

Z A K O N
O POTVRĐIVANJU SPORAZUMA O USLOVIMA ZA
SLOBODAN PRISTUP TRŽIŠTU RADA NA
ZAPADNOM BALKANU

Član 1.

Potvrđuje se Sporazum o uslovima za slobodan pristup tržištu rada na Zapadnom Balkanu, potpisan u Tirani, 21. decembra 2021. godine, u originalu na engleskom jeziku.

Član 2.

Tekst Sporazuma u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

AGREEMENT
ON CONDITIONS FOR FREE ACCESS TO THE LABOUR MARKET
IN THE WESTERN BALKANS

PREAMBLE

We, the Western Balkan participants referred to collectively as “the Contracting Parties” and individually as “the Contracting Party”

EXPRESSING willingness for strengthening the regional cooperation and mutual understanding, with the aim of contributing to economic development and increase of economic growth, investments and employment in the Western Balkans,

CONSIDERING the importance of the field of movement of workers, with the aim of ensuring progress and economic prosperity,

BEARING IN MIND the Joint Declaration signed in Novi Sad on 10 October 2019, which is based on the implementation of the four key freedoms of the European Union in the Western Balkans,

RECOGNIZING the Joint Declaration of the Prime Minister of the Republic of Albania, the Prime Minister of the Republic of North Macedonia and the President of the Republic of Serbia adopted at the Western Balkans Summit held in Ohrid on 10 November 2019,

ACKNOWLEDGING the Joint Declaration of the Prime Minister of the Republic of Albania, the Prime Minister of the Republic of North Macedonia and the President of the Republic of Serbia adopted at the Western Balkans Summit in Tirana on 21 December 2019,

FOLLOWING the Memorandum of understanding on cooperation related to free access to the labour market in the Western Balkans signed in Skopje on 29 July 2021,

NOTING that no provision of this Agreement may be interpreted as to exempt the Contracting Parties from their respective rights and obligations under existing treaties, including their existing regional and bilateral trade agreements,

INVITING the other Western Balkan participants to join this agreement in the spirit of inclusiveness, regional cooperation and with a view to improving the lives of all within region,

Hereby agree as follows:

GENERAL PROVISIONS

Article 1

Citizens of the Contracting Parties to which this Agreement applies shall have the right to move, stay and work freely within the territory of the Contracting Parties, in accordance with this Agreement.

DEFINITIONS

Article 2

For the purposes of this Agreement, the following terms shall have the meaning:

- 1) “Citizen” – a person who holds the citizenship of one of the Contracting Parties;

- 2) “Domestic legislation” – laws and other normative acts which are in force in one of the Contracting Parties;
- 3) “Receiving Party” – the Contracting Party into which territory the citizen of the other Contracting Party has entered, resides and works;
- 4) “Open Balkan ID number” – unique registration number for the citizens of the Contracting Parties, generated by the Party of their nationality, in accordance with the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans.

ENTRY, MOVEMENT, STAY AND WORK

Article 3

The Contracting Parties undertake to simplify the administrative procedures for entry, movement, stay and work of the citizens of other Contracting Parties.

The Contracting Parties guarantee that citizens of other Contracting Parties have equal access to the labour market in the Receiving Party, in accordance with this Agreement and the domestic legislation.

Article 4

A citizen of one of the Contracting Parties, in addition to the rights provided by the domestic legislation on the work of foreigners, shall have the right of entry and residence for work purposes in the Receiving Party in accordance with this Agreement, provided that:

- 1) he/she has a valid ID card or biometric travel document, valid for at least 90 days counting until the expiring date,
- 2) he/she has no ban on entry and stay in the territory of the other Contracting Party,
- 3) he/she does not pose a threat to the public order, national security, public health or the international relations of the other Contracting Party.

Article 5

A citizen of one Contracting Party who does not meet the requirements of Article 4 of this Agreement shall be denied free access to the labour market of the other Contracting Party in accordance with the domestic legislation of the Receiving Party.

Article 6

A citizen of one Contracting Party shall abide by the domestic legislation of the Receiving Party when entering, staying and working in the territory of the Receiving Party.

Each Contracting Party, in accordance with its domestic legislation, reserves the right to revoke the stay in its territory to a citizen of the other Contracting Party.

Article 7

In order to exercise the right to free access to the labour market, a citizen of a Contracting Party shall register both personal and other data as required by the appropriate online electronic service developed by each Contracting Party in compliance with domestic legislation and Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans.

Registration referred to in paragraph 1 of this Article may be performed prior to entering the territory of the Receiving Party, or following entry, but no later than 90 days from entering the territory of the Receiving Party.

A citizen of a Contracting Party who has Open Balkan ID number, shall be deemed to have registered for free access to the labour market in the territory of the Receiving Party after being electronically notified that the application procedure has been completed and that free access to the labour market has been approved, which shall entitle him/her to free access to the labour market.

Approval referred to in paragraph 3 of this Article shall allow a citizen of a Contracting Party to stay in the territory of the Receiving Party for up to two (2) years with the possibility for re-registration, provided that the conditions set out in Article 4 and 6 of this Agreement, are met.

Approval for free access to the labour market ensures the exercise of the right to employment without needing to obtain a work and residence permit in the Receiving Party, including the exclusion of application fees or tariffs as per the domestic legislation.

Approval for free access to the labour market in the Receiving Party excludes the right for state employment incentives unless otherwise agreed by the Contracting Parties.

If a citizen of a Contracting Party, to whom free access to the labour market in the Receiving Party has been approved in compliance with paragraph 3 of this Article, changes any of the data entered through the online electronic service of the Receiving Party, he/she shall report such information without delay via that online electronic service.

Article 8

In the case that application for free access to labour market has not been approved, the domestic legislation of the Receiving Party shall apply, of which the applicant shall be notified electronically.

Approval for free access to labour market shall cease to be valid if the stay in the territory of the Receiving Party of a citizen of a Contracting Party, in compliance with the domestic legislation, is subsequently cancelled, in case it is subsequently discovered that the approval for free access to the labour market was issued based on false information or on withholding of information on the actual purpose and circumstances of the employment, or if the reasons for which the approval for free access to the labour market had been issued, have ceased to exist.

Article 9

The provisions of this Agreement shall not apply with respect to the fulfilment of the requirements for applying for permanent stay in the Receiving Party.

A citizen of the Contracting Party who intends to apply for permanent stay in the Receiving Party shall be obliged to act in accordance with the domestic legislation of that Receiving Party.

Article 10

The provisions of this agreement shall not apply to citizens who are entering or staying in the territory of the other Contracting Party for purposes of tourism or other purposes not related to free access to the labor market according to this Agreement.

However, citizens referred to in paragraph 1 of this Article are not precluded from making use of this Agreement, should they want to apply for free access to labor market in accordance with Article 7, paragraph 1 of this Agreement.

JOINT COMMITTEE

Article 11

A Joint committee shall be established based on this Agreement tasked with organising, coordinating and controlling activities related to the implementation of this Agreement.

Article 12

The Joint committee shall be composed of at least five representatives of each Contracting Party.

Article 13

The Joint committee shall meet at least once a year and shall report every six months to the Contracting Parties about the implementation of this Agreement.

The Joint committee shall have its first meeting within 30 days from the entry into force of this Agreement.

The Joint committee shall, at its first meeting, adopt its rules of procedure.

TRANSITIONAL AND FINAL PROVISIONS

Article 14

The Contracting Parties undertake to align their domestic legislation with the EU acquis on matters related to the implementation of this Agreement.

Article 15

Any matter that is not regulated by this Agreement shall be governed by the domestic legislation of the Receiving Party.

Article 16

The Contracting Parties agree that additional protocols may further regulate matters relevant to the implementation of this Agreement, especially matters related to the information system enabling the registration, as well as matters related to stay, movement and work of citizens in the territory of the Receiving Party.

The protocols shall be concluded by the competent authorities of the Contracting Parties.

Article 17

Any dispute arising from the interpretation or application of this Agreement shall be settled through negotiations.

Article 18

This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties to which they are parties.

The Contracting Parties agree that agreement on social security shall be concluded.

Article 19

This Agreement shall be subject to ratification or approval in accordance with the domestic procedures of each Contracting Party. The Republic of Albania shall act as the Depositary of this Agreement.

This Agreement shall enter into force on the 30th (thirtieth) day following the date of the deposit of instruments of ratification by at least two Contracting Parties and shall produce legal effect only between those Contracting Parties.

For a Contracting Party which ratifies or approves this Agreement after its entry into force in accordance with paragraph 2 of this Article, the Agreement shall enter into force on the 30th (thirtieth) day following the date of the deposit of instrument of ratification by that Contracting Party.

Provided that this Agreement has entered into force, its application shall begin on the date of the entry into force of the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans, concluded by the same Contracting Parties.

This Agreement may be amended upon mutual consent of all Contracting Parties.

The Agreement shall remain in force indefinitely.

Each Contracting Party may withdraw from this Agreement by notifying the Depositary, in written form, of its intention to withdraw. In such a case, the Agreement shall cease to be in force for that Contracting Party on the 30th (thirtieth) day following the date of the receipt of the notice by the Depositary.

The original of this Agreement in a single copy in the English language shall be deposited with the Depositary, which shall transmit a certified copy to each Contracting Party.

Done in Tirana, on the twenty-first December, two thousand twenty-one.

Aleksandar Vučić
President of the Republic of Serbia

Zoran Zaev
President of the Government of the
Republic of
North Macedonia

Edi Rama
Prime Minister of the
Republic of Albania

**SPORAZUM
O USLOVIMA ZA SLOBODAN PRISTUP TRŽIŠTU RADA NA
ZAPADNOM BALKANU**

PREAMBULA

Mi, učesnici sa Zapadnog Balkana zajedno „Ugovorne strane”, a pojedinačno „Ugovorna strana”

IZRAŽAVAJUĆI volju za jačanjem regionalne saradnje i uzajamnog razumevanja, sa ciljem doprinošenja ekonomskom razvoju i uvećanju ekonomskog rasta, investicija i zapošljavanja na Zapadnom Balkanu,

RAZMATRAJUĆI značaj oblasti kretanja radnika, sa ciljem obezbeđivanja napretka i ekonomskog prosperiteta,

IMAJUĆI NA UMU Zajedničku izjavu potpisanu u Novom Sadu 10. oktobra 2019. godine, koja se zasniva na primeni četiri ključne slobode Evropske unije na Zapadnom Balkanu,

PRIZNAJUĆI Zajedničku izjavu predsednika Vlade Republike Albanije, predsednika Vlade Republike Severne Makedonije i predsednika Republike Srbije, usvojenu na Samitu za Zapadni Balkan u Ohridu 10. novembra 2019. godine,

PRIZNAJUĆI Zajedničku izjavu predsednika Vlade Republike Albanije, predsednika Vlade Republike Severne Makedonije i predsednika Republike Srbije, usvojenu na Samitu za Zapadni Balkan u Tirani, 21. decembra 2019. godine,

NA OSNOVU Memoranduma o razumevanju o saradnji u vezi sa slobodnim pristupom tržištu rada na Zapadnom Balkanu, potpisanom u Skoplju 29. jula 2021. godine,

ISTIČUĆI da nijedna odredba ovog Sporazuma ne može da se tumači kao izuzimanje Ugovornih strana od njihovih prava i obaveza po postojećim sporazumima, uključujući njihove postojeće regionalne i bilateralne sporazume o trgovini,

POZIVAJUĆI ostale učesnike sa Zapadnog Balkana da se pridruže ovom sporazumu u duhu inkluzivnosti, regionalne saradnje i u smislu poboljšanja života svih iz regiona,

Ovom prilikom se dogovaraju kao što sledi:

OPŠTE ODREDBE

Član 1.

Državljeni Ugovornih strana, na koje se ovaj Sporazum primenjuje, imaju pravo da se slobodno kreću, borave i rade na teritorijama Ugovornih strana, u skladu sa ovim Sporazumom.

DEFINICIJE

Član 2.

Za svrhu ovog Sporazuma, sledeći termini imaju značenje:

- 1) „Državljanin” – lice koje ima državljanstvo jedne od Ugovornih strana,
- 2) „Nacionalno zakonodavstvo” – zakoni i drugi normativni akti koji su na snazi u jednoj od Ugovornih strana,

- 3) „Strana prijema” – Ugovorna strana na čiju teritoriju državljanin druge Ugovorne strane ulazi, boravi i radi,
- 4) „Identifikacioni broj Otvorenog Balkana” – jedinstveni identifikacioni broj koji je Ugovorna strana čije državljanstvo ima izdala državljaninu, u skladu sa Sporazumom o povezivanju šema elektronske identifikacije građana Zapadnog Balkana, u svrhu korišćenja elektronskih usluga u okviru inicijative Otvoreni Balkan.

ULAZAK, KRETANJE, BORAVAK I RAD

Član 3.

Ugovorne strane se obavezuju da pojednostave administrativne procedure za ulazak, kretanje, boravak i rad državljanina drugih Ugovornih strana.

Ugovorne strane garantuju da državljanini drugih Ugovornih strana imaju jednak pristup tržištu rada u Strani prijema, u skladu sa ovim Sporazumom i nacionalnim zakonodavstvom.

Član 4.

Državljanin jedne od Ugovornih strana, pored prava propisanih nacionalnim zakonodavstvom o radu stranaca, ima pravo ulaska i boravka u svrhu rada u Strani prijema, u skladu sa ovim Sporazumom, pod uslovom da:

- 1) Posедуje važeću ličnu kartu ili biometrijsku putnu ispravu, koja važi najmanje 90 dana, računajući do datuma isteka,
- 2) Nema zabranu ulaska i boravka na teritoriji druge Ugovorne strane,
- 3) Ne predstavlja pretnju po javni poredak, nacionalnu bezbednost, javno zdravlje ili međunarodne odnose druge Ugovorne strane.

Član 5.

Državljaninu jedne Ugovorne strane, koji ne ispunjava uslove iz člana 4. ovog Sporazuma, odbiće se slobodan pristup tržištu rada u drugoj Ugovornoj strani, u skladu sa nacionalnim zakonodavstvom Strane prijema.

Član 6.

Državljanin jedne Ugovorne strane poštovaće nacionalno zakonodavstvo Strane prijema, prilikom ulaska, boravka i rada na teritoriji Strane prijema.

Svaka Ugovorna strana, u skladu sa svojim nacionalnim zakonodavstvom, zadržava pravo da otkáže boravak na svojoj teritoriji državljaninu druge Ugovorne strane.

Član 7.

Radi ostvarivanja prava na slobodan pristup tržištu rada, državljanin Ugovorne strane će registrovati lične i druge podatke, na način kako to zahteva odgovarajuća elektronska usluga izrađena od strane svake Ugovorne strane, u skladu sa nacionalnim zakonodavstvom i Sporazumom o povezivanju šema elektronske identifikacije građana Zapadnog Balkana.

Registracija iz stava 1. ovog člana može se izvršiti pre ulaska na teritoriju Strane prijema, ili nakon ulaska, ali ne kasnije od 90 dana od dana ulaska na teritoriju Strane prijema.

Smatra se da je državljanin Ugovorne strane kome je prethodno određen Identifikacioni broj Otvorenog Balkana, izvršio registraciju za slobodan pristup tržištu rada na teritoriji Strane prijema, nakon što elektronskim putem bude obavešten da je

procedura registracije završena i da mu je slobodan pristup tržištu rada odobren, čime stiče pravo na slobodan pristup tržištu rada.

Odobrenje iz stava 3. ovog člana omogućava državljaninu Ugovorne strane da boravi na teritoriji Strane prijema do dve (2) godine, uključujući mogućnost da, nakon isteka odobrenja, izvrši ponovnu registraciju, ukoliko su ispunjeni uslovi propisani u čl. 4. i 6. ovog Sporazuma.

Odobrenje za slobodan pristup tržištu rada omogućava ostvarivanje prava na zaposlenje, bez potrebe pribavljanja dozvole za rad i dozvole boravka u Strani prijema, uključujući i pravo na oslobađanje plaćanja taksi propisanih nacionalnim zakonodavstvom.

Odobrenje za slobodan pristup tržištu rada u Strani prijema isključuje pravo na državne podsticaje za zapošljavanje, izuzev ako Ugovorne strane nisu drugačije dogovorile.

Ukoliko državljanin Ugovorne strane, kome je u skladu sa stavom 3. ovog člana odobren slobodan pristup tržištu rada u Strani prijema, promeni bilo koji podatak unet putem elektronske usluge Strane prijema, bez odlaganja će, putem iste elektronske usluge, izvršiti prijavu podataka koji se menjaju.

Član 8.

U slučaju da prijava za slobodan pristup tržištu rada nije odobrena, primenjuje se nacionalno zakonodavstvo Strane prijema, o čemu se podnosilac prijave obaveštava elektronskim putem.

Odobrenje za slobodan pristup tržištu rada prestaje da važi ukoliko se boravak državljanina Ugovorne strane na teritoriji Strane prijema, u skladu sa nacionalnim zakonodavstvom, naknadno otkaže, u slučaju da se naknadno otkrije da je odobrenje za slobodan pristup tržištu rada izdato na osnovu lažnih informacija ili na osnovu prikrivanja stvarne svrhe i okolnosti vezanih za zaposlenje, ili ukoliko su razlozi zbog kojih je odobrenje za slobodan pristup tržištu rada izdato, prestali da postoje.

Član 9.

Odredbe ovog Sporazuma se ne primenjuju u pogledu ispunjenja uslova za podnošenje zahteva za stalni boravak u strani prijema.

Državljanin Ugovorne strane koji namerava da podnese zahtev za stalni boravak u Strani prijema, u obavezi je da postupa u skladu sa nacionalnim zakonodavstvom Strane prijema.

Član 10.

Odredbe ovog Sporazuma se ne primenjuju na državljane koji ulaze ili borave na teritoriji druge Ugovorne strane po osnovu turizma ili drugom osnovu koji nije vezan za slobodan pristup tržištu rada, i nije predmet ovog Sporazuma.

Međutim, državljaninu iz stava 1. ovog člana nije uskraćeno da iskoristi ovaj Sporazum, ukoliko želi da se registruje za slobodan pristup tržištu rada u skladu sa članom 7. stav 1. ovog Sporazuma.

ZAJEDNIČKA KOMISIJA

Član 11.

Na osnovu ovog Sporazuma se osniva Zajednička komisija sa zadatkom da organizuje, koordinira i kontroliše aktivnosti u vezi sa primenom ovog Sporazuma.

Član 12.

Zajednička komisija će biti sastavljena od najmanje pet predstavnika svake Ugovorne strane.

Član 13.

Zajednička komisija je u obavezi da se sastaje najmanje jednom godišnje, a da svakih šest meseci izveštava Ugovorne strane o primeni ovog Sporazuma.

Zajednička komisija će svoj prvi sastanak imati 30 dana od dana stupanja ovog Sporazuma na snagu.

Na prvom sastanku, Zajednička komisija će usvojiti svoj poslovnik o radu.

PRELAZNE I KONAČNE ODREDBE

Član 14.

Ugovorne strane se obavezuju da usklade svoje nacionalno zakonodavstvo sa pravnim tekovinama EU u vezi sa pitanjima koja se odnose na primenu ovog Sporazuma.

Član 15.

Svako pitanje koje nije regulisano ovim Sporazumom predmet je nacionalnog zakonodavstva Strane prijema.

Član 16.

Ugovorne strane su saglasne da se dodatnim protokolima mogu dalje regulisati pitanja koja su relevantna za primenu ovog Sporazuma, naročito pitanja u vezi sa informacionim sistemom koji omogućava registraciju, kao i pitanja u vezi sa boravkom, kretanjem i radom državljana na teritoriji Strane prijema.

Protokole zaključuju nadležni organi Ugovornih strana.

Član 17.

Svaki spor koji nastane u vezi sa tumačenjem ili primenom ovog Sporazuma, rešava se putem pregovora.

Član 18.

Ovaj Sporazum ne utiče na prava i obaveze Ugovornih strana koje proizilaze iz drugih međunarodnih sporazuma, čije su one potpisnice.

Ugovorne strane su saglasne da se zaključi Sporazum o socijalnom osiguranju.

Član 19.

Ovaj Sporazum je predmet ratifikacije ili odobrenja u skladu sa nacionalnim procedurama svake Ugovorne strane. Republika Albanija je Depozitar ovog Sporazuma.

Ovaj Sporazum stupa na snagu 30. (tridesetog) dana od datuma polaganja instrumenata ratifikacije od strane najmanje dve Ugovorne strane i proizvodi pravno dejstvo samo između tih Ugovornih strana.

Za Ugovornu stranu koja ratifikuje ili odobri ovaj Sporazum posle njegovog stupanja na snagu u skladu sa stavom 2. ovog člana, Sporazum stupa na snagu 30. (tridesetog) dana od datuma polaganja instrumenata ratifikacije od strane te Ugovorne strane.

Pod uslovom da je ovaj Sporazum stupio na snagu, njegova primena počinje na datum stupanja na snagu Sporazuma o povezivanju šema elektronske identifikacije građana Zapadnog Balkana, zaključenog između istih Ugovornih strana.

Ovaj Sporazum može da se izmeni i dopuni na osnovu uzajamne saglasnosti svih Ugovornih snaga.

Sporazum ostaje na snazi na neodređeno vreme.

Svaka Ugovorna strana može da se povuče iz ovog Sporazuma obaveštavajući Depozitara u pismenoj formi o svojoj nameri da se povuče. U tom slučaju, Sporazum prestaje da bude na snazi za tu Ugovornu stranu 30. (tridesetog) dana od datuma prijema obaveštenja od Depozitara.

Original ovog Sporazuma, u jednom primerku na engleskom jeziku, ostaje kod Depozitara, koji će proslediti overenu kopiju svakoj Ugovornoj strani.

Sačinjeno u Tirani, 21. decembra 2021. godine.

Aleksandar Vučić, s.r.
predsednik Republike Srbije

Zoran Zaev, s.r.
predsednik Vlade
Republike Severne Makedonije

Edi Rama, s.r.
predsednik Vlade
Republike Albanije

Član 3.

Ovaj zakon stupa na snagu narednog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.