AGREEMENT

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

AND

THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS

ON GAINFUL EMPLOYMENT OF FAMILY MEMBERS OF MEMBERS OF A DIPLOMATIC MISSION AND/OR CONSULAR POST

The Government of the Socialist Republic of Viet Nam and the Government of the Kingdom of the Netherlands (hereinafter 'the Parties');

Desirous of improving employment opportunities for family members of members of the diplomatic mission and/or consular post of the sending State on the territory of the receiving State;

Have agreed as follows:

ARTICLE 1

Authorisation to engage in gainful employment

Family members, as defined in Article 2 of this Agreement, shall be allowed to engage in gainful employment in the receiving State in accordance with the laws and regulations of that State after obtaining the appropriate authorisation in accordance with the provisions of this Agreement.

ARTICLE 2

Definitions

For the purposes of this Agreement:

a. "Mission" means the diplomatic mission and/or consular post.

b. "Member of the Mission" means the head of mission and the members of the diplomatic, consular, administrative, technical and service staff of a mission of the sending State, who carry out duties at this mission and who do neither have the nationality of the receiving State nor reside permanently in that State.

c. A "family member" means:

– The spouse of a member of the Mission in accordance with the legislation of the sending State and of the receiving State;

– An unmarried financially dependent child of a member of the Mission, who is between the ages of 16 and 25 years and who is following a full-time course of education or study in the receiving State;

– An unmarried financially dependent child of a member of the Mission, who is between the ages of 16 and 25 years and is considered by the receiving State, on the basis of national regulations or on humanitarian grounds, to form part of the household of the member of the Mission;

– A child that engages in full-time gainful employment, in accordance with the national law of the receiving State, shall not be considered to be financially dependent.

ARTICLE 3

Procedure for authorisation

1. A family member shall obtain authorisation from the receiving State before engaging in gainful employment in that State. The Embassy of the sending State shall send a request in diplomatic note for authorisation, on behalf of the family member, to the Protocol Department of the Ministry of Foreign Affairs of the receiving State.

2. The request shall be accompanied by the necessary documentation establishing the full identity of the person concerned and indicating the nature of the gainful employment that the family member wishes to engage in.

3. The Ministry of Foreign Affairs of the receiving State shall officially notify the Embassy by diplomatic note and within a maximum period of thirty (30) days from the day of the receipt of the request whether the family member is authorised to engage in gainful employment, once it has been established that the person, on whose behalf authorisation is being requested, is a family member as defined in this Agreement and that the applicable procedure has been observed. In the Netherlands, the gainful employment shall be printed on the identity card of the family member. The family member shall be exempt from the requirement to obtain a work permit, in accordance with relevant internal regulations of the receiving State.

4. The receiving State may refuse or cancel authorisation to engage in gainful employment if at any time the family member contravenes the immigration or naturalisation laws or the tax laws of the receiving State.

5. The family member is not exempt from the obligation to comply with requirements applicable to the performance of certain occupations. The sending State may not interpret the provisions of this Agreement as conferring a right to engage in a particular profession.

6. The Embassy of the sending State shall notify the Ministry of Foreign Affairs of the receiving State by diplomatic note of the termination of the gainful employment undertaken by the family member and shall submit a new request for authorisation in the event the family member wishes to engage in any new employment in accordance with the procedure required in paragraphs 1, 2 and 3 of this Article.

ARTICLE 4

Social security and taxes

A family member who has obtained authorisation to engage in gainful employment under this Agreement shall be subject to the social security regime of the receiving State for all matters connected with their

employment in that State. A family member is also obliged to pay, in the receiving State, all taxes on income arising from the employment carried out further to this Agreement in so far as this does not conflict with other applicable international instruments by which both Parties are bound.

ARTICLE 5

Ending of authorisation

Authorisation for a family member to engage in gainful employment shall terminate when:

1. Its beneficiary ceases to have the status of a family member within the definition of this Agreement;
2. The member of the Mission whose family member is the beneficiary under this Agreement has deceased;
3. The appointment of the member of the Mission in question ends.

The employment carried out under this Agreement shall not entitle the family member to continue to reside in the receiving State. Nor shall it entitle the family member to remain in that gainful employment or to engage in a different employment in the receiving State once the authorisation granted under this Agreement has ended.

ARTICLE 6

Immunities

1. If a family member enjoys immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961 or under any other applicable international instruments by which both Parties are bound, such immunity shall not apply in respect of any claims brought against them on account of all acts or omissions relating to the gainful employment that they are engaged in.
2. If a family member enjoys immunity from the criminal jurisdiction of the receiving State on the basis of the Vienna Convention on Diplomatic

Relations of 18 April 1961 or any other international agreements by which both Parties are bound, the provisions establishing such immunity shall be applied with respect to any acts or omissions relating to the gainful employment that they are engaged in. However, if the matter is serious in the view of the receiving State, upon request of the receiving State, the sending State shall give serious consideration to waive the immunity of the family member from criminal jurisdiction.

3. The waiver of immunity does not cover preventive measures or the execution of a judgment, for which a separate waiver is required. The sending State shall give serious consideration to any written request to that effect by the receiving State.

ARTICLE 7

Dispute settlement

Any dispute between the Parties concerning the interpretation, implementation or application of this Agreement shall be settled amicably through diplomatic channels.

ARTICLE 8

Entry into force, duration, amendment and termination

1. The Parties shall notify each other in writing, through diplomatic channels, that the procedures required by their respective national legislations for the entry into force of this Agreement have been complied with.

2. This Agreement may be amended by mutual consent in writing of the Parties through diplomatic channels. Amendments shall enter into force on the first day of the second month following the date of the receipt of the last notification of one Party by the other Party that the procedures required by their respective national legislations for the entry into force of the amendments have been complied with. These amendments shall form an integral part of the agreement.

3. This Agreement shall enter into force on the first day of the second month following the date of the receipt of the last notification of one Party by the other Party.

4. The Agreement shall remain in force for an indefinite period. Either Party may terminate this Agreement at any time by giving written notification to the other through diplomatic channels. In that event, this Agreement shall cease to have effect six (06) months from the date of the receipt of such notification by the other Party.

5. With regard to the Kingdom of the Netherlands, this Agreement shall apply to the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, unless the notification referred to in paragraph 1 of this Article provides otherwise. In the latter case the Kingdom of the Netherlands may extend the application of this Agreement at any time to one or more of its constituent parts by notification to the Socialist Republic of Viet Nam through diplomatic channels.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Ha Noi, on 25th April 2019 in duplicate in the English language.

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM	***FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS***
Mr. TO ANH DUNG	**Ms. ELSBETH AKKERMAN**
Deputy Minister of Foreign Affairs of the Socialist Republic of Viet Nam	**Ambassador Extraordinary and Plenipotentiary of the Kingdom of the Netherlands to Viet Nam**