

Agreement

between

the Government of the Socialist Republic of Viet Nam

and

the Government of the Federal Republic of Germany

on

the gainful occupation of members of the families of members

of diplomatic missions, consular posts or permanent missions

the Government of the Socialist Republic of Viet Nam
and
The Government of the Federal Republic of Germany,
(hereinafter referred to as the “Contracting Parties”),

Desirous of improving the opportunities for gainful occupation for members of the families of members of a diplomatic mission, consular post or permanent mission to an International Organisation (hereinafter referred to as “the Mission”),

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement

1. “member of the Mission” means any home-based employee of the sending State who is not a national of or permanent resident in the receiving State and who is assigned to a diplomatic mission or consular post or permanent mission to an International Organisation in the receiving State;
2. “member of the family” means the following persons who permanently form part of the household of the member of the Mission
 - a) the spouse, in accordance with the legislations of the sending State and of the receiving State,

- b) any single child under 18 years of age,
 - c) any single child between 18 and 25 years of age of a member of the Mission, if he or she has entered the receiving State as an officially authorised accompanying person under 18 years of age;
3. "gainful occupation" means every form of remunerative employment, whether self-employed or as an employee, including vocational training.

Article 2

Authorisation to engage in a gainful occupation

Members of the family shall be authorised, on a reciprocal basis, to engage in a gainful occupation in the receiving State. Notwithstanding the work permit issued pursuant to this Agreement, regulations pertaining to specific professions in the receiving State shall apply. The individuals concerned shall be exempt from the requirement to obtain a residence permit when taking up a gainful occupation in the Federal Republic of Germany. In the Socialist Republic of Viet Nam, the relevant residence permits shall be issued where necessary.

Article 3

Procedures

(1) When a member of the family wishes to undertake a gainful occupation, the diplomatic Mission of the sending State shall communicate this by diplomatic Note to the State Protocol Department of the receiving State. The diplomatic Note shall include the name of the applicant, the employer's name and address, the job title and a copy of the employment contract.

(2) Once it has been ascertained that the person concerned is covered by the provisions of this Agreement, the State Protocol Department of the receiving State shall, in writing and within a maximum period of thirty (30) days from the receipt of the diplomatic Note, inform the diplomatic Mission of the sending State that the person concerned is authorised to undertake such gainful occupation.

(3) The diplomatic Mission of the sending State shall inform the State Protocol Department of the receiving State of the termination of the gainful occupation undertaken by the person concerned. In the event that the person decides to accept any new employment, a new diplomatic Note shall be sent to the State Protocol Department.

Article 4

Immunity from civil and administrative jurisdiction

If members of the family enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention of 18 April 1961 on diplomatic relations or under any other applicable international instrument, such immunity shall not apply in respect of any act or omission in connection with the gainful occupation.

Article 5

Immunity from criminal jurisdiction

(1) 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 of 18 April 1961 on diplomatic relations or under any other applicable international instrument, the provisions concerning immunity from the criminal jurisdiction of the receiving State shall also apply in respect of any act carried out in connection with the

gainful occupation. However, should a criminal act occur, upon request by the receiving State, the sending State shall give serious consideration to waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State.

(2) If the sending State does not waive immunity of the member of the family concerned, it shall seize its criminal prosecution authorities with the criminal act committed. The receiving State must be advised of the outcome of the criminal proceedings, and, if in the view of the receiving State the matter is a serious one, the receiving State shall be entitled to request that the member of the family leave the country.

(3) The member of the family may be questioned as a witness in connection with a gainful occupation unless the sending State believes that this would be contrary to its interests.

Article 6

Fiscal and social security regimes

Members of the family shall be subject to the fiscal and social security regimes of the receiving State with respect to their gainful occupation in that State in so far as this does not conflict with any other international instrument which is binding for both Contracting Parties.

Article 7

Termination of the authorisation

Authorisation to undertake a gainful occupation shall terminate when:

1. its beneficiary ceases to have the status of a member of the family within the definition of this Agreement;

2. the assignment of the member of the Mission is terminated; or
3. its beneficiary ceases to reside in the receiving State as part of the household of the member of the Mission.

Article 8

Dispute settlement

Any disputes between the Contracting Parties concerning the interpretation or application of this Agreement shall be settled through consultations through diplomatic channels.

Article 9

Entry into force, duration and termination

(1) This Agreement shall enter into force thirty (30) days after the date of the receipt, through diplomatic channels, of the later notification in which the Contracting Parties notify each other about the completion of their internal legal procedures required for the entry into force of this Agreement.

(2) This Agreement shall remain in force for an indefinite period. Either Contracting Party may terminate this Agreement by notifying the other in writing through diplomatic channels. In that event, this Agreement shall cease to have effect six (6) months from the date of receiving such a notification.

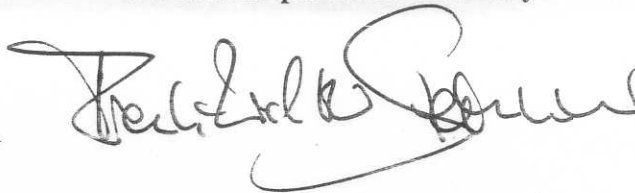
Done at Berlin on 25th of November 2015 in duplicate in the Vietnamese, German and English languages, all three texts being authentic. In case of divergent interpretations of the Vietnamese and German texts, the English text shall prevail.

For Government of the
Socialist Republic of Viet Nam



PHAM BINH MINH
Deputy Prime Minister,
Minister of Foreign Affairs

For the Government of the
Federal Republic of Germany



FRANK-WALTER STEINMEIER
Minister of Federal Foreign Office