



## **PROTOCOL OF COOPERATION** *between*

*The General Directorate for the Inspection Activity  
and  
The General Directorate for the Labour Market*

*The Romanian  
Labour Inspection*



*Ministero del Lavoro  
e delle Politiche Sociali*



***The General Directorate for the Inspection Activity and the General Directorate for the Labour Market of the Ministry of Labour and of Social Policy in Italy, of the one part, and Inspectoria Muncii of Romania, of the other part, hereinafter the Parties, wishing to extend and develop their institutional relationships,***

### **HAVING SEEN:**

Convention No. 81 of 11 July 1947 of the International Labour Organisation (ILO) on labour inspections in industry and commerce;

Regulation (EC) No. 883/2004, as amended by Regulation (EC) No. 988/2009 and by implementing Regulation (EC) No. 987/2009, regarding the application of social security systems for border workers who are employees or self-employed and for their family members, who move from place to place within the European Union;

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 regarding the posting of workers within the framework of the provision of services (transposed into Italian law by Legislative Decree No. 124/2004 and into Romanian law by Law No. 344/2006 and Government Decision No. 104/2007);

Recommendation of the European Commission of 31 March 2008, on enhanced administrative cooperation in the context of the posting of workers in connection with the provision of services;

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on work through temporary work agencies, which applies to workers with an employment contract or employment relationship with the temporary work agency and who are assigned to user undertakings with registered premises in a Member State, without prejudice to Directive 96/71/EC;

Whereas the movement of people and economic exchanges take place within a complex set of activities which could give rise to illicit practices in the use of labour force, making workers more vulnerable while also creating imbalances in social security schemes;

Whereas this activity comes entirely within the scope of action of the International Labour Organisation (ILO) with regard to “decent work”;

Whereas in implementing the “*EMPOWER – Exchange of Experiences and iMplementation of actions for POsted WorkERS*” Project <sup>1</sup>, the *Parties* have carried out awareness and training activities to increase knowledge and to improve application of Directive 96/71/EC on posted workers in Italy and in Romania;

**NOW, THEREFORE, the *Parties* agree as follows:**

### **Article 1**

#### **Purpose of the Protocol**

The object of this Protocol is administrative cooperation in the field of labour inspection, with particular reference to posted workers pursuant to art. 3 of Directive 96/71/EC, to preventing and combating undeclared and irregular work, as well as to checking the actual conditions of employment and safety at the workplace.

### **Article 2**

#### **Forms of cooperation**

The *Parties* agree the following forms of cooperation:

- organisation of seminars and meetings to follow-up the problems referred to the matters in art. 1;
- exchange of documentation and information about the matters referred to in art. 1;
- promotion of events with the participation of delegations of experts of the *Parties*;
- exchange of experiences by having delegations of labour inspectors from one country participate in the inspection activities on the territory of the other country.

### **Article 3**

#### **Coordinated controls**

Whenever possible, and if feasible from an operational point of view, the *Parties* undertake to conduct control activities with regard to:

- checking the conditions of employment of posted workers at the premises of the Romanian or Italian posting company, and also at the place where the labour services are provided, or the office or production unit of the Romanian or Italian posting undertaking;
- checking that a posting undertaking of one of the two countries that are *Parties* to this protocol, conducts activities in said country and possesses the human and material resources with which to conduct its business.

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<sup>1</sup> Pilot project co-financed with the support of the European Union (European Commission, DG Employment, Social Affairs and Equal Opportunities, Call for Proposal VP/2009/015; beneficiary Istituto Guglielmo Tagliacarne; Agreement Ref. no.VS /2009/0476).

**Article 4**  
**Information and updating**

The *Parties* undertake to promptly communicate news concerning the national legislation in the field, to facilitate the exchange of information and reciprocal updating.

The implementation of the “*EMPOWER – Exchange of Experiences and iMplementation of actions for POsted WorkERS*” Project has revealed the need to develop a “*Vademecum*” (an informative tool for Italian and Romanian labour inspectors and employers, who have to deal with the issues of transnational posting of workers), which the *Parties* undertake to disseminate and, where necessary, to revise by mutual consent.

**Article 5**  
**Financial resources for delegation missions**

Unless otherwise agreed, each *Party* shall bear the costs of travel, board and lodging for its own personnel when on assignment to conduct the activities of art. 2, in compliance with the applicable legal national provisions.

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This *Protocol of Cooperation* is signed for a term of two years, and it can be extended at the request of each *Party*. Such request shall be notified to the other *Party* at least 60 days before the Protocol expiring date.

This Protocol is signed in three original copies, in Italian, Romanian and English languages. In case of any divergence on the interpretation of this *Protocol*, the English text shall prevail.

Done at Rome, on 29<sup>th</sup> of November 2010.

FOR THE MINISTRY OF LABOUR AND SOCIAL POLICY – GENERAL DIRECTORATE FOR THE INSPECTION ACTIVITY THE DIRECTOR  Paolo PENNESI SIGNATURE	FOR THE MINISTRY OF LABOUR AND SOCIAL POLICY – GENERAL DIRECTORATE FOR THE LABOUR MARKET THE DIRECTOR  Paola PADUANO SIGNATURE	FOR THE MINISTRY OF LABOUR, FAMILY AND SOCIAL PROTECTION - THE LABOUR INSPECTION  GENERAL INSPECTOR OF STATE  Gabriela RADU SIGNATURE
		