

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and BULGARIA

Effected by Exchange of Notes
Dated at Sofia October 8 and 29, 1991



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.”

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BULGARIA

Employment

*Agreement effected by exchange of notes
Dated at Sofia October 8 and 29, 1991;
Entered into force October 29, 1991.*

*The American Embassy to the Bulgarian Ministry of Foreign
Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 290.

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

For the purposes of this agreement, "dependents" shall include:

spouses;

unmarried dependent children under 21 years of age;

unmarried dependent children under 23 years of age who are in full-time attendance at a post-secondary educational institution and;

unmarried children who are physically or mentally disabled.

For the purposes of this agreement, it is understood that employees assigned to official duty include diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and international organizations.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of Bulgaria in Washington to the office of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee of the Bulgarian Government, the Bulgarian Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents of employees who seek employment in Bulgaria, an official request must be made by the United States Embassy in Sofia to the Bulgarian Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

The U. S. Government and the Bulgarian Government wish to clarify their understanding that dependents who obtain employment under this Agreement and who have immunity from the jurisdiction of the receiving country in accordance

with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations,¹ or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Embassy of the United States in Sofia further proposes that, if these understandings are acceptable to the Government of Bulgaria, this Note and the Government of Bulgaria's reply concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of that reply Note. This Agreement shall remain in force until ninety days after the date of the written notification from either Government to the other of 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 Republic of Bulgaria the assurances of its highest consideration.

Embassy of the United States of America,
Sofia, October 8, 1991.

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

*The Bulgarian Ministry of Foreign Affairs to the American
Embassy*

МИНИСТЕРСТВО НА ВЪНШНИТЕ РАБОТИ

№ 93-Ч-26

Министерството на външните работи на Република България поднася своите почитания на Посолството на Съединените американски щати в София и в отговор на Нота № 290 от 8 октомври 1991 г. на Посолството има честта да съобщи, че приема, на реципрочна основа, членове на семействата на служители на Правителството на Република България, назначени на официална служба в Съединените американски щати и членове на семействата на служители на Правителството на САЩ, назначени на официална служба в Република България, да получат разрешение за работа в приемащата страна.

За целите на това споразумение «членове на семейството» включва:

съпруги;

неомъжени (неженени) деца под 21-годишна възраст;

неомъжени (неженени) деца под 23-годишна възраст, които учат редовно във висше учебно заведение;

неомъжени (неженени) деца, които имат физически или умствени увреждания.

За целите на това споразумение под «служители, назначени на официална служба» се разбира дипломатическите служители, консулските служители и членовете на техническия персонал в дипломатическите мисии, консулските служби и международните организации.

ДО
ПОСОЛСТВОТО НА
СЪЕДИНЕНИТЕ АМЕРИКАНСКИ ЩАТИ
СОФИЯ

В случаите, когато членове на семейството търсят работа в Република България трябва да се отправи официално искане от Посолството на Съединените американски щати в София до Министерството на външните работи на Република България. След удостоверяване, че лицето е член на семейството на официален служител на Правителството на Съединените американски щати Посолството ще бъде уведомено от Правителството на Република България, че членът на семейството има разрешение на приеме работата.

В случаите, когато членове на семейството търсят работа в Съединените американски щати трябва да се отправи официално искане от Посолството на Република България във Вашингтон до Служба Протокол в Държавния департамент, която, след удостоверяване, ще уведоми Посолството на Република България, че членът на семейството може да приеме работата.

Правителството на Република България и Правителството на Съединените американски щати желаят да бъде ясна тяхната договореност, че членовете на семейството, които получават работа съгласно това споразумение и които се ползват от имунитет от юрисдикцията на приемащата държава съгласно чл.31 от Виенската конвенция за дипломатическите отношения, съгласно Конвенцията на ООН за привилегиите и имунитетите или съгласно всяко друго приложимо международно споразумение, не се ползват от имунитет от гражданска или административна юрисдикция по отношение на въпроси, произтичащи от тази работа. Тези членове на семейството следва да заплащат данъци върху дохода и вноски за социално осигуряване за всякакви възнаграждения, получени в резултат на работа в приемащата държава.

Министерството на външните работи на Република България разглежда тази Нота, заедно с Нота № 290 от 8 октомври 1991 г. на Посолството на Съединените американски щати в София, като Споразумение между двете Правителства, което ще влезе в сила от датата на тази нота. Това Споразумение ще остане в сила докато не изтекат деветдесет дни от датата на писменото уведомление, от което и да е от двете Правителства до другото Правителство за прекратяването му.

Министерството на външните работи на Република България се ползува от случая да поднови пред Посолството на Съединените

американски щати в София уверенията в отличната си към него почит.

София, 29 октомври 1991

В. Б.

TRANSLATION

[Seal]

MINISTRY OF FOREIGN AFFAIRS

No. 93-Ch-26

The Ministry of Foreign Affairs of the Republic of Bulgaria presents its compliments to the Embassy of the United States of America in Sofia and, in reply to the Embassy's Note No. 290 of October 8, 1991, has the honor to advise that it agrees to allow, on a reciprocal basis, family members of officials of the Government of the Republic of Bulgaria, officially assigned to the United States of America, and family members of officials of the U.S. Government, officially assigned to the Republic of Bulgaria, to obtain permission to work in the receiving country.

For the purposes of this agreement, "family members" include:

spouses;

single (unmarried) children under 21 years of age;

single (unmarried) children under 23 years of age, who are studying regularly at a higher educational institution;

– single (unmarried) children who have physical or mental disabilities.

For the purposes of this agreement it is understood that "officially assigned officials" are diplomatic officials, consular officials and members of technical personnel at diplomatic missions, consular offices, and international organizations.

If family members seek employment in the Republic of Bulgaria they must send an official request from the Embassy of the United States of America in Sofia to the Ministry of Foreign Affairs of the Republic of Bulgaria. After verification that the person is a family member of an official of the Government of the United States of America, the Embassy will be notified by the Government of the Republic of Bulgaria that the family member has permission to obtain employment.

Embassy of the

United States of America

Sofia

If family members seek employment in the United States of America they must send an official request from the Embassy of the Republic of Bulgaria in Washington to the Protocol Office in the Department of State, which, after verification, will notify the Embassy of the Republic of Bulgaria that the family member can obtain employment.

The Government of the Republic of Bulgaria and the Government of the United States of America wish that there be a clear understanding that the family members who obtain employment under this agreement and who enjoy immunity from the jurisdiction of the receiving state under Art. 31 of the Vienna Convention on Diplomatic Relations, under the UN Convention on Privileges and Immunities, or under any other applicable international agreement do not enjoy immunity from civil or administrative jurisdiction as regards problems arising from this employment. These family members shall pay income taxes and social security payments for any remunerations received as a result of employment in the receiving state.

The Ministry of Foreign Affairs of the Republic of Bulgaria regards this note, together with Note No. 290 of October 8, 1991, from the Embassy of the United States of America in Sofia, as an Agreement between the two Governments, which will enter into force on the date of this note. This Agreement will remain in force until the expiration of ninety days from the date of written notification from either of the two Governments to the other Government to terminate the Agreement.

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

Sofia, October 29, 1991

[Initialed] V. B.