

TURKEY



Treaty Series No. 98 (2000)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Turkey

concerning the Employment in Turkey and the United Kingdom of the Dependants of Diplomatic and Consular Personnel

Ankara, 12 January 2000

[The Agreement entered into force on 3 April 2000]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 2000*

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY CONCERNING THE EMPLOYMENT IN TURKEY AND THE UNITED KINGDOM OF THE DEPENDANTS OF DIPLOMATIC AND CONSULAR PERSONNEL

No. 1

The Deputy Under-Secretary of the Ministry of Foreign Affairs of the Republic of Turkey to Her Majesty's Ambassador at Ankara

Ankara

12 January 2000

PIGY/36-1

I have the honour to present my compliments to Your Excellency and have the pleasure on behalf of the Government of Turkey to propose that the members of the family forming part of the household of an official of the sending State, as defined in paragraph (1) (a) below, shall be authorized, on the basis of reciprocity and under the conditions indicated below, to pursue gainful employment in the receiving State, in accordance with the provisions of the law of the receiving State:

1. For the purposes of this Agreement:

(a) "an official of the sending State" means any employee of the sending State who is not a national of the receiving State and who is one of the following:

- (i) A diplomatic agent, as defined in the Vienna Convention on Diplomatic Relations ("the VCDR");
- (ii) A member of the administrative and technical staff, as defined in the VCDR;
- (iii) A consular officer, as defined in the Vienna Convention on Consular Relations ("the VCCR");
- (iv) A consular employee, as defined in the VCCR.

(b) "the members of the family means:

- (i) The spouse,
- (ii) Unmarried dependent children under 21 years of age, and
- (iii) Unmarried dependent children under 25 years of age, who are in full-time attendance as students at post-secondary educational institutions.

2. Any authorization to engage in a gainful occupation in the receiving State shall be terminated at the end of the assignment of the member of a diplomatic mission or consular post.

3. **Procedures**

(a) A request for authorization to engage in a gainful occupation shall be sent on behalf of the member of the family by the Embassy of the sending State to the Ministry of Foreign Affairs of the receiving State.

(b) The procedures followed shall be applied in a way which enables the member of the family to engage in a gainful occupation as soon as possible and any requirements relating to work permits and similar formalities shall be favourably applied.

(c) The work authorization shall be issued for a period not exceeding two years and may be renewed for successive periods of equal duration.

(d) The work authorization may be issued only for employment in the fields of education and academic research or such other job categories as may be jointly determined by the two Parties on a case by case basis through an exchange of diplomatic notes. It may be denied for persons who have worked illegally in the receiving State or have committed violations of the laws or regulations in the field of taxation and social security there. The authorization can also be denied for reasons of national security.

4. Criminal immunity

In the case of members of the family who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument,

- (a) The sending State shall waive the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State in respect of any act carried out in the course of the gainful occupation save in instances when the sending State considers that such a waiver could be contrary to its interests.
- (b) In such instances, the sending State shall give serious consideration to waiving the immunity of the member of the family from the execution of a sentence.

5. Civil and administrative privileges and immunities

In the case of the members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or under 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.

6. Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations or under any other applicable international instrument, members of the family shall be subject to the fiscal and social security regimes of the receiving State for all matters connected with their gainful occupation in the receiving State.

7. Duration and termination

This Agreement shall remain in force for an indefinite period. Either State may terminate it at any time by giving 6 (six) months' notice in writing to the other State.

Should the above be acceptable, this Note and Your Excellency's affirmative Note in reply shall constitute an Agreement between the two Governments which shall enter into force when the Republic of Turkey notifies the Government of the United Kingdom of the completion of its internal procedures through the diplomatic channel.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

AYDAN KARAHAN

No. 2

Her Majesty's Ambassador at Ankara to the Deputy Under-Secretary of the Ministry of Foreign Affairs of the Republic of Turkey

Ankara

12 January 2000

No. 5

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note No. PIGY/36-1 of 12 January 2000 which reads as follows:

[As in No. 1]

In reply I have the honour to inform Your Excellency that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland who shall regard Your Excellency's Note and this reply as constituting an Agreement between our two Governments which shall enter into force when the Government of the United Kingdom receives notification from the Republic of Turkey, through the diplomatic channel, of the completion of the latter's internal procedures.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

DAVID BRIAN CARLTON LOGAN



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