

**AGREEMENT**  
**BETWEEN**  
**THE KINGDOM OF BELGIUM**  
**AND**  
**MONTENEGRO**  
**ON**  
**THE GAINFUL OCCUPATION**  
**OF CERTAIN FAMILY MEMBERS**  
**OF DIPLOMATIC AND CONSULAR STAFF**

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**THE KINGDOM OF BELGIUM**

**AND**

**MONTENEGRO,**

**DESIRING TO CONCLUDE** an agreement which aims to facilitate the gainful occupation of certain family members of staff of diplomatic missions or consular posts from the sending State on the territory of the receiving State,

**HAVE AGREED** as follows:

**ARTICLE 1**  
**Scope of the Agreement**

1. On the basis of reciprocity the following family members are authorised to engage in gainful occupation in the receiving State:
  - a) the spouse and unmarried children up to eighteen years of a diplomatic agent or of a consular official of the sending State assigned
    - (i) to the receiving State, or
    - (ii) to the international organizations with a seat in the receiving State;
  - b) as well as the spouse of another member of the staff of the mission of the sending State or of the staff of the consular post of that State,

As defined in Article 1 of the Vienna Conventions on Diplomatic (1961) and Consular Relations (1963).

2. Authorisation to engage in a gainful occupation shall be given by the authorities of the receiving State in accordance with the laws and regulations in force in this State and is subject to the provisions of this Agreement.
3. Such authorisation shall not extend to the nationals of the receiving State or permanent residents in its territory.
4. 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 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 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 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 Montenegro 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 in question is a family member of an agent falling within the scope of the provisions of Article 1, first paragraph, and processing of the official request, the Embassy of the sending State shall be informed by the competent authority of the receiving State that the family member 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.

### **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 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 authorisation 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:

- 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 will be required. In the case of such a 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 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 6**  
**Duration and termination**

This Agreement is concluded 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 internal constitutional and legal procedures necessary for its entry into force.

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

**DONE** at Brussels, on the 9<sup>th</sup> day of the month of June of the year 2010, in two original copies, each in the French, Dutch, English and Montenegrin languages, all texts being equally authentic. In case of any divergence, the English text shall prevail.

**FOR THE KINGDOM OF BELGIUM:**

**FOR MONTENEGRO:**

  
Yves LETERME,  
Prime Minister

  
Milo DJUKANOVIC,  
Prime Minister