

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, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'the Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, also represented by the Council of the European Union,

of the one part, and

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland',

of the other part,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement of 21 June 1999 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 (hereinafter referred to as 'the Agreement'), which entered into force on 1 June 2002;

HAVING REGARD TO the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as 'the new Member States') to the European Union on 1 May 2004;

WHEREAS the new Member States are to become Contracting Parties to the Agreement;

CONSIDERING that the Act of Accession grants to the Council of the European Union the power to conclude on behalf of the Member States of the European Union a protocol on the accession of the new Member States to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

1. The new Member States hereby become Contracting Parties to the Agreement.

2. From the entry into force of this Protocol, the provisions of the Agreement shall be binding on the new Member States as on the present Contracting Parties of the Agreement under the terms and conditions laid down in this Protocol.

Article 2

In the main body of the Agreement and in Annex I thereto the following adaptations shall be made:

(a) The list of Contracting Parties to the Agreement shall be replaced by the following:

The European Community,

the Kingdom of Belgium,

the Czech Republic,

the Kingdom of Denmark,

the Federal Republic of Germany,

the Republic of Estonia,

the Hellenic Republic,

the Kingdom of Spain,

the French Republic,

Ireland,

the Italian Republic,

the Republic of Cyprus,

the Republic of Latvia,

the Republic of Lithuania,

the Grand Duchy of Luxembourg,

the Republic of Hungary,

the Republic of Malta,

the Kingdom of the Netherlands,

the Republic of Austria,

the Republic of Poland,

the Portuguese Republic,

the Republic of Slovenia,
 the Slovak Republic,
 the Republic of Finland,
 the Kingdom of Sweden,
 the United Kingdom of Great Britain and Northern Ireland,
 of the one part, and
 the Swiss Confederation,
 of the other part.’

(b) In Article 10 of the Agreement, the following paragraphs shall be inserted:

‘1a. Switzerland may maintain until 31 May 2007 quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic for the following two categories of residence: residence for a period of more than four months and less than one year and residence for a period equal to, or exceeding, one year. There shall be no quantitative restriction on residence for less than four months.

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of the new Member States on the basis of a report from Switzerland. Upon completion of the review, and no later than at the end of the period mentioned above, 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 until 31 May 2009. In the absence of such notification, the transitional period shall expire on 31 May 2007.

At the end of the transitional period defined in this paragraph, all quantitative limits applicable to nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall be abolished. These Member States are entitled to introduce the same quantitative limitations for Swiss nationals for the same periods.’

‘2a. Switzerland and the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, may maintain, until 31 May 2007, for workers of one of these Contracting Parties employed in their own territory the controls on the priority of workers integrated into the regular labour market and wage and working conditions applicable to nationals of the Contracting Party concerned. The same controls may be maintained for persons providing services in the following four sectors: Horticultural service activities; Construction, including related branches; Security activities; Industrial cleaning (NACE ⁽¹⁾ codes 01.41; 45.1 to 4; 74.60; 74.70 respectively), referred to in Article 5(1) of the Agreement. Switzerland, shall, during the transitional periods mentioned in paragraphs 1a, 2a, 3a and 4a, give preference to workers who are nationals of the new Member States over workers who are nationals of non-EU and non-EFTA countries as regards access to its labour market. The controls on the priority of workers integrated into the regular labour market shall not apply to providers of services liberalised by a specific agreement between the Contracting Parties concerning the provision of services (including the Agreement on certain aspects of government procurement insofar as it covers the provision of services). For the same period, qualification requirements may be maintained for residence permits of less than four months ⁽²⁾ and to persons providing services in the four sectors mentioned above, referred to in Article 5(1) of the Agreement.

Before 31 May 2007, the Joint Committee shall review the functioning of the transitional measures contained in this paragraph on the basis of a report prepared by each of the Contracting Parties implementing them. Upon completion of the review, and no later than 31 May 2007, the Contracting Party which has implemented the transitional measures contained in this paragraph, and has notified the Joint Committee of its intention to continue applying such transitional measures, may continue to do so until 31 May 2009. In the absence of such notification, the transitional period will expire 31 May 2007.

At the end of the transitional period defined in this paragraph, all restrictions referred to above in this paragraph shall be abolished.

⁽¹⁾ NACE: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1), as last amended by Commission Regulation (EC) 29/2002 of 19 December 2001 (OJ L 6, 10.1.2002, p. 3).

⁽²⁾ Workers may apply for short-term residence permits under the quotas mentioned in paragraph 3a even for a period of less than four months.’

'3a. Upon entry into force of the Protocol to this Agreement regarding the participation, as contracting parties, of the new Member States mentioned below and until the end of the period described in paragraph 1a, Switzerland shall reserve on an yearly basis (*pro rata temporis*), within its overall quota for third countries, for workers employed in Switzerland and for self-employed persons who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic a minimum number of new residence permits ⁽¹⁾ according to the following schedule:

| Until | Number of permits for a period equal to or exceeding one year | Number of permits for a period of more than four months and less than one year |
|-------------|---|--|
| 31 May 2005 | 900 | 9 000 |
| 31 May 2006 | 1 300 | 12 400 |
| 31 May 2007 | 1 700 | 15 800 |
| 31 May 2008 | 2 200 | 19 200 |
| 31 May 2009 | 2 600 | 22 600 |

⁽¹⁾ These permits will be granted in addition to the quota mentioned in Article 10 of the Agreement which are reserved for employed and self-employed persons who are nationals of the Member States at the time of signature of the Agreement (21 June 1999) or nationals of the Republic of Cyprus or the Republic of Malta. These permits are also in addition to permits granted through existing bilateral trainee exchange agreements.'

'4a. At the end of the period described in paragraph 1a and in this paragraph and up to 12 years after entry into force of the Agreement, the provisions of Article 10(4) of the Agreement shall apply.

In case of serious disturbances of its labour market or threat thereof, Switzerland and any of the new Member States which has implemented transitional measures, shall notify such circumstances to the Joint Committee by 31 May 2009. In this case, the notifying country may continue to apply to workers employed on its own territory, the measures described in paragraphs 1a, 2a and 3a until 30 April 2011. In such a case, the annual number of residence permits referred to in paragraph 1a shall be:

| Until | Number of permits for a period equal to or exceeding one year | Number of permits for a period of more than four months and less than one year |
|---------------|---|--|
| 31 May 2010 | 2 800 | 26 000 |
| 30 April 2011 | 3 000 | 29 000 |

4b. When Malta undergoes or foresees disturbances on its labour market which could seriously threaten the standard of living or level of employment in a given region or occupation, and decides to invoke the provisions contained in Section 2 "Freedom of Movement for Persons" of Annex XI to the Act of Accession, the restrictive measures taken by Malta towards the rest of EU Member States could also be applied to Switzerland. In such a case, Switzerland shall be entitled to take equivalent reciprocal measures towards Malta.

Malta and Switzerland may resort to this procedure until 30 April 2011.'

'5a. The transitional provisions of paragraphs 1a, 2a, 3a, 4a and 4b, and in particular those of paragraph 2a concerning the priority of workers integrated into the regular labour market and controls on wage and working conditions, shall not apply to employed and self-employed persons who, at the time of the entry into force of the Protocol to this Agreement regarding the participation, as contracting parties, of the new Member States mentioned in the said paragraphs, are authorised to pursue an economic activity on the territory of the Contracting Parties. Such persons shall in particular enjoy occupational and geographical mobility.

The holders of residence permits valid for less than one year shall be entitled to have their permits renewed; the exhaustion of quantitative limits may not be invoked against them. The holders of residence permits valid for a period equal to, or exceeding, one year shall automatically be entitled to have their permits extended. Such employed and self-employed persons shall therefore enjoy the rights to free movement accorded to established persons in the basic provisions of this Agreement, and in particular Article 7 thereof, from its entry into force.'

- (c) In Article 27(2) of Annex I to the Agreement, the reference to Article 10(2) shall be replaced by Article 10(2, 2a, 4a and 4b).

Article 3

By derogation from Article 25 of Annex I to the Agreement, the transitional periods of Annex I to this Protocol shall apply.

Article 4

This Protocol shall form an integral part of the Agreement.

Article 5

Annexes I, II and III to the Agreement shall be modified in accordance with Annexes I, II and III to this Protocol that shall form an integral part of this Protocol.

Article 6

1. This Protocol shall be ratified or approved by the Council of the European Union, on behalf of the Member States and the European Community, and by the Swiss Confederation in accordance with their own procedures.
2. The Council of the European Union and the Swiss Confederation shall notify each other of the accomplishment of these procedures.

Article 7

This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

Article 8

This Protocol shall remain in force for the same duration and according to the same modalities as the Agreement.

Article 9

1. This Protocol, as well as the Declarations annexed thereto, shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.
2. The Maltese language version of this Protocol shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. It shall also be authentic, in the same way as for the languages referred to in paragraph 1.
3. The Agreement, as well as the Declarations annexed thereto, drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. These language versions shall also be equally authentic.

Hecho en Luxemburgo, el veintiséis de octubre de dos mil cuatro.

V Lucemburku dne dvacátého šestého října dva tisíce čtyři.

Udfærdiget i Luxembourg den seksogtyvende oktober to tusind og fire.

Geschehen zu Luxemburg am sechszwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne kuuendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the twenty-sixth day of October in the year two thousand and four.

Fait à Luxembourg, le vingt-six octobre deux mille quatre.

Fatto a Lussemburgo, addì ventisei ottobre duemilaquattro.

Luksemburgā, divi tūkstoši ceturtdā gada divdesmit sestajā oktobrī.

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt šeštą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer-negyedik év október havának huszonhatodik napján.

Magħmula fil-Lussemburgu fis-sitta u għoxrin jum ta' Ottubru tas-sena elfejn u erbgħa.

Gedaan te Luxemburg, de zesentwintigste oktober tweeduizendvier.

Sporządzono w Luksemburgu, dnia dwudziestego szóstego października roku dwa tysiące czwartego.

Feito no Luxemburgo, em vinte e seis de Outubro de dois mil e quatro.

V Luxemburgu dvadsiateho šesteho oktobra dvetisícčtyri.

V Luxembourggu, dne šestindvajsetega oktobra leta dva tisoč štiri.

Tehty Luxemburgissa kahdentenäkymmenentenäkuudentena päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den tjugosjätte oktober tjugohundrafyra.

Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Per gli Stati membri
 Dalībvalstu vārdā
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 På medlemsstaternas vägnar

Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Za Európske spoločenstvo
 za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

Für die Schweizerische Eidgenossenschaft
 Pour la Confédération suisse
 Per la Confederazione svizzera

ANNEX I

TRANSITIONAL MEASURES ON THE PURCHASE OF LAND AND SECONDARY RESIDENCE**1. The Czech Republic**

- (a) The Czech Republic may maintain in force for five years from the date of its accession to the EU the rules laid down in the Foreign Exchange Act No 219/1995 Sb., as amended, on the acquisition of secondary residences by Swiss nationals non-resident in the Czech Republic and by companies formed in accordance with the laws of Switzerland and being neither established nor having a branch or a representative agency in the territory of the Czech Republic.
- (b) The Czech Republic may maintain in force for seven years from the date of accession to the EU the rules laid down in the Foreign Exchange Act No 219/1995 Sb., as amended, Act No 229/1991 Sb., on the arrangement of ownership relations towards land and other agricultural property, and the Act No 95/1999 Sb., on conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the laws of Switzerland which are neither established nor registered in the Czech Republic. Without prejudice to another provision of this point 1, a Swiss national may in no instance be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the Protocol or be treated in a more restrictive way than a national of a third country.
- (c) Self-employed farmers who are Swiss nationals and who wish to establish themselves and reside in the Czech Republic shall not be subject to the provisions of (b) or to any procedures other than those to which nationals of the Czech Republic are subject.
- (d) A general review of these transitional measures shall be held in the third year following the date of accession of the Czech Republic to the EU. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (e) Should the Czech Republic introduce conditions for the acquisition of real estate in the Czech Republic by non-residents during the transitional period, they shall be based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Czech Republic and Swiss nationals.
- (f) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of the Czech Republic, the Joint Committee, at the request of the Czech Republic, shall decide upon the extension of the transitional period for up to a maximum of three years.

2. Estonia

- (a) Estonia may maintain in force for seven years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the laws of Switzerland and being neither established nor registered nor having a local branch or agency in Estonia. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country. According to this legislation, Estonia has adopted the *Act on Restrictions on Acquisition of Immovable Property* and the *Amendments to the Land Reform Act*, both from 12 February 2003.
- (b) Swiss nationals who wish to establish themselves as self-employed farmers and reside in Estonia, and who have been legally resident and active in farming in Estonia for at least three years continuously, shall not be subject to the provisions of (a) or to any procedures other than those to which nationals of Estonia are subject.
- (c) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission of the European Communities (hereinafter referred to as 'the Commission') shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).

- (d) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Estonia, the Joint Committee, at the request of Estonia, shall decide upon the extension of the transitional period for up to a maximum of three years.

3. Cyprus

Cyprus may maintain for five years from the date of its accession to the EU, its legislation as in force on 31 December 2000 regarding the acquisition of residences for secondary use.

According to the Acquisition of Real Estate (Aliens) Cap 109 and the Amending Laws 52/69, 55/72 and 50/90, the acquisition of real estate in Cyprus by non-Cypriots is subject to the approval by the Council of Ministers. The Council of Ministers has authorised the District Officers to grant approval on its behalf. When the real estate concerned exceeds 2 donums (1 donum = 1 338 m²), approval may be granted only for the following purposes:

- (a) primary or secondary residence not exceeding an area of 3 donums,
- (b) professional or commercial premises,
- (c) industry in sectors deemed beneficial for the Cypriot economy.

The above law has been amended by the 'Acquisition of Real Estate (Aliens) (Amendment) Law of 2003, No 54(I)/2003'. The new Law imposes no restrictions on EU nationals and EU registered companies for the acquisition of real estate linked to primary residence and foreign direct investment or the acquisition of real estate by EU real estate agents and land developers. Regarding the acquisition of residence for secondary use, the Law provides that for a period of five years, following Cyprus's accession to EU, EU nationals not permanently residing in Cyprus and EU registered companies not having their registered office, central administration or principal place of business in Cyprus, may not acquire real estate for the purpose of using it as secondary residence, without prior authorisation by the Council of Ministers, which has delegated its authority to the District Officers, as mentioned above.

4. Latvia

- (a) Latvia may maintain in force for seven years from the date of accession the rules laid down in Law on Amendments to the Law on Privatisation of Land in Rural (in force since 14 April 2003) regarding the acquisition of agricultural land and forests by Swiss nationals and companies formed in accordance with the laws of Switzerland and being neither established nor registered nor having a local branch or agency in Latvia. In no instance may a national of Switzerland be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country.
- (b) A general review of these transitional measures shall be held before the end of the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (c) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Latvia, the Joint Committee, at the request of Latvia, shall decide upon the extension of the transitional period for up to a maximum of three years.

5. Lithuania

- (a) Lithuania may maintain in force for seven years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the Swiss laws and being neither established nor registered nor having a local branch or agency in Lithuania. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country. According to this legislation, Swiss nationals and legal persons, as well as organisations set up in Switzerland without the status of a legal person, but with the civil capacity laid down in the Swiss laws, may not acquire agricultural land and forestry land before the end of the 7-year transitional period defined in the Treaty of Accession of the Republic of Lithuania to the European Union.
- (b) Swiss nationals who wish to establish themselves as self-employed farmers and reside in Lithuania, and who have been legally resident and active in farming in Lithuania for at least three years continuously, shall not be subject to the provisions of (a) or to any procedures other than those to which nationals of Lithuania are subject.

- (c) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (d) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Lithuania, the Joint Committee, at the request of Lithuania, shall decide upon the extension of the transitional period for up to a maximum of three years.

6. Hungary

- (a) Hungary may maintain in force for five years from the date of its accession to the EU, its legislation contained in Act LV of 1994 on Agricultural Land as amended regarding the acquisition of secondary residences.
- (b) Swiss nationals who have been legally resident in Hungary at least for four years continuously shall not be subject to the provisions of (a) or to any rules and procedures other than those to which nationals of Hungary are subject. During the transitional period Hungary shall apply authorisation procedures for the acquisition of secondary residences based on objective, stable, transparent and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between Swiss nationals residing in Hungary.
- (c) Hungary may maintain in force for seven years from the date of its accession to the EU, the prohibitions contained in Act LV of 1994 on Agricultural Land as amended on the acquisition of agricultural land by natural persons who are non-residents or non nationals of Hungary and by legal persons.
- (d) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and active in farming in Hungary at least for three years continuously, shall not be subject to the provisions of (c) or to any rules and procedures other than those to which nationals of Hungary are subject.
- (e) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (c).
- (f) Should Hungary apply authorisation procedures for the acquisition of agricultural land during the transitional period, they shall be based on objective, stable, transparent and public criteria. These criteria shall be applied in a non-discriminatory manner.
- (g) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Hungary, the Joint Committee, at the request of Hungary, shall decide upon the extension of the transitional period for up to a maximum of three years.

7. Malta

Purchase of property in the Maltese islands is regulated by the Immovable Property (Acquisition by Non-Residents) Act (Cap. 246 of the Laws of Malta). This Act provides that:

- (a) (1) A Swiss national may purchase immovable property in Malta to be used by such person as a residence (not necessarily a primary residence) provided such person does not already own another residence in Malta. Such purchases do not require the person to have a right of residence in Malta although they are subject to a permit which (with a limited number of exceptions specified in the legislation) may not be withheld if the value of the property is higher than an amount determined annually by an index (currently Lm 30 000 for an apartment and Lm 50 000 for a house).
- (2) Swiss nationals may also set up their primary residence in Malta at any time in accordance with the relevant national legislation. Leaving Malta shall not entail any obligation to dispose of any property acquired as a primary residence.
- (b) Swiss nationals who purchase properties in special designated areas established by the Act (usually areas forming part of urban regeneration projects) do not require a permit for such purchases, neither are they limited in the number, use or value of such properties that they may purchase.

8. Poland

- (a) Poland may maintain in force for five years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of secondary residences. According to this legislation, a Swiss national will have to comply with the requirements laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments), as amended.
- (b) Swiss nationals who have been legally resident in Poland for four years continuously shall not, as regards the acquisition of secondary residences, be subject to the provisions of (c) or to any procedures other than those to which nationals of Poland are subject.
- (c) Poland may maintain in force for twelve years from the date of its accession to the EU, its legislation regarding the acquisition of agricultural land and forests. In no instance may Swiss nationals or legal persons formed in accordance with the Swiss laws be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol. According to this legislation, a Swiss national will have to comply with the requirements laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments), as amended.
- (d) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and leasing land in Poland as a natural or legal person for at least three years continuously, shall not be subject to the provisions of (c) or to any procedures other than those to which nationals of Poland are subject as regards the purchase of agricultural land and forests from the date of accession. In the Warmińsko-Mazurskie, Pomorskie, Kujawsko-Pomorskie, Zachodniopomorskie, Lubuskie, Dolnośląskie, Opolskie and Wielkopolskie voivodships, the residence and leasing period indicated in the preceding sentence shall extend to seven years. The lease period preceding the purchase of land shall be calculated individually for each Swiss national who has been leasing land in Poland from the certified date of the original lease agreement. Self-employed farmers who have been leasing land not as natural but as legal persons can transfer the rights of the legal person under the lease agreement to themselves as natural persons. For calculating the lease period preceding the right to purchase, the lease period of the contracts as legal persons shall be counted. Lease agreements by natural persons can be provided with a certified date retroactively and the entire lease period of the certified contracts will be counted. There shall be no deadlines for self-employed farmers to transform their current lease contracts into contracts as natural persons or into written contracts with a certified date. The procedure to transform lease contracts shall be transparent and shall under no circumstances form a new obstacle.
- (e) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (f) During the transitional period, Poland shall apply an authorisation procedure laid down by law which will ensure that the grant of authorisations for the acquisition of real estate in Poland is based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner.

9. Slovenia

- (a) If, until the end of a period of up to a maximum of seven years after the date of Slovenia's accession to the EU, difficulties arise which are serious and liable to persist in real estate market or which could bring about serious deterioration in real estate market of a given area, Slovenia may apply for authorisation to take protective measures in order to rectify the situation in the real estate market.
- (b) Upon request by Slovenia, the Joint Committee shall, by emergency procedure determine the protective measures, which it considers necessary, specifying the conditions and modalities in which they are to be put into effect.
- (c) In the event of serious difficulties in real estate market and at the express request of Slovenia, the Joint Committee shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided shall be applicable forthwith and shall take account of the interests of all parties concerned.
- (d) The measures authorised under (b) may involve derogations from the rules of this Agreement to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in (a).

10. Slovakia

- (a) Slovakia may maintain in force for seven years from the date of its accession to the EU, its legislation regarding the acquisition by non-residents of agricultural land and forests. According to this legislation, (a non-resident may acquire ownership rights to real estate located in the Slovak Republic with the exception of the agricultural and forest land. The non resident may not acquire ownership rights to real estate whose acquisition is restricted by special regulation laid down in the Foreign Exchange Act No 202/1995 as amended).
 - (b) In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the present Protocol or be treated in a more restrictive way than a national of a third country.
 - (c) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and active in farming in Slovakia for at least three years continuously, shall not be subject to the provisions of (b) or to any procedures other than those to which nationals of Slovakia are subject.
 - (d) A general review of these transitional measures shall be held before the end of the third year following the date of accession. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
 - (e) Should Slovakia introduce authorisation procedures for the acquisition of real estate in Slovakia by non-residents during the transitional period, they shall be based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Slovakia and of Switzerland.
 - (f) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Slovakia, the Joint Committee, at the request of Slovakia, shall decide upon the extension of the transitional period for up to a maximum of three years.
-

ANNEX II

Annex II 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 is hereby amended as follows:

1. The following shall be inserted under the Title 'Section A: Acts referred to' under point 1 'Regulation (EEC) No 1408/71' after '301 R 1386: Regulation (EC) No 1386/2001 ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

2. Under the heading 'For the purposes of this Agreement, the Regulation shall be adapted as follows:', point 1 of Section A of Annex II to the Agreement shall be amended as follows:

- (a) under (i), concerning Annex III, Part A, the following shall be added after the last entry 'Sweden — Switzerland':

'Czech Republic — Switzerland

None.

Estonia — Switzerland

No convention.

Cyprus — Switzerland

None.

Latvia — Switzerland

No convention.

Lithuania — Switzerland

No convention.

Hungary — Switzerland

None.

Malta — Switzerland

No convention.

Poland — Switzerland

No convention.

Slovenia — Switzerland

None.

Slovakia — Switzerland

None.'

- (b) under (j), concerning Annex III, Part B, the following shall be added after the last entry 'Sweden — Switzerland':

'Czech Republic — Switzerland

None.

Estonia — Switzerland

No convention.

Cyprus — Switzerland

None.

Latvia — Switzerland

No convention.

Lithuania — Switzerland

No convention.

Hungary — Switzerland

None.

Malta — Switzerland

No convention.

Poland — Switzerland

No convention.

Slovenia — Switzerland

None.

Slovakia — Switzerland

None.'

(c) letter (o), concerning Annex VI, shall be amended as follows:

(aa) Under point 3 (a) (iv) insert after the word 'Spain' the word 'Hungary'

(bb) Under point 4 insert after the word 'Germany' the word 'Hungary'.

3. The following shall be inserted under the Title 'Section A: Acts referred to' under point 2 'Regulation (EEC) No 574/72' after '302 R 410: Commission Regulation (EC) No 410/2002 ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

4. The following shall be inserted under the Title 'Section B: Acts of which the contracting parties shall take due account' under the points '4.18. 383 D 0117: Decision No 117 ...', '4.19. 83 D 1112(02): Decision No 118 ...', '4.27. 388 D 64: Decision No 136 ...' and '4.37. 393 D 825: Decision No 150 ...' respectively after '1 94 N: Act concerning the conditions ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

5. For workers who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, the arrangements contained in paragraph 1 of the section Unemployment Insurance of the Protocol to Annex II shall apply until 30 April 2011.

ANNEX III

Section A of Annex III 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 is hereby amended as follows:

Acts as modified by the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003):

A. GENERAL SYSTEM

1. 392 L 0051: Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 209, 24.7.1992, p. 25).

B. LEGAL PROFESSIONS

2. 377 L 0249: Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78, 26.3.1977, p. 17).
3. 398 L 0005: Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998, p. 36).

C. MEDICAL ACTIVITIES

Doctors

4. 393 L 0016: Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 165, 7.7.1993, p. 1).

Nurses

5. 377 L 0452: Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services (OJ L 176, 15.7.1977, p. 1).

Dental practitioners

6. 378 L 0686: Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 233, 24.8.1978, p. 1).
7. 378 L 0687: Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners (OJ L 233, 24.8.1978, p. 10).

Veterinary surgeons

8. 378 L 1026: Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 362, 23.12.1978, p. 1).

Midwives

9. 380 L 0154: Council Directive 80/154/EEC of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 33, 11.2.1980, p. 1).

Pharmacists

10. 385 L 0433: Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (OJ L 253, 24.9.1985, p. 37).

D. ARCHITECTURE

11. 385 L 0384: Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 223, 21.8.1985, p. 15).

E. TRADE AND DISTRIBUTION OF TOXIC PRODUCTS

12. 374 L 0557: Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products (OJ L 307, 18.11.1974, p. 5).

Declaration by Switzerland concerning the recognition of diplomas in midwifery and general care

Switzerland reserves the right to recognize holders of diplomas in midwifery and general care, falling under Articles 4(b) and 4(c) of Directive 77/452/EEC and Articles 5(a) and 5(b) of Directive 80/154/EEC on acquired rights, only after examination of the conformity of their qualifications with Directives 77/453/EEC and 80/155/EEC. For this purpose, Switzerland may require the completion of an aptitude test or an adaptation period.

Declaration by Switzerland on autonomous measures as of the date of signature

Switzerland will provide provisional access to its labour market for citizens of the new Member States, based on its national legislation, before the entry into force of the transitional arrangements contained in the Protocol. For this purpose, Switzerland will open specific quotas for short-term, as well as for long-term working permits, as defined in Article 10(1) of the Agreement, in favour of citizens of the new Member States, as of the date of signature of the Protocol. The quotas will be 700 long term permits and 2 500 short-term permits per year. In addition, 5 000 short-term workers per year will be admitted for a stay of less than 4 months.

Declaration by Poland concerning the recognition of diplomas of nurses responsible for general care and midwives

Poland has taken note of Switzerland's declaration pertaining to the recognition of general-care nursing and midwifery diplomas but resolutely expects Switzerland to adhere fully to Article 4(b) of Directive 77/452/EEC and Article 5(b) of Directive 80/154/EEC according to the wording as of the day on which the 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, pursuant to the enlargement of the European Union, takes effect.
