

No. 54

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Estonia and acknowledges receipt of diplomatic note No. 8.2-1/8578-1 dated May 28, 2012, from the Ministry of Foreign Affairs, which reads as follows:

“The Ministry of Foreign Affairs of the Republic of Estonia present their compliments to the Embassy of the United States of America, and refers to the Agreement between the Government of the United States of America and the Government of the Republic of Estonia relating to employment, on a reciprocal basis, of dependants of official government employees, effected by exchange of notes at Tallinn 25 September and 20 October 2000, which entered into force 22 November, 2000.

The Ministry of Foreign Affairs of the Republic of Estonia, on behalf of the Government of the Republic of Estonia proposes that, on a reciprocal basis, dependents of the official employees of the United States assigned to official duty in Estonia and dependents of the official employees of the Government of Estonia assigned to official duty in the United States be authorized to be employed in the receiving state.

1. For the purpose of this Agreement:
 - A. 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

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postsecondary educational institution; unmarried dependent children who are physically or mentally disabled; and domestic partners who have been issued an official visa and whose accreditation is accepted by the receiving state as a dependent member of the immediate family forming part of the household of a member of a consular post of the sending state. For NATO personnel, dependents shall mean spouses and unmarried children as defined above but shall not include domestic partners.

Official employees shall mean diplomatic agents, consular officers, and members of support staffs assigned to diplomatic missions, consular offices and missions to international organizations, as well as NATO personnel. "NATO personnel" shall mean a member of the military or civilian personnel of the Republic of Estonia assigned to duty in the territory of the United States, or of the United States assigned to duty in the territory of the Republic of Estonia, to whom the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done on 19 June 1951 in London or the Protocol on the Status of International Military Headquarters Set up Pursuant to the North Atlantic Treaty, done on 28 August 1952 in Paris, or any Supplementary Agreement to the abovementioned Agreement or Protocol applies.

II. Procedure

A. In the case of dependents of the official employees of the United States assigned to duty in the territory of the Republic of Estonia who seek employment authorization in Estonia, the

request shall be made by the United States Embassy in Tallinn, Estonia to the Estonian Ministry of Foreign Affairs. In the case of dependents of NATO personnel of the United States assigned to duty in the territory of the Republic of Estonia, a written request shall similarly be made to the Estonian Ministry of Foreign Affairs. After the official request is processed, the United States Embassy shall be informed that the dependent may seek and accept employment.

- B. In the case of dependents of diplomats and consular officers, or of the support staff assigned to the Estonian Embassy in Washington, D.C. who seek employment authorization in the United States, an official request shall be made by the Embassy of Estonia in Washington, D.C. to the Office of Protocol in the Department of State. In the case of dependents of NATO personnel of the Republic of Estonia assigned to duty in the territory of the United States, an official request shall be made by the sponsoring command or the Embassy of the Republic of Estonia to the Legal Affairs Office, NATO/HQ SACT in Norfolk, Virginia. In the case of dependents of diplomats or of the support staff assigned to Estonia's Permanent Mission to the United Nations, an official request shall be made to the United States Permanent Mission to the United Nations. After the official request is processed, Estonia's Embassy or Permanent Mission to the United Nations shall be informed that the dependent may seek and accept employment.

C. The Government of Estonia and the Government of the United States 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 Vienna Convention on Consular Relations or any other instrument making the provisions of these Conventions applicable, enjoy no immunity from civil and administrative jurisdiction in an action relating to any professional or commercial activity, including employment authorized under this Agreement. Such dependents are also responsible for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state, to the extent consistent with international agreements and national legislation of the receiving state. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Ministry proposes that, if the foregoing proposals are acceptable to the Government of the United States of America, this Note and the Embassy of the United States of America's affirmative Note in reply, shall constitute an agreement between our two Governments which shall enter into force on the date of such reply and shall supersede the Agreement between the Government of the Republic of Estonia and the Government of the United States of America relating to the employment, on a reciprocal basis, of dependents of official government

employees, effected by exchange of notes at Tallinn 25 September and 20 October, 2000.

The Ministry of Foreign Affairs of the Republic of Estonia avail themselves of this opportunity to renew to the Embassy of the United States of America the assurances of their highest consideration.

Tallinn, 28 May 2012”

The Embassy, on behalf of the Government of the United States of America, agrees with the proposals set forth above. Therefore, the Ministry’s Note and this Note in reply shall constitute an Agreement between the two Governments which shall enter into force on the date of this Note. Upon entry into force of this Agreement, the Agreement between the Government of the United States of America and the Government of the Republic of Estonia relating to the employment, on a reciprocal basis, of dependents of official government employees, effected by exchange of notes at Tallinn September 25 and October 20, 2000, shall be superseded.

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

Embassy of the United States of America,

Tallinn, June 19, 2012.

