

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 107

A. TITEL

*Verdrag tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Republiek Albanië inzake het sub-project van de pesticidenopslagplaats van Bishti i Pallës;
Tirana, 24 februari 2006*

B. TEKST

Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Albania on the sub-project of the Pesticide warehouses of Bishti i Pallës

The Government of the Kingdom of the Netherlands and the Government of the Republic of Albania (hereinafter referred to as the “Contracting Parties”) have entered into the following Agreement:

Article I

1. The Contracting Parties shall jointly execute a sub-project to be known as “The removal of the chemical waste of the pesticide warehouses at Bishti i Pallës”. This sub-project is part of the project “TIR Porto Romano”, with activity number 10470, which is sponsored by the Kingdom of the Netherlands. The Kingdom of the Netherlands will act as the executing partner for this sub-project by hiring a contractor. The Albanian Government will make available to the contractor the site which is known as the “Pesticide warehouses at Bishti i Pallës” (or “Magazina e Pesticideve Bishtpallës” in Albanian) and take over the site again within seven days of the Project Manager’s approved Certificate of Completion.

2. The aims of the sub-project are to repackage, remove and dispose the pesticide and other chemical materials from the “Pesticide warehouses at Bishti i Pallës”.

3. The sub-project is planned to last till the completion of the work at the Pesticide warehouses at Bishti i Pallës.

4. The value of the Netherlands contribution is estimated at EUR 2 million.

5. The value of the Albanian contribution is estimated to cover the value added tax and local costs of the project.

Article II

For the purposes of this Agreement:

1. "Netherlands personnel" means persons not having the citizenship and not being a permanent resident of the Republic of Albania:

- employed by the Netherlands for the purpose of this sub-project; or
- employed by companies or institutions with whom the Netherlands or Albania has concluded an agreement for the execution of the sub-project.

2. "Dependants" means spouses and partners of Netherlands personnel and relatives dependent on them, forming part of their household.

Article III

Both Contracting Parties shall establish by common consent a Project Document indicating in detail the contribution of either Contracting 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 IV

The Republic of Albania shall take any measures to enable the Netherlands personnel to execute their responsibilities in order to ensure a smooth execution of the project. The Republic of Albania shall:

1. grant the Netherlands personnel and their dependants the prompt issuance free of charge of necessary visas, licenses 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 and their dependants repatriation facilities in time of national and international crises;

5. grant the Netherlands personnel and their dependants exemption from national service obligations;

6. grant the Netherlands personnel immunity from legal action in respect of words spoken or written and in respect of all acts performed by them in their official capacity.

Article V

Privileges and immunities are not granted to the Netherlands personnel for the personal benefit of the individuals themselves. The Kingdom of the Netherlands 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 VI

1. The Republic of Albania shall indemnify and hold harmless the Kingdom of the Netherlands and the Netherlands personnel 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 or damage to the property of a third party, unless such liability derives from willful misconduct or from gross negligence on the part of the Netherlands personnel.

2. If the Republic of Albania has to deal with any claim in accordance with the preceding paragraph, the Republic of Albania shall be entitled to exercise all rights to which the Kingdom of the Netherlands or the Netherlands personnel are entitled.

Article VII

1. The Republic of Albania shall exempt from all import and export duties and other official charges the equipment (including motor vehicles) and other supplies provided by the Kingdom of the Netherlands in connection with the project.

2. The ownership of all equipment and materials supplied and owned by the Kingdom of the Netherlands shall be transferred to the Republic of Albania at the end of the project, unless both Contracting Parties otherwise agree.

Article VIII

1. This Agreement shall enter into force for the period of one year on the first day of the second month following the date on which both Governments have notified each other in writing that the procedures constitutionally required therefore have been completed. This Agreement shall be applied provisionally from the date 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 the paragraphs 2 and 3 of this Article, the provisions of the Agreement shall be

applied for a further period of 6 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 two copies in Tirana on 24 February 2006 in the English language.

For the Government of the Kingdom of the Netherlands,

S. VAN VOORST TOT VOORST
Ambassador Extraordinary and
Plenipotentiary

For the Government of the Republic of Albania,

L. XHUVELI
Minister of Environment, Forest and Water Administration

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

F. VOORLOPIGE TOEPASSING

Het Verdrag wordt ingevolge artikel VIII, eerste lid, vanaf 24 februari 2006 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, geldt de voorlopige toepassing ingevolge artikel VIII, vijfde lid, alleen voor Nederland.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel VIII, eerste lid, voor de periode van een jaar in werking treden op de eerste dag van de tweede maand volgend op de datum waarop beide Regeringen elkaar er schriftelijk van in kennis hebben gesteld dat aan de vereiste constitutionele procedures is voldaan.

Tenzij het Verdrag 30 dagen voor het einde van het genoemde jaar is opgezegd, wordt het ingevolge artikel VIII, tweede lid, geacht voor onbepaalde tijd te zijn verlengd.

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 *vierentwintigste* mei 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT