

No. 32550

**GERMANY
and
LATVIA**

Agreement on the employment of the employees of Latvian enterprises in order to execute work contracts. Signed at Bonn on 2 June 1992

Authentic texts: German and Latvian.

Registered by Germany on 8 February 1996.

**ALLEMAGNE
et
LETTONIE**

Convention relative au détachement de travailleurs lettons pour être employés en vertu de contrats de travail. Signée à Bonn le 2 juin 1992

Textes authentiques : allemand et letton.

Enregistré par l'Allemagne le 8 février 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA ON THE EMPLOYMENT OF THE EMPLOYEES OF LATVIAN ENTERPRISES IN ORDER TO EXECUTE WORK CONTRACTS

The Government of the Federal Republic of Germany and the Government of the Republic of Latvia,

Appreciating the mutual benefit of close economic, industrial and technical cooperation,

Desiring to place the detachment and employment of employees from Latvian enterprises on a sound footing, with due regard for the requirements of the labour market, in order to promote economic cooperation,

With a view to establishing, for German and Latvian enterprises which are cooperating on the basis of work contracts, clearly defined terms and conditions for detaching and employing Latvian employees,

Have agreed as follows:

Article 1

1. Work permits shall be issued to Latvian employees who are detached for temporary employment on the basis of a work contract between a Latvian employer and an enterprise domiciled in the Federal Republic of Germany (contractual employees) regardless of the situation and trends of the labour market.

2. This Agreement shall not apply to employees who are detached to the Federal Republic of Germany on the basis of a work contract in order to carry out preparatory work for cooperation between German and Latvian enterprises in third States.

3. This Agreement shall not apply to employees in the field of fireproof construction and chimney construction.

Article 2

1. The number of contractual employees shall be set at 400. This number shall be considered an annual average number.

2. Work permits shall be issued to employees solely for executing work contracts for which purpose professionally qualified employees are mainly required. Work permits shall be issued to employees without professional qualifications insofar as this is indispensable for executing the work.

Article 3

1. The specified number of contractual employees shall be apportioned among Latvian enterprises by the Ministry of Welfare, Labour and Health of the

¹ Came into force on 2 June 1992 by signature, in accordance with article 11 (1).

Republic of Latvia. In order to ensure observance of the specified number of contractual employees, the Latvian side shall designate an organization which will register and countersign the individual work contracts.

2. The competent authorities of the Contracting Parties responsible for the implementation of the Agreement shall take care to prevent a regional or sectoral concentration of contractual employees in a branch of industry or in a specific area of a branch of industry.

Article 4

1. The number specified in article 2, paragraph 1, shall be adjusted as follows in accordance with further developments in the labour market:

Should the situation of the labour market improve, the number specified at the time of entry into force of the Agreement shall be increased by 5 per cent for each full percentage-point decrease in the unemployment rate in the preceding 12 months. Should the situation of the labour market deteriorate, the number shall be correspondingly reduced. For the purposes of such adjustment, a comparison shall be made between the unemployment rates as at 30 June of the current year and of the preceding year. Allowance shall be made for changes as from 1 October of the current year. The new number shall be rounded in such a way as to be evenly divisible by the number 10.

2. The Federal Minister of Labour and Social Affairs of the Federal Republic of Germany shall notify the Ministry of Welfare, Labour and Health of the Republic of Latvia of the number determined in accordance with paragraph 1 by 31 August of each year.

Article 5

1. A work permit shall be issued only if remuneration of the contractual employee, including the portion thereof payable by way of an expatriate allowance, is equivalent to the wage stipulated in the relevant German collective-bargaining agreements for comparative activities.

2. In all other respects, the relevant legal regulations concerning the issue, refusal and expiration of the work permit shall apply. A copy of the work contract must be submitted in good time to the competent regional labour office.

Article 6

1. The work permit shall be issued for the expected duration of the work in fulfilment of the work contract. The work permit shall normally be valid for a maximum period of two years. If, owing to an unforeseeable event, execution of a work contract takes more than two years, the work permit shall be extended by up to six months. If it is evident from the outset that execution of the work contract will take more than two years, the work permit shall be issued for a maximum period of up to three years.

2. Following completion of a work assignment, a new work permit may, upon request, be issued within the limits of the maximum permissible period of two years, for executing another work contract.

3. The work permit shall be issued for a specified professional activity relating to the execution of a specified work contract. In substantiated exceptional cases, the work permit may be issued for several work contracts. The enterprise may tempo-

rarily reassign the employee, within the stipulated period of validity of the work permit, to execute another work contract. It must promptly notify the competent regional labour office of the said reassignment. The regional labour office shall arrange for the issue of an appropriate work permit.

4. A work permit shall be issued, for a maximum period of up to four years, to individual workers engaged in managerial or administrative activities. These work permits shall be issued to one to four workers, depending on the size of the project.

Article 7

A contractual worker who has left the Federal Republic of Germany on completion of his activity may be granted another work permit in connection with a new work contract if the period between his departure and re-entry is not shorter than the total period of validity of the previous residence permit. The period referred to in the first sentence shall not exceed two years; it shall be three months if the contractual employee was employed in the Federal Republic of Germany for not longer than nine months prior to departure.

Article 8

1. The competent mission abroad of the Federal Republic of Germany shall, at the request of the Latvian employer, issue the visas for a period of three months to the employees. As soon as the visas have been issued, the employees may enter the Federal Republic of Germany. They must apply in good time before the expiry of the period of validity of the visas for the necessary residence permits with the competent aliens' registration authority in their place of residence.

2. Application for the work permit must be made, immediately after entry, to the labour office which is recognized as competent.

Article 9

The Federal Ministry of Labour and Social Affairs of the Federal Republic of Germany and the Ministry of Welfare, Labour and Health of the Republic of Latvia shall work in close collaboration under this Agreement. On the Latvian side, the Agreement shall be implemented by the Labour Department of the Ministry of Welfare, Labour and Health of the Republic of Latvia. Where necessary, at the request of either side, a mixed German-Latvian working group shall be established in order to discuss questions relating to the implementation of this Agreement.

Article 10

Employees who are admitted for employment on the basis of a work contract may not be assigned to a third party for professional work. If this, nevertheless, occurs, the Latvian enterprise shall be excluded from the apportionment in accordance with article 3, paragraph 1. No further work permits shall be issued to the enterprise for its employees. A corresponding procedure shall be followed if Latvian enterprises employ more employees than those apportioned to them under article 3, paragraph 1, or if they employ employees who do not hold work or residence permits, or do not pay an employee the wage that is stipulated in the German collective-bargaining agreements for comparable activities (article 5, paragraph 1). The Latvian authority that awards the work contracts and the competent department of the Federal Employment Agency responsible for approving work contracts shall inform the Latvian enterprises before the employees begin their employment about the relevant

legal regulations by means of an instruction sheet. The Latvian enterprises shall confirm in writing receipt of the instruction sheet.

Article 11

1. This Agreement shall enter into force on the date of its signature.
2. This Agreement has been concluded for an indefinite period.
3. This Agreement may be denounced in writing, with effect from 31 December, up to 30 June of any year. Work permits issued under the Agreement shall not be affected by such denunciation. If a work contract has already been approved by a regional labour office at the time of denunciation, the work permits promised for the execution of the work contract shall be issued.

DONE at Bonn, 2 June 1992 in two originals, each in the German and Latvian languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

NORBERT BLÜM
HARTMUT HILLGENBERG

For the Government
of the Republic of Latvia:

T. ENINS
