

No. 5428

**ITALY
and
SPAIN**

**Agreement concerning the exchange of student employees.
Signed at Madrid, on 25 November 1957**

Official texts: Italian and Spanish.

Registered by Italy on 2 November 1960.

**ITALIE
et
ESPAGNE**

**Accord relatif à l'échange de stagiaires. Signé à Madrid,
le 25 novembre 1957**

Textes officiels italien et espagnol.

Enregistré par l'Italie le 2 novembre 1960.

[TRANSLATION — TRADUCTION]

No. 5428. AGREEMENT¹ BETWEEN ITALY AND SPAIN
CONCERNING THE EXCHANGE OF STUDENT EM-
PLOYEES. SIGNED AT MADRID, ON 25 NOVEMBER 1957

The President of the Italian Republic and the Head of the Spanish State,
Wishing to achieve closer co-operation between the two countries in the
social and labour fields, and

Considering the advantages of encouraging the exchange of workers between
the two States for the purpose of temporarily engaging in their occupation and
improving their professional knowledge, have decided to conclude an agreement.

For this purpose they have appointed as their plenipotentiaries :

The President of the Italian Republic :

H.E. Mr. Giulio del Balzo di Presenzano, Ambassador Extraordinary and
Plenipotentiary of Italy at Madrid;

The Head of the Spanish State :

H.E. Mr. Fernando María Castiella y Maíz, Minister for Foreign Affairs;
who, having exchanged their full powers, found in good and due form, have
agreed as follows :

Article 1

1. The present Agreement shall apply to student employees.
2. Strictly for the purposes of this Agreement, student employees shall mean nationals of one of the Contracting States who proceed to the territory of the other Contracting State in order to improve their professional knowledge by taking employment there for a specified period of time.
3. Student employees may be of either sex and may be employed in work of any kind, whether manual or intellectual. They shall normally be at least eighteen and not more than thirty years of age.

Article 2

1. Subject to the laws and regulations in force in the Contracting States concerning the entry, sojourn and departure of aliens, student employees of either State shall be authorized to accept employment in the other State 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.

¹ Came into force on 3 February 1959 by the exchange of the instruments of ratification at Rome, in accordance with article 11.

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

3. In either of the Contracting States, admission as a student employee in virtue of this Agreement shall take the place of a work permit.

Article 3

1. The number of authorizations which either of the Contracting States may give to student employees of the other State in any one calendar year shall not exceed 300 (three hundred) and not more than 20 (twenty) per cent of that number shall belong to the same professional group.

2. The annual quota of 300 (three hundred) stipulated in paragraph 1 shall not be subject to reduction on the grounds that other student employees of one State are already or will be resident in the territory of the other State under authorizations obtained in the preceding year or as a result of extension of the period of admission in accordance with article 4, paragraph 1.

3. Every authorization shall be reckoned as part of the quota whether it is granted or used for a year or for a shorter period. Each State shall have the right to take up the whole of its annual quota even if the other State does not use its own or uses only part of it. The unused balance of the quota for any year may not be carried over to the following year.

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 Ministries of Foreign Affairs of the two countries. 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, however, may be prolonged for not more than a further six months in exceptional cases.

2. At the end of the period of admission student employees may not remain in the State in which they have been employed in order to take up other work.

3. Student employee authorizations shall be granted subject to the condition that the student employees do not engage in any other lucrative activity or in any employment other than that for which the authorization was granted.

4. If the student employee's contract has to be terminated before the appointed time for reasons beyond his control, the competent authorities of the host State shall afford him every facility for finding similar work with another employer. This shall also apply in cases in which the student employee becomes involved in a labour dispute with his employer.

Article 5

Student employees shall enjoy identical treatment with nationals of the host country in all matters concerning the laws, regulations and customs governing working conditions, social insurance, unemployment insurance, hygiene and security of tenure and in general, in all matters concerning the application of the provisions on employees' social security; the provisions of the relevant Conventions and Agreements concluded between the two States shall also apply to them.

Article 6

The competent authority of one State shall transmit the prescribed authorization to the authority of the other State only if the employer for whom the student employee is to work undertakes to give him adequate remuneration, that is to say, remuneration in accordance with the rates fixed by collective agreements between employers and workers or, in the absence of such agreements, in accordance with the rates normally payable in the area concerned for the professional category to which the student employee belongs.

In any case, the remuneration must be sufficient to provide the student employee with the means of subsistence appropriate to his category.

Article 7

1. Persons wishing to take advantage of the provisions of the present Agreement shall apply to the competent authority in their State.

In their application they shall give all the necessary particulars and shall attach to it the documents listed below :

- (1) Birth certificate;
- (2) Certificate of good conduct;
- (3) Medical certificate stating that the person concerned is not suffering from any disease of a contagious nature or affecting his capacity to work;
- (4) Where necessary, a statement by the employer certifying that he is willing to employ the candidate as a student employee;
- (5) A statement by the candidate to the effect that he undertakes to leave the host State at the end of the authorized period.

2. The said competent authority shall consider whether, bearing in mind the annual quota, the application should be transmitted to the competent authority

in the other State, which shall decide whether a permit is to be granted or an extension allowed in accordance with article 4, paragraph 1. If the decision is favourable, it shall be communicated to the authority in the State of which the student employee is a national together with two copies of a contract of employment drawn up by the employer who will engage the student employee. The contract shall in all cases specify the duration of the contract and the salary, as fixed in accordance with the provisions of article 6.

Article 8

1. With a view to attaining the purposes of the present Agreement and giving every possible assistance to persons who apply for admission as student employees but are not in a position by their own efforts to find employers willing to engage them, the Contracting Governments undertake to take appropriate measures to find them suitable employment.

2. The competent authorities of the Contracting States shall do all in 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, relieve student employees of the obligation 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 9

Any documents required for admission in accordance with this Agreement shall be free from stamp duty.

Article 10

1. Applications by Italian nationals under the terms of article 7 shall be addressed to the Ministry of Labour and Social Welfare at Rome, and applications by Spanish nationals to the Labour Administration of the Ministry of Labour.

2. The Italian and Spanish authorities mentioned above shall communicate directly with each other in regard to any matter relating to the application of this Agreement.

3. Any disputes which may arise concerning the application of this Agreement shall be settled amicably through the regular diplomatic channel.

Article 11

1. This Agreement shall enter into force on the date of exchange of the instruments of ratification, which shall take place at Rome as soon as possible. It shall remain in force until 31 December of the year following that in which the instruments are exchanged.

2. The Agreement shall be deemed to be renewed by tacit agreement for each subsequent year unless it is denounced in a Note by either of the two Contracting States three months in advance.

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 year in which this Agreement is signed shall be such portion of the quota fixed in article 3, paragraph 1 as corresponds to the period from the entry into force of the Agreement until the end of the year.

DONE at Madrid on the twenty-fifth day of November nineteen hundred and fifty-seven in four copies, two in the Italian language and two in the Spanish language, the texts in both languages being equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Agreement and have affixed thereto their seals.

For the Italian Republic :

DEL BALZO

For the Spanish State :

CASTIELLA Y MAÍZ
