

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE CABINET OF MINISTERS OF UKRAINE
ON THE RIGHT OF FAMILY MEMBERS OF THE EMPLOYEES OF
DIPLOMATIC MISSIONS AND CONSULAR POSTS TO ENGAGE IN
REMUNERATED ACTIVITY

The Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine (hereinafter referred to as “the Parties”) have mutually agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

“mission employee” means any employee of the sending State:

- a) who is not a national of or a permanent resident in the receiving State; and
- b) who is employed in a diplomatic mission or a consular post in the receiving State and who is accredited by the Ministry of Foreign Affairs of the receiving State;

“family member” means any person who:

- a) forms part of the mission employee's household;
 - b) has been recognized as such by the sending State under its national legislation;
- and

c) has been accepted and accredited with such status by the receiving State;

“international treaties” mean the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 24 April 1963, and the Consular Convention between the Republic of Lithuania and Ukraine of 28 March 1995;

“national legislation” means laws and regulations applicable in the territory of the State.

Article 2

Scope of the Agreement

1. The receiving State shall permit a family member of the sending State to engage in a remunerated activity in the receiving State in accordance with this Agreement and the national legislation.

2. In accordance with this Agreement and the national legislation, the receiving State shall not restrict the type of remunerated activity that such a family member may perform.

However, it is understood that:

a) in order to engage in a remunerated activity requiring certain qualifications, such a family member shall have appropriate qualifications; and

b) a family member may be prevented from taking up employment and engaging in a certain remunerated activity in cases where, for security reasons or national legislation, certain work is permitted only for nationals of the receiving State.

3. A family member shall:

a) pay the income tax on income earned from the remunerated activity and other taxes applicable in the receiving State;

b) remain part of the household of the mission employee for the duration of his/her functions.

Article 3

Notification Procedure

1. Before a family member engages in a remunerated activity, the diplomatic mission or consular post of the sending State shall submit a notification of intention to engage in a remunerated activity together with a relevant note verbale to the Ministry of Foreign Affairs of the receiving State. The standard form for a notification of intention to engage in a remunerated activity is set out in Annex A to this Agreement.

2. The Ministry of Foreign Affairs of the receiving State shall inform the diplomatic mission or consular post of the sending State in writing within a reasonable time about the results of consideration of the notification of intention to engage in a remunerated activity.

3. If the family member on whose behalf the sending State has already submitted the notification of intention to engage in a remunerated activity in accordance with the procedure established by this Agreement wishes to engage in another remunerated activity, the new submission of a notification mentioned in paragraph 1 of this Article shall be required.

4. The diplomatic mission or consular post of the sending State shall notify the Ministry of Foreign Affairs of the receiving State about changes related to the status of a family member who performs the remunerated activity.

Article 4

Expiry of the Right to Engage in Remunerated Activity

1. The right to engage in remunerated activity granted to a family member under this Agreement shall expire:

- a) when the mission employee ceases to perform his/her official functions; or
- b) when a family member ceases to be a family member as defined in this Agreement.

2. Engagement in a remunerated activity under this Agreement shall not give the family member the right to continue residing in the receiving State, as well as to continue the same activity or to engage in another remunerated activity in the receiving State after the right to engage in it expires under this Agreement.

Article 5

Civil and Administrative Jurisdiction

Where a family member enjoys immunity from the civil and administrative jurisdiction of the receiving State in accordance with the applicable international treaties, the sending State shall waive that immunity in respect of such remunerated activity performed by that family member in the receiving State. In such case, the sending State shall also waive immunity from the execution of any court decision against a family member in connection with his/her remunerated activity in the receiving State.

Article 6

Criminal Jurisdiction

1. When a family member enjoys immunity from the criminal jurisdiction of the receiving State in accordance with the applicable international treaties and has been accused of a criminal offence committed while carrying out a remunerated activity in the receiving State, the sending State shall promptly and positively consider a written request for waiver of such immunity, which the receiving State may submit.

2. The waiver of immunity from criminal jurisdiction shall not apply to the execution of a judicial sentence, for which a separate waiver shall be required. In such case, the sending State shall carefully consider the waiver of such immunity.

3. In all cases provided for in this Article, the Parties shall examine and respond to the request without delay.

4. In the absence of a waiver from the sending State, the receiving State may revoke the family member's right to engage in a remunerated activity.

Article 7

Application of Tax and Social Security Legislation

In accordance with the applicable international treaties, a family member shall be subject to tax and social security legislation of the receiving State for all matters relating to his/her remunerated activity in the territory of that State.

Article 8

Settlement of Disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be settled amicably through consultations and negotiations between the Parties.

Article 9

Amendments

This Agreement may be amended or supplemented by mutual written consent of the Parties. Such amendments or supplements shall enter into force in accordance with the procedure provided for in Article 10 of this Agreement.

Article 10
Entry into Force, Duration and Termination

1. This Agreement shall enter into force on the date of receipt of the last written notification by which the Parties, through diplomatic channels, inform each other that all their internal legal procedures necessary for the entry into force of this Agreement have been completed.

2. This Agreement shall remain in force until the date of its termination in accordance with this Article.

3. Either Party may terminate this Agreement at any time by notifying the other Party in writing through diplomatic channels of its intention to terminate it. In such case, this Agreement shall expire ninety (90) days from the date of the receipt of such a notification by the other Party.

Done at Kyiv on 24 November 2023 in two originals, each in the Lithuanian, Ukrainian and English languages, all texts being equally authentic. In case of divergence of interpretation of this Agreement, the English text shall prevail.

**For the Government of
the Republic of Lithuania**

**For the Cabinet of Ministers of
Ukraine**

Notification of intention to engage in a remunerated activity
to be submitted by a family member of a mission’s employee

The completed form shall be transmitted to the Ministry of Foreign Affairs of the receiving State together with a note verbale from the diplomatic mission or consular post of the sending State

Mission employee’s name and surname	
Mission employee’s position and title	
Location of the diplomatic mission or consular post	
Date of commencement of official duties	
Family member’s name and surname	
Family member’s date of birth	
Relationship to the mission employee	
Envisaged employer	
Address of the envisaged workplace	
Expected date of commencement of employment	
Activity which a family member intends to be engaged in	

Having regard to the Agreement between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine on the right of family members of the employees of diplomatic missions and consular posts to engage in remunerated activity of _____, the abovementioned family member _____ agrees to:

- pay the income tax on income earned from employment and other taxes applicable in the receiving State;
- remain part of the household of the employee of the diplomatic mission or consular post.

Family member’s name, surname, signature _____

Date _____