

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1986 Nr. 95

A. TITEL

Notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika houdende een overeenkomst inzake de tewerkstelling van gezinsleden van diplomaten; 's-Gravenhage, 23 juni 1986

B. TEKST

Nr. I

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 49

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and, with reference to recent discussions between representatives of our two Governments, has the honor to propose the following text of a Bilateral Work Agreement that would confirm our reciprocal arrangements governing employment of dependants of diplomats and other employees of the Embassy, Consulates General and permanent missions in our respective countries:

I. Purpose

Subject to the provisions set forth below, the Government of the Kingdom of the Netherlands and the Government of the United States of America agree to permit, on a reciprocal basis, dependants of diplomats, consular officers and of members of the administrative and technical and service staff assigned to diplomatic missions,

consular posts and permanent missions of the Kingdom of the Netherlands in the United States and of the United States in the Netherlands to take up employment in the receiving State on the same basis as nationals of that State.

II. *Definition*

In this Agreement, “dependants” means members of the family of diplomats, consular officers, or of the administrative and technical or service staff assigned to diplomatic missions, consular posts and permanent missions in the Netherlands or the United States who form part of the household and who were notified as such to the receiving State by the mission or post concerned.

III. *Procedure*

In the case of dependants who seek permission to take up employment in the Netherlands or in the United States, a written request shall be made by the Embassy of the United States in The Hague, or by the Embassy of the Netherlands in Washington, to the Protocol Department of the Netherlands Ministry of Foreign Affairs or of the United States Department of State. Such request shall identify the dependant and set forth a brief description of the nature of the employment. The respective Protocol Department shall thereafter promptly inform the Embassy concerned that the dependant has permission to take up employment. The Embassy of the sending State shall notify the Protocol Department of the receiving State of any change of employment of the dependant.

IV. *Privileges and Immunities*

1. Taxation. Dependants who take up employment under this Agreement shall remain exempt from taxation by the receiving State except for taxes levied on income derived from such employment. In the application of this Agreement by the Netherlands Government, such dependants shall be entitled to the general tax free allowance, to the allowances which relate directly to such employment and to the transfer of personal allowances.

2. Social Security. Dependants who take up employment under this Agreement are subject to the social security legislation of the receiving State.

3. Immunity from Civil and Administrative Jurisdiction. As to dependants who take up employment pursuant to this Agreement and who have immunity from the civil and administrative jurisdiction of the receiving State under the Vienna Convention on Diplomatic Relations of April, 1961, the provisions of that Convention shall

apply. As to dependants who take up employment pursuant to this Agreement and who may enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, such immunity with respect to all matters arising out of such employment is hereby irrevocably waived by the sending State.

4. Immunity from Criminal Jurisdiction. As to dependants who take up employment pursuant to this Agreement and who have immunity from the criminal jurisdiction of the receiving State under Article 31 of the Vienna Convention on Diplomatic Relations or any other applicable international agreement, requests by the receiving State for waivers of such immunity with respect to matters arising out of such employment shall be given serious consideration by the sending State. This is without prejudice to the right of the sending State to adjudge such waivers to be contrary to its interests. In any event, waiver of immunity from criminal jurisdiction does not imply waiver of immunity from execution of judgment. Waiver of immunity from execution of judgment, if given, must be express and separate.

V. Inapplicability of National Laws

1. Employment Regulations. The Netherlands and the United States statutory provisions governing the employment of aliens shall not apply in respect of dependants who take up employment pursuant to this Agreement.

2. Entry and Residence Regulations. The Netherlands and the United States statutory provisions governing the entry and residence of aliens shall not apply in respect of dependants who take up employment pursuant to this Agreement.

VI. General Provisions

1. Termination of Permission. Permission to take up employment terminates at the end of the assignment to the Netherlands or the United States of the diplomat, consular officer or member of the administrative and technical or service staff of a diplomatic mission, consular post or permanent mission of whose family the dependant is a member.

2. Termination of Employment. Any employment contract entered into by a dependant shall contain a notice to the effect that the contract will terminate without prior notification at the end of the assignment to the Netherlands or the United States of the diplomat, consular officer or member of the administrative and technical or service staff of a diplomatic mission, consular post or permanent mission of whose family the dependant is a member.

3. Termination of Residence. The fact of having taken up employment pursuant to this Agreement shall not entitle dependants to continue to reside in the Netherlands or the United States, nor shall it entitle such dependants to enter into other employment in the Netherlands or in the United States after permission to take up employment has terminated in accordance with paragraph 1 of this Article.

VII. *Application to other parts of the Kingdom of the Netherlands*

The application of this Agreement may be extended to either the Netherlands Antilles or Aruba or both upon notification by the Government of the Kingdom of the Netherlands to the Government of the United States of America.

VIII. *Entry Into Force*

This Agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands notifies the Government of the United States of America that the applicable Netherlands constitutional requirements have been fulfilled and shall remain in force until ninety days after the date of written notification from either Government to the other of its intent to terminate this Agreement.

If the foregoing proposal is acceptable to the Government of the Kingdom of the Netherlands, the Embassy has the further honor to propose that this Note, together with the Ministry's reply to that effect, shall constitute an agreement between our two Governments which shall enter into force in accordance with the provisions of Article VIII of the foregoing text.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America
The Hague, June 23, 1986

Nr. II

MINISTRY OF FOREIGN AFFAIRS
THE HAGUE

TREATIES DEPARTMENT
DVE/VV-160603

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of the Note No. 49 dated 23 June 1986 of the Embassy, the text of which reads as follows:

(Zoals in Nr. I)

The Ministry furthermore has the honor to confirm that the proposal contained in the Embassy's Note is acceptable to the Government of the Kingdom of the Netherlands and that the Note together with this reply shall constitute an agreement between our two Governments which shall enter into force in accordance with the provisions of Article VIII of the text of the Note.

The Hague, 23 June 1986.

*To the Embassy of the
United States of America
at
The Hague*

D. PARLEMENT

De in de nota's vervatte overeenkomst behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan de overeenkomst kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van de overeenkomst zullen ingevolge artikel VIII in werking treden op de datum waarop de Regering van het Koninkrijk der Nederlanden de Regering van de Verenigde Staten van Amerika ervan in kennis heeft gesteld dat aan de Nederlandse constitutionele vereisten is voldaan.

J. GEGEVENS

Van het op 18 april 1961 tot stand gekomen Verdrag van Wenen inzake diplomatiek verkeer, naar welk Verdrag onder meer in artikel IV, derde lid, van de onderhavige overeenkomst wordt verwezen, is de tekst geplaatst in *Trb.* 1962, 101 en de vertaling in *Trb.* 1962, 159. Zie ook *Trb.* 1984, 108.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties, naar welk Verdrag in artikel IV, derde lid, van de onderhavige overeenkomst wordt verwezen, zijn tekst en vertaling bekendgemaakt in *Stb.* I 224. Zie ook, laatstelijk, *Trb.* 1979, 35.

Uitgegeven de zesde augustus 1986.

De Minister van Buitenlandse Zaken a.i.,

C. P. VAN DIJK