

AGREEMENT

on bilateral cooperation and exchange of information

concluded in Wrocław on 11 April 2017

between

the National Labour Inspectorate in the Republic of Poland

and the Labour Inspectorate of the Republic of Estonia

Recognising the principles of free movement of workers, freedom of establishment and freedom to provide services as the fundamental pillars of the single internal market, set out in the Treaty on the Functioning of the European Union;

Taking account of increased mobility of persons in the territory of the EU for economic reasons and noticing the growing importance of periodic economic migrations and posting of workers for the economic development of both countries;

Having regard to the development of the single market of services in the territory of the Republic of Estonia and the Republic of Poland in accordance with the rules of fair competition between enterprises and respect for the rights of working persons;

Noticing the necessity to undertake joint actions to increase the effectiveness of protection of workers posted and migrating for economic reasons in the territory of both countries and to enforce compliance with legal provisions on safe and healthy conditions of work performed in the environment free from the risk of work accidents and occupational diseases;

Respecting the competence of the other Party, based on national legislation and obligations arising from the EU legislation, in particular Regulations (EC) of the European Parliament and of the Council, as well as EU Directives, and taking account of the differences resulting from specificity of the labour market in each of the two countries;

The Labour Inspectorate of the Republic of Estonia and the National Labour Inspectorate in the Republic of Poland, hereinafter referred to as "the Parties", decided to conclude the Agreement on bilateral cooperation and exchange of information, hereinafter referred to as "the Agreement".

Article 1

The scope of cooperation

1. The scope of cooperation and information exchange regulated by the Agreement covers matters of posting of workers in the framework of the provision of services, as stipulated by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996

concerning the posting of workers in the framework of the provision of services, hereinafter referred to as Directive 96/71/EC, and in line with Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”), hereinafter referred to as Directive 2014/67/EU, and with regulations implementing stipulations of both Directives into the national legal systems, observance of provisions on the terms and conditions of employment of workers posted to the territory of countries of the Parties, as well as cases of illegal practices which are meant to circumvent the provisions laid out in Directive 96/71/EC and Directive 2014/67/EU and result in infringements of employee rights.

2. The Agreement regulates cooperation and exchange of information on matters relating to work performed in the territory of countries of the Parties on the basis of contracts concluded directly with Estonian or Polish employers, as well as in connection with posting of workers to work in the territory of countries of the Parties through the services of employment agencies that seek and offer jobs in companies of foreign employers.

Article 2

Forms of cooperation

Authorised bodies participating in the cooperation shall support each other within their remit as stipulated by the national legislation, in particular through:

- a) carrying out inspections of compliance with the provisions on posting of workers as laid out in Directive 96/71/EC and in Directive 2014/67/EU in the territory of countries of the Parties, and if needed and requested so by the other Party, conducting joint inspections in matters concerning cross-border employment relations,
- b) developing and implementing communication and preventive activities, especially exchanging information and educational materials connected with areas of activity of the Parties, targeted at workers who are posted or migrate for economic reasons to the territory of countries of the Parties, at employers and other interested persons,
- c) undertaking actions, in line with their competence, in matters relating to persons performing paid work in the territory of countries of the Parties; this shall be done especially on the basis of received complaints and other signals about irregularities connected with work, while in cases where the Party is not competent to act – informing about the competent authority,
- d) exchanging information about the progress of actions undertaken by the Party to deal with a specific matter on the other Party’s request, whenever it is required,
- e) informing the other Party about accidents which involved citizens of the country of the other Party and occurred in connection with work performed in their territory,
- f) providing information, to the best of their knowledge, about:

- registered collective labour agreements that are binding for enterprises from specific sectors in the territory of countries of the Parties,
 - organisations of workers through which persons working in the territory of countries of the Parties may seek assistance and support when their rights are violated,
- g) exchanging information directly about amendments to legal provisions which are in force in the country of the Party and refer to matters covered by the scope of the Agreement,
- h) exchanging available information about the structure, functions and competence of authorities tasked with inspection and supervision of working conditions, as well as their methods of work and inspection, so as to better understand the rules and traditions typical of labour markets in the countries of the Parties,
- i) organising bilateral meetings of experts, if needed, so as to discuss current issues covered by the cooperation, as well as participating in meetings, seminars, conferences and other events arranged by the Parties and by other national and foreign authorities and organisations, which are of importance for further development of the cooperation.

Article 3

Competent bodies and rules of information exchange

1. The cooperation shall be carried out through liaison offices established at the Chief Labour Inspectorate in Warsaw and the Labour Inspectorate of the Republic of Estonia with the seat in Tallinn.
2. The liaison offices shall be contact points for receiving and forwarding information exchanged between the Parties that refers to matters covered by the Agreement.
3. Exchange of information on matters relating to posting of workers in the framework of the provision of services in the territory of countries of the Parties shall take place via relevant modules of the European Internal Market Information System (IMI), which enable Member States to forward information and documents in electronic form, in compliance with the established rules of cooperation in such matters between administrative institutions.
4. Exchange of information on matters other than mentioned in point 3 may be conducted with the help of other electronic tools of communication and through traditional exchange of correspondence sent to the liaison office's address, while observing the requirements of information safety and data protection.

Article 4

Assessment of the Agreement implementation

1. The Parties undertake to prepare written information each year about activities carried out within the framework of the Agreement.
2. Whenever the Parties deem it necessary, but not less frequently than every two years, they shall organise a bilateral meeting aimed at assessing implementation of the Agreement and identifying directions of the cooperation in the following years.

3. The meetings mentioned in point 2 may also comprise discussions on other issues, including programmes of joint actions to prevent illegal practices and infringements of legal provisions in matters covered by the Agreement.
4. The meetings mentioned in point 2 shall be organised alternately in the territory of countries of the Parties.

Article 5

Expenses

1. The costs of international travel and accommodation relating to implementation of the Agreement shall be covered by the sending Party.
2. The Party's own expenses resulting from implementation of the Agreement shall be covered by each Party from available financial resources.
3. The Parties shall together decide on the rules of covering other expenses relating to organisation of an event, each time when they conduct activities under this Agreement.

Article 6

Amendment, notice of termination and termination of the Agreement

1. The Agreement is concluded for an indefinite period of time.
2. Any amendments to the Agreement shall be made in writing.
3. The Agreement may be terminated by each of the Parties. The Agreement shall expire upon the receipt of a written notice of termination by the other Party.

Article 7

Final provisions

1. The Agreement was drawn up in two identical copies, one for each Party, in the following languages: Polish, Estonian and English. In case of any discrepancies, the English text shall be considered as prevailing.
2. The Agreement shall enter into force on the date of its signing.

on behalf of
the National Labour Inspectorate
in the Republic of Poland


ROMAN GIEDROJC
Chief Labour Inspector

on behalf of
the Labour Inspectorate
in the Republic of Estonia


MARET MARIPUU
Director General