

24 (1997) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1997 Nr. 293

A. TITEL

*Notawisseling tussen de Nederlandse en de Oostenrijkse Regering houdende een verdrag inzake voorrechten en immuniteiten te verlenen aan verbindingssambtenaren en andere personeelsleden die vanwege de Oostenrijkse Regering bij de Europol Drugs Eenheid te 's-Gravenhage worden tewerkgesteld;
Wenen, 19 april 1996/6 oktober 1997*

B. TEKST

Nr. I

No. europo1/96

Note

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Austria and with reference to the Joint Action of 10 March 1995 and to the decision of the European Council of 29 October 1993 that Europol should have its seat in The Hague, and pending the establishment of Europol by treaty, has the honour to propose the following on behalf of the Government of the Netherlands.

1. Liaison officers and other members of staff who are employed at the Europol Drugs Unit in The Hague on behalf of the Federal Republic of Austria under the aforementioned Joint Action and who settle in the Netherlands for that reason, and members of their family who form part of their household and who do not possess Dutch nationality, shall enjoy the privileges and immunities in and vis-à-vis the Kingdom of the Netherlands that accrue to members of the administrative and technical staff of diplomatic missions established in the Netherlands under the Vienna Convention on Diplomatic Relations of 18 April 1961, except that the immunities shall not extend to damage caused by a vehicle or other

means of transport belonging to or driven by them, nor to traffic offences and that the immunity from criminal jurisdiction shall not extend to acts performed outside the course of their duties.

2. The obligations of Sending States and their personnel that apply under the Vienna Convention to members of the administrative and technical staff of diplomatic missions established in the Netherlands shall apply to the persons referred to at 1.

3. The Kingdom of the Netherlands shall, upon request, supply the persons referred to at 1. with an identity card showing their status.

The Embassy proposes that this note and the affirmative note of the Ministry of Foreign Affairs together shall constitute an agreement between the Kingdom of the Netherlands and the Federal Republic of Austria, which shall enter into force on the fifteenth day after the date of receipt of the affirmative note of the Ministry of Foreign Affairs and which shall remain in force for one year. At the end of this term a further exchange of notes to prolong this agreement may be concluded, if an agreement to be negotiated between the Kingdom of the Netherlands and the Federal Republic of Austria and based on Article 41, paragraph 2, of the Convention on the establishment of a European Police Office, is not yet in force.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Federal Republic of Austria the assurances of its very high consideration.

Vienna, 19 april 1996

Ministry of Foreign Affairs
Section I/2
Ballhausplatz 2
1014 VIENNA

NR. II

FEDERAL MINISTRY FOR FOREIGN AFFAIRS

No. 2355.116/465–I.2/97

Note Verbale

The Ministry of Foreign Affairs of the Federal Republic of Austria presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to confirm receipt of the Embassy's note of 19 April 1996, no. europol/96, which reads as follows:

(Zoals in Nr. I)

The Ministry has the honour to inform the Embassy that the above proposals are acceptable to the Federal Republic of Austria and that the note of the Embassy and this affirmative note constitute an agreement between the Kingdom of the Netherlands and the Federal Republic of Austria which shall enter into force on the fifteenth day after the date of receipt by the Embassy of this note and which shall remain in force for one year while, in case at the end of this term a treaty concerning the establishment of Europol is not in force, a further exchange of notes to prolong the Agreement may be concluded.

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

Vienna, 6 October 1997

*To the Royal Netherlands Embassy
Vienna*

D. PARLEMENT

Het in de nota's vervatte verdrag behoefde ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring der Staten-Generaal, alvorens in werking te kunnen treden.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de voorlaatste alinea van de nota's op 23 oktober 1997 in werking getreden.

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

J. GEGEVENS

De Engelse en de Franse tekst van het op 18 april 1961 tot stand gekomen Verdrag van Wenen inzake diplomatiek verkeer, naar welk Verdrag onder meer in punt 1 van de onderhavige nota's wordt verwezen, zijn geplaatst in *Trb.* 1962, 101 en de vertaling is geplaatst in *Trb.* 1962, 159; zie ook, laatstelijk, *Trb.* 1994, 212.

Van de op 26 juli 1995 te Brussel tot stand gekomen Overeenkomst tot oprichting van een Europese Politiedienst (Europol-Overeenkomst), naar welke Overeenkomst in de voorlaatste alinea van de nota's wordt verwezen, zijn de Nederlandse, Engelse en Franse tekst geplaatst in *Trb.* 1995, 282. Het Verdrag is nog niet in werking getreden.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het verdrag in Nederland zal zijn bekendgemaakt op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *achttiende* november 1997.

De Minister van Buitenlandse Zaken a.i.,

W. KOK