



TREATY SERIES 1998

NO.5

EXCHANGE OF NOTES CONSTITUTING AN
ARRANGEMENT BETWEEN THE GOVERNMENT OF IRELAND
AND THE GOVERNMENT OF CANADA FOR THE EMPLOYMENT
OF DEPENDENTS OF GOVERNMENT EMPLOYEES ASSIGNED TO
OFFICIAL DUTES IN EACH OTHER'S COUNTRY

Done at Dublin on 19 January 1998

ENTERED INTO FORCE FOR IRELAND ON 19 JANUARY 1998

L Aid before Dail Eireann by
The Minister for Foreign Affairs

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No.1841

The Canadian Embassy presents its compliments to the Department of Foreign Affairs and has the honour to propose "An Arrangement between the Government of Ireland and the Government of Canada for the Employment of Dependents of Government Employees assigned to Official Duties in Each Other's Country".

The Embassy proposes the following text of an Arrangement.

"The two Governments agree that, on the basis of reciprocity, dependents of employees of one Government assigned to official duties in the other country as members of the diplomatic staff and the administrative and technical staff of (i) a diplomatic mission, (ii) a consular post, or (iii) a mission to an international organization, will receive authorization to accept employment in the receiving State. No restriction will be placed on the type of employment that may be undertaken. It is understood, however, that in positions where particular qualifications are required, it will be necessary for the dependent to meet those qualifications. Further, authorization to accept employment may be denied in cases where, for security reasons, only nationals of the receiving State may be employed.

For the purposes of this Arrangement:

- "employee(s)" means diplomatic and consular personnel, other government personnel attached to diplomatic and consular missions and administrative, technical and support staff, but not members of the service staff;

- "Dependent(s)" means: (a) spouses; (b) unmarried dependent children under 19, or under 25, if in fulltime attendance at a post-secondary institution; and (c) unmarried dependent children who are physically or mentally disabled.

Before a dependent may accept any employment in the receiving State, the Embassy of the sending State will make an official request to the Protocol Division of the Department of Foreign Affairs. Upon verification that the person in question falls within the categories defined in this Arrangement, and after observing applicable domestic procedures, the Protocol Division will promptly and officially inform the Embassy that the person has authorization to accept employment, subject to the applicable regulations of the receiving State.

For dependents who obtain employment under this Arrangement and who have immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby irrevocably waived by the sending State. Should this Arrangement be terminated, this waiver will continue to have effect for all such matters that arose while the Arrangement was in effect.

In the event that a dependent who has immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations or any other applicable international agreement is accused of a criminal offence committed in relation to his or her employment, the sending State will give serious consideration to any written request that may be submitted by the receiving State for the waiving of such immunity.

Dependents obtaining employment under this Arrangement will be required to pay income tax, social security and other deductions levied by the receiving State on any remuneration arising from such employment."

If the foregoing proposals are acceptable to the Government of Ireland, the Government of Canada has the honour to propose that this Note and the Department's affirmative reply will constitute an Arrangement between the two Governments on this matter, which will enter into effect on the date of the received reply and will remain in effect until terminated by either Government on ninety (90) days notice in writing to the other.

The Canadian Embassy avails itself of this opportunity to renew to the Department of Foreign Affairs the assurance of its highest consideration.

Dublin, December 19, 1997





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DEPARTMENT OF FOREIGN AFFAIRS

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DUBLIN 2

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The Department of Foreign Affairs presents its compliments to the Canadian Embassy and has the honour to refer to the Embassy's Note no. 1841 of 19 December 1997 and to the proposed "Arrangement between the Government of Ireland and the Government of Canada for the Employment of Dependents of Government Employees Assigned to Official Duties in Each Other's Country", which reads as follows:

"The two Governments agree that, on the basis of reciprocity, dependents of employees of one Government assigned to official duties in the other country as members of the diplomatic staff and the administrative and technical staff of (i) a diplomatic mission, (ii) a consular post, or (iii) a mission to an international organization, will receive authorization to accept employment in the receiving State. No restriction will be placed on the type of employment that may be undertaken. It is understood, however, that in positions where particular qualifications are required, it will be necessary for the dependent to meet those qualifications. Further, authorization to accept employment may be denied in cases where, for security reasons, only nationals of the receiving State may be employed.

For the purposes of this Arrangement:

- "employee(s)" means diplomatic and consular personnel, other government personnel attached to diplomatic and consular missions and administrative, technical and support staff, but not members of the service staff;
- "Dependent(s)" means: (a) spouses; (b) unmarried dependent children under 19, or under 25, if in fulltime attendance at a post-secondary institution; and (c) unmarried dependent children who are physically or mentally disabled.

Before a dependent may accept any employment in the receiving State, the Embassy of the sending State will make an official request to the Protocol Division of the Department of Foreign Affairs. Upon verification that the person in question falls within the categories defined in this Arrangement, and after observing applicable domestic procedures, the Protocol Division will promptly and officially inform the Embassy that the person has authorization to accept employment, subject to the applicable regulations of the receiving State.

For dependents who obtain employment under this Arrangement and who have immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations or any other applicable international agreement, immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment is hereby irrevocably waived by the sending State. Should this Arrangement be terminated, this waiver will continue to have effect for all such matters that arose while the Arrangement was in effect.

In the event that a dependent who has immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations or any other applicable international agreement is accused of a criminal offence committed in relation to his or her employment, the sending State will give serious consideration to any written request that may be submitted by the receiving State for the waiving of such immunity.

Dependents obtaining employment under this Arrangement will be required to pay income tax, social security and other deductions levied by the receiving State on any remuneration arising from such employment”

The Department hereby confirms that the proposal set out in the Embassy’s Note of 19 December 1997 is acceptable to the Irish Government and that the said Note and this reply accepting the proposal shall constitute an Agreement between the Government of Ireland and the Government of Canada which shall enter into force on the date of this Note, namely **19 January 1998**, and will remain in effect until terminated by either Government on ninety (90) days notice in writing to the other.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Canadian Embassy the assurance of its highest consideration.

To: **The Canadian Embassy**
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19 January 1998