

**AGREEMENT BETWEEN THE REPUBLIC OF INDIA AND THE
PORTUGUESE REPUBLIC ON PAID EMPLOYMENT BY DEPENDENTS
OF DIPLOMATIC, ADMINISTRATIVE AND TECHNICAL STAFF OF
DIPLOMATIC AND CONSULAR MISSIONS**

The Republic of India and the Portuguese Republic, hereafter referred to as the
"Parties",

In the natural desire to improve the possibilities to engage in paid employment by
dependents of Diplomatic and Consular Missions staff members,

Taking into account the difficulties faced by the dependents joining the household
of a Member of a Diplomatic or Consular Mission, who intend to take up a paid
employment,

Verifying that the above mentioned dependents, joining the household of a
Member of a Diplomatic or Consular Mission, may want to work in the State
where the said member was posted,

With a view to facilitate the engagement in paid employment of the above
mentioned dependents in the receiving State,

Have agreed as follows:

Article No. 1

Scope

On the basis of reciprocity, the present Agreement is aimed at enabling the
engagement in paid employment by the dependents of Diplomatic, Administrative
and Technical staff of Diplomatic and Consular Missions of the sending State,
who are not national or permanent residents of the receiving State, upon
authorization of the receiving State and in accordance with the legislation in force
and with the applicable international conventions.

Article No. 2

Definitions

For the purpose of this Agreement:

- a) "A Member of a Diplomatic or Consular Mission" is any employee of the sending State, who is not a national or permanent resident of the receiving State and who works in a Diplomatic or Consular Mission in the receiving State;
- b) "Dependent" is a person who is part of the official family household of a member of a Diplomatic or Consular Mission. The "dependent" includes spouse (including a common-law partner), in accordance with the law and regulations of the receiving State, any unmarried child under 25 years of age who forms part of the official family household of the member of the Diplomatic or Consular Mission and unmarried children who are physically or mentally handicapped."
- c) "Vienna Conventions" means the Vienna Convention of Diplomatic Relations, of April 18, 1961, and the Vienna Convention on Consular Relations, dated April 24, 1963.

Article No. 3

Exclusive from applying the present Agreement

National security reasons or the practice of certain professions being reserved exclusively to nationals of the receiving State exclude the application of the current Agreement.

Article No. 4

Qualifications

1. Activities requiring specific qualifications or special conditions, the dependent must meet the conditions governing the exercise of those activities in the receiving State.

2. The present Agreement does not entail the tacit recognition of titles, academic degrees or studies between both Parties.

Article No. 5

Procedures

1. An official request for authorization to engage in a paid employment should be sent by the Embassy of the sending State, via Note Verbale, to the Protocol Service of the Ministry of Foreign/External Affairs of the receiving State. This request must contain information on the paid employment the dependent intends to engage in, as well as it should include documentation attesting the relationship of dependency existing between the interested Party and the member of the Diplomatic or Consular Mission.
2. If not afterwards, the authorization allowing the dependent to undertake a paid employment shall take effect from the date of arrival in the state where the Member of the Diplomatic or Consular Mission is accredited, and it shall cease to be valid on the date on which the Member of the Diplomatic or Consular Mission terminates his/her duties in that same State.
3. The Ministry of Foreign/External Affairs of the receiving state will inform the Embassy of the sending State, immediately and officially, that the Interested party is authorized to undertake a paid employment, subject to its relevant legislation.

Article No. 6

Refusal to grant the authorization

Normally the authorization to engage in a paid activity shall not be granted if the Interested Party, after submitting the authorization request, can no longer be the Dependent as provided for in article No.2.

Article No. 7

Immunity from civil and administrative jurisdiction

In the case of dependents who enjoy immunity from the civil and administrative jurisdiction of the receiving state in accordance with the Vienna

Conventions or under any other applicable international instrument, such immunity shall not apply in respect of any act or omission arising from the paid employment and falling within the civil or administrative jurisdiction of the receiving State.

Article No. 8

Immunity from criminal jurisdiction

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

- (a) The provisions concerning immunity from the criminal jurisdiction of the receiving State shall continue to apply in respect of any act carried out in the course of the gainful occupation. However, in the case of serious offences, upon the request of the receiving State, the sending State shall give due consideration to waiving the immunity of the dependent concerned from the criminal jurisdiction of the receiving State.
- (b) A waiver of immunity from criminal jurisdiction will not be construed as extending to immunity from execution of the sentence, for which a specific waiver will be required. In such cases, the sending State will give serious consideration to waiving the latter immunity.

Article No. 9

Taxation and Social Security Regimes

1. The dependents will be subject to the legislation applicable in regard to taxation and social security of the receiving State, for all matters connected with his/her paid employment.
2. The receiving State may withdraw the authorization to engage in a paid employment if the dependent contravenes, in any given moment, the legislation applicable in regard to taxation and social security in force in that State.

Article No. 10

Validity of the authorization

1. This Agreement does not entail a residence and a work permit in the receiving State after termination of service by the Member of a Diplomatic or Consular Mission.
2. Any change in the paid employment carried out should be communicated and subject to new authorization.

Article No. 11

Entry into force

The current Agreement shall entry into force thirty (30) days following receipt of the last notice, in writing and through diplomatic channels, informing that the national law requirements of the concerned Party were met.

Article No. 12

Amendments

1. The current Agreement may be subject to review under any of the Parties' request and such a request shall be made in writing and submitted through diplomatic channels.
2. The amendments will entry into force pursuant to Article No. 11 of the present Agreement.

Article No. 13

Duration and termination

1. The present Agreement shall remain in force for an indefinite period of time.
2. This Agreement may be terminated by either Party, at any time, by written notice, submitted through diplomatic channels to the other Party.

Article No. 14

Settlement of disputes

Any dispute arising out of the interpretation or application of the present Agreement shall be settled through negotiations between the Parties.

Done in New Delhi, on the 8th of July, 2016, in two originals, each in Hindi, Portuguese and English, all the texts being equally authentic.

For the Republic of India



For the Portuguese Republic

