

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2023 Nr. 6

A. TITEL

*Briefwisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Supreme Headquarters Allied Powers Europe (SHAPE) inzake de mogelijkheid voor gezinsleden van functionarissen van het Headquarters Allied Joint Force Command Brunssum (JFC HQ Brunssum) om in Nederland betaald werk te verrichten;
Brunssum, 11 januari 2023*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 011565 in de Verdragenbank.

B. TEKST

Nr. I

MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS

The Hague, 10 January 2023

I have the honour to refer to the discussions between the Ministry of Foreign Affairs of the Kingdom of the Netherlands and Headquarters Allied Joint Force Command Brunssum (JFC HQ Brunssum) regarding employment opportunities of dependents of staff members of JFC HQ Brunssum.

In view of these discussions, I have the honour to propose the following provisions:

Article 1

Dependents of staff members of JFC HQ Brunssum shall be authorised to engage in gainful employment in the Netherlands for the duration of the term of office of the staff members concerned.

Article 2

1. In the sense of the present Agreement, the term
 - a) "JFC HQ Brunssum" shall include both Headquarters Allied Joint Force Command Brunssum and Headquarters Joint Logistics Support Group Brunssum;
 - b) "Staff members" shall refer to personnel defined in Article 3, paragraph 1, sub paragraphs a) and b) of the Protocol on the status of international military headquarters set up pursuant to the North Atlantic Treaty, done at Paris, 28 August 1952.
2. The following persons are "dependents of staff members" in the sense of Article 1:
 - a) the spouse of staff members of JFC HQ Brunssum, a person with whom they live in a union treated similarly to marriage under the laws of the sending State or a person with whom they have a cohabitation agreement drawn up by a civil-law notary in so far as the legislation of the sending State allows for such agreements;
 - b) children of staff members of JFC HQ Brunssum under the age of 18;
 - c) children of staff members of JFC HQ Brunssum who are aged 18 or over, but not older than 27, provided that they are unmarried, financially dependent on the staff member concerned and are attending fulltime education in the Netherlands;

- d) children of staff members of JFC HQ Brunssum who are aged 18 or over, but not older than 23; shall also be recognized as dependents if they are not studying as long as they are unmarried and financially dependent on the staff member concerned.

Article 3

1. Persons mentioned in Article 2, paragraph 2, who obtain gainful employment shall enjoy no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of, or in connection with, such employment. However, any measures of execution shall be taken without infringing the inviolability of their person or of their residence, if they are entitled to such inviolability.

2. In case of the insolvency of a person aged under 18, a claim arising out of a gainful employment of that person shall be settled in accordance with the laws and regulations applicable to the employment of that person. Staff members of JFC HQ Brunssum shall enjoy no immunity from civil or administrative jurisdiction, nor from execution, with respect to the settlement of such claims.

Article 4

The employment referred to in Article 1 shall be in accordance with Dutch laws and regulations, including fiscal and social security legislation.

I have the honour to propose that if the provisions set forth above are acceptable to you the present letter and your affirmative reply constitute an Agreement between the Kingdom of the Netherlands and the Supreme Headquarters Allied Powers Europe with regard to the dependents of staff members of JFC HQ Brunssum in the Netherlands, which shall enter into force on the first day of the second month following the written notification by the Kingdom of the Netherlands of completion of all legal formalities required for the entry into force.

Please accept, Sir, the assurances of my highest consideration.

W.B. HOEKSTRA
Minister of Foreign Affairs of the Kingdom of the
Netherlands

General Guglielmo Luigi Miglietta
Commander, Headquarters Allied Joint Force Command Brunssum

Nr. II

ALLIED JOINT FORCE COMMAND BRUNSSUM
Guglielmo Luigi Miglietta
General

Brunssum, 11 January 2023

JFCBS/COM/010/23

I have the honour to acknowledge receipt of Your letter of 10 January 2023 which reads as follows:

(Zoals in Nr. I)

I have the honour to confirm, Your Excellency, that the Supreme Headquarters Allied Powers Europe, with regard to employment opportunities of dependents of staff members of JFC HQ Brunssum, accepts the above proposal of the Kingdom of the Netherlands and to confirm that Your letter and this reply shall constitute an Agreement between the Supreme Headquarters Allied Powers Europe and the Kingdom of the Netherlands, which shall enter into force on the first day of the second month following the written notification by the Kingdom of the Netherlands of completion of all legal formalities required for the entry into force.

Please accept, Your Excellency, the assurances of my highest consideration.

GUGLIELMO LUIGI MIGLIETTA
General, ITA Army
Commander Allied Joint Force Command Brunssum

W.B. Hoekstra
Minister of Foreign Affairs of the Kingdom of the Netherlands

D. PARLEMENT

Het in de brieven vervatte verdrag behoeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 3 van de Wet van 24 december 1947 (Stb. H 452) houdende goedkeuring van het Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de brieven vervatte verdrag zullen ingevolge de voorlaatste alinea van de brieven in werking treden op de eerste dag van de tweede maand volgend op de datum waarop het Koninkrijk der Nederlanden heeft medegedeeld dat aan de juridische vereisten voor de inwerkingtreding van het in de brieven vervatte verdrag is voldaan.

Uitgegeven de *vierentwintigste* januari 2023.

De Minister van Buitenlandse Zaken,

W.B. HOEKSTRA