

No. 4568

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning student-employees. Signed at The
Hague, on 30 June 1958**

Official texts: Dutch and German.

Registered by the Netherlands on 25 November 1958.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord relatif aux stagiaires. Signé à La Haye, le 30 juin 1958

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 25 novembre 1958.

[TRANSLATION — TRADUCTION]

No. 4568. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING STUDENT-EMPLOYEES. SIGNED AT THE HAGUE, ON 30 JUNE 1958

The Government of the Kingdom of the Netherlands and the Government of the Federal Republic of Germany,

Desiring to extend co-operation between the two countries in social matters, and

Considering that it is of advantage to encourage the exchange of student-employees between their countries,

Have agreed that these exchanges shall be regulated as follows :

Article 1

(1) This Agreement shall apply to Germans and Netherlanders who take up employment as student-employees for a limited period in the other country, for the purpose of improving their professional and linguistic knowledge. For the purpose of this Agreement the term "Germans" shall mean all persons who are in possession of a passport of the Federal Republic of Germany.

(2) In the case of Germany, this Agreement shall also apply to the *Land* Berlin unless the Government of the Federal Republic of Germany notifies the Government of the Kingdom of the Netherlands to the contrary within three months from the entry into force of the Agreement.

(3) In the case of the Kingdom of the Netherlands, this Agreement shall not apply to its overseas territories.

(4) Student-employees may be of either sex and may be employed on manual or intellectual work. In general they shall have completed their professional training and, as a rule, shall not be under eighteen nor over thirty years of age.

Article 2

(1) Student-employees shall be granted official permission to take up employment under the quota laid down in article 5, paragraph 1, irrespective of the employment situation in general and in the occupation concerned.

¹ Came into force on 30 June 1958, the date of signature, in accordance with article 9 (1).

(2) The laws and regulations in force in the two countries concerning the entry, sojourn and departure of aliens shall in no way be affected; the regulations concerning the employment of foreign labour shall apply in accordance with the provisions of paragraph 1.

Article 3

(1) The period of student-employment shall, in principle, be limited to one year but may, exceptionally, be extended for not more than six months.

(2) On completion of his term of employment the student-employee may not continue his employment in the country where the period of student employment was spent, or take up other employment there.

Article 4

(1) Student-employees shall not be admitted unless the employer undertakes to engage them under the same conditions of work and remuneration as apply to comparable native employees in the enterprise in which the student-employees are to be employed.

If the value of the services of the student-employee does not fully correspond to that of a regular employee in similar employment, the employer may pay the student-employee a smaller remuneration corresponding to the value of his services. In such case, however, the student-employee shall be admitted only if he has adequate means of subsistence for the duration of his employment.

(2) In all matters respecting workers' protection and legal protection under the labour laws, student-employees shall enjoy the same treatment as the nationals of the country in which they take up employment.

(3) All regulations of the host country governing social insurance and unemployment insurance as well as any special agreements on such matters between the Federal Republic of Germany and the Kingdom of the Netherlands shall apply to student-employees.

Article 5

(1) The number of student-employees who may be admitted into either of the two countries shall not exceed 300 in any one calendar year; in the case of Germany, the *Land* Berlin is included in this provision. Applications in excess of that number may be considered subject to the conditions set forth in articles 1 to 4, in so far as the situation of the labour market permits.

(2) Inclusion in the quota of a student-employee to whom admission has been granted shall be irrespective of the actual date of the student-employee's

admission and of the period for which the permit is granted. Student-employees who have already been admitted to the territory of the other country by the beginning of the year shall not be included in the quota for the current year.

An extension of the period of employment of a student-employee in accordance with article 3, paragraph 1, or a change of employer shall not be considered as an admission chargeable to the quota.

(3) If the agreed quota is not filled in the course of any one calendar year by the permits granted to student-employees from one of the two countries, the unused balance of the quota may neither be carried over to the following year nor may the number of permits for student-employees of the other country be correspondingly reduced.

(4) A change in the quota may be agreed upon for the following year by exchange of notes not later than one month before the end of the current year.

Article 6

(1) Persons wishing to qualify as student-employees shall apply to the authority of their country appointed in application of the Agreement. Their application shall include, on the form prescribed for the purpose, all information necessary for consideration of the request for placement as a student-employee and for a permit.

(2) The said authority must consider whether, under the terms of this Agreement, the application should be transmitted to the corresponding authority of the other country. The competent authority of the other country shall take a decision on admission under the annual quota.

(3) The authorities responsible for the application of the Agreement shall be, in the Federal Republic of Germany, the Federal Employment Service and Unemployment Insurance Institute (die Bundesanstalt für Arbeitsvermittlung und Arbeitslosenversicherung), Central Employment Office at Frankfurt am Main and, in the Kingdom of the Netherlands, the National Labour Office (Rijksarbidsbureau) at The Hague.

Article 7

(1) The competent authorities shall do everything possible to expedite the processing of applications from student-employees for employment permits. The competent authority of the country in which the student-employee intends to take up employment shall communicate the decision concerning the application to the competent authority of the other country as speedily as possible.

(2) The competent authorities of both countries shall take appropriate steps to assist applicants seeking a position as a student-employee in their country, if necessary in co-operation with the offices appointed for the purpose and the organizations concerned. The foregoing shall also apply if, through no fault of the student-employee, his work with one employer cannot be continued to the end of the period contemplated.

Article 8

Placement and admission of applicants for positions as student-employees shall be free of charge.

Article 9

(1) This Agreement shall enter into force on the date of signature and shall remain in force until 31 December 1958.

(2) It may be renewed for further periods of one year by tacit agreement, unless it is denounced by one of the Contracting Governments before 1 July with effect from the end of the year.

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

Article 10

This Agreement supersedes the agreement signed on 22 February 1935 and renewed by exchange of notes of 31 January 1952 between the Kingdom of the Netherlands and the German Reich concerning the admission of employees wishing to perfect their professional and linguistic knowledge.

IN FAITH WHEREOF the plenipotentiaries of both Parties have signed this Agreement.

DONE at The Hague on 30 June 1958 in duplicate in the Dutch and German languages, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands :

(Signed) E. H. VAN DER BEUGEL

For the Government
of the Federal Republic
of Germany :

(Signed) Dr. Robert DVORAK