

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

The Taipei Economic and Cultural Office in Tel Aviv and 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.

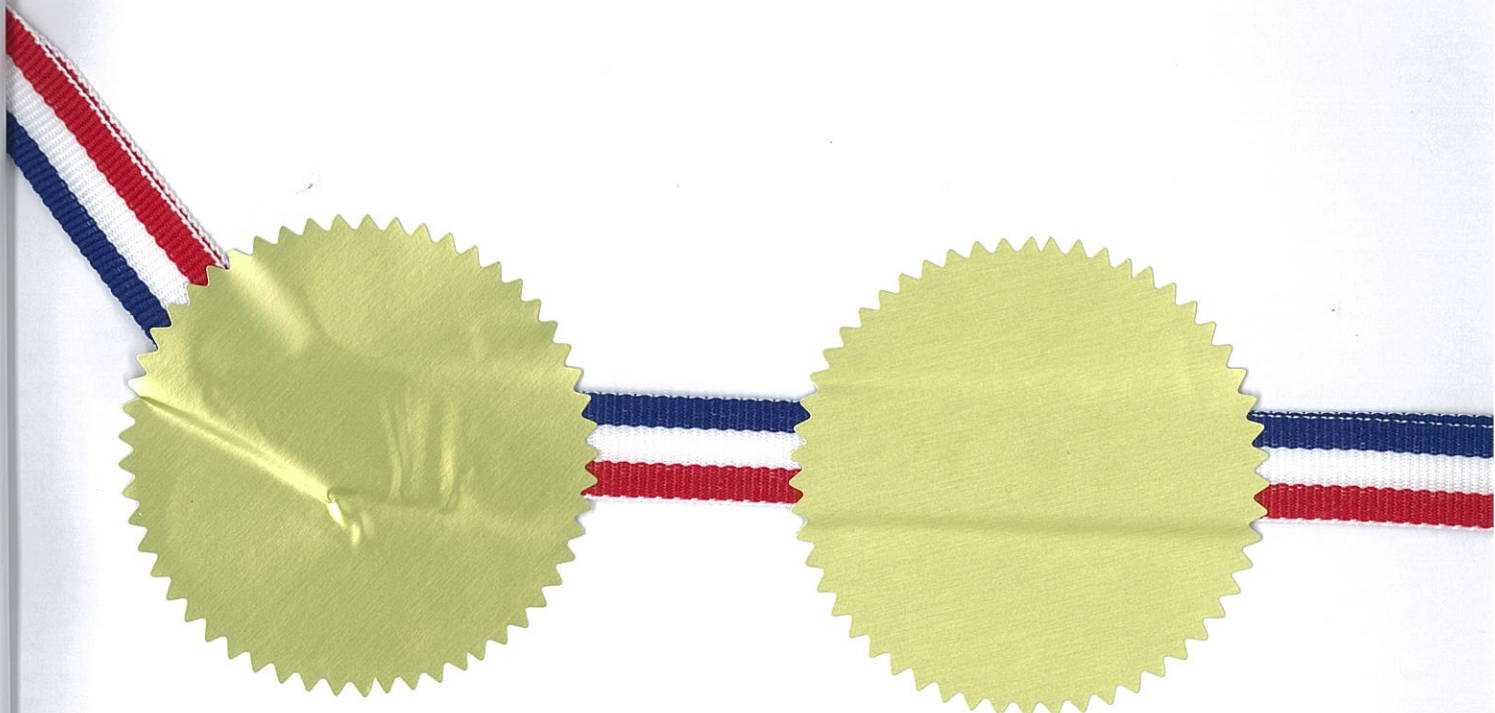
Signed in Taipei, on the 10th day of December, 2013 in duplicate in the English language.

For the Taipei Economic and Cultural
Office in Tel Aviv

For the Israel Economic and Cultural
Office in Taipei

張 慶 雄

Simon Hoffer



駐台拉維夫台北經濟文化辦事處
與
駐台北以色列經濟文化辦事處
代表處或領事據點駐外人員之眷屬從事有償工作協議
(中譯本)

駐台拉維夫台北經濟文化辦事處與駐台北以色列經濟文化辦事處（以下簡稱「雙方」）；

理解派駐在代表處或領事據點執行公務之駐外人員眷屬，尤其是配偶，盼於駐在國工作之希望；

咸欲促成此等眷屬得以於接受國從事有償工作；

爰議定下列條款：

第一條：從事有償工作之授權

1. 派遣國指派至位於接受國之代表處或領事據點執行公務之駐外人員的眷屬，應依據接受國適用法律及本協議之條文，獲得授權，從事有償工作。
2. 在特定情況下，接受國得保留授權工作的權利，包括但不僅限於以下的情況：
 - a. 倘雇主為接受國政府，包含其半官方機構、基金會、國營或公私合營之企業；
 - b. 倘活動影響國家安全。
3. 任何於接受國之有償工作授權應具有效期限，僅限於派駐在位於接受國之代表處或領事據點之駐外人員任期

內，或最遲至其任期屆滿後3個月內。

第二條：定義

為本協議之目的：

1. “代表處或領事據點之駐外人員”係指受雇於派遣國，非接受國之國民或永久居民，且受派至位於接受國之代表處或領事據點執行公務之人員。
2. 代表處或領事據點之駐外人員的“眷屬”係指：
 - a. 符合派遣國法律規定之配偶或事實上配偶。
 - b. 21歲以下未婚子女或25歲以下未婚且在雙方各自承認的大學或高等教育機構為取得相當資格就讀之全職在學子女。
 - c. 身心障礙惟仍有工作能力之未婚子女。

第三條：程序

1. 眷屬於接受國從事有償工作應受本協議條款之規範，且應事先經由派遣國代表處或領事據點代表該眷屬向接受國之外交部禮賓處提出請求，並獲得有關單位的授權；提出請求時應說明申請工作之職位、可能雇主之詳細資料，以及相關單位依據其程序與形式上要求之任何其他資訊。接受國之相關單位在查驗申請人是否符合本協議所定義之資格並考量其內部規定之後，應經由接受國之外交部禮賓處正式通知派遣國代表處或領事據點，告知該申請人依據接受國之相關法律業獲得授權得以從事其

所申請之工作。

2. 眷屬在獲得工作許可後若想更換雇主，須另行申請授權。
3. 眷屬或其可能雇主在獲得授權從事有償工作之後，並不表示可以豁免一般工作適用之要件、程序或費用，不論是與個人特質、專業或職業資格，或是其他相關事項。如牽涉到需要專業資格之職業，眷屬應符合相關要件，不得豁免。本協議之條款不得解釋為一方承認另一方得據以從事專業之學位。

第四條：民事或行政特權及豁免

倘眷屬根據 1961 年維也納外交關係公約，或是根據 1963 年維也納領事關係公約所實踐之國際習慣法規定，於接受國享有民事或行政管轄之豁免權，其豁免權不得適用於從事有償工作時的作為或不作為，且仍受接受國之民事及行政管轄。上揭民事及行政管轄豁免權之放棄，不得擴大解釋為放棄判決執行之豁免權，該等豁免權之放棄須另以聲明為之。

第五條：刑事豁免

倘眷屬根據 1961 年維也納外交關係公約，或是根據 1963 年維也納領事關係公約所實踐之國際習慣法規定，於接受國享有刑事管轄之豁免權：

- a. 其於接受國享有刑事管轄豁免權之條款仍適用於從事有償工作時的作為或不作為。
- b. 惟遇從事有償工作時犯下之重大犯罪行為，派遣國於

接獲接受國書面請求時，派遣國應鄭重考慮放棄該眷屬於接受國之刑事管轄豁免權。

- c. 放棄刑事管轄豁免權，不得擴大解釋為放棄判決執行之豁免權，該等豁免權之放棄須另以聲明為之。

第六條：財稅及社會保險制度

根據 1961 年維也納外交關係公約，或是根據 1963 年維也納領事關係公約所實踐之習慣國際法規定，眷屬於接受國從事有償工作時，仍應受接受國財稅及社會保險制度之規範。

第七條：爭端解決

對本協議之解釋或適用如有任何異議或爭端，雙方應透過互相協商解決。

第八條：生效

本協議於簽署日生效，除任何一方透過外交管道，以 6 個月前之書面通知對方終止外，本協議持續有效。

雙方代表經各自政府合法授權簽署本協議，以昭信守。

本協議以英文繕製兩份，於西元 2013 年 ____ 月 ____ 日，於 _____ 簽署。

駐台北以色列經濟文化辦事處

駐台拉維夫台北經濟文化辦事處

mofa-6769A73E
