A G R E E M E N T

BETWEEN

THE GOVERNMENT OF THE STATE OF ISRAEL

AND

THE GOVERNMENT OF THE REPUBLIC OF BULGARIA

REGARDING THE RECRUITMENT AND TEMPORARY EMPLOYMENT OF BOTH STATES' NATIONALS

Whereas the Government of the State of Israel and the Government of the Republic of Bulgaria (Hereinafter collectively referred to as the "**Contracting Parties**" and individually as the "**Contracting Party**");

Being desirous of increasing and strengthening the friendship and cooperation between both countries;

Convinced that the temporary employment of both states' nationals, subject to relevant government policy, is of mutual benefit to their peoples and can contribute to the economic and social development, facilitate cultural diversity and further technology exchange;

Recognizing the need to respect the national legislations and international treaties to which each of the States is a Party;

Aiming to enhance overall cooperation and friendship between the Contracting Parties in the context of the foreign policy of the two States;

Acknowledging that the recruitment and temporary employment of foreign workers on the territory of the Contracting Parties is carried out in accordance with the relevant laws, regulations and procedures of the receiving State and the situation of its national labour markets, as well as government policy regarding the sectors open for employment of temporary foreign workers and the yearly quotas for each such sector, where applicable;

Declaring their common position against trafficking of human beings, illegal migration, undocumented and illegal manpower recruitment practices, and illegal employment of foreign workers;

Sharing the mutual desire to prevent the charging and payment of illegal recruitment fees from foreign workers;

Expressing their wish to ensure legal, fair and well informed recruitment of workers for temporary employment in both States under this Agreement in sectors and according to procedures set out in Implementation Procedures to be agreed upon by the Parties;

Now, therefore, the Contracting Parties hereby agree as follows:

CHAPTER ONE
GENERAL PROVISIONS

ARTICLE 1 – GENERAL

(1) The term "Temporary Employment" shall mean legal employment of a national of one of the States on the territory of the other State, in a sector set out in agreed upon Implementation Procedures, for an employer holding a valid permit to employ a foreign worker, for a limited period of time, in accordance with the national law, regulations, rules, procedures, and government resolutions of the receiving State, after which the foreign national must leave the territory of the receiving State.

(2) The duration of the temporary employment in each permitted sector will be as specified in the Implementation Procedures for that sector and shall not exceed the maximum permitted duration as set out in the relevant national legislation of the receiving State.

(3) The maximum number of temporary workers who may be employed under this Agreement in each permitted sector will be as set out in the Implementation Procedures for that sector and will be subject to the number of job offers received from employers in the receiving State. Nothing in this Agreement or in the relevant Implementation Procedures shall be construed as an obligation of either Contracting Party to recruit workers from the other State or as giving exclusivity for recruiting workers from either one of the States.

(4) The workers carrying out temporary employment as set out in the Implementation Procedures shall not be entitled to carry out any other paid labour activity or employment in any sector other than the sector for which they were issued a visa and a work permit in the receiving State.

ARTICLE 2 – PURPOSES

The purposes of this Agreement are as follows:

1. To ensure a legal, fair and well-informed recruitment process for qualified workers hired for temporary employment according to the principles set out in this Agreement, and to prevent illegal charges and payments;

2. To set up a framework for exchange of pertinent information and for ongoing cooperation between the Contracting Parties regarding temporary foreign labour issues;

3. To ensure cooperation between the Contracting Parties regarding the recruitment, selection, placement, arrival, employment and return of workers after their temporary employment;

4. To promote the protection of the labour rights of workers of one State carrying out temporary employment in the other State throughout the process of recruitment, selection, placement, arrival, employment and return.

ARTICLE 3 – BODIES AND INSTITUTIONS

(1) Supervision over the implementation of this Agreement shall be exercised by:

1. In the State of Israel – the Ministry of the Interior;
2. In the Republic of Bulgaria – the Ministry of Labour and Social Policy;

hereinafter referred to as the "Authorized Bodies".

(2) The implementation of this Agreement and its procedures shall be carried out by:

1. For the State of Israel:
    a. The Population and Immigration Authority in the Ministry of Interior ("PIBA") - in case of Bulgarian workers arriving in Israel.
    b. The relevant Ministry as decided by the Government of Israel- in case of Israeli workers arriving in Bulgaria.
2. For the Republic of Bulgaria: the Employment Agency at the Minister of Labour and Social Policy ("EA");

hereinafter referred to as the "Competent Institutions" which are designated by the Authorized Bodies under Paragraph 1 of this Article.

ARTICLE 4 – IMPLEMENTATION

(1) The implementation of this Agreement, its procedures and any activity hereunder shall be in accordance with the respective applicable laws, regulations, rules, procedures and mechanisms of each State Party.

(2) The Implementation Procedures shall be agreed upon by the Competent Institutions for any sector subject to the interest of both Contracting Parties.

CHAPTER TWO

ACTIVITIES FOR JOB HIRING

ARTICLE 5 – RECRUITMENT AND GENERAL WORKER QUALIFICATIONS

(1) The Contracting Parties agree that the recruitment of temporary workers in the sending State shall be performed without the involvement of private recruitment agencies in that State in agreed upon sectors as set out in the respective Implementation Procedures.

(2) Recruitment of candidates for available job offers according to their vocational qualifications shall be carried out by the Competent Institutions of the sending State, ensuring that the workers recruited in accordance with this Agreement shall have all the necessary skills, training and experience as required for the relevant sector, are in good mental and physical health and have relevant medical certificates, all as stipulated in the applicable Implementation Procedure.

ARTICLE 6 – RECRUITMENT PROCESS

(1) The Contracting Parties agree to take all necessary steps to insure that the recruitment process is transparent, that all relevant information is given to the applicants, and that no fees, other than any permitted payments set out in the applicable Implementation Procedure, shall be collected from the applicants or the workers, directly or indirectly, in either State, throughout the recruitment and placement process.

(2) The Competent Institutions shall carry out, inter alia, the following activities:

1. Exchange of information concerning job descriptions received from the receiving State to employ workers of the sending State.

2. Selection of workers in two phases:

   a. Preliminary selection of qualified candidates, shall be conducted by the sending State after examination of documents and/or interviews according to their vocational qualifications and based on submitted documents in accordance with the criteria to be specified in the relevant Implementing Procedure.

   b. Secondary selection amongst candidates who have passed the preliminary selection phase, shall be conducted by the receiving State by random selection and/or practical examinations, according to the request of the receiving State for each economic sector.

3. Provision to the selected candidates before signing of their labour contracts of the necessary information concerning conditions of stay, work, accommodation in and departure from the receiving State in the official language of the sending State;

4. Ensuring the signing of labour contracts by selected candidates before departure.

(3) Job descriptions shall be subject to the relevant Implementation Procedures and shall contain as minimum the following information:

1. The economic sector in which the activity is carried out;
2. The number of workers to be hired;
3. Vocational qualifications and other requirements that workers have to fulfil;
4. Deadline for selection of candidates;
5. Template of a labour contract;
6. Duration of the labour contract;
7. General information about the working conditions, payment, accommodation and in-kind payment;
8. The dates on which selected candidates are to arrive at the place of work in the receiving State;
9. Information about the payment of the travel expenses between the territories of the two States.

(4) The candidates who have passed the two phase selection as set out in Article 6(2)(2) shall undergo medical examinations in the sending State as specified in the relevant Implementation Procedure.

ARTICLE 7 – CONDITIONS FOR ENTRY, STAY AND TEMPORARY EMPLOYMENT

(1) In the framework of this Agreement, the entry, stay and temporary employment of nationals of the Republic of Bulgaria and of the State of Israel on the territory of the other State shall be regulated by the existing legislation, regulations and procedures of the receiving State.

(2) The selected workers shall be provided with the necessary documents for temporary entry, stay and work in the receiving State in accordance with its national legislation for the specific sector.

(3) The Competent Institution of the receiving State shall coordinate the reception of the workers in the airport by the respective employer representative who will then be responsible for transportation and accommodation of the workers.

CHAPTER THREE

WORKING CONDITIONS AND SOCIAL RIGHTS OF WORKERS

ARTICLE 8 – SOCIAL RIGHTS

(1) Workers shall have in the receiving State the same labour rights and obligations valid for local workers and shall enjoy equal protection in the implementation of safety and health legislation at the workplace.

(2) Workers shall enjoy in the receiving State the same legal protection in respect of personal and property rights as provided to local citizens, subject to the applicable laws, regulations, rules, procedures and mechanisms of the receiving State.

ARTICLE 9 – WORKING CONDITIONS

Workers' salaries, as well as their working conditions, shall be specified individually in their labour contracts signed with their employer and shall not be inferior to the conditions set out in existing collective agreements or, in the absence of such agreements, to the legislation applicable to workers of the receiving State in the same kind of employment, who have the same vocation and qualifications.

ARTICLE 10 – SOCIAL SECURITY

In the area of social security the Contracting Parties agree that the Agreement between the State of Israel and the Republic of Bulgaria on Social Security signed in Jerusalem on 25th March 2008, is to be applied.

ARTICLE 11 – DISPUTE RESOLUTION BETWEEN EMPLOYERS AND WORKERS

Any disputes which might arise between employers and workers, shall be resolved in accordance with the existing legislation of the receiving State and the relevant mechanisms and national procedures.

CHAPTER FOUR

SPECIAL PROVISIONS ON THE RETURN OF WORKERS

ARTICLE 12 – RETURN PROVISIONS

(1) Upon signing the labour contract in the sending State before departure, workers shall also sign a declaration whereby they shall undertake to return to the sending State upon expiry of the period of their legal stay in the receiving State.

(2) The Contracting Parties shall take steps as necessary and as practicable to allow speedy and effective return of any of their workers to the sending State after the conclusion of their legal stay in the receiving State.

(3) Each Contracting Party reserves the right to order a national of the other Contracting Party to leave its territory as set out in the national legislation, regulations, rules, procedures, and Government resolutions, inter alia, in cases in which such a national is found to be in breach of the conditions of his visa or work permit or of this Agreement, or if the receiving State determines that his presence could constitute a threat to national security, public order or public health, or if he does not leave the receiving State at the end of his authorized stay.

CHAPTER FIVE

PROVISIONS ON IMPLEMENTATION OF THE AGREEMENT

ARTICLE 13 – JOINT COORDINATION COMMITTEE

(1) The Authorized Bodies of the Contracting Parties shall exchange relevant information and updates concerning the existing legislation and procedures regulating labour relations and criminal offences as well as entry, stay, paid employment, obligations of employers and departure of foreign workers which may affect the procedures set out in this Agreement.

(2) A Joint Coordination Committee (hereinafter the "Joint Coordination Committee") comprising representatives of the Contracting Parties shall be set up for the purposes of solving problems arising out of the implementation of this Agreement.

(3) The Authorized Bodies referred to in Article 3 shall nominate the members of the Joint Coordination Committee.

(4) The Joint Coordination Committee shall meet on an annual basis, alternately in the State of Israel and in the Republic of Bulgaria , according to mutually agreed conditions and dates. The Parties will inform each other in writing of the issues they wish to discuss no less than 60 days prior each meeting date.

(5) A special meeting of the Joint Coordination Committee may be convened in case of urgent matters to be discussed upon a request of each of the Contracting Parties.

ARTICLE 14 – DISPUTE RESOLUTION

Any dispute, controversy, or claim arising out of or relating to this Agreement, including its breach or termination, shall be settled amicably through discussion and negotiation between the Contracting Parties.

ARTICLE 15 – LEGAL COOPERATION

The Contracting Parties shall cooperate and provide assistance in case of violations regarding the matters set out in this Agreement subject to the laws of both Contracting Parties.

ARTICLE 16 – ENTRY INTO FORCE AND CONDITIONS FOR AMENDMENT

(1) This Agreement shall enter into force on the date of its signing.

(2) The Contracting Parties may amend this Agreement, in writing, by mutual consent. Any such amendment shall enter into force on the date of the latter of the Diplomatic Notes by which the Contracting Parties notify each other of the completion of the internal legal procedures required for the entry into force of such Amendment.

ARTICLE 17 – CONDITIONS FOR TERMINATION

(1) Notwithstanding the above, implementation of this Agreement for any sector shall begin only after the Competent Institutions have signed a detailed Implementation Procedure for that specific sector, which will include, inter alia, the duration of temporary employment and the maximum number of workers for that sector requested by the receiving State from the sending State.

(2) This Agreement shall be in force for a period of three years and it shall be automatically extended for further periods of one year each.

(3) Either Contracting Party may terminate this Agreement at any time by sending a Diplomatic Note to the other Contracting Party at least six (6) months prior the requested termination date.

(4) Notwithstanding the provisions of paragraph 3 above, either Party may suspend recruitment under this Agreement with immediate effect, in the event that it finds that recruitment fees, other than permitted payments as set out in the applicable Implementation Procedures, have been collected from the applicants or the workers, directly or indirectly, in either State, throughout the recruitment and placement process. In case of such suspension, the provisions of Article 13(5) to this Agreement shall apply.

(5) Any applicant or worker of the sending state who at the date of termination or suspension already holds a visa and/or a work permit issued under the framework of this Agreement will not be affected by its termination or suspension.

In witness whereof, the undersigned being duly authorized, have signed this Agreement.

Signed in Sofia on the 20th day of December 2011, which corresponds to the 24th day of Kislev of 5772, in the Hebrew calendar, in two original copies, in the Hebrew, Bulgarian and English languages. In case of divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF THE STATE OF ISRAEL:

AVRAHAM HADDAD
AMBASSADOR

FOR THE GOVERNMENT OF THE REPUBLIC OF BULGARIA:

TOTYU MLADENOV
MINISTER OF LABOR AND SOCIAL POLICY