

ARRANGEMENT BETWEEN THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF FOREIGN AFFAIRS OF THE STATE OF ISRAEL ON GAINFUL OCCUPATION FOR FAM...

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The Department of Foreign Affairs of the Republic of the Philippines and the Ministry of Foreign Affairs of the State of Israel (herein after referred to as the “Parties”);

Realizing that the members of the family of a diplomatic agent forming part of his household, in particular spouses, may wish to work in the State where the member of a diplomatic mission or consular post is assigned to duty;

Desirous of facilitating the engagement of such family members in a gainful occupation in the receiving State;

Have reached the following Arrangement:

Article 1 – Authorization to engage in a gainful occupation

- The members of the family forming part of the household of a member of a diplomatic mission or consular post of the sending State appointed to carry out an official mission in the receiving State shall be authorized to engage in a gainful occupation in the receiving State in accordance with the provisions of the applicable legislation of the receiving State and the provision of this Arrangement.

- The receiving State shall retain the right to withhold authorization for employment in certain areas, inter alia:

- If the employer is the receiving State, including its semi-autonomous agencies; foundations; state-owned and mixed public-private corporations.

- If the activity affects national security.

- If the employment relates to a profession, the practice of which is regulated and reserved by law for the nationals of the Receiving State.

- Any authorization to engage in gainful occupation in the receiving State shall be valid only during the tenure of the member of a diplomatic mission or consular post in the receiving State or the latest three months thereafter.

Article 2 – Definitions

For the purpose of this Arrangement:

- “A member of a diplomatic mission or consular post” means any officer or employee of the sending State who is not a national of or permanently resident in the receiving State and who is assigned to official duty in the receiving State in a diplomatic mission or consular post.
- “A member of the family of a diplomatic mission or consular post” means:
 - The spouse or de-facto spouse, in accordance with the applicable legislation of the sending State;
 - Unmarried dependent children under the age of 21 years or unmarried dependent children under the age of 25 years pursuing full-time courses leading to a substantial qualification in universities or higher education centers recognized by each State.
 - Unmarried children who are physically or mentally disabled but able to work.

Article 3 – Procedures

- The engagement of a member of the family in a gainful occupation in the receiving State shall be governed by the provisions of this Arrangement and shall be subject to prior authorization of the relevant authorities through a request sent on behalf of the member of the family by the Embassy of the sending State to the Protocol Department of the Ministry of Foreign Affairs of the receiving State, specifying the position applied for; details of the potential employer and any other information requested by the appropriate authority in accordance with its procedures and forms. The relevant authorities of the receiving State, after checking whether the person in question fits the categories defined in this Arrangement and taking into account applicable internal provisions, shall officially inform the Embassy of the sending State, through the Protocol Department of the Ministry of Foreign Affairs of the receiving State, that the person is authorized to engage in the requested position, according to the applicable legislation of the receiving State.
- Should the member of the family seek to change his/her employers at any time after receiving a work permit, a further request for authorization must be sought.
- Authorization for a member of the family member or of the potential employer to engage in gainful occupation will not imply exemption from any requirements, procedures or fees which may ordinarily apply to any employment, whether relating to personal characteristics, professional or trade qualifications or otherwise. In the

case of professions requiring special qualifications, the member of the family shall not be exempted from fulfilling the applicable requirements. The provision of the Arrangement shall not be interpreted as implying the recognition, by the other contracting Party, of a degree for pursuing a profession.

Article 4-Civil or administrative privileges and immunities

In the case of members of the family who enjoy immunity from the civil or administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations, 1961 or in accordance with the rules of the customary international law as they are embodied in the Vienna Convention on Consular Relations, 1963 such immunity shall not apply in respect of any act or omission carried out in the course of the gainful occupation and falling within the civil or administrative jurisdiction of the receiving State. Such waiver of immunity from civil or administrative jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required.

Article 5 – Criminal immunity

In the case of member of the family who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relation, 1961 or in accordance with the rules of customary International law as they are embodied in the Vienna Convention on Consular Relations, 1963;

- The provisions concerning immunity from criminal jurisdiction of the receiving State shall continue to apply in respect of any act or omission carried out in the course of gainful occupation,

- However, in the case of serious offenses carried out in the course of the gainful occupation, upon the request in writing of the receiving State, the sending State shall seriously consider waiving the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State.

- Such waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required.

Article 6 – Fiscal and social security regimes

In accordance with the Vienna Convention on Diplomatic Relations, 1961 and in accordance with the rules of the customary international law as they are embodied in the Vienna Convention on Consular Relations, 1963 members of the family shall be subject to fiscal and social security regimes of the receiving State for matters connected with their gainful occupation on that State.

Article 7 – Settlement of disputes

Any differences or disputes regarding the interpretation or application of this Arrangement shall be settled through mutual consultations.

Article 8 – Entry into Force

This Arrangement shall enter into force on the date of later written notification by the Parties, through diplomatic channels, indication that the domestic requirements for its entry into force have been complied with

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this

Arrangement.

Signed in Manila, on the 9th day of May, 2012 which corresponds to the 17[th] of Iyar 5772 in two original copies in the English language, both texts being equally authentic.

For the Department of Foreign Affairs
of the Republic of the Philippines For the Ministry of Foreign Affairs
of the State of Israel

(Sgd.) (Sgd.)

Entry into Force: February 11, 2013

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