

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2000 Nr. 123

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Volksrepubliek China inzake een project gericht op de verbetering van „environmental efficiency” door verbeterde productieprocessen in de Chinese industrie-sector;
Beijing, 30 augustus 2000*

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 “Improving environmental efficiency through improved process control and instrumentation in China's industries” – project code CN012513.
2. The aims of the project are the stimulation of (inter)national process control technology transfer, the enhancement of the demand by industries for process control and instrumentation equipment, and the strengthening of the supply by producers of process control and instrumentation equipment.
3. The project is planned to last four years, with effect from 1 September 1999.
4. The value of the Netherlands contribution is estimated at 2,975,490 Netherlands Guilders.

5. The value of the Chinese contribution is estimated at 4,400,000 RMB.

Article II

Both Governments have established by common consent a Project Document and Inception Report 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 Government of the People's Republic of China shall take any measures to enable the Netherlands personnel to execute their responsibilities in order to ensure a smooth execution of the project. The Government of the People's Republic of China 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, their spouses and their dependants repatriation facilities in time of national and international crises;
5. grant the Netherlands personnel, their spouses and dependants exemption from national service obligations;
6. 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. The Agreement between the Kingdom of the Netherlands and the People's Republic of China for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income of 13 May 1987 shall not apply with respect to salaries, emoluments and wages and these salaries, emoluments and wages shall thus be taxable according to the legislation of the Kingdom of the Netherlands;
 - b) any property, for their personal use (including one motor vehicle) imported in or exported from the People's Republic of China;
7. grant the Netherlands personnel immunity from legal action in respect of words spoken or written and as regards all acts performed by them, on the understanding that immunity shall apply only insofar as those words and acts relate to the discharging of their official duty.

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 Government of the People's Republic of China 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, unless such liability derives from wilful misconduct or from gross negligence on the part of one or more of the experts.

2. If the Government of the People's Republic of China has to deal with any claim in accordance with the preceding paragraph the Government of the People's Republic of China will be entitled to exercise all rights to which the Netherlands or the Netherlands personnel are entitled.

Article VI

1. The Government of the People's Republic of China 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 Government of the People's Republic of China at the end of the project, 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. Upon termination of the Agreement in conformity with paragraphs 2 and 3 of this Article, the provisions of the Agreement will be applied for a further period of six months maximum, with a view to the administrative completion of the project.

5. With respect to the Kingdom of the Netherlands, this Agreement shall apply to the territory in Europe only.

DONE in duplicate at Beijing on 30 August of the year 2000 in the English language.

For the Government of the Kingdom of the Netherlands

(sd.) A. OOSTRA

H.E. Mr. A. Oostra
Ambassador Extraordinary and Plenipotentiary

For the Government of the People's Republic of China

(sd.) LONG YONGTU

H.E. Mr. Long Yongtu
Vice Minister of Foreign Trade and Economic Cooperation

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring der Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel VII, eerste lid, op 30 augustus 2000 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het Verdrag ingevolge artikel VII, vijfde lid, alleen voor Nederland.

J. GEGEVENS

Van de op 13 mei 1987 te Beijing tot stand gekomen Overeenkomst tussen het Koninkrijk der Nederlanden en de Volksrepubliek China tot het vermijden van dubbele belasting en het voorkomen van het ontgaan van belasting met betrekking tot belastingen naar het inkomen, naar welke Overeenkomst in artikel III, zesde lid, onder a, wordt verwezen, zijn de Engelse en Nederlandse tekst geplaatst in *Trb.* 1987, 93; zie ook, *Trb.* 1988, 20.

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 op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *dertigste* oktober 2000.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN