

No. 27017

**FEDERAL REPUBLIC OF GERMANY
and
HUNGARY**

**Agreement concerning the detachment of Hungarian workers
from enterprises situated in the Hungarian People's Re-
public for employment under work contracts. Signed at
Budapest on 3 January 1989**

Authentic texts: German and Hungarian.

Registered by the Federal Republic of Germany on 5 January 1990.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
HONGRIE**

**Accord relatif au détachement, dans le cadre de contrats
entre entreprises, de travailleurs hongrois appartenant à
des entreprises établies en République populaire hon-
groise. Signé à Budapest le 3 janvier 1989**

Textes authentiques : allemand et hongrois.

Enregistré par la République fédérale d'Allemagne le 5 janvier 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
HUNGARIAN PEOPLE'S REPUBLIC CONCERNING THE DE-
TACHMENT OF HUNGARIAN WORKERS FROM ENTER-
PRISES SITUATED IN THE HUNGARIAN PEOPLE'S REPUB-
LIC FOR EMPLOYMENT UNDER WORK CONTRACTS

The Government of the Federal Republic of Germany and
The Government of the Hungarian People's Republic,

Appreciating the mutual benefit of their current economic, industrial and tech-
nical cooperation,

Desiring, given the requirements of the labour market, to place the detachment
and employment of workers from Hungarian enterprises on a permanent basis so as
to ensure economic cooperation, and

With the intention of establishing unambiguous conditions for the German and
Hungarian enterprises working together on the basis of work contracts, so as to
improve the opportunities for detachment and employment of Hungarian workers,

Have agreed as follows:

Article 1

Regardless of the situation and trend on the labour market, and in accordance
with article 4, paragraph 1, of this Agreement, work permits shall be issued to Hun-
garian workers who are detached for temporary work (contract workers) on the
basis of a contract between a Hungarian employer and a German enterprise situated
in the German area of application of this Agreement.

Article 2

(1) The maximum number of contract workers shall be 2,500 with a maximum
of 500 for the construction industry.

(2) Work permits shall be issued to workers only for carrying out contracts
which mainly require workers with occupational qualifications. Work permits shall
be issued to workers without such qualifications only in so far as this is essential for
the work to be done.

Article 3

(1) In order to guarantee that the maximum laid down for the number of con-
tract workers is observed, an organization shall be designated by the Hungarian
party to register and countersign the individual work contracts.

(2) The Federal Employment Agency of the Federal Republic of Germany,
working in cooperation with the National Labour Agency of the Hungarian People's
Republic and the corresponding Hungarian organization, shall ensure that imple-

¹ Came into force on 3 April 1989, three months after the date of signature, in accordance with article 12 (1).

mentation of this Agreement does not lead to a regional or sectoral concentration of contract workers in one branch of industry or one particular sector of a branch of industry.

Article 4

(1) The maximum figures laid down in article 2, paragraph 1, shall be brought into line with labour-market trends as follows:

In the event of an improvement in the labour market, the maximum figures laid down on the entry into force of this Agreement shall be increased by 5 per cent per full percentage point of reduction in the unemployment rate for the preceding 12 months. If the labour market deteriorates, the maximum figures shall be correspondingly reduced. These calculations shall be based on a comparison of the rates of unemployment — overall rates on the one hand and specific rates for the construction sector as the other — on June 30 of the current year and the preceding year. The changes from October 1 of the current year shall be taken into account. The new maximum figures shall be rounded up to be evenly divisible by 10.

(2) The Federal Minister for Labour and Social Affairs of the Federal Republic of Germany shall inform the National Labour Agency of the Hungarian People's Republic of the maximum figures calculated in accordance with paragraph 1 by August 31 of each year.

Article 5

(1) Work permits shall be issued only if

(a) The contract worker is in possession of the requisite residence permit;

(b) Remuneration of the contract worker, including the portion paid for employment abroad, corresponds to the amount which the relevant German collective labour agreements specify for comparable work.

(2) In other respects, the relevant legal provisions on the granting, refusal or expiry of work permits shall apply. A copy of the work contract shall be submitted in good time to the competent *Land* Labour Office.

(3) Both parties shall instruct the departments dealing with implementation of this Agreement on the procedure for granting work permits and residence permits.

Article 6

(1) Work permits shall be issued for the probable duration of the work required under the work contract. As a rule, the maximum period of validity for a work permit shall be two years. Where a work contract takes longer than two years to fulfil because of an unforeseeable event, the work permit shall be extended by up to six months. Where it is certain from the start that a work contract will take longer than two years to fulfil, the work permit shall be issued for a maximum period of three years.

(2) Upon completion of a piece of work, a new work permit, subject to the maximum permissible period of two years, may be issued on request for the purpose of completing another work contract.

(3) Work permits shall be issued for a specified occupational activity in order to complete a specified work contract. On certain legitimate occasions, work permits may be issued for several work contracts. The Hungarian enterprise may tem-

porarily reassign the worker, within the prescribed period of validity of the work permit, in order to fulfil another work contract, provided that work under the latter contract has already begun. The enterprise shall inform the competent *Land* Labour Office of this reassignment without delay. The Office shall arrange for an appropriate work permit to be issued.

(4) Work permits valid for a maximum of four years shall be issued to individual workers having supervisory or managerial functions. Depending on the size of the project, such work permits shall be issued for up to four workers.

Article 7

A contract worker, who has left the German area of application of this Agreement upon completion of his work, may receive a new work permit under a new work contract, provided that on completion of his work he has remained outside the said area of application for at least as long as he last worked within it.

Article 8

(1) Residence permits in the form of a visa must be applied for at the relevant office of the Federal Republic of Germany before entry. As soon as the visa has been issued, workers may enter. They must report without delay to the Aliens' Office responsible for the area where they will be living.

(2) Work permits shall be applied for immediately after entry into the Federal Republic of Germany at the labour office in whose area the work contract is to be carried out or the Hungarian enterprise as a place of business.

Article 9

The Federal Minister for Labour and Social Affairs of the Federal Republic of Germany and the National Labour Agency of the Hungarian People's Republic shall work closely together under this Agreement. Whenever the need arises, a joint Germano-Hungarian working group shall be set up, at the request of either Party, to discuss matters relating to implementation of this Agreement.

Article 10

Work permits shall not be issued to workers intended for work under Hungarian employers who, without authorization of the Federal Employment Agency of the Federal Republic of Germany, have, for profit, made workers available to third parties. The same shall apply to workers for Hungarian employers who recruit more contract workers than are allotted to them under article 3, paragraph 1, or who recruit workers who are not in possession of a work permit or residence permit.

Article 11

Pursuant to the Quadripartite Agreement of 3 September 1971,¹ this Agreement shall apply also to Berlin (West) in accordance with the established procedures.

Article 12

(1) This Agreement shall enter into force three months after its signature.

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

(2) The Agreement may be denounced in writing until 30 June and shall take effect on 31 December of any year. Work permits issued under this Agreement shall not be affected by such a denunciation.

(3) Upon the entry into force of this Agreement the Regulations governing employment of contract workers in items III and IV of the exchange of notes of 23 July 1981 with Hungary constituting an agreement facilitating employment in the context of economic cooperation¹ shall cease to have effect.

(4) Contracts already submitted to the Federal Employment Agency of the Federal Republic of Germany at the time when this Agreement enters into force shall be worked off in accordance with the regulations previously in force, whereby the workers employed shall be counted towards the agreed maximum.

DONE at Budapest on 3 January 1989, in two originals, in the German and Hungarian languages, both texts being equally authentic.

For the Government of the Federal Republic
of Germany:

Dr. H. A. STEGER

For the Government of the Hungarian People's Republic:

Dr. CSABA HALMOS

¹ United Nations, *Treaty Series*, vol. 1320, p. 429.