

No. 45278*

**South Africa
and
Belgium**

Agreement regulating technical assistance between the Government of the Republic of South Africa and the Government of the Kingdom of Belgium. Pretoria, 18 October 2002

Entry into force: *17 October 2006 by notification, in accordance with article 9*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *South Africa, 15 September 2008*

**The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. The relevant Treaty Series volume will be published in due course.*

**Afrique du Sud
et
Belgique**

Accord portant réglementation de l'assistance technique entre le Gouvernement de la République sud-africaine et le Gouvernement du Royaume de Belgique. Pretoria, 18 octobre 2002

Entrée en vigueur : *17 octobre 2006 par notification, conformément à l'article 9*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 15 septembre 2008*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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**AGREEMENT REGULATING TECHNICAL
ASSISTANCE**

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE KINGDOM OF
BELGIUM**

TR/150908/I-45278

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AGREEMENT REGULATING TECHNICAL ASSISTANCE BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM

PREAMBLE

The Government of the Republic of South Africa, hereinafter referred to as "South Africa", and the Government of the Kingdom of Belgium, hereinafter referred to as "Belgium", hereinafter jointly referred to as the "Parties" and separately as a "Party";

REAFFIRMING the friendly relations existing between the Parties and their peoples;

BEARING in mind that respect for democratic principles, general principles of international law as well as human rights are leading principles in the development co-operation relationship between the two countries;

DESIRING to co-operate with the aim to support development processes through projects and programmes and to create, in addition to the efforts of South Africa, for that purpose the legal and administrative framework for the employment of personnel and the importation of resources from the Kingdom of Belgium to the Republic of South Africa;

IN ACCORDANCE with the Constitutions of the Parties;

HAVE AGREED as follows:

**ARTICLE 1
DEFINITIONS**

In this Agreement "personnel" means persons holding diplomatic or services passports, not having the nationality and not being a resident of the Republic of South Africa and who are -

- (a) employed by Belgium; or
- (b) employed by companies or institutions with whom the Parties have concluded an agreement for the execution of projects and programmes; or
- (c) employed by South Africa as topping up experts and with regard to whom Belgium has proposed and South Africa has accepted employment in respect of projects and programmes.

"dependants" means the partner of a personnel member, any child under the age of 21 years, any unmarried child between the ages of 21 and 23 years who is busy with full-time studies at an educational institution, and any unmarried child, who due to physical and mental disability is incapable of self-support, and who forms part of the household of any such member or who joins any such household during visits to the Republic of South Africa.

"projects and programmes" means development activities in the Republic of South Africa which

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Belgium finances, wholly or in part, including the following

- (a) Employment of personnel;
- (b) material resources such as goods, commodities, machinery and equipment; and
- (c) financial resources or immaterial right.

ARTICLE 2 ADMINISTRATIVE PROCEDURES

- (a) The administrative procedures shall be governed by the agreements signed between the parties.

ARTICLE 3 PRIVILEGES OF PERSONNEL

- (1) South Africa shall-
 - (a) exempt personnel from all taxes and other fiscal charges in respect of all remuneration's paid to them by Belgium;
 - (b) exempt personnel and their dependants from paying import and customs duties and other fiscal charges including value added tax on new or used household and personal effects, imported into the Republic of South Africa within six months of their arrival, which period may be extended in special circumstances: Provided that such goods are re-exported from the Republic of South Africa at the time of departure or within such period as may be agreed upon by South Africa, in which case re-exportation shall also be exempted from the payment of duties;
 - (c) exempt personnel from paying import and customs duties and other fiscal charges including value added tax on professional equipment to be used for development co-operation activities and imported into the Republic of South Africa during the period of their assignment;
 - (d) make provision for duty-free importation of two motor vehicles in the case of married personnel members and one motor vehicle in the case of single personnel members, within six months of their arrival in the Republic of South Africa, which period may be extended or renewed in special circumstances, subject to re-exportation of such vehicle on completion of duty or if such vehicle is sold to a person not likewise privileged, provided that such sale shall be subject to payment of an appropriate import duty based on the estimated value of the vehicle at the time of its sale. In case a motor-vehicle is damaged beyond economical repair, provision shall be made, on a case by case basis, for the importation or purchase of another vehicle under conditions similar to those governing the procurement of the original vehicle;