

EMPLOYMENT

**Agreement between the
UNITED STATES OF AMERICA
and BELGIUM**

Effected by Exchange of Notes at
Brussels February 19 and March 18, 2004



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

BELGIUM

Employment

*Agreement effected by exchange of notes at
Brussels February 19 and March 18, 2004;
Entered into force June 1, 2006.*



J3/PD/9513

The Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium presents his compliments to the Embassy of The United States of America and has the honour to propose the conclusion of an Agreement between the Kingdom of Belgium and the Government of the United States of America, which aims to facilitate, on a reciprocal basis, 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.

The Embassy of the United States of America will find the provisions of this Agreement enclosed with this note :

AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND THE
UNITED STATES OF AMERICA ON THE GAINFUL OCCUPATION OF
CERTAIN DEPENDENTS OF DIPLOMATIC AND CONSULAR
PERSONNEL

ARTICLE 1
Scope of the Agreement

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

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

/..

Embassy of the United
States of America
à BRUXELLES.



- (i) the receiving State, or
 - (ii) any international organization in the receiving State; and
- b) the spouse of other members of the staff of the missions or consular posts of the sending State.
- c) The terms “diplomatic agent”, “consular officer” and “member of the staff” in this Article, including such individuals serving in missions to international organizations, are defined in Article 1 of the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963).

2. Authorization to engage in a gainful occupation is provided 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. In case of conflict, this Agreement governs.

3. Except as provided in Art.1.5. (below), authorization to engage in gainful occupation in the receiving State is provided only during the period in which the diplomatic agent, consular officer or other staff are assigned to the diplomatic mission or consular post of the sending State and, at the receiving State’s discretion, for a reasonable period after the conclusion of such assignment.

4. Individuals authorized to engage in gainful occupation in the receiving State per Art.1.1-1.3 are termed “beneficiaries” in this Agreement.

5. 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 diplomatic agent, consular officer or other member of the staff described in above paragraph 1 of this Article.

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 Belgium to the Office of Protocol in the U.S. Department of State or by the Embassy of the United States to the Protocol Division of the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation accordingly. Upon verification that the person is a beneficiary as defined by Article 1, and the subsequent processing of the request for employment authorization, the receiving State shall inform the Embassy of the sending State that the individual is eligible for gainful occupation.



2. The procedures followed shall be applied in a manner that will permit the beneficiary to engage in a gainful occupation as soon as possible; all requirements relating to work permits and any other similar formalities shall be applied favorably.

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 to engage in such occupation.

ARTICLE 3

Civil and administrative privileges and immunities

In cases where the beneficiary enjoys immunity from the civil and administrative jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions on diplomatic relations, of the Vienna Convention on consular relations or of any other applicable international instrument, such beneficiary enjoys no immunity in an action relating to any professional or commercial activity exercised by the beneficiary in the receiving State. Similarly, execution of judgments related to such actions are authorized to the extent they can be taken without infringing the inviolability of the beneficiary or the beneficiary's official residence.

ARTICLE 4

Criminal Immunity

In cases where a beneficiary enjoys immunity from the criminal jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions referenced above or of any other applicable international instrument:

- a) The sending State shall favorably examine any request from the receiving State for the waiver of the criminal immunity enjoyed by the beneficiary of the authorization granted by the receiving State in respect of any act or omission arising from gainful occupation. This means that a request will be considered by the sending State with the presumption that criminal immunity will be waived, and the request will be refused only if a specific reason exists not to waive.
- b) A waiver of immunity from criminal jurisdiction provided by Article 4(a) shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required. The sending State shall give serious consideration to such a request from the receiving State.



ARTICLE 5
Taxation and social security regimes

In accordance with the provisions of the Vienna Conventions referenced above or of any other applicable international instrument, beneficiaries 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 providing three months notice in writing to the other Party.

ARTICLE 7
Entry into Force

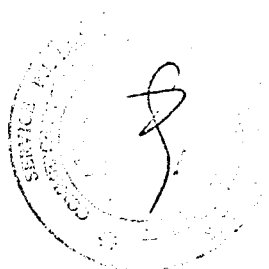
This Agreement shall enter into force on the first day of the second month following the date of exchange of the last notification of the completion of all necessary constitutional and legal procedures.

X
X X

The Kingdom of Belgium further proposes that, if these provisions are acceptable to the Government of The United States of America, this note and its enclosure, together with the Government of the United State of America's affirmative reply, shall constitute an Agreement between our two Governments which shall enter into force according to article 7 of the enclosed provisions.

The Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation avails itself of this opportunity to extend to the Embassy of the United States of America the renewed assurances of its highest consideration.

Brussels, 19.02.04



The Embassy of the United States of American presents its compliments to the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium and has the honor to refer to the Federal Public Service's Note No. J3/PD/9529 of February 19, 2004, which proposed the conclusion of an Agreement between the Kingdom of Belgium and the Government of the United States of America, which aims to facilitate, on a reciprocal basis, 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.

The Embassy of the United States agrees to the provisions of the Agreement proposed by the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium as follows:

**AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND
THE UNITED STATES OF AMERICA ON THE GAINFUL OCCUPATION
OF CERTAIN DEPENDENTS OF DIPLOMATIC AND CONSULAR
PERSONNEL**

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Scope of the Agreement**

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

- a) the spouse and unmarried dependent children up to eighteen years of a diplomatic agent or of a consular officer of the sending State accredited to**
 - (i) the receiving State, or**

(ii) any international organization in the receiving State; and

b) the spouse of other members of the staff of the missions or consular posts of the sending State.

c) The terms “diplomatic agent”, “consular officer” and “member of the staff” in this Article, including such individuals serving in missions to international organizations, are defined in Article 1 of the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963).

2. Authorization to engage in a gainful occupation is provided 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. In case of conflict, this Agreement governs.

3. Except as provided in Art.1.5. (below), authorization to engage in gainful occupation in the receiving State is provided only during the period in which the diplomatic agent, consular officer or other staff are assigned to the diplomatic mission or consular post of the sending State and, at the receiving State’s discretion, for a reasonable period after the conclusion of such assignment.

4. Individuals authorized to engage in gainful occupation in the receiving State per Art.1.1-1.3 are termed “beneficiaries” in this Agreement.

5. 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 diplomatic agent, consular officer or other member of the staff described in above paragraph 1 of this Article.

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1. All requests for authorization to engage in a gainful occupation shall be sent, on behalf of the beneficiary, by the Embassy of Belgium to the Office of Protocol in the U.S. Department of State or by the Embassy of the United States to the Protocol Division of the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation accordingly. Upon verification that the person is a beneficiary as defined by Article 1, and the subsequent processing of the request for employment authorization, the receiving State shall inform the Embassy of the sending State that the individual is eligible for gainful occupation.

2. The procedures followed shall be applied in a manner that will permit the beneficiary to engage in a gainful occupation as soon as possible; all requirements relating to work permits and any other similar formalities shall be applied favorably.

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In cases where the beneficiary enjoys immunity from the civil and administrative jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions on diplomatic relations, of the Vienna Convention on consular relations or of any other applicable international instrument, such beneficiary enjoys no immunity in an action relating to any professional or commercial activity exercised by the beneficiary in the receiving State. Similarly, execution of judgments related to such actions are authorized to the extent they can be taken without infringing the inviolability of the beneficiary or the beneficiary's official residence.

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In cases where a beneficiary enjoys immunity from the criminal jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions referenced above or of any other applicable international instrument:

- a) The sending State shall favorably examine any request from the receiving State for the waiver of the criminal immunity enjoyed by the beneficiary of the authorization granted by the receiving State in respect of any act or omission arising from gainful occupation. This means that a request will be considered by the sending State with the presumption that criminal immunity will be waived, and the request will be refused only if a specific reason exists not to waive.**
- b) A waiver of immunity from criminal jurisdiction provided by Article 4(a) shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required. The sending State shall give serious consideration to such a request from the receiving State.**

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

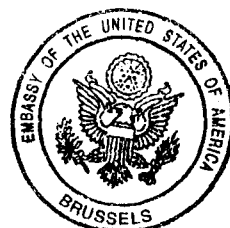
This Agreement shall remain in force for an indefinite period, either Party being able to terminate it at any time by providing three months notice in writing to the other Party.

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 all necessary constitutional and legal procedures.

The Embassy of the United States further agrees to the proposal of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium that this Agreement shall enter into force after notification of the completion of all necessary constitutional and legal procedures, according to Article 7 above, and a final exchange of Diplomatic Notes has taken place.

The Embassy of the United States renews to the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium the assurances of its highest consideration.



Embassy of the United States of America,
March 18, 2004