

No. 54252*

**Argentina
and
Austria**

Memorandum of Understanding between the Government of the Argentine Republic and the Government of the Republic of Austria concerning the reciprocal access to the labor market for dependent relatives of diplomatic, consular, administrative and technical staff of their diplomatic missions, consular offices and permanent missions to international organizations. Buenos Aires, 23 May 2014

Entry into force: *23 June 2014, in accordance with article 13*

Authentic texts: *English, German and Spanish*

Registration with the Secretariat of the United Nations: *Argentina, 11 January 2017*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Argentine
et
Autriche**

Mémorandum d'accord entre le Gouvernement de la République argentine et le Gouvernement de la République d'Autriche concernant l'accès réciproque au marché du travail pour les membres de la famille à charge du personnel diplomatique, consulaire, administratif et technique affectés à des missions diplomatiques, des consulats et des missions permanentes auprès des organisations internationales. Buenos Aires, 23 mai 2014

Entrée en vigueur : *23 juin 2014, conformément à l'article 13*

Textes authentiques : *anglais, allemand et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Argentine, 11 janvier 2017*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE ARGENTINE REPUBLIC
AND
THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA
CONCERNING
THE RECIPROCAL ACCESS TO THE LABOR MARKET FOR DEPENDENT
RELATIVES OF DIPLOMATIC, CONSULAR, ADMINISTRATIVE AND
TECHNICAL STAFF OF THEIR DIPLOMATIC MISSIONS, CONSULAR
OFFICES AND PERMANENT MISSIONS TO INTERNATIONAL
ORGANIZATIONS**

The Government of the Argentine Republic and the Government of the Republic of Austria (hereinafter referred to as "the Parties"),

Desirous of allowing the free exercise of remunerated activities by dependent relatives of members of Diplomatic Missions, Consular Offices and Permanent Missions to International Organizations of one of the Parties on an official mission in the territory of the other Party,

Have agreed as follows:

Article 1

Dependent relatives of diplomatic, consular, administrative and technical staff of Diplomatic Missions or Consular Offices of the Argentine Republic in the Republic of Austria and of the Republic of Austria in the Argentine Republic, may exercise remunerated activities in the receiving State, on the same conditions as the nationals of such State, once the required authorization has been obtained, pursuant to the provisions of this Memorandum of Understanding (hereinafter referred to as "MoU"). This benefit will also extend to dependent relatives of officials accredited to International Organizations located in either of the two countries.

Article 2

For the purpose of this MoU, a dependent relative is an individual who has been issued a visa or a legitimization document by the receiving State by virtue of his or her status as:

- a) A spouse,
- b) An unmarried child under the age of 21 years, under the charge of his or her parents; or
- c) An unmarried child with a physical or mental disability and under the charge of his or her parents.

Article 3

The Parties will grant employment authorization to dependent relatives without requiring evidence of any offer of employment in the receiving State.

Article 4

Subject to this MoU and the laws of the receiving State, the receiving State will not restrict the type of employment of a dependent relative. Nevertheless, it is understood that:

- a) In order to be eligible for employment in a profession requiring special qualifications in order to be employed, a dependent relative must comply with the rules governing the exercise of such profession or activity in the receiving State; and
- b) Employment in an occupation may be denied to a dependent relative in cases where, for security reasons, only nationals of the receiving State may be employed.

Article 5

Requests for authorization to engage in remunerated activities will be submitted, by the respective Diplomatic Mission to the Ministry of Foreign Affairs through a Verbal Note. The request will certify the kinship between the beneficiary and the official of whom he or she is a dependent and the remunerated activity in which the beneficiary wishes to engage. Upon verification that the person for whom the authorization is requested is included in the categories defined in this MoU, the Ministry of Foreign Affairs of the receiving State will immediately and officially inform the Embassy of the State of origin that the dependent relative has been authorized to work.

Article 6

The procedures followed for employment authorization will be applied by each Party in a way which enables dependent relatives to be employed as soon as

possible. Any requirements relating to work permits and similar formalities for the employment of dependent relatives will be favorably applied by each Party.

Article 7

No fees will be charged for the issuance of employment authorizations in accordance with Article 5.

Article 8

Dependent family members enjoying immunity from jurisdiction under the "Vienna Convention on Diplomatic Relations" of 18 April 1961 and the "Vienna Convention on Consular Relations" signed on 24 April 1963 or under the "Convention on the Privileges and Immunities of the United Nations" signed on 13 February 1946 or any other applicable international instrument, who have obtained employment in accordance with this MoU, do not have the benefit of immunity from civil and administrative jurisdiction with regard to any actions against them arising from employment authorized pursuant to this MoU, and will be subject to the legislation and jurisdiction of the receiving State in connection with such an activity.

Article 9

1) In the case of dependent relatives having immunity from criminal jurisdiction in accordance with the "Vienna Convention on Diplomatic Relations" of 18 April 1961 or the "Vienna Convention on Consular Relations" signed on 24 April 1963, and charged with a crime committed in relation to employment authorized pursuant to this MoU, the State of origin will give serious consideration to any written request submitted by the receiving State for a waiver of immunity. The above mentioned will be construed without prejudice to the rights of the State of origin to decide that a waiver of immunity is contrary to its interests.

2) A waiver of immunity from criminal jurisdiction under this Article will not be construed as extending to a waiver of immunity from execution of any sentence issued pursuant to the exercise of that jurisdiction, for which a separate waiver will be required. In such cases the State of origin shall give serious consideration to waiving the latter immunity.

Article 10

To the extent consistent with international agreements, the laws and regulations of the receiving State, including matters such as labor law, taxes and social security, are fully applicable.

Article 11

This MoU does not entail recognition of degrees, diplomas or studies between the Parties.

Article 12

The authorization to engage in remunerated activities in the receiving State will expire within two months from the date on which the diplomatic or consular agent or administrative or technical official in charge of the dependent relative ends their assignment to the Diplomatic Mission, Consular Office or Permanent Mission to International Organization to which they are accredited; the time that they may spend in this situation will be of no value or effect when requesting working and residence permits governed by the general regulations of the receiving State.

Article 13

- a) This MoU shall become effective thirty days after the date of its signature.
- b) This MoU may be modified by written mutual consent of the Parties.
- c) Each Party may, at any time, denounce this MoU through written notification to the other Party and through diplomatic channels. In such case, the denouncement shall be effective six months after the date of receipt of such notification.

Done in Buenos Aires on 23rd of May, 2014, in two originals, each in the Spanish, German and English languages, both being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR
THE GOVERNMENT OF THE
ARGENTINE REPUBLIC**



**FOR
THE GOVERNMENT OF THE
REPUBLIC OF AUSTRIA**

