Basic information

2013/0321(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol See also 1999/0103(AVC) **Subject** 2.20 Free movement of persons 6.40.01 Relations with EEA/EFTA countries **Geographical area** Switzerland	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	JAZŁOWIECKA Danuta (PPE)	03/09/2014
	Shadow rapporteur BRESSO Mercedes (S&D) ŽITŇANSKÁ Jana (ECR) HARKIN Marian (ALDE) KARI Rina Ronja (GUE/NGL) ŽDANOKA Tatjana (Verts/ALE) AGEA Laura (EFDD)	

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development		
LIBE Civil Liberties, Justice and Home Affairs		

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3292	2014-02-11
Economic and Financial Affairs ECOFIN	3495	2016-11-08

European Commission

Commission DG	Commissioner
European External Action Service	ASHTON Catherine

Key events

Date	Event	Reference	Summary
01/10/2013	Preparatory document	COM(2013)0673	Summary
10/02/2014	Legislative proposal published	14381/2013	Summary
11/04/2016	Committee referral announced in Parliament		
21/06/2016	Vote in committee		
27/06/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0216/2016	Summary
14/09/2016	Decision by Parliament	T8-0339/2016	Summary
14/09/2016	Results of vote in Parliament		
08/11/2016	Act adopted by Council after consultation of Parliament		
08/11/2016	End of procedure in Parliament		
04/02/2017	Final act published in Official Journal		

Technical information

Procedure reference	2013/0321(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 1999/0103(AVC)

Legal basis	Treaty on the Functioning of the European Union TFEU 217 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/00244

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE584.029	31/05/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0216/2016	27/06/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0339/2016	14/09/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14382/2013	28/01/2014	
Legislative proposal	14381/2013	10/02/2014	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0673	01/10/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2017/0192
OJ L 031 04.02.2017, p. 0001 Summary

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 01/10/2013

PURPOSE: to conclude a Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons, to take account of the accession of Croatia to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons was signed on 21 June 1999 and entered into force on 1 June 2002.

It has since been extended twice, notably to states in eastern Europe: first of all to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (entry into force in 2006) and Bulgaria and Romania (entry into force in 2009). It is now necessary to revise the 2002 Agreement to take account of Croatia's accession to the EU on 1 July 2013.

On 24 September 2012, the Council authorised the Commission to open negotiations with Switzerland with a view to concluding the relevant protocol. The negotiations were successfully concluded by the initialling of the Protocol.

It is now necessary to approve the Protocol on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 217 in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposed Decision, the Council is called upon to approve, on behalf of the Union, the Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland of the other, on the free movement of persons to take account of the accession of Croatia to the European Union.

Principles: the Protocol seeks to revise the 2002 Agreement in order to take into account the accession of Croatia as regards the free movement of persons. It is provided that for a **period of 7 years** from the entry into force of the Protocol, Switzerland may limit the access of Croatian citizens into the labour market (quotas, priority to local workers, control of working conditions and wages).

During the last two years of this transition period, the restrictions must be accepted by a mixed Switzerland-EU committee.

Labour market restrictions: Switzerland may maintain quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of Croatia for the following two categories of residence:

- residence for a period of **more than four months** and less than one year;
- residence for a period **equal to, or exceeding, one year**.

N.B.: the draft Protocol does not provide any restrictions on residence of less than four months.

The quantitative limits are set for **each year of the Protocol's seven year implementation**. The quotas for each year are progressive so that Switzerland may **open gradually, year by year, its labour market to Croatian workers**.

Regular labour market and controls: further provisions are laid down to enable Switzerland and Croatia to maintain the controls on the priority of workers integrated into the regular labour market and the wage and working conditions applicable to nationals of the other Contracting Party concerned. The same controls may be maintained for persons providing services in the following sectors:

- horticulture;
- construction, including related branches;
- security activities;
- industrial cleaning.

Review of the Protocol: before the end of the transitional period, the Joint Committee shall review the functioning of the transitional period applied to nationals of Croatia on the basis of a report from Switzerland. Upon completion of the review, 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 for five years after the entry into force of the aforementioned Protocol.

Croatia should be entitled to introduce the same quantitative limits for Swiss nationals for the same periods.

Safeguard clause: at the end of the 7-year period of the Protocol, Switzerland shall have the opportunity for a **further three years**, to **unilaterally** activate the safeguard clause against Croatian citizens with a view to limiting the number of residence permits to allow them to work. Specific provisions are laid down to this effect.

Duration of the transitional period: the total transition period with safeguard clause – if applicable – is **10 years** from the date of entry into force of the Protocol.

BUDGETARY IMPLICATIONS: the proposal has no impact on the EU budget.

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 01/10/2013 - Preparatory document

PURPOSE: to conclude a Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons, to take account of the accession of Croatia to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons was signed on 21 June 1999 and entered into force on 1 June 2002.

It has since been extended twice, notably to states in eastern Europe: first of all to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (entry into force in 2006) and Bulgaria and Romania (entry into force in 2009). It is now necessary to revise the 2002 Agreement to take account of Croatia's accession to the EU on 1 July 2013.

On 24 September 2012, the Council authorised the Commission to open negotiations with Switzerland with a view to concluding the relevant protocol. The negotiations were successfully concluded by the initialling of the Protocol.

It is now necessary to approve the Protocol on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 217 in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposed Decision, the Council is called upon to approve, on behalf of the Union, the Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland of the other, on the free movement of persons to take account of the accession of Croatia to the European Union.

Principles: the Protocol seeks to revise the 2002 Agreement in order to take into account the accession of Croatia as regards the free movement of persons. It is provided that for a **period of 7 years** from the entry into force of the Protocol, Switzerland may limit the access of Croatian citizens into the labour market (quotas, priority to local workers, control of working conditions and wages).

During the last two years of this transition period, the restrictions must be accepted by a mixed Switzerland-EU committee.

Labour market restrictions: Switzerland may maintain quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of Croatia for the following two categories of residence:

- residence for a period of **more than four months** and less than one year;
- residence for a period **equal to, or exceeding, one year**.

N.B.: the draft Protocol does not provide any restrictions on residence of less than four months.

The quantitative limits are set for **each year of the Protocol's seven year implementation**. The quotas for each year are progressive so that Switzerland may **open gradually, year by year, its labour market to Croatian workers**.

Regular labour market and controls: further provisions are laid down to enable Switzerland and Croatia to maintain the controls on the priority of workers integrated into the regular labour market and the wage and working conditions applicable to nationals of the other Contracting Party concerned. The same controls may be maintained for persons providing services in the following sectors:

- horticulture;
- construction, including related branches;
- security activities;
- industrial cleaning.

Review of the Protocol: before the end of the transitional period, the Joint Committee shall review the functioning of the transitional period applied to nationals of Croatia on the basis of a report from Switzerland. Upon completion of the review, 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 for five years after the entry into force of the aforementioned Protocol.

Croatia should be entitled to introduce the same quantitative limits for Swiss nationals for the same periods.

Safeguard clause: at the end of the 7-year period of the Protocol, Switzerland shall have the opportunity for a **further three years**, to **unilaterally** activate the safeguard clause against Croatian citizens with a view to limiting the number of residence permits to allow them to work. Specific provisions are laid down to this effect.

Duration of the transitional period: the total transition period with safeguard clause – if applicable – is **10 years** from the date of entry into force of the Protocol.

BUDGETARY IMPLICATIONS: the proposal has no impact on the EU budget.

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 10/02/2014 - Legislative proposal

PURPOSE: to conclude a Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons, regarding the participation of Croatia as a Contracting Party, following its accession to the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons to take account of the accession of Croatia to the European Union was signed subject to its conclusion at a later date.

The Protocol should now be concluded on behalf of the European Union and its Member States.

CONTENT: the draft Decision seeks the approval by the Council, on behalf of the European Union and its Member States, of the Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other, on the free movement of persons, regarding Croatia's participation as a Contracting Party following its accession to the European Union.

For details about the content of the Protocol, please refer to the summary of the Commission's initial legislative proposal of 1.10.2013.

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 14/09/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 602 votes to 63, with 29 abstentions, a legislative resolution on the draft Council decision on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of Croatia as a Contracting Party, following its accession to the European Union.

Parliament **gave its consent** to the conclusion of the Protocol.

The Protocol provided that for a period of 7 years from the entry into force of the Protocol, Switzerland may limit the access of Croatian citizens into the labour market (quotas, priority to local workers, control of working conditions and wages).

Further provisions are laid down to enable Switzerland and Croatia to maintain the controls on the priority of workers integrated into the regular labour market and the wage and working conditions applicable to nationals of the other Contracting Party concerned.

Croatia should be entitled to introduce the same quantitative limits for Swiss nationals for the same periods.

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 08/11/2016 - Final act

PURPOSE: to conclude a Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other part, on the free movement of persons, to take account of the accession of Croatia to the European Union.

NON-LEGISLATIVE ACT: Council Decision (EU) 2017/192 on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union

BACKGROUND: The Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other part, on the free movement of persons was signed on 21 June 1999 and entered into force on 1 June 2002.

The agreement has been adapted for the first time in order to take account of the participation, as contracting parties, in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, following their accession to the European Union (entry into force in 2006) and then a second time to take account of the accession of Bulgaria and Romania (entry into force in 2009).

It is now appropriate to adapt the 2002 Agreement to the accession of Croatia to the European Union on 1 July 2013.

CONTENT: With this Decision, the Protocol to the Agreement between the European Community and its Member States, of the one part, and Switzerland, of the other part, on the free movement of persons, concerning the participation of Croatia, as a contracting party, following its accession to the European Union, is hereby approved on behalf of the European Union and its Member States.

Objective: The Protocol seeks to adapt the 2002 Agreement in order to take account of the accession of Croatia to the free movement of persons.

For a period of seven years from the date of entry into force of the Protocol, Switzerland may restrict the access of Croatian citizens to its labour market (quotas, priority to local workers, control of working conditions and wages).

During the last two years of this transitional period, the continuation of these restrictions will be approved by a Joint Switzerland-EU Committee.

Restrictions on the labour market: Restrictions on the access of Croatian nationals to the Swiss labour market for employed and self-employed workers have been provided for in accordance with the quotas set out in the draft protocol.

The Protocol does not provide for any quantitative limitation for stays of under 4 months.

The quantitative limits are set for each year of **application of the Protocol** over the 7 years of its application. The quotas set for each year are progressive **so that Switzerland can gradually open its labour market to Croatian workers year by year**.

Control of access to the regular labour market: there are provisions for authorising the Parties to maintain controls on the integration of workers into the parties' regular labour market and on the working conditions and wages of workers.

Controls could also be applied for service providers operating in the following sectors:

- horticulture
- construction,
- security,
- industrial cleaning.

Examination of the Protocol: before the end of the period of validity of the Protocol, the Joint Committee provided for in the original agreement should examine the operation of the Protocol, on the basis of a report prepared by Switzerland. Taking this into account, Switzerland will have to notify the Joint Committee if it intends to continue to apply quantitative limits to Croatian workers employed in Switzerland for new periods as detailed in the Protocol.

Croatia may also introduce equivalent quantitative limits for Swiss nationals during the same periods.

Safeguard clause: at the end of the 7-year period of application of the Protocol, Switzerland will have the possibility, for a **further 3 years**, to invoke **unilaterally** a safeguard clause with regard to Croatian citizens with a view to limiting the number of residence permits granted to enable them to work. Specific conditions are provided for in the Protocol.

Duration of the transitional period: the duration of the transitional regime vis-à-vis Croatia shall cover a period of **10 years** in all cases from the entry into force of the Protocol.

ENTRY INTO FORCE: the Decision enters into force on 8.11.2016.

EC/Switzerland Agreement: free movement of persons; accession of Croatia to the EU. Protocol

2013/0321(NLE) - 27/06/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Danuta JAZŁOWIECKA (EPP, PL) on the draft Council decision on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of Croatia as a Contracting Party, following its accession to the European Union.

The committee recommended the European Parliament to **give its consent** to the conclusion of the Protocol.

The Protocol provided that for a period of 7 years from the entry into force of the Protocol, Switzerland may limit the access of Croatian citizens into the labour market (quotas, priority to local workers, control of working conditions and wages).

Further provisions are laid down to enable Switzerland and Croatia to maintain the controls on the priority of workers integrated into the regular labour market and the wage and working conditions applicable to nationals of the other Contracting Party concerned.

Croatia should be entitled to introduce the same quantitative limits for Swiss nationals for the same periods. An important final safeguard clause states that at the end of the 7-year period of the Protocol, Switzerland shall have the opportunity for a further three years, to unilaterally activate the safeguard clause against Croatian citizens with a view to limiting the number of residence permits to allow them to work.

The total transition period with safeguard clause – if applicable – is thus of 10 years from the date of entry into force of the Protocol.

The committee recalled that Switzerland benefits comparably to the EU Member States from the internal market and its enlargements. It is beyond doubt that both Croatia and Switzerland will benefit from the signature of the present Protocol, politically, economically and culturally profiting from a larger internal market where the free movement is a crucial element.

Therefore, the committee supports the Protocol to the agreement and recommends it be given a consent.