ANNEX V

FREE MOVEMENT OF WORKERS

List provided for in Article 28

INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as:

- preambles;
- the addressees of the Community acts;
- references to territories or languages of the EC;
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATIONS

For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term "Member State(s)" contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Austria, Finland, Iceland, Liechtenstein, Norway, Switzerland{1}.

The provisions in the SECTORAL ADAPTATIONS in Annex VIII concerning Liechtenstein shall apply, as appropriate, to this Annex.{2}

TRANSITION PERIOD{3}

The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for the Czech Republic (Annex V, Chapter 1), Estonia (Annex VI, Chapter 1), Latvia (Annex VIII, Chapter 1), Lithuania (Annex IX, Chapter 2), Hungary (Annex X, Chapter 1), Malta (Annex XI, Chapter 2), Poland (Annex XII, Chapter 2), Slovenia (Annex XIII, Chapter 2) and the Slovak Republic (Annex XIV, Chapter 1) shall apply.

{4}The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 1) and Romania (Annex VII, Chapter 1), shall apply.

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{1} Words “and Switzerland” deleted by the Adjusting Protocol.
The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 2) shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, with the exception of the arrangements for Malta, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply.

ACTS REFERRED TO

1. The act referred to in point 3 of Annex VIII to this Agreement (Directive 2004/38/EC of the European Parliament and of the Council), as adapted for the purposes of the Agreement shall apply, as appropriate, to the fields covered by this Annex.

1a. The act referred to in point 10a of Annex VIII (Regulation (EU) 2019/1157 of the European Parliament and of the Council), as adapted for the purposes of the Agreement, shall apply, as appropriate, to the fields covered by this Annex.


The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Article 36(1) shall not apply.

(b) In Article 36(2), the reference to Article 48 of the Treaty on the Functioning of the European Union shall be replaced by reference to Article 29 of this Agreement.

2a. [ ]

3. [ ]


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\(^{[9]}\) The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 2) shall apply.

\(^{[10]}\) With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, with the exception of the arrangements for Malta, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply.


\(^{[6]}\) Indent and words "as amended by:" added by Decision No 302/2019 (OJ L 68, 5.3.2020, p. 46 and EEA Supplement No 14, 5.3.2020, p. 52), e.i.f. 1.3.2021.


\(^{[8]}\) Point inserted by Decision No 199/2013 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 9.11.2013 and subsequently deleted by Decision No 302/2019 (OJ L 124, 8.5.2008, p. 46 and EEA Supplement No 14, 5.3.2020, p. 52), e.i.f. 1.3.2021.


5. [ ] \[^{15}\]
7. [ ] \[^{16}\]

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The words “Union citizens” shall be replaced by the words “nationals of EU Member States and EFTA States”.

(b) The words “Union workers” shall be replaced by the word “workers”.

(c) In Articles 1 and 3 the words “Article 45 TFEU” shall be replaced by the words “Article 28 of the EEA Agreement”.

(d) In Article 4, the words “Union rules on free movement of workers” shall be replaced by the words “the rules on free movement of workers according to the EEA Agreement”.

(e) In Article 6, the words “Union law” shall be replaced by the words “the EEA Agreement”.

(e) In Article 7, the words “Article 21 TFEU and” shall not apply.


The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The words “Article 45 TFEU” shall be replaced by the words “Article 28 of the EEA Agreement”.

(b) The words “citizens of the Union” shall be replaced by the words “nationals of EU Member States and EFTA States”.

(c) In Article 6:

(i) references to Article 3 of the Treaty on European Union and to Article 145 of the Treaty on the Functioning of the European Union shall not apply.

(ii) in point (d), the words “in compliance with Union” shall be replaced by the words “in compliance with legislation applicable pursuant to the EEA Agreement”.


\[^{19}\] Point and adaptation text inserted by Decision No 302/2019 (OJ L 68, 5.3.2020, p. 46 and EEA Supplement No 14, 5.3.2020, p. 52), e.i.f. 1.3.2021.

(d) In Article 9(4)(c), the words “Union rules and instruments” shall be replaced by the words “rules and instruments applicable pursuant to the EEA Agreement”.

(e) In Article 34, the words “Union law” shall be replaced by the words “legislation applicable pursuant to the EEA Agreement”.


-{9} 2022 R 0503: Commission Delegated Regulation (EU) 2022/503 of 29 March 2022 (OJ L 102, 30.3.2022, p. 8),


10a. Commission Implementing Decision (EU) 2021/1073 of 28 June 2021 laying down technical specifications and rules for the implementation of the trust framework for the EU Digital ID...


\(^{(3)}\) Point inserted by Decision No 43/2022 (OJ L, 182, 7.7.2022, p. 5 and EEA Supplement No 44, 7.7.2022, p. 5), e.i.f. 23.2.2022.

\(^{(4)}\) Point inserted by Decision No 43/2022 (OJ L, 182, 7.7.2022, p. 5 and EEA Supplement No 44, 7.7.2022, p. 5), e.i.f. 23.2.2022.

\(^{(5)}\) Point inserted by Decision No 43/2022 (OJ L, 182, 7.7.2022, p. 5 and EEA Supplement No 44, 7.7.2022, p. 5), e.i.f. 23.2.2022.

\(^{(6)}\) Point inserted by Decision No 43/2022 (OJ L, 182, 7.7.2022, p. 5 and EEA Supplement No 44, 7.7.2022, p. 5), e.i.f. 23.2.2022.

\(^{(7)}\) Point inserted by Decision No 44/2022 (OJ L, 182, 7.7.2022, p. 7 and EEA Supplement No 44, 7.7.2022, p. 7), e.i.f. 23.2.2022.

\(^{(8)}\) Point inserted by Decision No 44/2022 (OJ L, 182, 7.7.2022, p. 7 and EEA Supplement No 44, 7.7.2022, p. 7), e.i.f. 23.2.2022.

\(^{(9)}\) Point inserted by Decision No 44/2022 (OJ L, 182, 7.7.2022, p. 7 and EEA Supplement No 44, 7.7.2022, p. 7), e.i.f. 23.2.2022.

\(^{(10)}\) Point inserted by Decision No 45/2022 (OJ L, 182, 7.7.2022, p. 9 and EEA Supplement No 44, 7.7.2022, p. 9), e.i.f. 23.2.2022.

\(^{(11)}\) Point inserted by Decision No 45/2022 (OJ L, 182, 7.7.2022, p. 9 and EEA Supplement No 44, 7.7.2022, p. 9), e.i.f. 23.2.2022.


10zg. 32022 D 0207: Commission Implementing Decision (EU) 2022/207 of 15 February 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Hashemite Kingdom of Jordan to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 34, 16.2.2022, p. 49).

10zh. 32022 D 0533: Commission Implementing Decision (EU) 2022/533 of 1 April 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Colombia to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 105, 4.4.2022, p. 60).

10zi. 32022 D 0534: Commission Implementing Decision (EU) 2022/534 of 1 April 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Malaysia to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 105, 4.4.2022, p. 63).

10zj. 32022 D 0724: Commission Implementing Decision (EU) 2022/724 of 10 May 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Seychelles to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 134, 11.5.2022, p. 28).

10zk. 32022 D 0725: Commission Implementing Decision (EU) 2022/725 of 10 May 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Socialist Republic of Viet Nam to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 134, 11.5.2022, p. 31).

10zl. 32022 D 0726: Commission Implementing Decision (EU) 2022/726 of 10 May 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Indonesia to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 134, 11.5.2022, p. 34).
10zm.\(^{(19)}\) \textbf{32022 D 1096:} Commission Implementing Decision (EU) 2022/1096 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Korea to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 176, 1.7.2022, p. 64), as corrected by OJ L 201, 1.8.2022, p. 74.

10zm.\(^{(20)}\) \textbf{32022 D 1097:} Commission Implementing Decision (EU) 2022/1097 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Madagascar to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 176, 1.7.2022, p. 67).

10zo.\(^{(21)}\) \textbf{32022 D 1098:} Commission Implementing Decision (EU) 2022/1098 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by Kosovo to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 176, 1.7.2022, p. 70).

10zp.\(^{(22)}\) \textbf{32022 D 1099:} Commission Implementing Decision (EU) 2022/1099 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Kingdom of Bahrain to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 176, 1.7.2022, p. 73).

10pq.\(^{(23)}\) \textbf{32022 D 1100:} Commission Implementing Decision (EU) 2022/1100 of 30 June 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Ecuador to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 176, 1.7.2022, p. 76).

10zr.\(^{(24)}\) \textbf{32022 D 1338:} Commission Implementing Decision (EU) 2022/1338 of 29 July 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of the Philippines to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 201, 1.8.2022, p. 54).


10zt.\(^{(26)}\) \textbf{32022 D 1340:} Commission Implementing Decision (EU) 2022/1340 of 29 July 2022 establishing the equivalence, for the purpose of facilitating the right of free movement within the Union, of COVID-19 certificates issued by the Republic of Peru to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council (OJ L 201, 1.8.2022, p. 60).


The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) As regards the EFTA States, references to Union law shall be understood as references to the EEA Agreement.

(b) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms “Member State(s)” and “national authorities” shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their national authorities, respectively.

(c) In Articles 1(2) and 2, the words “and the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(d) In Articles 7(1)(e) and 13(13), the words “or, as regards the EFTA States, to the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(e) In Articles 9(9) and 10(3) first subparagraph, the words “or, as regards the EFTA States, to the EFTA Surveillance Authority”, shall be inserted after the words “the Commission”.

(f) In Article 12, the following paragraph shall be inserted after paragraph 3:

“3a. The EFTA States shall participate fully in the Platform and shall have the same rights and obligations within it as EU Member States, except for the right to vote.”

(g) In Article 13:

(i) in paragraph 1, the words “and of the EFTA Court” shall be inserted after the words “Court of Justice”.

(ii) in paragraphs 3, 5, and 6, the words “, the EFTA Surveillance Authority, when one or more of the EFTA States are involved” shall be inserted after the words “the Commission”.

(h) In Article 16(2), the sentence “The Authority may invite representatives of the EFTA Surveillance Authority to the working groups and expert panels as observers.” is inserted after the first sentence of the first subparagraph.

(i) In Article 17, the following paragraph shall be inserted after paragraph 1:

“1a. The EFTA States and the EFTA Surveillance Authority shall participate fully in the Management Board and shall have the same rights and obligations within it as EU Member States and the Commission respectively, except for the right to vote.”

(j) The following paragraph shall be added in Article 26:

“5. The EFTA States shall participate in the contribution from the Union referred to in point (a) of paragraph 3. For this purpose, the procedures laid down in Article 82(1)(a) of and Protocol 32 to the EEA Agreement shall apply mutatis mutandis.”

(k) The following subparagraphs shall be added in Article 30:

“By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants of the European Union, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the appointing authority power of the Authority.”

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[4\textsuperscript{a}] Point and adaptation text inserted by Decision No 319/2023 (OJ L, 2024/1409, 13.6.2024 and EEA Supplement No 48, 13.6.2024, p. 42), e.i.F. pending.
By way of derogation from Articles 12(2)(c), 82(3)(c) and 85(3) of the Conditions of Employment of Other Servants of the European Union, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Authority, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union."

(l) In Article 32, the following paragraph shall be inserted after paragraph 1:

“1a. An EFTA State may designate the National Liaison Officer of another EFTA State or EU Member State as its National Liaison Officer.”

(m) The following shall be added in Article 34:

“The EFTA States shall grant privileges and immunities to the Authority and its staff equivalent to those contained in Protocol No 7 on the privileges and immunities of the European Union.”