

the forthcoming years. The Participants express the intention that such a meeting will occur at least once every two years.

2. The meetings referred to in point 1 may also include discussions on other issues such as joint action programmes aimed at preventing and combating illegal conduct and violations of legal provisions in the areas referred to in this Memorandum.
3. The meetings referred to in point 1 shall be organised alternately in the territories of the Participants' countries.

Paragraph 5

Costs

1. Both Participants express their commitment to the principle that the costs of international transport and accommodation arising from the cooperation set forth in this Memorandum will be borne by the sending Participant.
2. Likewise, they declare their intention to apply the principle that each Participant's own costs arising from the implementation of the cooperation referred to in this Memorandum shall be borne by that Participant from its own resources.
3. The Participants shall jointly decide on the rules for covering other costs associated with the organisation of the event each time activities are carried out under this Memorandum.

Paragraph 6

Conclusion

1. The Memorandum is not a legally binding document under public international law.
2. The Memorandum was drawn up in two identical copies, each of them in the following languages: Polish, Czech and English.

Signed in Wrocław on 6 June 2023

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



Katarzyna Łażewska-Hrycko
Chief Labour Inspector

on behalf of
the State Labour Inspection Office
of the Czech Republic



Rudolf Hahn
Inspector General

Memorandum of Cooperation and Exchange of Information

between

the National Labour Inspectorate in the Republic of Poland

and

the State Labour Inspection Office of the Czech Republic

Taking into account the increased mobility of persons for economic reasons within the territory of the European Union and the European Economic Area and the observable rise in the importance of periodic economic migration and posting of workers for the economic development of both countries;

With a view to developing a single market for services in the territory of the Republic of Poland and the Czech Republic and in accordance with the rules of fair competition between enterprises and respect for workers' rights;

Mindful of the need to implement joint measures directed towards enhancing the efficacy of protection of posted workers and migrant workers in the territories of both countries and to promote compliance with legislation on safe and healthy working conditions;

While respecting their competences, taking into account the differences arising from the specificities of the labour market in each of the two countries and the role of the social partners in ensuring compliance with labour law and occupational health and safety regulations;

Recognising the need to raise the awareness of inspection bodies for the supervision of working conditions, inter alia, through the sharing of experience, good practices, and joint training;

The National Labour Inspectorate in the Republic of Poland and the State Labour Inspection Office of the Czech Republic, hereinafter referred to as the "Participants", have decided to promulgate this Memorandum of Cooperation and Exchange of Information, hereinafter referred to as the "Memorandum".

Paragraph 1

Scope of cooperation

1. The scope of cooperation and exchange of information under this Memorandum covers aspects of posting of workers in the framework of the provision of services arising from European Directives and from the regulations implementing the provisions of European Directives in national legal systems, respecting the legislation on the conditions of work and employment of workers posted to the Participants' countries, as well as cases of illegal practices intended to circumvent European Directives and resulting in violations of workers' rights.

2. The Memorandum focuses on cooperation and exchange of information in matters relating to work carried out in the territory of the Republic of Poland and the Czech Republic, both by Polish or Czech employers, and in connection with the posting of workers in the territory of the Participants' countries by employment agencies seeking and offering work in the companies of foreign employers.
3. The Participants also intend to focus on developing the expertise of the Participants' staff based on the experience of partner institutions and external initiatives, including externally funded projects.

Paragraph 2

Forms of cooperation

The competent authorities involved in the cooperation may support each other in particular by:

- 1) carrying out inspections of compliance with the provisions on the posting of workers, in the territories of the Participants' countries, if necessary, at the request of the other Participant, or by carrying out joint inspections of matters relating to cross-border labour relations;
- 2) carrying out inspections following a request by the other Participant, as well as joint inspections, in particular in matters pertaining to work performed by third country nationals holding a residence permit allowing them to work in the territory of the country of the Participant and working in the territory of the country of the other Participant, as well as to work performed by foreigners staying illegally in the territory of the countries of the Participants, or by foreigners whose residence permit does not allow them to perform work;
- 3) taking measures in accordance with their competences in matters relating to workers in the Participants' territories. This will be carried out in particular on the basis of received complaints and other submissions pointing to violations of the law. In cases where the Participant does not have jurisdiction over the issue in question - it shall inform the other Participant as to the competent authority in the matter;
- 4) exchanging information on the status, progress and outcomes of inspections carried out by the Participant at the request of the other Participant when required;
- 5) informing the other Participant of occupational accidents involving nationals of the Participants' countries that have occurred as a result of work carried out in their territory, as well as coordinating and implementing joint procedures in such cases;
- 6) sharing information provided at the request of the other Participant, to the maximum extent possible, about registered collective agreements binding on companies in specific sectors in the territory of the Participants' countries;
- 7) carrying out communication and preventive activities, in particular the exchange of information and educational materials related to the Participants' areas of activity, as well as the promotion of educational activities in the field of occupational health and safety and labour protection;

- 8) providing information to the other Participant - upon request - on the laws and regulations in force in the Participant's country and referring to the matters set forth in this Memorandum;
- 9) exchanging information about the structure, functions and competences of the institutions authorised to conduct inspections in the field of working conditions, and about the manner in which they work and carry out their inspection procedures, with a view to better understand the rules and practices specific to the labour markets of the Participants' countries;
- 10) organizing joint bilateral or multilateral meetings of experts to discuss current issues within the framework of cooperation under this Memorandum, as well as participation in meetings, seminars, conferences, and other events organized by the Participants and other national and foreign authorities and organizations that are important for the further development of cooperation;
- 11) implementing joint projects, including those co-financed by external sources, aimed at developing their own structures or improving the legal environment in labour relations and occupational safety and health in the Participants' countries.

Paragraph 3

Competent authorities and rules for the exchange of information

1. Cooperation is carried out through the relevant structures within the Chief Labour Inspectorate established in Warsaw and the State Labour Inspection Office in Opava.
2. The contact offices will be the contact points for the receipt, transmission, and exchange of information between the Participants in cases relating to the posting of workers in the framework of the provision of services.
3. The relevant modules of the European Internal Market Information System (IMI) shall be used to exchange information on cases concerning the posting of workers in the framework of the provision of services in the Participants' territories, allowing Member States to send information and documents in electronic form between administrative authorities in accordance with the established cooperation rules for such cases.
4. The exchange of information on cases other than those referred to in point 3 may be carried out through other electronic means of communication and through traditional correspondence, while respecting information security and data protection requirements.
5. The Participants shall act in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) and in accordance with the applicable and effective national data protection legislation.

Paragraph 4

Evaluating cooperation

1. Whenever the Participants deem it necessary, the Participants shall organise a bilateral meeting to evaluate the cooperation and identify possible new areas of cooperation for