

**PROTOCOL**  
**REGARDING THE**  
**IMPLEMENTATION OF THE AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA**  
**AND**  
**THE GOVERNMENT OF .....**  
**REGARDING THE**  
**EMPLOYMENT OF NATIONALS OF .....**  
**IN THE REPUBLIC OF SLOVENIA**

In compliance with Article 7 of the Agreement between the Government of the Republic of Slovenia and the Government of ..... regarding the employment of nationals of ..... in the Republic of Slovenia (hereinafter referred to as "the Agreement") the competent authorities have agreed as follows:

## **Article 1 (Definitions)**

Individual terms used in this Protocol shall have the meaning as defined in Article 2 of the Agreement.

## **Article 2 (Scope)**

This Protocol shall regulate the method of cooperation between competent implementing bodies by determining the process of employment of migrant workers and defining the data and/or evidence necessary for the completion of the procedure.

## **Article 3 (Commencement of the procedure of selection of a migrant worker)**

- (1) The procedure of selecting the migrant worker shall be initiated by the employer, who informs the competent institution of the country of employment of a vacancy on the form PD-KTD, with the indication that it concerns employment under the Agreement?
- (2) On the form PD-KTD the employer shall indicate the type of employment: short-list or selection by way of interview or on the basis of a list of appropriate candidates and necessary documents.
- (3) If there is no restriction on the admission of migrant workers on an annual basis or if the quota is not met, the competent institution of the country of employment shall verify if in its records there are appropriate domestic nationals or persons equal to domestic nationals, and shall verify other conditions for new employment in accordance with the legislation of the country of employment . The competent institution of the country of employment shall inform the employer in the shortest time possible that all legal conditions are fulfilled.
- (4) If conditions referred to in paragraph three of this Article are fulfilled, the competent institution of the country of employment shall send, via e-mail to the competent institution of the country of origin the completed form Basic data on the employer and the vacancy (hereinafter referred to as "the basic data").

## **Article 4 (Selecting migrant workers in the country of origin)**

- (1) Immediately after receiving the basic data, the competent institution of the country of origin shall refer them to the relevant services.

- (2) The competent institution of the country of origin shall prepare the procedure of advertising and publicity, invitation and selection of candidates; in the case of individual specific employments it only informs and invites the candidate to sign the contract and submit the necessary documents proving that they fulfil the conditions for the vacancy.
- (3) Within 10 days of the receipt of the basic data, the competent institution of the country of origin shall send to the employer and the competent institution of the country of employment the proposed list of adequate candidates together with the necessary documents. If employers indicate that they want to interview the selected candidates, the competent institution of the country of origin shall invite them to participate to interviews in the country of origin.
- (4) Candidates shall accompany their application to participate in the selection procedure with the following documents:
  - the certified copy of the passport,
  - the certified copy of evidence of adequate level of education or qualifications, when the vacancy requires specific qualifications,
  - evidence that they are registered as unemployed with the competent institution in the country of origin .

The competent institution of the country of origin shall in all cases verify whether candidates fulfil all the conditions for the vacancy, as indicated in the information referred to in paragraph 4 of Article 3 of the Protocol.

- (5) If the employer selects candidates only on the basis of the proposed list of adequate candidates and the necessary documents, the employer shall notify the competent institution of the country of origin within 5 days of the selection at the latest.
- (6) The selection procedure of candidates in the country of origin shall be concluded within 15 working days from the day when the basic data are sent.
- (7) In cases of highly qualified or individual specific employment the employer may, together with the registration of a vacancy, propose the candidate with whom they desire to conclude the employment contract, and provide the candidate's data. The competent institution of the country of employment shall send the data of the proposed candidate to the competent institution of the country of origin, which shall obtain the documents referred to in paragraph 4 of this Article and send it to the employer.

## **Article 5**

### **(Conclusion of the employment contract)**

- (1) The employer may conclude the employment contract with the selected candidate immediately after the on-site interview in the country of origin.
- (2) In cases other than the one referred to in paragraph 1 herein, the employer shall send to the competent institution of the country of origin the signed employment contract, which shall be concluded for at least one year. The competent institution

of the country of origin shall see that the selected candidate (migrant worker) sign the employment contract, and shall immediately send the signed contract together with the necessary documents to the employer and the competent institution of the country of employment.

## **Article 6** **(Issuing of the authorisation)**

- (1) The application for the authorisation shall be filed by the employer with the competent institution of the country of employment on the form TUJ-KTD within 30 days at the latest from the publication of the information referred to in paragraph three of Article 3 of the Protocol.
- (2) The employer's application shall be accompanied by the following:
  - the signed employment contract in cases referred to in paragraph 1 of Article 5 of the Protocol, approved by the competent institution of the country of origin,
  - the copy of the passport of the selected candidate,
  - the copy of evidence of adequate level of education or qualifications, when the vacancy requires specific qualifications,
  - proof of administrative fee payment.
- (3) The competent institution of the country of employment shall decide on the application within 15 days after receipt of the complete application at the latest.
- (4) The authorisation shall be issued in two copies. One copy shall be sent to the employer and the other copy shall be sent to the migrant worker after their entry in the country of employment – the other copy may be collected by the migrant worker at the competent institution after entering the country of employment.
- (5) All costs of the procedure concerning the issuing of the authorisation shall be borne by the employer.

## **Article 7** **(Renewal of the authorisation)**

- (1) The migrant worker shall apply for renewal of the authorisation with the competent institution on the TUJ-KTD form, and shall include the employment contract signed by the migrant worker and the employer . The application for renewal of the authorisation may be filed no more than 60 days before the expiry of the authorisation and no later than 15 day after its expiry.
- (2) The competent institution of the country of employment shall verify whether all conditions for renewal of the authorisation are met, and shall decide on the application no later than within 15 days (from the receipt of the application?).

- (3) In cases of highly qualified employment the competent institution of the country of employment shall obtain a written consent from the competent institution of the country of origin.

**Article 8**  
**(Return of the migrant worker)**

After returning to the country of origin, the migrant worker shall report their return to the competent institution, which shall inform the competent institution of the country of origin.

**Article 9**  
**(Record-keeping and communication of data)**

- (1) The competent institution of the country of employment shall keep a record on migrant workers who were issued the authorisation on the basis of this Agreement.
- (2) For the purpose of keeping records the competent institution of the country of employment shall collect data in accordance with the act governing employment and work of foreigners.
- (3) Each month, the competent institution of the country of employment shall send the competent institution of the country of origin data on issued, valid and revoked authorisations, listed by name.
- (4) The competent institution of the country of origin shall keep a record, listed by name, of migrant workers who registered their return to the country of origin.
- (5) Every three months, the competent institution of the country of origin shall send to the competent institution of the country of employment a list of the names of migrant workers who registered their return to the country of origin.

**Article 10**  
**(Entry into force of the Protocol)**

this Protocol shall enter into force at the same time as the Agreement.

Done in ..... on ..... in two (2) originals, each in Slovenian, ..... and English languages, all texts being equally authentic.

In the case of a divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT  
OF THE REPUBLIC OF SLOVENIA

FOR THE GOVERNMENT  
OF .....