

AGREEMENT
BETWEEN
THE GOVERNMENT OF NEW ZEALAND
AND
THE GOVERNMENT OF THE REPUBLIC OF FRANCE
ON EMPLOYMENT OF DEPENDANTS OF MEMBERS OF OFFICIAL
MISSIONS OF ONE STATE IN THE OTHER

The Government of New Zealand

and

the Government of the Republic of France

desiring to strengthen their diplomatic relations,

wishing to respond to the legitimate aspiration of dependants of members of an official mission of one State in the other State to undertake employment, where those dependants enjoy the same status as the member of the mission on whom they are dependent,

have agreed as follows:

Article 1

The Parties agree, on the basis of reciprocity, to authorise dependants of agents of each State assigned to an official mission of the Government of their State in the other State to undertake any form of paid employment in the receiving State, provided they meet

the legislative and regulatory conditions required for the exercise of the intended activity, and unless public order or national security considerations prevent such employment.

Article 2

For the purpose of this Agreement, it is understood that:

“official mission” means diplomatic missions, consular posts and each of the States’ permanent representations to international organisations which have concluded a headquarters agreement with the other State;

“agent” means members of the staff of diplomatic missions and members of the staff of consular posts, as well as members of the staff of the aforementioned permanent representations, who have been issued a residence permit by way of derogation by the Ministry of Foreign Affairs of France or an exemption endorsement by the Ministry of Foreign Affairs of New Zealand;

“dependant” means:

- a) the spouse,
- b) unmarried physically or mentally disabled dependent children,
- c) unmarried dependent children issued a residence permit by way of derogation by the Ministry of Foreign Affairs of France or an exemption endorsement by the Ministry of Foreign Affairs of New Zealand;

“paid employment” means any activity commanding remuneration in any manner or form.

Article 3

When a dependant wishes to undertake paid employment in France or in New Zealand, an official application must be made, depending on the case, either by the Embassy of the Republic of France in New Zealand to the Protocol Division of the Ministry of Foreign Affairs, or by the Embassy of New Zealand in France to the Protocol Division of the Ministry of Foreign Affairs. The application must give the full identity of the applicant and the nature of the activity sought. After having verified that the person meets the conditions of this Agreement and fulfils the necessary formalities, the respective Protocol Divisions must then inform the Embassy concerned, as soon as possible, whether the dependant is authorised to undertake the paid employment sought. Within three months of receipt of the authorisation to undertake paid employment, the Embassy shall provide the receiving authorities with proof that the dependant and his/her employer conform to the obligations imposed upon them by the social security legislation of the receiving State.

Article 4

Authorisation for a dependant to undertake paid employment shall not imply exemption from conditions governing the exercise of such an activity (notably diplomas and professional qualifications). In the case of professions said to be "regulated", for which authorisation to work can only be accorded on the basis of certain criteria, the dependant shall not be exempted from fulfilling those criteria.

Article 5

With respect to dependants who have been authorised to undertake paid employment and who enjoy immunity from civil and administrative jurisdiction pursuant to Articles 31 and 37 of the Vienna Convention on Diplomatic Relations of 18th April 1961, the sending State shall waive this immunity in all matters relating to their paid employment. In such cases, the sending State shall also waive immunity from execution of a sentence, for which a separate waiver is necessary.

Article 6

Where a dependant who enjoys immunity from jurisdiction pursuant to the Vienna Convention on Diplomatic Relations is accused of having committed a criminal offence relating to his/her paid employment, immunity from criminal jurisdiction shall be waived by the sending State if the receiving State so requests and when the sending State considers that waiving this immunity is not contrary to its essential interests.

Article 7

Any judicial proceedings must take place without infringing the inviolability of the person or that of the household's residence, as provided for in the aforementioned Vienna Convention and the Vienna Convention on Consular Relations of 24 April 1963.

Article 8

The waiving of immunity from criminal jurisdiction shall not be interpreted as the waiving of immunity from execution of a sentence, for which a separate waiver shall be requested. The sending State shall take into consideration such a request for a waiver.

Article 9

Dependants authorised to undertake paid employment shall, from the date of authorisation, cease to enjoy the customs privileges provided for in articles 36 and 37 of the Vienna Convention on Diplomatic Relations, and in article 50 of the Vienna Convention on Consular Relations or in the headquarters Agreements.

Article 10

Subject to the relevant provisions of conventions designed to avoid double taxation and other specific agreements, income earned by dependants from their paid employment in the receiving State shall be taxable in that State in accordance with the latter's fiscal legislation.

Article 11

A dependant who undertakes paid employment shall be subject to any compulsory social security scheme applying in the receiving State.

Article 12

Dependants authorised to undertake paid employment within the framework of the current Agreement shall be permitted to transfer their earnings and related allowances under the same conditions as those provided for in the regulations governing foreign workers in the receiving State.

Article 13

A dependant authorised to undertake paid employment by virtue of this Agreement shall be exempted from any obligation under the laws and regulations of the receiving State with respect to the registration of foreigners and residence permits.

Article 14

Authorisation to undertake paid employment as provided for in this Agreement shall be accorded to a dependant from the date the agent of the official mission takes up his/her functions. It shall be terminated as soon as the beneficiary of the authorisation ceases to be a dependant, on the date the dependant ceases to be employed and, in any case, on the date the agent of the official mission terminates his/her functions, allowing, however, for a reasonable period as stipulated in Articles 39.2 and 39.3 of the Vienna Convention on Diplomatic Relations and in Article 53.3 of the Vienna Convention on Consular Relations.

Article 15

Each Party may, at the time of signature or of notification in accordance with Article 16.1, designate the territory or territories to which its consent to be bound by the current Agreement shall apply. Any later modification shall be the subject of an exchange of notes.

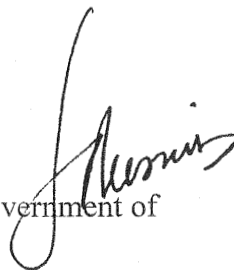
Article 16

1. Each Party shall notify the other of the completion of the procedures required for the current Agreement to take effect, which shall occur on the first day of the second month following the date of receipt of the last of the notifications.
2. The current Agreement shall remain in force until the expiry of a period of one hundred and twenty days from the date of written notification by one or other of the Parties expressing its intention to terminate the Agreement.

Done at Wellington on 10 June 1999, in two original copies, in French and English,
both texts being equally authentic.



For the Government of
New Zealand



For the Government of
the Republic of France