

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 149

A. TITEL

*Notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Republiek Polen houdende een overeenkomst met betrekking tot de status van inspecteurs, waarnemers en transportbemanningen in het kader van de Nederlands-Poolse CSE-proefinspecties;
Warschau, 1 en 5 september 1990*

B. TEKST

Nr. I

No. 2391

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honour to ask the Ministry's attention for the following:

In the margin of the opening of the "open skies" conference in Ottawa on 12th February, 1990, it has been agreed in principle between the Minister of Foreign Affairs of the Netherlands and the Minister of Foreign Affairs of Poland that in the second half of this year two trial inspection activities will be carried out, one in the Netherlands and one in Poland, in preparation of the treaty on conventional forces in Europe which is currently being negotiated in Vienna between 23 states, amongst them the Kingdom of the Netherlands and the Republic of Poland. The modalities for the conduct of

these two trial inspection activities have since been agreed upon and laid down in the "Memorandum of Understanding" signed by the Minister of Defence of The Netherlands and the Minister of National Defence of Poland in Warsaw on 4th June, 1990.

In order to provide for the requisite status of inspectors and observers as well as, if applicable, transport crew members during their stay in the receiving country, the Embassy has the honour, with reference to Article V, Section III, Paragraph VII and to Article VII, Paragraph 3 of the above mentioned "Memorandum of Understanding", to propose the following provisions:

1. Inspectors, observers and transport crew members shall, from the time of their arrival in the receiving country until their departure from that country, enjoy immunity from personal arrest and detention and from seizure of their personal baggage. They shall furthermore enjoy, in respect of all acts done by them in their official capacity, immunity from every form of legal process. At the request of the receiving country, this immunity from jurisdiction may be waived by the sending country in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the functions performed by the person(s) concerned.

Such waiver must always be express and shall not be deemed to include waiver of immunity from measures of execution, for which a separate waiver is necessary.

2. Inspectors, observers and transport crew members shall be permitted to bring into the territory of the receiving country, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

If the foregoing provisions are acceptable to the Ministry of Foreign Affairs of the Republic of Poland, the Royal Netherlands Embassy has the honour to propose that this Note and the Ministry's reply thereto indicating such acceptance shall constitute an agreement under international law between the Government of the Netherlands and the Government of Poland concerning this matter, which will come into force on the date of receipt of the Ministry's reply, and which will remain in force until after both the trial inspection activities have been carried out, the total duration of the agreement not exceeding a period of one year.

The Royal Netherlands Embassy avails itself of this opportunity to

renew to the Ministry of Foreign Affairs of the Republic of Poland the assurances of its highest consideration.

Warsaw, 1st September, 1990.

*Ministry of Foreign Affairs
of the Republic of Poland
Warsaw*

Nr. II

No DIE 43/RAK-Wied-2/15-90 (15)

The Ministry of Foreign Affairs of the Republic of Poland presents its compliments to the Royal Netherlands Embassy and has the honour to confirm the receipt of the Embassy note no. 2391 dated 1st September 1990, the contents of which read as follows:

(Zoals in Nr. I)

The Ministry of Foreign Affairs has the honour to inform, that the Government of the Republic of Poland has accepted the above mentioned proposals. The Ministry considers that the quoted Note of the Royal Netherlands Embassy, and the Ministry's reply thereto, constitute an agreement under international law between the Government of Poland and the Government of the Netherlands concerning the status of inspectors, observers and transport crew members during the two trial inspection activities. The agreement shall come into force on the date of receipt of this reply and will remain in force until after both the trial inspection activities have been carried out, the total duration of the agreement not exceeding a period of one year.

The Ministry of Foreign Affairs of the Republic of Poland avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

Warsaw, 5th September, 1990.

*Royal Netherlands Embassy
Warsaw*

D. PARLEMENT

De in de nota's vervatte overeenkomst heeft ingevolge additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet, juncto artikel 62, eerste lid, onderdeel c, van de Grondwet naar de tekst van 1972, niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van de in de nota's vervatte overeenkomst zijn op 5 september 1990 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt de overeenkomst alleen voor Nederland.

Uitgegeven de *negenentwintigste* oktober 1990.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK