

No. 4266

**NETHERLANDS
and
AUSTRIA**

**Agreement concerning the exchange of student employees.
Signed at Vienna, on 17 November 1954**

Official texts: Dutch and German.

Registered by the Netherlands on 26 March 1958.

**PAYS-BAS
et
AUTRICHE**

**Accord relatif à l'échange de stagiaires. Signé à Vienne,
le 17 novembre 1954**

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 26 mars 1958.

[TRANSLATION — TRADUCTION]

No. 4266. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF AUSTRIA CONCERNING THE EXCHANGE OF STUDENT EMPLOYEES. SIGNED AT VIENNA, ON 17 NOVEMBER 1954

The Government of the Kingdom of the Netherlands and the Government of the Republic of Austria,

Being resolved to extend their co-operation in the social field, and

Considering the advantages in encouraging the exchange of student employees between the two countries for the purpose of improving their linguistic and occupational knowledge,

Have agreed as follows :

Article 1

(1) The present Agreement shall apply to student employees.

(2) Those deemed to be student employees within the meaning of paragraph (1) shall be nationals of one of the Contracting States going to the territory of the other Contracting State in order to improve their occupational or linguistic knowledge by taking employment there.

(3) In general, the student employees shall be at least 18 years of age and not more than 30 years of age.

Article 2

(1) Student employees shall be authorized to accept employment under the conditions laid down in the articles which follow, without prejudice, however, to the legal or administrative provisions governing the employment of aliens in certain occupations.

(2) In general, the student employees shall be accepted irrespective of the state of the labour market in their particular occupations; the highest administrative authorities in the Contracting States may, however, stipulate by mutual agreement that certain occupations and fields shall be excluded from the application of the Agreement.

(3) The Contracting States undertake to grant in respect of student employees within the meaning of this Agreement any official authorization which may be required for the employment of foreign workers.

¹ Came into force on 1 June 1955, in accordance with article 11 (1). The exchange of notes, in which the Contracting States informed each other that their constitutional requirements had been met, took place at Vienna on 19 April 1955.

Article 3

(1) The number of student employees who may be admitted into either of the Contracting States shall not exceed 100 (one hundred) in any one calendar year.

(2) The quota fixed in paragraph (1) shall include all student employees to whom permits are granted during the calendar year, irrespective of the period for which the permits are granted and the actual date of admission.

Student employees already resident in one of the Contracting States under permits granted in the preceding year shall not be included in the quota fixed in paragraph (1) for the current calendar year.

(3) If the quota fixed in paragraph (1) is not filled in the course of any one calendar year by the student employees of one of the Contracting States, that State shall neither reduce the number of permits granted to student employees of the other Contracting State, nor carry over to the following calendar year the unused balance of the quota.

(4) The number of student employees stipulated in paragraph (1) may be altered, on the proposal of one of the Contracting States, by an exchange of notes between the authorities named in article 8, paragraph (3). Any such arrangement in respect of the ensuing calendar year must be concluded not later than 1 December.

Article 4

(1) The period for which student employees are admitted shall not as a rule exceed one year. This period may be prolonged for not more than six months in exceptional cases.

(2) On expiration of the period stipulated in paragraph (1), the student employee may neither continue his employment nor accept new employment in the host country.

Article 5

(1) Admission as a student employee shall not be granted except on the condition that the student employee in question does not engage in any occupation other than that for which admission was granted.

(2) Student employees may not take up employment in enterprises affected by a strike or lock-out. If such a dispute should occur during the period of employment of a student employee, he shall be afforded, as far as possible, every facility in finding another suitable place of work; this shall also apply in cases in which the student employee becomes involved in a labour dispute with his employer.

Article 6

Student employees shall not be admitted unless the persons who desire to employ them undertake to do so under the same conditions of work and remuneration that apply to comparable work performed by natives in the enterprises in which the student employees are to be employed.

Article 7

All regulations concerning social security, unemployment insurance, labour legislation and the protection of labour shall apply to the employment of student employees.

Article 8

(1) Persons wishing to benefit by the provisions of the present Agreement shall apply to the competent authority in their State (paragraph (3) of this article). The application shall contain all the information required for its consideration, stating more particularly the occupation and, where possible, the enterprise in which the student employee wishes to be employed. A certificate of the applicant's good conduct shall also be attached to the application.

(2) The competent authority shall, if the prescribed conditions are fulfilled, transmit the application to the competent authority of the other State, which shall make the decision regarding admission. The latter shall also make decisions on any extensions under the provisions of article 4, paragraph (1).

(3) The applications of Austrian candidates for admission to employment as student employees shall be addressed to the Federal Ministry of Social Affairs (Bundesministerium für soziale Verwaltung) at Vienna, and those of Netherlands applicants shall be addressed to the National Labour Office (Rijksarbeidsbureau) at The Hague.

Article 9

(1) With a view to attaining the purposes of the present Convention and giving every possible assistance to persons who apply for employment as student employees but who are not in a position to secure such employment by their own efforts, the Contracting States undertake to further and facilitate the exchange of student employees by all appropriate measures and with the participation of interested organizations.

(2) The competent authorities of the Contracting States shall do all within their power to ensure that applications are dealt with as speedily as possible. They shall also endeavour to remove with the utmost dispatch any difficulties which may arise in connexion with the entry, sojourn or departure of student employees; the provisions of this Agreement shall not, however, effect the obligation of student employees to comply with the regulations in force in the territory of the Contracting States concerning the entry, sojourn and departure of nationals of foreign States.

Article 10

Further details regarding the necessary measures for giving effect to this Agreement shall, in so far as they require mutual consent, be agreed upon between the Contracting States. The said States shall inform each other of

any changes in their internal regulations governing the matters to which this Agreement relates and shall settle by direct negotiation any difficulties which may arise in the interpretation and application of this Convention.

Article 11

(1) This Convention shall enter into force on the first day of the second month which follows the exchange of notes in which the Contracting States duly inform each other that their constitutional requirements have been met, and it shall remain valid until 31 December of the calendar year which follows the conclusion of the Agreement.

(2) The Agreement shall be renewed by tacit agreement for each subsequent calendar year unless written notice of denunciation is given before 1 July, to take effect on 1 January following, by one of the two Contracting States.

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

(4) The quota for the remainder of the calendar year in which this Agreement is concluded shall be the part of the quota fixed in article 3, paragraph (1), which corresponds to the period from the entry into force of this Agreement until the end of the year.

DONE in Vienna on 17 November 1954, in the Dutch and German languages, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands :
(Signed) E. STAR BUSMANN

For the Federal Government
of Austria :
(Signed) FIGL