

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE SLOVAK REPUBLIC
AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
ON GAINFUL OCCUPATION OF FAMILY MEMBERS OF MEMBERS OF THEIR
DIPLOMATIC MISSIONS AND CONSULAR POSTS

The Government of the Slovak Republic and the Government of the Republic of India (hereinafter referred to as the “contracting parties”)

Considering the particularly advanced stage of understanding between the two countries;

Recognizing the mutual interest in allowing family members of members of diplomatic missions and consular posts of the sending state to engage in gainful occupation, on a reciprocal basis, in the territory of the receiving state; and

With the aim of establishing new mechanisms to strengthen their diplomatic relations;

Agree as follows:

ARTICLE 1

1. Based on reciprocity, the family members of members of a diplomatic mission or a consular post of the sending state may be authorized to engage in gainful occupation in the territory of the receiving state in accordance with the provisions of this Agreement.
2. Conditions concerning the performance of regulated professions and specialized regulated activities are governed by the binding national legislation of the receiving state.

ARTICLE 2

For the purposes of this Agreement:

1. "A member of a diplomatic mission or a consular post" means a diplomatic agent or a member of the administrative and technical staff of a diplomatic mission or a consular officer or a consular employee of a consular post to the receiving state who is not a national of or a permanent resident of the receiving state.
2. "A family member of a member of a diplomatic mission or a consular post" means:
 - i. A spouse in accordance with the laws of the receiving state;
 - ii. An unmarried dependent child under 21 years of age,
 - iii. An unmarried dependent child under 26 years of age, enrolled at a university or higher education center recognized by the receiving state;
 - iv. An unmarried dependent child, suffering from any physical or mental disabilities that is able to perform gainful occupation.

3. “Gainful occupation” means work under an employment contract or under an agreement on performance of work outside an employment relationship in accordance with the national legislation of the receiving state. Work of a family member in a diplomatic mission or a consular post of the sending state or other states or a mission to an international organization is not covered, and is in no way affected, by this Agreement.
4. “The receiving state” means the state of contracting party, to which the member of the diplomatic mission or consular post is officially accredited and where the seat of the diplomatic mission or consular post is located.

ARTICLE 3

1. In the Slovak Republic
 - a) before a family member of a member of a diplomatic mission or a consular post of the Republic of India is allowed to engage in gainful occupation, the diplomatic mission or consular post of the Republic of India shall request an official authorization, in writing and with the relevant documents, from the Diplomatic Protocol Department of the Ministry of Foreign and European Affairs of the Slovak Republic.
 - b) upon confirmation that the family member of a member of a diplomatic mission or a consular post of the Republic of India in question fits the categories defined in this Agreement and taking into account applicable domestic provisions of the Slovak Republic, the Diplomatic Protocol Department of the Ministry of Foreign and European Affairs of the Slovak Republic shall inform the diplomatic mission or consular post of the Republic of India, by writing and without delay that the family member of a member of a diplomatic mission or a consular post is authorized to engage in gainful occupation in the Slovak Republic in accordance with the applicable domestic legislation. Any change in gainful occupation shall require fresh authorization.
2. In the Republic of India
 - a) before a family member of a member of a diplomatic mission or a consular post of the Slovak Republic is allowed to engage in gainful occupation, the diplomatic mission or consular post of the Slovak Republic shall request an official authorization, in writing and with the relevant documents, from the Protocol Department of the Ministry of External Affairs of the Republic of India.
 - b) upon confirmation that the family member of a member of a diplomatic mission or a consular post of the Slovak Republic in question fits the categories defined in this Agreement, and taking into account applicable domestic provisions of the Republic of India, the Protocol Department of the Ministry of External Affairs of the Republic of India shall inform the diplomatic mission or consular post of the Slovak Republic, by writing and without delay that the family member of a member of a diplomatic mission or a consular post is authorized to engage in gainful occupation in the Republic of India in accordance with the applicable domestic legislation. Any change in gainful occupation shall require fresh authorization.

3. Family members of a member of a diplomatic mission or a consular post engaging in gainful occupation in the territory of the other contracting party are not entitled to exemption from any domestic requirements, procedures or fees which may ordinarily apply to such gainful activities.

ARTICLE 4

Authorization of a family member of a member of a diplomatic mission or a consular post to engage in gainful occupation shall terminate when:

- a) its beneficiary ceases to have the status of family member of a member of a diplomatic mission or a consular post under Article 2 of this Agreement;
- b) the performance of a gainful occupation ceases;
- c) the term of the assignment of the member of the diplomatic mission or consular post in the receiving state whom the entitled family member accompanies has ended.

ARTICLE 5

In the case of family members of a member of a diplomatic mission or a consular post who enjoy immunity from the civil and administrative jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations or any other applicable rule of international law, such immunity shall not apply in respect of any act or omission carried out in the course of the gainful occupation under this Agreement and falling within the civil or administrative jurisdiction of the receiving state.

ARTICLE 6

In case of a family member of a member of a diplomatic mission or a consular post who enjoys immunity from criminal jurisdiction according to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations or any other applicable rule of international law the provisions establishing such immunity shall be applied with respect to any action or omission originated in the performance of the gainful occupation, the sending state shall carefully consider any request submitted by the receiving state for the waiving of such immunity.

ARTICLE 7

1. None of the provisions of this Agreement shall entitle the family members of a member of a diplomatic mission or a consular post to engage in gainful occupations that, under the legislation of the receiving state, may be performed only by its citizens or may be related to national security.
2. This Agreement shall not imply automatic recognition of evidence of formal qualification obtained abroad. Such recognition can only be granted in conformity with the rules applicable for this matter in the receiving state. In the case of professions requiring special qualifications on the territory of the other contracting party, the family member of a member of a diplomatic mission or a consular post shall not be exempted from fulfilling the same requirements applied to nationals of the receiving state. This Agreement does not imply recognition of diplomas and degrees of studies between the contracting parties.

ARTICLE 8

A family member of a member of a diplomatic mission or a consular post who engages in gainful occupation under this Agreement shall be subject to the tax, social security, and health regulations of the receiving state for all matters connected with their gainful occupations in the receiving state.

ARTICLE 9

1. Settlement of any differences or disputes between the contracting parties regarding the interpretation or application of this Agreement, and amendments thereto, shall be carried out through diplomatic channels.
2. This Agreement may be amended by mutual accord between the contracting parties. Amendments shall enter into force in conformity with the procedure established in Article 10 of this Agreement.

ARTICLE 10

This Agreement shall remain in force indefinitely. Each contracting party may terminate this Agreement at any time provided that a written notification is given to the other contracting party through diplomatic channels. Termination shall have effects six (6) months after the receipt of the notification by the other contracting party.

ARTICLE 11

This Agreement shall enter into force on the first (1st) day of the second (2nd) month following the day of receipt of the last written notification through diplomatic channels of the contracting parties on the completion of their internal legal requirements necessary for entry into force of this Agreement.

Done at _____ on the _____ day of _____ in two originals each in Slovak, Hindi, and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of the Slovak Republic

For the Government of Republic of India

Name:

Name:

Signature:

Signature: