

## 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<sup>{1}</sup>.

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

## TRANSITION PERIOD<sup>{3}</sup>

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.

<sup>{4}</sup>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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<sup>{1}</sup> Words "and Switzerland" deleted by the Adjusting Protocol.

<sup>{2}</sup> Text added by Decision No 191/1999 (OJ L 74, 15.3.2001, p. 29 and EEA Supplement No 14, 15.3.2001, p. 130 (Norwegian) and p. 217 (Icelandic)), e.i.f. 1.6.2000.

<sup>{3}</sup> Heading and text added by the 2004 EEA Enlargement Agreement (OJ L 130, 29.4.2004, p. 3 and EEA Supplement No 23, 29.4.2004, p. 1), e.i.f. 1.5.2004.

<sup>{4}</sup> Text replaced by the 2007 EEA Enlargement Agreement (OJ L 221, 25.8.2007 and EEA Supplement No 39, 26.7.2008), provisionally applicable as of 1.8.2007, e.i.f. 9.11.2011, the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" subsequently deleted by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{<sup>5</sup>}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.

{<sup>6</sup>}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.{<sup>7</sup>} 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.

2.{<sup>8</sup>} **32011 R 0492**: Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1), as amended by:

-{<sup>9</sup>} **32016 R 0589**: Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 (OJ L 107, 22.4.2016, p. 1).’

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. [ ] {<sup>10</sup>}

3. [ ] {<sup>11</sup>}

4.{<sup>12</sup>} **32006 R 0635**: Commission Regulation (EC) No 635/2006 of 25 April 2006 repealing Regulation (EEC) No 1251/70 on the right of workers to remain in the territory of a Member State after having been employed in that State (OJ L 112, 26.4.2006, p. 9).

5. [ ] {<sup>13</sup>}

6. **377 L 0486**: Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers (OJ No L 199, 6.8.1977, p.32).

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{<sup>5</sup>} Sentence added by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{<sup>6</sup>} Text added by the 2007 EEA Enlargement Agreement (OJ L 221, 25.8.2007 and EEA Supplement No 39, 26.7.2008), provisionally applicable as of 1.8.2007, e.i.f. 9.11.2011.

{<sup>7</sup>} Text of point 1 (Council Directive 64/221/EEC) replaced by Decision No 158/2007 (OJ L 124, 8.5.2008, p. 20 and EEA Supplement No 26, 8.5.2008, p. 17), e.i.f. 1.3.2009.

{<sup>8</sup>} Text of point 2 (Council Regulation (EEC) No 1612/68) shall be replaced by Decision No 52/2012 (OJ L 207, 2.8.2012, p. 32 and EEA Supplement No 43, 2.8.2012, p. 39), e.i.f. 1.2.2013.

{<sup>9</sup>} 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.

{<sup>10</sup>} 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. 1.3.2021.

{<sup>11</sup>} Text of Point 3 (Council Directive 68/360/EEC) deleted by Decision No 158/2007 (OJ L 124, 8.5.2008, p. 20 and EEA Supplement No 26, 8.5.2008, p. 17), e.i.f. 1.3.2009.

{<sup>12</sup>} Text of point 4 (Commission Regulation (EEC) No 1251/70) replaced by Decision No 158/2007 (OJ L 124, 8.5.2008, p. 20 and EEA Supplement No 26, 8.5.2008, p. 17), e.i.f. 1.3.2009.

{<sup>13</sup>} Text of Point 5 (Council Directive 72/194/EEC) deleted by Decision No 158/2007 (OJ L 124, 8.5.2008, p. 20 and EEA Supplement No 26, 8.5.2008, p. 17), e.i.f. 1.3.2009.

7. [ ]<sup>{14}</sup>

8.<sup>{15}</sup> **32014 L 0054:** Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (OJ L 128, 30.4.2014, p. 8).

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.

9. <sup>{16}</sup> **32016 R 0589:** Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers’ access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1).

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”.

9a. <sup>{17}</sup> **32017 D 1255:** Commission Implementing Decision (EU) 2017/1255 of 11 July 2017 on a template for the description of national systems and procedures to admit organisations to become EURES Members and Partners (OJ L 179, 12.7.2017, p. 18).

9b. <sup>{18}</sup> **32017 D 1256:** Commission Implementing Decision (EU) 2017/1256 of 11 July 2017 on templates and procedures for the exchange of information on the EURES network national work programmes at Union level (OJ L 179, 12.7.2017, p. 24).

<sup>{14}</sup> Point 7 (Commission Decision 93/569/EC) inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994, and replaced by Decision No 7/2004 (OJ L 116, 22.4.2004, p. 52 and EEA Supplement No 20, 22.4.2004, p. 10), e.i.f. 7.2.2004, deleted with effect from 1.1.2014 by Decision No 199/2013 (OJ L 92, 27.3.2014, p. 25 and EEA Supplement No 19, 27.3.2014, p. 28), e.i.f. 9.11.2013.

<sup>{15}</sup> Point inserted by Decision No 219/2015 (OJ L 85, 30.3.2017, p. 41 and EEA Supplement No 19, 30.3.2017, p. 40), e.i.f. 1.6.2016.

<sup>{16}</sup> 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.

<sup>{17}</sup> 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. 1.3.2021.

- 9c. <sup>{19}</sup> **32017 D 1257**: Commission Implementing Decision (EU) 2017/1257 of 11 July 2017 on the technical standards and formats required for a uniform system to enable matching of job vacancies with job applications and CVs on the EURES portal (OJ L 179, 12.7.2017, p. 32).
- 9d. <sup>{20}</sup> **32018 D 0170**: Commission Implementing Decision (EU) 2018/170 of 2 February 2018 on uniform detailed specifications for data collection and analysis to monitor and evaluate the functioning of the EURES network (OJ L 31, 3.2.2018, p. 104).
- 9e. <sup>{21}</sup> **32018 D 1020**: Commission Implementing Decision (EU) 2018/1020 of 18 July 2018 on the adoption and updating of the list of skills, competences and occupations of the European classification for the purpose of automated matching through the EURES common IT platform (OJ L 183, 19.7.2018, p. 17).
- 9f. <sup>{22}</sup> **32018 D 1021**: Commission Implementing Decision (EU) 2018/1021 of 18 July 2018 on the adoption of technical standards and formats necessary for the operation of the automated matching through the common IT platform using the European classification and the interoperability between national systems and the European classification (OJ L 183, 19.7.2018, p. 20).
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<sup>{18}</sup> 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. 1.3.2021.

<sup>{19}</sup> 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. 1.3.2021.

<sup>{20}</sup> 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. 1.3.2021.

<sup>{21}</sup> 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. 1.3.2021.

<sup>{22}</sup> 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. 1.3.2021.