

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1970 Nr. 50

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Socialistische Federatieve Republiek Zuidslavië inzake de
regeling van de tewerkstelling van Zuidslavische
werknemers in Nederland;
Belgrado, 9 maart 1970*

B. TEKST

**Agreement between the Government of the Kingdom of the
Netherlands and the Government of the Socialist Federal Republic
of Yugoslavia concerning the regulation of the employment of
Yugoslav workers in the Netherlands**

In order to regulate the employment and the position of Yugo-
slav workers in the Netherlands, the Government of the Kingdom
of the Netherlands

and

the Government of the Socialist Federal Republic of Yugoslavia
have agreed as follows:

Article 1

1. Competent for the execution of the procedure of the em-
ployment of Yugoslav workers in the Netherlands, stipulated by
this Agreement, are:

In the Netherlands the Directorate-General for Manpower of the
Ministry of Social Affairs and Public Health (hereafter called the
Directorate-General);

in the Socialist Federal Republic of Yugoslavia the Federal
Employment Bureau (hereafter called the Federal Bureau).

2. The Federal Bureau and the Directorate-General shall co-
operate directly and shall endeavour to accelerate and simplify

the procedure of the employment of Yugoslav workers within the framework of this Agreement.

Article 2

1. The Directorate-General forwards to the Federal Bureau the offers of work of Netherlands employers.

2. Each offer of work shall contain detailed data about the place, nature and duration of the employment, the qualifications required, the gross and net earnings, the labour conditions, the board and lodging facilities for the workers, and any other necessary and useful information.

3. The Federal Bureau and the Directorate-General shall define more in detail the form and the contents of the offer.

Article 3

1. In order to provide the interested Yugoslav workers with more detailed information, the Directorate-General shall publish a guide-book on general living and work conditions in the Netherlands which is supplied to the interested workers through the Federal Bureau.

2. The guidebook shall in particular contain all data concerning average earnings, average working hours in the various sectors of the Netherlands economy, the amounts withheld on account of taxes and social insurance contributions, prices, the cost of living, etc.

Supplementary information shall be given in the event of considerable changes, or at the request of the Federal Bureau. Such supplementary information shall also be furnished on changes which have taken place in the conditions of admission to the Netherlands and in the provisions concerning the reunion of families.

Article 4

1. In order to ensure quick and efficient cooperation for the implementation of this Agreement, the Directorate-General may have a representative residing within the seat of the Federal Bureau.

2. For the execution of the tasks for which a representative of the Directorate-General is responsible the Federal Bureau shall provide necessary technical and staff facilities in agreement with the Directorate-General.

3. If there is no representative of the Directorate-General the offers of work shall be sent directly to the Federal Bureau. In this case the provisions of this Agreement shall apply accordingly.

Article 5

1. On the basis of the offers of work, which have been forwarded to the Federal Bureau, the Yugoslav employment offices shall

examine the professional skill of Yugoslav workers interested in employment in the Netherlands.

Persons who according to the penalty records have been sentenced to confinement of three months or longer or who are obviously unfit for work are not eligible.

2. Upon finishing the investigation referred to in paragraph 1 of this Article, the Federal Bureau forwards to the representative of the Directorate-General a list of selected workers with necessary data.

3. The final selection of the workers is carried out jointly by the representative of the Federal Bureau and the representative of the Directorate-General. The employer may also attend this selection.

4. The Yugoslav employment offices shall have the candidates medically examined in accordance with the criteria mutually agreed upon by the Federal Bureau and the Directorate-General and at the request of the Directorate-General investigate to determine whether the candidates fulfil also other particular conditions which are important for performing the jobs concerned.

5. The results of the medical examination shall be recorded on forms to be drawn up in joint consultation between the Federal Bureau and the Directorate-General.

6. The Federal Bureau shall send to the representative of the Directorate-General a list of those candidates who have been declared medically fit, together with a fully completed form, as referred to in paragraph 5, for each of them.

Article 6

1. The Directorate-General may submit to the Federal Bureau an offer referring to a Yugoslav worker mentioned by name only if it refers to a member of the immediate family of a Yugoslav worker employed in the Netherlands, or to a Yugoslav worker who has been employed in the Netherlands previously with the same employer.

2. The procedure stipulated by this Agreement shall apply also the Yugoslav workers referred to in paragraph 1 of this Article.

Article 7

1. For every worker who has been definitely accepted for employment in the Netherlands, the Directorate-General shall send to the Federal Bureau a labour contract signed by the employer and worded in the languages of the two countries.

2. The form and the contents of the labour contract shall be defined by mutual agreement between the Federal Bureau and the

Directorate-General. The contract shall contain in particular provisions on labour conditions, earnings and board and lodging facilities of the Yugoslav workers.

3. The duration of the labour contract shall be clearly stated. The contract shall be concluded, in principle, for a period of twelve months.

4. Before leaving Yugoslavia the worker shall sign the labour contract and be given a copy. The Netherlands employer and the Federal Bureau shall each be given a copy of the contract.

Article 8

1. The Federal Bureau shall ensure that the competent Yugoslav authorities issue to the worker before his departure to the Netherlands a certificate on his civil status and his dependent children.

2. The form of the certificate referred to in paragraph 1 of this Article, shall be defined mutually by the Federal Bureau and the Directorate-General.

3. The competent Yugoslav authorities, in accordance with the Yugoslav regulations, issue to the worker a travel document/passport, valid for at least twelve months.

Article 9

1. To Yugoslav workers selected for employment in the Netherlands the competent Netherlands Diplomatic Consular authorities in Yugoslavia shall issue free of charge, a visa called "machtiging tot voorlopig verblijf" in the form of an entry in the worker's passport.

2. Upon the arrival of the Yugoslav workers in the Netherlands, competent authorities shall issue to each worker a labour permit and a residence permit.

Article 10

1. The transport of the workers definitely accepted for employment in the Netherlands from the place of living to the place of work in the Netherlands, shall be arranged jointly by the Federal Bureau and the representative of the Directorate-General.

2. The travel expenses, referred to in paragraph 1 of this article, including those for meals during the journey, and the costs of the medical examination and other investigations, referred to in paragraph 4 of article 5, shall be met by the Directorate-General, and cannot be deducted from the workers' wages.

3. The costs referred to in paragraph 2 of this article may be agreed upon between the Federal Bureau and the Directorate-General in the form of a lump sum.

4. Other expenses ensuing from the implementation of this Agreement shall be met by Yugoslav and Netherlands organs respectively, according to the tasks falling under their respective competences, and cannot be deducted from the workers' wages.

Article 11

1. The Yugoslav workers shall be employed in the Netherlands on the same wage and labour conditions (including paid holidays) as those applicable to the Netherlands workers, i.e. in accordance with the legal and administrative regulations, collective labour agreements, professional and local customs.

2. Termination of the labour relationship by way of dismissal or in any other way in respect of Yugoslav workers shall be governed by the same legislative provisions as apply to Netherlands workers and by the provisions of the labour contract.

3. The Yugoslav workers shall enjoy the same rights and the same protection as the Netherlands workers as regards the implementation of regulations on hygiene, sanitary provisions, labour protection and housing.

4. The Yugoslav workers shall enjoy the same advantages which the Netherlands legislation grants with respect to social security (including unemployment insurance and family allowances) to Netherlands workers in so far as they comply with the conditions laid down in this legislation unless the Convention between the Netherlands and Yugoslavia on social security of 1st of June 1956 provides differently.

5. The Netherlands authorities shall see to it that the provisions mentioned in the previous paragraphs of this Article and in particular the provisions regulating the conditions of employment, are implemented from the moment the Yugoslav worker arrives in the Netherlands.

6. The Yugoslav workers shall – particularly in the event of labour disputes – have the right of appeal to the competent administrative or judicial authorities in the Netherlands on the same conditions as Netherlands subjects.

7. Yugoslav Diplomatic-Consular Representatives may, without special authorization, extend assistance and protection to Yugoslav workers and for that purpose apply to the competent authorities in the Netherlands, within the limits of existing treaties and practice in force between both parties.

Article 12

1. The Yugoslav worker may, upon expiry of the labour contract, either renew this contract or conclude a new one with another employer.

2. In the cases referred to in paragraph 1 of this article, applications for renewal of the labour permit and the residence permit have to be submitted to the competent authorities, if these permits have expired.

3. In case of the first renewal of the contract the employer shall cover the travelling expenses to and from Yugoslavia, should the worker wish to spend his annual holidays in Yugoslavia.

Article 13

1. In case the Yugoslav worker, without any fault of his own, cannot enter the contracted employment or loses his job, the competent Netherlands authority shall provide another adequate job for the worker if he wishes so.

2. If the Yugoslav worker, without any fault of his own, cannot enter employment provided for by his labour contract and if another adequate job cannot be provided for him, the expenses of his return to Yugoslavia shall be met by the Netherlands employer.

Article 14

The Yugoslav workers shall be allowed to transfer the total amount of their savings to Yugoslavia within the framework of the Netherlands statutory provisions and regulations.

Article 15

1. The competent Netherlands authorities and the Netherlands employers shall give the Yugoslav workers every assistance they require in familiarizing themselves with their new environment and particularly so at the beginning of their employment.

2. The employer shall take all suitable measures gradually to acquaint the workers with their rights and duties and give them all the necessary information concerning the concern's reward system and lodging of complaints, if any.

3. Competent Netherlands organs or the Netherlands employer shall endeavour to create, if possible appropriate conditions for social and cultural life of Yugoslav workers. The cooperation between corresponding Yugoslav and Netherlands organizations shall likewise be encouraged.

Article 16

The Directorate-General shall send lists of the workers who have arrived in the Netherlands under the present Agreement stating the addresses of the employers and the first address of each worker directly to the Federal Bureau, with copies to the Chancellery of the Embassy of the Socialist Federal Republic of Yugoslavia at The Hague.

Article 17

If Yugoslav workers are to be employed in the Netherlands by Yugoslav enterprises, the relative provisions of the present Agreement shall be applied accordingly.

Article 18

This Agreement is without prejudice to the power of the Netherlands authorities to send back Yugoslav workers who entered the Netherlands under the present Agreement and who are not or no longer allowed to stay in the Netherlands.

Article 19

1. The Directorate-General or Netherlands employers may conclude contracts with the Federal Bureau on vocational training of Yugoslav workers.
2. Vocational training may also include learning of the Dutch language.
3. In case a contract on vocational training has been concluded, the Netherlands employer shall meet the expenses.

Article 20

The provisions of this Agreement will be applied to Yugoslav workers already being employed in the Netherlands as far as they can be applied without encroaching upon existing labour contracts.

Article 21

1. At the request of either of the Contracting Parties a Mixed Commission shall be formed, consisting of delegations of representatives of both Governments.
2. The Mixed Commission shall consider and try to remove any difficulties arising from the implementation of this Agreement. It may, in this connection, consider also other questions arising from this Agreement.
3. The Mixed Commission shall determine the organization and method of its work. It shall meet alternately in the Socialist Federal Republic of Yugoslavia and the Netherlands, at the request of either Contracting Party.

Article 22

As regards the Kingdom of the Netherlands, the present Agreement shall exclusively apply on the Kingdom's territory in Europe.

Article 23

1. This Agreement shall enter into force on the date on which both Governments will have informed each other that requirements provided for by their national regulations have been fulfilled.

2. The Agreement shall be valid for one year and tacitly be extended from year to year, unless either of the two Contracting Parties gives notice at least three months before the date of expiration, through diplomatic channels.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized thereto, have signed the present Agreement.

DONE in Belgrade on the ninth day of March of the year one thousand nine hundred and seventy, in two original copies in the English language.

For the Government of the Kingdom of the Netherlands

(sd.) M. F. VIGEVENO

(M. F. Vigeveno)

For the Government of the Socialist Federal Republic of Yugoslavia

(sd.) A. POLAJNAR

(Anton Polajnar)

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zullen ingevolge artikel 23, eerste lid, in werking treden op de datum waarop de beide Regeringen elkaar ervan in kennis hebben gesteld dat aan de in hun nationale voorschriften gestelde vereisten is voldaan, en wel, ingevolge het tweede lid van genoemd artikel, voor een periode van een jaar, welke periode stilzwijgend van jaar tot jaar kan worden verlengd.

Wat het Koninkrijk der Nederlanden betreft, zal de Overeenkomst ingevolge artikel 22 alleen voor Nederland gelden.

J. GEGEVENS

Van het op 1 juni 1956 te Belgrado tot stand gekomen Algemeen Verdrag tussen het Koninkrijk der Nederlanden en de Federale Volksrepubliek Zuidslavië inzake sociale verzekering, naar welk Verdrag in artikel 11, lid 4, van de onderhavige Overeenkomst wordt verwezen, zijn tekst en vertaling geplaatst in *Trb.* 1956, 85; zie ook *Trb.* 1957, 51.

Uitgegeven de derde april 1970.

De Minister van Buitenlandse Zaken,
J. LUNS.