

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2001 Nr. 154

A. TITEL

Notawisseling tussen de regering van het Koninkrijk der Nederlanden en de regering van Zwitserland, houdende een verdrag inzake de status van de verbindingsofficieren die door Zwitserland in het kader van het Partnerschap voor de Vrede ter beschikking worden gesteld aan het regionale NAVO-hoofdkwartier van de Allied Forces North (AFNORTH) te Brunssum; 's-Gravenhage, 3 juli 2001

B. TEKST

Nr. I

MINISTERIE VAN
BUITENLANDSE ZAKEN

The Hague, 3 July 2001

Treaties Division
DJZ/VE-639/01

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of Switzerland and has the honour to propose that, since Switzerland is for the time being not a party to the Further Additional Protocol to the Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of their forces (done at Brussels, on 19 December 1997), the status of a liaison officer to be seconded by Switzerland to the Partnership for Peace Staff Element at Regional Headquarters Allied Forces North in the Netherlands, be agreed upon as follows:

1. Definitions

In this Agreement:

- a) "RHQ AFNORTH" means Regional Headquarters Allied Forces North;
- b) "Liaison Officer" means: a Partnership for Peace Programmes Staff Officer, who will be a member of the Partnership for Peace Staff Element at RHQ AFNORTH;
- c) "Host State authorities" means such state, municipal or other authorities of the Kingdom of the Netherlands as may be appropriate in the context of and in accordance with the laws and regulations of the Kingdom of the Netherlands;
- d) "Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Object and Purpose

Switzerland may second Liaison Officers to the Partnership for Peace Staff Element at RHQ AFNORTH in the Netherlands.

3. Privileges and immunities

1. Subject to the provisions of this Agreement, a Liaison Officer and members of his family who form part of his household and do not possess Dutch nationality shall enjoy in and vis-à-vis the Netherlands the same privileges and immunities as are conferred on members of the administrative and technical staff by the Convention.

2. The immunities shall not extend to damages, including personal injury or death, arising from a traffic accident caused by a vehicle or other means of transport belonging to or driven by the Liaison Officer and members of his family, nor to traffic offences.

3. The protection, as referred to in Article 30, paragraph 1 of the Convention, shall not apply.

4. The obligations of Switzerland and its personnel that apply under the Convention to members of the administrative and technical staff, shall apply to the persons referred to in paragraph 1 of this Article. All necessary contacts with the authorities of Switzerland shall take place through the diplomatic mission of Switzerland in the Netherlands.

4. Entry, stay and departure

1. The Kingdom of the Netherlands shall facilitate, if necessary, the entry, stay and departure of the Liaison Officer and members of his family forming part of the household.

2. This Article shall not prevent the requirement of reasonable evidence to establish that persons claiming the treatment provided for under this Article come within the classes described in paragraph 1 of this Article.

3. Visas which may be required by persons referred to in this Article shall be granted without charge and as promptly as possible.

5. Notification

1. Switzerland shall promptly notify the Kingdom of the Netherlands of the name of the Liaison Officer, his arrival and his final departure or the termination of his secondment as well as the arrival and final departure of the members of his family forming part of the household and, where appropriate, the fact that a person has ceased to form part of the household.

2. The Kingdom of the Netherlands shall issue to the Liaison Officer and members of his family forming part of the household an identification card bearing the photographs of the holder. This card shall serve to identify the holder in relation to all Host State authorities.

6. Settlement of Disputes

Any dispute between Switzerland and the Kingdom of the Netherlands concerning the interpretation or application of this Agreement or any question affecting the Liaison Officer or the relationship between Switzerland and the Kingdom of the Netherlands shall be settled through consultations between the parties and shall not be referred to a national or international tribunal or other third party for settlement.

7. Territorial scope

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

If this proposal is acceptable to the Government of Switzerland, the Ministry of Foreign Affairs of the Kingdom of the Netherlands proposes that this note and the affirmative note of the Embassy of Switzerland shall constitute an Agreement between the Kingdom of the Netherlands and the Swiss Confederation, which shall be provisionally applied from the first day of the second month following the day on which the aforementioned affirmative note of the Embassy of Switzerland has been received by the Ministry and shall enter into force on the first day of the second month following the day on which the Kingdom of the Netherlands has informed the Swiss Confederation in writing that the legal requirements for entry into force have been complied with.

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

*To the Embassy of Switzerland
at The Hague*

Nr. II

EMBASSY OF SWITZERLAND

The Hague, 3 July 2001

No 41

The Embassy of Switzerland presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge the receipt of the Note of 3 July 2001 which reads as follows:

(Zoals in Nr. I)

The Embassy of Switzerland has further the honour to confirm that the foregoing is acceptable to the Government of Switzerland and that the Ministry's Note and this reply shall constitute an Agreement between the Swiss Confederation and the Kingdom of the Netherlands on this matter which shall be provisionally applied from the first day of the second month following the day on which this affirmative note has been received by the Ministry and shall enter into force on the first day of the second month following the day on which the Kingdom of the Netherlands has informed the Swiss Confederation in writing that the legal requirements for entry into force have been complied with.

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

*Ministry of Foreign Affairs
of the Kingdom of The Netherlands
The Hague*

D. PARLEMENT

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

De voorlopige toepassing van het in de nota's vervatte verdrag (zie rubriek G hieronder) is in overeenstemming met artikel 15, vierde lid, van de Rijkswet goedkeuring en bekendmaking verdragen medegedeeld aan de Eerste en Tweede Kamer der Staten-Generaal bij brieven van 6 juli 2001.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zullen ingevolge het in de op één na laatste alinea van Nota Nr. II gestelde in werking treden op de eerste dag van de tweede maand volgend op de datum waarop het Koninkrijk der Nederlanden de Zwitserse Confederatie er schriftelijk van in kennis heeft gesteld dat aan de wettelijke vereisten voor inwerkingtreding is voldaan.

Ingevolge het in de op één na laatste alinea van Nota Nr. II gestelde wordt het in de nota's vervatte verdrag vanaf 1 september 2001 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, zal het in de nota's vervatte verdrag ingevolge paragraaf 7 van Nota Nr. I alleen voor Nederland gelden.

J. GEGEVENS

Van het op 18 april 1961 te Wenen tot stand gekomen Verdrag van Wenen inzake diplomatiek verkeer, naar welk Verdrag in paragraaf 1, onderdeel d, van Nota Nr. I wordt verwezen, zijn de Engelse en Franse tekst geplaatst in *Trb.* 1962, 101 en de vertaling in *Trb.* 1962, 159. Zie ook, laatstelijk, *Trb.* 1994, 212.

Van het op 19 december 1997 te Brussel tot stand gekomen Nader Aanvullend Protocol bij het Verdrag tussen de Staten die Partij zijn bij het Noord-Atlantisch Verdrag en de overige Staten die deelnemen aan het Partnerschap voor de Vrede opens de rechtspositie van hun krijgsmachten, naar welk Protocol in de eerste alinea van Nota Nr. I wordt verwezen, zijn de Engelse en Franse tekst geplaatst in *Trb.* 1998, 188 en de vertaling in *Trb.* 1998, 257.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse

Zaken bepaald dat het onderhavige verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *veertiende* september 2001.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN