

**No. 49582**

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**New Zealand  
and  
Italy**

**Agreement between the Government of New Zealand and the Government of the Italian Republic regarding the employment of co-habiting dependants of diplomatic, consular and technical/administrative personnel. Rome, 4 December 2003**

**Entry into force:** *1 September 2010, in accordance with article 8*

**Authentic texts:** *English and Italian*

**Registration with the Secretariat of the United Nations:** *New Zealand, 1 May 2012*

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**Nouvelle-Zélande  
et  
Italie**

**Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République italienne relatif à l'emploi des personnes à charge vivant avec le personnel diplomatique, consulaire et technique/administratif. Rome, 4 décembre 2003**

**Entrée en vigueur :** *1<sup>er</sup> septembre 2010, conformément à l'article 8*

**Textes authentiques :** *anglais et italien*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Nouvelle-Zélande, 1<sup>er</sup> mai 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN THE GOVERNMENT OF NEW ZEALAND  
AND THE GOVERNMENT OF THE ITALIAN REPUBLIC  
REGARDING THE EMPLOYMENT OF CO-HABITING  
DEPENDANTS OF DIPLOMATIC, CONSULAR AND  
TECHNICAL/ADMINISTRATIVE PERSONNEL**

The Government of New Zealand and the Government of the Italian Republic hereafter referred to as “the Parties”, desiring to conclude an Agreement that aims to facilitate the employment of co-habiting dependants of diplomatic, consular and technical/administrative personnel of diplomatic and consular missions of the sending State on the territory of the receiving State agree on the following:

**Article 1  
Objective of the Agreement**

Dependants who are part of the family co-habiting with a diplomatic officer, consular officer or with technical/administrative personnel of diplomatic and consular missions of New Zealand in the Italian Republic and of the Italian Republic in New Zealand, will be authorised by the receiving State to undertake employment in the territory of such receiving State in accordance with the provisions of this Agreement.

For the purposes of this Agreement, the term “dependants” refers to:

- I) spouses who are not separated;
- II) unmarried children between 18 and 21 years of age;
- III) unmarried children who are mentally or physically disabled and incapable of self-support.

This Agreement shall also apply to dependants of personnel accredited to the Holy See or to international organisations that are based in either of the two States.

## **Article 2**

### **Authorisation Procedure in Italy**

The Embassy of New Zealand shall send a Note Verbale to the Diplomatic Protocol Department of the Italian Republic advising the name of the dependant, present in Italy, who requests permission to undertake employment and including a brief description of the nature of that employment.

In the case of a dependant working as an employee, the Diplomatic Protocol Department of the Italian Republic shall advise the Embassy of its agreement to the commencement of the procedure for the authorisation of the enrolment of the dependant in the employment lists established at the Employment Centres of the Regional Body responsible for the area, subject to the presentation of documentation supporting his/her declared qualification. Following this the employer, with reference to the Agreement, may directly employ the employee, advising the Employment Centres of the Regional Body responsible for the area, as required by the current law.

In the case of self-employment, the Embassy of New Zealand shall send a Note Verbale to the Diplomatic Protocol Department of the Italian Republic advising the name of the dependant, present in Italy, who requests permission to undertake self-employment, and including a brief description of that self-employment. The Diplomatic Protocol Department of the Italian Republic, after having consulted the competent Ministries, shall advise the Embassy of its consent.

### **Article 3**

#### **Authorisation Procedure in New Zealand**

The Embassy of Italy shall send a diplomatic note to the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade, advising the name of the dependant who wishes to undertake employment or self-employment and including a brief explanation of the type of employment which is proposed to be undertaken. The Protocol Division, after checking that the person in question fits the categories defined in this Agreement, shall inform the Embassy that the dependant is authorised to undertake employment. Similarly, the Embassy shall inform the Protocol Division of the termination of the employment undertaken by the dependant and shall submit a new request in the event that the dependant decides to undertake any new employment or self-employment.

### **Article 4**

#### **Application of the Local Law**

Dependants who have obtained the authorisation to undertake employment shall be subject to the current law in the receiving State in relation to questions arising from such employment regarding taxation, social security and employment. There shall be no restrictions regarding the nature or the type of activity to be undertaken, except for the constitutional and legal restrictions imposed by the laws of the receiving State.

For activities or professions that require special qualifications, it shall be necessary for the co-habiting dependant to comply with the laws that regulate the exercise of such activities in the receiving State.

This Agreement does not imply recognition of degrees or qualifications between the two States. The internal laws of each State and the bilateral or multilateral agreements in force between the two States shall apply in this regard.

## **Article 5**

### **Immunity**

Where a dependant who undertakes employment under the provisions of this Agreement enjoys immunity from the jurisdiction of the receiving State under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations or any other international agreement, it is decided that immunity from the civil or administrative jurisdiction and from the execution of judgments in the civil or administrative jurisdiction is suspended in relation to acts carried out in the exercise of the employment activity.

Where a dependant who undertakes employment under the present Agreement enjoys immunity from criminal jurisdiction under the abovementioned international agreements and is accused of a criminal offence committed during the exercise of that employment, the sending State shall give serious consideration to a written request for revocation of that immunity presented by the receiving State. Where there is no revocation, recall shall be considered and in any case the revocation of authorisation.

## **Article 6**

### **Limits of Authorisation**

The authorisation to undertake employment in the receiving State shall terminate as soon as the beneficiary ceases to have the status of dependant and shall only be given for a period not more than the length of the mission of the accredited personnel. Authorisation shall be subject to the condition that the employment is not reserved by law only to the citizens of the receiving State. It cannot be given to persons who have worked illegally in the receiving State or who have committed violations of the law or of the taxation and social security regulations. Authorisation may be refused for reasons relating to national security.