AGREEMENT

BETWEEN

THE STATE OF ISRAEL

AND

THE REPUBLIC OF SERBIA

ON

GAINFUL OCCUPATION FOR FAMILY MEMBERS OF A MEMBER OF A DIPLOMATIC MISSION OR CONSULAR POST

The State of Israel and the Republic of Serbia (hereinafter referred to as the "Parties");

Realizing that the members of family of a diplomatic agent forming part of his household, in particular spouses, may wish to work in the State where the member of a diplomatic mission or consular post is assigned to duty;

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

Have reached the following Agreement:

Article 1
Authorization to engage in a gainful occupation

1. The members of family forming part of the household of a member of a diplomatic mission or consular post of the sending State appointed to carry out an official mission in the receiving State shall be authorized to engage in a gainful occupation in the receiving State in accordance with the provisions of the applicable legislation of the receiving State and the provisions of this Agreement.

2. The authorization may be refused in those cases where, for reasons of security, exercise of public authority or to safeguard the national interests of the State or the Public Administration, only citizens of the receiving State can be employed.

3. The receiving State may, at any time, refuse or withdraw authorization for engaging in a gainful occupation, if the dependant does not obey the laws of the receiving State.

4. Any authorization to engage in a gainful occupation in the receiving State shall be valid only during the tenure of the member of a diplomatic mission or consular post in the receiving State or at the latest three months thereafter.

Article 2
Definitions

For the purpose of this Agreement:

"A member of a diplomatic mission or consular post" means any employee of the sending State who is not a national of or permanently resident in the receiving State and who is assigned to official duty in the receiving State in a diplomatic mission or consular post.

"A member of the family" of a member of a diplomatic mission or consular post means:

a. The spouse or *de facto* spouse, in accordance with the applicable legislation of the sending State;

b. Unmarried dependant children under the age of 21 or unmarried dependant children under the age of 25 pursuing full-time courses leading to a substantial qualification in universities or higher education centres recognized by each State.

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 State shall be governed by the provisions of this Agreement 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 Embassy of the sending State to the Protocol Department of the Ministry of Foreign Affairs of the receiving State, 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 State, after checking whether the person in question fits the categories defined in this Agreement and taking into account applicable internal provisions, shall officially inform the Embassy of the sending State, through the Protocol Department of the Ministry of Foreign Affairs of the receiving State, that the person is authorized to take up the requested position, according to the applicable legislation of the receiving State.

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. 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 Agreement shall not be interpreted as implying the recognition, by the other contracting Party, of a degree for pursuing a profession.

Article 4
Immunity from civil and administrative jurisdiction

In the case of members of the family who enjoy immunity from the civil or administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of 1961 or in accordance with the rules of customary international law as they are embodied in the Vienna Convention on Consular Relations of 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 State. 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
Immunity from criminal jurisdiction

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 on Diplomatic Relations of 1961 or in accordance with the rules of customary international law as they are embodied in the Vienna Convention on Consular Relations of 1963:

a. The provisions concerning immunity from criminal jurisdiction of the receiving State 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 committed in the course of the gainful occupation, upon the request in writing of the receiving State, the sending State shall seriously consider waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State.

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 of 1961 and in accordance with the rules of customary international law as they are embodied

in the Vienna Convention on Consular Relations of 1963, members of the family shall be subject to the fiscal and social security regimes of the receiving State for matters connected with their gainful occupation in that State.

Article 7
Settlement of disputes

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

Article 8
Denunciation of the present Agreement

Either Party may denounce this Agreement by means of notification of its intention to do so to the other Party, in writing and through diplomatic means. The denunciation shall take effect six months following the date of notification.

Article 9

Entry into force

This Agreement shall enter into force thirty days from the date of the last Note in which the contracting Parties notify each other that their respective internal legal requirements for entry into force of this Agreement have been complied with.

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

Signed in Jerusalem, on the 13 day of November, 2012, which corresponds to the 28 of Heshvan, 5773, in two original copies in the Serbian, Hebrew and English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

For the State of Israel

For the Republic of Serbia