

AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM
AND
THE REPUBLIC OF ARMENIA
ON THE GAINFUL OCCUPATION
OF FAMILY MEMBERS OF THE PERSONNEL
OF THE DIPLOMATIC MISSIONS AND CONSULAR POSTS

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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 ARMENIA, REPRESENTED BY:

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA ,

HEREINAFTER REFERRED TO AS „THE PARTIES”,

DESIRING to improve the employment opportunities for family members of the personnel of their diplomatic mission and consular post,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

SCOPE OF THE AGREEMENT

On the basis of reciprocity, established norms and principles of international law and internal legislation of their States, the Parties agree to authorise a gainful occupation of certain family members of the personnel of the diplomatic mission and consular post from the sending State on the territory of the receiving State.

ARTICLE 2

DEFINITIONS

For the purposes of this Agreement

1. "Personnel of the diplomatic mission or consular post" means the members of the diplomatic mission, the consular post or the permanent mission to an international organisation with seat in the receiving State, as defined in articles 1 of the Vienna Conventions on Diplomatic (1961) and Consular Relations (1963), hereinafter referred to as the Vienna Conventions,
2. "Family member" means
 - a) the spouse or accompanying person of a member of the personnel of the diplomatic mission or consular post recognised as such by the receiving State;
 - b) unmarried dependent children up to eighteen years of a diplomatic agent or of a consular official.
3. "Gainful occupation" means every form of remunerative employment, whether self-employed or as an employee.

ARTICLE 3

AUTHORISATION

1. Authorisation 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 that State and subject to the provisions of this Agreement.
2. Such authorisation does not extend to the nationals of the receiving State or permanent residents in its territory.
3. Unless the receiving State decides otherwise, authorisation shall not be given to those beneficiaries who, having engaged in a gainful occupation, cease to form part of the household of the personnel of the diplomatic mission or consular post.

4. The authorisation shall apply during the period in which the personnel of the diplomatic mission or consular post 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

ARTICLE 4

PROCEDURES

1. All requests for authorisation 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 of the Republic of Armenia or to the Protocol Division of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium accordingly.
2. Upon verification that the person is a family member within the scope of the definitions of Article 2, and processing of the official request, the Embassy of the sending State shall be informed by the Ministry of Foreign Affairs of the Receiving State that the family member is eligible for gainful occupation.
3. The procedures followed shall be applied in a way that enables the beneficiary of the authorisation to engage in a gainful occupation as soon as possible. All requirements relating to work permits and any other similar formalities shall be favourably applied.
4. Authorisation 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 5

CIVIL AND ADMINISTRATIVE PRIVILEGES AND IMMUNITIES

In cases where the beneficiary of the authorisation 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 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 6

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 or of any other applicable 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 sentence, for which a specific waiver shall be required. In the case of such a request, the sending State shall give serious consideration to the request of the receiving State.

ARTICLE 7

TAXATION AND SOCIAL SECURITY REGIMES

In accordance with the provisions of the Vienna Conventions or of any other applicable international instrument, beneficiaries of the authorisation 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 8

AMENDMENTS AND SUPPLEMENTS

This Agreement may be amended and supplemented at any time by a written agreement between the Parties. Any such agreement shall enter into force in a manner provided for in Article 11.

ARTICLE 9

DISPUTE SETTLEMENT

Any controversy with regard to the interpretation or application of the present Agreement shall be resolved through consultations and negotiations between the Parties.

ARTICLE 10

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 a six months' advance notice in writing to the other Party.

ARTICLE 11

ENTRY INTO FORCE

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 the completion of the necessary domestic procedures through diplomatic channels.

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

DONE at Brussels, on the 4th day of the month of December of the year 2018, in two original copies, each in the Armenian, French, Dutch and English languages. In case of any divergence of interpretation, the English text shall prevail.

FOR THE KINGDOM OF BELGIUM:

FOR THE REPUBLIC OF ARMENIA:

**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,**



**Didier REYNDERS,
Minister of Foreign Affairs
and European Affairs**



**Zohrab MNATSAKANYAN,
Minister of Foreign Affairs**