

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2004 Nr. 158

A. TITEL

Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de President van het „Iran-United States Claims Tribunal” inzake het toekennen van voorrechten en immuniteiten aan het Tribunaal; 's-Gravenhage, 6 en 24 september 1990

B. TEKST

De tekst van de in de brieven vervatte overeenkomst is geplaatst in *Trb.* 1990, 150.

D. PARLEMENT

Zie *Trb.* 1990, 150.

G. INWERKINGTREDING

Zie *Trb.* 1990, 150.

J. GEGEVENS

Zie *Trb.* 1990, 150.

Verwijzingen

- Titel : Notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika houdende een overeenkomst betreffende een garantiefonds in verband met de beslechting van bepaalde geschillen tussen de Verenigde Staten van Amerika en Iran; 's-Gravenhage, 10 juli 1981
- Tekst : *Trb.* 1981, 216
- Laatste *Trb.* : *Trb.* 1982, 172

Titel : Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de President van het „Iran-United States Claims Tribunal” inzake het toekennen van voorrechten aan het Tribunaal;
’s-Gravenhage, 4 en 14 maart 1988
Tekst : *Trb.* 1988, 25

Wijziging

De in de onderhavige briefwisseling vervatte overeenkomst is gewijzigd door de hieronder afgedrukte nota’s van 20 april 2004 inzake de tewerkstelling van gezinsleden.

De tekst van deze nota’s luidt als volgt:

Nr. I

Ministerie van Buitenlandse Zaken

The Hague, 20 April 2004

Treaties Division
DJZ/VE-384/04

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Iran-United States Claims Tribunal (hereinafter: the Tribunal) and, with reference to the discussions between the Ministry and the Tribunal regarding the employment opportunities of members of the families forming part of the households of the Members, the Secretary-General, and the Staff of the Tribunal, has the honour to propose that a new Article 17A be inserted after Article 17 of the Exchange of Letters containing an Agreement between the Kingdom of the Netherlands and the Iran-United States Claims Tribunal, concluded at The Hague on 6 and 24 September 1990 reading as follows:

“Article 17A

1. Members of the family forming part of the households of the Members, the Secretary-General, and the Staff of the Tribunal shall be authorised to engage in gainful employment in the Netherlands for the duration of the term of office of the Member concerned, the Secretary-General, or the Staff member concerned.

2. The following persons are members of the family forming part of the household in the sense of paragraph 1:

a. the spouse or registered partner of a Member, the Secretary-General, or a Staff member of the Tribunal;

b. children under the age of 18 of a Member, the Secretary-General, or a Staff member of the Tribunal;

c. children aged 18 or over, but not older than 27, of a Member, the Secretary-General, or a Staff member of the Tribunal, provided that they formed part of his or her household prior to their first entry into the Netherlands and still form part of this household, and that they are unmarried, financially dependent on the Member concerned, the Secretary-General, or the Staff member concerned and are attending education in the Netherlands.

3. Members of the family forming part of the households of the Members and of the Secretary-General, in accordance with paragraph 2 of this Article, who obtain gainful employment, shall, in accordance with Article 9, paragraph 2, subparagraph (c) and the first sentence of Article 17, paragraph 2, respectively, have no immunity from civil, administrative, or criminal jurisdiction with respect to matters arising in the course of or in connection with such employment. Measures of execution in respect of members of the family forming part of the households of the Members and of the Secretary-General in matters arising in the course of or in connection with their gainful employment can only be taken if those measures do not infringe the inviolability of their person or of their residence, in as far as they are entitled to such inviolability.

4. In case of the insolvency of a person aged under 18 with respect to a claim arising out of gainful employment of that person under this Article, the immunity of the Member, the Secretary-General, or Staff member of the Tribunal of whose family the person concerned is a member shall be waived by the Tribunal for the purpose of settlement of the claim, in accordance with Article 14.

5. Employment referred to in paragraph 1 shall be in accordance with Netherlands legislation, including fiscal and social security legislation, unless any other applicable international legal instrument provides otherwise.”

If this proposal is acceptable to the Tribunal, the Ministry proposes that this Note and the Tribunal’s affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the Iran – United States Claims Tribunal, which shall enter into force on the date of the Tribunal’s reply.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Iran-United States Claims Tribunal the assurances of its highest consideration.

Nr. II

Iran-United States Claims Tribunal
PR/N/P/2004/17

The Hague, 20 April 2004

The Iran-United States Claims Tribunal presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-384/04 of 20 April 2004, which reads as follows:

(Zoals in Nr. I)

In reply, the Iran-United States Claims Tribunal has the honour to inform the Ministry that the proposal is acceptable to the Iran-United States Claims Tribunal, which therefore agrees that the Ministry's Note and this reply shall constitute an Agreement between the Iran-United States Claims Tribunal and the Kingdom of the Netherlands, which shall enter into force on the date of this reply.

The Iran-United States Claims Tribunal avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het in de laatste alinea's van de nota's gestelde in werking getreden op 20 april 2004.

Wat het Koninkrijk der Nederlanden betreft, geldt het in de nota's vervatte verdrag alleen voor Nederland.

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 *negende* juni 2004.

De Minister van Buitenlandse Zaken,

B. R. BOT