

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1993 Nr. 66

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Volksrepubliek China inzake het Opleidingsprogramma voor managers
van ondernemingen;
Beijing, 23 maart 1993*

B. TEKST

**Agreement between the Government of the Kingdom of the Netherlands
and the Government of the People's Republic of China**

The Government of the Kingdom of the Netherlands
and
the Government of the People's Republic of China

Have entered into the following Agreement:

Article I

1. The two Governments shall jointly execute a project to be known as «Chinese Enterprise Management Training Programme».

2. The aims of the project are the strengthening of the capabilities of the Hunan Economic Management College (HEMC), Changsha as a resource centre for management and management training, both at the Hunan provincial level and, as one of the key-training institutes under the central Government, at national level.

3. The project is planned to last 3,5 years, with effect from November 1, 1992.

4. The value of the Netherlands contribution is estimated at Dfl. 3,312,735.

5. The value of the Chinese contribution is estimated at RMB Y 6,075,030.

Article II

Both Governments shall establish by common consent a Project Document indicating in detail the contribution of either Party, the number of Netherlands personnel and their job-descriptions, the duration of their stay on the Project and a description of the equipment and materials to be made available.

Article III

The Chinese Government shall take any measures which may be necessary to exempt the Netherlands personnel from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of the project, as described in the Plan of Operations approved by both Governments. The Chinese Government shall,

1. grant the Netherlands personnel, their spouses and dependants, the prompt issuance free of charge of necessary visas, licences or permits;
2. grant the Netherlands personnel access to the site of work and all necessary rights of way;
3. grant the Netherlands personnel free movement, whether within or to or from the country;
4. grant the Netherlands personnel the most favourable rate of exchange;
5. grant the Netherlands personnel, their spouses and dependants repatriation facilities in time of national and international crises;
6. grant the Netherlands personnel, their spouses and dependants exemption from national service obligations;
7. exempt the Netherlands personnel from taxes, duties or fees on:
 - a) the salaries, emoluments or wages in connection with this Agreement paid by the Netherlands Government;
 - b) the importation and exportation of any property (including one motor-vehicle) for their personal use;
8. grant the Netherlands personnel immunity from legal action in respect of words spoken or written and in respect of all acts performed by them in their official capacity.

Article IV

Privileges and immunities are not granted to the Netherlands personnel for the personal benefit of the individuals themselves. The Netherlands Government shall waive the immunity in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to its interests.

Article V

1. The Chinese Government shall indemnify and hold harmless the Netherlands Government and the personnel supplied by the Netherlands against any liability, arising from any act or omission made in the course of the performance of the duties of the Netherlands personnel and causing the death or physical injury to a third party or damage to the property of a third party, unless such liability derives from wilful misconduct or from gross negligence on the part of one or more of the experts.

2. If the Chinese Government has to deal with any claim in accordance with the preceding paragraph the Chinese Government will be entitled to exercise all rights to which the Netherlands or the Netherlands personnel are entitled.

Article VI

1. The Chinese Government shall exempt from all import and export duties and other official charges the equipment (including motor-vehicles) and other supplies provided by the Netherlands Government in connection with the project.

2. The ownership of all equipment and materials supplied by the Netherlands Government will be transferred to the HEMC, unless both Governments otherwise agree.

Article VII

1. This Agreement will enter into force for the period of one year on the day of its signature.

2. Unless this Agreement is denounced 30 days before the end of the year it is deemed to be prolonged indefinitely.

3. In case this Agreement is prolonged indefinitely the Agreement will end on the date on which the project has been completed.

4. After termination of the Agreement in conformity with the paragraph 2 and 3 of this Article the provisions of the Agreement will

be applied for a further period of 6 months maximum, with a view to the administrative completion of the project.

DONE in duplicate at Beijing on 23 March 1993 in the English language.

For the Government of the Kingdom of the Netherlands

(sd.) D. J. VAN HOUTEN

D. J. van Houten
Ambassador

For the Government of the People's Republic of China

(sd.) LONG YONGTU

Long Yongtu
Director General of the Department of International Trade and
Economic Affairs,
Ministry of Foreign Economic Relations and Trade

D. PARLEMENT

De Overeenkomst behoefde niet de goedkeuring van de Staten-Generaal ingevolge artikel 91, juncto additioneel artikel XXI, eerste lid, van de Grondwet en artikel 62, eerste lid, onderdeel c, van de Grondwet naar de tekst van 1972, alvorens in werking te kunnen treden.

De Overeenkomst heeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens op 23 maart 1994 voor onbepaalde tijd te kunnen worden verlengd.

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zijn ingevolge artikel VII, eerste lid, op 23 maart 1993 in werking getreden.

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

Uitgegeven de *vierde* mei 1993.

De Minister van Buitenlandse Zaken,

P. H. KOOIJMANS