

No. 5426

**ITALY
and
AUSTRIA**

**Agreement concerning the exchange of student employees.
Signed at Rome, on 12 July 1956**

Official texts: Italian and German.

Registered by Italy on 2 November 1960.

**ITALIE
et
AUTRICHE**

**Accord relatif à l'échange de stagiaires. Signé à Rome,
le 12 juillet 1956**

Textes officiels italien et allemand.

Enregistré par l'Italie le 2 novembre 1960.

[TRANSLATION — TRADUCTION]

No. 5426. AGREEMENT¹ BETWEEN THE ITALIAN REPUBLIC
AND THE REPUBLIC OF AUSTRIA CONCERNING THE
EXCHANGE OF STUDENT EMPLOYEES. SIGNED AT
ROME, ON 12 JULY 1956.

The Government of the Italian Republic and the Government of the Republic of Austria,

Being resolved to achieve closer co-operation in the social field, and

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

Have agreed as follows :

Article 1

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

(2) " Student employees " within the meaning of paragraph (1) shall be nationals of one of the Contracting States who proceed to the territory of the other Contracting State in order to improve their linguistic or professional knowledge by taking employment there.

(3) Student employees shall normally be not less than eighteen and not more than thirty 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, student employees shall be accepted irrespective of the state of the labour market in their particular occupation; the supreme 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) Where foreign workers are required to obtain an authorization from the competent authorities in order to take up employment, this requirement shall be waived in the case of student employees.

¹ Came into force on 1 July 1958, the first day of the second month following the exchange of the instruments of ratification which took place at Vienna on 20 May 1958, in accordance with article 12.

Article 3

(1) The number of student employees who may be admitted into either of the Contracting States in any one calendar year shall not exceed 100 (one hundred) and not more than 20 (twenty) per cent of that number shall belong to the same professional group.

(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 student employees from one of the Contracting States, the latter may not reduce the number of permits granted to student employees from the other Contracting State, nor carry over the unused balance of the quota 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 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. In exceptional cases this period may be prolonged for not more than six months.

(2) After the end of the period stipulated in paragraph (1), the student employee may not continue his employment or accept new employment in the host country.

Article 5

(1) Admission as a student employee shall be granted only on 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 post; this shall also apply in the event of the student employee becoming involved in a labour dispute with his employer.

Article 6

Student employees shall be admitted only if the persons who desire to employ them undertake to do so under the same conditions of work and remuneration as apply to comparable work performed by nationals of the country in the enterprises in which such student employees are to be employed.

Article 7

All regulations concerning social security for employees 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)). The application shall contain all the information required for its consideration, stating more particularly the occupation and, where appropriate, the enterprise in which the student employee wishes to be employed. A certificate of good conduct referring to the candidate 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 the decision in regard to 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 at Vienna, and those of Italian applicants to the Italian Ministry of Labour and Social Welfare.

Article 9

(1) With a view to attaining the purposes of the present Agreement and giving every possible assistance to persons who apply for employment as student employees but who are not in a position to find 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 the interested organizations.

(2) The competent authorities of the Contracting State 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, affect 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

Any applications or official documents required in connexion with the formalities for obtaining a permit in accordance with this Agreement shall be free from stamp duty, taxes and dues.

Article 11

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 Agreement.

Article 12

(1) This Agreement shall enter into force on the first day of the second month which follows the exchange of instruments of ratification and shall remain valid until 31 December of the year in which it enters into force.

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

(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 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 Rome on 12 July 1956, in duplicate, in the German and Italian languages, both texts being equally authentic.

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

For the Italian Republic :
Dino DEL BO

For the Republic of Austria :
Max LÖWENTHAL