

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 19

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Republiek Cyprus betreffende de status van Nederlands militair- en burgerpersoneel, aanwezig in Cyprus ter ondersteuning van de operatie UNIFIL;
Nicosia, 21 december 2006*

B. TEKST

Nr. I

EMBASSY OF THE KINGDOM OF THE NETHERLANDS

Nicosia, 20 December 2006

Ref. No 117

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the Republic of Cyprus and has the honour to propose on behalf of the Government of the Kingdom of the Netherlands, an agreement between the Kingdom of the Netherlands and the Republic of Cyprus regarding the right of presence of military and civilian Netherlands armed forces personnel and other employees of the Kingdom of the Netherlands in the sovereign territory of the Republic of Cyprus, the sailing of vessels in territorial waters, and the use of airspace and roads by aircraft and ground vehicles, in the framework of supporting the United Nations in the conduct of the United Nations Interim Force in Lebanon (UNIFIL) mission. Implementing UN Security Council Resolution 1701 of 11 August 2006 the Kingdom of the Netherlands intends to support the United Nations in the conduct of the UNIFIL mission by providing naval forces, initially consisting of one frigate, and appropriate support forces under the following conditions:

1. The designation “Netherlands personnel” means all military and civilian Netherlands Armed Forces personnel and other employees of the Kingdom of the Netherlands staying in the sovereign territory of the Republic of Cyprus in connection with the execution of this Agreement with the consent of the Government of the Republic of Cyprus.

2. Netherlands personnel may enter and leave the Republic of Cyprus using civilian or official passports or identity cards in connection with military or official identity cards as well as stay in the sovereign territory of the Republic of Cyprus.

3. Netherlands personnel shall enjoy the freedom of movement necessary to fulfil their tasks in the sovereign territory of Cyprus. The same shall apply to the deployment of vessels, aircraft and ground vehicles used by Netherlands personnel or on behalf of the Kingdom of the Netherlands. This shall in particular include the right to sail in territorial waters and to use the airspace of the Republic of Cyprus as well as the right to use ports, airports and public roads. No fees or other charges shall be levied for the use of public roads, including bridges, or other traffic facilities.

4. Naval qualifications and pilot’s licences used by Netherlands personnel to sail vessels in the territorial waters of the Republic of Cyprus and to enter the Republic of Cyprus by aircraft shall be fully recognised by the authorities of the Republic of Cyprus. Additionally, the diplomatic clearances necessary for the execution of this Agreement as well as the necessary authorisations shall be granted.

5. Netherlands personnel shall observe and respect the laws, regulations, customs and traditions of the Republic of Cyprus and shall be obliged not to interfere in the internal affairs of the Republic of Cyprus.

6. Netherlands personnel staying in the sovereign territory of the Republic of Cyprus shall be granted the privileges and immunities accorded to administrative and technical personnel in the Vienna Convention on Diplomatic Relations of 18 April 1961.

7. a) Each Government shall waive any and all claims against the other Government or personnel of the other Government for bodily injury (including death) to its personnel or damage, property damage or loss of property it has incurred or might incur if such bodily injury, death or property damage or loss were caused by actions or omissions of personnel of the other Government in the performance of their official duties under this Agreement.

b) The Government of the Republic of Cyprus shall treat and settle in compliance with their laws third-party claims arising within its sovereign territory as a result of an action or omission of the Government of the Kingdom of the Netherlands or Netherlands personnel in the performance of their official duties under this Agreement that results in injury, death, loss or property damage; the Government of the Kingdom

of the Netherlands shall pay the Government of the Republic of Cyprus fair and reasonable compensation in respect of any such claims.

c) The Government of the Kingdom of the Netherlands shall endeavour to be of assistance in the settlement of third-party claims resulting from actions or omissions of Netherlands personnel causing damage, other than in the performance of official duties in connection with this Agreement and in compliance with any decision in respect of such claims.

8. Netherlands personnel shall be permitted to operate ground vehicles in the Republic of Cyprus if they hold valid Netherlands driving licenses together with military or official IDs and passports.

9. Netherlands personnel shall have the right to install and operate sending and receiving wireless stations (including satellite systems) as well as telephone, telegraph and fax systems, or any other equipment necessary to facilitate communications between Netherlands personnel and the Netherlands telecommunications network, in the sovereign territory of the Republic of Cyprus. Netherlands personnel shall have the right to use the required frequencies and shall make the necessary arrangements for this with the appropriate authorities. No fees or other charges shall be levied for the use of these frequencies.

10. Netherlands personnel may under this Agreement import/use/re-export vessels, aircraft, ground vehicles and other items of equipment required for the fulfilment of their mission, as well as other items for personal use or consumption, to/in/from the sovereign territory of the Republic of Cyprus without official authorisation or other restrictions and free of customs duties, taxes, fees and other charges.

11. Netherlands personnel in the Republic of Cyprus shall not be subject to the obligation of paying taxes or other charges on their income as military or civilian employees of the Kingdom of the Netherlands or on income arising from other sources outside the sovereign territory of the Republic of Cyprus.

12. Netherlands personnel shall have the right under this Agreement to carry and display national emblems during their stay in the sovereign territory of the Republic of Cyprus. Netherlands personnel shall have the right to wear uniforms.

13. Netherlands personnel shall have the right under this Agreement to carry firearms for their personal protection as well as for the protection of the installations, facilities, vessels, aircraft, ground vehicles, instruments and other items of equipment used by them during their stay in the sovereign territory of Republic of Cyprus.

14. Netherlands personnel shall be authorised to take the necessary measures to protect the installations, facilities, vessels, aircraft, ground vehicles, motor vehicles, instruments and other items of equipment.

15. a) The Government of the Republic of Cyprus shall under this Agreement provide Netherlands personnel during their stay in the sovereign territory of the Republic of Cyprus with logistic assistance and other support services, where available and against reimbursement, when called upon.

b) The terms of payment in respect of the reimbursement of the costs for the support services shall be mutually agreed in a separate arrangement and the most straightforward procedures for both sides shall be chosen.

16. The Government of the Kingdom of the Netherlands shall have the right under this Agreement to conclude agreements with contractors concerning the provision and use of installations, facilities, vessels, aircraft and ground vehicles or the procurement of goods and services free of customs duties, taxes, fees or other charges in the Republic of Cyprus.

17. The Government of the Kingdom of the Netherlands shall have the right under this Agreement to employ local civilian employees. These employment relationships shall be governed by the law of the Republic of Cyprus. Netherlands regulations may be applied with regard to technical and personal skills. Local civilian employees shall in no way be considered as Netherlands personnel. Income paid to local civilian employees by the Kingdom of the Netherlands shall be subject to prevailing regulations on tax, charges and social security contributions in the Republic of Cyprus.

18. Any dispute between the Governments arising out of the interpretation or implementation of this Agreement shall be settled solely through consultation or negotiation between the parties to the Agreement.

19. This Agreement shall enter into force for a period of twelve months. This Agreement may be terminated at any time by giving three months' notice to the other Government. Should the Agreement be terminated, the provisions of No. 7 shall continue to apply.

In the event that the Government of the Republic of Cyprus agrees to the proposals contained in numbers 1 to 19, this Note and the affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the Republic of Cyprus which shall enter into force on the date of receipt of the answer of the Ministry.

The Embassy of the Kingdom of the Netherlands 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 Republic of Cyprus
in Nicosia*

Nr. II

MINISTRY OF FOREIGN AFFAIRS

Nicosia, 21 December 2006

Ref. No. A.30.20.002.001.12

The Ministry of Foreign Affairs of the Republic of Cyprus presents its compliments to the Embassy of the Kingdom of the Netherlands and with reference to the latter's Note Verbale no. 117, dated 20 December, 2006 regarding the contribution of naval assets and appropriate forces of the Netherlands to the United Nations Interim Force in Lebanon (UNIFIL) implementing UN Security Council resolution 1701 of 11 August 2006 has the honour to inform that the proposals contained therein are acceptable.

In this context, the abovementioned Note Verbale of the Embassy together with this Note constitute an Agreement between the Republic of Cyprus and the Kingdom of the Netherlands.

The Ministry of Foreign Affairs of the Republic of Cyprus avails itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

*To the
Embassy of the
Kingdom of the Netherlands
Nicosia*

D. PARLEMENT

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

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de één na laatste alinea van nota Nr. I in werking getreden op 21 december 2006.

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

J. VERWIJZINGEN

Titel	: Verdrag van Wenen inzake diplomatiek verkeer; Wenen, 18 april 1961
Tekst	: <i>Trb.</i> 1962, 101 (Engels en Frans) <i>Trb.</i> 1962, 159 (vertaling)
Laatste <i>Trb.</i>	: <i>Trb.</i> 1994, 212

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 *eerste* februari 2007.

De Minister van Buitenlandse Zaken,

B. R. BOT