

No. 13784

**FINLAND
and
BRAZIL**

**Agreement concerning the exchange of trainees between
Finland and Brazil. Signed at Brasília on 30 May 1974**

Authentic texts: Finnish and Portuguese.

Registered by Finland on 10 March 1975.

**FINLANDE
et
BRÉSIL**

**Accord relatif à l'échange de stagiaires entre la Finlande et le
Brésil. Signé à Brasília le 30 mai 1974**

Textes authentiques : finnois et portugais.

Enregistré par la Finlande le 10 mars 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING THE EXCHANGE OF TRAINEES BETWEEN FINLAND AND BRAZIL

The Government of the Republic of Finland and the Government of the Federative Republic of Brazil,

Having regard to the social and cultural benefits which can be gained from an exchange of trainees between their countries and having regard to the need to establish norms in this regard,

Have resolved to conclude an agreement for this purpose, the provisions of which are as follows:

Article 1. (a) For the purposes of this Agreement, trainees shall be understood to be nationals of one of the two States who travel to the territory of the other State and remain there for a certain period of time as employees in industrial, commercial or agricultural enterprises, for the purpose of improving their occupational and linguistic skills.

(b) Trainees may be of either sex and may be engaged in manual or non-manual activities. They should normally be between 18 and 30 years of age.

Article 2. Under the provisions of this Agreement, each of the two States shall undertake to grant trainees from the other State any necessary work and residence permits.

Article 3. (a) The number of authorizations issued to trainees from each of the two States under this Agreement shall not exceed 50 per year.

(b) This quota may be changed subsequently by an exchange of notes between the Ministries of Foreign Affairs of the two countries.

(c) If the quota provided for is not filled in any given year by trainees from one of the two States, that State may not reduce the number of authorizations issued to trainees from the other State, or add the unused portion of its quota to its quota for the following year.

Article 4. (a) The training authorization shall normally be issued for one year. In exceptional cases, it may be extended for a period not exceeding six months.

(b) On the expiration of the training period, trainees normally shall not remain in the territory of the State in which the training was undertaken for the purpose of engaging in their occupation there.

Article 5. Training authorizations shall be granted subject to the condition that trainees do not engage in any gainful activity or take employment in the territory of the receiving State other than that for which the authorization is granted.

Article 6. (a) Training authorizations shall be issued only if the prospective employers undertake, in conjunction with the competent authorities, to pay trainees wages or salaries which are in conformity with the rates determined by regulatory

¹ Came into force on 9 December 1974, the date of the last of the notifications by which the two States informed each other of the completion of their respective constitutional formalities, in accordance with article 12(a).

provisions or by collective agreements or, where no such agreements exist, in accordance with the wage of salary levels prevailing in the occupation and locality in question.

(b) If an occupation of trainees is not covered by a collective agreement and does not fall within a specified occupational category, employers shall undertake to provide them with remuneration which is commensurate with the value of their services and which enables them to enjoy at least a reasonable standard of living.

(c) Prospective employers shall sign an undertaking stating the wage to be paid to the trainee.

(d) The undertaking referred to in the foregoing paragraph shall accompany the offer of training.

Article 7. (a) Trainees shall enjoy equality of treatment with nationals of the country in which they are working in every respect with regard to the application of laws, regulations and practices governing safety, health and working conditions.

(b) Trainees and their employers shall be required to observe the provisions in force in respect of social welfare.

Article 8. (a) Finnish and Brazilian nationals wishing to benefit by this Agreement shall address their applications for training, in Finland, to the Secretariat for the Exchange of Trainees, Manpower Department, Ministry of Manpower, and, in Brazil, to the Ministry of Foreign Affairs. These shall be the bodies responsible for receiving applications for training and for deciding which applications are to be forwarded, through the diplomatic channel, to the competent authority of the other State, with due regard, *inter alia*, to the annual quota of 50 trainees.

(b) The bodies responsible in each State for registering and processing applications for training shall be, in Finland, the Secretariat for the Exchange of Trainees, Manpower Department, Ministry of Manpower of Finland and, in Brazil, the National Department of Manpower, Ministry of Labour and Social Welfare, to which the Brazilian Ministry of Foreign Affairs shall forward applications for training from Finnish nationals.

(c) Both Finnish and Brazilian applicants shall, when submitting their applications, furnish all information necessary for consideration of their applications, indicating, in particular, the area of industrial, commercial or agricultural specialization in which they wish to receive training, and shall attach the following documents:

- (1) birth certificate;
- (2) certificate of good conduct;
- (3) a medical certificate stating that the individual in question is free of contagious disease or any other ailment which might impair his work fitness;
- (4) copies of educational and occupational diplomas; and,
- (5) for persons who, on their own initiative, have obtained employment for a specific period of time, with a view to improving their occupational skills, an offer in writing from the establishment in question.

(d) Both Finnish and Brazilian applicants shall furnish proof of a sound knowledge of a language which will enable them to derive the maximum benefit from the training to be undertaken. In Finland, such language shall generally be English or German.

(e) Before commencing their training, applicants for training shall obtain health and accident insurance at their own expense.

(f) The competent authorities of the two States shall do their utmost to ensure that applications which they have received and approved are forwarded as rapidly as possible.

(g) On completing its consideration of applications forwarded to it by the other State, the competent authority shall inform that State immediately of its decision.

Article 9. (a) For the purpose of furthering the objects of this Agreement and with a view to assisting as far as possible applicants who may be unable to find by their own efforts employers willing to accept them as trainees, the competent authorities of the two States shall make every effort to find suitable employment for them.

(b) For this purpose, applicants shall address themselves to the competent authorities in their own country, which shall be responsible for forwarding the applications to the competent authorities of the country in which the applicants wish to undertake such training.

(c) Travel expenses shall be borne by the trainees, except in special cases where one of the two Governments decides to defray them, or where the offer of training provides otherwise.

Article 10. (a) The provisions of this Agreement shall not exempt trainees from observing the laws and complying with the regulations in force in the receiving State concerning this entry, residence and departure of aliens.

(b) The competent authorities shall endeavour to ensure that the measures to be taken by the administrative authorities concerning the entry and residence of trainees are completed with all possible dispatch. They shall also try to resolve as quickly as possible, any difficulties arising with regard to the entry and residence of trainees.

Article 11. Any dispute arising between the two States with regard to the interpretation or application of this Agreement shall be settled amicably by direct negotiation.

Article 12. (a) The Governments of the two States shall notify each other of the completion of the respective constitutional formalities necessary to enable this Agreement to enter into force. This Agreement shall enter into force on the receipt of the last such notification and shall remain in force until 31 December of the year following its entry into force.

(b) This Agreement shall be renewed each year unless it is denounced by one of the Contracting States not less than three months in advance, in which case it shall remain in force until the last day of the year in which notice of denunciation is given.

(c) In the event of denunciation, authorizations already issued under this Agreement shall remain valid for the period for which they were granted.

DONE at Brasilia on 30 May 1974, in two copies, in the Finnish and Portuguese languages, both texts being equally authentic.

For the Government of the Republic of Finland:

HEIKKI LEPPÖ

For the Government of the Federative Republic of Brazil:

A. F. AZEREDO DA SILVEIRA