

法規名稱：ARRANGEMENT BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN TEL AVIV AND THE ISRAEL ECONOMIC AND CULTURAL OFFICE IN TAIPEI ON GAINFUL OCCUPATION FOR FAMILY MEMBERS OF A MEMBER OF A REPRESENTATIVE OFFICE OR CONSULAR POST

簽訂日期：民國 102 年 12 月 10 日

生效日期：民國 102 年 12 月 10 日

The Taipei Economic and Cultural Office in Tel Aviv and the the Israel Economic and Cultural Office in Taipei (hereinafter referred to as the "Parties");

Realizing that the members of the family of a Home-Based staff forming part of his household, in particular spouses, may wish to work in the Party where the member of a representative office or consular post is assigned to duty;

Desirous of facilitating the engagement of such family members in a gainful occupation in the receiving Party;

Have agreed to the following:

Article 1- Authorization to engage in a gainful occupation

1. The members of the family forming part of the household of a member of a representative office or consular post of the sending Party appointed to carry out an official mission in the receiving Party shall be authorized to engage in a gainful occupation in the receiving Party in accordance with the provisions of the applicable legislation of the receiving Party and the provisions of this Arrangement
2. The receiving Party shall retain the right to withhold authorization for employment in certain areas, inter alia:
 - a. If the employer is the receiving Party, including its semi-autonomous agencies; foundations, state-owned and mixed public -private corporations;
 - b. If the activity affects national security.
3. Any authorization to engage in a gainful occupation in the

receiving Party shall be valid only during the tenure of the member of a representative office or consular post in the receiving Party or at the latest three (3) months thereafter.

Article 2- Definitions

For the purpose of this Arrangement:

1. "A member of a representative office or consular post" means any employee of the sending Party who is not a national of or permanently resident in the receiving Party and who is assigned to official duty in the receiving Party in a representative office or consular post.
2. "A member of the family" of a member of a representative office or consular post means:
 - a. The spouse or de-facto spouse, in accordance with the applicable legislation of the sending Party;
 - b. Unmarried dependant children under the age of twenty-one (21) years or unmarried dependent children under the age of twenty-five (25) years pursuing full-time courses leading to a substantial qualification in universities or higher education centers recognized by each Party.
 - c. Unmarried children who are physically or mentally disabled but able to work.

Article 3- Procedures

1. The engagement of a member of the family in a gainful occupation in the receiving Party shall be governed by the provisions of this Arrangement and shall be subject to prior authorization of the relevant authorities through a request sent on behalf of the member of the family by the representative office or consular post of the sending Party to the Protocol Department of the Ministry of Foreign Affairs of the receiving Party, specifying the position applied for, the details of the potential employer and any other information requested by the appropriate authority in

accordance with its procedures and forms. The relevant authorities of the receiving Party, after checking whether the person in question fits the categories defined in this Arrangement and taking into account applicable internal provisions, shall officially inform the representative office or consular post of the sending Party, through the Protocol Department of the Ministry of Foreign Affairs of the receiving Party, that the person is authorized to engage in the requested position, according to the applicable legislation of the receiving Party.

2. Should the member of the family seek to change his/her employers at any time after receiving a work permit, a further request for authorization must be sought
3. Authorization for a member of the family or of the potential employer to engage in a gainful occupation will not imply exemption from any requirements, procedures or fees which may ordinarily apply to any employment, whether relating to personal characteristics, professional or trade qualifications or otherwise. In the case of professions requiring special qualifications, the member of the family shall not be exempted from fulfilling the applicable requirements. The provisions of this Arrangement shall not be interpreted as implying the recognition, by the other Party, of a degree for pursuing a profession.

Article 4

Civil or administrative privileges and immunities In the case of members of the family who enjoy immunity from the civil or administrative jurisdiction of the receiving Party in accordance with the Vienna Convention on Diplomatic Relations, 1961 or in accordance with the rules of the customary international law as they are embodied in the Vienna Convention on Consular Relations, 1963, such immunity shall not apply in respect of any act or omission carried out in the course of the gainful occupation and falling within the civil or administrative

jurisdiction of the receiving Party. Such a waiver of immunity from civil or administrative jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required

Article 5- Criminal immunity

In the case of members of the family who enjoy immunity from the criminal jurisdiction of the receiving Party in accordance with the Vienna Convention on Diplomatic Relations, 1961 or in accordance with the rules of customary International law as they are embodied in the Vienna convention on Consular Relations, 1963:

- a. The provisions concerning immunity from criminal jurisdiction of the receiving Party shall continue to apply in respect of any act or omission carried out in the course of the gainful occupation.
- b. However, in the case of serious offences carried out in the course of the gainful occupation, upon the request in writing of the receiving Party, the sending Party shall seriously consider waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving Party.
- c. Such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required.

Article 6- Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations, 1961 and in accordance with the rules of the customary international law as they are embodied in the Vienna Convention on Consular Relations, 1963 members of the family shall be subject to the fiscal and social security regimes of the receiving Party for matters connected with their gainful occupation in that Party.

Article 7- Settlement of disputes

Any differences or disputes regarding the interpretation or application of this Arrangement shall be settled through mutual consultations.

Article 8- Entry into Force

This Arrangement shall enter into effect upon signature for an indefinite period of time, unless terminated by either Party, providing six (6) months prior notice in writing through diplomatic channels.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Arrangement.

Signed in Taipei, on the 10th day of December, 2013 in duplicate

in the English language.

Liang-jen-Chang

Simona Halperin

For the Taipei Economic
and Cultural Office in Tel
Aviv

For the Israel Economic
and Cultural Office in
Taipei