

COOPERATION AGREEMENT
BETWEEN
THE MINISTRY OF LABOUR AND SOCIAL POLICY
OF THE REPUBLIC OF BULGARIA,
THE MINISTRY OF LABOUR AND SOCIAL SECURITY
OF THE HELLENIC REPUBLIC
AND
THE MINISTRY OF LABOUR, FAMILY AND SOCIAL PROTECTION OF
ROMANIA
IN THE FIELD OF
WORKING CONDITIONS AND THE PROTECTION OF LABOUR RIGHTS

The Ministry of Labour and Social Policy of the Republic of Bulgaria,
The Ministry of Labour and Social Security of the Hellenic Republic,
and
The Ministry of Labour, Family and Social Protection of Romania,
hereinafter referred to as the *Parties*,

HAVE AGREED UPON THE FOLLOWING:

Article 1: Purpose

The purpose of this Cooperation Agreement in the field of working conditions and the protection of labour rights, hereinafter referred to as the *Cooperation Agreement*, is to set up a framework for permanent cooperation over administrative issues, as well as exchange of information among the *Parties* in the areas covered by this Agreement, as they are defined in Article 2.

Article 2: Fields of Cooperation

The fields covered by this *Cooperation Agreement* are mainly the following:

2.1 The *Parties* shall cooperate in the field of working conditions of the workers posted in accordance with Directive 96/71/EC of the European Parliament and the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (Official Journal L 018, 21/01/1997 P.0001 - 0006), hereinafter referred to as *Directive 96/71/EC*, and mutual provision of the necessary technical assistance concerning

reasoned requests for information, including information on specific cases of problematic undertakings and alleged illegal transnational activities.

2.1.1 The *Parties* shall exchange information on the national regulations of the respective States (laid down by law, secondary legislation, generally applicable collective agreements or arbitration decisions) in relation to the following issues:

- a. maximum working periods and minimum rest periods,
- b. minimum paid annual holidays,
- c. minimum pay rates, including overtime rates. This does not apply to supplementary occupational retirement pension schemes,
- d. supply conditions of posted workers,
- e. health and safety at work,
- f. protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, children and young people,
- g. equality of treatment between men and women and non-discrimination at work, especially with regard to race or ethnic origin, colour, language, physical or mental disability, provided that the employees have been proved capable of carrying out any assigned project, social origin, part-time employment, participation or non-participation in trade unions, political or religious beliefs.

2.1.2 A *Party* may request any other *Party* to check whether the undertaking posting workers from any of the three States on the territory of any of the other two States, owns sufficient material and human resources for developing its activity and whether it carries out activity in the state of origin.

2.1.3 In addition, within the framework of *Directive 96/71/EC* and as far as possible, a *Party* may request any other *Party*, on reasonable grounds, to check whether the posted workers from a third country have a work permit in the State of origin of the posting undertaking.

2.1.4 A *Party* may request any other *Party*, on reasonable grounds, to carry out, through the latter's competent authorities, special inspections or to draw up a report on the working conditions of the citizens of the State of the requesting *Party* or on other aspects of interest.

2.1.5 The *Parties* shall provide each other with the necessary technical assistance and shall cooperate with a view to preventing and combating undeclared work cases.

When the authorities of one of the *Parties* identify citizens of the other two States as performing undeclared work on the territory of its State, they shall inform the competent authorities of the respective *Party* on the identity of the detected persons, the period in which they have performed undeclared work and the measures taken.

2.2 In the field of safety and health at work, the *Parties* shall exchange information on the undertakings with a main office on the territory of the State of one of the *Parties* that operate on the territory of any of the other two States. Each of the *Parties* shall, above all, inform the inspection authority in the State of origin of the undertaking on the non-compliances identified in this field and on the measures taken.

2.3 In case accidents at work have occurred on the territory of any of the three States, affecting workers of an undertaking from any of the other two States, who are citizens of any of the other two States, the *Party* in whose territory the accidents have taken place shall inform the other *Party*, ex officio or upon the latter's request, on the result of the inspections made and on the measures taken following those accidents.

2.4 The *Parties* may request from each other assistance in the identification of the undertakings involved in the inspection process. In addition, they may request from each other assistance in cases of encountered difficulties in locating the registered office of an undertaking or in identifying its legal representative.

2.5 The *Parties* shall support one another in general actions regarding the confirmation of the validity of documents, certifying facts related to the employment relations, presented by employers or employees. They shall, also, support each other in confirming the validity of documents required by the legislation when an inspection is carried out.

Article 3: Submission of the Request

The requests and the answers to the submitted requests under this *Cooperation Agreement* shall be put into effect through the means of the following procedure:

- a. The requests for information in the framework of this *Cooperation Agreement* and those for carrying out inspections as provided in Article 2.1.4 shall be appropriately justified.
- b. The communication shall be performed preferably through electronic means.
- c. The information and the documents to be shared shall be subject to the Personal Data Protection System rules in force in each of the three States, in accordance with the national, European Union and international standards. These documents and information shall be exchanged in full respect of the national legislation of each State.

Article 4: Joint Monitoring Committee

4.1 The *Parties* have agreed to establish a Joint Monitoring Committee to supervise the implementation of this *Cooperation Agreement*. The Joint Monitoring Committee, hereinafter called the *Joint Committee*, shall be composed of an equal number of officials of the *Parties* and shall be alternately chaired by each *Party* for a 1-year chairmanship.

4.2 The *Joint Committee* shall meet at least once a year, conducting the meetings in the State holding the chairmanship at the respective moment, and shall have the following tasks:

- a. Solve any matters that may arise during the implementation of this *Cooperation Agreement*.
- b. Convene, if needed, special meetings under this *Cooperation Agreement*, regardless of the regular meetings, mentioned in paragraph 4.2 of this Article.
- c. Monitor and evaluate results, as well as submit relevant proposals.

d. Exchange information on legislative amendments related to this *Cooperation Agreement*.

4.3 The *Joint Committee* may invite to its proceedings representatives of institutions or organisations subordinated to the *Parties*, or to other institutions of the three States, and/or other institutions of the European Union, involved in the achievement of the objectives of this *Cooperation Agreement*, as well as representatives of the social partners.

4.4 The *Parties* shall, if considered useful, proceed to an exchange of employees/public servants, coordinate actions and establish working groups.

Article 5: Financial Resources

Unless agreed otherwise, the financial resources related to the realization of activities under this *Cooperation Agreement*, including international travel costs, accommodation, daily allowance, shall be provided by the respective sending *Party*, in accordance with the national legislation in force.

The organisational costs of the meetings of the Joint Monitoring Committee shall be borne by the host State.

Article 6: Competent Bodies

Activities related to the planning, coordination and implementation of this *Cooperation Agreement* shall fall under the responsibility of:

- The General Labour Inspectorate Executive Agency, subordinated to the Minister of Labour and Social Policy, on behalf of the Republic of Bulgaria

- The Labour Inspectorate, which comes under the Minister of Labour and Social Security, on behalf of the Hellenic Republic,

and

- The Labour Inspection of Romania, under the Minister of Labour, Family and Social Protection, on behalf of Romania.

Article 7: Entry into Force

This *Cooperation Agreement* shall enter into force on the date of the last notification by which the *Parties* inform one another, through diplomatic channels, that their respective national legal requirements for its entry into force have been fulfilled.

Article 8: Final Provisions

8.1 This *Cooperation Agreement* is concluded for an indefinite period of time.

8.2 This *Cooperation Agreement* may be amended and/or supplemented at any time by the written consent of the *Parties*. The amendments shall enter into force under the same procedure as provided in Article 7.

8.3 Each *Party* may at any time withdraw from this *Agreement* by means of a written notification sent through diplomatic channels to the other *Parties*. In this case, the *Cooperation Agreement* shall be terminated in relation to this *Party* three (3) months following the date of the last receipt of the notification by the other *Parties*.

Done in Sofia on 30 September 2010, in three original copies, each in the Bulgarian, Greek, Romanian and English languages, all texts being equally authentic. In case of any divergence on the interpretation of this *Agreement*, the English text shall prevail.

For the Ministry of Labour
and Social Policy of the
Republic of Bulgaria

For the Ministry of Labour
and Social Security of the
Hellenic Republic

For the Ministry of Labour,
Family and Social Protection
of Romania

Totyu Mladenov
Minister of Labour and
Social Policy

Georgios Koutroumanis
Deputy Minister of Labour
and Social Security

Ioan-Nelu Botis
Minister of Labour, Family
and Social Protection