

Agreement

between

the Kingdom of Belgium and the Republic of Kosovo

**on the gainful occupation of certain dependents of the personnel of the diplomatic missions
and consular posts**

The Kingdom of Belgium, represented by :

The Federal Government

The Flemish Government

The Government of the Walloon Region

The Government of the Brussels-Capital Region,

The Government of the German-speaking Community

And

The Republic of Kosovo

Desiring to conclude an agreement which aims to facilitate the gainful occupation of certain family members of personnel of diplomatic missions from the sending State or of consular posts of the latter 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 :

1.1 the legal partner, as defined by the respective legislation of the sending State and unmarried dependent children up to eighteen years of a diplomatic agent or of a consular official of the sending State assigned

a) to the receiving State, or

b) to international organizations with a seat in the receiving State;

1.2 as well as the legal partner, as defined by the respective legislation of the sending State of another member of the personnel of the mission of the sending State or of the personnel 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. Authorizations to engage in a gainful occupation is given by the authorities of the receiving State in accordance with the laws and regulations in force in this State and subject to the provisions of this Agreement.
3. Such authorization does not extend to the nationals of the receiving State or permanent residents in its territory.
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 persons described in the first paragraph of this Article.
5. The authorization shall apply during the period in which the persons, covered in the first paragraph of this Article, are 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 the State Protocol in the Ministry of Foreign Affairs of the Republic of Kosovo or to the Protocol Division of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium accordingly.

Upon verification that the person is a dependent of an agent within the scope of the provisions of article 1, first paragraph, and processing of the official request, the government of the receiving State shall inform the embassy of the sending State that the dependent is eligible for gainful occupation.

2. The procedures followed shall be applied in a way that enables 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.

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 not apply in respect of any act carried out in the course of the gainful occupation and falling within the civil or administrative law of the receiving State. The sending State shall waive immunity from execution of any sentence in relation to these matters.

Article 4
Criminal Immunity

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

- 1.1 the sending State shall waive the immunity from criminal jurisdiction enjoyed by the beneficiary of the authorization with regard to the receiving State in respect of any act or mission 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;
- 1.2 such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentence, for which a specific waiver shall be required. In the case of such 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 aforementioned Vienna Conventions 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
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 six months' notice in writing to the other Party.

Article 7
Entry into Force

This Agreement shall enter into force on the first day of the second month following the date of exchange of the last notification of the completion of the necessary constitutional and legal procedures.

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

Done at, on the day of the month of _____ of the year _____, in two originals copies, each in French, Dutch, Albanian, Serbian and English languages, each text being equally authentic. The English language text shall prevail in case of differences in interpretation.

For the Kingdom of Belgium

For the Republic of Kosovo

The Federal Government,
The Flemish Government,
The Government of the Walloon Region,
The Government of the Brussels-Capital Region
The Government of the German-speaking Community