



## MINISTRY OF FOREIGN AFFAIRS OF UKRAINE

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No. 630/23-612/1-966

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Republic of Latvia and on behalf of the Government of Ukraine has the honour to propose to conclude the Agreement (in the form of exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia on paid employment of members of the family of employees of diplomatic mission or consular post as follows:

“The Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia, hereinafter referred to as the “Parties”, have agreed on a reciprocal basis that members of the family of the diplomatic agents, consular officers, administrative and technical staff of the diplomatic mission or consular post of the Sending State shall have the right for paid employment in the Receiving State. Such paid employment shall be carried out under the terms and conditions established by the Receiving State for its own citizens in accordance with the legislation in force of the Receiving State and after obtaining a relevant permit under this Agreement.

### Article 1

For the purposes of this agreement the term:

1. “an employee of the diplomatic mission or consular post” means diplomatic agent, consular officer, administrative and technical staff of the diplomatic mission or consular post of the Sending State who is not a national or permanent resident of the Receiving State and who is assigned to official duty in the Receiving State in a diplomatic mission or consular post”;

2. “paid employment” means performance of any labour function under the terms and conditions of an employment contract concluded in accordance with the legislation in force of the Receiving State, as well as any independent professional activity envisaging a payment;

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3. "a member of the family" means a person, who lives together with and is dependent on the employee of the diplomatic mission or consular post of the Sending State, namely:

- a) a spouse;
- b) the unmarried dependent children under 18 years old;
- c) the unmarried dependent children under 24 years old who are full-time students at a post-secondary educational institution;
- d) the unmarried dependent children who are physically or mentally disabled and are not able to support themselves.

### **Article 2**

1. To obtain a paid employment permit an official note verbale should be sent by the diplomatic mission or consular post of the Sending State to the Protocol Department of the Ministry of Foreign Affairs of the Receiving State.

Such note verbale shall certify that a person is the member of the family as it is defined in Article 1 of this Agreement and indicate information about the potential employer, position applied and any other requested information.

2. After confirming that a person has the status of the member of the family as it is defined in the Article 1 of this Agreement, the Protocol Department of the Ministry of Foreign Affairs of the Receiving State shall issue authorization for the requested person which allows to perform paid employment in the territory of the Receiving State.

3. In case a member of the family changes its position or employer, the Embassy of the Sending State shall inform the Protocol Department of the Ministry of Foreign Affairs of the Receiving State thereof.

### **Article 3**

1. A member of the family who enjoys immunities in accordance with the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations, the 1946 Convention on the Privileges and Immunities of the United Nations or any other applicable international agreement that provides immunities and who is employed in accordance with this Agreement, shall have no immunity from civil and administrative jurisdiction of the Receiving State in respect of any act or omission carried out in the course of paid employment under this Agreement and shall be subject to the relevant legislation in force of the Receiving State.

The above provision on waiving the immunities from civil or administrative jurisdiction shall not apply to the measures of

execution of the Receiving State, which shall require a separate waiver.

2. In case a member of the family enjoys immunities from criminal jurisdiction in accordance with the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations, the 1946 Convention on the Privileges and Immunities of the United Nations or any other applicable international agreement that provides immunities in the Receiving State, the Sending State shall attentively consider waiving the immunity of such member of the family with regard to criminal jurisdiction in case of committing a serious crime in the course of paid employment under this Agreement in the territory of the Receiving State.

The above provision on waiving the immunities from criminal jurisdiction shall not apply to the measures of execution of the Receiving State, which shall require a separate waiver. In this case, the Sending State shall thoroughly consider the waiving of such immunity.

#### **Article 4**

A member of the family, who has paid employment in the Receiving State under this Agreement, acquires the status of a taxpayer in the Receiving State and shall comply fully with the relevant tax, labour and social security legislation of the Receiving State or applicable international agreements to which the Parties are party.

#### **Article 5**

1. This agreement does not allow a member of the family to be employed on a post which according to the legislation in force of the Receiving State can be taken only by the citizen of the Receiving State.

2. This Agreement does not envisage the automatic recognition by the Parties of any diploma, qualification or scientific or professional degree. Such recognition shall be done in accordance with the legislation in force of the Receiving State or applicable international agreements to which the Parties are party.

#### **Article 6**

The permit for paid employment in the Receiving State obtained under this Agreement by members of the family of the employee of diplomatic mission or consular post of the Sending State shall terminate automatically when such employee finishes his/her official duties in the Receiving State.

### Article 7

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

2. Any dispute regarding the interpretation or application of this Agreement shall be settled through consultations.

### Article 8

1. This Agreement is concluded for an indefinite period of time.

2. This Agreement can be terminated at any time by either Party giving a six (6) months advance written notice to the other Party of its intention to terminate this Agreement.

3. Termination of this Agreement shall not affect the validity of permits for paid employment, issued under this Agreement before its termination, which shall remain in force for the period specified in Article 6 of this Agreement.

If the above proposal is acceptable to the Government of the Republic of Latvia, Ukrainian Side proposes that this note and the positive note in reply of the Latvian Side constitute the Agreement (in the form of exchange of notes) between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia on paid employment of members of the family of employees of diplomatic mission or consular post, which shall enter into force on the date of receipt by the Parties through diplomatic channels of the last written notification on the fulfilment of their internal procedures necessary for this Agreement to enter into force.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Latvia the assurance of its highest consideration.



lv, April 23, 2017