprenticeship programme for ESTEC for the purpose of performing certain tasks at ESTEC without receiving salary from ESA therefor. An apprentice shall not be considered in any respect to fall under one of the categories of persons as described in Article 1 or Article 14 of the Headquarters Agreement.

2. Within eight (8) days after first arrival of the apprentice in the Netherlands, the Agency shall request the Ministry of Foreign Affairs to register the apprentice in accordance with paragraph 3.
3. The Ministry of Foreign Affairs shall register the apprentice in the Netherlands for the purpose of his apprenticeship at ESTEC for a maximum period of one year, provided that ESA supplies the Ministry of Foreign Affairs with a declaration signed by the apprentice, accompanied by adequate proof, to the effect that:
 - a) the apprentice entered the Netherlands in accordance with the applicable immigration procedures;
 - b) the apprentice has sufficient financial means for living expenses and for repatriation, as well as sufficient medical insurance (including coverage of costs of hospitalization for at least the duration of the apprenticeship plus one month) and third party liability insurance, and will not be a charge to the public purse of the Netherlands;
 - c) the apprentice will not work in the Netherlands during his apprenticeship other than as an apprentice at ESTEC;
 - d) the apprentice will not bring any family members to reside with him in the Netherlands other than in accordance with the applicable immigration procedures;
 - e) the apprentice will leave the Netherlands within 14 days after termination of his apprenticeship with ESA unless he is otherwise entitled to stay in the Netherlands in accordance with the applicable immigration legislation.
4. Upon registration of the apprentice in accordance with paragraph 3, the Ministry of Foreign Affairs shall issue an identity card bearing the code ZF to the apprentice.
5. ESA shall not incur liability for damage resulting from non-fulfilment, by apprentices registered in accordance with paragraph 3, of the conditions of the declaration referred to in that paragraph.
6. The apprentice shall not enjoy any privileges or immunities.
7. In exceptional circumstances, the maximum period of one year mentioned in paragraph 3 may be extended once by a maximum period of one year.
8. ESA shall notify the Ministry of Foreign Affairs of the final departure of the apprentice from the Netherlands within eight (8) days after such departure, and shall at the same time return the identity card of the apprentice.
9. This Agreement may be amended by mutual written consent at any time at the request of either ESA or the Kingdom of the Netherlands.

10. Any dispute between ESA and the Kingdom of the Netherlands concerning the interpretation or application of this Agreement, which cannot be settled amicably, shall be settled by way of the procedure set out in Article 25 of the Headquarters Agreement.
11. This Agreement is concluded for an indefinite period of time. At any time, either ESA or the Kingdom of the Netherlands may terminate the Agreement by giving three (3) months advance notice in writing.

If the above proposal is acceptable to ESA, the Ministry has the honour to propose that this Diplomatic Note and ESA's affirmative reply shall together constitute an Agreement between the Kingdom of the Netherlands and ESA, which shall be applied provisionally as from the date of such reply, and which shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to ESA the assurances of its highest consideration.”

The European Space Agency has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the European Space Agency. The European Space Agency accordingly agrees that the Ministry's Note and this reply shall constitute an Agreement between the European Space Agency and the Kingdom of the Netherlands, which shall be applied provisionally as from the date of such reply, and which shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The European Space Agency avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Noordwijk, 23 July 2004