

AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM
AND
UKRAINE
ON THE GAINFUL OCCUPATION OF CERTAIN DEPENDENTS
OF DIPLOMATIC AND CONSULAR STAFF

**AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM
AND
UKRAINE
ON THE GAINFUL OCCUPATION OF CERTAIN DEPENDENTS
OF DIPLOMATIC AND CONSULAR STAFF**

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

UKRAINE,

HEREINAFTER REFERRED TO AS "THE PARTIES",

DESIRING to conclude an agreement which aims to facilitate the gainful occupation of certain family members of personnel of diplomatic missions from the sending Party or of consular posts of the latter on the territory of the receiving Party,

AGREE ON THE FOLLOWING:

ARTICLE 1

Scope of the Agreement

1. On a reciprocal basis, the following are authorised to engage in gainful occupation in the receiving Party:
 - a) the legal partner and unmarried dependent children up to eighteen years of a diplomatic agent or of a consular official of the sending Party assigned
 - (i) to the receiving Party, or
 - (ii) to international organisations with a seat in the receiving Party;
 - b) as well as the legal partner of another member of the personnel of the mission of the sending Party or of the personnel of the consular post of the same Party;

as defined in Article 1 of the Vienna Conventions on Diplomatic (1961) and Consular Relations (1963).
2. Authorisation to engage in a gainful occupation is given by the authorities of the receiving Party in accordance with the laws and regulations in force in this Party and subject to the provisions of this Agreement.
3. Such authorisation does not extend to the nationals of the receiving Party or permanent residents in its territory.
4. Unless the receiving Party 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 persons described in the first paragraph of this Article.
5. The authorisation 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 Party in the territory of the receiving Party until the conclusion of the term of the assignment (or within an acceptable timeframe following this event).

ARTICLE 2

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 Party to the Directorate General of the State Protocol of the Ministry of Foreign Affairs of Ukraine 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 Party shall inform the Embassy of the sending Party that the dependent is eligible for gainful occupation.

2. 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.
3. 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. The beneficiary therefore is not allowed to be employed in a position which according to the legislation in force of the receiving Party can be taken only by the citizen of the receiving Party. Recognition by Parties of any diploma, qualification, scientific or professional degree shall be done in accordance with the legislation of the receiving Party or bilateral or multilateral agreements to which the sending and receiving Party are party.
4. The Embassy of the sending Party shall inform the Protocol Division of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium or the Directorate General of the State Protocol of the Ministry of Foreign Affairs of Ukraine on any changes related to the status of a family member engaged in a gainful occupation under this Agreement.

ARTICLE 3

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 Party, 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 Party. The sending Party shall waive immunity from execution of any sentence in relation to these matters.

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 Party, in accordance with the provisions of the aforementioned Vienna Conventions or of any other applicable international instrument:

- a) the sending Party shall waive the immunity from criminal jurisdiction enjoyed by the beneficiary of the authorisation with regard to the receiving Party in respect of any act or omission arising from the gainful occupation, except in special instances where the sending Party 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 Party shall give serious consideration to the request of the receiving Party.

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 authorisation to engage in a gainful occupation shall be subject to the taxation and social security regimes of the receiving Party for all matters connected with their gainful occupation in that Party.

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. Termination of this Agreement shall not affect the validity of the work permit issued under this Agreement before its termination, which shall remain in force for the period specified in this work permit.

ARTICLE 7

Amendments

This Agreement can be amended at any time by written consent of the Parties confirmed through diplomatic channels. Such amendment shall enter into force in the same manner as this Agreement.

ARTICLE 8

Entry into Force

This Agreement shall enter into force on the first day of the second month following the date of receipt by Parties through diplomatic channels of the last written notification of the completion of the necessary constitutional and legal procedures.

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

DONE at Brussels, on the 10th day of the month of February of the year 2021, in two original copies, each in the English, Ukrainian, French and Dutch languages, each text being authentic. The English language text shall prevail in case of differences in interpretation.

FOR THE KINGDOM OF BELGIUM:

**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,**



FOR UKRAINE:

