ARRANGEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA
FOR AUTHORIZING THE FAMILY MEMBERS
OF MEMBERS OF A DIPLOMATIC MISSION
OR CONSULAR POST
TO ENGAGE IN GAINFUL OCCUPATION

The Government of the Republic of India and the Government of the Republic of Austria:

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

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

Have envisaged the following:

1. AUTHORIZATION TO ENGAGE IN A GAINFUL OCCUPATION

(a) "A family member" means all accredited spouses, registered partners, children until the age of 21 years of a member of a diplomatic mission or consular post forming part of the household of the member, in accordance with the legal provisions of the receiving State.

(b) Family members will be authorized, on a reciprocal basis, to engage in a gainful occupation in the receiving State in accordance with the legal provisions of the receiving State.

(c) Authorization for a family member to engage in a gainful occupation will not imply exemption from any requirement, procedures or fees which may ordinarily apply to any employment, whether relating to personal characteristics, professional or trade qualification or otherwise.

(d) The receiving State will retain the right to withhold authorization for employment in certain areas where, for security reasons, only nationals of the receiving State may be employed in that occupation or if the employer is the receiving State, including semi-autonomous agencies, foundations, state-owned and mixed public-private corporations.

(e) Any authorization to engage in a gainful occupation in the receiving State will, in principle, be valid only during the tenure of the member of a diplomatic mission or consular post in the receiving State.

(f) The procedure followed for employment authorization will be applied by the receiving State in a way which enables the family member to be employed as soon as possible and any requirements relating to work permits and similar formalities for the family member's employment will be favorably applied by the receiving State.

(g) Change in employment/occupation would require fresh authorization.

2. PROCEDURE

(a) An official request for authorization to engage in a gainful occupation will be sent on behalf of the family member by the diplomatic mission or consular post of the sending State to the Protocol Division/Department of the Federal Ministry for European and International Affairs/ Ministry of External Affairs of the receiving State.

(b) After verification that the person on whose behalf the authorization was officially requested is a family member, and processing of the official request, the diplomatic mission or consular post of the sending State is informed by the Protocol Division/Department of the Federal Ministry for European and International Affairs/ Ministry of External Affairs that the family member is authorized to be employed according to the applicable legislation. The procedure followed will be applied in a manner so as to enable the family member to engage in a gainful occupation as soon as possible and any requirements relating to work permits and similar formalities will be favorably applied.

3. CIVIL AND ADMINISTRATIVE PRIVILEGES AND IMMUNITIES

In the case of family members who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of 1961 or the Vienna Convention on Consular Relations of 1963, such immunity will 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.

4. CRIMINAL IMMUNITY

In the case of family members who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of 1961 or the Vienna Convention on Consular Relations of 1963 or under any other applicable international instrument,

(a) the provisions concerning immunity from the criminal jurisdiction of the receiving State will continue to apply in respect of any act carried out in the course of the gainful occupation. However, in case of serious offences, upon the request in writing of the receiving State, the sending State will give due

consideration to waiving the immunity of the family members concerned from the criminal jurisdiction of the receiving State;

(b) Such a waiver of immunity from criminal jurisdiction will not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required.

5. FISCAL, SOCIAL SECURITY AND EXCHANGE CONTROL REGIMES

In accordance with the Vienna Convention on Diplomatic Relations of 1961 or the Vienna Convention on Consular Relations of 1963 or other applicable international instruments, family members will be subject to the fiscal, social security and exchange control regimes of the receiving State for matters connected with their gainful occupation in that State.

6. SETTLEMENT OF DISPUTES

The Settlement of any differences or disputes regarding the interpretation or application of this Arrangement, and modifications thereto, if required, will be carried out through mutual consultations.

7. FINAL PROVISIONS

This Arrangement will become effective on signature and will continue for an indefinite period of time. It can be terminated by either side after giving at least six months' advance notice in writing.

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

Done at Vienna, on the second day of January 2023 in two originals, each in Hindi, English, and German language, all texts being equally valid. In case of any divergence, the English text will prevail.

For the Government of
the Republic of India

H.E. Ambassador Jaideep MAZUMDAR
Ambassador of the Republic of India
in Vienna

Signature:

For the Government of
the Republic of Austria

H. Tichy

H.E. Ambassador Helmut Tichy
Legal Adviser of the Federal Ministry
for European and International Affairs

Signature: