

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 228

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Noord Atlantische Verdragsorganisatie (NAVO) betreffende de privileges en immuniteiten van het personeel van het NATO Airborne Early Warning and Control Programme Management Agency (NAPMA) en hun gezinsleden; 's-Gravenhage/Brussel, 29 september 2006

B. TEKST

Nr. I

TREATIES DIVISION
DJZ/VE-600/06

The Hague, 29 September 2006

Agreement between the Kingdom of the Netherlands and the North Atlantic Treaty Organisation concerning privileges and immunities of the staff of the NAPMA Agency in the light of the Netherlands Government Policy Framework on Attracting and Hosting International Organisations

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the North Atlantic Treaty Organisation and, with reference to the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, done in Ottawa on 20 September 1951, to the Exchange of Letters between the Kingdom of the Netherlands and the North Atlantic Treaty Organisation concerning an agreement on the functioning of the NATO Airborne Early Warning and Control Programme Management Agency (NAPMA) in the Netherlands of 31 August and 11 September 1979 and

to the Cabinet Decision of 22 April 2005 on the Policy Framework on Attracting and Hosting International Organisations, has the honour to propose the following in respect of the privileges and immunities of the staff of the NAPMA Agency:

1. Use of terms

For the purpose of this Agreement:

- a) “the parties” means the North Atlantic Treaty Organisation (NATO) and the host State;
- b) “the Agency” means the NAPMA Agency;
- c) “the host State” means the Kingdom of the Netherlands;
- d) “the Vienna Convention” means the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Privileges and immunities

- a) The General Manager of the Agency, together with members of his family forming part of his household, shall enjoy the same privileges and immunities as the host State accords to heads of diplomatic missions accredited to the host State in accordance with the Vienna Convention.
- b) The highest ranking staff of the Agency, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to diplomatic agents of the diplomatic missions established in the host State in accordance with the Vienna Convention.
- c) Administrative and technical staff of the Agency, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to administrative and technical staff of the diplomatic missions established in the host State in accordance with the Vienna Convention, provided that immunity from criminal jurisdiction and personal inviolability shall not extend to acts performed outside the course of their official duties.
- d) Service staff of the Agency, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to service staff of the diplomatic missions established in the host State in accordance with the Vienna Convention.

3. Determination of categories

The host State shall, in cooperation with the Agency, determine which categories of personnel will be covered by each of the four groups as laid down in paragraph 2 of this Agreement.

4. Scope of the Agreement

- a) This Agreement does not apply to persons who are nationals or permanent residents of the host State.
- b) This Agreement shall not detract from any existing arrangements in the Seat Agreement or other bilateral or multilateral agreements.
- c) This Agreement shall not extend to issues concerning admission and residence.

If this proposal is acceptable to the North Atlantic Treaty Organisation, the Ministry proposes that this Note and the North Atlantic Treaty Organisation's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the North Atlantic Treaty Organisation. This Agreement shall enter into force on the date of receipt of the reply note of the North Atlantic Treaty Organisation by the Ministry.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the North Atlantic Treaty Organisation the assurances of its highest consideration.

*The North Atlantic Treaty Organisation
Headquarters
Brussels*

Nr. II

THE NORTH ATLANTIC TREATY ORGANISATION

Brussels, 29 September 2006

CJ(2006)0678

The North Atlantic Treaty Organisation 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-600/06 of 29 September 2006, which reads as follows:

(Zoals in nota Nr. I)

The North Atlantic Treaty Organisation has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the North Atlantic Treaty Organisation. The North Atlantic Treaty Organisation accordingly agrees that the Ministry's Note and this reply shall constitute an Agreement between the North Atlantic Treaty Organisation and the Kingdom of the Netherlands, which shall enter into force on the day of receipt of this reply note by the Ministry.

The North Atlantic Treaty Organisation 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.

*Ministry of Foreign Affairs of the Kingdom of the Netherlands
The Hague*

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 3 van de Wet van 24 december 1947 (*Stb.* H 452) niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de één na laatste alinea van nota's I en II in werking getreden op 29 september 2006.

Wat betreft het Koninkrijk der Nederlanden, geldt het in de nota's vervatte verdrag alleen voor Nederland.

J. VERWIJZINGEN

Verbanden

Het in de nota's vervatte verdrag vormt een aanvulling op:

- | | |
|-------|---|
| Titel | : Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en Noord Atlantische Verdragsorganisatie (NAVO) betreffende de privileges en immuniteiten van het personeel van het NATO Airborne Early Warning and Control Programme Manegement Agency (NAPMA) en hun gezinsleden
Brussel, 29 september 2006 |
| Tekst | : <i>Trb.</i> 1999, 41 (Engels en Frans) |

Overige verwijzingen

- | | |
|-------|--|
| Titel | : Verdrag nopens de rechtspositie van de Noord-Atlantische Verdragsorganisatie, van de nationale |
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- vertegenwoordigers bij haar organen en van haar internationale staf
Ottawa, 20 september 1951
- Tekst : *Trb.* 1951, 139 (Engels en Frans)
Laatste *Trb.* : *Trb.* 1954, 82
- Titel : Verdrag van Wenen inzake diplomatiek verkeer
Wenen, 18 april 1961
- Tekst : *Trb.* 1962, 101
Laatste *Trb.* : *Trb.* 1994, 212

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 *éénendertigste* oktober 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT