

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2009 Nr. 151**

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A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Slowaakse  
Republiek inzake de privileges en immuniteiten van  
verbindingsofficieren die door de Slowaakse Republiek bij Europol  
gedetacheerd worden;  
's-Gravenhage, 30 september 2009*

B. TEKST

**Agreement between the Kingdom of the Netherlands and the  
Slovak Republic on the privileges and immunities of liaison  
officers seconded by the Slovak Republic to Europol**

The Kingdom of the Netherlands

and

the Slovak Republic,

hereinafter referred to as the Contracting Parties,

with reference to Article 41, paragraph 2 of the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention, 26 July 1995) stating that the privileges and immunities necessary for the proper performance of the tasks of the liaison officers at Europol be agreed upon,

have agreed as follows:

Article 1

*Definitions*

In this Agreement:

- a) “Liaison officer” means any official stationed at Europol in accordance with Article 5 of the Europol Convention;
- b) “Government” means the Government of the Kingdom of the Netherlands;
- c) “Host State authorities” means such State, municipal or other authorities of the Kingdom of the Netherlands as may be appropriate in the context of and in accordance with the laws and customs applicable in the Kingdom of the Netherlands;
- d) “Member State” means the Slovak Republic;
- e) “Archives of the liaison officer” means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video and sound recordings belonging to or held by the liaison officer, and any other similar material which in the unanimous opinion of the Member State and the Government forms part of the archives of the liaison officer.

## Article 2

### *Privileges and immunities*

1. Subject to the provisions of this Agreement, the liaison officer and members of his family who form part of his household and do not possess Dutch nationality, shall enjoy in and vis-à-vis the Kingdom of the Netherlands the same privileges and immunities as are conferred on members of the diplomatic staff by the Vienna Convention on Diplomatic Relations of 18 April 1961.
2. The immunity granted to persons mentioned in paragraph 1 of this Article shall not extend to either:
  - (i) civil action by a third party for damages, including personal injury or death, arising from a traffic accident caused by any such person, and is without prejudice to Article 32 of the Europol Convention; or
  - (ii) criminal and civil jurisdiction over acts performed outside the course of their official duties.
3. The obligations of Sending States and their personnel that apply under the Vienna Convention to members of the diplomatic staff, shall apply to the persons referred to in paragraph 1 of this Article.

## Article 3

### *Entry, stay and departure*

1. The Government shall facilitate, if necessary, the entry, stay and departure of the liaison officer and members of his family forming part of the household.

2. This Article shall not prevent the requirement of reasonable evidence to establish that persons claiming the treatment provided for under this Article come within the classes described in paragraph 1 of this Article.

3. Visas which may be required by persons referred to in this Article shall be granted without charge and as promptly as possible.

#### Article 4

##### *Employment*

Members of the family forming part of the household of the liaison officer not having the nationality of an EU State shall be exempt from the obligation to obtain working permits for the duration of the secondment of the liaison officer.

#### Article 5

##### *Inviolability of archives*

The archives of the liaison officer wherever located and by whomsoever held shall be inviolable.

#### Article 6

##### *Personal Protection*

The Host State authorities shall, if so requested by the Member State, take all reasonable steps in accordance with their national laws to ensure the necessary safety and protection of the liaison officer, as well as members of his family who form part of his household, whose security is endangered due to the performance of the tasks of the liaison officer at Europol.

#### Article 7

##### *Facilities and immunities in respect of communication*

1. The Government shall permit the liaison officer to communicate freely and without a need for special permission, for all official purposes, and shall protect the right of the liaison officer to do so. The liaison officer shall have the right to use codes and to dispatch and receive official correspondence and other official communications by courier or in sealed bags which shall be subject to the same privileges and immunities as diplomatic couriers and bags.

2. The liaison officer shall, as far as may be compatible with the International Telecommunications Convention of 6 November 1982, for his official communications enjoy treatment not less favourable than that accorded by the Kingdom of the Netherlands to any international organization or government, in the matter of priorities for communication by mail, cable, telegraph, telex, radio, television, telephone, fax, satellite, or other means.

## Article 8

### *Notification*

1. The Member State shall promptly notify the Government of the name of the liaison officer, his arrival and his final departure or the termination of his secondment as well as the arrival and final departure of the members of the family forming part of the household and, where appropriate, the fact that a person has ceased to form part of the household.

2. The Government shall issue to the liaison officer and members of his family forming part of the household, an identification card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Host State authorities.

## Article 9

### *Settlement of Disputes*

1. Any dispute between the Member State and the Government concerning the interpretation or application of this Agreement, or any question affecting the liaison officer or the relationship between the Member State and the Government which is not settled amicably, shall be referred for final decision to a tribunal of three arbitrators, at the request of the Member State or the Government. Each party shall appoint one arbitrator. The third, who shall be chairman of the tribunal, is to be chosen by the first two arbitrators.

2. If one of the Contracting Parties fails to appoint an arbitrator within two months following a request from the other party to make such an appointment, the other party may request the President of the Court of Justice of the European Communities or in his absence the Vice-President, to make such an appointment.

3. Should the first two arbitrators fail to agree upon the third within two months following their appointment, either party may request the President of the Court of the European Communities, or in his absence the Vice-President, to make such an appointment.

4. Unless the Contracting Parties agree otherwise, the tribunal shall determine its own procedure.

5. The tribunal shall reach its decision by a majority of votes. The Chairman shall have a casting vote. The decision shall be final and binding on the Contracting Parties to the dispute.

#### Article 10

##### *Territorial scope*

With respect to the Kingdom of the Netherlands, this Agreement shall apply to the part of the Kingdom in Europe only.

#### Article 11

##### *Entry into force*

1. This Agreement shall be subject to approval in accordance with the national legislation of the Contracting Parties and shall enter into force on the thirtieth (30th) day after the mutual written notification of the Contracting Parties on fulfillment of the conditions for entry into force of this Agreement, as laid down in the national legislation of the Contracting Parties.

2. Pending its entry into force, this Agreement shall be applied provisionally from the first day of the first month following the date on which this Agreement was signed.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at The Hague, on 30 September 2009, in two originals, each in the English language.

*For the Kingdom of the Netherlands,*

E. KRONENBURG

*For the Slovak Republic,*

OKSANA TOMOVÁ

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D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

F. VOORLOPIGE TOEPASSING

Het Verdrag wordt ingevolge zijn artikel 11 vanaf 1 oktober 2009 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, geldt de voorlopige toepassing ingevolge artikel 10 van het Verdrag alleen voor Nederland.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge zijn artikel 11 in werking treden op de dertigste dag nadat de Verdragsluitende partijen elkaar er schriftelijk van in kennis hebben gesteld dat aan de nationale wettelijke procedures voor inwerkingtreding van het Verdrag is voldaan.

J. VERWIJZINGEN

- Titel : Overeenkomst op grond van Artikel K.3 van het Verdrag betreffende de Europese Unie tot oprichting van een Europese Politiedienst (Europol-Overeenkomst); Brussel, 26 juli 1995
- Tekst : *Trb.* 1995, 282 (Nederlands, Engels en Frans)
- Laatste *Trb.* : *Trb.* 2007, 60
- 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 : Internationaal Verdrag betreffende de Telecommunicatie; Nairobi, 6 november 1982
- Tekst : *Trb.* 1983, 164 (Frans)
- Laatste *Trb.* : *Trb.* 1996, 164

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 *zesentwintigste* oktober 2009.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN