

Protocol Guide

for

**Diplomatic Missions
and Consular Posts**

**Protocol Department
Ministry of Foreign Affairs
March 2012**

Protocol Guide for Diplomatic Missions and Consular Posts

Contents

Introduction	6
1 Agrément and accreditation	7
1.1 Accreditation of the head of mission (articles 4-6 VCDR)	7
1.2 Recognition and admission of career and honorary consular officers (articles 10-12 VCCR).....	7
1.3 Appointment of a chargé d'affaires ad interim (article 19	8
1.4 Agrément for the appointment of military attachés.....	8
1.5 First arrival of heads of diplomatic mission.....	8
1.6 Departure of heads of diplomatic mission.....	9
1.7 Accommodation	10
2 First entrance and visas	11
2.1 Visa	11
2.2 When does one need a visa?.....	12
2.3 Visa procedure for privileged staff members and their family members.....	13
2.4 Visa procedure for non-privileged staff members, relatives, friends, other guests and delegations.....	14
3 Registration with the Ministry of Foreign Affairs/ identity cards	16
3.1 General information.....	16
3.2 Unmarried partners	17
3.3 Applying for an identity card	17
3.4 Children residing in the Netherlands.....	18
3.4.2 Exceptions	20
3.5 Purpose of the card	20
3.6 Types of status.....	21
3.7 Lost or stolen cards.....	22
3.8 Returning the card	22
3.9 Registration with the Ministry of Foreign Affairs.....	23
3.9.1 Notification of births, changes in civil status and deaths.....	24
3.9.2 Change of address	25
3.9.3 Expiry date	25
3.9.4 Partners beginning work at a diplomatic mission, consular post or international organisation.....	25
3.10 Parents and parents-in-law.....	25
3.11 Permission for household members to work	26
3.12 Issuance of official declarations by the Protocol Department.....	27
4 Permanent residence permit and permanent residence status	28
4.1 General information	28

4.2	Residence after 10 years for staff members with BD and ED status	28
4.3	Identity cards for Dutch and DV staff	29
4.4	Dutch Civic Integration Act and the civic integration test	29
5	Private servants	31
5.1	General information	31
5.2	Employing private servants	31
5.3	Admission of private servants	32
5.4	Registration	34
5.5	Identity card	34
5.6	Mandatory provisions of Dutch employment legislation	34
5.7	Duration of the contract	35
5.8	Health insurance for private servants	35
5.9	Locally recruited private servants	36
5.10	Treatment of private servants	36
6	Local staff	37
6.1	General	37
6.1.1	Permanent residents	37
6.1.2	Personnel directly recruited in another EU-country	37
6.1.3	Personnel directly recruited in a third country	37
6.1.4	Immunity	37
6.1.5	Enquiries	38
6.2	Contracts	38
6.3	Disputes concerning the implementation of employment contracts	38
6.4	Applicable law	39
6.4.1	Dutch labour law	39
6.5	Taxation	39
6.5.1	Income tax and social insurance contributions	39
7	Social security	41
7.1	General information	41
7.2	Dutch social security legislation	41
7.3	Embassy staff	42
7.4	Remittance of contributions by the employer	43
8	Immunity	44
8.1	Introduction	44
8.2	Who enjoys immunity?	44
8.3	State immunity	46
8.4	Immunity from civil jurisdiction	47
8.5	Immunity from criminal jurisdiction	48
8.6	Privileged persons who come into contact with the police	48
8.7	Traffic violations	48
8.8	Consequences of driving under the influence of alcohol, drugs or medicines	49
8.8.1	Police traffic control	49
9	Fiscal privileges	52
9.1	General information	52

9.2	Income tax	52
9.3	Conditions for exemption	52
9.4	Value Added Tax	53
9.4.1	Advance exemption	55
9.4.2	Taxes and duties on imported goods originating outside the EU	56
9.5	Taxes on immovable property	57
9.5.1	Transfer tax	57
9.5.2	Obtaining exemption from transfer tax in advance	57
9.6	Motor vehicle tax	57
9.7	Energy tax	58
9.8	Municipal taxes	59
9.8.1	Charges for services rendered	59
9.8.2	Water charges	60
10	Cars	61
10.1	Tax exemption and special registration certificate	61
10.1.1	Importing or purchasing a car	62
10.1.2	Purchasing a new car in or importing one into the Netherlands	62
10.1.3	Purchasing a new car outside or importing one from outside the Netherlands	62
10.1.4	Purchasing a used car outside the Netherlands	63
10.1.5	Purchasing a car within the embassy or consulate	63
10.2	Selling a tax-free car and waiving exemption	63
10.3	Scrapping cars	64
10.4	Exporting a tax-free car	64
10.4.1	Person with exemption leaves embassy or consulate and takes car to country of destination	64
10.4.2	Person with exemption continues working at embassy or consulate and car is exported	64
10.5	Change of address	65
10.6	Driving licences	65
10.7	Annual Vehicle Inspection (APK)	66
10.8	Parking	66
10.8.1	Parking near the Ministry of Foreign Affairs	68
11	Visits	70
11.1	General information	70
11.2	Heads of state	70
11.3	Members of foreign Royal Families	70
11.4	Heads of government	71
11.5	Ministers of Foreign Affairs	71
11.6	Security officers accompanying official visitors	71
12	Amsterdam Schiphol Airport	73
12.1	Entry passes to Schiphol Airport	73
12.2	VIP Lounge	74
12.3	Privium	75
13	Security	76

13.1	General information.....	76
13.2	Protection of persons	76
13.3	Protection of buildings.....	77
13.4	Demonstrations.....	78
13.5	Firearms	78
	Annexe B Specimen Note Verbale for privileged persons and members of their family forming part of the household applying for a visa.....	81
	Annexe C Specimen request for assistance with a visa for a private visit to privileged staff member.....	82
	Annexe D Specimen Note Verbale for partners of privileged persons applying for a visa (without marriage certificate or registered partnership recognised by the Netherlands)	83
	Annexe E Officially recognised foreign partnerships that are accepted for the issuance of an identity card by the Ministry of Foreign Affairs:	85
	Annexe F Specimen declaration for an identity card for children between the ages of 18 and 23	87
	Annexe G Countries with which the Netherlands has concluded a Memorandum of Understanding or other international instrument.....	88
	Annexe H Tax packages A and B.....	89
	Head of Mission.....	89
	VAT on goods (in free circulation in the Netherlands).....	89
	VAT on services	89
	Head of Mission.....	90
	VAT on goods	90
	Annexe I Countries entitled to tax packages A and B.....	91
	Annexe J Quota for alcoholic beverages, cigarettes and fuel	93
	Annexe K Other fiscal privileges.....	94
	Annexe L Addresses	96

Introduction

This Protocol Guide is issued by the Ministry of Foreign Affairs as part of our efforts to be a transparent and good host to our distinguished guests. It contains practical information based on the Dutch authorities' interpretation of the rules for privileged persons. The special rights enjoyed by privileged persons in the Netherlands derive from the 1961 Vienna Convention on Diplomatic Relations (VCDR) and the 1963 Vienna Convention on Consular Relations (VCCR). These conventions allow for national interpretation and evolving insights. The Protocol Guide is not a statutory document and no rights may be derived from it; it is an informational publication.

The Protocol Guide may be consulted online on the website of the Ministry of Foreign Affairs and is continually updated to reflect the latest developments. Major changes in Dutch policy on privileged persons are communicated to the diplomatic missions and consular posts by Note Verbale. A list of useful addresses in dealing with the Dutch authorities can be found in Annexe L.

The privileges and immunities enjoyed by privileged persons are granted to the diplomatic missions and consular posts – rather than to the individuals in question – to allow diplomatic missions and consular posts and their staff to function properly. Diplomatic missions and consular posts (not the individual staff members) may address their questions about the implementation of the rules to the Ministry of Foreign Affairs.

Host Nation Division
Protocol Department
Ministry of Foreign Affairs
P.O. Box 20061
2500 EB Den Haag
The Netherlands
+31 (0)70 348 6490

1 Agrément and accreditation

1.1 Accreditation of the head of mission (articles 4-6 VCDR)

The sending state must make certain that the receiving state has granted agrément for the person it proposes to accredit as head of mission to that state.

The procedure is as follows. The sending state notifies the Kingdom of the Netherlands via its diplomatic mission in the Netherlands of the person it proposes to accredit. For ambassadors residing in the Netherlands, this should be done by a verbal démarche to the Director of Protocol, a curriculum vitae being provided on a sheet of paper without a letter heading. For ambassadors residing outside the Netherlands the sending state may approach the Dutch embassy in that state or in the city where the ambassador is located.

Prospective heads of diplomatic missions must await the decision on agrément outside the Netherlands. Any form of publicity including the name of the person concerned in connection with his/her new assignment before agrément is given is considered inappropriate.

If the head of a diplomatic mission is to be accredited to more than one state and is to reside outside the Netherlands, it is customary to await the agrément of the country in which he or she is to reside. If the new head of the diplomatic mission is not to reside in the same place as his/her predecessor, the Kingdom of the Netherlands should also be notified to that effect in compliance with article 5, paragraph 1 of the VCDR.

1.2 Recognition and admission of career and honorary consular officers (articles 10-12 VCCR)

Provisional recognition and admission

The embassy of the sending state may request provisional recognition and admission of a consular officer by means of a Note Verbale containing his/her personal particulars. In the case of honorary consuls, their curriculum vitae should be sent as well.

Definitive recognition and admission

The embassy of the sending state may request the granting of exequatur in respect of a consular appointment by sending a Note Verbale and the letter of appointment of the person concerned.

1.3 Appointment of a chargé d'affaires ad interim (article 19)

If the post of head of mission is vacant, or if the head of mission is unable to perform his/her duties, a chargé d'affaires ad interim can be appointed to act as provisional head of mission. The Ministry of Foreign Affairs should be notified of the name of the chargé d'affaires ad interim by Note Verbale.

In cases where no member of the diplomatic staff of the mission is present in the receiving state, a member of the administrative and technical staff may, with the consent of the receiving state, be designated by the sending state to be in charge of the mission's current administrative affairs. Such a person will have the title of chargé d'affaires.

Please note:

- A chargé d'affaires ad interim may not appoint another chargé d'affaires ad interim.
- Other embassies cannot be appointed as chargé d'affaires ad interim.
- Although there is no obligation for diplomatic missions to appoint a chargé d'affaires ad interim under article 19 of the VCDR, the Ministry of Foreign Affairs kindly requests diplomatic missions to appoint a chargé d'affaires ad interim when necessary, to ensure that urgent matters can be resolved.

1.4 Agrément for the appointment of military attachés

The embassy of the sending state should request agrément for the appointment of a military attaché by sending a Note Verbale to the Ministry of Foreign Affairs, enclosing the curriculum vitae of the official concerned.

1.5 First arrival of heads of diplomatic mission

The Protocol Department will notify the sending state by Note Verbale that agreement has been granted, and this can then be made public if so desired.

The diplomatic mission should notify the Ministry of Foreign Affairs in a Note Verbale of the head of mission's planned date and time of arrival and the mode of transport to be used (including the flight number in the event of arrival by plane).

The newly-appointed ambassador will receive an aide-mémoire concerning the presentation of credentials from the Protocol Department prior to his/her arrival in the Netherlands. Further instructions will follow from the Grand Master of the Household of Her Majesty the Queen when the ambassador visits him prior to the presentation of his/her letters of credence.

If heads of mission who are to reside in The Hague arrive by plane or train between 08:00 and 22:00, Monday to Friday, they will be welcomed by an official from the Protocol Department. If they arrive at any other time or by car, an official of the Protocol Department will pay his respects to the newly appointed head of the mission at the latter's official residence or hotel on the first subsequent working day. Arrangements for such a visit will be made by telephone by the Protocol Department and the diplomatic mission concerned.

It should be noted that in the Netherlands heads of mission cannot perform their public duties until they have presented their credentials to the head of state. The second possibility referred to in article 13 (1) of the VCDR, namely that the head of mission is considered having taken up his function when he/she presents a true copy of his/her credentials to the Minister of Foreign Affairs, *does not apply in the Netherlands*. Precedence among heads of diplomatic missions therefore depends on the date on which letters of credence were presented to Her Majesty the Queen.

1.6 Departure of heads of diplomatic mission

At the end of his/her term of office, the ambassador should inform the Director of Protocol and at the same time request a farewell audience with Her Majesty the Queen. The ambassador should indicate the approximate date of his/her departure, and indicate whether his/her spouse will be able to accompany him/her to the audience.

At the appointed time on the day of the audience an honour guard from the Royal Military and Border Police will arrive at the address given by the embassy to the Protocol Department. The honour guard will accompany the ambassador and his/her spouse, in their own car, to the Palace and back.

1.7 Accommodation

Offices and residential accommodation may be rented or purchased through a real estate agent (*makelaar*). Diplomatic missions may choose their own office and residential accommodation, under several conditions. Offices should in principle be situated within the municipality of The Hague. Residential accommodation must in principle be situated in the environs of The Hague (that is, within the municipalities of The Hague, Wassenaar, Leidschendam, Voorburg, Rijswijk or Zoetermeer), so that the Dutch authorities can meet their obligation to uphold the inviolability of such offices and residential accommodation and where necessary to protect them. Consular offices must be situated in the locality from which the consular post in question takes its name. There are no restrictions on residential accommodation for consuls.

2 First entrance and visas

2.1 Visa

In many cases a visa is required for legal entrance into the Netherlands.

The Ministry of Foreign Affairs assists the following people in obtaining a visa to travel to the Netherlands: newly arriving foreign staff members of diplomatic missions and consular posts based in the Netherlands; family members (spouses and dependent children) forming part of privileged staff members' households who wish to join them; and their private servants.

They must apply for a visa at a Dutch diplomatic or consular mission in their country of origin or of habitual residence before they travel to the Netherlands. (A country of habitual residence is one where the person in question resides or has a permit to reside for a period of longer than three months.) If there is no Dutch diplomatic or consular mission in their country of origin or of habitual residence, they may send their passports by courier to a Dutch mission in the region. The Aliens and Visas Division of the Ministry of Foreign Affairs (DCM/VV) should be informed well in advance if a visa applicant wants to make use of this procedure, so that the Dutch mission can be alerted that an application can be expected by courier.

Processing a visa application can take up to four weeks, as it is sometimes necessary to consult one or more of the other Schengen countries

<http://www.minbuza.nl/en/services/consular-services/visa/visas-for-the-netherlands-schengen-visas>

Visas issued for the Netherlands are in general valid for three months in all the countries that are party to the Schengen Agreement.

Upon arrival

Within eight days of the arrival in the Netherlands of privileged staff members and family members forming part of their household, the diplomatic mission should register them with the Protocol Department of the Ministry of Foreign Affairs so that identity cards can be issued (see chapter 3, Registration with the Ministry of Foreign Affairs).

Upon final departure

Upon termination of employment at a diplomatic mission or consular post, the staff member's and family members' identity cards must be returned to the Ministry of Foreign Affairs **within eight days**. To avoid problems with the Border Police, privileged persons

(who are not EU nationals) leaving the Netherlands after having handed in the Ministry of Foreign Affairs' identity card are strongly advised to carry a copy of their former identity card and a declaration by the diplomatic mission or consular post that their employment there was the basis of their legal residence in the Netherlands. See Annexe A for an example of such a statement. Please note that for transit through another Schengen country, a transit visa may be required.

2.2 When does one need a visa?

Whether or not a visa is required depends on the following:

- Nationality

Nationals of most non-EU countries need a visa to enter the Netherlands. A list of the countries whose nationals need a visa for a stay of up to three months can be found on the website of the Ministry of Foreign Affairs:

<http://www.minbuza.nl/en/services/consular-services/visa/visas-for-the-netherlands-schengen-visas>

- Type of travel document

A person's travel document determines whether or not a visa is needed, even if that person has more than one nationality. A person travelling on a passport of a country whose nationals require a visa must have a valid visa.

- Special travel document

Holders of certain countries' diplomatic or service passports may be exempt from the visa requirement, even if visas are normally required for the country in question. A list of these countries can be found on the website of the Ministry of Foreign Affairs:

<http://www.minbuza.nl/en/services/consular-services/visa/visas-for-the-netherlands-schengen-visas/all-you-need-to-know-about-schengen-visas>

Please note that other Schengen countries have their own lists and thus may sometimes require a visa even if the Netherlands does not.

- Length of stay

Foreign visitors planning to stay more than three months in the Netherlands must obtain a special visa known as 'authorisation for temporary stay' (*Machtiging tot Voorlopig Verblijf*, MVV). However, privileged foreign staff members and their immediate family forming part of their household are not required to obtain an MVV, whatever their nationality, but should register with the Ministry of Foreign Affairs upon their arrival.

2.3 Visa procedure for privileged staff members and their family members

Privileged staff members and family members forming part of their household should follow the same visa procedure regardless of whether they plan to stay for more or less than three months. They are advised to submit their visa application to a Dutch diplomatic or consular mission in their country of origin or habitual residence well in advance of their departure for the Netherlands.

Documents to be submitted to the Dutch Embassy

Privileged staff members and their family members need to submit the following documents when applying for a visa:

- a duly completed visa application form;
- a **valid** passport (the passport's validity must extend at least three months beyond the end of the period for which the visa is being applied);
- two passport photographs: for passport photograph requirements, click on 'Fotomatrix English' at <http://www.paspoortinformatie.nl/nederlands/Reisdocumenten/Pasfoto>;
- a Note Verbale from the diplomatic mission or consular post in the Netherlands stating that the staff member will be employed there. See Annexe B for a specimen Note Verbale. **Without this Note Verbale the visa application cannot be considered.**

The Note Verbale should include the following details:

- the personal details (name, date and place of birth and nationality) of the visa applicant;
- the number, expiration date and type (ordinary, service or diplomatic) of passport;
- the position the applicant will hold at the diplomatic mission or consular post;
- the starting date and duration of the posting.

To avoid unnecessary delay, the diplomatic mission or consular post is strongly advised to send a copy of this Note Verbale to the Protocol Department of the Ministry of Foreign Affairs at the following address:

Protocol Department
Ministry of Foreign Affairs
Postbus 20061
2500 EB Den Haag
The Netherlands

After the Dutch mission has submitted the visa application to the Aliens and Visas Division of the Ministry of Foreign Affairs (DCM/VV), the latter will consult the Protocol Department, which will determine whether the staff member will have privileged status and inform the Aliens and Visas Division of its decision. The Aliens and Visas Division will then authorise the mission to issue a visa. The same regime applies to unmarried partners; see Annexe D for a specimen note.

2.4 Visa procedure for non-privileged staff members, relatives, friends, other guests and delegations

Non-privileged staff members of an embassy or consular post are those who are not entitled under the Vienna Conventions to an identity card from the Ministry of Foreign Affairs (such as technicians). For such non-privileged staff, as well as for visiting friends, relatives, other guests or delegations, the procedure outlined below applies.

A. Short stays (three months or less)

Visa applications for short stays (three months or less) should be submitted well in advance to a Dutch diplomatic mission or consular post abroad. It is recommended that the diplomatic mission or consular post in the Netherlands report the intended stay of non-privileged staff, relatives, friends, other guests or a national delegation by Note Verbale to the Ministry of Foreign Affairs before the visa application is submitted to a Dutch diplomatic or consular mission. This note should be sent to the following address:

Aliens and Visas Division (DCM/VV)
Consular Affairs and Migration Policy Department
Ministry of Foreign Affairs
Postbus 20061
2500 EB Den Haag
The Netherlands

Documents

Non-privileged staff members, relatives, friends, other guests and delegations need to submit the following documents when applying for a visa:

- a duly completed visa application form;
- a valid passport (the passport's validity must extend at least three months beyond the end of the period for which the visa is being applied);
- two passport photographs: for passport photograph requirements click on 'Fotomatrix English' at

<http://www.paspoortinformatie.nl/nederlands/Reisdocumenten/Pasfoto;>

- supporting documents, a letter of guarantee and a letter of invitation from a privileged staff member in the Netherlands, insurance papers, and information on the referee;
- for delegations only: a Note Verbale from the diplomatic mission or consular post in the Netherlands.

Visa fees must also be paid. A specimen request for assistance for non-privileged staff members, relatives, friends and other guests invited by a privileged staff member is included in Annexe C.

B. Long stays (more than three months)

Foreign visitors planning to stay for more than three months must obtain a special visa known as an 'authorisation for temporary stay' (*Machtiging tot Voorlopig Verblijf*, MVV). Nationals of some countries are exempted from this requirement; information can be found on the website of the Ministry of Foreign Affairs:

<http://www.minbuza.nl/en/services/consular-services/visa/visas-for-the-netherlands-schengen-visas/visa-requirements-according-to-nationality/stay-shorter-than-90-days/nationals-who-do-not-need-a-visa-for-a-stay-of-up-to-90-days>

An application for an MVV should be submitted personally to a Dutch diplomatic or consular mission in the applicant's country of origin or habitual residence. Before an MVV is issued, the Immigration and Naturalisation Service (IND) of the Ministry of Justice conducts a thorough and therefore sometimes lengthy investigation. The diplomatic mission or consular post in the Netherlands may submit information in advance to the IND, which the latter will consider when making its decision. If the application is granted, an MVV sticker will be issued by the Dutch mission abroad. Within three working days of arrival in the Netherlands, visa recipients must report to the Aliens Police (*Vreemdelingenpolitie*) in the municipality where they will be staying; failure to comply with this requirement is an offence. For more information, consult the IND online at <http://english.ind.nl/> or by phone at 0900 1234561 (if you are calling from outside the Netherlands, please call +31 (0)20 889 3045).

Documents

The same documents must be submitted as mentioned under *A. Short stays*.

The procedure for visa applications for private servants is described in chapter 5.

3 Registration with the Ministry of Foreign Affairs/ identity cards

3.1 General information

Staff

The Ministry of Foreign Affairs registers all staff members of diplomatic missions and consular posts and family members forming part of their households and provides them with identity cards. Staff with a permanent residence status in the Netherlands and staff possessing Dutch nationality may obtain an identity card only if the diplomatic mission has indicated that an identity card is indispensable for the staff member's proper functioning.

Family members

As a rule, family members of Dutch nationals and permanent residents are not eligible for an identity card. An exception to this rule may be made for non-EU/EEA family members forming part of the household of staff members who are considered to be permanent residents. Family members who are themselves Dutch nationals or permanent residents are not eligible for an identity card (See chapter 4, Permanent residence permit and permanent residence status).

The privileges and immunities to which holders of the Ministry's privileged identity card are entitled are derived from the 1961 Vienna Convention on Diplomatic Relations (VCDR) and the 1963 Vienna Convention on Consular Relations (VCCR). No rights can be derived from the card itself or from the status code noted on it.

Obligation to carry identification

Dutch law requires that everyone aged 14 and over must **at all times** be able to show a valid identity document to police officers and other law enforcement authorities if so requested. The privileged person's identity card qualifies as a valid ID card. The Ministry advises staff of diplomatic missions and consular posts to always carry their identity card and to present it upon request to the Dutch authorities.

Complaints about improper treatment by the authorities when asked for identification may be lodged with the Protocol Department of the Ministry of Foreign Affairs, or with the regional police force. See <http://www.politie.nl/> (in Dutch)).

3.2 Unmarried partners

The Ministry of Foreign Affairs will issue identity cards to unmarried partners only when proof is given of the existence of a registered partnership or cohabitation agreement made by notarial deed. The status of recognised partner is equivalent to that of a spouse. A copy of the notarial cohabitation deed or other proof of registered partnership should be submitted with the application for an identity card. Registered partnerships or similar legal constructions in some foreign countries are also recognised in the Netherlands; a list of registered partnerships recognised by the Ministry of Foreign Affairs can be found in Annexe E.

If the registered partnership is not recognised in the Netherlands, the partner may apply for a three-month visa that allows him or her to travel to the Netherlands on the condition and that the partner is recognised such by the diplomatic mission and that the staff member and partner enter into a registered partnership within three months. The Ministry of Foreign Affairs of the sending state must submit a Note Verbale declaring that the person in question is the staff member's current or future partner to the Dutch mission in the partner's country and to the Ministry of Foreign Affairs in the Netherlands. For a specimen Note Verbale see Annexe D. An exception may be made if a de facto partnership is supported by an official declaration by the sending country's Ministry of Foreign Affairs and if the sending state accepts Dutch de facto partnerships on a basis of reciprocity.

3.3 Applying for an identity card

To obtain an identity card, the diplomatic mission should apply for registration by Note Verbale to the Ministry of Foreign Affairs **within eight days** of the arrival of the person concerned in the Netherlands. The Note Verbale should include the following details:

- the personal details (name, date and place of birth and nationality) of the visa applicant;
- the number, expiration date and type (ordinary, service or diplomatic) of passport;
- the position the applicant will hold at the diplomatic mission or consular post;
- the starting date and duration of the posting.

The Note Verbale should be accompanied by:

- a duly completed questionnaire, supplied by the Ministry, for each staff member or family member, bearing the applicant's signature and the diplomatic mission seal's;
- a passport photograph of the applicant: for passport photograph requirements click on 'Fotomatrix English' at

<http://www.paspoortinformatie.nl/nederlands/Reisdocumenten/Pasfoto;>

- a passport valid for at least three months. For EU/EEA nationals and nationals of Australia, Canada, Japan, Monaco, New Zealand, South Korea, the United States and Vatican City State, a copy of the passport is sufficient; however, copies must be enclosed of all printed pages of the passport;
- for family members, as appropriate, a copy of the birth or marriage certificate, cohabitation agreement, registered partnership certificate or other relevant document.

Staff members, diplomatic missions and consular posts are responsible for ensuring that the information provided in the questionnaire is accurate and complete. Submitting inaccurate or incomplete information can have consequences for the staff member including withholding of privileges or a change in status.

3.4 Children residing in the Netherlands

In principle no identity cards will be issued to children aged under 14 of staff members from EU member states. They are not bound by the legal obligation to carry ID papers and have an independent right to residence in the Netherlands under European law. They do however need to be registered with the Protocol Department of the Ministry of Foreign Affairs.

An identity card may be issued to children **between the ages of 14 and 17**, provided that they:

- are unmarried;
- are financially dependent on their parents;
- form part of their parents' household.

As these children are considered of school age, they need not include proof of full-time education in their application for an identity card.

An identity card may be issued to children **between the ages of 18 and 23**,¹ provided that they:

- are unmarried;
- are financially dependent on their parents;
- form part of their parents' household.

¹ i.e. until the child reaches his or her 24th birthday

For this category, if the child is not attending a full-time course of education or study in the Netherlands, a declaration signed by the diplomatic mission or consular post and by the employee is required, certifying that the child fulfils the above conditions (see Annexe F). If the child is attending a full-time course of education or study in the Netherlands, this declaration is not required. Written proof of enrolment at the educational establishment should be submitted instead.

An identity card may be issued to children **between the ages of 24 and 27**,² provided that they:

- are unmarried;
- are financially dependent on their parents;
- form part of their parents' household;
- are attending a full-time course of education or study in the Netherlands. Written proof of annual enrolment at the educational establishment is required.

Children are also considered to be part of their parents' household if, for the purposes of a full-time course of education or study in the Netherlands, they live at a different address in the Netherlands than their parents. For administrative purposes, the child will remain registered with the Ministry of Foreign Affairs at his or her parents' address.

The Ministry requires children between the ages of 18 and 27 to apply for a new identity card every three years, at the beginning of October. Children are issued identity cards on the basis of their circumstances at the time of their application. When those circumstances change, the Ministry should be notified promptly. Children who leave the Netherlands to study abroad must return their cards, as they will no longer be entitled to privileges and immunities.

Children **older than 27** are not considered to be part of the household and are therefore not eligible for a family member identity card. When they reach the age of 28, their names are removed from the Ministry's register of privileged persons, their card must be returned, and they must either leave the country or apply for a residence permit under the Aliens Act 2000.

3.4.1 Children studying abroad

Children of staff members of embassies, consular missions or international organisations stationed in the Netherlands are not issued with an identity card from the Ministry of Foreign Affairs if they are not themselves permanently resident in the Netherlands. If

² i.e. until the child reaches his or her 28th birthday

these children are nationals of an EU member state or of a country whose citizens are exempt from the visa requirement, they are free to visit their parents in the Netherlands without a visa.

To facilitate visits to their parents by children from countries whose citizens do require a visa to enter the Netherlands, a **multiple entry** visa with a maximum validity of **five years** will be issued **free of charge**, under the following conditions:

- the child is between the ages of 18 and 27;
- the child is studying in a non-Schengen country and is a national of a non-Schengen country;
- the child holds a passport that will remain valid for the full term of the visa;
- the visa application is accompanied by:
 - a letter of invitation;
 - a copy of the MFA identity card (which will remain valid for the full term of the visa) of the parent stationed in the Netherlands;
 - proof of the family relationship (a legalised copy of the child's birth certificate).

The length of the visa will depend on the child's age, the remaining period for which the child's passport will remain valid, and the remaining period for which the parent's MFA identity card will remain valid.

3.4.2 Exceptions

In exceptional cases, an identity card may be issued on humanitarian grounds to children who do not meet the above conditions, e.g. children with a disability. A medical certificate from a Dutch physician is required in these cases. The Ministry of Foreign Affairs reserves the right to decide whether the humanitarian grounds are sufficient to justify an exception. Children who receive an identity card on humanitarian grounds may not engage in gainful employment.

3.5 Purpose of the card

The identity card issued by the Ministry of Foreign Affairs indicates that the holder:

- is residing legally in the Netherlands;
- has a specific position and nationality;
- enjoys privileges and/or immunities;
- in the case of family members, is or is not permitted to work (possibly on a restricted basis) in the Netherlands;
- can travel freely within the Schengen area.

The Ministry's identity card is not in its own right a travel document. Both a travel document and the identity card must be shown when crossing the Dutch border.

The identity card permits travel to Schengen countries for a period up to three months. It does not permit study or residence in another Schengen country. A list of Schengen countries can be found on the website of the Ministry of Foreign Affairs:

<http://www.minbuza.nl/en/services/consular-services/visa/visas-for-the-netherlands-schengen-visas/all-you-need-to-know-about-schengen-visas>

In the case of Dutch staff members and staff members with permanent residence in the Netherlands who are entitled to an identity card under the Vienna Conventions, the card merely indicates (through the addition of the code NL or DV) that the person concerned has functional immunity (see chapter 6, Immunity).

The Ministry's identity card is an official document accepted in the Netherlands as proof of identity. All the relevant Dutch authorities (the Royal Military and Border Police (KMar), the Tax and Customs Administration (*Belastingdienst*), the municipality and the Road Transport Agency (RDW)) are familiar with it. If uncertainty arises about the card's validity, in the Netherlands or abroad, it may be helpful for staff to refer to <http://www.identiteitsdocumenten.nl/> and <http://www.consilium.europa.eu/prado/>. The first is an official Dutch government website showing all valid identity documents; the latter is a European website.

3.6 Types of status

The different types of status indications that may appear on an identity card for staff of diplomatic missions and consular posts are:

For embassies:

- **AD** Head of a diplomatic mission and his/her family, and highest-ranking staff and their families
- **BD** Members of the technical and administrative staff and their families
- **ED** Members of the service staff and their families
- **PD** Private servants
- **ZF** A ZF card is only a residence permit and Schengen visa; it entails no privileges or immunities.

For consular posts:

- **AC** Consul-General, consul, vice-consul, consular agent and their families
- **BC** Members of the technical and administrative staff and their families
- **EC** Members of the service staff and their families

- **PC** Private servants
- **ZF** A ZF card is only a residence permit and Schengen visa; it entails no privileges or immunities.

The following codes may be added to the above:

- **DV** Staff members who are considered to be permanent residents in the Netherlands (see chapter 3, Permanent residence permit and residence status)
- **NL** Dutch nationals
- **NP** No privileges

Members of the service staff, i.e. holders of identity cards with ED or EC status, are expected to collect their cards in person at the Protocol Department.

3.7 Lost or stolen cards

The Ministry's identity card remains at all times the property of the State of the Netherlands. Any loss or theft of an identity card is a serious matter and should immediately be reported to the police, preferably in the municipality where the loss or theft is assumed to have occurred, either in the Netherlands or abroad. In addition, the Ministry must be notified of the loss or theft of the card immediately by Note Verbale, accompanied by a copy of the police report. To obtain a new identity card, please follow the procedures described above. If a card is lost or stolen a second time, the validity of the replacement card will be limited to six months. The replacement card must be collected in person from the Protocol Department at the Ministry of Foreign Affairs in The Hague.

Lost or stolen cards will always be reported to the Dutch Police Services Agency (KLPD) and entered in the Visa Information System (VIS) and Schengen Information System (SIS). If a person appears at a border with a lost or stolen card, the border authorities may confiscate it.

3.8 Returning the card

Diplomatic missions and consular posts are responsible for returning the cards of their staff members and of staff members' family members and private servants:

- **within eight days** of the termination of the employment between the holder and the diplomatic mission or consular post;

- when a family member ceases to be part of the staff member's household (due to divorce, a child's departure to study abroad, a child's marriage, etc.)
- when the card has been invalidated by the Ministry of Foreign Affairs for any reason and the Ministry has requested the diplomatic mission or consular post to return it;
- when a card has been reported lost or stolen but the holder or the diplomatic mission or consular post has regained possession of it, even if a new card has not yet been issued.

The diplomatic missions and consular posts will be informed if an identity card has not been returned on time. This may lead to delays in issuing new identity cards. Cards that have not been returned on time will always be reported to the Dutch Police Services Agency (KLPD) and entered in the Visa Information System (VIS) and Schengen Information System (SIS). If a person appears at the border with such a card, the border authorities may confiscate it.

3.9 Registration with the Ministry of Foreign Affairs

The Ministry of Foreign Affairs maintains a personal records database (Probas) of staff members of diplomatic missions and consular posts and their families. Diplomatic missions and consular posts must notify the Ministry of Foreign Affairs of the following:

- 1) Arrival of new members of staff and family members forming part of their household, including those engaged locally. They must be registered with the Ministry within eight days of taking up employment in the Netherlands.
- 2) End of contract of employment with the diplomatic mission or consular post.
- 3) Final departure from the Netherlands.
- 4) Change of position at the diplomatic mission or consular post. If there is a change in position that affects the status of the staff member, the diplomatic mission must apply for a new identity card in the usual way. A new questionnaire must therefore be submitted.
- 5) Changes in civil status (see section 3.9.1).
- 6) Birth of a child (see section 3.9.1).
- 7) Death of a registered member of the family (see section 3.9.1).
- 8) Changes of address of staff members and of their private servant(s), including those engaged locally (see section 3.9.2).
- 9) Expiration of the identity card (see section 3.9.3).
- 10) Partners who commence employment at a diplomatic mission, consular post or international organisation (see section 3.9.4).

- 11) If members of staff or members of their families have acquired Dutch nationality, they must send the Protocol Department a copy of the letter from the Ministry of Justice giving the date and number of the Royal Decree, and providing a copy of their Dutch passport. Dutch nationals must also register in the municipality where they reside.
- 12) If members of staff or members of their families have been issued with a permanent residence permit, they must send a copy of it (front and back) to the Protocol Department as soon as they receive it. They must return their identity card to the Protocol Department once they have received their residence permit. Persons permanently resident in the Netherlands must also register in the municipality where they reside.

Diplomatic missions and consular posts are responsible for ensuring that the obligation to notify the Ministry of Foreign Affairs is complied with.

3.9.1 Notification of births, changes in civil status and deaths

When a child is born in the Netherlands to a staff member of a diplomatic mission or consular post who is not a Dutch national or permanently resident in the Netherlands, two steps must be taken.

- a) The birth must be registered **within three working days** with the Registrar of Births, Deaths, Marriages and Registered Partnerships (*ambtenaar van de burgerlijke stand*) at the town hall (*gemeentehuis*) of the municipality in which the child was born. If the birth is not registered according to the above-mentioned procedure, this may have consequences for the child when applying for permanent residence, as there will be no record of legal stay (see chapter 4, Permanent residence permit and residence status).
- b) The Ministry of Foreign Affairs must be notified of the birth by Note Verbale **within three working days of registration at the municipality**. The Note Verbale should be accompanied by a copy of the entry made in the Register of Births, Deaths, Marriages and Registered Partnerships. In addition, the parents should apply for the child to be registered with the Ministry of Foreign Affairs following the normal procedure. NB: Children under the age of 14 will not necessarily be issued with an identity card (see section 3.4).

A child is a Dutch national by birth only if either the father or the mother has Dutch nationality.

The notification procedure described above should also be followed in the event of marriage, divorce or registered partnership of a staff member. A copy of the relevant certificate must be submitted to the Ministry of Foreign Affairs by Note Verbale.

The same notification procedure should be followed in the event of the death of a staff member or a family member forming part of his/her household. A copy of the death certificate must be submitted together with the identity card to the Ministry of Foreign Affairs by Note Verbale.

3.9.2 Change of address

The Protocol Department of the Ministry of Foreign Affairs should be notified of any change of address at the staff member's earliest convenience. The date of the change of address should be noted in the Note Verbale.

3.9.3 Expiry date

The expiry date of the identity card is stated on it. **One month** before it expires, a new questionnaire and a copy of the passport should be sent to the Ministry of Foreign Affairs so that the card can be replaced. A new identity card will only be issued once the old card has been received by the Protocol Department.

3.9.4 Partners beginning work at a diplomatic mission, consular post or international organisation

Staff members' partners who themselves begin work at a diplomatic mission, consular post or international organisation can choose either to acquire the status based on their own position or to retain the status derived from their partner. A partner who had already been residing in the Netherlands before commencing employment at a diplomatic mission, consular post or international organisation will receive DV status (see chapter 4, Permanent residence permit and residence status).

3.10 Parents and parents-in-law

The Ministry of Foreign Affairs does not issue identity cards to parents of privileged staff members of diplomatic missions and consular posts who wish to live with their children in the Netherlands.

In exceptional cases, an identity card may be issued on humanitarian grounds. The application for such an identity card should be submitted well in advance to the Protocol Department from the staff member's home country. The Ministry of Foreign Affairs reserves the right to decide whether the humanitarian grounds are sufficient to justify an

exception. Requests for identity cards for parents who have already travelled to the Netherlands without awaiting the Ministry's decision will not be considered.

3.11 Permission for household members to work

Persons forming part of the household of members of the diplomatic missions or consular posts are not permitted to engage in gainful employment in the Netherlands while retaining their diplomatic status. There are, however, a number of exceptions to this rule:

- If the person concerned is a national of one of the countries of the European Union or the European Economic Area (EEA) or married to an EU national, it is possible for them to work under EU legislation. In such cases, they may retain their diplomatic status. The diplomatic mission should inform the Ministry of the person's intention to work, following which the Ministry will issue a certificate (*verklaring*) of no objection. NB: For the new member states Romania and Bulgaria, a transitional regime is in effect. For the time being Romanian and Bulgarian nationals are not yet entitled to full free circulation for purposes of employment.
- In addition, the Netherlands has concluded agreements or Memorandums of Understanding (MoU) with a large number of countries enabling their nationals to engage in gainful employment (see Annexe G). The following words will appear on the back of the identity card of the person in question: *Arbeid is toegestaan/Arbeid is in kader van MoU toegestaan* (employment permitted/employment permitted under MoU). In these cases, the Ministry should be informed in accordance with the arrangements contained in the relevant agreement.

If none of the abovementioned exceptions is applicable, gainful employment may be entered into only if the person concerned relinquishes his or her diplomatic status and meets all the requirements applicable to foreign nationals (including possession of a residence permit and work permit).

When a spouse enters into gainful employment with a Dutch employer, the income of that employment is subjected to Dutch income tax. The spouse also becomes liable for accidents etc. during the period of employment. He or she will only retain functional immunity in so far as he/she is engaged in activities as the spouse of a staff member of the diplomatic mission or consular post.

Should a child take up full-time employment, the condition of financial dependence will no longer be satisfied. As a result, the right to the Ministry of Foreign Affairs identity card ceases to exist.

In defining employment of limited scope, the Ministry follows the same rules as those that apply to children and students in the Netherlands, laid down by the Ministry of Social Affairs and Employment and the Ministry of Education. These rules set a ceiling for the gross income a child can earn without loss of child benefit and the gross income a student can earn without losing his or her student grant. These figures are reviewed every year and can be found at

http://www.svb.nl/int/en/kinderbijslag/levensloop/16_jaar/

(children aged 16 and 17) and <http://www.ib-groep.nl/particulieren/default.asp>

(children aged between 18 and 27; in Dutch).

3.12 Issuance of official declarations by the Protocol Department

If for any reason a staff member requires an official declaration regarding their registration with the Ministry of Foreign Affairs, they can apply for one through the human resources department of the diplomatic mission or consular post. The Protocol Department of the Ministry of Foreign Affairs will declare in writing that the person concerned is registered in the privileged persons database of the Ministry of Foreign Affairs. This is the only declaration that can be requested from the Ministry of Foreign Affairs.

Official declarations are only issued if they are needed for contact with the official Dutch authorities. It should be noted that public service providers such as electricity and gas suppliers are not government authorities.

All other declarations, such as proof of residential address, can only be obtained from the municipality. The Ministry of Foreign Affairs therefore strongly advises staff members to register as well with the Municipal Personal Records Database (*Gemeentelijke Basis Administratie*, GBA). Registration in the GBA will in no way affect the existing tax-exempt status of privileged persons. Privileged persons residing in The Hague can register with The Hague International Centre on the ground floor of the city hall.

4 Permanent residence permit and permanent residence status

4.1 General information

When a diplomatic mission or consular post registers a staff member at the Ministry of Foreign Affairs, the Ministry assesses whether the staff member has permanent resident status (*Duurzaam Verblijf, DV*) in the Netherlands.

This terminology is derived from article 37 of the Vienna Convention on Diplomatic Relations, and should not be confused with a permanent residence permit as issued under the Dutch Aliens Act. After receiving the application for the staff member from the diplomatic mission or consular post, the Ministry, in consultation with the Tax and Customs Administration (*Belastingdienst*) and the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst, IND*), assesses whether the staff member concerned should be considered to have DV status. The application must contain accurate and complete information concerning previous residence or employment in the Netherlands. An incorrect application could have retroactive implications for the fiscal privileges and status enjoyed.

Staff members of diplomatic missions and consular posts who receive permanent residence status are not entitled to fiscal and other privileges but only to functional immunities.

Permanent residents receive an annotation on their privileged person's identity card in addition to the regular annotation on the card (i.e. the code DV). Examples are: BD/DV, AD/DV.

4.2 Residence after 10 years for staff members with BD and ED status

Once members of the administrative or technical staff (with BD or ED status) of diplomatic missions or consular posts have been legally registered in the Netherlands with the Ministry of Foreign Affairs for a continuous period of 10 years, their privileged status comes to an end. Under chapter B12 of the Aliens Act Implementation Guidelines (*Vreemdelingencirculaire*), they must then apply for a permanent residence permit. The

same obligation applies to dependent family members over 18 years of age forming part of the staff member's household. A permanent residence permit authorises a lawful stay in the Netherlands after termination of the staff member's employment with the diplomatic mission or consular post (see the application form at http://english.ind.nl/Brochures_en_Formulieren/index.aspx).

The lawful stay requirement is not applicable to staff members of diplomatic missions and consular posts who have a right to permanent residence under the applicable EU directives.

4.3 Identity cards for Dutch and DV staff

As a rule, staff members of diplomatic missions and consular posts who are Dutch nationals or considered permanent residents are only issued a privileged person's identity card if the card serves to identify them as having immunity from jurisdiction and personal inviolability in relation to acts performed in the course of their official duties (functional immunity).

Dutch nationals and staff members with DV status receive an additional annotation on their privileged identity card alongside the regular annotation: code NL or DV. (For example: BD/DV, AD/NL.)

As a rule, family members of a staff member who is a permanent resident, family members who themselves are Dutch nationals, and family members who are considered permanent residents are not issued a privileged person's identity card.

4.4 Dutch Civic Integration Act and the civic integration test

Individuals applying to the IND for a permanent residence permit, including staff of diplomatic missions and consular posts and family members forming part of their household, must be able to produce a civic integration certificate or be able to demonstrate in some other way that they meet the Dutch civic integration requirements.

The Dutch civic integration requirements do not apply to individuals who:

- are nationals of another EU/EEA country or of Switzerland;
- have received at least eight years of compulsory education in the Netherlands;

- are under 16 or over 65 years of age;
- possess specific diplomas, certificates or other documents, or can demonstrate that they have successfully completed the exemption test given to individuals who are clearly well integrated but have no diploma or certificate to support this;
- began a course of study immediately after completing their compulsory education leading to a qualification that entails an exemption;
- are physically, psychologically or mentally disabled, as determined by a doctor designated by the relevant municipal authorities.

Individuals can register to take the civic integration test with their municipality or with the Education Executive Agency (DUO; see <http://www.inburgeren.nl/inburgeraar/default.asp> (in Dutch)).

5 Private servants

5.1 General information

This chapter outlines Dutch policy on private servants of staff members of diplomatic missions and consular posts. Private servants are individuals in the service of persons who have been granted the privileges and immunities of diplomatic staff with AD status.

5.2 Employing private servants

Scope for employing private servants

Staff members of diplomatic missions who are not Dutch nationals or permanent residents and who have been accorded the privileges and immunities of **heads of mission** on the basis of the Vienna Convention are permitted to employ a maximum of five private servants.

Staff members of diplomatic missions and consular posts who are not Dutch nationals or permanent residents and who have been accorded the privileges and immunities of **diplomatic staff** (AD/AC status) on the basis of the Vienna Convention may employ one private servant. No other staff of diplomatic missions and consular posts are allowed to employ a private servant.

The family member of a staff member, or of his or her spouse, may not be employed as a private servant.

Work permit for private servants

Employers of private servants are exempted from the requirement to obtain a work permit for their private servant(s).

Private servants may not be employed by a person other than the one whose name is stated in the employment contract. This is indicated on the back of the servant's identity card.

Tax status of private servants

Private servants are exempted from taxes on their earnings from employment, provided that they are neither Dutch nationals nor permanently resident in the Netherlands. After 10 years' legal stay in the Netherlands, however, the Tax and Customs Administration

(*Belastingdienst*) will consider them to be permanent residents who are no longer exempted from taxes.

Social security status of private servants

Private servants are exempted from the obligation to pay social insurance contributions, provided that they are covered by the social security regulations of their home country or a third country. Their coverage must be established by means of a declaration by the authorities of the country where the private servant is insured. The social security scheme must be a legally enacted national scheme; social security schemes with private companies are not accepted as a legitimate alternative. An employer who employs a private servant who is not covered by a social security scheme of their home country or a third country must comply with the obligations which Dutch social security provisions impose on employers, and must register as an employer with the Tax and Customs Administration.

Private servants who were insured under the Dutch social security system during their stay in the Netherlands are entitled to all or part of the basic state pension (AOW) when they reach retirement age. The amount of the pension is determined by the number of years that they have been working in the Netherlands. They should contact the Social Insurance Bank (SVB) well before their departure from the Netherlands to familiarise themselves with the relevant procedures. More information can be found at <http://svb.nl/int/en/index.jsp>.

5.3 Admission of private servants

Before private servants from a country whose nationals require a visa for the Netherlands may enter the country, they must apply for a visa to a Dutch diplomatic or consular mission in their country of origin or of habitual residence. If there is no Dutch diplomatic or consular mission in their country of origin or of habitual residence, they may send their passports by courier to a Dutch mission in the region. The Aliens and Visas Division of the Ministry of Foreign Affairs (DCM/VV) should be informed well in advance if a visa applicant wants to make use of this procedure, so that the Dutch mission can be alerted that an application can be expected by courier. Please bear in mind that processing a visa application can take up to four weeks, as it is sometimes necessary to consult one or more of the other Schengen countries.

Before the visa application is submitted at the Dutch diplomatic or consular mission, the diplomatic mission must report the private servant's appointment to the Protocol

Department of the Ministry of Foreign Affairs by means of a Note Verbale. The Note Verbale should include the following details:

- the personal details (name, date and place of birth and nationality) of the private servant;
- the number and expiration date of his or her passport;
- the employer's name and the position he or she holds at the diplomatic mission or consular post;
- the starting date and duration of the servant's employment contract.

Without this Note Verbale the visa application will not be considered.

The following documents must be submitted to the Dutch diplomatic or consular mission:

- a copy of the Note Verbale from the diplomatic mission or consular post in the Netherlands;
- a duly completed application form;
- a **valid** passport (the passport's validity must extend at least six months beyond the end of the period for which the visa is being applied);
- two passport photographs: for passport photograph requirements, click on 'Fotomatrix English' at <http://www.paspoortinformatie.nl/nederlands/Reisdocumenten/Pasfoto>;
- a copy of the servant's full-time employment contract;
- evidence that the employer is registered with the tax authorities in the Netherlands as the servant's employer, in cases where the private servant is **not** covered by the social security regulations of their home country or a third country. Proof of medical insurance is not required because the private servant will be covered by the Dutch social security system; the employer is therefore required by law to obtain medical insurance in the Netherlands. In most cases the mission will require a copy of a travel insurance policy;
- if the private servant is covered by the social security regulations of their own country or of a third country, a statement to this effect by the authorities of their own country or of the third country;
- a declaration in which the employer guarantees to pay all costs that may arise during the period in which the private servant resides in the Netherlands plus any repatriation costs.

The Protocol Department will determine whether the servant and employer have complied with these conditions and notify the Aliens and Visas Division at the Ministry of Foreign Affairs.

5.4 Registration

The diplomatic missions and consular posts for which the employer works must register the private servant with the Protocol Department of the Ministry of Foreign Affairs within **eight days** of his/her arrival in the Netherlands by means of a Note Verbale. The documents mentioned in section 5.3 must also be submitted with the application for an identity card. The following additional documents are also required:

- a duly completed questionnaire;
- a copy of a medical insurance policy (a copy of a travel insurance policy will not be accepted).

Private servants who are not insured under the social security system of the Netherlands cannot be insured under the national healthcare insurance scheme (*zorgverzekering*) but must take out an expatriate healthcare insurance policy. The Ministry can suggest companies in the Netherlands and abroad that provide this kind of insurance.

It is also strongly recommended that private servants and domestic servants register with the municipal personal records database. Servants who are insured under the Dutch social security system have a direct, practical interest in registering, as this makes it possible for them to demonstrate to the Social Insurance Bank (SVB) and other government agencies their future eligibility for benefits such as the old age pension (AOW).

5.5 Identity card

The validity of a private servant's identity card is linked to the validity of the employer's identity card. The card will be issued for a maximum period of two years, unless the contract has a shorter duration or is terminated prematurely. The identity card issued to private servants bears the code PD.

5.6 Mandatory provisions of Dutch employment legislation

Employer and employee may opt for the applicability of a foreign legal system as the basis of an employment contract. However, even if a foreign legal system is opted for, Dutch employment legislation contains mandatory provisions that can never be derogated from. These mandatory provisions should therefore always be respected by the employer and employee.

The mandatory provisions of Dutch employment legislation include the following:

- employees must earn at least the minimum wage (for the latest update on the minimum wage, please consult the website of the Ministry of Social Affairs and Employment at <http://www.rijksoverheid.nl/documenten-en-publicaties/publicaties-pb51/minimumloon-iedereen-heeft-er-recht-op-engels.html>);
- as a rule no more than €349.35 may be deducted from an employee's wage to reflect remuneration in kind;
- employees must receive at least 8% holiday pay;
- no employment contract may be terminated during the sickness or pregnancy of the employee;
- wages must be paid in a timely manner, at least once a month;
- employees must be given paid leave (a minimum of 20 days per year);
- if the servant is required to work six days a week instead of five, or works more than 40 hours per week, special regulations regarding rest time apply. The Ministry can explain the details.

5.7 Duration of the contract

A private servant's right to stay in the Netherlands depends on the existence of a current employment contract with a privileged person as employer. The servant must leave the Netherlands in the following circumstances:

- when the employment contract comes to an end or is terminated;
- when the employer's posting in the Netherlands ends, unless the private servant finds a new privileged employer working for a diplomatic mission, consular post or international organisation, and there is no time gap between the two jobs. The new employer has to resubmit the documents listed above in section 5.3;
- if the employer is no longer a staff member of the diplomatic mission or consular post or fails to comply in some other way with the conditions subject to which he/she may employ a private servant.

5.8 Health insurance for private servants

Private servants registered in the Dutch social insurance system must take out standard healthcare insurance. Private servants not registered in the Dutch social insurance system are not entitled to Dutch healthcare insurance and should take out an expat insurance policy. Such a policy should provide cover worth at least €500,000. Policies with a shorter term than the employment contract are unacceptable if they cannot be extended but only renewed and pre-existing conditions are excluded on renewal.

If an insurer requires proof of registration in the Netherlands before issuing the policy, the Ministry can send a copy of the identity card. If a private servant collects the identity card from the Ministry, the card will only be issued after a copy of the insurance policy has been submitted.

5.9 Locally recruited private servants

Private servants who are Dutch nationals or hold a permanent residence permit are not registered with the Ministry of Foreign Affairs. The Ministry should always be consulted before recruiting private servants who are legally resident on another basis.

5.10 Treatment of private servants

The Ministry attaches great importance to the correct application of Dutch employment law to the relationship between a privileged employer and a private servant. It expects employers to observe the standards customary in the Netherlands in their dealings with their private servants.

The welfare of private servants during their stay in this country is a matter of concern to the Ministry, in view of its role in issuing them with residence and work permits.

As a result of their special situation (i.e. a right to residence that is entirely dependent on their employer's privileged status), private servants of privileged persons may be reluctant to demand their rights as employees. To make them more explicitly aware of their rights and obligations, the private servants must collect their identity cards in person at the Ministry. At that time they will also receive an information booklet containing the contact details of Dutch government bodies and NGOs that can deal with any questions they may have.

The Ministry advises the employers of private servants always to pay their private servant's wages into a bank account so that in the event of a dispute they can clearly demonstrate that the wages owed have been paid. The Ministry would note that in the Netherlands the burden of proof with respect to the correct payment of wages rests with the employer.

6 Local staff

6.1 General

The Vienna Conventions distinguish between those who are nationals or permanent residents of the receiving state and those who are not. Local staff at embassies are frequently Dutch nationals or permanent residents of the Netherlands. Embassies should only recruit holders of a valid residence permit entitling them to work.

6.1.1 Permanent residents

Prior to entering the employment of a diplomatic mission or consular post, local staff other than those with Dutch or EU nationality must be in possession of a valid residence permit entitling them to work and if necessary a work permit issued under the Foreign Nationals (Employment) Act (*Wet Arbeid Vreemdelingen*).

6.1.2 Personnel directly recruited in another EU-country

Nationals of another EU member state may also be employed by an embassy or consulate, if they fall under the provisions on the free movement of workers. For the new member states Romania and Bulgaria, a transitional regime is in effect; for the time being, the completely free movement of workers does not apply to them. Those staff members may be hired directly from another member state, without a prior stay in the Netherlands. In that case they enjoy all privileges and immunities associated with their position.

6.1.3 Personnel directly recruited in a third country

It is also possible to recruit people directly from a third country. Like the above-mentioned category they must be in possession of a valid residence permit with working privileges. Moreover, the embassy or consulate must obtain in advance a working permit from the Centre for Work and Income (*Centrum voor Werk en Inkomen, CWI*). This means that an embassy is not allowed to employ a person who only possesses an authorisation for temporary stay.

6.1.4 Immunity

Local staff with foreign nationality continue to be registered in the personal records database and with the Aliens Department of the municipality in which they are resident. They are subject to Dutch law, as are other foreign nationals. They do not enjoy any

privileges and immunities except for functional immunities. The Ministry will not supply local staff with an identity card unless they need one for work purposes.

6.1.5 Enquiries

Any enquiries concerning legal aspects of the residence status of a prospective member of staff should be made to the Host Nation Division of the Protocol Department (DKP/NG) of the Ministry of Foreign Affairs **before** an employment contract is drawn up.

6.2 Contracts

Employer and employee may opt for the applicability of a foreign legal system as the basis of an employment contract. However, even if a foreign legal system is opted for, Dutch employment legislation contains mandatory provisions that can never be derogated from. These mandatory provisions should therefore always be respected by the employer and employee.

The mandatory provisions of Dutch employment legislation include the following:

- employees must earn at least the minimum wage and 8% holiday pay, in accordance with Dutch legislation (for the latest update on the minimum wage, please consult the website of the Ministry of Social Affairs and Employment at <http://www.rijksoverheid.nl/documenten-en-publicaties/publicaties-pb51/minimumloon-iedereen-heeft-er-recht-op-engels.html>);
- no employment contract may be terminated during the sickness or pregnancy of the employee;
- the salary must be paid in a timely manner;
- employees of different sexes must be treated equally;
- employees must be given paid leave (a minimum of 20 days leave per year).

6.3 Disputes concerning the implementation of employment contracts

If an employee brings a dispute before a Dutch court, the court will first establish whether it has jurisdiction over the dispute or whether the employer enjoys immunity under international law. The employer cannot claim full diplomatic immunity, but a sending state may invoke a limited degree of state immunity. The limits of these immunities are not established in a general manner and will be decided on a case by case basis depending on several criteria.

6.4 Applicable law

In any dispute that may arise about the application and interpretation of employment contracts to locally recruited staff in category 1, the law applicable to persons in public employment in the sending state will govern. It has not yet been made clear in international law to what extent a court in the receiving state that declares itself competent should give provisions of peremptory labour law in that state priority over the provisions of another legal system as agreed in the contract.

6.4.1 Dutch labour law

It is important to note that peremptory Dutch labour law provides certain guarantees for employees which are not customary in many other countries. For example, an employer is required to apply to the director of the regional employment service for permission to dismiss an employee. This requirement does not apply to staff in category 1. Employers of category 2 staff are requested to voluntarily respect this requirement, unless summary dismissal is necessary in the interests of the security of the sending state and/or of the diplomatic mission concerned and its staff.

6.5 Taxation

6.5.1 Income tax and social insurance contributions

Persons employed at an embassy or consulate are exempt from income tax and social insurance contributions unless they are Dutch nationals or permanent residents. Persons who have dual nationality of which one is Dutch nationality will be regarded as Dutch nationals for the purposes of these exemptions.

Family members forming part of the household of persons enjoying such exemptions are not entitled to any exemptions if they are Dutch nationals or permanently resident here.

Employees possessing Dutch nationality or permanent residents are themselves responsible for paying income tax and social insurance contributions. The embassy or consulate is not obliged to deduct these at source or remit them to the authorities.

Each year, employees receive a tax and social insurance contributions return form from the tax authorities. A tax assessment will be issued on the basis of the information the

employee enters on this form. Employees are themselves responsible for paying the amount stated in the assessment.

NB: these social insurance contributions are not considered to be taxes within the meaning of article 34 of the VCDR.

The tax authorities will grant double taxation tax relief on certain components of income. This is dependent on the provisions of any conventions that the Netherlands has signed with the other country to avoid double taxation.

In principle employees who are not exempt have to pay social insurance contributions in the Netherlands. However, whether an individual actually has to pay such contributions depends on any social security conventions in force. This exemption applies solely to income from employment at an embassy or consulate. It does not apply to income from employment elsewhere: income tax must be paid on income from another employer. For more information about income tax or social insurance contributions please contact CB/IFB.

7 Social security

7.1 General information

Since 1999 the requirements of Dutch social security legislation applicable to diplomatic or consular staff have been based mainly on the provisions of the Vienna Conventions. The Dutch rules can therefore be used as the basis for assessing the social security position of such staff. Article 33 of the VCDR provides that diplomatic agents are exempted from the social security system of the receiving state. However, there are also international instruments on social security that may prevail over national legislation. Examples include bilateral conventions and EU legislation. Where applicable, the situation must be assessed on the basis of such international instruments.

7.2 Dutch social security legislation

The Dutch social security system consists of two classes of insurance: national insurance and employee insurance. National insurance schemes include those for old age pensions (AOW), surviving dependants (ANW), child benefit (AKW) and exceptional medical expenses (AWBZ). Employee insurance schemes include unemployment insurance (WW), sickness benefits (ZW), invalidity insurance (WAO), work and income in relation to capacity for work (WIA), resumption of work for the partially incapacitated (WGA) and health insurance (ZVW).

The Dutch health insurance system was reformed in 2006. There is one basic health insurance package that is obligatory for everyone who needs to be insured in the Netherlands. This package is offered by all Dutch health insurance companies. People can also take out supplementary health insurance. Health insurers offer all kinds of packages for different premiums. More information on the health insurance system is available from the Healthcare Insurance Board (*College voor Zorgverzekeringen*): tel.: +31 (0)20 797 8796; email: Rwissel@cvz.nl; website: www.cvz.nl. Information on the different insurance packages is available from health insurers.

The conditions that apply to the payment of employee and national insurance contributions by diplomatic and consular staff, administrative, technical and service staff and private servants are practically identical. Further details of the position of each group are given below.

7.3 Embassy staff

Diplomatic and consular officials

Diplomatic and consular officials do not have social insurance cover under article 33 of the VCDR, article 48 of the VCCR and Dutch legislation as far as their work for the sending state is concerned. However, if they perform other activities in this country in addition to their diplomatic or consular tasks, they are subject to the Dutch social security system with respect to those activities.

Administrative, technical and service staff

The general rule is that administrative, technical and service staff posted to the Netherlands are not insured under the Dutch social security system unless they have worked in the Netherlands for more than 10 years. From that point on, they are insured under Dutch social security legislation.

Staff who have Dutch nationality or another nationality that is deemed to be equivalent are automatically insured under the Dutch system. 'Equivalent' here means the nationality of an EU/EEA member state or countries with which the Netherlands has concluded a social security convention. An exception to this rule may be made for nationals of an EU/EEA country which is also the sending state. They are entitled to opt for the application of the social security legislation of the sending state, a choice which may be renewed at the end of every calendar year. Some of the bilateral social security conventions concluded by the Netherlands also provide for such a choice.

Spouse, children and other family members forming part of the household

The insurance position of spouses, children and other family members forming part of the household is linked to that of the partner who is working in the Netherlands as a diplomatic or consular official or as a member of the administrative, technical or service staff. In other words, if the partner is not insured under the Dutch social security system, neither are his/her spouse, children or other family members forming part of the household. The reverse of course also applies. This does not mean, however, that a person will not be assessed on an individual basis if, for example, a partner or a child of a consular official forming part of his/her household takes up employment in the Netherlands. In such cases, it is possible for the official not to be insured under the Dutch system while his/her partner, son or daughter is.

Staff working at the same embassy or consulate since before 1 August 1987

Members of the administrative, technical or service staff who have worked uninterruptedly at an embassy or consulate and entered into employment before 1 August 1987 form a separate group. These people had the choice between keeping their 'send' status or receiving permanent resident status. The group who kept their 'send' status still have their immunities and privileges and are therefore not insured under the Dutch social security system. Those who opted for permanent resident status need to be insured under the Dutch social security system and lose their privileges. If you are unsure as to your position, you should contact the tax authorities in Rijswijk.

7.4 Remittance of contributions by the employer

The employer (embassy or consulate) and the employee who is covered by Dutch employee insurance and national insurance schemes both have to pay part of the contributions. Information on the percentages for contributions and deductions can be found on the Ministry of Social Affairs and Employment's website: www.szw.nl.

The employer (embassy or consulate) deducts employee insurance contributions from the salaries of persons who are compulsorily insured and remits it to the Dutch tax authorities. The employer deducts both that part of the contributions to be paid by the employee and that part payable by the employer. In addition, the employer must announce the employment of their employees before they start work.

The Employee Insurance Agency (*Uitvoeringsinstituut Werknemersverzekeringen*, UWV) is responsible for assessing entitlements under the employee insurance scheme and paying out benefits.

For health insurance a different system applies. In addition to an income-related contribution, people must register with a health insurance company and pay a basic premium themselves. Supplementary health insurance packages are available at additional cost. Children must also be registered with a health insurance company. If they are 18 or younger, they are insured with one of their parents and no separate premium has to be paid them.

8 Immunity

8.1 Introduction

The term 'immunity' in the broadest sense covers both inviolability and immunity from jurisdiction. Inviolability means that the Dutch government may not take any coercive measures. Such measures include the arrest and remand in custody of individuals, forced access to and seizure of buildings, and seizure of goods. Immunity from jurisdiction means that Dutch courts are not competent to hear disputes where the defendant enjoys immunity from criminal or civil jurisdiction.

Involvement in cases concerning inviolability or immunity

Diplomatic missions and consular posts, their staff and their families must respect the law of the Netherlands and cooperate with the police and other national authorities. Diplomatic missions and consular posts may become involved in cases concerning inviolability or immunity in a number of ways. It should be emphasised at this stage that it is highly inadvisable to ignore summonses, whether they concern criminal or civil cases. The consequences of a conviction in absentia may be very unpleasant, even for a diplomatic agent or embassy, and can include the seizure of bank accounts or inclusion in the list of wanted persons.

8.2 Who enjoys immunity?

Diplomatic missions

Under the provisions of the Vienna Convention on Diplomatic Relations, the following persons enjoy at least some degree of immunity:

- diplomatic agents and members of their families forming part of their households (articles 29 and 37 VCDR);
- members of the administrative and technical staff and members of their families forming part of their households (article 37 VCDR);
- members of the service staff in respect of acts performed in the course of their duties (article 37 VCDR).

A general exception to this are persons having Dutch nationality or permanent residence status.

Under the provisions of the Vienna Convention on Diplomatic Relations, the following are inviolable:

- the mission's premises (article 22 VCDR);
- its archives and documents (article 24 VCDR);
- its official correspondence (article 27 VCDR);
- the diplomatic courier (article 27 VCDR);
- the diplomatic bag (article 27 VCDR);
- the persons of diplomatic agents, members of the administrative and technical staff of missions, and members of their families forming part of their households (article 29 and 37 VCDR);
- the private residences of diplomatic agents and of members of the administrative and technical staff of missions, their papers, correspondence and property (article 30 VCDR);
- a diplomatic agent and members of his or her family passing through the Netherlands provided he or she is proceeding to take up a post or returning from a post (article 40 VCDR).

Consular posts

Under the provisions of the Vienna Convention on Consular Relations, consular officers and consular employees enjoy immunity from jurisdiction in respect of acts performed in the exercise of their consular duties (both career and honorary officers).

Career officers also enjoy immunity from arrest or pre-trial detention, except in the case of a grave crime and pursuant to a decision given by the competent judicial authority. However, consular officers may also be arrested or subjected to restrictions on their personal freedom in execution of a final and irrevocable court judgment (article 41 et seq. VCCR).

Under the provisions of the Vienna Convention on Consular Relations, the following are inviolable:

- the consular premises (article 31 VCCR);
- the consular archives (article 33 VCCR);
- the official correspondence of the post (article 35 VCCR);
- the consular courier (article 35 VCCR);
- consular officers, to a limited extent (article 41 in conjunction with article 43 VCCR);
- consular officers who are nationals of or permanently resident in the receiving state only enjoy immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their duties (article 71 VCCR).

The diplomatic bag and mail

In accordance with article 27 of the VCDR and article 35 of the VCCR, the diplomatic bag and mail are inviolable. The diplomatic bag may not be opened or detained. Scanning of the diplomatic bag with X-ray equipment is only allowed for air safety, for example. This may not be done systematically and can only be requested by the airline. The packages constituting the diplomatic bag must bear visible external marks of their character and may only contain diplomatic documents or articles intended for official use. The diplomatic bag may be entrusted to the captain of a commercial aircraft.

8.3 State immunity

In the Netherlands, diplomatic missions and consular posts are the representatives of the **sending state**. They are not legal persons in their own right. It is therefore against the **sending state** that legal proceedings must be instituted if a dispute arises concerning the actions of a diplomatic mission or consular post. Besides immunity for diplomatic agents and consular officers, sending states may also enjoy immunity.

When does immunity apply?

Under article 22 of the VCDR, a mission's premises are inviolable. This means that the receiving state has a duty to abstain from exercising any sovereign rights, including in respect of any official mission building and the accompanying terrain.

If a mission believes it is entitled to immunity, it should not assume that the courts will of their own accord examine the question of immunity. The mission concerned must appoint an attorney (*procureur*) and make clear at the beginning of the proceedings that it is claiming immunity on behalf of its sending state. If the case comes to trial, the question is then whether the Dutch courts are competent to hear the dispute. State immunity is accepted only when the actions concerned arise directly from sovereign acts by the state. If the actions constituted private-law acts, state immunity does not apply.

No measures of constraint, such as attachment, arrest and execution, against property of the state may be taken in connection with a proceeding before a court of another state unless the state has expressly consented to the taking of such measures or has allocated the property for the satisfaction of the claim. This also applies to a mission's bank accounts. A bank account is immune from seizure if it is used or intended for use for the purposes of the diplomatic mission of the state or its consular posts, special missions,

missions to the diplomatic missions, or delegations to organs of international organisations or to international conferences.

8.4 Immunity from civil jurisdiction

A diplomatic agent has immunity from civil jurisdiction. An exhaustive list of exemptions to this rule can be found in article 31 (1) of the VCDR. Family members of the diplomatic agent enjoy the same immunity. Administrative, technical and service staff only enjoy immunity for acts carried out in the exercise of their duties. Private servants only have immunities in so far as they are granted by the receiving state. Consular agents have only functional immunities with regard of the exemptions listed in article 45 of the VCCR.

What must you do if you are summonsed?

A diplomatic mission, consular post, diplomatic agent, consular officer or member of the administrative or technical staff may receive a summons in a civil case. Under article 29 of the VCDR, the person of a diplomatic agent is inviolable. Process may therefore not be served on diplomats of a sending state by authorities of the receiving state (including judges). Although the provisions of the VCCR are slightly less strict than those of article 29, state practice and doctrine support the view that the same conclusion must be drawn for consular officers. However, the Ministry has no power to prevent such a lawsuit because the Dutch judiciary is independent.

If you are summonsed to appear in a Dutch court of law, you should not await developments but engage an attorney immediately. The Ministry is willing, upon request, to give informal advice to diplomatic missions on how to deal with these matters.

Bailiffs

A bailiff (*gerechtsdeurwaarder*) is not entitled to serve a summons on a person who enjoys inviolability. However, the Ministry has no power to prevent it. If a bailiff arrives at a diplomatic mission, consular post or the house of a diplomatic agent, he should be told to contact the Ministry of Foreign Affairs. If the door is opened, the bailiff may succeed in entering the building. Moreover, some summonses arrive by registered mail and refusal is therefore difficult.

The Ministry would like to stress that embassies and consular posts should only accept summonses directly from the Ministry.

Witnesses

If a consular officer or member of the administrative or technical staff is summonsed to

attend judicial or administrative proceedings as a witness, he or she may not refuse. (article 44 VCCR). A diplomatic agent is under no obligation to act as a witness (article 31 VCDR).

8.5 Immunity from criminal jurisdiction

Members of diplomatic missions and members of their families who form part of their households enjoy immunity from criminal jurisdiction (article 31 VCDR). If there are suspicions that an offence has been committed by a privileged person, the Public Prosecution Service will pursue the case, unless immunity is invoked. It will then ask the Ministry of Foreign Affairs to establish whether the suspect enjoys such immunity. In the case of serious criminal offences, the Ministry of Foreign Affairs (or another authority such as Customs or the Royal Military and Border Police (*Koninklijke Marechaussee*) can request that immunity be lifted. The Ministry may also issue a warning, via the head of the mission or directly to the person concerned. In more serious cases the person concerned will be asked to leave the country.

8.6 Privileged persons who come into contact with the police

Staff members who are stopped or otherwise come into contact with the police in connection with a suspected offence should immediately identify themselves with the identity card issued to them by the Ministry of Foreign Affairs. Showing this card does not relieve the holder of the obligation to show other documents (e.g. driving licence, vehicle registration documents) if the police so request.

8.7 Traffic violations

Like anyone else, privileged persons who commit a traffic offence are liable to be fined. The Netherlands expects privileged persons to respect its laws and to pay fines imposed for an offence without delay.

In case of a change of address, staff members should always notify the relevant authorities (the Ministry of Foreign Affairs, the Tax and Customs Administration, the Road Transport Agency (RDW) and, for staff who are registered with it, the municipality) of their new address as soon as possible after they have moved.

Fines should be paid by transferring the amount due to the Central Fine Collection Agency (*Centraal Justitieel Incasso Bureau, CJIB*), account number 56.99.88.888, RBS/Amsterdam, indicating the fine number(s). For payments from abroad see

<http://www.cjib.nl/International/English>

Fines imposed by a municipality must be paid to that municipality.

8.8 Consequences of driving under the influence of alcohol, drugs or medicines

Under international law, privileged persons have a duty to respect Dutch traffic laws, despite their privileges and immunities. Although the vast majority of them do so, the Ministry of Foreign Affairs wishes – given the potentially serious consequences – to clarify the relationship between driving under the influence of alcohol, drugs or certain medications and the immunities that apply.

8.8.1 Police traffic control

Flagging down vehicles and the breathalyser test

The police have the right to flag down a privileged person and ask for their personal particulars. Privileged persons must show the police the identity card issued by the Ministry of Foreign Affairs and, if asked to do so, hand it over for verification. The card must be returned to the privileged person once the police have checked their personal particulars.

The police may decide, based on their own observations, whether there are reasonable grounds for assuming that a privileged person is driving under the influence of alcohol, drugs or certain medicines. They may also use testing equipment such as breathalysers. The breathalyser test shows whether a motorist has exceeded the statutory limit (currently a blood alcohol level of 0.05% or 220 micrograms per litre of exhaled air). All privileged persons are expected to cooperate with these tests in the interests of road safety. Refusal by a privileged person to cooperate with a test contravenes Dutch law and a fine will be imposed.

Arrest, breath tests, blood tests and urine tests

A privileged person who enjoys immunity from criminal jurisdiction (absolute immunity) may not be arrested or compelled by the police to take a breath, blood or urine test. However, the Ministry would request privileged persons to respect Dutch law and to cooperate with the competent national authorities.

Embassies and consulates

If a privileged person has caused serious injury to a third party while under the influence of alcohol, drugs or certain medicines, the sending state may be requested to recall the

person concerned. In addition, in cases where a privileged person has not caused serious injury, but has twice been stopped while driving under the influence of alcohol or drugs, the sending state may be requested to recall him/her.

If necessary, the Dutch authorities may request the sending state to waive the immunity of a privileged person so that criminal proceedings can be instituted and any sentence passed can be enforced. Failing such cooperation, the sending state may be requested to recall the person concerned.

Driving bans and the confiscation of car keys

If the police have reasonable grounds to assume that a privileged person is driving or will attempt to drive under the influence of alcohol, drugs or certain medicines, they may take steps to ensure that the driver does not endanger himself or others. For example, the police have the power to confiscate a driver's car keys. In these situations the police will assist the driver to organise alternative transport. In addition, the police may decide to have the car taken to a safe location in the interests of public safety and to protect the car. The police may also impose a driving ban on the driver of up to 24 hours in the interests of road safety. The Ministry of Foreign Affairs identity card, passport or driving licence of a privileged person who has immunity may not be confiscated by the police.

Procedure under criminal law

The police will draw up an official report if a privileged person has been driving under the influence of alcohol, drugs or medicines. They will also notify the Protocol Department of the Ministry of Foreign Affairs, which may in turn inform the head of the diplomatic mission of the incident.

Unawareness that a privileged person is involved

Sometimes the police and the Public Prosecution Service are not aware that the offender is a privileged person. This is particularly likely to be the case with traffic offences, especially if the offence was committed with a vehicle without a CD, GN or BN registration plate. The offender's address may not always indicate that he/she enjoys immunity either. In such cases, a summons (*dagvaarding*) is issued in the routine manner and sent by post.

If the person concerned takes no action

If the person to whom a summons is addressed takes no action and fails to appear in court, either in person or represented by a lawyer, they are liable to be convicted and sentenced *in absentia*, in which case the judgment will be sent to the privileged person by post. If an offender convicted in this manner still fails to respond, their personal particulars will be entered on the list of wanted persons, which is widely distributed to

police forces, including border control personnel. This may lead to the offender being detained by the police, and, unless the offender can produce satisfactory evidence of identity and immunity, may lead to the risk of arrest.

The Ministry therefore urges diplomatic missions and consular posts to instruct their staff members to take the necessary action if they receive a summons, especially if they receive a notice of conviction. The diplomatic missions and consular posts concerned should forward the documents received to the Ministry without delay, accompanied by a Note Verbale, so that the Ministry can inform the Public Prosecution Service.

9 Fiscal privileges

9.1 General information

Members of diplomatic missions and consular posts may enjoy certain fiscal privileges. These privileges are granted in the interests of the diplomatic missions or consular posts, so that they can function efficiently, and not for the personal benefit of its staff.

Staff members with Dutch nationality or a permanent residence permit issued by the IND do not enjoy the tax exemptions mentioned in the other sections of this chapter.

Fiscal privileges granted to administrative, technical and service staff members will cease after they have been registered with the Ministry for ten years.

The Tax and Customs Administration (*Belastingdienst*) has a special desk for international organisations and embassies: the Central Bureau for International Tax Treatment (*Centraal Bureau Internationale Fiscale Behandeling*, CB/IFB), Prinses Beatrixlaan 512, The Hague. This Bureau can be contacted by phone at +31 (0)88 152 3294 / 152 2262, by fax at +31 (0)88 152 3360, by post at Postbus 30509, 2500 GM The Hague, or by email at Haaglanden.CB_IFB@belastingdienst.nl.

9.2 Income tax

Staff of diplomatic missions and consular officers are exempt from Dutch income tax in relation to earnings from their diplomatic or consular duties (article 34 VCDR and article 49 VCCR). This means that they will only be taxed on income not related to their official activities in the Netherlands, on immovable property located in the Netherlands (such as second homes) and on other income described in chapter 7 of the Income Tax Act.

9.3 Conditions for exemption

There are two packages (A and B) with regard to the exemption from import duty and VAT which the Netherlands accords to diplomatic missions, and the allowance with regard to tax-free items.

Package B covers exemptions under the Vienna Conventions and provides only for limited exemptions on goods for the personal use of members of diplomatic missions. Package A, which is granted on the basis of reciprocity, has the same exemptions but supplemented

by additional privileges, such as exemption from VAT and increased allowances for personal use. See Annexe H for further details. In addition, there are quotas for alcoholic beverages, cigarettes (or equivalent in other tobacco products) and fuel for tax-exempted motor vehicles as indicated in Annexe J. These are annual quotas, unless otherwise stipulated. Annex I indicates which countries are entitled to package A and which are entitled to package B. An overview of other tax exemptions accompanying packages A and B can be found in Annexe K.

9.4 Value Added Tax

Diplomatic missions and consular posts on the A list

Where eligible, diplomatic missions and consular posts will be exempt from VAT on the delivery of goods (excluding food, drink and tobacco products) and the performance of services intended for their *official use*, if the amount per invoice is at least €225 excluding VAT. This means that goods and services costing less than €225 fall under the exemption provided that the total amount (excluding VAT) of the purchases qualifying for exemption is at least €225 per invoice. When buying on account, the invoice may cover purchases from the same supplier within one calendar quarter. No exemption will be granted if purchases made by different persons, diplomatic missions or consular posts have been added together on the same invoice. The principle of reciprocity applies to A-list missions and posts.

Diplomatic missions and consular posts on the B list and consular posts headed by an honorary consular officer

Exemption from VAT may be obtained in respect of:

- the supply of movable property and provision of services for the purpose of renovating, restoring and maintaining (excluding cleaning) official buildings, except for the residence of the honorary consul;
- the renting of immovable property intended for official use;
- the supply to an embassy or consular post headed by a career consular officer of gas, water, electricity and domestic fuel intended for official use, including use by the head of the mission;
- the provision of security, cleaning and telecommunications services for the benefit of the official functions of an embassy or consular post headed by a career consular officer, including the protection of members of the mission or post.

Staff of diplomatic missions and consular posts

Exemption is granted from VAT on movable property (other than motor vehicles) intended for personal use, and on goods other than food, alcoholic beverages and tobacco, where the total billed amount is at least €225 excluding VAT. Thus, purchases costing less than €225 (excluding VAT) will be exempt only if the total amount (excluding VAT) of the purchases qualifying for exemption is at least €225 per invoice. When buying on account, the invoice may cover purchases from the same supplier within one calendar quarter. No exemption will be granted if purchases made by different persons, diplomatic missions or consular posts have been added together on the same invoice.

The exemption does not apply to goods supplied by hotels, restaurants, cafés, catering organisations and related bodies. Furthermore, immovable property and services (*BTW voor diensten*) are excluded from the exemption. Nor is exemption from VAT granted in respect of goods which are used for business purposes, or which are sold, given away, hired out or in any other way put at the disposal of third parties by the person concerned.

The following procedure applies to diplomatic missions and consular posts eligible for exemptions from VAT (BTW) levied on the supply of goods and services in free circulation in the Netherlands (other than food, alcoholic beverages and tobacco). These forms can be obtained from the tax authorities. Exemption from VAT can be requested by submitting an OB form (OB 65 or 100 in Dutch or OB 65 or 100 in English and French) to the Tax and Customs Administration (CB/IFB). For diplomatic missions and consular posts the OB 65 or 100 form should be signed by or on behalf of the head of the diplomatic mission or consular post (on the back of the form). For members of the administrative, technical and service staff, the OB 65 or 100 form should be signed both by the applicant and by or on behalf of the head of the diplomatic mission or consular post. For diplomatic agents and consular officers, the OB form should be signed by the applicant only.

Exemption from VAT takes the form of a refund of tax paid. This should be applied for quarterly, within three months of the end of the calendar quarter in which the goods or services were supplied. Three original signatures on separate pages indicating the name and position of those authorised to sign should be sent to the Protocol Department.

Procedure for refund of VAT in advance

VAT will be refunded only if the amount of the invoice exceeds €225 (excluding VAT). The OB form must be signed by or on behalf of the head of the international organisation. In addition, a dated invoice must be submitted for each supply, showing:

- the date on which the goods were delivered or the service provided;
- the name and address of the contractor concerned;
- the name and address of the person to whom the goods or service were supplied;
- the quantity of goods supplied;
- the amount payable for the goods or service;
- the amount of tax due;
- proof of payment.

Questions about customs rules and VAT refunds, about refunds of excise duties and related taxes on mineral oils, and about VAT refunds for diplomatic and consular missions and international organisations can be addressed by phone to +31 (0)88 152 2167 and +31 (0)88 152 2589, or by email to Haaglanden.CB_IFB@belastingdienst.nl at the Tax and Customs Administration.

9.4.1 Advance exemption

Subject to certain conditions, advance exemption from VAT on goods and services may also be granted to diplomatic missions and consular posts for large purchases. The amount invoiced must be at least €35,000. Advance exemption from VAT can be requested by submitting a special certificate, known as a 15/10 certificate.

15/10 certificate

The special certificate is the '*Certificaat voor vrijstelling van BTW en accijnzen*' (Directive 77/388/EEC, article 15, paragraph 10 and Directive 92/12/EEC, article 23, paragraph 1) in either Dutch or English. A separate certificate is needed for each purchase. These certificates can be obtained from CB/IFB. The diplomatic mission or consular post must submit a written request to CB/IFB in advance, together with the following:

- a) the completed certificate; and
- b) the order form, invoice and draft contract, together with information proving that the total amount of the taxable supply of goods or services is at least €35,000.

NB: If you wish the order form and accompanying documents to be returned, please mention this in the request.

If the application is found to be correct, the certificate will be stamped by CB/IFB. The completed and stamped 15/10 certificate must be submitted to the supplier, who should keep it in its records as proof that no VAT should be charged. The supplier may then

provide the goods or services free of VAT. If you have any questions, please contact CB/IFB.

9.4.2 Taxes and duties on imported goods originating outside the EU

Subject to certain conditions those eligible for this tax exemption may import goods originating from outside the EU duty-free.

The procedure and the libre permis

Goods to be imported into the Netherlands by the diplomatic mission can be exempted from tax by using the Single Administrative Document Declaration *Douane 39* (D39). Please contact the Protocol Department of the Ministry of Foreign Affairs for the relevant form. The application must be made by the head of the diplomatic mission or his/her authorised representative. His or her name and signature must be recorded at the Protocol Department in advance. He or she must complete and sign the forms and forward them to CB/IFB. The application will be examined by a CB/IFB inspection officer. CB/IFB will retain the office copy and return the other copies to the applicant after endorsement.

As the D39 document is valid for 14 days, the goods must reach their destination within this period. Upon their arrival, the recipient must acknowledge receipt using the back of the customs copy of the D39 document. The document must then be signed as approved by or on behalf of the head of the diplomatic mission. CB/IFB will not process a new application if the applicant has not returned the previous copy.

A special certificate for each transaction in the other EU member state is needed in order to prove to the supplier and to the tax authorities of the state in question that the person is entitled to tax exemption. The tax authorities of the EU member state in which the supplier is located decide whether there is eligibility for a tax exemption or a tax refund in that member state. Special certificates for VAT exemption can be obtained from CB/IFB.

For questions concerning D39 (tax-free importation of goods), please contact the Tax and Customs Administration at +31 (0)88 152 2928, +31 (0)88 152 2811 or +31 (0)88 152 2238, or email Haaglanden.CB_IFB@belastingdienst.nl

9.5 Taxes on immovable property

9.5.1 Transfer tax

Exemption from transfer tax (*overdrachtsbelasting*) is granted in respect of the acquisition by a foreign state of immovable property situated in the Netherlands. If the immovable property is intended to accommodate the diplomatic mission or consular post of that foreign state or its members (with the exception of honorary consular officers), the exemption is granted in respect of rights *in rem* to such property. These include apartment rights and leasehold rights.

The Ministry of Finance examines each case on an individual basis to see whether the requirement of reciprocity has been met with regard to exemptions from VAT on the *supply delivery of immovable property*. Such exemptions can only be obtained through the Protocol Department of the Ministry of Foreign Affairs. Embassies and consular posts that approach CB/IFB directly to request exemption from VAT included in the price of immovable property are redirected to the Protocol Department at the Ministry. If the application for exemption is received at least six weeks before the date of transfer of the property, CB/IFB can give the entrepreneur concerned permission to apply the zero rate. Otherwise, the exemption will be granted in the usual form of a tax refund will be paid.

9.5.2 Obtaining exemption from transfer tax in advance

The Ministry of Finance may grant advance exemption from transfer tax. To obtain such an exemption, the diplomatic mission or consular post should contact the Protocol Department of the Ministry of Foreign Affairs at least six weeks in advance, submitting the draft deed of conveyance. If exemption is not granted in advance, it will take the form of a refund. In some cases, VAT, rather than transfer tax, is payable on the purchase of official immovable property. Here too, advance exemption may be obtained if a request is submitted to the Protocol Department at least six weeks in advance.

9.6 Motor vehicle tax

Motor vehicles intended for official use by the diplomatic mission or consular post (i.e. official cars) are exempt from motor vehicle tax (*motorrijtuigen-/wegenbelasting*).

Staff of a diplomatic mission or consular post may be exempted from motor vehicle tax on vehicles intended for personal use (including use by their dependants). Exemption

from motor vehicle tax is granted on condition that the vehicles concerned have been issued with CD registration plates or a BN/GN number. Administrative, technical and service staff who have lived in the Netherlands for over 10 years are no longer exempt from motor vehicle tax, whatever arrangements are in force with regard to reciprocity.

Car and motorcycle tax (BPM)

Exemption from BPM is granted in respect of motor vehicles intended for official use by the diplomatic mission or consular post (i.e. official cars) provided the vehicle has CD plates or registration plates in the BN/GN series. Staff of a diplomatic mission or consular post may be exempted from BPM on vehicles intended for personal use. As a rule, exemption may be granted for one vehicle, but where a staff member has been accompanied to the Netherlands by his/her partner, exemption for a second vehicle may be granted under certain circumstances.

NB: tax paid in the past in connection with ordinary Dutch registration plates will not be refunded.

Excise duties on motor vehicle fuel

Exemption from excise duties on motor vehicle fuel is granted in respect of motor vehicles intended for official use by the diplomatic mission or consular post (i.e. official cars). This exemption is granted only for motor vehicles with special registration plates on the basis of reciprocity. Administrative, technical and service staff who have lived in the Netherlands for over 10 years are no longer exempt from excise duty on fuel, whatever arrangements are in force with regard to reciprocity.

Staff of a diplomatic mission or consular post may be exempted from excise duties on motor vehicle fuel for vehicles intended for personal use (including use by their dependants). As a rule, exemption may be granted for one vehicle, but where a staff member has been accompanied to the Netherlands by his/her partner, exemption for a second vehicle may be granted under certain circumstances.

9.7 Energy tax

If a diplomatic mission or consular post has been granted exemption from VAT on goods for official use in the Netherlands, it is also eligible for exemption from energy tax. The exemption is granted through a refund on the basis of the energy company's final invoice. These invoices must be submitted to the tax authorities (CB/IFB) within 13 weeks of dispatch of the final invoice by the energy company. The refund application

should be combined with that for a VAT refund in respect of the energy company's final invoice.

9.8 Municipal taxes

Diplomatic missions or consular posts and their staff members are entitled to exemption from certain municipal taxes (but not charges for services rendered), depending on their status. Exemption is granted only where the taxes concerned relate to the official activities of the mission or post and the personal use by their members including their dependants. The term 'official activities' includes providing accommodation for staff. Of course, only those members of staff who are neither nationals nor considered to be permanent residents of the Netherlands are eligible for exemption. In granting exemptions under this regulation, account may be taken of reciprocity.

Exemptions can be granted from payment of the following municipal taxes:

- property tax on property owned by the mission and head of mission (*onroerende zaakbelasting*);
- municipal tax on second homes;
- dog licences (*hondenbelasting*);
- public announcements tax (*reclamebelasting*);
- tax for installations on public land or water (*precariobelasting*).

NB: These assessments may sometimes be sent by the municipal tax authorities even though you are exempted from municipal taxes. In such cases, you can lodge an objection with the municipality within six weeks of the date of the assessment.

9.8.1 Charges for services rendered

It should be noted that no exemptions are granted in respect of charges levied for specific services rendered. No exemption is therefore granted in respect of administrative charges (*leges*), betterment levy (*baatbelasting*), sewage charges (*rioolrechten*), waste disposal charges (*afvalstoffenheffing*), waste collection charges (*reinigingsrechten*) and toll charges (except for the Kil Tunnel near Dordrecht and the Western Scheldt Tunnel). An example of a betterment levy is a charge for the construction of a new sewerage system to which the property in question is connected. This is a municipal charge for a specific service rendered.

9.8.2 Water charges

Pollution of surface waters levy

The principle here is that the polluter pays. Anyone discharging wastewater, whether from domestic use (toilets, showers, sinks, etc.) or industrial use, pays a charge. Diplomatic and consular missions, diplomatic agents, consular officers and employees, and administrative and technical staff of diplomatic missions are not entitled to any exemptions in respect of the levy as it is a charge for a specific service rendered.

Water authority charges

These charges consist of the *waterschapsheffing* (paid by the owner and user of the premises) and the *ingezetenenheffing* (paid by the occupier). Exemptions are granted to diplomatic missions and consular posts. Diplomatic agents, consular officers and employees, and administrative and technical staff of diplomatic missions are granted exemption from the *waterschapsomslag*, unless the person concerned is permanently resident in the Netherlands or has Dutch nationality.

The water authority charge for the cleaning of wastewater (*zuiveringsheffing*) has to be paid by everyone residing in a particular district (no exemption). Exemption from the water authority charge for the drainage of the land (*ingezetenenheffing*) is granted to diplomatic missions and consular posts as well as to their diplomatic agents, consular officers, and administrative and technical staff of diplomatic missions unless they are permanently resident in the Netherlands or have Dutch nationality.

Tap water

Diplomatic missions and staff members eligible for exemption from VAT on the delivery of water for official purposes are also exempt from VAT on tap water. A request can be submitted together with the request for the VAT refund using the OB 100 form.

10 Cars

10.1 Tax exemption and special registration certificate

The Ministry of Foreign Affairs would advise privileged persons to consult the tax authorities about exemptions before purchasing a car in the Netherlands.

Exemption from tax may be granted when purchasing or importing a car, depending on the status of the person concerned. Exemption is granted from the following taxes:

- customs duties and VAT when importing a car into the European Union;
- VAT on the purchase of a new car in the EU;
- car and motorcycle tax (*belasting op personenauto's en motorrijwielen*, BPM) when registering a car in the Netherlands;
- motor vehicle tax (MRB).

Exemption from BPM is granted on condition that the vehicle has CD plates or registration plates in the BN/GN series. Exemption from tax is always granted subject to the condition that it ends when the car is disposed of. This includes selling, leasing, hiring out and pledging the car, and transferring it free of charge or in return for payment. It is also prohibited to use the car, or cause it to be used, in a manner or for purposes not covered by the exemption.

Tax exemption is always granted in advance and never in the form of a tax refund. Applications for tax exemption and the issue of a special registration certificate should be supported by the employer and addressed to:

Belastingdienst Haaglanden
Centraal Bureau IFB, Afdeling Motorrijtuigen
Postbus 30509
2500 GM Den Haag
Fax: +31 (0)88 152 3360

The application should include the following information:

- name and full address of the person concerned;
- nationality;
- place of residence at the time of recruitment;
- date on which employment with the diplomatic mission or consular post commenced.

The following documents should be enclosed with the application:

- a completed *Douane 39* form;
- a copy of the sales contract;
- the RDW 137 special registration certificate application form;
- a copy of the certificate of conformity (*certificaat van overeenstemming, CVO*);
- a document demonstrating that the car has been or will be insured;
- a registration certificate for the car, if one has already been issued.

Questions concerning customs regulations on cars – non-recurring issues such as tax exemptions or waiving exemptions and the consequent additional tax assessments and applications for a special registration number – should be addressed to Mr M.J.B. de Raad at +31 (0)88 152 2187, MJB.de.Raad@belastingdienst.nl, or to Mr R.W.J. Strang at +31 (0)88 152 2443, RWJ.Strang@belastingdienst.nl, or by email to Haaglanden.CB_IFB@belastingdienst.nl.

10.1.1 Importing or purchasing a car

When importing or purchasing a car, the following situations may occur.

- a new car is purchased in the Netherlands;
- a new car is imported from abroad;
- a used car is imported into the Netherlands;
- a car is purchased within the embassy or consulate.

These situations will be explained in turn. Please note that the above-mentioned documents must always be enclosed with the application.

10.1.2 Purchasing a new car in or importing one into the Netherlands

When a new and unused car is purchased in the Netherlands, the organisation applies to the Central Bureau for International Tax Treatment (*Centraal Bureau Internationale Fiscale Behandeling, CB/IFB*) for exemption from tax and the issue of a special registration certificate. Exemption is granted from customs duties (if the car originates outside the EU), VAT and BPM.

The car dealer should request an RDW 137 special registration certificate application form and the CVO from the official importer.

NB: These exemptions are not applicable when purchasing a used car in the Netherlands.

10.1.3 Purchasing a new car outside or importing one from outside the Netherlands

If a new and unused car is purchased outside the Netherlands, the procedure for

obtaining exemption from tax and applying for a special registration certificate is the same as described in section 10.1.2. Please note that the car must be physically present in the Netherlands. A copy of the foreign registration certificate should be enclosed with the above-mentioned documents. Applicants should complete the RDW 137 special registration certificate themselves. Blank forms are available from the Road Transport Agency (RDW) in Veendam, tel. +31 (0)598 699242.

10.1.4 Purchasing a used car outside the Netherlands

If a used car is purchased outside the Netherlands but within the EU, BPM must be paid when registering it. VAT is paid in the country where it was purchased. A used car means a car older than six months and/or with more than 6,000 km on the odometer.

Exemption from BPM is granted on the basis of a *Douane 39* form. Any exemption ends when the car is sold or otherwise disposed of.

10.1.5 Purchasing a car within the embassy or consulate

If a car already covered by a tax exemption is bought from a staff member at the embassy or consulate, it is only necessary to submit the *Douane 39* form, an RDW 137 special registration certificate application form, the original special registration certificate, the APK (proof of annual vehicle inspection as required by law) report and an insurance certificate. The exemption will apply to the new special registration certificate under the same conditions.

10.2 Selling a tax-free car and waiving exemption

If a car is no longer used for the purpose for which the exemption was granted, the taxes for which the exemption was granted must, as a rule, be paid. Before waiving the exemption, it is advisable to ask CB/IFB to calculate the amount of tax due. A written request may be submitted, stating the registration number and the number of kilometres on the odometer. The request may also be faxed to +31 (0)70 372 4151. As a rule this service will not be provided more than once for each car.

The car must not be given away, rented out or in any other way put at the disposal of third parties.

If you wish to sell a tax-free car to a non-privileged person, you should submit a written request to CB/IFB to waive the exemption. CB/IFB will calculate the tax and send the person concerned a giro collection slip stating the amount of tax due. Once the tax has been paid, CB/IFB will agree to the issuance of a Dutch registration certificate. To apply

for a Dutch registration certificate, the following documents should be submitted to CB/IFB in The Hague:

- an RDW 134 registration certificate application form;
- the original special registration certificate;
- the APK report;
- a copy of the passport of the person concerned;
- the request to waive exemption.

10.3 Scrapping cars

If a car has to be scrapped, it is first necessary to obtain written permission from CB/IFB by submitting a request to that effect. CB/IFB will then send a written notice stating whether it will grant permission and under what conditions.

10.4 Exporting a tax-free car

If a tax-free car is exported, the following situations may occur.

10.4.1 Person with exemption leaves embassy or consulate and takes car to country of destination

In this case, the registration certificate should be returned to CB/IFB, and there are no tax consequences. On request, CB/IFB will send a certified copy of the registration certificate, which can be used for transportation and registration purposes. The certified copy is valid for three months. After receiving the registration certificate, CB/IFB will inform the RDW in Veendam and the Central Bureau of Motor Vehicle Tax (*Centraal Bureau Motorrijtuigenbelasting*, CBM) in Apeldoorn that the car has been exported. Failure to return the registration certificate means that CBM will continue to send the customer motor vehicle tax bills.

10.4.2 Person with exemption continues working at embassy or consulate and car is exported

If the car is exported **outside the EU**, the registration certificate should be returned to CB/IFB and there are no tax consequences. However, documents should be submitted demonstrating that the car has been exported outside the EU. On request, CB/IFB will provide a certified copy of the registration certificate, which can be used for transportation and registration purposes. After receiving the registration certificate, CB/IFB will inform RDW in Veendam and CBM in Apeldoorn that the car has been exported. Failure to return the registration certificate means that CBM will continue to

send the customer motor vehicle tax bills (if applicable). If the car is exported **outside the Netherlands but remains within the EU**, VAT and possibly customs duties are payable since the car is no longer being used for the purpose for which exemption was granted. In this case, CB/IFB should be informed in writing that the car is to be exported to an EU member state. A request should be submitted to waive exemption from tax. CB/IFB calculates the VAT and possibly the customs duty and sends the person concerned a giro collection slip stating the amount of tax due. The registration certificate should be enclosed with the request. After receiving the registration certificate, CB/IFB will inform RDW in Veendam and CBM in Apeldoorn that the car has been exported. Failure to return the registration certificate means that CBM will continue to send the customer motor vehicle tax bills (if applicable).

10.5 Change of address

A diplomatic mission, consular post or staff member who is not registered in the municipal personal records database (GBA) and is in possession of a **vehicle with a privileged registration number** and whose address changes should inform not only the Ministry of Foreign Affairs but also RDW as soon as the move takes place.

Address changes should be reported in writing, enclosing the following information:

- the registration number of the vehicle, the new address (street, number, town/city and postcode) and the date of change of address;
- a legible copy of valid proof of personal identity (back and front).

10.6 Driving licences

Driving in the Netherlands is only permitted with a valid driving licence. Driving without a driving licence is an offence.

A valid driving licence from one of the countries of the European Union (EU) or the European Economic Area is in principle valid for driving in the Netherlands for a period of up to 10 years after issuance.

Privileged persons with a valid, non-European driving licence are allowed to drive with it in the Netherlands only in combination with a valid privileged identity card issued by the Ministry of Foreign Affairs.

Privileged persons are allowed to exchange their foreign driving licence for a Dutch driving licence.

Persons may wish to apply for a Dutch driving licence or may wish to acquire a Dutch driving licence after passing the driving test. This is only possible after having registered with the GBA of the municipality where they reside.

Applying or exchanging driving licences

For the following situations regarding driving licences consult the RDW website (<http://www.rdw.nl/nl/particulier/internationalvisitor/drivinglicence/Pages/default.aspx>):

- applying for a new driving licence after loss or theft;
- exchanging a foreign driving licence.

10.7 Annual Vehicle Inspection (APK)

By law all vehicles with a petrol engine, manufactured after 1 January 2005, have to undergo a technical inspection in the interests of road safety. The first APK should have taken place after four years, the second within two years of the first, and the third within two years of the second. After eight years an annual technical inspection is required. For vehicles with a diesel or gas engine, manufactured after 1 January 2005, the first APK takes place after three years, after which annual inspections are required. This applies to all vehicles weighing up to 3,500 kg and to motorcycles. Once a vehicle has been passed, a certificate of approval is issued. Information on which garages can perform this inspection can be obtained from garages, car dealers and RDW.

When new or second-hand motor vehicles imported from abroad (which fall into categories B and D) are **sold** in the Netherlands to a person who does not possess privileged status, the vehicle will first have to be technically inspected in order to obtain ordinary Dutch registration documents. The new owner will in principle be responsible for paying the costs of the inspection.

10.8 Parking

Parking near diplomatic missions and consular posts or official residences

The municipal authorities are fully autonomous in setting policy on reserved parking bays. The municipality of The Hague is willing, where necessary, to mark as reserved two parking bays on the public road outside the main offices of a diplomatic mission and one outside the official residence of the organisation's head. Whether or not these parking bays are granted depends on the parking situation of the diplomatic mission or residence and the possibilities for public parking nearby. These parking bays may be used only by cars belonging to the mission, not by visitors. Parking bays should be requested in a Note

Verbale to the Protocol Department of the Ministry of Foreign Affairs, which will forward the application to the municipal authorities.

Visitors' cars

Visitors will have to use the normal parking spaces and pay the normal parking fees as applicable. Visitors' cars that are parked illegally will be treated by the traffic police like any other illegally parked cars. The mission can apply for a special visitor's permit from the municipality of The Hague. For more information, contact the City Management office (*Stadsbeheer*), Loosduinseweg 13/17, The Hague at +31 (0)70 353 3000.

Parking during receptions

If a diplomatic mission organises a reception once a year on the occasion of its National Day, The Hague municipal police are prepared to provide assistance to ensure that guests are able to park satisfactorily. The diplomatic mission should inform the Protocol Department by Note Verbale as far in advance as possible, and in any event at least four weeks in advance. No assistance is provided for other receptions, dinners, lunches, etc.

The following information must be provided:

- the date and time of the event;
- the address of the venue;
- the number of expected guests;
- details of the contact person;
- requested measures (parking measures, blocking streets, traffic control, etc.).

The Protocol Department will forward the Note Verbale with the details mentioned above to the competent local authorities, who will decide on the traffic measures to be taken. For more details about the measures taken, contact the Diplomatic Front Office in The Hague at +31 (0)70 424 2424.

Parking meter and car park charges

The Ministry is frequently asked about parking meters and car park charges. No exemptions are possible from these charges, because they are levied by the municipality for specific services rendered. Like anyone else the staff of diplomatic missions and consular posts must therefore pay the parking fees.

How to obtain a parking permit

The following applies to residents of The Hague. In many parts of The Hague, residents need a parking permit to park their car in the street where they live. Staff members of diplomatic missions driving vehicles with CD, GN or BN registration plates can obtain a parking permit for the area of The Hague in which they live by providing evidence of their

address (a tenancy agreement, for instance) and their Ministry of Foreign Affairs identity card. The cost for this permit varies according to the area.

Anyone who holds a reserved parking space in an area of The Hague where parking permits are required must have a parking permit, for which he/she must also pay.

For more information, the staff member can contact the City Management office, Loosduinseweg 13-17, The Hague, at +31 (0)70 353 3000. This information is also available at the Expat Service of The Hague International Centre located on the ground floor of the City Hall (Atrium), Spui 70, The Hague, tel. +31 (0)70 353 5043.

The towing away of vehicles

The police generally adopt a policy of restraint with regard to towing away vehicles with CD, BN or GN registration plates. If the traffic situation or other circumstances make it necessary to tow a vehicle away, the costs incurred must be paid as they constitute charges levied for specific services rendered. Immunities or privileges therefore do not apply in these cases. The same approach applies when a vehicle with CD, BN or GN registration plates is clamped. A parking ticket issued by the municipality is considered a fine (see chapter 8, Immunity).

10.8.1 Parking near the Ministry of Foreign Affairs

Using a chauffeur-driven car

Members of the Diplomatic Corps using a chauffeur-driven car to visit the Ministry may use the VIP entrance at Prins Clauslaan 5 after making an appointment with the Ministry. You are advised to make arrangements well in advance with the secretariat of the Protocol Department, tel. +31 (0)70 348 4905/6490. After passing through the vehicle gate the chauffeur should leave the passenger at the entrance to the building, whereupon the latter should identify him/herself to the security officer on duty and state the reason for the visit. The security officer will then contact the ministry official with whom the visitor has the appointment. In the meantime the chauffeur can park the car in the VIP garage and await the passenger's return.

Delivery of documents

Visitors coming by car (chauffeur-driven or otherwise) wishing to deliver large documents for specific departments or officials should report to Prinses Irenestraat 8 (via the transport official), while those with chauffeur-driven cars wishing to deliver other documents should report to the Central Mail Room counter at Prinses Irenestraat 6.

Wassenaar

The criteria in the municipality of Wassenaar are different. The police force here is willing to consider all requests from diplomatic missions for assistance with parking near the official residences of heads of mission in Wassenaar. Whether the request is granted depends on the number of guests, and the time and place of the reception. Diplomatic missions should approach the Chief Commissioner of Police responsible for the diplomatic corps in Wassenaar.

11 Visits

11.1 General information

The Protocol Department of the Ministry of Foreign Affairs, in its capacity as Protocol Department for the Ministry of General Affairs, is responsible for the overall organisation and logistics of incoming visits by heads of state and government, and foreign ministers. It also assists embassies with the logistics of inward working visits, private and transit visits by heads of state and government, and foreign ministers.

The Royal Household is responsible for the logistics of all incoming and outgoing visits by H.M. the Queen and members of the Royal House. The Ministry of Foreign Affairs is at all times politically responsible.

The Protocol Department of the Ministry of General Affairs is responsible for outgoing official and working visits of the Prime Minister, while the same departments in other ministries are responsible for incoming and outgoing visits of their own ministers.

11.2 Heads of state

Heads of state and in some cases members of foreign Royal Families will be met on arrival by a protocol official and an Aide-de-Camp to H.M. the Queen. During their stay in the Netherlands, heads of state will be accompanied by at least one protocol official. Time, date and place of arrival and departure and a detailed programme have to be notified in advance to the Protocol Department of the Ministry of Foreign Affairs.

11.3 Members of foreign Royal Families

Crown Princes and Princesses and members of foreign Royal Families who are closely related to the monarch will in principle be met on arrival by a protocol official and/or an Aide-de-Camp to H.M. the Queen. Time, date and place of arrival and departure and a detailed programme have to be notified in advance to the Protocol Department of the Ministry of Foreign Affairs.

11.4 Heads of government

Heads of government will in principle be met on arrival by a protocol official in the case of an official or working visit. When making official or working visits, heads of government will be accompanied by protocol officials during their stay in the Netherlands. The time, date and place of arrival and departure and a detailed programme have to be notified in advance to the Protocol Department of the Ministry of Foreign Affairs.

11.5 Ministers of Foreign Affairs

Foreign ministers will in principle be met on arrival by officials from their embassies and a security officer of the Royalty and Diplomatic Protection Department. The time, date and place of arrival and departure and a detailed programme have to be notified in advance to the Protocol Department of the Ministry of Foreign Affairs.

11.6 Security officers accompanying official visitors

On official and working visits only heads of state and government and foreign ministers are allowed to bring in armed security officers. No other official visitors may be so accompanied. The protection of heads of state and government and foreign ministers is in principle the sole responsibility of the Dutch authorities. They may be accompanied by the following numbers of foreign armed security officers:

- heads of state: in principle a maximum of four armed security officers;
- heads of government: in principle a maximum of two armed security officers;
- foreign ministers: in principle a maximum of two armed security officers.

Diplomatic missions have to provide the following information so that the necessary arrangements can be made:

- name, place, date of birth and passport number of the security officer(s);
- name, type and registration number of the firearm and rounds of ammunition;
- the mode of transport and place, date and time of arrival and departure (if commercial airlines are to be used the flight number should be stated).

Armed security officers who are not allowed to carry their arms during their stay in the Netherlands have to deposit them at Schiphol Airport or at another location designated by the Dutch authorities. The name, type and registration number of the firearm will be

recorded. The firearms and ammunition will be returned when the security officer leaves the Netherlands.

12 Amsterdam Schiphol Airport

12.1 Entry passes to Schiphol Airport

Eligible persons from diplomatic missions and consular posts can obtain access to protected areas by means of an airport pass carrying electronic information.

At present two kind of entry passes are available for persons who have to be present in the protected area by reason of their position:

- the personal Schiphol pass, for persons who have to be present several times a week;
- the general Schiphol day pass, for persons who do not have to be present on a regular basis.

Every embassy is eligible for a limited number of personal Schiphol passes related to the number of diplomatic staff:

- embassies with a staff of no more than seven diplomats qualify for a maximum of three passes;
- embassies with more than seven diplomats may apply for a maximum of five passes.

The entry passes are for specific individuals and should be applied for and collected from Schiphol airport directly, i.e. without the Ministry's intervention.

The address of the office concerned is:

SCHIPHOL GROUP

Access & Identification Centre

Section Regulations

Triport 2, Room 2314, Locatiecode 03-20

Schiphol Centrum

Postbus 7501

1118 ZG SCHIPHOL CENTRUM

Tel.: +31 (0)20 601 2626

Website: <http://www.schiphol.nl/Vacancies/SchipholPass.htm>

Ambassadors will be guided personally through the application and issuing process by an officer from the Access Centre.

Persons entering or exiting the restricted section of the arrivals hall have to pass through a special staff entrance and not through the normal passengers entrance.

12.2 VIP Lounge

In line with the practice in several other European countries, the Dutch Ministry of Foreign Affairs has decided that the following persons may use the VIP Lounge at the Ministry's expense if they are visiting this country:

- heads of state, those first in line to the throne and vice presidents;
- prime ministers, deputy prime ministers, foreign ministers and deputy foreign ministers, if they are meeting their Dutch counterparts;
- the President and judges of the International Court of Justice, on first arrival and final departure;
- ambassadors accredited to the Netherlands on first arrival and final departure;
- heads of international organisations and persons with head of mission status on first arrival and final departure;
- the Secretary-General of the United Nations, the Secretary-General of NATO, the Secretary-General of the Organization for Security and Cooperation in Europe, the President of the European Council, the President and all members of the European Commission, the High Representative of the EU, the President of the European Parliament, the Chairman of the Committee of Ministers of the Council of Europe, the Secretary-General of the League of Arab States, the Secretary-General of the Organisation of the Islamic Conference, the President of the African Union and all heads of specialised UN agencies, programmes and funds.

NB: These rules do not apply if the persons mentioned above are in transit.

Diplomatic missions and consular posts receiving any of the persons listed above and wishing to use the VIP Lounge at Schiphol are advised to make arrangements well in advance. They should address their requests to the Protocol Department of the Ministry of Foreign Affairs in the form of a Note Verbale. The Protocol Department will then make the reservation and the costs will be borne by the Ministry. Reservations must be made by fax to +31 (0)70 348 5268, and will be charged for unless cancelled 24 hours in advance. In all other cases, diplomatic missions and consular posts must make reservations through the VIP Lounge (by phone to +31 (0)20 601 0215 or by email to VIP_centrum@schiphol.nl) and bear the costs themselves.

12.3 Privium

As of 25 May 2011, travel documents of privileged staff at embassies, consulates-general and international organisations and family members who possess a valid privileged person's identity card issued by the Ministry of Foreign Affairs no longer have to be stamped on entry or exit at any border crossing in the Netherlands. At passport control, privileged persons will therefore also be expected to hand over their privileged person's identity cards to the official from the Royal Military and Border Police (*Koninklijke Marechaussee*). When arriving in the Netherlands for the first time and departing for the last time, privileged persons will not be in possession of a privileged person's identity card, and so on these occasions the passports of persons from outside the EEA and Switzerland will be stamped.

In addition, as of 25 May 2011, privileged persons and members of their families who are nationals of countries outside the EEA or Switzerland and who have a privileged person's identity card issued by the Ministry of Foreign Affairs bearing the code AD, AO or AC will also have the option of joining Schiphol Airport's Privium programme (for a fee). Following a biometric scan, travellers registered with Privium are given fast-track entry to or exit from the Netherlands via a separate channel. This is possible because the thorough inspection required by the Schengen Agreement will already have been performed as part of the Privium application process, at which point the traveller's personal details are registered.

13 Security

13.1 General information

As a consequence of the terrorist attacks that have taken place all over the world in recent years, measures to protect buildings and persons have taken on a new dimension. Dutch security policy for diplomatic missions and consular posts reflects the impact of these developments. The Netherlands is aware of its special duty towards diplomatic missions and consular posts and has customised its security policy to take that responsibility into account. The Protocol Department is the front office for requests and questions concerning security issues.

The office of the National Coordinator for Counterterrorism and Security (NCTV), through its Surveillance and Protection Department, is responsible for security policy and security matters concerning diplomatic missions and consular posts and maintains direct contact with some of these organisations.

13.2 Protection of persons

In exceptional circumstances, it may be necessary to implement specific protection measures for specific persons. The initiative for such protection may come from the Dutch authorities or from the diplomatic missions and consular posts concerned. The NCTV or police will consult with the Dutch intelligence agencies that make threat assessments and determine the threat level, which may lead to additional measures to protect the person involved. Protective measures will be evaluated from time to time to ensure they are appropriate to the situation. When threat levels diminish, protective measures will be scaled down. Diplomatic missions and consular posts themselves play an important role in providing the host country authorities with up-to-date information on any threats or other relevant developments. However, final responsibility for protection measures always rests with the Dutch authorities. Cooperation of protected persons with the security agencies is of the utmost importance.

13.3 Protection of buildings

The Netherlands undertakes to provide all the appropriate protection for the premises and buildings of diplomatic missions and consular posts against any intrusion or damage and to prevent any disturbance of the peace or impairment of their dignity.

In addition to the general security measures that apply in the Netherlands in respect of persons and property, extra measures may be taken to protect diplomatic missions and consular posts, based on threat levels determined by the NCTV or police.

Diplomatic missions and consular posts should first contact the Protocol Department of the Ministry of Foreign Affairs to report security threats or risks to their buildings or their staff. The Ministry will then contact the competent authorities, which will take the appropriate security measures.

If a diplomatic mission or consular post has information that its peace is likely to be disturbed, it should inform the Ministry's Protocol Department at +31 (0)70 348 6490 during office hours (09.00 – 17.00), or through the Ministry's Front Office (*centrale meldkamer*) outside office hours at +31 (0)70 348 4278.

If police assistance is required, the following procedures are suggested:

- in the event of an **emergency (including accidents)**, diplomatic missions and consular posts can always dial the national emergency number **112**; (ask for police, medical assistance or fire brigade, as required);
- for **less-urgent matters** requiring police assistance, please call **0900 8844**.

The Haaglanden regional police have a special surveillance unit for diplomatic premises, the Mobile Diplomatic Protection Squad (*Dynamische Diplomatieke Surveillance, DDS*). It can be reached via the national police telephone number 0900 8844 or via the Diplomatic Front Office of the Haaglanden police at +31 (0)70 424 2424.

Naturally, all diplomatic missions and consular posts should take all the measures necessary for the protection of their premises and for the basic protection of the homes of their staff members against burglary, vandalism and fire, such as any careful householder would. Staff members should ensure adequate insurance coverage against fire and burglary. The regional police force is prepared to provide advice on protective measures in response to a request from a diplomatic mission or consular post received through the Ministry of Foreign Affairs. Damage to the premises or vehicles of the diplomatic missions and consular posts or its staff members, as a result of a burglary or vandalism, should immediately be reported to the Ministry. If the damage is proved to have been politically motivated or occurred during a demonstration, the diplomatic

mission or consular post can apply to the Ministry for compensation. Damage to flags and coats of arms will always be compensated.

13.4 Demonstrations

The freedom to hold demonstrations is a longstanding tradition and a constitutional right in the Netherlands. The Netherlands has clearly defined limits within which these rights may be exercised and within which the competent authorities may impose restrictions on demonstrations. The municipal authorities must be notified in writing, in advance, of plans to hold demonstrations.

Once a demonstration has been announced, the police are responsible for ensuring that demonstrations proceed in an orderly manner. Impeding the normal course of business of diplomatic missions and consular posts is prohibited. The mayor is therefore empowered to issue instructions, which demonstrators must obey, and may if necessary give orders to terminate a demonstration if these instructions are not complied with. The police will contact the diplomatic mission or consular post to make security arrangements and ensure that it can continue to operate.

13.5 Firearms

Permission

The possession of firearms in the Netherlands is discouraged. The Dutch authorities are responsible for protecting the staff of diplomatic missions and consular posts.

Applications for firearm permits should be made to the local police.

Import and export

There are separate regulations governing the import, export, possession and carrying of firearms for the purpose of defence and of firearms for shooting game. Permission for the legal import and export of small handguns only (not automatic weapons) must be obtained from the Tax and Customs Administration's Central Import and Export Office (*Centrale Dienst voor In- en Uitvoer, CDIU*) in Groningen. Applications must be sent to the CDIU.

Foreign security personnel

Separate regulations apply to foreign visitors wishing to be accompanied during their stay in the Netherlands by their own armed security personnel. These regulations state the categories of persons (or posts) eligible for a firearm permit and the maximum number of firearms that may be carried. Separate permission for each armed security

officer and weapon must be obtained from the NCTV. Each request for permission must be made in writing via the Protocol Department at least two weeks before the arrival of the visitor(s). In principle only heads of state and government, foreign ministers and military officers whose visit is covered by the NATO Status of Forces Agreement can obtain permission at shorter notice through a streamlined procedure. Other dignitaries may be eligible in the event of a threat substantiated by an NCTV threat assessment.

Game shooting

The carrying of a shotgun for game shooting purposes is permitted only after a certificate has been issued allowing the person concerned to possess such a weapon, and only on the way to and from the shoot within the estate where it is being held. People wishing to shoot game must have a licence. To obtain a licence they must follow a training course and pass a high-level examination in Dutch. Alternatively, the host of a shooting party may apply for guest permits, valid for six consecutive days, for his/her invited guests. A rifle or shotgun for game shooting may only be carried in transit through the Netherlands if the owner can show a licence issued in the country from which the person is travelling and provided it is not ready for immediate use and is properly wrapped. In such cases the various documents must be produced for examination by customs officers on entry into the Netherlands.

Annexe A Specimen declaration for travel purposes on termination of employment

This letter, together with a certified copy of the privileged person's identity card mentioned below, serves as proof of bearer's legal stay in the Netherlands.

Mr/Mrs/Ms

national of

was employed in the Netherlands by the diplomatic mission / consular post

.....

from until the day of his/her departure from the Netherlands.

During this period he/she was officially registered with the Ministry of Foreign Affairs of the Netherlands and holder of privileged person's identity card no.

Upon completion of his/her duties with the aforementioned diplomatic missions and consular posts, the original identity card was returned to the Ministry of Foreign Affairs of the Netherlands.

In case of questions, information or assistance may be sought from the Host Nation Division (DKP/NG) of the Protocol Department of the Ministry of Foreign Affairs, tel.: +31 (0)70 348 6138 (outside office hours +31 (0)70 348 4278), fax: +31 (0)70 348 5268, email: dkp@minbuza.nl.

The Hague,

[Date and stamp of the diplomatic mission or consular post]

Annexe B Specimen Note Verbale for privileged persons and members of their family forming part of the household applying for a visa

The [name of diplomatic mission or consular post] presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to inform the Ministry that [name of visa applicant], a national of [country of origin], will be working for the [name of diplomatic mission or consular post] as [position] in the [name of department/ office/division] as from [date] for a period of [duration of the employment contract].

In cases of family reunification:

...has the honour to inform the Ministry that the spouse/child of [name of employee], who is working for the [name of diplomatic mission or consular post] as [position], will apply for a visa for the Netherlands for the purpose of joining [her husband/his wife/her/his father/mother]. The [name of diplomatic mission or consular post] requests the Ministry of Foreign Affairs to assist in the issuance of a visa for [name(s) of visa applicant(s)]. The visa application(s) will be submitted to the [Embassy/Consulate] of the Kingdom of the Netherlands in [place and country]:

Name of staff member/spouse/child:

Address:

Date and place of birth:

Passport number:

Date and place of issue:

Expiry date:

[include this information for each person applying for a visa]

The [name of diplomatic mission or consular post] avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

The Hague, [date]

Ministry of Foreign Affairs
of the Kingdom of the Netherlands

[official stamp of the diplomatic
mission or consular post]

Attn. DKP/NG

Cc: [visa applicant(s)]

Annexe C Specimen request for assistance with a visa for a private visit to privileged staff member

The undersigned, [name], [position at the diplomatic mission or consular post] at the [diplomatic mission or consular post], holder of identity card [number] issued by the Protocol Department of the Dutch Ministry of Foreign Affairs in The Hague and valid until [date], intends to invite the following family member: [name], born on [date] in [place], a national of [country], with passport [number], [relation] of the undersigned, to the Kingdom of the Netherlands for a period of [...] as from [date of entry].

I assume full responsibility for all expenses associated with [name]'s stay in the Kingdom of the Netherlands, including medical expenses. I also guarantee that [name] will leave the Netherlands before [his/her] visa expires.

I request the assistance of the [Embassy/Consulate] of the Kingdom of the Netherlands in the issuance of an entry visa for [name of guest].

[signature]

The Hague, [date]

To the [Embassy/Consulate] of the Kingdom of the Netherlands
[place and country]
Cc: [visa applicant]

Annexe D Specimen Note Verbale for partners of privileged persons applying for a visa (without marriage certificate or registered partnership recognised by the Netherlands)

The [name of diplomatic mission or consular post] presents its compliments to the Embassy of the Kingdom of the Netherlands in [country] and has the honour to inform the Embassy that the partner of [name of staff member], who is working for the [name of diplomatic mission or consular post] in the Netherlands as [position], will apply for a visa for the Netherlands for the purpose of joining [name of staff member].

Name of partner:

Address:

Date and place of birth:

Passport number:

Date and place of issue:

Expiry date:

The [name of the diplomatic mission or consular post] and [name staff member] hereby declare that [name of partner]:

- will form part of the household of [name of staff member] in the Netherlands;
- has an exclusive relationship with [name of staff member];
- is of age (older than 18);
- is not under any legal constraint;
- is not a relative of [name of staff member].

In addition, the [name of the diplomatic mission or consular post] and [name of staff member] declare that [name of staff member] and [name of partner] will conclude a cohabitation agreement (*samenlevingsovereenkomst*) or enter into a registered partnership (*geregistreerd partnerschap*) in the Netherlands within the period of the validity of the visa (three months). [Name of staff member] and [name of partner] are aware that registration with the Ministry of Foreign Affairs (DKP) and issuance of a Ministry of Foreign Affairs identity card for the partner must also take place within the period of validity of the visa; that registration with the Ministry of Foreign Affairs and issuance of an identity card cannot take place without a cohabitation agreement or registered partnership; and that failure to comply within three months will result in illegal stay through expiration of the visa and possible expulsion.

Signed:

Name of staff member:

Place:

Date:

Countersigned by a representative of the diplomatic mission or consular post and marked with the official stamp of the organisation:

Name of representative:

Place:

Date:

The [name of diplomatic mission or consular post] avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

The Hague, [date]

Embassy of the Kingdom
of the Netherlands in [place]

[official stamp of the diplomatic mission or
consular post]

Cc: DKP

Annexe E Officially recognised foreign partnerships that are accepted for the issuance of an identity card by the Ministry of Foreign Affairs:

- **Australia (Victoria)**
- **Austria**
- **Belgium**
'Wettelijke samenwoning' (Burgerlijk Wetboek, art. 1475-1479)
- **Czech Republic**
- **Denmark**
Registered partnership
- **Ecuador**
- **Finland**
Registered partnership
- **France**
'Pacte civil de solidarité' (Titre XII Code Civil)
- **Germany**
'Lebenspartnerschaft' (Lebenspartnerschaftsgesetz)
- **Greenland**
- **Hungary**
- **Iceland**
- **Luxembourg**
- **Mexico**
- **New Zealand**
Registered partnership
- **Norway**
Registered partnership
- **Quebec (Canada)**
- **Scotland**
- **South Africa**
- **Spain**
Registered partnerships from the following regions:
Andalucía (Parejas de hecho), Aragón (Parejas estables no casadas), Baleares (Parejas estables), País Vasco (Parejas de hecho), Cataluña (Uniones estables de pareja), Madrid (Uniones de hecho), Valencia (Uniones de hecho)

- **Sweden**
Registered partnership
- **Switzerland**
- **United Kingdom**
- **United States of America**
California, Colorado, Connecticut, Hawaii, Iowa, Nevada, New Hampshire, Oregon, Vermont, Washington

NB: This list is not exhaustive. Other legal arrangements not bearing the name 'registered partnership' but with the same function and characteristics may also qualify. For further information please contact the Dutch Population Affairs Association (*Nederlandse Vereniging voor Burgerzaken*) at +31 (0)20 551 9007/9009, by fax at +31 (0)20 551 9203, or by email at nvnb@dpg.amsterdam.nl or the Travel Documents, Legalisation and Fraud Division (DCM/RL) of the Ministry of Foreign Affairs.

Annexe F Specimen declaration for an identity card for children between the ages of 18 and 23

[If the child is attending a full-time course of education or study in the Netherlands, it is not necessary to submit this declaration. Written proof of enrolment at the educational establishment may be submitted instead.]

Name of staff member:

Diplomatic mission or consular post:

Name of child:

Nationality:

Date of birth:

[Name of staff member], employed at [diplomatic mission or consular post], declares that [name of child] fulfils all of the following applicable conditions:

- 1) [Name of child] is unmarried,
- 2) [Name of child] is financially dependent on [name of staff member] and
- 3) [Name of child] is a member of [name of staff member]'s household.

Signed:

Name of staff member:

Place:

Date:

Countersigned by representative of diplomatic mission / consular post and marked with its official stamp:

Name of representative:

Place:

Date:

Annexe G Countries with which the Netherlands has concluded a Memorandum of Understanding or other international instrument

Albania	Hungary	South Africa
Argentina	India	Sri Lanka
Australia	Israel	Suriname
Bangladesh	Kenya	Switzerland
Bolivia	Latvia	Turkey
Brazil	Lebanon	United States
Canada	Macedonia	Uruguay
Chile	Mali	Venezuela
Colombia	Mexico	Zambia
Croatia	New Zealand	Zimbabwe
Czech Republic	Peru	
Ecuador	Philippines	
Estonia	Romania	
Georgia	Senegal	
Ghana	Slovakia	

Annexe H Tax packages A and B

Package A (Vienna plus)

Exempted taxes	Embassy and Consulate	Head of Mission	Diplomatic Agent and Consular Officer	Administrative, Technical and Service Staff
VAT on goods (in free circulation in the Netherlands)	Yes	Yes	Yes	Yes
VAT on services	Yes	No	No	No
Taxes on imported goods	Yes	Yes	Yes	Yes
Duty-free alcohol (imported)	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota
Duty-free tobacco (imported)	No	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota
Tax free car(s)	A reasonable number of cars	Two cars	Two cars	Two cars
Tax on motor vehicle fuel	Yes, both excise duty and VAT and according to applicable quota	Yes, both excise duty and VAT and according to applicable quota	Yes, both excise duty and VAT and according to applicable quota	Yes, both excise duty and VAT and according to applicable quota
Duty-free alcohol (imported)	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota*
Duty-free tobacco (imported)	No	Yes, according to applicable quota	Yes, according to applicable quota	Yes, according to applicable quota*

* During the first 10 years after taking up employment in the Netherlands.

Package B (Vienna)

Exempted taxes	Embassy or Consulate	Head of Mission	Diplomatic Agent or Consular Officer	Administrative, Technical or Service Staff
VAT on goods	Limited*	No	No	No
VAT on services	Limited*	No	No	No
Taxes on imported goods (no alcohol or tobacco)	Yes	Yes	Yes, only during the first year after arrival	Yes, only during the first year after arrival
Duty-free alcohol (imported)	Yes, according to applicable quota	Yes, according to applicable quota	No	No
Duty-free tobacco (imported)	No	Yes, according to applicable quota	No	No
Tax-free car(s)	A reasonable number of cars	Two cars	Two cars	One car
Tax on motor vehicle fuel	Excise duty only and according to applicable quota	Excise duty only and according to applicable quota	Excise duty only and according to applicable quota	Excise duty only and according to applicable quota
Duty-free alcohol (imported)	Yes, according to applicable quota	Yes, according to applicable quota	No	No
Duty-free tobacco (imported)	No	Yes, according to applicable quota	No	No

* Only for official purposes in the mission's buildings (e.g. data communication services, security services, gas, water and electricity).

Annexe I Countries entitled to tax packages A and B

Package A (Vienna plus)			
Afghanistan	Ecuador	Lebanon	Serbia
Algeria	Estonia	Lithuania	Slovenia
Apostolic Nunciature	Ethiopia	Luxembourg	Spain
Argentina	Finland	Macedonia	Sri Lanka
Australia	France	Malaysia	Sudan
Austria	Georgia	Malta	Suriname
Azerbaijan	Germany	Mexico	Trinidad & Tobago
Belarus	Ghana	Montenegro	South Africa
Belgium	Greece	Morocco	South Korea
Benin	Guatemala	Namibia	Sweden
Bosnia-Herzegovina	Hungary	Nicaragua	Switzerland
Brazil	India	Nigeria	Tunisia
Bulgaria	Indonesia	Norway	Turkey
Cameroon	Iran	Oman	Ukraine
Canada	Iraq	Pakistan	United Arab Em.
Cape Verde	Ireland	Paraguay	Uruguay
China	Israel	Peru	USA
Colombia	Italy	Philippines	Uzbekistan
Congo (DR)	Japan	Poland	Venezuela
Costa Rica	Jordan	Portugal	Vietnam
Croatia	Kazakhstan	Qatar	Yemen
Cyprus	Kenya	Romania	Zambia
Czech Republic	Kuwait	Russian Fed.	
Denmark	Latvia	Saudi Arabia	

**Package B
(Vienna)**

Andorra	Côte d'Ivoire	Kyrgyzstan	Papua New Guinea
Angola	Cuba	Laos	Rwanda
Armenia	Djibouti	Lesotho	Samoa
Azerbaijan	Dominica	Liberia	San Marino
Bahrain	Dominican Republic	Madagascar	São Tomé & Príncipe
Bangladesh	Egypt	Malawi	Senegal
Barbados	El Salvador	Mali	Seychelles
Belize	Equatorial Guinea	Mauritania	Sierra Leone
Bhutan	Fiji	Mauritius	Singapore
Bolivia	Gabon	Moldavia	Solomon Islands
Botswana	Gambia	Monaco	Swaziland
Brunei	Grenada	Mongolia	Syria
Burkina Faso	Guinea-Bissau	Mozambique	Tanzania
Burundi	Guyana	Myanmar	Thailand
Central African Rep.	Haiti	Nepal	Togo
Chad	Honduras	New Zealand	Tonga
Chile	Iceland	Niger	Uganda
Comoros	Jamaica	Palestinian Terr.	UK
Congo (Brazzaville)	Kosovo	Panama	Zimbabwe

Annexe J Quota for alcoholic beverages, cigarettes and fuel

Category	Alcoholic beverages (22% and over)	Cigarettes (or equivalent in other tobacco products)
Diplomatic mission, consular post and international organisation	300 litres	none
Head of mission	90 litres	12,000 cigarettes
Diplomatic agent or consular officer	60 litres	12,000 cigarettes
Administrative, technical and service staff	30 litres	12,000 cigarettes

Category	Official cars	1st exempted car	2nd exempted car*
Diplomatic mission, consular post and international organisation	For a maximum of five cars: 500 litres per month Additional cars: 300 litres per month		
Head of mission		300 litres per month	200 litres per month
Diplomatic agents or consular officers		300 litres per month	200 litres per month
Administrative, technical and service staff (10 years maximum)		200 litres per month	100 litres per month

* Only if the privilege of a second tax exempted car with a special registration plate has been granted/is applicable.

Annexe K Other fiscal privileges

Exempted taxes	Embassy or Consulate	Head of Mission	Diplomatic Agent or Consular Officer	Administrative, Technical or Service Staff
Tax on games of chance (kansspelbelasting)	Yes	Yes	Yes	Yes
Transfer tax	Yes	No	No	No
Energy tax	Yes	No	No	No
Tax on tap water	Yes	No	No	No
Water authority charges				
Part paid by the owner and user (waterschapsheffing)	Yes	Yes (unless private property)	Yes (unless private property)	Yes (unless private property)
Part paid by the occupier (ingezetenenheffing)	Yes	Yes	Yes	Yes
Municipal taxes				
Property tax (owner-related part of OZB)	Yes	Yes	Yes	Yes
Municipal tax on second homes (forensenbelasting)	Yes	Yes	Yes	Yes
Dog licences (hondenbelasting)	Yes	Yes	Yes	Yes
Public announcements tax (reclamebelasting) (only for purposes relating to their official activities)	Yes	Yes	Yes	Yes
Tax for installations on public land or water (precariobelasting) (only for purposes relating to their official activities)	Yes	Yes	Yes	Yes
Administrative charges (leges)	No	No	No	No
Betterment levy (baatbelasting)	No	No	No	No
Sewerage charges (rioolrechten)	No	No	No	No
Waste disposal charges (afvalstoffenheffing)	No	No	No	No

Waste collection charges (<i>reinigingsrechten</i>)	No	No	No	No
Toll charges (<i>tolheffing</i>)	No	No	No	No

Annexe L Addresses

Diplomatic missions and consular posts

<http://www.minbuza.nl/en/services/embassies-and-consulates/foreign-missions-in-the-netherlands>

International organisations

<http://www.minbuza.nl/en/you-and-netherlands/staff-of-foreign-missions-and-international-organisations/international-organisations-in-the-netherlands.html> >
[International Organisations in the Netherlands](#)

Ministry of Foreign Affairs

Ministerie van Buitenlandse Zaken
Postbus 20061
2500 EB Den Haag
Tel.: +31 (0)70 348 6486
Fax: +31 (0)70 348 4848
<http://www.minbuza.nl/en>

Address for visitors: Bezuidenhoutseweg 67, The Hague

VIP entrance: Prins Clauslaan 5, The Hague. Tel.: + 31 (0)70 348 7302

Front Office: Prinses Irenestraat 6, The Hague

Protocol Department:
Directie Kabinet en Protocol (DKP)
Postbus 20061
2500 EB Den Haag
Tel.: +31 (0)70 348 4905/6138/6490
Fax: +31 (0)70 348 5268
Email: dkp@minbuza.nl
Host Nation Division
Tel.: +31 (0)70 348 6490

The duty room (*centrale meldkamer*) of the Ministry:
Tel.: +31 (0)70 348 4278 (outside office hours)

Aliens and Visas Division:
Directie Consulaire Zaken en Migratiebeleid,
Afdeling Vreemdelingen- en Visumzaken (DCM/VV)
Postbus 20061
2500 EB Den Haag
Tel.: +31 (0)70 348 5622
Fax: + 31 (0)70 348 4583
Email: dcm-vv@minbuza.nl

Ministry of Security and Justice

Ministerie van Veiligheid en Justitie
Postbus 20301

2500 EH Den Haag
Tel.: +31 (0)70 370 7911
<http://english.justitie.nl/>

Central Organisation for Certificates of Good Conduct (COVOG)

Postbus 16115
2500 BC Den Haag
Tel.: +31 (0)70 370 7234
Fax: +31 (0)70 370 4631
<http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2011/01/20/certificate-of-good-conduct.html>

Immigration and Naturalisation Service

Afdeling Voorlichting
Postbus 3211
2280 GE Rijswijk
Tel.: 0900 123 4561
Tel. (from outside the Netherlands): +31 (0)20 889 3045
<http://english.ind.nl/>

Ministry of Social Affairs and Employment

Ministerie van Sociale Zaken en Werkgelegenheid
Postbus 90801
2509 LV Den Haag
Tel.: +31 (0)70 333 4444
<http://english.szw.nl/>

Address for visitors: Anna van Hannoverstraat 4, The Hague

UWV WERKbedrijf

Tel.: 0800 8001
https://www.werk.nl/portal/page/portal/werk_nl/werknemer/working_in_the_netherlands_wn/inenglish

Social Insurance Bank

Sociale Verzekeringsbank
Postbus 9104
2300 PC Leiden
Tel.: +31 (0)71 512 9610
<http://svb.nl/int/en/index.jsp>

Address for visitors: Stationsplein 1, Leiden

Ministry of Finance

Ministerie van Financiën
Postbus 20201
2500 EE Den Haag
Tel.: +31 (0)70 342 8000
<http://english.minfin.nl/>

Directie Internationale Fiscale Zaken (IFZ)
Korte Voorhout 7

2511 CW Den Haag
Tel.: +31 (0)70 342 8366
Email: secretariat.ifz@minfin.nl

Tax and Customs Administration

Belastingdienst/Centraal Bureau IFB
(CB/IFB)
Postbus 30509
2500 GM Den Haag
Tel.: + 31 (0)88 152 3294
Fax: + 31 (0)88 152 3360
Email: Haaglanden.CB_IFB@belastingdienst.nl

Address for visitors: Prinses Beatrixlaan 512, The Hague

Tax authorities in Heerlen:

Postbus 2865
6401 DJ Heerlen
Tel.: 0800 0543
Tel. (from outside the Netherlands): +31 (0)55 538 5385

Address for visitors: Schakelweg 5, Heerlen

Benefits (*toeslagen*):
Tel.: +31 (0)88 152 3306/2474

Road Transport Agency

RDW Centrum voor Voertuigtechniek en Informatie
Customer Service
Postbus 30 000
9640 RA Veendam
Tel.: 0900 0739
Tel. (from outside the Netherlands): +31 (0)598 393 330
<http://www.rdw.nl/nl/particulier/Pages/default.aspx> (in Dutch)

Central Office for Motor Vehicle Driving Testing

Centraal Bureau Rijvaardigheidsbewijzen (CBR)
Postbus 5301
2280 HH Rijswijk
Tel.: +31 (0)900 0210
<http://www.cbr.nl/315.pp>

Haaglanden police force

Politie Haaglanden (call centre)
Postbus 264
2501 CG Den Haag
Tel.: 0900 8844

Emergencies: 112

City of The Hague

Municipal Contact Centre
Tel.: +31 (0)70 353 3000
<http://www.denhaag.nl/en.htm>

Expat Service of The Hague International Centre:

Tel.: +31 (0)70 353 5043

<http://www.denhaag.nl/en/residents/to/The-Hague-International-Centre.htm>

Postbus 12 600

2500 DJ Den Haag

Address for visitors: City Hall (Atrium), Spui 70, The Hague