

14 (2004) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2004 Nr. 206

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Europees Ruimte-Agentschap (ESA) inzake de positie van ESA-ESTEC-stagiairs in Nederland;
Noordwijk, 23 juli 2004*

B. TEKST

Nr. I

MINISTERIE VAN BUITENLANDSE ZAKEN

The Hague, 23 July 2004

Treaties Division
DJZ/VE-665/04

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the European Space Agency, hereinafter referred to as ESA, and, with reference to the consultations between the Ministry and ESA regarding the registration of apprentices who have been accepted by ESA into its apprenticeship programme in the Netherlands, has the honour to propose the following:

Recalling the Agreement that has been concluded on 10 February 1999 between the Kingdom of the Netherlands and ESA concerning the European Space Research Technology Centre (hereinafter referred to as the Headquarters Agreement), which forms the basis for the contacts and cooperation between the Netherlands and ESA,

Noting that the Headquarters Agreement contains no provisions concerning the registration of apprentices who have been accepted by ESA for its apprenticeship programme for the European Space Research Technology Centre, hereinafter referred to as ESTEC, in the Netherlands,

Taking note of ESA's need for an efficient and time effective system to register such apprentices in the Netherlands;

Noting ESA's wish to come to an exchange of Diplomatic Notes, in which the registration of apprentices at ESTEC in the Netherlands is settled;

Proposes to come to the following Agreement:

1. For the purposes of the present exchange of Diplomatic Notes, "apprentice" means a person who has been accepted by ESA for its apprenticeship programme for ESTEC for the purpose of performing certain tasks at ESTEC without receiving salary from ESA therefor. An apprentice shall not be considered in any respect to fall under one of the categories of persons as described in Article 1 or Article 14 of the Headquarters Agreement.

2. Within eight (8) days after first arrival of the apprentice in the Netherlands, the Agency shall request the Ministry of Foreign Affairs to register the apprentice in accordance with paragraph 3.

3. The Ministry of Foreign Affairs shall register the apprentice in the Netherlands for the purpose of his apprenticeship at ESTEC for a maximum period of one year, provided that ESA supplies the Ministry of Foreign Affairs with a declaration signed by the apprentice, accompanied by adequate proof, to the effect that:

a) the apprentice entered the Netherlands in accordance with the applicable immigration procedures;

b) the apprentice has sufficient financial means for living expenses and for repatriation, as well as sufficient medical insurance (including coverage of costs of hospitalization for at least the duration of the apprenticeship plus one month) and third party liability insurance, and will not be a charge to the public purse of the Netherlands;

c) the apprentice will not work in the Netherlands during his apprenticeship other than as an apprentice at ESTEC;

d) the apprentice will not bring any family members to reside with him in the Netherlands other than in accordance with the applicable immigration procedures;

e) the apprentice will leave the Netherlands within 14 days after termination of his apprenticeship with ESA unless he is otherwise entitled to stay in the Netherlands in accordance with the applicable immigration legislation.

4. Upon registration of the apprentice in accordance with paragraph 3, the Ministry of Foreign Affairs shall issue an identity card bearing the code ZF to the apprentice.

5. ESA shall not incur liability for damage resulting from non-fulfilment, by apprentices registered in accordance with paragraph 3, of the conditions of the declaration referred to in that paragraph.

6. The apprentice shall not enjoy any privileges or immunities.

7. In exceptional circumstances, the maximum period of one year mentioned in paragraph 3 may be extended once by a maximum period of one year.

8. ESA shall notify the Ministry of Foreign Affairs of the final departure of the apprentice from the Netherlands within eight (8) days after such departure, and shall at the same time return the identity card of the apprentice.

9. This Agreement may be amended by mutual written consent at any time at the request of either ESA or the Kingdom of the Netherlands.

10. Any dispute between ESA and the Kingdom of the Netherlands concerning the interpretation or application of this Agreement, which cannot be settled amicably, shall be settled by way of the procedure set out in Article 25 of the Headquarters Agreement.

11. This Agreement is concluded for an indefinite period of time. At any time, either ESA or the Kingdom of the Netherlands may terminate the Agreement by giving three (3) months advance notice in writing.

If the above proposal is acceptable to ESA, the Ministry has the honour to propose that this Diplomatic Note and ESA's affirmative reply shall together constitute an Agreement between the Kingdom of the Netherlands and ESA, which shall be applied provisionally as from the date of such reply, and which shall enter into force on the day after both Parties have notified each other 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 ESA the assurances of its highest consideration.

*European Space Agency
Noordwijk*

Nr. II

EUROPEAN SPACE AGENCY
NOORDWIJK

Noordwijk, 23 July 2004

RES-HTL/AvdE/2.2/714

The European Space Agency 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-665/04 of 23 July 2004, which reads as follows:

(Zoals in Nr. I)

The European Space Agency has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the European Space Agency. The European Space Agency accordingly agrees that the Ministry's Note and this reply shall constitute an Agreement between the European Space Agency and the Kingdom of the Netherlands, which shall be applied provisionally as from the date of such reply, and which shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The European Space Agency 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.

*Ministry of Foreign Affairs
The Hague*

D. PARLEMENT

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

G. INWERKINGTREDING

De gestelde bepalingen van het in de nota's vervatte verdrag zullen ingevolge het in de op één na laatste alinea van nota's Nr. I en II in werking treden op de dag nadat beide Partijen elkaar schriftelijk ervan op de hoogte hebben gesteld dat aan de juridische vereisten voor inwerkingtreding is voldaan.

De bepalingen van het in de nota's vervatte verdrag worden ingevolge het gestelde in de op één na laatste alinea van nota's Nr. I en II vanaf 23 juli 2004 voorlopig toegepast.

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

J. GEGEVENS**Verwijzingen**

- Titel : Verdrag tussen het Koninkrijk der Nederlanden en het Europees Ruimte Agentschap inzake het Europees Centrum voor onderzoek en technologie-ontwikkeling op ruimtevaartgebied;
Noordwijk, 10 februari 1999
- Tekst : *Trb.* 1999, 41 (Engels en Frans)

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

Uitgegeven de vierentwintigste augustus 2004.

De Minister van Buitenlandse Zaken,

B. R. BOT