

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2014 Nr. 134

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Republiek
Moldavië inzake de privileges en immuniteiten van
verbindingsofficieren die door de Republiek Moldavië bij Europol
gedetacheerd worden;
's-Gravenhage, 22 juli 2014*

B. TEKST

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

The Kingdom of the Netherlands

and

the Republic of Moldova,

hereinafter referred to as the Contracting Parties,

with reference to the provisions of the Article 51, paragraph 3 of the Council Decision of 6 April 2009 (2009/371/JHA) establishing the European Police Office (Europol) stating the privileges and immunities necessary for the proper performance of the tasks of the liaison officers at Europol,

have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement:

a) "Liaison officer" means any official stationed at Europol in accordance with Article 9 of the Council Decision of 6 April 2009;

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) “Sending State” means the Republic of Moldova;

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 Sending 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 who neither have Dutch nationality nor are permanently resident in the Kingdom of the Netherlands, shall enjoy in and vis-a-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 41 of the Council Decision of 6 April 2009, 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 Sending 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 and 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 favorable 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 Sending 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 Sending State and the Government concerning the interpretation or application of this Agreement, or any question affecting the liaison officer or the relationship between the Sending 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 Sending 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 Union 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 Union, 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

This Agreement shall apply provisionally from the date of signature and shall enter into force on the first day of the first month following the date of receipt of the last written notification, through diplomatic channels, through which the Contracting Parties shall notify each other that their respective internal procedures necessary for its entry into force have been complied with.

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

DONE at The Hague, on 22 July 2014, in two originals, each in the English language.

For the Kingdom of the Netherlands,

E.P. STEHOUWER

For the Republic of Moldova,

EMILIAN BRENICI

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.

F. VOORLOPIGE TOEPASSING

Het Verdrag wordt ingevolge artikel 11 vanaf 22 juli 2014 voorlopig toegepast.

Wat betreft het Koninkrijk der Nederlanden, geldt de voorlopige toepassing alleen voor Nederland (het Europese deel).

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel 11 in werking treden op de eerste dag van de eerste maand na de datum van ontvangst van de laatste schriftelijke kennisgeving waarmee de verdragsluitende partijen elkaar hebben medegedeeld dat aan hun respectieve interne procedures 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 : Internationaal Verdrag betreffende de Telecommunicatie;
Nairobi, 6 november 1982
Tekst : *Trb.* 1983, 164 (Frans)
Laatste *Trb.* : *Trb.* 1996, 164

Het Internationaal Verdrag betreffende de Telecommunicatie is vervangen door:

Titel : Statuut en Verdrag van de Internationale Unie voor Telecommunicatie;
Genève, 22 december 1992
Tekst : *Trb.* 1993, 138 (Engels en Frans)
Trb. 2001, 123 (vertaling)
Laatste *Trb.* : *Trb.* 2013, 128

Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992

- Tekst : *Trb.* 2008, 53 (Nederlands, geconsolideerd)
Laatste *Trb.* : *Trb.* 2012, 182
- Titel : Besluit 2009/371/JHZ van de Raad van 6 april 2009 tot oprichting van de Europese Politiedienst (Europol); Luxemburg, 6 april 2009
- Tekst : *PbEU* 2009 L 121, blz. 37-66
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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 (het Europese deel) op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *negenentwintigste* juli 2014.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS