

## AGREEMENT

### **BETWEEN THE STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LATVIA UNDER THE MINISTRY OF WELFARE, THE LABOUR INSPECTORATE OF ESTONIA AND THE STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA UNDER THE MINISTRY OF SOCIAL SECURITY AND LABOUR**

### **ON TRILATERAL COOPERATION AND EXCHANGE OF INFORMATION IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH AND POSTED WORKERS**

The State Labour Inspectorate of the Republic of Latvia under the Ministry of Welfare, the Labour Inspectorate of Estonia and the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour (hereinafter referred to as the "Parties"),

*Wishing* to improve the situation in the field of occupational safety and health and labour legal relations (hereinafter both together referred - working environment) as it concerns labour inspection activities;

*Seeing the need* to exchange information and the best practices on working environment matters and inspection activities as well as to expand relations with other institutions in the States of the Parties dealing with working environment matters with the help of State Labour Inspectorates;

*Recognizing* the principles of free movement of workers, freedom of establishment and freedom to provide services as the fundamental pillars of the internal market, set out in the Treaty on the Functioning of the European Union;

*Taking account* of increased mobility of persons in the territory of the EU for economic reasons and noticing the growing importance of periodic economic migrants and posting of workers for the economic development of States of the Parties;

*Having regard* to the development of the single market of services in the territory of the Parties in accordance with the rules of fair competition between enterprises and respect for the rights of working persons;

*Noticing* the necessity to undertake joint actions to increase the effectiveness of protection of workers posted and migrating for economic reasons in the territory of all the States of the Parties and to enforce the compliance with legal provisions on safe and healthy conditions of work performed in the environment free from risk of work accidents and occupational diseases;

*Taking account* of increased mobility of persons from the third countries in the territory of the EU for economic reasons and noticing the increasing number of seasonal workers in the territory of the States of the Parties, their safety and health conditions during the time they perform work and their equal treatment according to the law;

*Respecting* the competence of all three Parties, based on the national legislation and obligations arising from the EU legislation, in particular Regulations (EC) of the European Parliament and of the Council, as well as the EU Directives, and taking account of the differences resulting from specificity of the labour market in all the States of the Parties;

DIRECTOR OF THE STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LATVIA, DIRECTOR GENERAL OF THE LABOUR INSPECTORATE OF ESTONIA AND CHIEF STATE LABOUR INSPECTOR OF THE REPUBLIC OF LITHUANIA have agreed as follows:

## Article 1

### The scope and forms of cooperation

1. To hold annual meetings between the Parties once a year in one of the States of the Parties. The cooperation is chaired by each Party for one year by way of rotation. Meetings shall be organised by the Party in chair. All the Parties have the opportunity to present issues for the meeting in reasonable time prior to the established date of the meeting.
2. To envisage meetings or visits of specialists in different fields of activities in one of the States of the Parties and to promote cooperation between specialists in different areas; also, to involve other labour inspectors and specialists of the Parties to conferences held in one of the States of the Parties.
3. To exchange information between the Parties on working environment matters and inspection activities in an electronic way; also, to share the best practices in control matters and to inform other Parties of essential internal law changes in working environment area.
4. To inform the other Party about the accidents which involved citizens of the country of the other Parties and occurred in connection with the work performed in their territory.
5. To exchange information and cooperate in the 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, 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') and with regulations implementing stipulations of both Directives into the national legal systems, observance of provisions on the terms and conditions of employment of workers posted to the territory of the States of the Parties, as well as cases of illegal practices which are meant to circumvent the provisions laid out in both Directives and result in infringements of employees' rights.  
Parties agree if needed and requested so by the other Parties, to carry out joint inspections in compliance with the national provisions on posting of workers regulation and in matters concerning cross-border employment relations in the territory of the States of the Parties.
6. To cooperate and exchange information on matters relating to the work performed in the territory of the States of the Parties on the basis of contracts concluded directly with Estonian, Latvian or Lithuanian employers, as well as in connection with posting of workers to work in the territory of the States of the Parties through the services of employment agencies that seek and offer jobs in companies of foreign employers.
7. To cooperate and exchange information on the matters relating to the posted third country nationals and on the matters of seasonal workers; and to exchange information about the best practices and different control measures.
8. To develop and implement communication and preventive activities, especially to co-operate in raising awareness among employers and employees in areas of activity of the Parties.
9. To provide information, to the best of their knowledge, about:
  - registered collective labour agreements that are binding for enterprises from specific sectors in the territory of the States of the Parties,
  - organisations of workers through which persons working in the territory of the States of the Parties may seek assistance and support when their rights are violated.

## **Article 2**

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

1. The cooperation shall be carried out through the liaison offices of the Parties. The Parties are responsible for the fact that each country has a designated contact person. The contact person of each Party is included in the Annex of this Agreement. The Annex can be amended by each of the Parties as regards to their contact person informing other Parties about the changes. The Annex has informative nature and its changes do not affect the scope and nature of this Agreement.
2. The liaison offices shall be the contact points for receiving and forwarding information exchanged between the Parties that refers to matters covered by the Agreement.
3. The exchange of information on matters relating to posting of workers in the framework of the provision of services in the territory of the States of the Parties shall take place via the relevant modules of the European Internal Market Information System (IMI), which enable the Parties to forward information and documents in electronic form, in compliance with the established rules of cooperation in such matters between the administrative institutions.
4. The exchange of information on matters other than mentioned in point 3 may be conducted with the help of other electronic tools of communication and through the traditional exchange of correspondence sent to the liaison office's address, while observing the requirements and regulation of information safety and data protection.

## **Article 3**

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

When the Parties deem it necessary they shall organize meetings aimed at assessing the implementation of the Agreement and identifying directions of the cooperation in the following years. This meeting shall be held together with the annual meeting of the Parties.

## **Article 4**

### **Expenses**

1. The costs of international travel and accommodation relating to the implementation of the Agreement shall be covered by the sending Party.
2. The Party's own expenses resulting from the implementation of the Agreement shall be covered by each Party from available financial resources.
3. The host country of the annual meeting of the Parties shall provide premises for the meeting and technical equipment.
4. 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 5**

### **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 with the consent of all the Parties.

3. All the disputes arising from this Agreement shall be solved by the way of negotiations.
4. The Agreement may be terminated by each of the Parties. The Agreement shall expire in 3 months upon the receipt of a written notice of termination by any of the Party.

## Article 6

### Final provisions

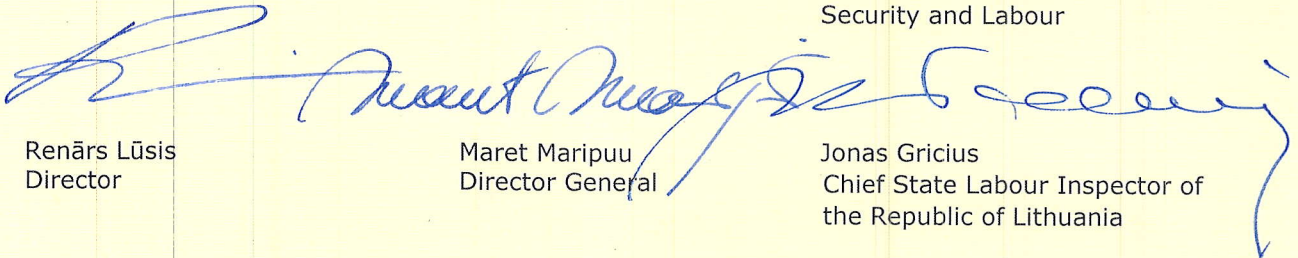
1. The Agreement is not an international treaty within the meaning of the Vienna Convention on the Law of Treaties, adopted on 23 May 1969, and shall not affect the rights and obligations of the Parties undertaken in accordance with the legislation and international obligations applicable on the territories of their States.
2. The Agreement shall enter into force on the date of its signing.

The Agreement is signed in Vilnius on 8 May 2018, in three original copies, each in the English language.

State Labour Inspectorate  
of the Republic of Latvia  
under the Ministry of Welfare

Labour Inspectorate  
of Estonia

State Labour Inspectorate  
of the Republic of Lithuania  
under the Ministry of Social  
Security and Labour



Renārs Lūsis  
Director

Maret Maripuu  
Director General

Jonas Gricius  
Chief State Labour Inspector of  
the Republic of Lithuania

## Contact persons of the Parties

Country	Contact person (name, surname)	E-mail	Contact phone
Estonia	Liis Naaber-Kalm Chief Lawyer, Department of Prevention and Legal Affairs	<a href="mailto:Liis.Naaber@ti.ee">Liis.Naaber@ti.ee</a> <a href="mailto:ti@ti.ee">ti@ti.ee</a>	+372 53093920 +372 6406000
Latvia	Tatjana Zabarovska Senior Expert, Cooperation and Development Unit	<a href="mailto:Tatjana.Zabarovska@vdi.gov.lv">Tatjana.Zabarovska@vdi.gov.lv</a>	+371 67021714
Lithuania	Dalia Legienė Chief Specialist, Communication division	<a href="mailto:Dalia.Legiene@vdi.lt">Dalia.Legiene@vdi.lt</a>	+370 52139766