

MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF LABOUR AND SOCIAL POLICIES OF THE ITALIAN REPUBLIC AND THE MINISTRY OF LABOUR, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES OF THE REPUBLIC OF ALBANIA CONCERNING THE IMPLEMENTATION OF THE AGREEMENT ON LABOR MIGRATION SIGNED ON 2nd DECEMBER 2008

The Ministry of Labour and Social Policies of the Italian Republic and the Ministry of Labour, Social Affairs and Equal Opportunities of the Republic of Albania, hereinafter referred to as "the Contracting Parties";

On the basis of the Agreement signed in Tirana on 2nd December 2008, concerning the regulation and organization of the flows of migrant workers between the two Countries;

Determined to develop the bilateral cooperation between them creating the conditions for promoting a coordinated and efficient management of migration flows, including seasonal workers;

Aiming at facilitating the procedure of selection, recruitment and insertion of Albanian nationals in the Italian labour market in case of shortages of manpower;

Determined to promote legal migration channels through seasonal work mechanisms, training courses and internships programmes aimed at employability;

Hereby agree as follows:

**CHAPTER I
GENERAL PRINCIPLES**

**Article 1
(Competent Authorities)**

Competent Authorities responsible for enforcement of the present Memorandum of Understanding are :

On the Italian side:

the Ministry of Labour and Social Policies which will avail itself of:

- Italia Lavoro s.p.a. – *in house* agency of the Ministry of Labour and Social Policies;
- Authorized Italian bodies responsible for the matching of labour demand and supply, as described in annex A, referred to as "Authorized Bodies";
- Certified Italian training bodies.

On the Albanian side:

the Ministry of Labour, Social Affairs and Equal Opportunities, Directorate of Migration Policies, Return and Reintegration, through:

- the National Employment Service, through its Regional Employment Directorates and Local Employment Offices;
- the Public Vocational Training Centres;
- the Private Vocational Training Centres, authorized and certified by the Ministry of Labour, Social Affairs and Equal Opportunities;
- International Organizations dealing with migration in Albania, on the basis of joint projects.

Article 2
(Local Coordinating Office)

In order to support the activities for the matching of labour demand and supply as well as the activities of educational cooperation and with the aim of facilitating the relationships between the two Parties, local employment services and the relevant Italian Authorities, the Italian Party undertakes to establish in Tirana a Local Coordinating Office.

The Office will:

- promote the relations with local services and institutions;
- facilitate the exchange of information on the situation of both labour markets between the Contracting Parties;
- act in coordination with Albanian competent Authorities for the implementation of search and selection activities as well as for the recruitment of workers in Albania for the Italian labour market;
- support Authorized Bodies whose list will be updated and communicated to the Albanian Authorities on a regular basis;
- facilitate, in agreement with local Authorities and local training centres, the implementation of educational cooperation programs;
- support Italian certified training bodies in the promotion and implementation of training activities;
- promote the implementation of new project activities in the framework of migration.

CHAPTER II
SEARCH AND SELECTION OF WORKERS

Article 3
(Search for manpower)

Italian enterprises and Authorized Bodies willing to select and recruit Albanian nationals during a set time or an indeterminate period, including seasonal, will have to contact the Local Coordinating Office following the modalities established by the Contracting Parties in this Memorandum and in any supplementary protocol.

Article 4
(Candidate workers and availability lists)

As per articles 4 and 5 of the Agreement, any Albanian national willing to be employed in Italy, can be included in specific availability lists created by Albanian employment services.

The Italian Party, through its Local Coordinating Office, undertakes to ensure the necessary technical support to the elaboration of the abovementioned lists.

Albanian employment services will disseminate information on the labour opportunities available in the Italian labour market.

The lists will be created following the standards indicated by the Italian Party, in agreement with the Albanian competent Authorities, through its Local Coordinating Office and will include: professional profile, qualifications, competences and vocational experiences of the candidate, as well as any useful information for its professional insertion.

In any event, the lists will have to adhere to the criteria fixed by the Italian Party and comply to the Italian legislation in force.

In compliance with the Italian law, the Local Coordinating Office will periodically forward the lists to the local diplomatic representation.

By means of the web-based pre-selection system for the insertion of candidates in the Italian labour market, the Local Coordinating Office will disseminate the lists among the Authorized Bodies as well as among Italian enterprises.

Article 5
(Selection of candidates)

The selection of candidates, if necessary, will take place in Albania, where Italian enterprises and Authorized Italian Bodies could meet face to face with those workers previously inserted in the availability lists which will have been disseminated by the Local Coordinating Office.

Each Party agrees to ensure that candidates meet the entry and residence criteria fixed by the laws and regulations in force in Italy.

As for the search, selection and potential professional insertion of workers, Albanian candidates will not bear any cost.

CHAPTER III
LINGUISTIC AND VOCATIONAL TRAINING, INTERNSHIPS

Article 6
(Training courses)

The Contracting Parties, in compliance with their national legislation, will foster the linguistic and vocational training of candidate migrant workers, in order to meet the request of the labour market for qualified professional profiles.

The linguistic training will be organized in Albania by Italian officially authorized centres to ensure the validation of linguistic competences of candidates according to European standards.

The bodies referred to under the previous paragraph include Authorized Bodies as per article 1 of the present Memorandum.

Linguistic and vocational training courses started abroad can be completed in Italy.

**Article 7
(Right to preference)**

Albanian workers who attended training courses in Albania are given preference for the entry to Italy for work reasons in compliance with the domestic law in force.

Candidate Albanian migrants will not bear any cost for training courses.

The selection of workers and their attendance to training courses aim at the insertion of candidates in the Italian labour market.

**Article 8
(Internships)**

Italian enterprises and Authorized Bodies will select candidates through the consultation of the availability lists.

Candidates will enter in the Italian labour market in compliance with the legislation on the matter.

**CHAPTER IV
AID TO THE RESIDENT COMMUNITY
AND REMITTANCES**

**Article 9
(Circular migration)**

The Italian Party recognises the importance of the improvement of professional insertion and return paths and will support joint initiatives of circular migration addressed to legally resident Albanian nationals.

The Italian Party will implement circular migration programmes in collaboration with the Authorized Bodies and certified training bodies.

In compliance with the national legislation in force, the Italian Party, convinced of the importance of seasonal employment for the promotion of circular migration paths and in consideration of the effective situation of the labour market, will positively consider the inclusion of Albania among the Countries benefiting from seasonal labour quotas.

**Article 10
(Integration)**

The Contracting Parties acknowledge the importance of the Albanian community for the social integration of new migrants and for the implementation of development initiatives in the country of origin.

To this aim, the Ministry of Labour and Social Policies of the Italian Republic will enhance the role of the Albanian community through the direct involvement of Albanian associations.

Albania undertakes to involve and support the abovementioned associations, also through awareness campaigns addressed to Albanian institutions in charge of keeping contacts with citizens living abroad.

**Article 11
(Remittances)**

Within the framework of domestic rules, Albanian nationals who entered and reside for reasons of work on the Italian territory, are allowed to send remittances to their country.

The Italian Party agrees to disseminate correct information on the national remittances system.

**CHAPTER V
FINAL MEASURES**

**Article 12
(Bilateral consultations)**

The Contracting Parties shall hold regular consultations in order to:

- monitor the implementation of the present Memorandum and submit proposals for ensuring a good functioning;
- evaluate regularly the present Memorandum;
- solve practical problems which could hamper the implementation of the present Memorandum;
- recommend amendments to the present Memorandum.

**Article 13
(Settlement of Disputes)**

The Contracting Parties shall settle all the disputes arising from the interpretation or the implementation of this Memorandum by negotiation and shall not refer to a third party for its settlement.

Pending the negotiation, the Parties shall continue to fulfil their obligations stemming from the provision of this Memorandum.

**Article 14
(Visibility)**

The Contracting Parties undertake to disseminate, on their national territory, the provisions of the present Memorandum.

Article 15
(Validity of the Memorandum)

This Memorandum of Understanding shall enter into force as of the date of signature.

The present Memorandum shall be valid for three years from its signature but can be rescinded by either parties by giving a three-months notice;

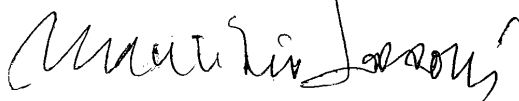
Done in Rome on 19/07/4, in two original copies, in Italian, Albanian and English, all texts being equally authentic. In case of divergences, the English text shall prevail.

**For the Ministry of Labour and
Social Policies of the Italian
Republic**

**For Ministry of Labour, Social
Affairs and Equal Opportunities
of the Republic of Albania**

**The Minister of Labour and
Social Policies**

**The Minister of Labour, Social
Affairs and Equal Opportunities**



ANNEX A)

BODIES IN CHARGE OF THE MATCHING BETWEEN LABOUR DEMAND AND SUPPLY CONCERNING NON EU NATIONALS.

The matching of labour demand and supply in Italy, also called labour intermediation, can be managed exclusively by bodies in possession of a specific authorization delivered by the Italian Ministry of Labour and Social Policies.

The labour intermediation is a service offered both to interested Italian enterprises and to workers searching for job opportunities.

This service includes:

- 1) The collection of curricula;
- 2) The selection of workers;
- 3) The promotion and management of the matching between labour demand and supply;
- 4) The planning and implementation of training activities for the improvement of candidates' vocational competences and capacities;

The bodies authorized by the Italian Ministry of Labour and Social Policies, are listed in a special Register, after the verification of the fulfilment of subjective requirements of reliability, professionalism, ability, integrity and honourableness, as well as of financial criteria, such as a share capital of minimum € 600,000.00.

The main labour intermediation bodies are the Italian Employment Agencies which, after having obtained the authorization, deal with the matching of candidate workers' profiles with the professional requirements indicated by Italian enterprises.

Other bodies authorized for labour intermediation are workers associations, entrepreneurs associations and their bilateral organizations.

The list of the abovementioned bodies will be updated and communicated to Albanian Authorities on a regular basis.

The present Annex constitutes an integral part of the Memorandum.