EC/Switzerland agreement: protocol to the agreement on the free movement of persons following the 2004 enlargement

2004/0201(AVC) - 10/12/2004 - Legislative proposal

PURPOSE : to conclude a Protocol Agreement between the European Union and Switzerland on the free movement of persons following enlargement.

PROPOSED ACT : Council Decision.

CONTENT : the Agreement between the the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons entered into force on 1 June 2002. It should be amended to allow the new Member States to be Contracting Parties to this Agreement.

Switzerland may maintain until 31 May 2007 quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of the new Member States for the following two categories of residence: residence for a period of more than four months and less than one year and residence for a period equal to, or exceeding, one year. There shall be no quantitative restriction on residence for less than four months.

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of the new Member States on the basis of a report from Switzerland. Upon completion of the review, and no later than at the end of the period mentioned above, Switzerland shall notify the Joint Committee whether it will continue applying quantitative limits to workers employed in Switzerland. Switzerland may continue to apply such measures until 31 May 2009. In the absence of such notification, the transitional period shall expire on 31 May 2007. At the end of the transitional period, all quantitative limits applicable to nationals of the new Member States shall be abolished. These Member States are entitled to introduce the same quantitative limitations for Swiss nationals for the same periods.

Switzerland and the new Member States may maintain, until 31 May 2007, for workers of one of these

Contracting Parties employed in their own territory the controls on the priority of workers integrated into the regular labour market and wage and working conditions applicable to nationals of the Contracting Party concerned. The same controls may be maintained for persons providing services in the following four sectors: Horticultural service activities; Construction, including related branches; Security activities; Industrial cleaning.

In case of serious disturbances of its labour market or threat thereof, Switzerland and any of the new Member States which has implemented transitional measures, shall notify such circumstances to the Joint Committee by 31 May 2009. In this case, the notifying country may continue to apply to workers employed on its own territory, the transition measures until 30 April 2011.

Amendments are also made to Annex I on the transitional measures on the purchase of land and secondary residency, Annex II on the coordination of security systems and to Annex III on mutual recognition of professional qualifications.

This Protocol shall be ratified or approved by the Council of the European Union, on behalf of the Member States and the European Community, and by the Swiss Confederation in accordance with their own procedures.