

No. 1663

BELGIUM
and
FEDERAL REPUBLIC OF GERMANY

Agreement (with final protocol) relating to student employees. Signed at Bonn, on 18 January 1952

Official texts: French and German.

Registered by Belgium on 18 March 1952.

BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord (avec protocole final) relatif aux stagiaires. Signé à Bonn, le 18 janvier 1952

Textes officiels français et allemand.

Enregistré par la Belgique le 18 mars 1952.

[TRANSLATION — TRADUCTION]

No. 1663. AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO STUDENT EMPLOYEES. SIGNED AT BONN, ON 18 JANUARY 1952

His Majesty the King of the Belgians and
The President of the Federal Republic of Germany,

Desiring to regulate the reciprocal relations between the two States in social matters, considering that it is of advantage to encourage the exchange of student employees between their countries and that it is necessary to determine the principles on which the regulations governing such exchange should be based,

have agreed to conclude an agreement relating to student employees and have for that purpose appointed as their plenipotentiaries :
His Majesty the King of the Belgians :

F. F. N. Muuls, Ambassador of the King of the Belgians,
The President of the Federal Republic of Germany :

Julius Scheuble, Director, Federal Ministry of Labour,
who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following provisions :

Article 1

(1) The present Agreement shall apply to student employees, that is to say, to nationals of one of the Contracting States who proceed to the territory of the other Contracting State to improve their professional and linguistic knowledge, while holding employment under an employer.

(2) Student employees may be of either sex and may be employed on manual or intellectual work. As a general rule they shall not be over thirty years of age.

Article 2

Student employees shall be authorized to hold employment on the conditions laid down in the following articles, irrespective of the employment situation in general and in the occupation concerned.

¹ Came into force on 18 January 1952, the date of signature, in accordance with article 15. This Agreement does not apply to the territories of the Belgian Congo and Ruanda-Urundi

Article 3

(1) The number of permits granted to student employees of either of the two States under this Agreement shall not exceed 150 (one hundred and fifty) a year.

(2) This limit shall be exclusive of the number of student employees already resident in the territory of either State as the result of an extension of their period of student employment granted in accordance with the conditions set forth in article 4. It shall apply irrespective of the period for which the permits issued in the course of the year have been granted and during which they have been utilized.

(3) If this quota is not reached in the course of a year by the student employees of one of the two States, that State shall not be entitled to reduce the number of permits granted to student employees of the other State, or to carry over to the following year the unused balance of its own quota. The quota of 150 student employees shall apply for the space of a year, reckoned from 1 January to 31 December. It may be increased by agreement between the competent authorities of the two states. The amount of this increase must be determined on the proposal of one of the two States not later than 1 October for the following year.

Article 4

(1) The period of student employment is limited to one year. It may be extended for not more than six months in special cases.

(2) As a general rule, after the expiration of their period of student employment, student employees must not, with the intention of holding employment, remain in the territory of the country where their period of student employment was spent.

Article 5

Student employment may be granted on condition that the student employees do not engage in any other gainful activity or hold any employment other than that for which the permit has been granted.

Article 6

Employment permits for student employees are granted on the following basis :

(a) Where the student employee is authorized to do work normally performed by an ordinary worker, he is entitled to the current normal wages in the occupation and the district in which he is employed.

(b) All other student employees shall receive from their employers an allowance corresponding to the value of their services and sufficient to cover the cost of their subsistence.

Article 7

The Contracting States undertake not to issue employment permits for student employees without having ascertained that the latter will have sufficient resources at their disposal during their period of employment.

Article 8

(1) Student employees shall enjoy equality of treatment with the nationals of the country in which they work in all matters respecting the application of the laws, regulations and usages governing safety, health and working conditions.

(2) Student employees and their employers shall be obliged to comply with the regulations in force concerning, in the territory of the Federal Republic, social and unemployment insurance, and in Belgium, social security.

Article 9

The Contracting States undertake to do what they can to exempt student employees from all taxes and duties, except the administrative expenses connected with the student employees' applications. This exemption shall apply also, and subject to the same reservation, to the employment and residence permits granted to the student employees.

Article 10

Student employees wishing to benefit by the provisions of the present Agreement must apply to the authority appointed in their State to receive applications from student employees for their profession. In their applications they must supply all the necessary information and, in particular, state the industrial, commercial or agricultural establishment at which they are to be employed. It will be for the abovementioned authority to consider whether the application should be transmitted to the corresponding authority of the other State.

Article 11

In order to attain the purpose of the present Convention and give as much assistance as possible to intending student employees who are unable by their own resources to find an employer prepared to employ them as such, the Contracting States undertake to facilitate the exchange of student employees by all such means as might seem appropriate to them, and with the assistance of the organizations concerned.

Article 12

Each of the two Contracting Countries shall inform the other which are the competent authorities referred to in this Agreement.

Article 13

The provisions of this Agreement shall not affect the obligation of student employees to comply with the laws and regulations in force in the territories of the Contracting States concerning the entry, residence and departure of nationals of other countries.

Article 14

Any difficulty or ambiguity arising in applying the Agreement shall be clarified and settled directly between the competent authorities of the two Contracting States.

Article 15

(1) The present Agreement shall enter into force immediately upon signature and shall remain in force until 31 December 1952.

(2) It shall thereafter be renewed by tacit agreement from year to year, unless it is denounced by one of the Contracting States before 1 July with effect as from the end of the year.

(3) Nevertheless, in case of denunciation, permits granted under the present Agreement shall remain valid for the period for which they were granted.

IN FAITH WHEREOF the undersigned have appended their signatures to the foot of the present Agreement and have affixed their seals thereto.

DONE at Bonn on 18 January 1952 in duplicate in the French and German languages, the two texts being equally authentic.

For the Kingdom of Belgium :
(Signed) F. F. N. MUÛLS

For the Federal Republic of Germany :
(Signed) SCHEUBLE

FINAL PROTOCOL

At the time of signing the Agreement relating to Student Employees, the Contracting Parties decided to clarify the manner of its application as follows :

The following shall be treated in the same way as German nationals : refugees or displaced persons of German nationality—or persons whose ascendants at any time possessed German nationality—and their spouses or descendants, provided that they are resident in the territory under the authority of the Government of the Federal Republic of Germany.

DONE at Bonn on 18 January 1952 in duplicate in the French and German languages, the two texts being equally authentic.

For the Kingdom of Belgium :
(Signed) F. N. N. MUÛLS

For the Federal Republic of Germany :
(Signed) SCHEUBLE