

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.

^{2} 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.

^{3} 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.

^{4} 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.

{⁵}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.

{⁶}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.

2.{⁸} **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).

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.{⁹} **32012 D 0733**: Commission Implementing Decision 2012/733/EU of 26 November 2012 implementing Regulation (EU) No 492/2011 of the European Parliament and of the Council as regards the clearance of vacancies and applications for employment and the re-establishment of EURES (OJ L 328, 28.11.2012, p. 21).

3.{¹⁰} []

4.{¹¹} **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. [] {¹²}

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).

7. [] {¹³}

{⁵} 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.

{⁶} 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.

{⁷} 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.

{⁸} 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.

{⁹} 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.

{¹⁰} 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.

{¹¹} 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.

{¹²} 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.

- 8.{¹⁴} **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.

^{13} 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.

^{14} 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.