

AGREEMENT  
ON COOPERATION

between

THE NATIONAL LABOUR INSPECTORATE  
IN THE REPUBLIC OF POLAND

and

THE NATIONAL LABOUR INSPECTORATE  
IN THE SLOVAK REPUBLIC

**Agreement**  
**on bilateral cooperation and information exchange**  
**concluded in Malá Lučivná on 9 September 2019**  
**between**  
**the National Labour Inspectorate in the Republic of Poland**  
**and**  
**the National Labour Inspectorate in the Slovak Republic**

Taking account of increased mobility of persons for economic purposes within the territory of the European Union and the European Economic Area and noticing the growing importance of economic migrations and posting of workers for the economic development of both countries;

Having regard to the development of the single market of services in the territory of the Slovak Republic and the Republic of Poland in accordance with the rules of fair competition between enterprises and respecting the rights of workers;

Noticing the necessity to undertake joint actions to increase the effectiveness of protection of posted workers and economic migrants within the territory of both countries and to enforce compliance with legal provisions on safe and healthy conditions of work performed in the environment free from the risk of work accidents and occupational diseases;

Respecting the competence of the other Party, based on national legislation and obligations arising from the EU legislation, in particular Regulations (EC) of the European Parliament and of the Council, as well as EU Directives, and taking account of the differences resulting from the specificity of the labour market in each of the two countries and the role of social partners in ensuring the rule of law in labour relations;

Recognising the need to build the institutional potential of the authorities supervising working conditions by sharing experience, good practices and joint training;

The National Labour Inspectorate in the Slovak Republic and the National Labour Inspectorate in the Republic of Poland, hereinafter referred to as "the Parties", decided to conclude the Agreement on bilateral cooperation and information exchange, hereinafter referred to as "the Agreement".

## **Article 1**

### **Scope of cooperation**

1. The scope of cooperation and information exchange regulated by the Agreement covers matters of posting of workers in the framework of the provision of services, as laid down in Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, hereinafter referred to as "Directive 96/71/EC", and in line with Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("the IMI Regulation"), hereinafter referred to as "Directive 2014/67/EU", and with regulations implementing the provisions of both Directives into the national legal systems, respecting legal provisions on terms and conditions of work and employment of workers posted to the countries of the Parties, as well as cases of illegal practices which are meant to circumvent the provisions laid out in Directive 96/71/EC and Directive 2014/67/EU and which result in infringements of employee rights.
2. The Agreement regulates cooperation and exchange of information on matters relating to work performed in the territory of the countries of the Parties on the basis of contracts concluded directly with Slovak or Polish employers, as well as in connection with posting of workers to the territory of the countries of the Parties through employment agencies which seek and offer jobs in companies of foreign employers.
3. The Agreement also covers cooperation aimed at improvement of personnel of labour inspectorates of the Parties on the basis of the experience of the partnering institution and external initiatives, including projects financed from external resources.

## **Article 2**

### **Forms of cooperation**

Authorised bodies participating in the cooperation shall support each other within their remit as stipulated by the national legislation, in particular through:

- 1) carrying out inspections of compliance with the provisions on posting of workers as laid out in Directive 96/71/EC and Directive 2014/67/EU in the territory of the countries of the Parties, and if necessary and following a request by a Party, conducting joint inspections in matters concerning cross-border employment relations,
- 2) undertaking actions, in line with their competence, in matters relating to persons performing paid work in the territory of the countries of the Parties; this shall be done especially on the

basis of received complaints and other indications of irregularities related to work, while in cases where the Party is not competent to act – indicating the competent authority,

- 3) exchanging information about any irregularities revealed during inspection of employment, any infringements of employee rights to the detriment of workers from the countries of the Parties which require competent authorities of both Parties to undertake appropriate measures, especially as regards remunerations and working conditions, including occupational safety and health,
- 4) exchanging information about the progress of actions undertaken by the Party to deal with a specific matter on the other Party's request, whenever it is required,
- 5) informing the other Party about accidents which involved citizens of the countries of the Parties and occurred as a result of the work performed in their territory as well as coordinating and conducting joint activities in these cases – upon prior arrangement made every time by the Parties,
- 6) sharing information, on the other Party's request, to the best of their knowledge, on registered collective labour agreements binding for companies from specific sectors in the territory of the countries of the Parties and on workers' organisations through which persons working in the countries of the Parties may seek assistance and support when their rights are violated,
- 7) conducting communication and preventive activities, especially exchanging information and educational materials connected with areas of activity of the Parties, as well as promoting prevention and educational activities in the field of occupational health and labour protection,
- 8) providing the other Party, on its request, with information on legal provisions which are in force in the country of the Party and refer to matters covered by the scope of the Agreement,
- 9) exchanging information about the structure, functions and competence of the institutions authorized to inspect and supervise working conditions, as well as their methods of work and conducting inspection proceedings, so as to better understand the rules and traditions typical of labour markets in the countries of the Parties,
- 10) providing information on an institution or authority in the country of the Party, competent in the field of regulated professions and recognition of professional qualifications,
- 11) organising joint meetings of experts, if needed, in order to discuss current issues covered by the cooperation, as well as participating in meetings, seminars, conferences and other

events arranged by the Parties and by other national and foreign authorities and organisations, which are of importance for further development of the cooperation,

- 12) carrying out joint projects, including those co-financed with external resources, targeted at developing own structures or improving of the rule of law in employment relations in the countries of the Parties.

### **Article 3**

#### **Competent bodies and rules of information exchange**

1. The cooperation shall be carried out through competent structures within the Chief Labour Inspectorate established in Warsaw and the National Labour Inspectorate in the Slovak Republic, established in Kosice.
2. The liaison offices shall be the contact points for receiving, forwarding and exchanging information between the Parties in cases concerning posting of workers in the framework of the provision of services.
3. Information on cases concerning posting of workers in the framework of the provision of services in the territory of the countries of the Parties shall be exchanged via relevant modules of the European Internal Market Information System (IMI), which enable Member States to send information and documents in electronic form, in compliance with the established rules of cooperation in such cases between administrative institutions.
4. Exchange of information on cases other than mentioned in point 3 may be conducted by means of other electronic tools of communication and through traditional exchange of correspondence, without prejudice to the requirements of information safety and data protection.

### **Article 4**

#### **Assessment of the implementation of the Agreement**

1. Whenever the Parties find it necessary, but not less frequently than once every two years, the Parties shall organise a bilateral meeting aimed at assessing implementation of the Agreement and identifying possible new areas of cooperation in the following years.
2. The meetings referred to in point 1 may also include discussions on other issues, such as programmes and projects of joint actions aimed at preventing and combatting illegal practices and infringements of legal provisions in matters covered by the Agreement.
3. The meetings referred to in point 1 shall be organised alternately in the territory of the countries of the Parties.

## **Article 5**

### **Expenses**

1. The costs of international travel and accommodation resulting from the implementation of the Agreement shall be covered by the sending Party.
2. Each Party's own expenses resulting from the implementation of the Agreement shall be covered by that Party's own financial resources.
3. The Parties shall jointly decide on the rules of payment for other expenses resulting from organisation of an event, each time when they conduct activities under this Agreement.

## **Article 6**

### **Amendment and termination of the Agreement**

1. The Agreement is concluded for an indefinite period of time.
2. Any amendments to the Agreement shall be made in writing.
3. The Agreement may be terminated by either of the Parties. The Agreement shall expire after 6 months from the date of delivery of a written notice of termination to the other Party.

## **Article 7**

### **Final provisions**

1. The Agreement shall enter into force on the date of signature.
2. The Agreement is not a treaty under the public international law.
3. The Agreement was drawn up in two identical copies, one for each Party, in the following languages: Polish, Slovak and English. In case of any discrepancies, the English text shall prevail.
4. The validity of the Agreement on cooperation between the National Labour Inspectorate in the Republic of Poland and the National Labour Inspectorate in the Slovak Republic concluded on 14 March 2013 shall expire on the date when this agreement shall enter into force.

on behalf  
of the National Labour Inspectorate  
in the Republic of Poland

**Wiesław Łyszczek**  
**Chief Labour Inspector**



on behalf of  
the National Labour Inspectorate  
in the Slovak Republic

**Karol Habina**  
**Director General**

