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, Sweden[{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.

---

{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.\(^{[7]}\) 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.


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. \(^{[10]}\)

3. \(^{[11]}\)


5. \(^{[13]}\)


\(^{[9]}\) 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. pending.

\(^{[10]}\) Point 2a (Commission Implementing Decision 2012/733/EU) 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 68, 5.3.2020, p. 46 and EEA Supplement No 14, 5.3.2020, p. 52), e.i.f. pending.


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”.

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”.

(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”.


__________________

{18} Point 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. pending.

{19} Point 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. pending.

{20} Point 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. pending.

{21} Point 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. pending.

{22} Point 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. pending.