

No. 6996

**NETHERLANDS
and
SPAIN**

Agreement (with Protocol) concerning the immigration, recruitment and placement of Spanish workers in the Netherlands. Signed at Madrid, on 8 April 1961

Official texts: Dutch and Spanish.

Registered by the Netherlands on 27 November 1963.

**PAYS-BAS
et
ESPAGNE**

Accord (avec Protocole) concernant la migration, le recrutement et le placement de travailleurs espagnols aux Pays-Bas. Signé à Madrid le 8 avril 1961

Textes officiels néerlandais et espagnol.

Enregistré par les Pays-Bas le 27 novembre 1963

[TRANSLATION — TRADUCTION]

No. 6996. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SPANISH STATE CONCERNING THE IMMIGRATION, RECRUITMENT AND PLACEMENT OF SPANISH WORKERS IN THE NETHERLANDS. SIGNED AT MADRID, ON 8 APRIL 1961

The Government of the Kingdom of the Netherlands and
The Government of the Spanish State,

Having regard to the bonds of friendship uniting the two countries and to their respective requirements in the matter of employment,

Considering that it is in the interest of both countries that the placement of Spanish workers in the Netherlands be promoted,

Desiring to regulate the immigration, recruitment and placement of Spanish workers in the Netherlands,

Have agreed on the following provisions :

GENERAL PROVISIONS

Article 1

1. The responsibility for the immigration, recruitment and placement of Spanish workers in the Netherlands shall lie :

On the Spanish side, with the Spanish Emigration Institute (hereinafter referred to as "the Institute"), with which the National Service of Enrolment and Placement (hereinafter referred to as "the Service") shall co-operate. The Department of Employment in the Spanish Ministry of Labour shall be responsible for determining the availability of Spanish workers, in the light of which the arrangements mentioned in article 2 may be made ;

On the Netherlands side, with the Office of Employment in the Ministry of Social Affairs and Public Health (hereinafter referred to as "the Office").

Article 2

1. In order that the responsible Spanish authorities may make in due time the necessary arrangements to meet the demand, the Office shall supply the Institute, at

¹ Came into force on 8 April 1961, upon signature, in accordance with article 23 (1) of the Agreement and article 3 of the Protocol.

least once every six months, with information on the approximate requirements of the Netherlands economy in Spanish workers, classified by branch of economic activity, industrial category and profession.

2. The Institute shall inform the Office, as soon as possible, of the extent to which the requirements can be met.

Article 3

1. The Office shall supply the Institute with all information regarding the general conditions of remuneration, work and living which may be of assistance to the workers.

2. It shall in particular supply all information regarding the average remuneration and average working hours in the various branches of production and the amounts withheld from wages for payment of taxes and social security contributions, as well as all information concerning prices and the cost of living in general.

3. This information shall be brought up to date as and when necessary.

RECRUITMENT AND PLACEMENT

Article 4

1. The Office shall notify the Institute of offers of employment from Netherlands employers, taking into account the information referred to in article 2.

2. The offers of employment shall include precise information as to the nature, type and duration of the employment, the gross and net remuneration and the conditions of work, as well as the facilities for the housing and feeding of the workers, and any other necessary and useful particulars. The information relating to the nature and type of employment offered shall whenever possible be in accordance with the codification contained in the "International Standard Classification of Occupations" published by the International Labour Office.

3. If it is anticipated that the demand can be met, the Institute, acting in co-operation with the Service, shall take the necessary steps to secure the speedy dissemination of the offers of employment and of any relevant information of interest to workers.

Article 5

The age-limits between which Spanish workers will be eligible to work in the Netherlands shall be as follows :

between 21 and 35 years in the case of unskilled workers ;

between 18 and 45 years in the case of skilled or specialized workers.

These age-limits may be altered in the case of individual workers whose services have been specifically requested or, in special cases, by agreement between the Institute and the Office.

Article 6

1. Applicants for placement in the Netherlands shall be examined by the Institute, in co-operation with the Service, as to their health, their vocational qualifications and any other matters specified by the Office.

2. The results of the examination of each individual applicant shall be entered on forms of a type to be agreed on by the Institute and the Office.

3. The Institute shall ensure that applicants who have been convicted of a criminal offence or who are known for their reprehensible moral or civic behaviour are excluded.

4. The list of applicants approved for placement shall be sent by the Institute to the Office, together with the individual forms for each candidate listed.

Article 7

1. The Office may send a delegation to Spain for the purpose of making a final selection from the candidates proposed by the Institute.

2. In order to enable the said delegation to undertake a rapid and effective medical and vocational examination of the candidates should it so desire, the Institute shall make available to it appropriate premises and equipment at the selection centres, the location of which shall be determined by mutual agreement.

Article 8

The Office shall send to the Institute, as quickly as possible, statements listing the candidates finally approved and the candidates rejected.

Article 9

1. The Office shall send to the Institute, in respect of each worker finally approved, a contract of employment for a period of one year, in duplicate, signed by the employer and drafted in Dutch and Spanish, in accordance with a model prepared with the approval of the Institute and the Office. The said contract shall be signed by the worker before his departure from Spain.

2. The competent Netherlands authorities shall supply the aforesaid workers, free of charge, with all the documents which they require in order to reside and work in the Netherlands.

Article 10

1. On receipt of the contract of employment referred to in article 9, the Institute shall ensure that the worker is provided with a passport.
2. The worker shall also have in his possession an official certificate indicating his civil status and the members of his family who are dependent upon him.
3. The consular visa shall be entered in the passport free of charge.

Article 11

1. The Institute shall be responsible for ensuring that the workers recruited are present on the dates, and at the places of departure for the Netherlands, agreed upon with the Office.
2. The travel of the workers from their place of residence in Spain to the places of departure for the Netherlands shall be arranged by the Institute in co-operation with the Service. The cost thereof shall be advanced by the Institute and reimbursed to the latter by the Office.
3. Onward travel from the places of departure to the Netherlands shall be arranged by the Office in agreement with the Institute, and the cost thereof shall be defrayed directly by the Office.
4. All the costs of travel referred to in this article shall be borne by the employers and shall be recovered from them by the Office.

Article 12

A Netherlands employer shall be entitled to advise the Netherlands labour offices of his refusal to accept the opinion of the Office or of the delegation as to a worker's aptitudes only if the worker's unsuitability is apparent from his performance of his job.

In such cases the Netherlands labour offices shall endeavour to offer to the workers concerned employment corresponding to their aptitudes.

Article 13

In cases where Netherlands employers indicate the names of particular Spanish workers in their offers of employment, on the basis of personal contacts, the selection and recruitment procedure may be simplified by agreement between the Institute and the Office.

Article 14

1. Spain shall defray the costs of the selection of workers by the Institute, namely the costs of the medical and vocational examinations, of the workers' travel from

their places of residence to the place of examination, and of their board and lodging during their stay in the selection centres.

2. In cases where the selection is made by a delegation, the costs of the medical and vocational examinations shall be defrayed by the Netherlands.

3. The working expenses of a delegation shall always be defrayed by the Netherlands.

GENERAL CONDITIONS OF EMPLOYMENT

Article 15

The Office shall transmit, to the appropriate Spanish consulate, lists of the workers covered by the provisions of this Agreement, together with the address of the employer and the initial address of each worker.

Article 16

1. The Spanish workers employed in the Netherlands shall be afforded the same conditions of remuneration and employment as those applied to Netherlands workers, in conformity with the prevailing legal provisions, collective agreements and professional and local usage.

2. They shall be afforded the same rights and safeguards as those enjoyed by Netherlands workers as regards the application of the laws on occupational health and safety and in the matter of accommodation.

3. The Netherlands authorities shall be responsible for the implementation of these provisions and shall in particular verify, at the time of the worker's admission, that the conditions of recruitment are consistent with them.

4. In addition, in the matter of labour disputes, the Spanish workers shall have access to the responsible administrative or judicial authorities in the Netherlands on an equal footing with Netherlands workers.

5. In the event of labour disputes as mentioned in the preceding paragraph, the Spanish consuls may come to the assistance of the Spanish workers, to the extent permitted by Netherlands legislation.

Article 17

The Spanish workers may transfer their entire savings to Spain, in accordance with the prevailing regulations in the Netherlands.

Article 18

1. The Netherlands labour offices and employers shall give to the Spanish workers any assistance they require in familiarizing themselves with their new surroundings, particularly during their initial period of employment.

2. The competent authorities of both Contracting Parties shall give sympathetic consideration to any steps taken by Netherlands or Spanish social or religious organizations to facilitate the adaptation of the Spanish workers. Arrangements shall also be made to facilitate co-operation between such Spanish and Netherlands organizations.

Article 19

1. Every worker shall return to Spain on the expiry of his contract, unless the contract is renewed or he agrees to be placed in other employment with the permission of the Netherlands authorities.

2. On the expiry or termination of the contract, the repatriation expenses shall be borne by the Netherlands employer. The worker shall not be liable for such expenses unless he is repatriated through some serious fault of his own; a decision shall be taken by the labour office in whose area the place of employment is located.

3. If the contract of employment is renewed after twelve months, the worker's travelling expenses to and from Spain shall be paid by the employer if the worker wishes to spend his holidays in Spain. In the event of a further renewal of the contract, this privilege shall not be automatic.

FINAL PROVISIONS

Article 20

The responsible Netherlands authorities may order the repatriation to Spain, on grounds of public order, safety or health, of workers recruited under the terms of this Agreement.

Article 21

1. At the request of either of the Contracting Parties, a joint committee, consisting of not more than three representatives of either Party, shall be established. Either delegation may be assisted by experts if necessary.

2. In the implementation of this Agreement the joint committee shall endeavour to solve any difficulties which the Institute and the Office have between them been unable to settle. The joint committee may also consider general questions relating to the immigration, recruitment and placement of Spanish workers in the Netherlands. If the occasion warrants, it may submit proposals to both Parties regarding the questions considered by it.

3. The joint committee shall decide its own rules of procedure and working methods. It shall meet in Spain and in the Netherlands alternately.

Article 22

In so far as the Kingdom of the Netherlands is concerned, this Agreement shall apply only to the European territory of the Kingdom.

Article 23

1. This Agreement shall come into operation on the date of its signature.
2. It shall remain in force until 31 December 1961 and shall be tacitly renewed from year to year, unless it is denounced by one of the Parties through the diplomatic channel not later than three months before the end of the year in which it is current.

IN WITNESS WHEREOF, the duly authorized plenipotentiaries of both Parties have signed this Agreement.

DONE at Madrid, on 8 April 1961, in four copies, of which two are in the Dutch and two in the Spanish language, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands :

(Signed) W. CNOOP KOOPMANS

For the Government
of the Spanish State :

(Signed) Fernando CASTIELLA

PROTOCOL

On the occasion of the signature today¹ of the Agreement between the Kingdom of the Netherlands and the Spanish State concerning the immigration, recruitment and placement of Spanish workers in the Netherlands, the plenipotentiaries of both Contracting Parties have agreed as follows :

Article 1

It is hereby confirmed that the Netherlands legislation concerning social security is applicable to Spanish workers finding employment in Netherlands territory.

Article 2

The Contracting Parties agree to promote the early conclusion of a general convention on social security.

¹ See p. 210 of this volume.

Article 3

This Protocol shall come into operation concurrently with and shall have the same duration as the Agreement concerning the immigration, recruitment and placement of Spanish workers in the Netherlands.

IN WITNESS WHEREOF, the duly authorized plenipotentiaries of both Contracting Parties have signed this Protocol.

DONE at Madrid, on 8 April 1961, in four copies, of which two are in the Dutch and two in the Spanish language, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands :

(Signed) W. CNOOP KOOPMANS

For the Government
of the Spanish State :

(Signed) Fernando CASTIELLA