

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and SLOVENIA**

Effected by Exchange of Notes
Dated at Ljubljana April 30
and May 8, 1998



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SLOVENIA

Employment

*Agreement effected by exchange of notes
Dated at Ljubljana April 30 and May 8, 1998;
Entered into force June 10, 1998.*

No. 08

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia and has the honor to propose that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Slovenia and dependents of employees of the Slovenian Government assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purpose of this Agreement,

“Dependents” shall mean:

- spouses;
- unmarried dependent children under 21 years of age;
- unmarried dependent children under 23 years of age who are in full-time attendance as students at a post secondary educational institution; and
- unmarried children who are physically or mentally disabled.

For the purpose of this Agreement,

“Official employees” shall mean:

- diplomatic agents, consular officers, and members of support staffs assigned to diplomatic missions, consular offices and missions to international organizations.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of the Republic of Slovenia in Washington to the Office of Protocol in the Department of State. After the processing of the official request, the Slovene Embassy will be informed that the dependent may accept employment.

In the case of dependents who seek employment in Slovenia, the request shall be made by the Embassy of the United States of America to the Ministry of Foreign Affairs of the Republic of Slovenia, which, after verification, shall then inform the United States Embassy that the dependent may accept employment. For employment in Slovenia, no work permits will be required.

The Government of the United States of America and the Government of the Republic of Slovenia wish to confirm their understanding that dependents who obtain employment under this Agreement and who have immunity from the jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations or the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have no immunity from civil or administrative jurisdiction with respect to matters arising out of such employment. Requests by the receiving state for waivers of criminal immunity for acts arising out of employment under this Agreement shall be given serious consideration by the sending

state. Such dependents are also responsible for payments of income and social security taxes on any remuneration received as a result of employment in the receiving state. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Embassy of the United States of America further purposes that, if these provisions are acceptable to the Government of the Republic of Slovenia this note and reply of the Ministry of Foreign Affairs of the Republic of Slovenia concurring therein shall constitute an agreement between the two governments which shall enter into force on a date when the Government of the Republic of Slovenia notifies the Government of the United States of America by diplomatic note of the completion of Slovenia's constitutional requirements. The Agreement shall remain in force until ninety days after the date of the written notification from either government to the other of an intention to terminate.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Slovenia the assurances of its highest consideration.

Embassy of the United States of America

Ljubljana, April 30, 1998

REPUBLIC OF SLOVENIA
MINISTRY OF FOREIGN AFFAIRS
LJUBLJANA
EMBASSY OF THE UNITED STATES OF AMERICA } SS



GERRY A. CHEYNE
CONSULAR OFFICER

Accepted for me,
Consular Officer of the Embassy of America in and for
Ljubljana, Slovenia, on this day and qualified,
(Date) 21 April 1998.

TRANSLATION

St. 489/93-11085

(Complimentary opening) and has the honor to confirm the note of the Embassy of the United States of America of April 30, 1998, which states:

[For text, see U.S. note]

The Ministry of Foreign Affairs has the honor to convey the full agreement of the Government of the Republic of Slovenia with the proposal that the note of the Embassy and the note in response comprise an agreement between the Government of the United States of America and the Government of the Republic of Slovenia.

(Complimentary close)

Ljubljana, May 8, 1998



Št. 489/93-11085

Ministrstvo za zunanje zadeve Republike Slovenije izraža spoštovanje Veleposlaništvu Združenih držav Amerike v Ljubljani in ima čast potrditi prejem note veleposlaništva št. 08 z dne 30. aprila 1998, ki se v prevodu v slovenski jezik glasi:

“Veleposlaništvo Združenih držav Amerike izraža svoje spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in ima čast predlagati, da se na podlagi vzajemnosti nepreskrbljenim družinskim članom uslužbencev Vlade Združenih držav, ki so na uradni dolžnosti v Sloveniji, ter nepreskrbljenim družinskim članom uslužbencev slovenske vlade, ki so na uradni dolžnosti v Združenih državah, dovoli, da se zaposlijo v državi sprejemnici.

Za namene tega sporazuma

so “nepreskrbljeni družinski člani”:

-- zakonski partnerji;

-- neporočeni nepreskrbljeni otroci do 21. leta;

-- neporočeni nepreskrbljeni otroci do 23. leta, ki so redni študentje na višješolskih in visokošolskih izobraževalnih ustanovah ter

-- neporočeni otroci, ki so telesno ali duševno prizadeti.

Za namene tega sporazuma

so “uradni uslužbenci”:

-- diplomatski predstavniki, konzularni uradniki ter člani pomožnega osebja, zaposleni v diplomatskih predstavništvih, konzulatih ter misijah pri mednarodnih organizacijah.

Veleposlaništvo Združenih držav Amerike
L J U B L J A N A

V primeru nepreskrbljenih družinskih članov, ki iščejo zaposlitev v Združenih državah, mora Veleposlaništvo Republike Slovenije v Washingtonu predložiti uradno prošnjo Uradu za protokol v Zunanjem ministrstvu. Po obravnavi uradne prošnje bo slovensko veleposlaništvo obveščeno, da nepreskrbljeni družinski član lahko sprejme zaposlitev.

V primeru nepreskrbljenih družinskih članov, ki iščejo zaposlitev v Sloveniji, predloži prošnjo Veleposlaništvo Združenih držav Ministrstvu za zunanje zadeve Republike Slovenije, ki po opravljenem preverjanju obvesti Veleposlaništvo Združenih držav, da nepreskrbljeni družinski član lahko sprejme zaposlitev. Za zaposlitev v Sloveniji se delovno dovoljenje ne bo zahtevalo.

Vlada Združenih držav Amerike in Vlada Republike Slovenije želita potrditi svoje soglasje o tem, da nepreskrbljeni družinski člani, ki pridobijo zaposlitev po tem sporazumu in imajo imuniteto pred jurisdikcijo države sprejemnice v skladu z Dunajsko konvencijo o diplomatskih odnosih ali s Konvencijo o privilegijih in imunitetah Združenih narodov ali s katerim koli mednarodnim sporazumom, ki se uporablja v tej zvezi, nimajo imunitete pred civilno ali upravno jurisdikcijo glede na zadeve, ki izhajajo iz takšne zaposlitve. Zahteve države sprejemnice za odpoved kazenski imuniteti za dejanja, storjena v zvezi z zaposlitvijo po tem sporazumu bo država pošiljateljica resno proučila. Ti nepreskrbljeni družinski člani so tudi dolžni plačevati dohodnino in prispevek za socialno zavarovanje iz vsakega dohodka, ki ga prejmejo kot plačilo za zaposlitev v državi sprejemnici. Nepreskrbljeni družinski člani še naprej uživajo vse druge privilegije in imunitete, do katerih so upravičeni.

Veleposlaništvo Združenih držav Amerike nadalje predlaga da, če so te določbe sprejemljive za Vlado Republike Slovenije, ta nota in odgovor Ministrstva za zunanje zadeve Republike Slovenije, s katerim izraža soglasje, sestavljata sporazum med vladama, ki začne veljati na dan, ko Vlada Republike Slovenije z diplomatsko noto uradno obvesti Vlado Združenih držav Amerike, da so izpolnjene slovenske ustavne zahteve. Sporazum ostane v veljavi devetdeset dni po datumu pisnega obvestila ene vlade drugi o nameri, da sporazum odpove.

Veleposlaništvo Združenih držav Amerike tudi ob tej priložnosti izraža Ministrstvu za zunanje zadeve Republike Slovenije izraze svojega najvišjega spoštovanja.”

Ministrstvo za zunanje zadeve Republike Slovenije ima čast sporočiti Veleposlaništvu Združenih držav Amerike v Ljubljani popolno soglasje Vlade Republike Slovenije k zgoraj predlaganemu, tako da nota veleposlaništva in ta nota odgovor sestavljata sporazum med vladama Republike Slovenije in Združenih držav Amerike.

Ministrstvo za zunanje zadeve Republike Slovenije tudi ob tej priložnosti izraža Veleposlaništvu Združenih držav Amerike v Ljubljani svoje odlično spoštovanje.



Ljubljana, 8. maja 1998