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AGREEMENT BETWEEN THE REPUBLIC OF ARMENIA AND THE REPUBLIC OF BULGARIA ON THE REGULATION OF LABOUR MIGRATION

AGREEMENT

BETWEEN THE REPUBLIC OF ARMENIA AND THE REPUBLIC OF BULGARIA ON THE REGULATION OF LABOUR MIGRATION

The Republic of Armenia and the Republic of Bulgaria (hereinafter referred to as “the Parties”),
 convinced that labour migration is a phenomenon which is to the mutual benefit of their peoples and can contribute to the economic and social development, facilitate cultural diversity and further technology exchange,
 recognizing the need to respect the rights, obligations and guarantees in accordance with the national legislation of the Parties and in accordance with the respective provisions of the international treaties to which the two States are parties,
 aiming to enhance overall cooperation and friendship between the Parties in the context of the foreign policy and migration policy of the governments of the Parties,
 have agreed as follows:

CHAPTER ONE

GENERAL PROVISIONS

ARTICLE 1

- The bodies of the Parties which are responsible for this Agreement (hereinafter called “Authorized Bodies”) are:
 - in the Republic of Armenia – the Ministry of Labour and Social Affairs;
 - in the Republic of Bulgaria – the Ministry of Labour and Social Policy.
- The Authorized Bodies under Paragraph 1 of this Article shall designate for the implementation of this Agreement the following institutions (hereinafter called “Competent Institutions”):
 - in the Republic of Armenia – the State Employment Agency of the Ministry of Labour and Social Affairs;
 - in the Republic of Bulgaria – the Employment Agency at the Minister of Labour and Social Policy.
- The concepts used in this Agreement are interpreted in accordance with the legislation of the Parties in which the legal relationship arising out of this Agreement and relating to this concept are exercised.

ARTICLE 2

- This Agreement shall apply to the following categories of workers who are nationals of either of the Parties and have signed labour contract under this Agreement and are provided with the necessary residence permit on the territory of the other Party:
 - workers for an initial period of one year with an option for subsequent extension up to a total period of three years;

- 2) seasonal workers for a period of not more than nine months per year.
2. For the categories of workers envisaged in Paragraph 1 of this Article, the work permit shall not be required.

ARTICLE 3

1. The entry, stay and employment of nationals of the Republic of Armenia and of the Republic of Bulgaria on the territory of the other Party within this Agreement shall be regulated by the national legislation of the Receiving Party.
2. Hired workers can be accompanied by members of their families according to the national legislation of the Receiving Party.

CHAPTER TWO

PROVISIONS ON INTERMEDIATION FOR JOB HIRING

ARTICLE 4

Recruitment of potential workers for available job offers according to their professional qualification shall be carried out by the Competent Institutions of the Sending Party as is defined in Implementation Procedures.

ARTICLE 5

1. The Competent Institutions shall carry out the following intermediation functions for job hiring activities within their state budget allocations:

- 1) exchange of information on job offers received from employers on the territory of the respective Party;
- 2) two-phased selection of potential workers (hereinafter called "Candidates"):
 - a) preliminary selection based on the documentation provided,
 - b) final selection of Candidates approved by the employers;
- 3) assistance in labour negotiation process and in signing of labour contracts by selected Candidates;
- 4) provision to the workers who have signed contracts of the necessary information about the conditions of stay, work, accommodation and departure in the official language of the Sending Party.

2. Job offers shall be arranged in the respective Implementation Procedures and shall contain the following requisite information:

- 1) the economic sector in which the activity is to be carried out;
 - 2) the geographical region where the activity is to be carried out;
 - 3) the number of workers to be hired;
 - 4) professional qualifications and other requirements to workers as to their hiring;
 - 5) deadline for selection of Candidates;
 - 6) duration of the labour contract;
 - 7) general information on the working conditions, remuneration, accommodation and other living conditions;
 - 8) the dates on which selected Candidates are to arrive at the place of work in the Receiving Party;
 - 9) information on the travel expenses between the territories of the Parties;
 - 10) other information which is provided for in the Implementation Procedures.
3. The Competent Institutions of the Parties shall form a Joint Selection Commission (hereinafter called "Commission"), which working order is arranged in the Implementation Procedures.
4. The Commission consists of representatives of Competent Institutions with the following obligations:
- 1) specifying selection criteria for the job offers received on the principle of equality;
 - 2) provision of consulting services and assistance to the Candidates during the whole selection process.

ARTICLE 6

1. The selection of Candidates according to their professional qualification and based on submitted documents shall be carried out by the Competent Institution of the Sending Party in accordance with the order specified by the Implementation Procedures.
2. The Candidates who have passed the preliminary selection shall undergo medical examination at the employer's expenses in the Sending Party prior to their professional selection.

ARTICLE 7

1. Before departing from the territory of the Sending Party the approved Candidate shall possess an original of the signed by the employer fixed-term labour contract according to the legislation of the Receiving Party.

2. A copy of this contract shall be sent to the Competent Institution of the Sending Party.

ARTICLE 8

1. Visa applications under this Agreement shall be processed with priority by the competent consulate service of the Receiving Party on the territory of the Sending Party in accordance with the national legislation of the Parties and in accordance with the respective provisions of the international treaties to which the two States are parties. The visa which is to be placed in the passport shall include the type, purpose and duration of stay in the Receiving Party.

2. Workers shall be provided with the necessary residence permits in accordance with the national legislation of the Receiving Party.

3. The Competent Institutions of the Sending Party shall provide workers before their departure with information in the official language of the Party about the conditions of departure, stay, work and housing accommodation.

4. The Competent Institutions of the Sending Party shall inform the workers about the date and place of their arrival and the Competent Institutions of the Receiving Party shall coordinate with the employers the organization of the meeting and accommodation of workers.

CHAPTER THREE

PROVISIONS ON THE WORKING CONDITIONS AND SOCIAL RIGHTS OF MIGRANT WORKERS

ARTICLE 9

1. Workers shall have in the Receiving Party the same labour rights and obligations valid for local workers and shall enjoy equal protection at the workplace according to national legislation.

2. Workers shall enjoy in the Receiving Party the same legal protection in respect of personal and property rights as provided for its citizens.

ARTICLE 10

Workers' remuneration and working conditions shall be specified individually in the labour contract signed and shall always be in accordance with the existing collective agreements or, in absence of such agreements, with the legislation applicable to the workers of the Receiving Party who have the same profession and qualification.

ARTICLE 11

The Parties agree that until a bilateral agreement in the area of social security is signed the respective national legislation of each Receiving Party shall apply.

ARTICLE 12

The disputes which might arise between employers and workers shall be resolved in accordance with the legislation of the Receiving Party.

CHAPTER FOUR

PROVISIONS ON THE RETURN OF THE MIGRANT WORKERS

ARTICLE 13

1. Upon signing of the labour contract, workers shall sign also a declaration whereby they shall undertake to return to the Sending Party upon expiry of the period of their legal stay and to appear within one month after their return in the consulate service of the Receiving Party and present their passport.

2. Failure to fulfil this commitment provided for in Paragraph 1 of this Article shall be taken into account upon considering of further applications for residence permit submitted to the authorities of the Receiving Party.

CHAPTER FIVE

PROVISIONS ON THE IMPLEMENTATION OF THE AGREEMENT

ARTICLE 14

1. In order to make this Agreement operational, the Authorized Bodies of the Parties shall conclude Implementation Procedures within six months after the entry into force of this Agreement.
2. The Authorized Bodies of the Parties through a mutually agreed procedure shall exchange information about the existing regulations on labour relations, as well as on the entry, stay and employment of foreigners.
3. A Joint Coordination Committee comprising representatives of the Parties shall be set up for the purposes of solving problems arising out of the implementation of this Agreement.
4. The Authorized Bodies of the Parties shall nominate the members of the Joint Coordination Committee.
5. The Joint Coordination Committee shall meet not less than once a year, alternatively in the Republic of Armenia and in the Republic of Bulgaria, according to mutually agreed conditions and dates.

ARTICLE 15

1. This Agreement shall be concluded for an initial period of five years and its implementation shall be prolonged automatically for further periods of three years.
2. This Agreement shall enter into force on the date of receiving the last written notification by diplomatic channels on the fulfilment of the internal procedures of the Parties necessary for its entry into force.
3. In case where the effect of this Agreement is terminated, the rights acquired by migrant workers during its effect shall remain valid for the period of labour contract and according to its provisions.

ARTICLE 16

1. Each Party may terminate in full or in part the implementation of this Agreement for a given period wherever national security, public order or public health is concerned. The termination of implementation of this Agreement shall take effect upon notification of the other Party through diplomatic channels.
2. Any disputes and controversies arising between the Parties in the implementation of the provisions of this Agreement shall be regulated by consultations and negotiations between the Authorized Bodies.

ARTICLE 17

At the initiative of each of the Parties and by mutual consent amendments may be made in this Agreement which will be formed in separate protocols. The protocols shall enter into force in the manner prescribed for entry into force for this Agreement and shall become an integral part thereof.

Done in Yerevan, on 12 of February, 2018, in two original copies, each in the Armenian, Bulgarian and English languages, all texts being equally authentic. In case of divergences, the English text shall prevail.