

No. 29541

**FEDERAL REPUBLIC OF GERMANY
and
POLAND**

Agreement concerning the employment of workers for the improvement of their vocational and linguistic skills (Guest-Worker Agreement). Signed at Warsaw on 7 June 1990

Authentic texts: German and Polish.

Registered by Germany on 28 January 1993.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
POLOGNE**

Accord relatif à l'emploi de travailleurs en vue d'approfondir leurs connaissances professionnelles et linguistiques (Accord relatif aux travailleurs migrants). Signé à Varsovie le 7 juin 1990

Textes authentiques : allemand et polonais.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF POLAND CONCERNING THE EMPLOYMENT OF WORKERS FOR THE IMPROVEMENT OF THEIR VOCATIONAL AND LINGUISTIC SKILLS (GUEST-WORKER AGREEMENT)

The Government of the Federal Republic of Germany and
The Government of the Republic of Poland
Have agreed as follows:

Article 1

(1) This Agreement shall apply to persons domiciled in the area covered by this Agreement who seek employment as guest workers.

(2) The competent authorities for the implementation of this Agreement shall be:

(a) The Federal Labour Office (Central Employment Exchange at Frankfurt am Main) (*Bundesanstalt für Arbeit (Zentralstelle für Arbeitsvermittlung in Frankfurt/Main)*);

(b) The Provincial Labour Office at Warsaw (*Wojewódzkie Biuro Pracy w Warszawie*).

Article 2

(1) Guest workers are workers who:

(a) Have received vocational training;

(b) Are engaged in temporary employment in order to improve their vocational and linguistic skills; and

(c) Are not under 18 or over 35 years of age at the time when they take up the said employment.

(2) The period of employment as a guest worker shall normally be one year, but it may be extended to a total of 18 months.

(3) If an employment relationship is terminated prematurely, the competent authority of the host country shall endeavour to place the guest worker in another equivalent employment relationship.

Article 3

(1) Guest workers shall be promptly provided, pursuant to the domestic regulations concerning the entry and residence of aliens, with the requisite permits to

¹ Came into force provisionally on 7 June 1990 by signature, and definitively on 6 December 1990, the date of receipt of the last of the notifications (of 6 August and 29 November 1990) by which the Parties notified each other of the completion of the internal requirements, in accordance with articles 10 and 11 (1).

enable them to live and work in the host country for the duration of their employment.

(2) Applications for residence permits, in the form of a visa, must be submitted to the host country's competent mission abroad before entry into that country.

(3) The permit required for employment shall be granted irrespective of the situation and trends of the labour market.

Article 4

Remuneration and other terms of employment shall be determined in accordance with wage agreements and with the host country's legal provisions relating to labour and to social insurance.

Article 5

(1) The number of guest workers who may be admitted by each Party shall be fixed at 1,000 per year.

(2) Changes in the aforementioned maximum number may be agreed upon between the two Parties through an exchange of notes.

(3) If the maximum number is not reached, the posts remaining unfilled shall not be carried over to the following year. An extension of the duration of the employment relationship, as provided for in article 2, shall not be deemed to constitute a new admission.

Article 6

(1) Guest workers wishing to be admitted for employment under this Agreement may submit applications for job placement to the authority of their Party which is competent for the implementation of this Agreement. The competent authority shall establish criteria for the selection of placement applications. It shall transmit the applications given consideration to the competent authority of the other Party.

(2) The competent authorities of each Party shall promote the exchange programme and endeavour to find suitable employment for the guest workers; they shall notify the results of their endeavours to the competent authority of the other Party.

Article 7

No costs or fees shall be charged for job placement. In all other respects, costs and the payment of fees shall be governed by the legislation of the Party concerned.

Article 8

(1) The Federal Minister of Labour and Social Order of the Federal Republic of Germany and the Minister of Labour and Social Policy of the Republic of Poland shall be the plenipotentiaries for the implementation of this Agreement.

(2) The plenipotentiaries may establish bilateral working groups to discuss questions relating to the implementation of this Agreement.

Article 9

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

Article 10

This Agreement shall be implemented provisionally from the date of its signature.

Article 11

(1) This Agreement shall enter into force as soon as both sides have notified each other that the respective domestic prerequisites for entry into force have been met. The date of receipt of the last such notification shall be deemed to be the date of entry into force.

(2) This Agreement shall remain in force for a period of three years. It shall be extended for further periods of one year unless it is denounced in writing by either side not less than six months before the end of a calendar year.

(3) Permits already granted under this Agreement shall, for the period for which they were granted, remain unaffected by any denunciation.

DONE at Warsaw on 7 June 1990, in duplicate in the German and Polish languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

Dr. G. KNACKSTEDT

Dr. NORBERT BLÜM

For the Government
of the Republic of Poland:

JACEK KUROŃ

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