



**Labour and Social Security
Inspectorate of Spain**



Labour Inspectorate of Poland

**AGREEMENT ON THE EXCHANGE OF INFORMATION AND
COOPERATION BETWEEN THE LABOUR INSPECTION IN POLAND AND
THE LABOUR AND SOCIAL SECURITY INSPECTORATE IN SPAIN**

The Labour Inspection in Poland, represented by Mr. Tadeusz Zająca - Chief Labour Inspector

and

The Labour and Social Security Inspectorate in Spain, represented by Mr. Demetrio Vicente Mosquete, Director General of the Labour and Social Security Inspectorate, appointed through the Royal Decree no 1475/2010, of 5 november 2010 (B.O.E 10-11-2010),

hereinafter referred to as the *Signatory Parties*,

Endeavouring to extend and strengthen their mutual relations have decided to enter into cooperation in respect of exchange of information concerning the enforcement of occupational health and safety regulations and labour law. Having regard the above, the Parties

HAVE AGREED UPON THE FOLLOWING:

Point 1

This Agreement on the Exchange of Information and Cooperation, hereinafter referred to as the Agreement, represents the framework for the implementation of those agreed upon by the willpower of the *Signatory Parties*. However, the fields covered by the Agreement and that may also be regulated by compulsory international standards, shall be observed as regards the obligation to collaborate, terms and other aspects.

Point 2

1. The purpose of this Agreement is to set up a framework for a permanent administrative cooperation, as well as an exchange of information between the *Signatory Parties* on their areas of competence, and mainly through execution of the following tasks:

- a) Exchange of labour inspectors in the scope of competence of the Parties,
- b) Exchange of communication materials, issued by or in collaboration with either of the Parties,
- c) Organization of courses and practical training as well as participation in conferences, seminars and meetings organized by the Parties,
- d) Development and implementation of joint projects connected with submission of applications to EU institutions, International Labour Organization or other international organizations acting in the area of labour and occupational health and safety,
- e) Exchange of experiences on implementation of EU Directives concerning the Parties' scope of competence,
- f) Exchange of information in respect of planning, coordination, methodology and evaluation of inspection activities,
- g) Exchange of information on the posting of workers in line with the provisions of the Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

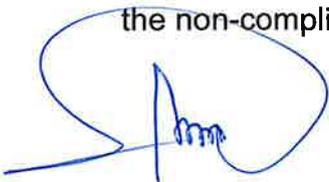
2. The *Signatory Parties* shall cooperate in the field of the working conditions of the workers posted in the framework of the transnational provision of services, regulated by Directive 96/71/EC, and shall provide to each other the necessary technical assistance concerning reasoned requests for information, including the identified cases of abuse and of alleged illegal transnational activities.

3. The *Signatory Parties* shall support each other, in scope of their competence, especially in checking whether, inter alia, the posting undertaking/enterprise owns sufficient material and human infrastructure for developing its activity and whether it carries out a significant activity in the Member State of origin.

4. In addition, within the framework of Directive 96/71/EC and as far as possible, the *Signatory Parties* shall support each other in checking whether the posted workers from third country have a work permit in the Member State of origin of the undertaking/enterprise posting a worker.

5. Any of the *Signatory Parties* may ask the other one, on grounded reasons, to carry out inspection activities or to draw up reports on the working conditions of its citizens in the other State, or other aspects of interest. The requested Party shall reply to queries of other Party unless the request in whole refers to matters outside of its scope of competence. In such a situation, the requested Party shall inform the other Party of other authority or authorities competent to deal with the given matter.

6. In the field of safety and health at work, the *Signatory Parties* shall exchange information on the undertakings/enterprises on the territory of the other State that operates on their own territory. Each of the Signatory Parties shall, above all, inform the inspection authority in the country of origin of the undertaking on the non-compliances identified in this field and on the measures taken.



7. In case fatal accidents at work have occurred on the territory of one of the two States, affecting the workers of an undertaking from the other State, the *Signatory Party* from the State the event has taken place in shall inform the one of the State of origin ex officio on the result of the investigation and on the measures taken following those accidents. Information on accidents at work other than fatal shall be forwarded upon request of a given *Signatory Party*.

8. The *Signatory Parties* may request help to each other in the identification of the undertakings/enterprises involved in the investigation process, in particular in respect of companies which have been penalized for criminal offences or infringements. In addition, they may request help to each other in those cases in which difficulties appear in finding the location of the registered office of an undertaking/enterprise or in identifying its legal representative.

9. The *Signatory Parties* shall support each other, in general actions and based on the competences they have, in determining the validity of the social and work papers handed by employers or workers. They shall also support each other in determining the validity of the documents imposed by the legislation applicable in the inspection operations that are to be carried out.

Point 3

The parties set the following priorities of cooperation:

1. Exchange of information and practice in respect of implementation of EU Directives in the field of occupational safety and health.
2. Exchange of information and practices concerning the enforcement of legal provisions as well as inspection and assessment of health and safety indicators;
3. Exchange of information covered by the provisions of the 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.

Point 4

The requests of information and the answers to the requests submitted on the grounds of this Agreement shall be put into effect through the means of the *Signatory Parties* and they shall comply with the following:

1. The requests of information and those for carrying out inspection visits, check-ups and investigations on the grounds of this Agreement shall be motivated appropriately.
2. In case one of the *Signatory Parties* faces difficulties in solving a request of information or for carrying out inspection visits, check-ups and investigations, it shall inform the solicitor on this, with a view to searching for an acceptable solution.

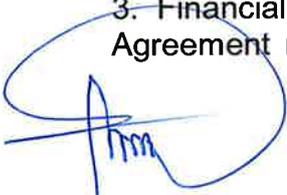
3. The communication shall preferably be performed through electronic means.
4. The information and the documents to be shared shall be subject to the Personal Data Protection System in force in each of the States, in respect of the national, community and international standards. These information and documents shall be exchanged in strict respect of the domestic law of each State.

Point 5

1. The Parties to the Agreement shall meet on annual basis to discuss and evaluate the implementation of this Agreement. The meetings shall take place in the territory of the Kingdom of Spain and the Republic of Poland on a reciprocal basis.
2. The hosting Party shall be responsible for organization of the meeting. Notification of the date of the meeting and its proposed agenda should take place at least one month prior to the scheduled date of the meeting.
3. The scope of the meeting will consist in:
 - a) Solve matters likely to arise during the implementation of this Agreement.
 - b) Evaluate cooperation and possible amendments to the Agreement contents, as well as organisation of some regional bilateral reunions that might be considered as necessary.
 - c) Monitor and evaluate results, as well as to submit relevant proposals.
 - d) Exchange of information on the legislative amendments affecting this Agreement.
4. The hosting Party shall be entitled to invite representatives of other institutions or organisations to the meetings.

Point 6

1. Expenses arising from the implementation of the Agreement shall be covered as follows:
 - a) The cost of airplane tickets and international travel shall be covered by the visiting Party.
 - b) Without prejudice to section 2, the rules concerning the financing of events and costs of stay shall be decided upon by both parties with regard to each individual project, event or a meeting.
2. In relation to annual meetings organised in order to discuss and evaluate the implementation of this Agreement - expenses related to travel and accommodation connected with participation in the meeting shall be covered by the Parties themselves.
3. Financial support for realization of the projects in the framework of the Agreement may be applied for from the EU Institutions, International Labour



Organization or other international organisations acting in the area of labour and occupational health and safety.

Point 7

Any amendments to the Agreement shall be made in writing

Point 8

Activities related to the planning, coordination and implementation of this Agreement shall fall under the responsibility of:

- Chief Labour Inspectorate - on behalf of the National Labour Inspectorate in Poland
- Directorate General of the Labour and Social Security Inspectorate - on behalf of the Labour and Social Security Inspectorate in Spain.

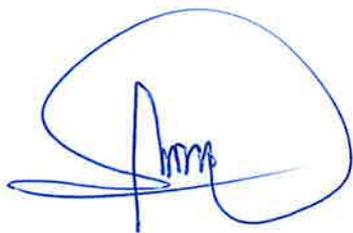
Point 9

This Agreement shall become effective on the date of its signature by both Parties.

This Agreement may be terminated at the initiative of any of the Signatory Parties, by a notification. The Agreement shall stop immediately after the receipt of the notification by the other Signatory Party.

This Agreement has been signed, in two copies, in Polish, Spanish and English languages. In the event of any doubts concerning its interpretation, the English version shall prevail.

In Madrid, November 17th 2010



Demetrio Vicente Mosquete
Director General
Labour and Social Security
Inspectorate in Spain



Tadeusz Zajača
General Inspector of State
Labour Inspection
in Poland