

**Agreement on bilateral cooperation and exchange of information
concluded in Copenhagen on 6 December 2017
between
the Danish Working Environment Authority
in the Kingdom of Denmark
and
the National Labour Inspectorate
in the Republic of Poland**

Recognising the free movement of workers, freedom of establishment and freedom to provide services as fundamental principles of the single internal market in the Union enshrined in the Treaty on the Functioning of the European Union;

Taking account of increased mobility within the territory of the EU and noticing the growing importance of posting of workers of both countries;

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

Sharing the view that employers providing temporary services in our countries must be genuinely established in the Member State from which the posting takes place;

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

Taking account of a rapidly changing labour market with the emergence of new forms of work and increasing uncertainty over the status of workers and self-employed;

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 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;

The Danish Working Environment Authority in the Kingdom of Denmark 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 exchange of information, hereinafter referred to as “the Agreement”.

**Article 1
The 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 stipulated by 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 stipulations of both Directives into the national legal systems, as well as cases of practices which are meant to circumvent the provisions laid out in Directive 96/71/EC and Directive 2014/67/EU and 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 countries of the Parties on the basis of contracts concluded directly with Danish or Polish employers, as well as in connection with posting of workers to the territory of countries of the Parties or through the services of employment agencies that seek and offer jobs in companies of foreign employers.

Article 2

Forms of cooperation

National authorities 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 in Directive 2014/67/EU in the territory of countries of the Parties, and if agreed by both Parties, conducting joint inspections in matters concerning cross-border employment relations,
2. cooperation on developing, implementing and distributing communication and preventive activities, especially exchanging information and educational materials connected with areas of activity of the Parties, targeted at workers who are posted or migrate for economic reasons to the territory of countries of the Parties, at employers and other interested persons,
3. undertaking actions, in line with their competence, in matters relating to persons performing paid work in the territory of countries of the Parties; this shall be done especially on the basis of received complaints and other indications of irregularities connected with work, while in cases where the Party is not competent to act – informing about the incident to the competent authority,
4. exchanging information about the progress on 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 serious, fatal and collective accidents which involved citizens of the country of the other Party and occurred in connection with work performed in their territory when the Party become aware of the accident,
6. sharing information, on the other Party’s request, to the best of their knowledge, on: collective labour agreements from specific sectors in the territory of countries of the Parties e.g. through the national website as laid out in Directive 2014/67/EU, and on organisations of workers through which persons working in the territory of countries of the Parties may seek assistance and support when their rights are violated,
7. providing the other Party, on its request, with information about amendments to legal provisions which are in force in the country of the Party and refer to matters covered by the scope of the Agreement,
8. exchanging available information about the structure, functions and competence of authorities inspecting and supervising working conditions, as well as their methods of work and inspection, so as to better understand the rules and traditions typical of labour markets in the countries of the Parties,
9. organising bilateral meetings of experts, if needed, so as 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.

Article 3

Competent bodies and rules of information exchange

1. The cooperation shall be carried out through liaison offices established within the National Labour Inspectorate and the Danish Working Environment Authority.
2. The liaison offices shall be contact points for receiving and forwarding information exchanged between the Parties that refer to matters covered by the Agreement.
3. Exchange of information on matters relating to posting of workers in the framework of the provision of services in the territory of countries of the Parties shall first and foremost take place via relevant modules of the European Internal Market Information System (IMI), which enable Member States to forward information and documents in electronic form, in compliance with the established rules of cooperation in such matters between administrative institutions.
4. Exchange of information on matters other than mentioned in point 3 may also be conducted with the help of other electronic tools of communication and through traditional exchange of correspondence sent to the liaison office's address, while observing the requirements of information safety and data protection.

Article 4

Assessment of the Agreement implementation

1. The Parties undertake to prepare written information each year about activities carried out within the framework of the Agreement.
2. Whenever the Parties find it necessary, but not less frequently than every two years, they shall organise a bilateral meeting aimed at assessing implementation of the Agreement and identifying possible new areas of cooperation in the following years.
3. The meetings mentioned in point 2 may also comprise discussions on other issues, including programmes of joint actions to prevent illegal practices and infringements of legal provisions in matters covered by the Agreement.
4. The meetings mentioned in point 2 shall be organised alternately in the territory of countries of the Parties.

Article 5

Expenses

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

Article 6

Amendment, notice of termination 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 each of the Parties. The Agreement shall expire after 6 months counting from the day of receipt of a written notice of termination by the other Party.

Article 7
Final provisions

1. The Agreement shall enter into force on the date of its signing.
2. The Agreement was drawn up in two identical copies, one for each Party, in the following languages: Polish and English. In case of any discrepancies, the English text shall be considered as prevailing.

on behalf of
the Danish Working Environment Authority
in the Kingdom of Denmark



Søren Kryhmand
Director General

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



Wiesław Łyszczek
Chief Labour Inspector