

No. 27702

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**FEDERAL REPUBLIC OF GERMANY  
and  
YUGOSLAVIA**

**Arrangement concerning the detachment of Yugoslav workers from associated labour organizations in the Socialist Federal Republic of Yugoslavia and their employment on work contracts in the Federal Republic of Germany. Signed at Belgrade on 24 August 1988**

*Authentic texts: German and Serbo-Croatian.*

*Registered by Germany on 7 December 1990.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
YOUgoslavie**

**Accord relatif au détachement de travailleurs yougoslaves d'organisations du travail associées de la République fédérative socialiste de Yougoslavie et à leur emploi en République fédérale d'Allemagne dans le cadre de contrats entre entreprises. Signé à Belgrade le 24 août 1988**

*Textes authentiques : allemand et serbo-croate.*

*Enregistré par l'Allemagne le 7 décembre 1990.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE FEDERAL EXECUTIVE COUNCIL OF THE ASSEMBLY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERNING THE DETACHMENT OF YUGOSLAV WORKERS FROM ASSOCIATED LABOUR ORGANIZATIONS IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA AND THEIR EMPLOYMENT ON WORK CONTRACTS IN THE FEDERAL REPUBLIC OF GERMANY

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The Government of the Federal Republic of Germany and

The Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia,

Appreciating the mutual benefit of their present economic, industrial and technical cooperation,

Desiring to place the detachment and employment of workers from associated labour organizations on a sound footing, with due regard for the requirements of the labour market, in order to ensure economic cooperation,

With a view to establishing clearly defined terms and conditions for the associated labour organizations in the Socialist Federal Republic of Yugoslavia and enterprises in the Federal Republic of Germany which are cooperating on the basis of work contracts, in order to provide better opportunities for the detachment and employment of Yugoslav workers from associated labour organizations,

Have agreed as follows:

*Article 1*

Work permits shall be issued to Yugoslav workers who are detached for temporary employment in the territory of the Federal Republic of Germany on a work contract between the Yugoslav associated labour organizations and an enterprise domiciled in the Federal Republic of Germany (contractual workers) regardless of the situation and trends of the labour market.

*Article 2*

1. The number of contractual workers shall be limited to a maximum of 5,000, including 1,500 workers in the building trade.

2. Work permits shall be issued to workers solely for executing work contracts for which purpose mainly professionally qualified workers are required. Work

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<sup>1</sup> Came into force provisionally on 24 August 1988, the date of signature, and definitively on 20 July 1989, the date on which the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia notified the Government of the Federal Republic of Germany of the completion of the relevant requirements under Yugoslav law, in accordance with article 12 (1).

permits shall be issued to workers without professional qualifications only in so far as such workers are indispensable for doing the work.

### *Article 3*

1. The specified maximum number of contractual workers shall be apportioned among the Yugoslav associated labour organizations by the organization in the Socialist Federal Republic of Yugoslavia that is designated by the competent authority.

2. In implementation of the Agreement, the Federal Employment Agency, acting in collaboration with the Federal Committee for Labour, Health and Social Policy or the relevant Yugoslav organization, shall make every effort to avoid a regional concentration of contractual workers in the same sector.

### *Article 4*

1. The maximum numbers specified in article 2, paragraph 1, shall be adjusted as follows in line with developments in the labour market:

Should the situation of the labour market improve, the maximum numbers specified at the time of entry into force of the Agreement shall be increased by 5 per cent for each full percentage-point decrease in the unemployment rate in the preceding 12 months. Should the situation of the labour market deteriorate, the maximum numbers shall be correspondingly reduced. For the purposes of such adjustment, a comparison shall be made between the unemployment rates — broken down into overall rates and sectoral rates for the construction industry — as at 30 June of the current year and the preceding year. Allowance shall be made for the changes as from 1 October of the current year. The new maximum numbers shall be rounded in such a way as to be evenly divisible by number 10.

2. The Federal Minister for Labour and Social Affairs shall notify the Federal Committee for Labour, Health and Social Policy of the maximum numbers by 31 August of each year.

### *Article 5*

1. The work permit shall be issued only if

- (i) The contractual worker holds the requisite residence permit;
- (ii) The remuneration of the contractual worker, including the portion thereof payable by way of an expatriate allowance, is equivalent to the wage stipulated in the relevant German collective-bargaining agreements for comparable activities.

2. In all other respects, the relevant national legal regulations concerning the issue, refusal and expiration of the work permit shall apply. A copy of the work contract must be submitted in good time to the competent regional labour office.

### *Article 6*

1. The work permit shall be issued for the expected duration of the work in fulfilment of the work contract. The work permit shall normally be valid for a maximum period of two years. If, owing to an unforeseeable event, execution of a work contract takes more than two years, the work permit shall be extended by up to six months. If it is evident, from the outset, that execution of the work contract will take more than two years, the work permit shall be issued for a maximum period of up to three years.

2. Following completion of an assignment, application may be made for a new work permit, valid up to the maximum permissible period of two years, for executing another work contract.

3. The work permit shall be issued for a specified professional activity relating to the execution of a specified work contract. In substantiated exceptional cases, the work permit may be issued for several work contracts. The Yugoslav associated labour organizations may temporarily reassign the worker, within the stipulated period of validity of the work permit, to execute another work contract if the execution thereof has already begun. They must promptly notify the regional labour office of the said reassignment. The regional labour office shall arrange for the issue of an appropriate work permit.

4. The work permit shall be issued, for a maximum period of up to four years, to individual workers engaged in managerial or administrative activities. These work permits shall be issued to one to four workers, depending on the size of the project.

#### *Article 7*

A contractual worker who has left the Federal Republic of Germany on completion of his activity may be granted another work permit in connection with a new work contract if, following completion of his activity, he has resided outside the federal territory for a period at least equivalent to the period of his last employment therein.

#### *Article 8*

1. Application for the residence permit, in the form of a visa, must be made, before entry, to the competent German mission abroad. The worker can enter the Federal Republic of Germany as soon as the visa is issued. He must report without delay to the competent aliens' registration authority in his place of residence.

2. Application for the work permit must be made, immediately after entry, to the labour office within the jurisdiction of which the work contract is to be executed or in which the Yugoslav associated labour organization has a registered office or branch.

#### *Article 9*

The Federal Ministry of Labour and Social Affairs and the Federal Committee for Labour, Health and Social Policy shall work in close collaboration under this Agreement. At the request of either side, the Joint German-Yugoslav Commission on Questions concerning Yugoslav Nationals in the Federal Republic of Germany (Agreement between the Government of the Federal Republic of Germany and the Government of the Socialist Federal Republic of Yugoslavia of 12 October 1968) shall meet in order to discuss matters relating to implementation of this Agreement.

#### *Article 10*

No work permit shall be issued to workers who are to be employed by Yugoslav associated labour organizations which, without the permission of the Federal Employment Agency, have assigned workers to third parties for professional work. The same shall apply to workers of Yugoslav associated labour organizations which are employing a number of contractual workers in excess of that permitted in article 3, paragraph 1, or which are employing workers who do not hold a work or residence permit.

*Article 11*

This Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia within the three months following the date of entry into force of this Agreement.

*Article 12*

1. This Agreement shall enter into force on the date on which the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia has notified the Government of the Federal Republic of Germany that the relevant requirements under Yugoslav law have been met. The Agreement shall apply, on a provisional basis, with effect from the date of signature.

2. The Agreement may be denounced, with effect from 31 December, up to 30 June of any year. Work permits already issued under the Agreement shall not be affected by such denunciation.

DONE at Belgrade on 24 August 1988, in two originals, each in the German and Serbo-Croat languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. HELMUT GÖCKEL

For the Federal Executive Council of the Assembly  
of the Socialist Federal Republic of Yugoslavia:

Dr. JANKO OBOCKI

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