

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
FINLAND AND THE CABINET OF MINISTERS OF UKRAINE ON
GAINFUL OCCUPATION OF FAMILY MEMBERS OF EMPLOYEES OF
THEIR DIPLOMATIC MISSIONS, CONSULAR OFFICES OR MISSIONS
TO INTERNATIONAL GOVERNMENTAL ORGANIZATIONS**

The Government of the Republic of Finland and the Cabinet of Ministers of Ukraine (hereinafter referred to as "the Parties") in their desire to permit, on the basis of reciprocity, gainful occupation of the family members of employees of diplomatic missions, consular posts or missions to international governmental organizations of one of the Parties assigned to official duty in the territory of the other Party, shall authorize these family members to engage in gainful occupation in the receiving State as follows:

Article 1

The Government of the Republic of Finland and the Cabinet of Ministers of Ukraine agree, on the basis of reciprocity, that family members of employees of the sending State assigned to official duty in the receiving State as members of a diplomatic mission or a consular post or as members of a mission to an international organization shall be authorized to engage in a gainful occupation in the receiving State.

Article 2

In this Agreement:

- i) "employee" means a person from the sending State, who is not a national of or a permanent resident in the receiving State and is assigned to official duty as a member of a diplomatic mission or a consular post, or as a member of a mission to an international organization in the receiving State.
- ii) "family member" means
 - a person who forms part of the household, accompanying an employee of the sending State, and who has been notified to and accepted as such by the receiving State.

iii) "gainful occupation" means the carrying out by a family member of work under a private contract of service, the independent practice of a profession or the independent operation of a private enterprise. Service of family members in a diplomatic mission or a consular post of the sending State or other states or a mission to an international organization is not covered, and is in no way affected, by this Agreement.

Article 3

There shall be no restrictions as to the nature or type of gainful occupation to be performed. However, it shall be understood that in such professions or activities as require special qualifications, it shall be necessary for the family member to comply with the rules that govern the practice of that profession or activities in the receiving State. In addition, the authorization may be withheld in such cases where, by reasons of security, only nationals of the receiving State can be employed.

This Agreement does not imply recognition of diplomas and degrees or studies between the two States.

Article 4

Before a family member may engage in gainful occupation in the receiving State, the mission or consular post concerned of the sending State shall make an official notification to that effect to the Protocol Department of the Ministry for Foreign Affairs of the receiving State. Upon verification of the absence of legal impediments, the Ministry for Foreign Affairs shall promptly and officially inform the mission or consular post concerned of the sending State that the family member is authorized to engage in gainful occupation, subject to the applicable regulations of the receiving State.

Article 5

A family member who engages in gainful occupation under this Agreement and who has immunity from the jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961, or under any other applicable international instrument, shall not enjoy immunity from civil and administrative jurisdiction or the execution of a possible judgement with respect to any matter arising from such gainful occupation.

Article 6

In the case of a family member who enjoys immunity from criminal jurisdiction according to the Vienna Convention on diplomatic relations or any other applicable international instrument, the provisions establishing such immunity shall be applied with respect to any action or omission originated in the performance of the gainful occupation. However, the sending State shall carefully consider any request submitted by the receiving State to waive the immunity from criminal jurisdiction, as well as to waive separately immunity from the execution of any sentence that might be pronounced.

Article 7

The family member who engages in gainful occupation under this Agreement shall be subject to the fiscal and social security schemes of the receiving State for all matters concerned with the gainful occupation in that State.

Article 8

The authorization for gainful occupation under this Agreement is deemed to be terminated without prior notification upon the termination of the assignment of the employee in the receiving State, or upon the termination of this Agreement by one of the Parties, or if the permit recipient loses the status of a "family member" in accordance with Article 2 of the Agreement. Gainful occupation engaged in in accordance with this Agreement shall not entitle the family member to continue to reside in the receiving State, nor shall it entitle the said family member to remain in such gainful occupation or enter into other gainful occupation in the receiving State after the authorization has terminated.

Article 9

Settlement of any differences or disputes regarding the interpretation and implementation of this Agreement will be resolved through diplomatic channels and by mutual consent.

Article 10

This Agreement may be amended by mutual accord between the Parties, with the exchange of diplomatic notes. The amendment shall enter into force in conformity with the procedure established in Article 11.

Article 11

This Agreement shall remain in force for an indefinite period. Either Party may initiate termination of this Agreement at any time by giving a written notice to the other Party of its intention to terminate this Agreement. The Agreement shall cease to have effect in six (6) months from the date of receipt of such notice.

The Parties shall notify each other through diplomatic channels that they have completed the respective national requirements for the entry into force of this Agreement. The Agreement shall enter into force on the first day of the second month following the receipt of the later notification.

In witness whereof, the duly authorized representatives of the Parties have signed this Agreement, in _____ [place], on _____[date] in two original copies, in the Finnish, Ukrainian and English languages, all texts being equally authentic. In case of any divergence of interpretation of this Agreement, the English text shall prevail.

For the Government of the
Republic of Finland

For the Cabinet of Ministers of
Ukraine