

WOB-verzoek NAVO C3A zetelverdrag					
Volgnr	Unieke ID	Datum	Documentnaam	Beoordeling	Uitzonderingsgrond
1	919063	05-06-2003	Emailwisseling Seat agreement	Deels Openbaar	10.2.e
2	919156	05-06-2003	Emailwisseling Seat agreement	Deels Openbaar	10.2.e
3	919166	05-06-2003	Email bijlage Draft zetelverdrag 28 mei 2003	Openbaar	
4	919065	02-07-2003	Emailwisseling Seat agreement	Deels Openbaar	10.2.e
5	919064	08-07-2003	Emailwisseling Zetelovereenkomst NAVO C3A	Deels Openbaar	10.2.e
6	919062	05-08-2003	Attachment c to appendix 1 to annex to PO (96)99	Openbaar	
7	919157	05-08-2003	Memorandum NC3A - sociale zekerheid	Deels Openbaar	10.2.e
8	919066	22-09-2003	Mail NC3A seat agreement met bijlagen	Deels Openbaar	10.2.e
9	919067	22-09-2003	Emailwisseling NC3A	Deels Openbaar	10.2.e
10	919167	29-09-2003	Draft zetelverdrag	Openbaar	

(10)(2e)

From: (10)(2e)
Sent: maandag 7 juli 2003 17:45
To: (10)(2e)@nc3a.nato.int
Cc: (10)(2e)@nc3a.nato.int
Subject: RE: Seat Agreement

Importance: High

Dear (10)(2e),

Referring to our telephone conversation, I herewith send you the following draft for a social security provision. I am sorry this took so long, this is mainly due to the fact that our e-mail system did not work last week.

'1. as long as the Agency has its own social security system or shall adhere to a social security system offering comparable coverage to the coverage under the legislation of the Kingdom of the Netherlands, the Agency and its staff members and other persons to whom the aforementioned scheme applies, shall be exempt from social security provisions in the Netherlands', unless the staff members and other employees to whom the aforementioned scheme applies, take up a gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.

2. The provisions of paragraph 1 of this article shall apply to the dependant members of the families forming part of the households of the persons referred to in paragraph 1, unless they are employed otherwise than by the Agency of self-employed or unless they receive social security benefits of the Kingdom of the Netherlands'.

Please let me know asap if such a provision would be acceptable, then I will go back to our Ministry of Social Affairs.

Alle beste groeten, (10)(2e)

-----Original Message-----

From: (10)(2e)@nc3a.nato.int [mailto:(10)(2e)@nc3a.nato.int]
Sent: donderdag 5 juni 2003 11:03
To: (10)(2e)
Cc: (10)(2e)@nc3a.nato.int
Subject: Seat Agreement

Dear (10)(2e)

NC3A agrees with the text of the seat agreement you sent us last week.
Nevertheless I took the liberty to insert some proposed minor editorial changes, for your perusal:

<<NC3A concept zetelverdrag 28 05 2003.doc>>
We will await the outcome of the NL approval process.

Groetend,

(10)(2e)

(10)(2e)
NC3A (10)(2e)
Tel. + 31 (0) (10)(2e)
Fax + 31 (0) (10)(2e)
e-mail:
(10)(2e)@nc3a.nato.int

- int -
- gew. recht - ENE
- separat bespreken
nieuwe weg.

(10)(2e)

dossier

From: (10)(2e)
Sent: Thursday, 21 August 2003 2:03 PM
To: (10)(2e)
Subject: FW: Seat Agreement
Importance: High

2e kel

NC3A

(10)(2e) er (10)(2e) zie onderstaande tekst (10)(2e) graag een reactie. Eventueel kunnen we een bijeenkomst te organiseren, waarbij ik voorstel dat ook een Brusselse deskundige van de NATO participeert.

Graag spoedige reactie! Met groet, (10)(2e)

-----Original Message-----

From: (10)(2e) @nc3a.nato.int (10)(2e) @nc3a.nato.int]
Sent: donderdag 21 augustus 2003 14:00
To: (10)(2e)
Subject: RE: Seat Agreement
Importance: High

Beste (10)(2e)

Ik moet mij verontschuldigen voor onderstaande tekst, omdat nadere coordinatie en informatie leert dat de inhoud onjuist is. De NATO group insurance heeft betrekking op slechts een gedeelte van de "social security" (en wat dit exact inhoudt valt ook nog te bespreken!), nl een medische en een levensverzekering component.

De Nederlandse overheid heeft middels KB's kunnen besluiten dat het personeel van NATO instellingen uitgesloten is van de verplichte volks- en werknemersverzekeringen. De redenen daartoe ken ik formeel niet, maar ik veronderstel dat het mede gebaseerd is op de opvatting dat NATO ambtenaren een eigen, adequate dekking hebben. Of en in hoeverre deze opvatting gedeeld wordt is een andere zaak.

Op grond hiervan stel ik thans voor de tekst van para 1 als volgt te wijzigen:

'1. The staff members of the Agency are affiliated to the NATO group insurance scheme, and are exempt from social security provisions in the Netherlands, unless the staff members to whom the aforementioned scheme applies, take up gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.'

Het alternatief blijft natuurlijk om op dit punt te zwijgen.

Sorry voor de overlast, groetend,

(10)(2e)

-----Original Message-----

From: (10)(2e) @minbuza.nl]
Sent: 14 August 2003 15:15
To: (10)(2e)
Subject: RE: Seat Agreement

Ga nu naar SoZaW mailen, met groet (10)(2e)

-----Original Message-----

From: (10)(2e) @nc3a.nato.int (10)(2e) @nc3a.nato.int]
Sent: donderdag 14 augustus 2003 13:23
To: (10)(2e)
Cc: (10)(2e) @nc3a.nato.int
Subject: RE: Seat Agreement

Dear (10)(2e)

We propose changes as follows - I don't think they effect the essence - ;

'1. As the Agency is affiliated to the NATO group insurance scheme which offers comparable coverage to the coverage under the legislation of the Kingdom of the Netherlands, the Agency and its staff members shall be exempt from social security provisions in the Netherlands, unless the staff members to whom the aforementioned scheme applies, take up gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.

2. The provisions of paragraph 1 of this article shall apply to the dependent members of the family forming part of the household of the persons referred to in paragraph 1, unless they are gainfully employed of self-employed or unless they receive social security benefits from the Kingdom of the Netherlands'.

Is this acceptable ?

Regards,

(10)(2e)

-----Original Message-----

From: (10)(2e)@minbuza.nl]
Sent: 13 August 2003 16:22
To: (10)(2e)
Cc: (10)(2e)
Subject: FW: Seat Agreement
Importance: High

Dear (10)(2e)

As promised I resend you the text for a provision upon which the Ministry of Social Affairs agrees. I am sorry to have to report to you that the Ministry of Social Affairs insists on inclusion of such a standard provision.

I hope this is not a problem, as NATO has its own social security system. May be, you could find out in Brussels if this is acceptable. I send a copy of this mail to (10)(2e)

If you wish so, I can arrange a meeting with the representatives of the Ministry of Social Affairs.

All best regards, (10)(2e)

-----Original Message-----

From: (10)(2e)
Sent: maandag 7 juli 2003 17:45
To: (10)(2e)@nc3a.nato.int'
Cc: (10)(2e)@nc3a.nato.int
Subject: RE: Seat Agreement
Importance: High

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'1. as long as the Agency has its own social security system or shall adhere to a social security system offering comparable coverage to the coverage under the legislation of the Kingdom of the Netherlands, the Agency and its staff members and other persons to whom the aforementioned scheme applies, shall be exempt from social security provisions in the Netherlands', unless the staff members and other employees to whom the aforementioned scheme applies, take up a gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.

2. The provisions of paragraph 1 of this article shall apply to the dependant members of the families forming part of the households of the persons referred to in paragraph 1, unless they are employed otherwise than by the Agency of self-employed or unless they receive social security benefits of the Kingdom of the Netherlands'.

Please let me know asap if such a provision would be acceptable, then I will go back to our Ministry of Social Affairs.

Alle beste groeten, (10)(2e)

-----Original Message-----

From: (10)(2e) nc3a.nato.int [mailto:(10)(2e)@nc3a.nato.int]
Sent: donderdag 5 juni 2003 11:03
To: (10)(2e)
Cc: (10)(2e)@nc3a.nato.int
Subject: Seat Agreement

Dear (10)(2e)

NC3A agrees with the text of the seat agreement you sent us last week. Nevertheless I took the liberty to insert some proposed minor editorial changes, for your perusal:

<<NC3A concept zetelverdrag 28 05 2003.doc>>
We will await the outcome of the NL approval process.

Groetend,

(10)(2e)

(10)(2e)

NC3A (10)(2e)

Tel. + 31 (0) 70

Fax + 31 (0) 70

e-mail:

(10)(2e)@nc3a.nato.int

Disclaimer Ministerie van Buitenlandse Zaken:

De informatie verzonden met dit e-mailbericht is uitsluitend bestemd voor de geadresseerde. Gebruik door onbevoegden, openbaarmaking of vermenigvuldiging is

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Disclaimer Ministerie van Buitenlandse Zaken:

De informatie verzonden met dit e-mailbericht is uitsluitend bestemd voor de geadresseerde. Gebruik door onbevoegden, openbaarmaking of vermenigvuldiging is verboden. De afzender is niet aansprakelijk in geval van onjuiste overbrenging van het e-mailbericht en/of bij ontijdige ontvangst daarvan.

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2e teloverdray.
NC3A - dossier

Dear Secretary-General,

I have the honour to refer to the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff signed at Ottawa on 20 September 1951 (hereinafter called the Ottawa Agreement) and to the Agreement between the Parties of the North Atlantic Treaty regarding the status of their forces, signed in London on 19 June 1951 (hereinafter called the London Agreement).

Considering:

that in the context of the dissolution of NACISO and STC and the establishment of the NATO Consultation, Command and Control Organisation (hereinafter called NC3O) on 1st July 1996, the Netherlands Government has agreed to the establishment in The Netherlands of the NC3O as the legal successor organisation of STC;

that the NC3O Charter foresees that the NATO Consultation, Command and Control Agency (NC3A) shall comprise a civilian and military element (hereinafter called NC3A personnel); that the civilian personnel will be deemed to be NATO International Personnel and shall be covered by the Ottawa Agreement, and the military component will be deemed to be members of the International Military Staff and shall be covered by the London Agreement;

that the Netherlands Government is prepared to grant privileges and immunities to NC3O and its personnel in The Netherlands that are no less favourable than those previously granted to STC and with regard to the military component, than those granted to International Military Headquarters in the Netherlands.

Now therefore the Netherlands Government deems it desirable to formulate certain provisions together with you as a supplement to the Ottawa Agreement and to the London Agreement as applicable.

To this end I have the honour to propose the following provisions:

1. Within the scope of its official activities, the NC30, its assets, income and all other property shall be exempt from all direct taxes.

2. Within the scope of its official activities, the NC30 shall be exempt from the following indirect taxes:

- (a) motor vehicle tax (motorrijtuigenbelasting);
- (b) tax on passenger motor vehicles and motorcycles (belasting van personenauto's en motorrijwielen, BPM);
- (c) value added tax which forms part of the price of goods purchased by and of services rendered to NC30 (omzetbelasting);
- (d) excise duties (accijnzen) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels (accijnzen) and other taxes levied as excise duties;
- (e) energy tax (REB, Regulerende Energie Belasting)
- (f) import taxes and duties (rechten bij invoer en uitvoer);
- (g) insurance tax (assurantiebelasting);
- (h) real property transfer tax (overdrachtsbelasting);
- (i) any other taxes and duties of a substantially similar character to the taxes and duties provided for in this paragraph, imposed by the Netherlands subsequently to the date of this letter.

These exemptions will be granted under the principles applicable to former STC .

Goods acquired or imported under the terms set out in this provision shall be sold, given away or otherwise disposed of in accordance with conditions agreed upon with the Netherlands Government/or in accordance with NATO provisions.

3. (a) The General Manager and the Deputy General Manager shall be accorded the privileges and immunities, exemptions and facilities accorded to Heads of diplomatic missions accredited to the Government in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961. Officials of rank A6 or equivalent will be assimilated to diplomatic personnel of similar rank, in conformity with the Vienna Convention. In addition, officials of grade A5 or A4 as may be designated, in agreement with the Government, by the General Manager, on the grounds of the responsibilities of their positions in the NC3A, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to diplomatic agents of

comparable rank, in conformity with the Vienna Convention.

(b) The members of the family of the persons referred to in paragraph 1, shall enjoy the privileges, immunities, exemptions and facilities accorded to the members of the family of diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations.

4. The categories of civilian personnel of the NC3O referred to in article 17 of the Ottawa Agreement in the Netherlands comprise unclassified officials as well as grade A,L,B and C. The members of the military component assigned to NC3O referred to in article 1, paragraph 1, subparagraph (a) of the London Agreement comprise military personnel of grade OF and OR.

5 Privileges and Immunities are granted to NC3A personnel and their members of the family in the interests of the Organisation and not for the personal benefit of the individuals concerned. The respective authorities of the civilian and military element shall have the right and the duty to waive the immunity in any case where, in their opinion, the immunity would impede the course of and justice and can be waived without prejudice to the interests of the Organisation.

6. The NC3O may establish a tax and duty free commissary for the sale of limited quantities of certain articles to NC3A personnel for personal use or consumption and not for gift or sale, under conditions to be agreed upon by the NC3O and the Netherlands Government, whereby the Netherlands Government will facilitate a flexible implementation of customs procedures as much as possible.

Solely holders of a registration card will have admission to the commissary, unless the card bears the mark NL or DV, as detailed in paragraph 9 below.

7. NC3A personnel may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. In addition, they shall be exempt from motor vehicle tax and excise duties on motor fuel on the basis of the regime accorded to AFCENT and to its successor organisation.

8. NC3A personnel, spouses and dependent children who do not have the Netherlands nationality or were not locally recruited in the Netherlands, shall enjoy exemption from all measures restricting immigration and from aliens registration formalities.

9 . The General Manager shall notify the Netherlands Government as soon as possible, and

thereafter on a regular basis with respect to any change of the names, grades, marital status and addresses of NC3A personnel. The Ministry of Foreign Affairs shall issue registration cards to NC3A personnel, their spouses and dependent children, provided that they do not have Netherlands nationality or that they were not permanently residing in the Netherlands before being recruited by NC3A (locally recruited). Upon request by NC3A on grounds of functional necessity, the Ministry of Foreign Affairs is prepared to consider requests for registration cards for NC3A personnel having Netherlands nationality or who were locally recruited. The registration card will show that the holder has Netherlands nationality or was locally recruited in the Netherlands (DV).

10. ~~The in paragraph 2 of the attached Annex identified~~ members of the family forming part of the household of NC3A personnel shall be authorised to engage in gainful employment in the Netherlands under the conditions as set out in this Annex.

I have the honour to propose that if the provisions set forth above are acceptable to you the present letter and your affirmative reply constitute a supplementary Agreement to the Ottawa Agreement and to the London Agreement between the Kingdom of the Netherlands and the North Atlantic Treaty Organisation with regard to the privileges and immunities of the NC3O in The Netherlands, which shall enter into force on the day on which the Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

Please accept, Sir, the assurances of my highest consideration.

(SIGNING BLOCK)

Employment of Family members of NC3A personnel

1. Members of the family forming part of the household of NC3A personnel shall be authorised to engage in gainful employment in the Netherlands for the duration of the terms of office of the member of personnel concerned.
2. For the purpose of employment, the following persons are members of the family forming part of the household in the sense of paragraph 1:
 - a. the spouses or registered partners of the members of NC3A personnel;
 - b. children of the members of NC3A personnel who are under the age of 18;
 - c. children of the members of NC3A personnel aged 18 or over, but not older than 27, provided that they formed part of the household of the member of NC3A personnel prior to their first entry in the Netherlands and still form part of this household, and that they are unmarried, financially dependent on the member of NC3A personnel concerned and are attending education in the Netherlands.
3. Persons mentioned in paragraph 2 of this Article who obtain gainful employment shall have no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment, provided that measures of execution are taken without infringing the inviolability of their person or of their residence, if they are entitled to such inviolability.
4. In case of the insolvency of a person aged under 18 with respect to a claim arising out of a gainful employment of that person under this Article, the immunity of the member of NC3A personnel of whose family the person concerned is a member shall be waived by ~~INVULLEN~~ for the purpose of settlement of the claim, in accordance with the provisions of the applicable NATO agreements~~international legal instrument regarding waiver.~~
5. The employment referred to in paragraph 1 of this Article shall be in accordance with Netherlands legislation, including fiscal and social security legislation, unless any other applicable international legal instrument provides otherwise.

(10)(2e)

From: (10)(2e) @minszw.nl]
Sent: woensdag 9 juli 2003 17:50
To: (10)(2e)
Cc: (10)(2e) @minfin.nl
Subject: RE: Seat Agreement

Beste (10)(2e)

Even reageren op het mailtje (10)(2e). In twee koninklijke besluiten is in algemene zin de sv-positie geregeld van personeel, werkzaam bij volkenrechtelijke organisaties in Nederland alsmede de gezinsleden die met deze personen naar ons land zijn meegereisd. Een ministeriële regeling somt de organisaties in Nederland op, die op grond van beide amvb's als zodanig zijn aangewezen (overigens is dit staatje verouderd).

(10)(2e) beroept zich op deze regelgeving en stelt dat op grond daarvan het NAVO-personeel niet onderworpen is aan het Nederlandse SV-stelsel.

Ik ben het met hem eens dat er geen sprake zou moeten zijn van Nederlandse verzekering, echter de inhoud van de huidige zetelovereenkomst - en die is hier toch maatgevend - ontbeert een sv-bepaling waaruit zulks ook daadwerkelijk kan worden geconcludeerd.

Wanneer (10)(2e) nu het zelfde wil als SZW, nl. er geen misverstand over laten bestaan dat zij op wie het stelsel van de NATO (C3) van toepassing is, niet onder het Nederlandse sv-stelsel vallen, dan ga ik er ook van uit dat hij dat goed geregeld wil zien. Nu is er ter zake niets geregeld.

In tegenstelling tot hetgeen (10)(2e) opmerkt, staat de Nederlandse overheid geen verandering in de verzekeringspositie van belanghebbenden voor. SZW gaat echter niet akkoord met een continuering van de huidige lekkende regeling.

Bij het formuleren van zetelovereenkomsten moet - daar waar mogelijk - gestreefd worden naar standaardisatie van de vestigingsvoorwaarden, zoals in het eindrapport van de IBO-werkgroep wordt geconcludeerd. SZW draagt z'n steentje daar aan bij door in alle zetelovereenkomsten een standaardbepaling op te laten nemen.

Gegroet,

(10)(2e)

-----Oorspronkelijk bericht-----

Van: (10)(2e) @minbuza.nl]

Verzonden: dinsdag 8 juli 2003 15:54

Aan: (10)(2e)

CC: (10)(2e) (E-mail); (10)(2e)

Onderwerp: FW: Seat Agreement

Urgentie: Hoog

Reeds beoordeeld in voorgaande documenten

(10)(2e)

From: (10)(2e)
Sent: dinsdag 8 juli 2003 15:54
To: (10)(2e)
Cc: (10)(2e) [E-mail] (10)(2e)
Subject: FW: Seat Agreement

Importance: High

Reeds beoordeeld in voorgaande documenten

-----Original Message-----

From: (10)(2e)@nc3a.nato.int (10)(2e)@nc3a.nato.int]
Sent: woensdag 2 juli 2003 12:12
To: (10)(2e)
Cc: (10)(2e)@nc3a.nato.int
Subject: RE: Seat Agreement

Reeds beoordeeld in voorgaande documenten

(10)(2e)

From: (10)(2e)
Sent: Tuesday, 08 July 2003 3:54 PM
To: (10)(2e) (E-mail)
Cc: (10)(2e) E-mail); (10)(2e)
Subject: FW: Seat Agreement

Importance: High

NATO
zeke
NC3A

(10)(2e) zie mail hieronder van NATO C3, nu pas gezien vanwege mail die dagen plat lag.

Ik belde (10)(2e) nog even. Hij is zeer ongelukkig met het verzoek van SoZa en wel om de volgende redenen:

- In 1996 is al vastgesteld dat het nieuwe NATO C3 onder de algemene NATO regels inzake social security en pensioenen valt.
- dit is in ettelijke nationale regels en KB's erkend
- als er een probleem is, moet men dat bespreken en dan in totaal NATO verband, want het raakt kennelijk het gehele NATO-systeem.

Mijn vraag aan SOZa is of we inderdaad op deze manier nu nog een paragraaf moeten opnemen. Ik vind het ook juridisch relevant, want als een zaak al multilateraal geregeld is dan moeten we dat niet nog eens bilateraal doen. Ik stuur deze mail ook naar onze juridische dienst dan kunnen zij ernaar kijken.

Met groet (10)(2e)

-----Original Message-----

From: (10)(2e) @nc3a.nato.int [mailto:(10)(2e)@nc3a.nato.int]
Sent: woensdag 2 juli 2003 12:12
To: (10)(2e)
Cc: (10)(2e) @nc3a.nato.int
Subject: RE: Seat Agreement

(10)(2e)

I could not reach you by phone hence this e-mail.

Following the telecon of yesterday, I understand that the question raised by Social Affairs relates to the status of NC3A personnel regarding Dutch social security. Over the years it is clearly stated in several Royal Decrees that NATO personnel is exempted from Dutch social security. So this is an official NL position. Any desired change to this position is an internal NL matter - which I would suggest requires extensive consultation with the international organisations. Anyway, NC3A strongly advises to leave any such issue - if really existing - outside the scope of the now agreed text (after some seven years) of the seat agreement. I trust you will support this view.

Best regards,

(10)(2e)

NC3A-2041.

(10)(2e)

To: (10)(2e)
Subject: RE: zetelovereenkomst NAVO C3A

O, dat zou ik je nu niet met zekerheid kunnen zeggen. Ik had in die tijd in z'n algemeenheid redelijk wat contact met SoZaWe (ik kan me (10)(2e) herinneren, net als (10)(2e) dan had je ook nog ene (10)(2e) en nog iemand anders, en dat liep soms wat langs elkaar heen), en neem daarom aan dat ik het er wel telefonisch over heb gehad, maar ik zou daar nu achteraf niet mijn hand voor in het vuur willen steken.

-----Original Message-----

From: (10)(2e)
Sent: Tuesday, 24 June 2003 3:58 PM
To: (10)(2e)
Subject: RE: zetelovereenkomst NAVO C3A

dank (10)(2e) weet je of dat toen ook is teruggekoppeld naar SoZaWe?? (10)(2e)

-----Original Message-----

From: (10)(2e)
Sent: dinsdag 24 juni 2003 15:22
To: (10)(2e) (IFZ), (10)(2e) (10)(2e)
(10)(2e) (10)(2e) (10)(2e)
Subject: RE: zetelovereenkomst NAVO C3A

Zeker kan ik jullie dat vertellen. Het is zelfs nog door ons voorgesteld aan (10)(2e) (ook in het kader van de eenvormigheid van zetelverdragen). Maar men wilde van de zijde van NC3A geen letter veranderd hebben aan de tekst zoals die in 1996 tot stand was gekomen, en dus ook geen extra bepalingen. Daar was men erg fel in, en aandringen van mijn kant heeft toen niet geleid tot een ander gezichtspunt bij NC3A. Dit vond plaats bij NC3A zelf toen ik daar was (10)(2e) (wow, lijkt eeuwen geleden).
Beste groet, (10)(2e)

-----Original Message-----

From: (10)(2e) (IFZ) [mailto:(10)(2e)@minfin.nl]
Sent: Tuesday, 24 June 2003 3:10 PM
To: (10)(2e) (10)(2e) (10)(2e) (10)(2e) (10)(2e)
(10)(2e) (10)(2e) (10)(2e) (10)(2e)
Subject: RE: zetelovereenkomst NAVO C3A

to (10)(2e)

Concept zetelovk. dateert van ongeveer 1996. Heeft jaren stil gelegen. Helaas was ik ook niet betrokken bij de onderhandelingen en de totstandkoming van deze feest-overeenkomst, en ik vermoed de andere aangeschrevenen ook niet. Het was voor ons allemaal een erfenis, waaraan de laatste jaren nog slechts marginaal gesleuteld kon worden. Ik kan je dus niet zeggen waarom Buiza SZW niet eerder betrokken heeft bij deze ovk.

Ik ben het overigens wel (10)(2e) eens dat er alsnog een standaardbepaling opgenomen dient te worden, juist gezien de vervelende consequenties door een gebrek aan zo'n bepaling enkele jaren geleden.

Vriendelijke groeten,

(10)(2e)

-----Oorspronkelijk bericht-----

Van: (10)(2e) [mailto:(10)(2e)@minbuza.nl]
Verzonden: dinsdag 24 juni 2003 14:23
Aan: (10)(2e) (10)(2e) (10)(2e) (10)(2e)
(10)(2e) (10)(2e) E-mail: (10)(2e)

Onderwerp: FW: zetelovereenkomst NAVO C3A

Kan iemand mij zeggen waarom er indertijd geen bepaling inzake sociale zekerheid in het concept zetelverdrag werd opgenomen?? Heeft dat met Ottawa te maken of zo? Ik ben alleen bij het staartje betrokken van deze ovk, maar kan me zijn vraag wel voorstellen. Alleen jammer dat het op zo'n laat moment komt (nu alles in feite klaar is). Dank voor een reactie. (10)(2e)

-----Original Message-----

From: (10)(2e) [mailto:(10)(2e)@minszw.nl]
Sent: dinsdag 24 juni 2003 13:25
To: (10)(2e)
Subject: RE: zetelovereenkomst NAVO C3A

Beste (10)(2e)

Zoals ik je gisteren al mededeelde zou ik vandaag met mijn commentaar op de concept-zetelovereenkomst NAVO C3A komen. Evenals in de oude regeling van Shape ontbreekt ook in de door jou voorgelegde regeling een standaardbepaling met betrekking tot de sociale verzekeringspositie van het personeel en eventueel de gezinsleden. Het ontbreken van zo'n bepaling heeft in het verleden er onder meer toe geleid dat het voormalige GAK aan 13 ex-medewerkers van Shape een WW-uitkering diende te betalen zonder dat deze personen in de periode toen zij nog werknemer waren daarvoor premie hadden betaald.

Door een standaard sv-bepaling op te nemen weten alle partijen straks duidelijk waar ze aan toe zijn. Met belangstelling zie ik een aangepaste versie ter zake van jou tegemoet. Gegroet, (10)(2e)

-----Oorspronkelijk bericht-----

Van: (10)(2e) [mailto:(10)(2e)@minbuza.nl]
Verzonden: donderdag 19 juni 2003 12:10
Aan: (10)(2e) (E-mail); (10)(2e)
CC: (10)(2e); (10)(2e)
Onderwerp: zetelovereenkomst NAVO C3A
Urgentie: Hoog

(10)(2e) goedemorgen,

Hierbij de laatste en uitonderhandelde tekst van de zetelovereenkomst met NAVO C3A. Ik heb expres de laatste -redactionele- wijzigingen met track changes aangebracht. Graag zsm jullie accoord, zodat het naar de MR kan (zonder jullie reactie voor 24 juni, ga ik het voorbereiden voor de MR). Met groet,

(10)(2e)
(10)(2e) DKP/Desk International Organisations
tel. 070 (10)(2e)
e-mail - (10)(2e)@minbuza.nl

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PERSONNEL ADMINISTRATION*datum*

1. The provisions hereafter shall apply to:

- (a) the NC3A (Article 38 refers, particular provisions are provided in Articles 2(c), 3(a), 4(a) and 5(a) below);
- (b) the NACOSA and subordinate elements (Article 43 refers, particular provisions are provided in Articles 2(d), 3(b), 4(b) and 5(b) below); and to
- (c) the NATO HQ C3 Staff, designated hereafter as the C3 Staff (Article 50 refers, particular provisions are provided in Articles 2(e), 3(c), 4 and 5(c) below),

designated hereafter in this Attachment as the Body or the Bodies.

2. Personnel Establishment

- (a) The personnel establishment of the Bodies shall specify the nature of each post: civilian; military (quota or non-quota); and rotational and non-rotational posts.
- (b) The personnel establishment of the Bodies shall be reviewed by the Board as required, and approved by the appropriate committees or NAC as appropriate.
- (c) With regard to the NC3A:
 - (1) the preferred manning option for A grade civilians shall be based on definite duration contracts;
 - (2) the number of military posts shall be about 13% of the agreed personnel establishment based on a functional analysis of the posts;
 - (3) the Board will approve the job descriptions, selection and subsequent extension for personnel of A5/OF5 and above; and
 - (4) the Financial Controller will be appointed by the Secretary General, upon recommendation by the GM and agreement by the NAC.
- (d) The personnel establishment for the NACOSA and subordinate elements shall reflect agreed national contributions as set out in the NATO Annual Manpower Plan (NAMP). Personnel qualifications and manning levels for operation and maintenance of in-service NATO CIS and installations assigned to them shall be in accordance with the Board's guidelines.
- (e) The C3 Staff should have a table of posts, to be filled by personnel from the IS and the IMS personnel establishments, and with job descriptions commensurate with the tasks of the Staff. The designation of civilian A-grade posts as rotational or non-rotational is the prerogative of the Secretary General and DIMS for IS and IMS personnel respectively

ATTACHMENT C TO
APPENDIX I TO
ANNEX TO
PO(96)99

3. Recruitment and Selection of Civilian Personnel

- (a) The responsibility for the selection of personnel for the NC3A within the agreed personnel establishment, shall rest with its GM. The highest standards of professional competence should be ensured for appointment of personnel, in accordance with the NATO Civilian Personnel Regulations and any other guidelines to be established by the Board. The GM will, however, be mindful of the need to preserve a balance among the nationalities of personnel selected to serve with the Agency, reflecting national financial contributions, according to the Board's guidelines for manning.
- (b) The selection of personnel for the NACOSA will rest with its Controller within the agreed personnel establishment. Recruitment will be performed using the Allied Command Europe (ACE) recruitment procedures. For the NACOSA's subordinate elements recruitment will be performed using the ACE and Allied Command Atlantic (ACLANT) recruitment procedures.
- (c) The selection of personnel for the C3 Staff will involve its Director in accordance with the established NATO HQ procedures within the agreed table of posts. Recruitment for posts will be performed using the IS or IMS recruitment procedures as appropriate.

4. Recruitment and Selection of Military Personnel

Recruitment and selection of military personnel will be done in accordance with existing recruitment procedures. With regard to the NC3A, the criteria and procedures for rejection will be established by the Board and the military part of the personnel establishment shall reflect a national balance. With respect to the NACOSA and subordinate elements, the criteria and procedures for rejection will be delineated in an ACE Directive. With regard to the C3 Staff, the Director will participate in the selection process.

5. Personnel Status

The personnel establishments of the Bodies, to include subordinate elements, shall comprise the following civilian and/or military personnel, some of whom will be committed to remain during times of crisis and war:

- (a) in the NC3A:
 - (1) those categories of personnel who, by virtue of appropriate agreements concluded in accordance with Article XVII of the Ottawa Agreement between the Secretary General of NATO and the government of the Kingdom of Belgium and the government of the Kingdom of The Netherlands respectively, constitute NATO International Personnel. Such personnel shall be accorded the privileges and immunities set forth in the said agreements, and shall, in the absence of express decision of the NAC to the contrary, be subject to the NATO Civilian Personnel Regulations of corresponding grade, including those provisions relating to the Social Security System, the Provident Fund and the Pension Scheme. The Board shall ensure that the number of positions established with such categories shall be restricted to those requiring the concomitant privileges and immunities for their performance;
 - (2) those civilian personnel not having international status. Their employment shall be governed by the national social legislation of the place of employment; and

- (3) military personnel who shall be covered by the NATO Status of Forces Agreement (London, 19 June 1951). They shall be deemed to be "members of the IMS", and they together with their spouses and dependent children, shall enjoy such status, privileges and immunities as laid down in the Arrangement between NATO and the Kingdom of Belgium dated 13 February 1968, and in the appropriate agreement between NATO and the Kingdom of The Netherlands.
- (b) in the NACOSA and subordinate elements:
- (1) military and civilian personnel who shall be attached to or employed by SHAPE or such international military HQs as may be decided by the NAC, and as such shall be covered by the Protocol on the status of HQ (Paris, 28th August 1952). They, together with their spouses and dependents, shall enjoy such status, privileges and immunities as are laid down in the Arrangements between NATO and the Government of the state hosting the international military headquarters set up pursuant to the North Atlantic Treaty to which attached; and
- (2) those civilian personnel not attached to or employed by international military HQs and as such not having international status. Their employment shall be governed by the national social legislation of the place of employment.
- (c) in the C3 Staff:

The civilian and military personnel are part of the respective personnel establishments of the IS and the IMS, and as such, will be subject to the same regulations that apply to those Bodies.

6. Personnel Coordination

The NC3A shall be represented on the Advisory Panel established by the Secretary General of NATO for the purpose of consultation and coordination and assistance to the NATO's Office of Management in establishing and keeping up-to-date the NATO Civilian Personnel Regulations.

Memorandum

Van DJZ/IR
Aan DKP/DIO
C.c.
Datum 5 augustus 2003
Kenmerk DJZ/IR-247/03
Betreft NC3A - sociale zekerheid

Naar aanleiding van uw mondelinge verzoek merk ik in de eerste plaats op, dat uit de (vier) dossiers over het zetelverdrag voor NC3A niet blijkt dat de sociale zekerheid ooit aan de orde is geweest. Uit deze dossiers kan de juridische situatie op dit punt derhalve niet worden achterhaald.

In de ontwerp *headquarters agreement* ten behoeve van NC3A worden drie categorieën medewerkers onderscheiden, namelijk:

- a. burgerlijk personeel, dat wordt geacht *NATO International personnel* te zijn en op wie de *Ottawa Agreement* (20-9-1951) van toepassing is;
- b. militair personeel, op wie de *London Agreement* (het NAVO Status Verdrag van 4 april 1949) van toepassing is, en
- c. medewerkers uit de categorieën a. en b., die ingevolge punt 3(a) van de ontwerp *headquarters agreement* de diplomatieke status krijgen.

De Ottawa noch de London Agreement bevatten bepalingen over sociale zekerheid. Dit is niet verwonderlijk, aangezien deze verdragen tot stand kwamen op een moment dat de sociale zekerheidsstelsels in de lidstaten niet of nauwelijks van grond waren gekomen. Sec op basis van deze verdragen zouden degenen op wie deze van toepassing zijn, geen recht hebben op enige vrijstelling inzake sociale zekerheid. De verdragen gelden echter ruim een halve eeuw en het is waarschijnlijk dat deze bij de uitvoering zijn aangevuld (of zelfs gewijzigd). In de praktijk wordt de vrijstelling inzake sociale zekerheid wellicht wel verleend, bijvoorbeeld op basis van besluiten van de NAVO Raad. Dit strookt ook met de het gestelde in het

document met kenmerk *Attachment to Appendix 1 to Annex to PO(96)99*, waarin in punt 5(a) staat:

NATO international personnel is subject to the NATO Civilian Personnel Regulations of corresponding grade, including those provisions relating to the Social Security System (...).

Ik stel voor dat u bij NC3A navraagt hoe de sociale zekerheid juridisch gezien is geregeld. Met begrip voor de gevoeligheid die een dergelijke vraag bij de onderhandelaar(s) van deze organisatie oproept, komt het mij toch voor dat een zetelstaat gegevens op dit punt moet kunnen vragen en niet moet worden genoodzaakt zelf het wiel uit te vinden.

Een alternatief is, dat u e.e.a. doet verifiëren bij de juridische dienst of de afdeling personeelszaken van de NAVO. Bij de vraagstelling zou de positie van de familieleden dienen te worden betrokken.

Op categorie c. is artikel 33 van Wenen Diplomatiek van toepassing, waarin de diplomatieke ambtenaar wordt vrijgesteld van de voorschriften op het terrein van de sociale zekerheid *ten aanzien van voor de zendstaat verrichte diensten*. Deze bepaling geldt op grond van artikel 37(1) ook voor familieleden, maar aangezien deze geen diensten voor de zendstaat verrichten, heeft deze weinig effect. Voor familieleden van medewerkers van een internationale organisatie zoals NC3A geldt dit naar analogie.

Ik raad u niettemin aan, een en ander met SoZaWe te bespreken, opdat duidelijk wordt dat deze bepaling geen problemen geeft.

Opgesteld door

(10)(2e)

- Toestel 31 70

(10)(2e)

(10)(2e)

From: (10)(2e)
Sent: Monday, 22 September 2003 5:11 PM
To: (10)(2e)
Subject: FW: NC3A seat agreement



Chapter VIIArt29.doc



Annex IVintro.doc

(10)(2e) is het misschien een idee als jij morgen (10)(2e) belt en vraagt of dit acceptabel is? Misschien wordt het dan wel een drankje!!! Met dank, (10)(2e)

-----Original Message-----

From: (10)(2e)@nc3a.nato.int [mailto:(10)(2e)@nc3a.nato.int]
Sent: vrijdag 19 september 2003 11:05
To: (10)(2e)@minszw.nl
Cc: (10)(2e) (10)(2e)@nc3a.nato.int
Subject: NC3A seat agreement

Dear (10)(2e)

As agreed at yesterday's meeting and this morning's telecon I send you information from the Civilian Personnel Regulations concerning the Children Allowance:

<<Chapter VIIArt29.doc>>

and concerning the introduction of the section dealing with the Pension Scheme:

<<Annex IVintro.doc>>

If you need any further information please let me know.

Apart from the new information above, it is my understanding that there is no objection in principle to the text we proposed, and which I repeat here to avoid future confusion:

'1. The staff members of the Agency are affiliated to the NATO group insurance scheme, and are exempt from social security provisions in the Netherlands, unless the staff members to whom the aforementioned scheme applies, take up gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.

2. The provisions of paragraph 1 of this article shall apply to the dependent members of the family forming part of the household of the persons referred to in paragraph 1, unless they are gainfully employed or self-employed or unless they receive social security benefits from the Kingdom of the Netherlands'.

Kind regards,

(10)(2e)

NC3A (10)(2e)
Tel. + 31 (10)(2e)
Fax + 31 (10)(2e)
e-mail: (10)(2e)@nc3a.nato.int

Chapter VII - Salaries, Allowances, Advances and Loans

29.2 Dependent children's allowance

29.21 This allowance shall be paid to staff members, whether married or not, for each child under 18 years of age who is mainly and permanently maintained by the unmarried staff member or by the household of the married staff member. It shall also be paid for each such child recognised as handicapped under Article 29.4 below whatever the age of the child.

29.22 Heads of NATO bodies shall also grant the allowance in respect of children between 18 and 26 years of age who are receiving a school or university education or vocational training and who are dependent upon a member of the staff or his household as defined in Article 29.21 above. When the dependent child has been required to perform military service compulsory under national legislation, the payment of the dependent child allowance shall be extended after the child has reached the age of 26 by a period not exceeding the amount of military service which is compulsory under national legislation provided that the other conditions for entitlement are satisfied.

29.23 Where husband and wife are both employed by the Organization or by one of the other Co-ordinated Organizations, the dependent child's allowance shall be paid to the staff member entitled to household allowance.

29.3 Other dependants' allowances

The allowance may also be granted by the head of NATO body (1) in respect of ascendants and other close relatives by blood or marriage dependent for their main and continuing support on a member of the staff by virtue of legal or other obligations, the proof of which devolves upon the staff member concerned.

(1) This authority is reserved to SACEUR in respect of members of the staff employed by NATO bodies within Allied Command Operations.

29.4 Handicapped children's allowance

An allowance for a handicapped child shall be paid to any staff member with a dependent child who is handicapped within the meaning of the regulation set out in Annex III.D, whatever the age of the child.

Annex IV - Pension Scheme Rules

Council decision of 10th February 1977 - C-R(77)5 (Annex to 127th Report of the Co-ordinating Committee of Government Budget Experts) as amended by PO(79)24 (Annex to 161 st Report of the Co-ordinating Committee of Government Budget Experts), by PO(80)125 (178th Report of the Co-ordinating Committee of Government Budget Experts) and by PO(94)64 (34th Report of the Co-ordinating Committee on Remuneration).

Note to the English Text:

Save where expressly stated in these Rules, the masculine includes the feminine and the term "orphan" includes a child bereaved of one parent only.

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Chapter I - General Provisions

Article 1 - SCOPE

1. The Pension Scheme established by these Rules applies to the permanent staff, holding indefinite term or definite or fixed term appointments in:

- the Council of Europe;
- the European Centre for Medium Range Weather Forecasts (ECMWF);
- the European Space Agency (ESA) (ex. European Organization for the Development and Construction of Space Vehicle Launchers (ELDO) and European Space Research Organization (ESRO));
- the North Atlantic Treaty Organization (NATO);
- the Organization for Economic Co-operation and Development (OECD); and
- the Western European Union (WEU).

2. This Scheme shall not apply to other categories of personnel defined in each Organization, such as Experts, Consultants, Temporary Staff, Auxiliary Staff, Employees and personnel hired under local labour legislation etc.

3. In these Rules, the term "Organization" refers to that Organization listed in paragraph 1 above which employs the staff member to whom these Rules apply and the term "staff member" or "permanent staff member" means the staff referred to in paragraph 1 above.

NATO NC3A 10/9/03 overleg o.b.v. (10)(2e)

- (10)(2e) (NC3A)
is ser-zekerheidsniveau 'comparable'?
- (10)(2e)
- Ser Zaken (namens (10)(2e))
(10)(2e)

Wat een geruzie! Totdat aan het eind
nog net bij elkaar gebleven.

Afgesproken

- ① (10)(2e) geeft prioriteit aan welke info.
(hij nog nodig heeft - (wederzijdse; persoon-))
→ stuurt dit aan DKP/Dersh
 - ② Dersh stuurt dat aan NAVO (10)(2e)
die de info verschaft
 - ③ SZW verricht de check. Verwachting:
afhoor
- Dan moeten we het vanzelf eens zijn
00008: al voorgestelde bepaling

919066

(10)(2e)

From: (10)(2e)
Sent: Tuesday, 30 September 2003 12:22 PM
To: (10)(2e)
Cc: (10)(2e) (10)(2e) (10)(2e) (10)(2e)
Subject: RE: NC3A

Importance: High

(10)(2e)

Zoals ik gisteren al dacht: het ontbreken van een bepaling over de immuniteit van de organisatie zelf is geen enkel probleem. Sterker nog: die moet er juist niet in, want de immuniteit is al geregeld en op overbodige herhalingen zit niemand te wachten. Al helemaal (10)(2e) niet.

In de Charter for the NATO Consultation Command en Control Organisation (NC3O) staat, dat op deze organisatie het Verdrag van Ottawa van toepassing is (art. 1c). 'Ottawa' regelt voor alle organisaties waarop dit verdrag van toepassing wordt verklaard op het grondgebied van alle partijen bij dit verdrag de p/i voor de organisatie zelf. (Overigens in principe óók die voor de medewerkers.) 'Ons' verdragje regelt alleen toevoegingen aan Ottawa. Die liggen (m.u.v. de bepaling over de belastingvrijstelling) op het gebied van de medewerkers. Volgens de genoemde Charter is NC3A een onderdeel van NC3O (art. 20(d)).

Ook in ons verdragje staan overigens verwijzingen naar Ottawa. Zelfs als de Charter e.e.a. niet zou regelen, zou op basis daarvan Ottawa gelden.

Wel vind ik dat we een andere (KLEINE REDACTIONELE) wijziging moeten voorstellen, nl. STC (Shape Air Defense Technical Center) en NACISO moeten 1-maal voluit worden geschreven. Waar NACISO voor stond kan ik niet vinden, ik neem aan omdat dat in België was gevestigd. (10)(2e) kan uit z'n hoofd zeggen waar de afkorting voor stond, denk ik. Het is beter deze wijziging nu voor te stellen, omdat anders DJZ/VE er mee zal komen. Misschien is het handig om de tekst even aan DJZ/VE voor te leggen, om te voorkomen dat zij straks alsnog met kleine wijzigingen komen die tot irritatie bij NC3A zouden kunnen leiden.

Groeten, (10)(2e)

-----Original Message-----

From: (10)(2e)
Sent: Monday, 29 September 2003 4:05 PM
To: (10)(2e)
Cc: (10)(2e)
Subject: NC3A
Importance: High

<< File: NC3A concept zetelverdrag 26 sept 2003.doc (29-09-2003) >>

(10)(2e) hierbij de laatste tekst van de draft zetelovereenkomst NC3A met het succesvolle artikel over de sociale zekerheid erin (ik bedoel na (10)(2e) succesvolle onderhandelingen!).

Zoals ik je al zei, vind ik het gek dat er niets over immuniteiten in staat. Ik kan me best voorstellen dat dat al door London of Ottawa geregeld wordt, maar toch niet het gebouw van de nieuwe organisatie lijkt mij???

Kun je er met spoed naar kijken? Ik wil het nu graag afronden, gezien het feit dat dit al 7 jaar loopt kennelijk.....

Heel veel dank, met groet (10)(2e)

AFT 29 september 2003

Dear Secretary-General,

I have the honour to refer to the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff signed at Ottawa on 20 September 1951 (hereinafter called the Ottawa Agreement) and to the Agreement between the Parties of the North Atlantic Treaty regarding the status of their forces, signed in London on 19 June 1951 (hereinafter called the London Agreement).

Considering:

that in the context of the dissolution of NATO Communications and Information Systems Organisation (NACISO) and SHAPE Technical Center (STC) and the establishment of the NATO Consultation, Command and Control Organisation (hereinafter called NC3O) on 1st July 1996, the Netherlands Government has agreed to the establishment in The Netherlands of a part of the NATO Consultation, Command and Control Agency (NC3A) of the NC3O that represents the legal successor organisation of STC;

that the NC3O Charter (PO(96)99) foresees that the NATO Consultation, Command and Control Agency (NC3A) shall comprise a civilian and military element (hereinafter called NC3A personnel);

that the civilian personnel will be deemed to be NATO International Personnel and shall be covered by the Ottawa Agreement, and the military component will be deemed to be members of the International Military Staff and shall be covered by the London Agreement;

that the Netherlands Government is prepared to grant privileges and immunities to NC3A and its personnel in The Netherlands that are no less favourable than those previously granted to STC and with regard to the military component, than those granted to International Military Headquarters in the Netherlands.

Now therefore the Netherlands Government deems it desirable to formulate certain provisions together with you as a supplement to the Ottawa Agreement and to the London Agreement as

applicable.

To this end I have the honour to propose the following provisions:

Article 1

Exemption from taxes and duties

1. Within the scope of its official activities, the NC3A, its assets, income and all other property shall be exempt from all direct taxes.
2. Within the scope of its official activities, the NC3A shall be exempt from the following indirect taxes:
 - (a) motor vehicle tax (motorrijtuigenbelasting);
 - (b) tax on passenger motor vehicles and motorcycles (belasting van personenauto's en motorrijwielen, BPM);
 - (c) value added tax which forms part of the price of goods purchased by and of services rendered to NC3O (omzetbelasting);
 - (d) excise duties (accijnzen) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels and other taxes levied as excise duties;
 - (e) energy tax (REB, Regulerende Energie Belasting)
 - (f) import taxes and duties (rechten bij invoer en uitvoer);
 - (g) insurance tax (assurantiebelasting);
 - (h) real property transfer tax (overdrachtsbelasting);
 - (i) any other taxes and duties of a substantially similar character to the taxes and duties provided for in this paragraph, imposed by the Netherlands subsequently to the date of this letter.

These exemptions will be granted under the principles applicable to former STC.

Goods acquired or imported under the terms set out in this provision shall be sold, given away or otherwise disposed of in accordance with conditions agreed upon with the Netherlands Government and/or in accordance with NATO provisions.

Article 2

Privileges and immunities of the General Manager, the Deputy and the staff

- (a) The General Manager and the Deputy General Manager shall be accorded the privileges and immunities, exemptions and facilities accorded to Heads of diplomatic missions accredited to the Government in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961. Officials of rank A6 or equivalent will be assimilated to diplomatic personnel of similar rank, in conformity with the Vienna Convention. In addition, officials of grade A5 or A4 as may be designated, in agreement with the Government, by the General Manager, on the grounds of the responsibilities of their positions in the NC3A, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to diplomatic agents of comparable rank, in conformity with the Vienna Convention.

Privileges and immunities of the members of the family

- (b) The members of the family of the persons referred to in paragraph (a), shall enjoy the privileges, immunities, exemptions and facilities accorded to the members of the family of diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations.

Article 3

Classification

The categories of civilian personnel of the NC3A referred to in article 17 of the Ottawa Agreement in the Netherlands comprise unclassified officials as well as grade A, L, B and C. The members of the military component assigned to NC3A referred to in article 1, paragraph 1, subparagraph (a) of the London Agreement comprise military personnel of grade OF and OR.

Article 4

Waiver

Privileges and Immunities are granted to NC3A personnel and their members of the family in the interests of the Organisation and not for the personal benefit of the individuals concerned. The respective authorities of the civilian and military element shall have the right and the duty to waive the immunity in any case where, in their opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Article 5
Commissary

The NC3O may establish a tax and duty free commissary for the sale of limited quantities of certain articles to NC3A personnel for personal use or consumption and not for gift or sale, under conditions to be agreed upon by the NC3O and the Netherlands Government, whereby the Netherlands Government will facilitate a flexible implementation of customs procedures as much as possible.

Solely holders of a registration card will have admission to the commissary, unless the card bears the mark NL or DV, as detailed in paragraph 8 below.

Article 6
Motor vehicles

NC3A personnel may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependants. In addition, they shall be exempt from motor vehicle tax and excise duties on motor fuel on the basis of the regime accorded to AFCENT and to its successor organisation.

Article 7
Exemption from aliens registration

NC3A personnel, spouses and dependent children who do not have the Netherlands nationality or were not locally recruited in the Netherlands, shall enjoy exemption from all measures restricting immigration and from aliens registration formalities.

Article 8
Notification and identity cards

The General Manager shall notify the Netherlands Government as soon as possible, and thereafter on a regular basis with respect to any change, of the names, grades, marital status and addresses of NC3A personnel. The Ministry of Foreign Affairs shall issue identity cards to NC3A personnel, their spouses and dependent children, provided that they do not have Netherlands

onality or that they were not permanently residing in the Netherlands before being recruited by NC3O (locally recruited). Upon request by NC3O on grounds of functional necessity, the Ministry of Foreign Affairs is prepared to consider requests for identity cards for NC3A personnel having Netherlands nationality or who were locally recruited. The identity card will show that the holder has Netherlands nationality (NL) or was locally recruited in the Netherlands (DV).

Article 9

Employment of members of the family

The members of the family forming part of the household of NC3A personnel shall be authorised to engage in gainful employment in the Netherlands under the conditions as set out in the Annex.

Article 10

Social security

1. The NC3A personnel is affiliated to the NATO group insurance scheme, and is exempt from the Netherlands' social security scheme, unless the personnel to whom the aforementioned scheme applies, take up gainful activity in the Kingdom of the Netherlands other than in the employ of the Agency.
2. The provisions of paragraph 1 of this article shall apply to the dependent members of the family forming part of the household of the persons referred to in paragraph 1, unless they are gainfully employed or self-employed or unless they receive social security benefits from the Kingdom of the Netherlands.

I have the honour to propose that if the provisions set forth above are acceptable to you the present letter and your affirmative reply constitute a supplementary Agreement to the Ottawa Agreement and to the London Agreement between the Kingdom of the Netherlands and the North Atlantic Treaty Organisation with regard to the privileges and immunities of the NC3O in The Netherlands, which shall enter into force on the day on which the Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

Please accept, Sir, the assurances of my highest consideration.

(SIGNING BLOCK)

Employment of family members of NC3A personnel

1. Members of the family forming part of the household of NC3A personnel shall be authorised to engage in gainful employment in the Netherlands for the duration of the terms of office of the member of personnel concerned.
2. For the purpose of employment, the following persons are members of the family forming part of the household in the sense of paragraph 1:
 - a. the spouses or registered partners of the members of NC3A personnel;
 - b. children of the members of NC3A personnel who are under the age of 18;
 - c. children of the members of NC3A personnel aged 18 or over, but not older than 27, provided that they formed part of the household of the member of NC3A personnel prior to their first entry in the Netherlands and still form part of this household, and that they are unmarried, financially dependent on the member of NC3A personnel concerned and are attending education in the Netherlands.
3. Persons mentioned in paragraph 2 of this Annex who obtain gainful employment shall have no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment, provided that measures of execution are taken without infringing the inviolability of their person or of their residence, if they are entitled to such inviolability.
4. In case of the insolvency of a person aged under 18 with respect to a claim arising out of a gainful employment of that person under this Annex the immunity of the member of NC3A personnel of whose family the person concerned is a member shall be waived in accordance with the provisions of the applicable NATO agreements.
5. The employment referred to in paragraph 1 of this Annex shall be in accordance with Netherlands legislation, including fiscal and social security legislation, unless any other applicable international legal instrument provides otherwise.