

AGREEMENT BETWEEN
THE KINGDOM OF BELGIUM
AND
THE GOVERNMENT OF NEW ZEALAND
ON THE EMPLOYMENT OF DEPENDANTS OF
DIPLOMATIC AND CONSULAR STAFF

The Kingdom of Belgium

And

The Government of New Zealand

Desiring to conclude an agreement which aims to facilitate the gainful occupation of certain family members of the staff of diplomatic missions and consular posts of the sending State on the territory of the receiving State

Agree on the following:

ARTICLE 1
Scope of the Agreement

1. On a reciprocal basis, the following are authorized to engage in gainful occupation in the receiving state:

a) the spouse and dependent children up to eighteen years of a diplomatic agent or of a consular official of the sending State accredited to

(1) the receiving State, or

(2) any international organization in the receiving State;

b) as well as the spouse of another member of the staff of the mission of the sending State or of the staff of the consular post of the same State.

as defined in Article 1 of the Vienna Conventions on Diplomatic (1961) and Consular Relations (1963).

2. Authorization to engage in a gainful occupation shall be given by the authorities of the receiving State in accordance with the laws and regulations in force in that State and subject to the provisions of this Agreement.

3. Such authorization does not extend to nationals or permanent residents of the receiving State.
4. Unless the receiving State decides otherwise, authorization shall not be given to those beneficiaries who, having engaged in a gainful occupation, cease to form part of the household of the staff described in the paragraph 1 of Article 1.
5. The authorization shall apply during the period in which the staff described in paragraph 1 of Article 1 is assigned to the diplomatic mission or consular post of the sending State in the territory of the receiving State until the conclusion of the term of the assignment (or within an acceptable timeframe following this event).

ARTICLE 2

Procedures

1. All requests for authorization to engage in a gainful occupation shall be sent, on behalf of the beneficiary, by the Embassy of the sending State to the Office of Protocol in the Ministry of Foreign Affairs and Trade of New Zealand or to the Protocol Division of the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation respectively. Upon verification that the person is a dependant of an official employee within the scope of the provisions of Article 1, and processing of the official request, the embassy of the sending State shall be informed by the government of the receiving State that the dependant may accept employment.
2. The procedures followed shall be applied in a way, which will permit the beneficiary of the authorization to engage in a gainful occupation as soon as possible. All requirements relating to work permits and any other similar formalities shall be favorably applied.
3. Authorization for the beneficiary to engage in a gainful occupation shall not imply exemption from any legal or other requirements relating to personal characteristics, professional or other qualifications that the individual concerned must demonstrate in engaging in a gainful occupation.
4. Nothing in this Agreement shall give the right to a dependant to undertake employment, which, under the legislation of the receiving State, can only be undertaken by a national of that State.

ARTICLE 3

Civil and administrative privileges and immunities

In cases where the beneficiary of the authorization to engage in a gainful occupation enjoys immunity from the civil and administrative jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions on diplomatic and consular relations or of any other applicable international instrument, such immunity

shall be waived in respect of any act carried out in the performance of the gainful occupation and falling within the civil or administrative law of the receiving State. The sending State shall also waive immunity from execution of any judgment in relation to these acts.

ARTICLE 4 Criminal Immunity

In cases where a beneficiary of the authorisation to engage in a gainful occupation enjoys immunity from the criminal jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions referred to above or of any other international instrument:

- a) the sending State shall waive the immunity from criminal jurisdiction enjoyed by the beneficiary of the authorisation with regard to the receiving State in respect of any act or omission arising from the gainful occupation, except in special instances where the sending State considers that such a waiver could be contrary to its own interests.
- b) Such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required. In the case of such a request, the sending State shall give serious consideration to the request of the receiving State.

ARTICLE 5 Taxation and social security regimes

In accordance with the provisions of the Vienna Conventions on diplomatic and consular relations or of any other applicable international instrument, beneficiaries of the authorization to engage in a gainful occupation shall be subject to the taxation and social security regimes of the receiving State for all matters connected with their gainful occupation in that State.

ARTICLE 6 Amendment

1. This Agreement is concluded for an indeterminate period, subject to termination in accordance with Article 7.
2. This Agreement may be amended once the Parties have agreed on proposed amendments and have completed their appropriate internal procedures and have notified each other by an exchange of diplomatic notes that their internal procedures have been completed. Amendments shall enter into force on the first day of the second month following the date of receipt of the last of these notifications.

ARTICLE 7
Duration and termination

This Agreement shall remain in force for an indefinite period, either Party being able to terminate it at any time by giving three months notice in writing to the other Party.

ARTICLE 8
Entry into Force

Each Party shall notify the other through diplomatic channels of the completion of its internal procedural requirements for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the second month following the date of receipt of the last of these notifications.

IN WITNESS WHEREOF, the undersigned representatives, duly authorised by their respective Governments, have signed this Agreement.

DONE at Brussels on the *23rd* day of the month of *April* of the year *2003*, in two original copies, each in the French, Dutch and English languages, each text being equally authentic. The English language text will prevail in case of differences in interpretation.

For the Government of
New Zealand

For the Kingdom of Belgium



