



Belgium No. 1 (2023)

Agreement

between the United Kingdom of Great Britain and Northern Ireland and
the Kingdom of Belgium on the Gainful Occupation of Certain Family
Members of the Personnel of the Diplomatic Missions and Consular Posts

Brussels, 10 November 2023

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
November 2023*

CP 979



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CORRECTION SLIP

Title: Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Belgium on the Gainful Occupation of Certain Family Members of the Personnel of the Diplomatic Missions and Consular Posts

Session: 2023/2024

CP 979

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Correction: to pages 7 and 8 of the above Command Paper

Text currently reads:

**For the United Kingdom
of Great Britain and
Northern Ireland:**

MARTIN SHEARMAN

For the Kingdom of Belgium:

The Federal Government,

HADJA LAHBIB

The Flemish Government,

JAN JAMBON

The Government of the Walloon Region,

HADJA LAHBIB

The Government of the Brussels-Capital Region

HADJA LAHBIB

The Government of the German-speaking Community

OLIVER PAASCH

Text should read:

**For the United Kingdom
of Great Britain and
Northern Ireland:**

MARTIN SHEARMAN

For the Kingdom of Belgium:

The Federal Government,

HADJA LAHBIB

The Flemish Government,

HADJA LAHBIB

The Government of the Walloon Region,

HADJA LAHBIB

The Government of the Brussels-Capital Region

HADJA LAHBIB

The Government of the German-speaking Community

HADJA LAHBIB

Date of correction: 22/12/2023

**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF
BELGIUM ON THE GAINFUL OCCUPATION OF CERTAIN FAMILY
MEMBERS OF THE PERSONNEL OF THE DIPLOMATIC MISSIONS
AND CONSULAR POSTS**

The United Kingdom of Great Britain and Northern Ireland

And

The Kingdom of Belgium, represented by

The Federal Government
The Flemish Government
The Government of the Walloon Region
The Government of the Brussels-Capital Region,
The Government of the German-speaking Community

DESIRING to conclude an agreement which aims to facilitate the gainful occupation of certain family members of a member of a diplomatic mission or a consular post of the sending State accredited to the receiving State on the territory of the receiving State

AGREE on the following:

ARTICLE 1

Scope of the Agreement

On a reciprocal basis, the members of the family forming part of the household of a member of a diplomatic mission or consular post of the sending State shall be authorised to engage in a gainful occupation in the receiving State in accordance with the provisions of this Agreement and the law of the receiving State.

ARTICLE 2

Definitions

For the purpose of this Agreement:

- a) "a member of the family forming part of the household" means-
 - (i) in the case of the United Kingdom of Great Britain and Northern Ireland as receiving State, a child under eighteen years of age, a child between the age of eighteen and twenty-five years who is in full-time attendance on a course of study

and at an educational institution approved by the authorities of the receiving State; the spouse of a member of a diplomatic mission or consular post, or the civil or unmarried partner of such a member, if recognised as such by the authorities of the sending State and the authorities of the receiving State and “family member” shall be construed accordingly;

(ii) in the case of the Kingdom of Belgium as receiving State, an unmarried child up to eighteen years, or the spouse of a member of a diplomatic mission or consular post, or the civil or unmarried partner of such a member, if recognised as such by the authorities of the sending State and the authorities of the receiving State and “family member” shall be construed accordingly;

- b) "a member of a diplomatic mission or consular post" means an individual who is not a national of the receiving State or a permanent resident in its territory and who is an employee of the sending State in a diplomatic mission, consular post or a mission to an international organisation with a seat in the receiving State and has been accepted by the receiving State as such;
- c) “authorised” means authorised in accordance with Article 4;
- d) “gainful occupation” means every form of remunerative employment, whether self-employed or as an employee.

ARTICLE 3

Key principles

1. Authorisation to engage in a gainful occupation is given 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.
2. Unless the receiving State decides otherwise, authorisation shall be withdrawn from those family members who, having engaged in a gainful occupation, cease to form part of the household of a member of a diplomatic mission or consular post.
3. The authorisation shall apply during the period in which the member of a diplomatic mission or consular post is assigned in the territory of the receiving State until the conclusion of the term of the assignment (or within an acceptable timeframe following this event).
4. This Agreement shall apply without prejudice to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the

European Union and the European Atomic Energy Community, signed in Brussels on 24th January 2020.

ARTICLE 4

Procedures

1. In the Kingdom of Belgium all requests for authorisation for a family member to engage in a gainful occupation shall be sent by the Embassy of the United Kingdom of Great Britain and Northern Ireland to the Protocol Division of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium. Upon verification that the person is a family member and processing of the official request, the Protocol Division shall inform the Embassy that the family member is eligible for gainful occupation. The procedures followed shall be applied in a way that enables the family member 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.
2. In the United Kingdom of Great Britain and Northern Ireland, a family member, is authorised to work in accordance with its laws and regulations, with no further administrative procedures required.
3. Authorisation for the family member 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 5

Civil and administrative privileges and immunities

In cases where the authorised family member enjoys immunity from the civil and administrative jurisdiction of the receiving State, in accordance with the provisions of the Vienna Convention on Diplomatic Relations, the Vienna Convention on 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 enforcement of any judgment in relation to these matters provided that the measures concerned can be taken without infringing the inviolability of the authorised family member or their residence.

ARTICLE 6

Criminal Immunity

In cases where an authorised family member 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 give serious consideration to waiving the immunity from criminal jurisdiction enjoyed by the family member with regard to the receiving State in respect of any act or omission arising from the gainful occupation;
- 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 shall be required. In the case of such a request, the sending State shall give serious consideration to the request of the receiving State.

ARTICLE 7

Taxation regime

In accordance with the provisions of the aforementioned Vienna Conventions or of any other applicable international instrument, and without prejudice to any agreement concluded between the Kingdom of Belgium and the United Kingdom of Great Britain and Northern Ireland, authorised family members shall be subject to the taxation regime of the receiving State for all matters connected with their gainful occupation in that State.

ARTICLE 8

Social security regime

Without prejudice to any agreement concluded by the European Union or by the Kingdom of Belgium with the United Kingdom of Great Britain and Northern Ireland, authorised family members shall be subject to the social security regime of the receiving State for all matters connected with their gainful occupation in that State.

ARTICLE 9

Duration and termination

This Agreement shall remain in force 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 10

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 the necessary constitutional and legal procedures.

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

DONE at Brussels, on the tenth day of the month of November of the year 2023, in two original copies, each in the English, French and Dutch languages, each version being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**For the United Kingdom of Great
Britain and Northern Ireland:**

MARTIN SHEARMAN

For the Kingdom of Belgium:
The Federal Government,

HADJA LAHBIB

The Flemish Government,

JAN JAMBON

The Government of the Walloon
Region,

HADJA LAHBIB

The Government of the Brussels-Capital
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