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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

(OJ L 114, 30.4.2002, p. 6)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Decision No 2/2003 of the EU-Swiss Joint Committee of 15 July 2003	L 187	55	26.7.2003
►**M2**	Decision No 1/2004 of the EU-Swiss Joint Committee of 30 April 2004	L 352	129	27.11.2004
►**M3**	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	L 89	30	28.3.2006
►**M4**	Decision No 1/2006 of the EU-Swiss Joint Committee of 6 July 2006	L 270	67	29.9.2006
►**M5**	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 Republic of Bulgaria and Romania pursuant to their accession to the European Union	L 124	53	20.5.2009
►**M6**	Decision No 2/2011 of the EU-Swiss Joint Committee established by Article 14 of 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 of 30 September 2011	L 277	20	22.10.2011
►**M7**	Decision No 1/2012 of the Joint Committee established under 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 of 31 March 2012	L 103	51	13.4.2012
►**M8**	Decision No 1/2014 of the Joint Committee established under 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 of 28 November 2014	L 367	122	23.12.2014
►**M9**	Decision No 1/2015 of the Joint Committee established under Article 14 of 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 of 8 June 2015	L 148	38	13.6.2015

►**M10**	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 of the Republic of Croatia as a Contracting Party, following its accession to the European Union	L 31	3	4.2.2017

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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

▼M5

THE EUROPEAN COMMUNITY,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

▼M10

THE REPUBLIC OF CROATIA,

▼M5

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

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,

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Convinced that the free movement of persons between the territories of the Contracting Parties is a key factor in the harmonious development of their relations,

Resolved to bring about the free movement of persons between them on the basis of the rules applying in the European Community,

Have decided to conclude this Agreement:

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I. BASIC PROVISIONS

Article 1

Objective

The objective of this Agreement, for the benefit of nationals of the Member States of the European Community and Switzerland, is:

(a) to accord a right of entry, residence, access to work as employed persons, establishment on a self-employed basis and the right to stay in the territory of the Contracting Parties;

(b) to facilitate the provision of services in the territory of the Contracting Parties, and in particular to liberalise the provision of services of brief duration;

(c) to accord a right of entry into, and residence in, the territory of the Contracting Parties to persons without an economic activity in the host country;

(d) to accord the same living, employment and working conditions as those accorded to nationals.

Article 2

Non-discrimination

Nationals of one Contracting Party who are lawfully resident in the territory of another Contracting Party shall not, in application of and in accordance with the provisions of Annexes I, II and III to this Agreement, be the subject of any discrimination on grounds of nationality.

Article 3

Right of entry

The right of entry of nationals of one Contracting Party into the territory of another Contracting Party shall be guaranteed in accordance with the provisions laid down in Annex I.

Article 4

Right of residence and access to an economic activity

The right of residence and access to an economic activity shall be guaranteed unless otherwise provided in Article 10 and in accordance with the provisions of Annex I.

Article 5

Persons providing services

1. Without prejudice to other specific agreements between the Contracting Parties specifically concerning the provision of services (including the Government Procurement Agreement in so far as it covers the provision of services), persons providing services, including companies in accordance with the provisions of Annex I, shall have the right to provide a service in the territory of the other Contracting Party for a period not exceeding 90 days' of actual work in a calendar year.

2. Providers of services shall have the right of entry into, and residence in, the territory of the other Contracting Party:

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(a) where they have the right to provide a service under paragraph 1 or by virtue of the provisions of an agreement mentioned in paragraph 1;

(b) or, if the conditions specified in (a) are not fulfilled, where they have received authorisation to provide a service from the competent authorities of the Contracting Party concerned.

3. Nationals of a Member State of the European Community or Switzerland entering the territory of a Contracting Party solely to receive services shall have the right of entry and residence.

4. The rights referred to in this Article shall be guaranteed in accordance with the provisions laid down in Annexes I, II and III. The quantitative limits of Article 10 may not be relied upon as against persons referred to in this Article.

Article 6

Right of residence for persons not pursuing an economic activity

The right of residence in the territory of a Contracting Party shall be guaranteed to persons not pursuing an economic activity in accordance with the provisions of Annex I relating to non-active people.

Article 7

Other rights

The Contracting Parties shall make provision, in accordance with Annex I, for the following rights in relation to the free movement of persons:

(a) the right to equal treatment with nationals in respect of access to, and the pursuit of, an economic activity, and living, employment and working conditions;

(b) the right to occupational and geographical mobility which enables nationals of the Contracting Parties to move freely within the territory of the host state and to pursue the occupation of their choice;

(c) the right to stay in the territory of a Contracting Party after the end of an economic activity;

(d) the right of residence for members of the family, irrespective of their nationality;

(e) the right of family members to pursue an economic activity, irrespective of their nationality;

(f) the right to acquire immovable property in so far as this is linked to the exercise of rights conferred by this Agreement;

(g) during the transitional period, the right, after the end of an economic activity or period of residence in the territory of a Contracting Party, to return there for the purposes of pursuing an economic activity and the right to have a temporary residence permit converted into a permanent one.

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Article 8

Coordination of social security systems

The Contracting Parties shall make provision, in accordance with Annex II, for the coordination of social security systems with the aim in particular of:

(a) securing equality of treatment;

(b) determining the legislation applicable;

(c) aggregation, for the purpose of acquiring and retaining the right to benefits, and of calculating such benefits, all periods taken into consideration by the national legislation of the countries concerned;

(d) paying benefits to persons residing in the territory of the Contracting Parties;

(e) fostering mutual administrative assistance and cooperation between authorities and institutions.

Article 9

Diplomas, certificates and other qualifications

In order to make it easier for nationals of the Member States of the European Community and Switzerland to gain access to and pursue activities as employed and self-employed persons and to provide services, the Contracting Parties shall take the necessary measures, in accordance with Annex III, concerning the mutual recognition of diplomas, certificates and other qualifications, and coordination of the laws, regulations and administrative provisions of the Contracting Parties on access to and pursuit of activities as employed and self-employed persons and the provision of services.

II. GENERAL AND FINAL PROVISIONS

Article 10

Transitional provisions and development of the Agreement

1. For five years after the entry into force of the Agreement, Switzerland may maintain quantitative limits in respect of access to an economic activity 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 restriction on residence for less than four months.

From the beginning of the sixth year, all quantitative limits applicable to nationals of the Member States of the European Community shall be abolished.

▼M3

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.

▼M3

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.

▼M5

1b. Switzerland may maintain until two years after the entry into force of the Protocol to this Agreement regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of the Republic of Bulgaria and Romania 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 five years after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period shall expire at the end of the two-year period specified in the first subparagraph.

At the end of the transitional period defined in this paragraph, all quantitative limits applicable to nationals of the Republic of Bulgaria and Romania shall be abolished. These Member States are entitled to introduce the same quantitative limitations for Swiss nationals for the same periods.

▼M10

1c. Switzerland may maintain, until the end of the second year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of Croatia 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 restrictions on residence of less than four months.

▼M10

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of Croatia 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 for five years after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period shall expire at the end of the two-year period specified in the first subparagraph.

At the end of the transitional period laid down in this paragraph all quantitative limits applicable to nationals of Croatia shall be abolished. Croatia is entitled to introduce the same quantitative limits for Swiss nationals for the same periods.

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2. For a maximum period of two years, the Contracting Parties may maintain the controls on the priority of workers integrated into the regular labour market and wage and working conditions applicable to nationals of the other Contracting Party, including the persons providing services referred to in Article 5. Before the end of the first year, the Joint Committee shall consider whether these restrictions need to be maintained. It may curtail the maximum period of two years. 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 in so far as it covers the provision of services).

▼M3

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

[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).

▼M3

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 [1] 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.

▼M5

2b. Switzerland and the Republic of Bulgaria and Romania may maintain, until two years after the entry into force of the Protocol to this Agreement regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania, 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 other Contracting Party concerned. The same controls may be maintained for persons providing services, as referred to in Article 5(1) of this Agreement, in the following four sectors: Horticultural service activities; Construction, including related branches; Security activities; Industrial cleaning (NACE [2] codes 01.41; 45.1 to 4; 74.60; 74.70 respectively). Switzerland shall, during the transitional periods mentioned in paragraphs 1b, 2b, 3b and 4c, 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

[1] Workers may apply for short-term residence permits under the quotas mentioned in paragraph 3a even for a period of less than four months.

[2] 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). Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and the Council of 29 September 2003 (OJ L 284, 31.10.2003, p. 1).

▼M5

by a specific agreement between the Contracting Parties concerning the provision of services (including the Agreement on certain aspects of government procurement in so far as it covers the provision of services). For the same period, qualification requirements may be maintained for residence permits of less than four months ([1]) and to persons providing services, as referred to in Article 5(1) of this Agreement, in the four sectors mentioned above.

Within two years of the entry into force of the Protocol to this Agreement regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania, 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 two years after the entry into force of the aforementioned Protocol, 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 five years after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period will expire at the end of the two-year period specified in the first subparagraph.

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

▼M10

2c. Switzerland and Croatia may maintain, until the end of the second year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, 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 the wage and working conditions applicable to nationals of the other Contracting Party concerned. The same controls may be maintained for persons providing services referred to in Article 5(1) of this Agreement in the following four sectors: horticulture; construction, including related branches; security activities; industrial cleaning (NACE codes ([2]) 01.41, 45.1 to 4, 74.60 and 74.70 respectively). Switzerland shall, during the transitional periods mentioned in paragraphs 1c, 2c, 3c and 4d, give preference to workers who are nationals of Croatia 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 in so far as it covers the provision of services). Over this period qualification requirements may be maintained for residence permits of less than four months ([3]) and for persons providing services referred to in Article 5(1) of this Agreement in the four sectors mentioned above.

([1]) Workers may apply for short-term residence permits under the quotas mentioned in subparagraph 3b even for a period of less than four months.

([2]) 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).

([3]) Workers may apply for short-term residence permits under the quotas mentioned in subparagraph 3c for periods of even less than four months.

▼M10

Within two years of the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, 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 two years after the entry into force of the aforementioned Protocol, a Contracting Party which has implemented the transitional measures contained in this paragraph, and has notified the Joint Committee of its intention to continue applying them, may continue to do so until the end of the fifth year after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period shall expire at the end of the two-year period specified in the first subparagraph.

At the end of the transitional period laid down in this paragraph all restrictions referred to in this paragraph shall be abolished.

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3. On entry into force of this Agreement and until the end of the fifth year, each year Switzerland shall reserve, within its overall quotas, for employed and self-employed persons of the European Community at least 15 000 new residence permits valid for a period equal to, or exceeding, one year and 115 500 valid for more than four months and less than one year.

▼M3

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.

▼M5

3b. Upon entry into force of the Protocol to this Agreement regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania and until the end of the period described in paragraph 1b, Switzerland shall reserve on a 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 these new Member States a minimum number of new residence permits ([1]) according to the following schedule:

Period of time	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
Until the end of the first year	362	3 620
Until the end of the second year	523	4 987
Until the end of the third year	684	6 355
Until the end of the fourth year	885	7 722
Until the end of the fifth year	1 046	9 090

▼M10

3c. Upon entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, and until the end of the period described in paragraph 1c, Switzerland shall reserve on a 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 Croatia a minimum number of new residence permits ([2]) according to the following schedule:

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
First year	54	543
Second year	78	748

([1]) These permits will be granted in addition to the quotas mentioned in Article 10 of this Agreement which are reserved for employed and self-employed persons who are nationals of the Member States at the time of the signing of this Agreement (21 June 1999) and of the Member States that became Contracting Parties to this Agreement by the Protocol of 2004. These permits are also in addition to permits granted through existing bilateral trainee exchange agreements between Switzerland and the new Member States.

([2]) These permits will be granted in addition to the quotas referred to in Article 10 of this Agreement, which are reserved for employed and self-employed persons who are nationals of the Member States at the time of the signing of this Agreement (21 June 1999) and of the Member States that became Contracting Parties to this Agreement by virtue of the 2004 and 2008 Protocols. These permits are also additional to permits granted through existing bilateral trainee exchange agreements between Switzerland and the new Member States.

▼M10

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
Third year	103	953
Fourth year	133	1 158
Fifth year	250	2 000

3d. If Switzerland and/or Croatia applies to workers employed on their own territory the measures described in paragraphs 1c, 2c and 3c and in case of serious disturbances on their labour markets or threat thereof, they shall notify the circumstances to the Joint Committee before the end of the period provided for in paragraph 1c.

The Joint Committee will decide whether the notifying country may continue to apply transitional measures on the basis of this notification. If it issues a favourable opinion, the notifying country may continue to apply to workers employed on its own territory the measures described in paragraphs 1c, 2c and 3c until the end of the seventh year after the entry into force of the aforementioned Protocol. In this case, the annual number of residence permits referred to in paragraph 1c shall be:

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
Sixth year	260	2 100
Seventh year	300	2 300.

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4. Notwithstanding the provisions of paragraph 3, the Contracting Parties have agreed on the following arrangements: if, after five years and up to 12 years after the entry into force of the Agreement, the number of new residence permits of either of the categories referred to in paragraph 1 issued to employed and self-employed persons of the European Community in a given year exceeds the average for the three preceding years by more than 10 %, Switzerland may, for the following year, unilaterally limit the number of new residence permits of that category for employed and self-employed persons of the European Community to the average of the three preceding years plus 5 %. The following year, the number may be limited to the same level.

Notwithstanding the provisions of the previous subparagraph, the number of new residence permits issued to employed and self-employed persons of the European Community may not be limited to fewer than 15 000 per year valid for a period equal to, or exceeding, one year and 115 500 per year valid for more than four months and less than one year.

▼M3

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

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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.

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4c. At the end of the period described in paragraph 1b and in this paragraph and up to 10 years after entry into force of the Protocol to this Agreement regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania, the provisions of Article 10(4) of this Agreement shall apply to nationals of these new Member States.

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 before the end of the five-year transitional period specified in paragraph 2b(2). In this case, the notifying country may continue to apply to workers employed on its own territory the measures described in paragraphs 1b, 2b and 3b until seven years after the entry into force of the aforementioned Protocol. In such a case, the annual number of residence permits referred to in paragraph 1b shall be:

Period of time	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
Until the end of the sixth year	1 126	10 457
Until the end of the seventh year	1 207	11 664

▼M10

4d. At the end of the period described in paragraphs 1c and 3d, and up to the end of the tenth year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party the following provisions shall be applicable: If the number of new residence permits of one of the categories referred to in paragraph 1c issued to employed and self-employed persons of Croatia in a given year exceeds the average for the three years preceding the reference year by more than 10 %, Switzerland may, for the application year, unilaterally limit the number of new residence permits for periods of one year or more for employed and self-employed persons of Croatia to the average of the three years preceding the application year, plus 5 %, and the number of new residence permits for a period of more than four months and less than one year to the average of the three years preceding the application year, plus 10 %. Permits may be limited to the same number for the year following the application year.

By way of derogation from the preceding subparagraph, the following provisions shall apply at the end of the sixth and seventh reference years: If the number of new residence permits of one of the categories referred to in paragraph 1c issued to employed and self-employed persons of Croatia in a given year exceeds the average for the year that precedes the reference year by more than 10 %, Switzerland may, for the application year, unilaterally limit the number of new residence permits for periods of one year or more for employed and self-employed persons of Croatia to the average of the three years preceding the application year, plus 5 %, and the number of new residence permits for a period of more than four months and less than one year to the average of the three years preceding the application year, plus 10 %. Permits may be limited to the same number for the year following the application year.

4e. For the purposes of the application of paragraph 4d:

(1) the term ‘reference year’ is a given year that is calculated from the first day of the month in which the Protocol enters into force;

(2) the term ‘application year’ refers to the year following the reference year.

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5. The transitional provisions of paragraphs 1 to 4, and in particular those of paragraph 2 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 this Agreement's entry into force, are authorised to pursue an economic activity in 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.

▼M3

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.

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5b. The transitional provisions of paragraphs 1b, 2b, 3b and 4c, and in particular those of paragraph 2b 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 Republic of Bulgaria and Romania, 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 the entry into force of the aforementioned Protocol.

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5c. The transitional provisions of paragraphs 1c, 2c, 3c and 4d, and in particular those of paragraph 2c 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 of the Republic of Croatia as a Contracting Party, are authorised to pursue an economic activity on the territories of the Contracting Parties. In particular, such persons shall 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 of one year or more 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 by the basic provisions of this Agreement, and in particular Article 7 thereof, from the entry into force of the aforementioned Protocol.

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6. Switzerland shall regularly and promptly forward to the Joint Committee any useful statistics and information, including measures implementing paragraph 2. A Contracting Party may request a review of the situation within the Joint Committee.

7. No quantitative limits may be applied to frontier workers.

8. The transitional provisions on social security and the retrocession of unemployment insurance contributions are laid down in the Protocol to Annex II.

Article 11

Processing of appeals

1. The persons covered by this Agreement shall have a right of appeal to the competent authorities in respect of the application of the provisions of this Agreement.

2. Appeals must be processed within a reasonable period of time.

3. Persons covered by this Agreement shall have the opportunity to appeal to the competent national judicial body in respect of decisions on appeals, or the absence of a decision within a reasonable period of time.

Article 12

More favourable provisions

This Agreement shall not preclude any more favourable national provisions which may exist for both nationals of the Contracting Parties and their family members.

Article 13

Standstill

The Contracting Parties undertake not to adopt any further restrictive measures *vis-à-vis* each other's nationals in fields covered by this Agreement.

Article 14

Joint Committee

1. A Joint Committee composed of representatives of the Contracting Parties is hereby established. It shall be responsible for the management and proper application of the Agreement. To that end it shall issue recommendations. It shall take decisions in the circumstances provided for in the Agreement. The Joint Committee shall reach its decisions by mutual agreement.

2. In the event of serious economic or social difficulties, the Joint Committee shall meet, at the request of either Contracting Party, to examine appropriate measures to remedy the situation. The Joint Committee may decide what measures to take within 60 days of the date of the request. This period may be extended by the Joint

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Committee. The scope and duration of such measures shall not exceed that which is strictly necessary to remedy the situation. Preference shall be given to measures that least disrupt the working of this Agreement.

3. For the purposes of proper implementation of the Agreement, the Contracting Parties shall regularly exchange information and, at the request of either of them, shall consult each other within the Joint Committee.

4. The Joint Committee shall meet as and when necessary and at least once a year. Either Party may request the convening of a meeting. The Joint Committee shall meet within 15 days of a request under paragraph 2.

5. The Joint Committee shall establish its rules of procedure which shall contain, inter alia, provisions on the convening of meetings, the appointment of the chairman and the chairman's term of office.

6. The Joint Committee may decide to set up any working party or group of experts to assist it in the performance of its duties.

Article 15

Annexes and Protocols

The Annexes and Protocols to this Agreement shall form an integral part thereof. The Final Act shall contain the declarations.

Article 16

Reference to Community law

1. In order to attain the objectives pursued by this Agreement, the Contracting Parties shall take all measures necessary to ensure that rights and obligations equivalent to those contained in the legal acts of the European Community to which reference is made are applied in relations between them.

2. Insofar as the application of this Agreement involves concepts of Community law, account shall be taken of the relevant case-law of the Court of Justice of the European Communities prior to the date of its signature. Case-law after that date shall be brought to Switzerland's attention. To ensure that the Agreement works properly, the Joint Committee shall, at the request of either Contracting Party, determine the implications of such case-law.

Article 17

Development of law

1. As soon as one Contracting Party initiates the process of adopting a draft amendment to its domestic legislation, or as soon as there is a change in the case-law of authorities against whose decisions there is no judicial remedy under domestic law in a field governed by this Agreement, it shall inform the other Contracting Party through the Joint Committee.

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2. The Joint Committee shall hold an exchange of views on the implications of such an amendment for the proper functioning of the Agreement.

Article 18

Revision

If a Contracting Party wishes to have this Agreement revised, it shall submit a proposal to that effect to the Joint Committee. Amendments to this Agreement shall enter into force after the respective internal procedures have been completed, with the exception of amendments to Annexes II and III, which shall be adopted by decision of the Joint Committee and may enter into force immediately after that decision.

Article 19

Settlement of disputes

1. The Contracting Parties may bring a matter under dispute which concerns the interpretation or application of this Agreement to the Joint Committee.

2. The Joint Committee may settle the dispute. Any information which might be of use in making possible an in-depth examination of the situation with a view to finding an acceptable solution shall be supplied to the Joint Committee. To this end, the Joint Committee shall consider every possible means to maintain the good functioning of this Agreement.

Article 20

Relationship to bilateral social security agreements

Unless otherwise provided for under Annex II, bilateral social security agreements between Switzerland and the Member States of the European Community shall be suspended on the entry into force of this Agreement, in so far as the latter covers the same subject-matter.

Article 21

Relationship to bilateral agreements on double taxation

1. The provisions of bilateral agreements between Switzerland and the Member States of the European Community on double taxation shall be unaffected by the provisions of this Agreement. In particular, the provisions of this Agreement shall not affect the double taxation agreements' definition of ‘frontier workers’.

2. No provision of this Agreement may be interpreted in such a way as to prevent the Contracting Parties from distinguishing, when applying the relevant provisions of their fiscal legislation, between taxpayers whose situations are not comparable, especially as regards their place of residence.

3. No provision of this Agreement shall prevent the Contracting Parties from adopting or applying measures to ensure the imposition,

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payment and effective recovery of taxes or to forestall tax evasion under their national tax legislation or agreements aimed at preventing double taxation between Switzerland, of the one part, and one or more Member States of the European Community, of the other part, or any other tax arrangements.

Article 22

Relationship to bilateral agreements on matters other than social security and double taxation

1. Notwithstanding the provisions of Articles 20 and 21, this Agreement shall not affect agreements linking Switzerland, of the one part, and one or more Member States of the European Community, of the other part, such as those concerning private individuals, economic operators, cross-border cooperation or local frontier traffic, in so far as they are compatible with this Agreement.

2. In the event of incompatibilities between such agreements and this Agreement, the latter shall prevail.

Article 23

Acquired rights

In the event of termination or non-renewal, rights acquired by private individuals shall not be affected. The Contracting Parties shall settle by mutual agreement what action is to be taken in respect of rights in the process of being acquired.

Article 24

Territorial scope

This Agreement shall apply, on the one hand, to the territory of Switzerland and, on the other hand, to the territories in which the Treaty establishing the European Community is applicable and under the conditions laid down by that Treaty.

Article 25

Entry into force and duration

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on the first day of the second month following the last notification of deposit of the instruments of ratification or approval of all seven of the following agreements:

Agreement on the free movement of persons

Agreement on air transport

Agreement on the carriage of passengers and goods by road and rail

Agreement on trade in agricultural products

Agreement on the mutual recognition of conformity assessment

Agreement on certain aspects of government procurement

Agreement on scientific and technological cooperation.

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2. This Agreement shall be concluded for an initial period of seven years. It shall be renewed indefinitely unless the European Community or Switzerland notifies the other Contracting Party to the contrary before the initial period expires. In the event of such notification, paragraph 4 shall apply.

3. The European Community or Switzerland may terminate this Agreement by notifying its decision to the other Party. In the event of such notification, the provisions of paragraph 4 shall apply.

4. The seven Agreements referred to in paragraph 1 shall cease to apply six months after receipt of notification of non-renewal referred to in paragraph 2 or termination referred to in paragraph 3.

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y nueve, en doble ejemplar en lenguas alemana, danesa, española, finesa, francesa, griega, inglesa, italiana, neerlandesa, portuguesa y sueca, siendo cada uno de estos textos igualmente auténtico.

Udfærdiget i Luxembourg, den enogtyvende juni nitten hundrede og nioghalvfems, i to eksemplarer på dansk, engelsk, finsk, fransk, græsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, idet hver af disse tekster har samme gyldighed.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig in zweifacher Ausfertigung in dänischer, deutscher, englischer, finnischer, französischer, griechischer, italienischer, niederländischer, portugiesischer, spanischer und schwedischer Sprache, wobei jeder dieser Wortlaute gleichermaßen verbindlich ist.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα, σε δύο αντίτυπα στην αγγλική, γαλλική, γερμανική, δανική, ελληνική, ισπανική, ιταλική, ολλανδική, πορτογαλική, σουηδική και φινλανδική γλώσσα· καθένα από τα κείμενα είναι εξίσου αυθεντικό.

Done at Luxembourg on the twenty-first day of June in the year one thousand nine hundred and ninety-nine, in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of those texts being equally authentic.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf, en double exemplaire en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, italienne, néerlandaise, portugaise et suédoise, chacun de ces textes faisant également foi.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove, in duplice esemplare, nelle lingue danese, finlandese, francese, greca, inglese, italiana, olandese, portoghese, spagnola, svedese e tedesca, ciascun testo facente ugualmente fede.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenennegentig, in twee exemplaren in de Deense, de Duitse, de Engelse, de Finse, de Franse, de Griekse, de Italiaanse, de Nederlandse, de Portugese, de Spaanse en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek.

Feito em Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove, em duplo exemplar nas línguas alemã, dinamarquesa, espanhola, finlandesa, francesa, grega, inglesa, italiana, neerlandesa, portuguesa e sueca, fazendo igualmente fé qualquer dos textos.

Tehty Luxemburgissa kahdentenakymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän kahtena kappaleena englannin, espanjan, hollannin, italian, kreikan, portugalin, ranskan, ruotsin, saksan, suomen ja tanskan kielellä, ja jokainen teksti on yhtä todistusvoimainen.

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Utfärdat i Luxemburg den tjugoförsta juni nittonhundranittionio i två exemplar på det danska, engelska, finska, franska, grekiska, italienska, nederländska, portugisiska, spanska, svenska och tyska språket, vilka samtliga texter är lika giltiga.

Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

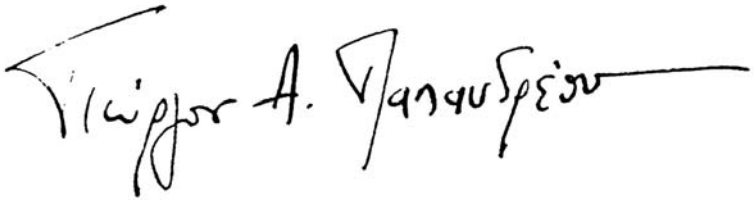
På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland

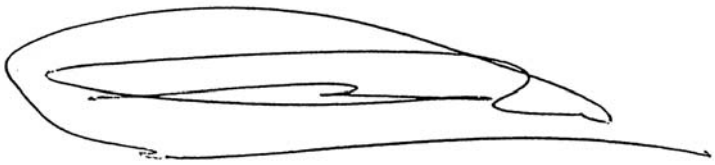


Για την Ελληνική Δημοκρατία



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Por el Reino de España



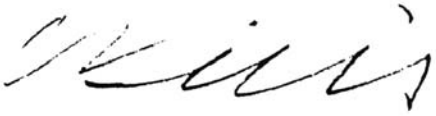
Pour la République française



Thar cheann Na hÉireann
For Ireland



Per la Repubblica italiana



Pour le Grand-Duché de Luxembourg



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Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



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For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar





Für der schweizerischen Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera





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ANNEX I

FREE MOVEMENT OF PERSONS

I. GENERAL PROVISIONS

Article 1

Entry and exit

1. The Contracting Parties shall allow nationals of the other Contracting Parties and members of their family within the meaning of Article 3 of this Annex and posted persons within the meaning of Article 17 of this Annex to enter their territory simply upon production of a valid identity card or passport.

No entry visa or equivalent requirement may be demanded save in respect of members of the family and posted workers within the meaning of Article 17 of this Annex who do not have the nationality of a Contracting Party. The Contracting Party concerned shall grant these persons every facility for obtaining any necessary visas.

2. The Contracting Parties shall grant nationals of the Contracting Parties, and members of their family within the meaning of Article 3 of this Annex and posted workers within the meaning of Article 17 of this Annex, the right to leave their territory simply upon production of a valid identity card or passport. The Contracting Parties may not demand any exit visa or equivalent requirement from nationals of the other Contracting Parties.

The Contracting Parties, acting in accordance with their laws, shall issue to such nationals, or renew, an identity card or passport, which shall state in particular the holder's nationality.

The passport must be valid at least for all the Contracting Parties and for the countries through which the holder must pass when travelling between them. Where the passport is the only document on which the holder may lawfully leave the country, its period of validity may not be less than five years.

Article 2

Residence and economic activity

1. Without prejudice to the provisions for the transitional period, which are laid down in Article 10 of this Agreement and Chapter VII of this Annex, nationals of a Contracting Party shall have the right to reside and pursue an economic activity in the territory of the other Contracting Party under the procedures laid down in Chapters II to IV. That right shall be substantiated through the issue of a residence permit or, for persons from frontier zones, by means of a special permit.

Nationals of a Contracting Party shall also have the right to visit another Contracting Party or to remain there after a period of employment of less than one year in order to seek employment and to reside there for a reasonable amount of time, which may be up to six months, to allow

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them to find out about the employment opportunities corresponding to their professional qualifications and, if necessary, take the appropriate steps to take up employment. Those seeking employment shall have the right, in the territory of the Contracting Party concerned, to receive the same assistance as employment agencies in that state grant to its own nationals. They may be excluded from social security schemes for the duration of such residence.

2. Nationals of the Contracting Parties not pursuing any economic activity in the host State who do not have a right of residence pursuant to other provisions of this Agreement shall, provided they fulfil the preconditions laid down in Chapter V, have a right of residence. That right shall be substantiated through the issue of a residence permit.

3. The residence or special permit granted to nationals of the Contracting Parties shall be issued and renewed free of charge or on payment of a sum not exceeding the charges or taxes which nationals are required to pay for the issue of identity cards. The Contracting Parties shall take the necessary measures to simplify the formalities and procedures for obtaining those documents as far as possible.

4. The Contracting Parties may require nationals of the other Contracting Parties to report their presence in the territory.

Article 3

Members of the family

1. A person who has the right of residence and is a national of a Contracting Party is entitled to be joined by the members of his family. An employed person must possess housing for his family which is regarded as of normal standard for national employed persons in the region where he is employed, but this provision may not lead to discrimination between national employed persons and employed persons from the other Contracting Party.

2. The following shall be regarded as members of the family, whatever their nationality:

(a) his spouse and their relatives in the descending line who are under the age of 21 or are dependent;

(b) his relatives in the ascending line and those of his spouse who are dependent on him;

(c) in the case of a student, his spouse and their dependent children.

The Contracting Parties shall facilitate the admission of any member of the family not covered by the provisions of this paragraph under (a), (b) and (c), if that person is a dependant or lives in the household of the national of a Contracting Party in the country of provenance.

3. When issuing a residence permit to members of the family of a national of a Contracting Party, the Contracting Parties may require only the documents listed below:

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(a) the document by virtue of which they entered the territory;

(b) a document issued by the competent authority of the state of origin or provenance proving their relationship;

(c) for dependants, a document issued by the competent authority of the state of origin or provenance certifying that they are dependants of the person referred to in paragraph 1 or that they live in his household in that state.

4. The period of validity of a residence permit issued to a member of the family shall be the same as that of the permit issued to the person on whom he is dependent.

5. The spouse and the dependent children or children aged under 21 of a person having a right of residence shall have the right to take up an economic activity whatever their nationality.

6. The children of a national of a Contracting Party, whether or not he is pursuing or has pursued an economic activity in the territory of the other Contracting Party, shall be admitted to general education, apprenticeships and vocational training courses on the same basis as nationals of the host state, if those children are living in its territory.

The Contracting Parties shall promote initiatives to enable such children to follow the abovementioned courses under the best conditions.

Article 4

Right to stay

1. Nationals of a Contracting Party and members of their family shall have the right to stay in the territory of another Contracting Party after their economic activity has finished.

2. In accordance with Article 16 of the Agreement, reference is made to Regulation (EEC) No 1251/70 (OJ L 142, 1970, p. 24) [1] and Directive 75/34/EEC (OJ L 14, 1975, p. 10) [1].

Article 5

Public order

1. The rights granted under the provisions of this Agreement may be restricted only by means of measures which are justified on grounds of public order, public security or public health.

2. In accordance with Article 16 of the Agreement, reference is made to Directives 64/221/EEC (OJ L 56, 4.4.1964, p. 850/64) [1], 72/194/EEC (OJ L 121, 26.5.1972, p. 32) [1] and 75/35/EEC (OJ L 14, 20.1.1975, p. 14) [1].

[1] As in force at the date of signing the Agreement.

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II. EMPLOYED PERSONS

Article 6

Rules regarding residence

1. An employed person who is a national of a Contracting Party (hereinafter referred to as 'employed person') and is employed for a period of one year or more by an employer in the host state shall receive a residence permit which is valid for at least five years from its date of issue. It shall be extended automatically for a period of at least five years. When renewed for the first time, its period of validity may be limited, but not to less than one year, where its holder has been involuntarily unemployed for more than 12 consecutive months.

2. An employed person who is employed for a period of more than three months but less than one year by an employer in the host state shall receive a residence permit for the same duration as his contract.

An employed person who is employed for a period of up to three months does not require a residence permit.

3. When issuing residence permits, the Contracting Parties may not require an employed person to produce more than the following documents:

(a) the document by virtue of which he entered their territory;

(b) a contractual statement from the employer or a written confirmation of engagement.

4. A residence permit shall be valid throughout the territory of the issuing state.

5. Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

6. A valid residence permit may not be withdrawn from an employed person merely on the grounds that he is no longer working, either because he has become temporarily unable to work owing to an accident or illness, or because he is involuntarily unemployed as certified by the competent employment office.

7. Completion of the formalities for obtaining a residence permit shall not prevent an applicant immediately taking up employment under the contract he has concluded.

Article 7

Employed frontier workers

1. An employed frontier worker is a national of a Contracting Party who has his residence in the territory of a Contracting Party and who pursues an activity as an employed person in the territory of the other Contracting Party, returning to his place of residence as a rule every day, or at least once a week.

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2. Frontier workers shall not require a residence permit.

The competent authorities of the state of employment may nevertheless issue the frontier worker with a special permit for a period of at least five years or for the duration of his employment where this is longer than three months and less than one year. It shall be extended for at least five years provided that the frontier worker furnishes proof that he is actually pursuing an economic activity.

3. Special permits shall be valid throughout the territory of the issuing state.

Article 8

Occupational and geographical mobility

1. Employed persons shall have the right to occupational and geographical mobility throughout the territory of the host state.

2. Occupational mobility shall include changes of employer, employment or occupation and changing from employed to self-employed status. Geographical mobility shall include changes in the place of work and residence.

Article 9

Equal treatment

1. An employed person who is a national of a Contracting Party may not, by reason of his nationality, be treated differently in the territory of the other Contracting Party from national employed persons as regards conditions of employment and working conditions, especially as regards pay, dismissal, or reinstatement or re-employment if he becomes unemployed.

2. An employed person and the members of his family referred to in Article 3 of this Annex shall enjoy the same tax concessions and welfare benefits as national employed persons and members of their family.

3. He shall also be entitled on the same basis and on the same terms as national employed persons to education in vocational training establishments and in vocational retraining and occupational rehabilitation centres.

4. Any clause in a collective or individual agreement or in any other collective arrangements concerning access to employment, employment, pay and other terms of employment and dismissal, shall be automatically void insofar as it provides for or authorises discriminatory conditions with respect to foreign employed persons who are nationals of the Contracting Parties.

5. An employed person who is a national of a Contracting Party and is employed in the territory of the other Contracting Party shall enjoy equal treatment in terms of membership of trade union organisations and exercise of union rights, including the right to vote and right of access to executive or managerial positions within a trade union organisation; he may be precluded from involvement in the management of public law bodies and from holding an office governed by public law. He shall, moreover, have the right to be eligible for election to bodies representing employees in an undertaking.

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These provisions shall be without prejudice to laws or regulations in the host state which confer more extensive rights on employed persons from the other Contracting Party.

6. Without prejudice to the provisions of Article 26 of this Annex, an employed person who is a national of a Contracting Party and employed in the territory of the other Contracting Party shall enjoy all the rights and all the advantages accorded to national employed persons in terms of housing, including ownership of the housing he needs.

Such a worker shall have the same right as nationals to register on the housing lists in the region in which he is employed, where such lists exist; he shall enjoy the resultant benefits and priorities.

If his family has remained in his state of provenance, it shall be considered for this purpose as residing in the said region, where national workers benefit from a similar presumption.

Article 10

Public service employment

A national of a Contracting Party pursuing an activity as an employed person may be refused the right to take up employment in the public service which involves the exercise of public power and is intended to protect the general interests of the state or other public bodies.

Article 11

Cooperation in relation to employment services.

The Contracting Parties shall cooperate, within the EURES (European Employment Services) network, in particular in setting up contacts, matching job vacancies and applications and exchanging information on the state of the labour market and living and working conditions.

III. SELF-EMPLOYED PERSONS

Article 12

Rules regarding residence

1. A national of a Contracting Party wishing to become established in the territory of another Contracting Party in order to pursue a self-employed activity (hereinafter referred to as a 'self-employed person') shall receive a residence permit valid for a period of at least five years from its date of issue, provided that he produces evidence to the competent national authorities that he is established or wishes to become so.

2. The residence permit shall be extended automatically for a period of at least five years, provided that the self-employed person produces evidence to the competent national authorities that he is pursuing a self-employed economic activity.

3. When issuing residence permits, the Contracting Parties may not require self-employed persons to produce more than the following:

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(a) the document by virtue of which he entered their territory;

(b) the evidence referred to in paragraphs 1 and 2.

4. A residence permit shall be valid throughout the territory of the issuing state.

5. Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

6. Valid residence permits may not be withdrawn from persons referred to in paragraph 1 merely because they are no longer working owing to temporary incapacity as a result of illness or accident.

Article 13

Self-employed frontier workers

1. A self-employed frontier worker is a national of a Contracting Party who is resident in the territory of a Contracting Party and who pursues a self-employed activity in the territory of the other Contracting Party, returning to his place of residence as a rule every day or at least once a week.

2. Self-employed frontier workers shall not require a residence permit.

The relevant authorities of the state concerned may nevertheless issue a self-employed frontier worker with a special permit valid for at least five years provided that he produces evidence to the competent national authorities that he is pursuing or wishes to pursue a self-employed activity. The permit shall be extended for at least five years, provided that the frontier worker produces evidence that he is pursuing a self-employed activity.

3. Special permits shall be valid throughout the territory of the issuing state.

Article 14

Occupational and geographical mobility

1. Self-employed persons shall have the right to occupational and geographical mobility throughout the territory of the host state.

2. Occupational mobility shall include change of occupation and changing from self-employed to employed status. Geographical mobility shall include changes in the place of work and residence.

Article 15

Equal treatment

1. As regards access to a self-employed activity and the pursuit thereof, a self-employed worker shall be afforded no less favourable treatment in the host country than that accorded to its own nationals.

▼B

2. The provisions of Article 9 of this Annex shall apply mutatis mutandis to the self-employed persons referred to in this Chapter.

Article 16

Exercise of public authority

A self-employed person may be denied the right to pursue an activity involving, even on an occasional basis, the exercise of public authority.

IV. PROVISION OF SERVICES

Article 17

Persons providing services

With regard to the provision of services, the following shall be prohibited under Article 5 of this Agreement:

(a) any restriction on the cross-frontier provision of services in the territory of a Contracting Party not exceeding 90 days of actual work per calendar year;

(b) any restriction on the right of entry and residence in the cases covered by Article 5(2) of this Agreement concerning:

(i) persons providing services who are nationals of the Member States of the European Community or Switzerland and are established in the territory of a Contracting Party other than that of the person receiving services;

(ii) employees, irrespective of their nationality, of persons providing services, who are integrated into one Contracting Party's regular labour market and posted for the provision of a service in the territory of another Contracting Party without prejudice to Article 1.

Article 18

The provisions of Article 17 of this Annex shall apply to companies formed in accordance with the law of a Member State of the European Community or Switzerland and having their registered office, central administration or principal place of business in the territory of a Contracting Party.

Article 19

A person providing services who has the right or has been authorised to provide a service may, for the purposes of its provision, temporarily pursue his activity in the state in which the service is provided on the same terms as those imposed by that state on its own nationals, in accordance with the provisions of this Annex and Annexes II and III.

▼B

Article 20

1. Persons referred to in Article 17(b) of this Annex who have the right to provide a service shall not require a residence permit for periods of residence of 90 days or less. Such residence shall be covered by the documents referred to in Article 1, by virtue of which they entered the territory.

2. Persons referred to in Article 17(b) of this Annex who have the right or have been authorised to provide a service for a period exceeding 90 days shall receive, to substantiate that right, a residence permit for a period equal to that of the provision of services.

3. The right of residence shall apply throughout the territory of Switzerland or the Member State of the European Community concerned.

4. For the purposes of issuing residence permits, the Contracting Parties may not require of the persons referred to in Article 17(b) of this Annex more than:

(a) the document by virtue of which they entered the territory;

(b) evidence that they are providing or wish to provide a service.

Article 21

1. The total duration of provision of services under Article 17(a) of this Annex, whether continuous or consisting of successive periods of provision, may not exceed 90 days of actual work per calendar year.

2. The provisions of paragraph 1 shall be without prejudice to the discharge by the person providing a service of his legal obligations under the guarantee given to the person receiving the service or to cases of force majeure.

Article 22

1. The provisions of Articles 17 and 19 of this Annex shall not apply to activities involving, even on an occasional basis, the exercise of public authority in the Contracting Party concerned.

2. The provisions of Articles 17 and 19 of this Annex and measures adopted by virtue thereof shall not preclude the applicability of laws, regulations and administrative provisions providing for the application of working and employment conditions to employed persons posted for the purposes of providing a service. In accordance with Article 16 of this Agreement, reference is made to Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1) [1].

[1] As in force at the date of signing the Agreement.

▼B

3. The provisions of Articles 17(a) and 19 of this Annex shall be without prejudice to the applicability of the laws, regulations and administrative provisions prevailing in all Contracting Parties at the time of this Agreement's entry into force in respect of:

(i) the activities of temporary and interim employment agencies;

(ii) financial services where provision is subject to prior authorisation in the territory of a Contracting Party and the provider to prudential supervision by that Contracting Party's authorities.

4. The provisions of Articles 17(a) and 19 of this Annex shall be without prejudice to the applicability of the Contracting Parties' respective laws, regulations and administrative provisions concerning the provision of services of 90 days of actual work or less required by imperative requirements in the public interest.

Article 23

Persons receiving services

1. A person receiving services within the meaning of Article 5(3) of this Agreement shall not require a residence permit for a period of residence of three months or less. For a period exceeding three months, a person receiving services shall be issued with a residence permit equal in duration to the service. He may be excluded from social security schemes during his period of residence.

2. A residence permit shall be valid throughout the territory of the issuing state.

V. PERSONS NOT PURSUING AN ECONOMIC ACTIVITY

Article 24

Rules regarding residence

1. A person who is a national of a Contracting Party not pursuing an economic activity in the state of residence and having no right of residence pursuant to other provisions of this Agreement shall receive a residence permit valid for at least five years provided he proves to the competent national authorities that he possesses for himself and the members of his family:

(a) sufficient financial means not to have to apply for social assistance benefits during their stay;

(b) all-risks sickness insurance cover ([1]).

The Contracting Parties may, if they consider it necessary, require the residence permit to be revalidated at the end of the first two years of residence.

([1]) In Switzerland, sickness insurance for persons who do not elect to make it their domicile must include accident and maternity cover.

▼B

2. Financial means shall be considered sufficient if they exceed the amount below which nationals, having regard to their personal situation and, where appropriate, that of their family, can claim social security benefits. Where that condition cannot be applied, the applicant's financial means shall be regarded as sufficient if they are greater than the level of the minimum social security pension paid by the host state.

3. Persons who have been employed for less than one year in the territory of a Contracting Party may reside there provided they comply with the conditions set out in paragraph 1 of this Article. The unemployment benefits to which they are entitled under national law which is, where appropriate, complemented by the provisions of Annex II, shall be considered to be financial means within the meaning of paragraphs 1(a) and 2 of this Article.

4. A student who does not have a right of residence in the territory of the other Contracting Party on the basis of any other provision of this Agreement shall be issued with a residence permit for a period limited to that of the training or to one year, if the training lasts for more than one year, provided he satisfies the national authority concerned, by means of a statement or, if he chooses, by any other at least equivalent means, that he has sufficient financial means to ensure that neither he, his spouse nor his dependent children will make any claim for social security of the host state during their stay, and provided he is registered in an approved establishment for the purpose of following, as his principal activity, a vocational training course and has all-risks sickness insurance cover. This Agreement does not regulate access to vocational training or maintenance assistance given to the students covered by this Article.

5. A residence permit shall automatically be extended for at least five years provided that the eligibility conditions are still met. Residence permits for students shall be extended annually for a duration equal to the remaining training period.

6. Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

7. A residence permit shall be valid throughout the territory of the issuing state.

8. The right of residence shall obtain for as long as beneficiaries of that right fulfil the conditions laid down in paragraph 1.

VI. PURCHASE OF IMMOVABLE PROPERTY

Article 25

1. A national of a Contracting Party who has a right of residence and his principal residence in the host state shall enjoy the same rights as a national as regards the purchase of immovable property. He may set up his principal residence in the host state at any time in accordance with the relevant national rules irrespective of the duration of his employment. Leaving the host state shall not entail any obligation to dispose of such property.

▼B

2. The national of a Contracting Party who has a right of residence but does not have his principal residence in the host state shall enjoy the same rights as a national as regards the purchase of immovable property needed for his economic activity. Leaving the host state shall not entail any obligation to dispose of such property. He may also be authorised to purchase a second residence or holiday accommodation. This Agreement shall not affect the rules applying to pure capital investment or business of unbuilt land and apartments.

3. A frontier worker shall enjoy the same rights as a national as regards the purchase of immovable property for his economic activity and as a secondary residence. Leaving the host state shall not entail any obligation to dispose of such property. He may also be authorised to purchase holiday accommodation. This Agreement shall not affect the rules applying in the host state to pure capital investment or business of unbuilt land and apartments.

VII. TRANSITIONAL PROVISIONS AND DEVELOPMENT OF THE AGREEMENT

Article 26

General provisions

1. When the quantitative restrictions laid down in Article 10 of this Agreement are applied, the provisions contained in this Chapter shall supplement or replace the other provisions of this Annex, as the case may be.

2. When the quantitative restrictions laid down in Article 10 of this Agreement are applied, the pursuit of an economic activity shall be subject to the issue of a residence and/or a work permit.

Article 27

Rules relating to the residence of employed persons

1. The residence permit of an employed person who has an employment contract for a period of less than one year shall be extended for up to a total of 12 months provided that the employed person furnishes proof to the competent national authorities that he is able to pursue an economic activity. A new residence permit shall be issued provided that the employed person furnishes proof that he is able to pursue an economic activity and that the quantitative limits laid down in Article 10 of this Agreement have not been reached. There shall be no obligation to leave the country between two employment contracts in accordance with Article 24 of this Annex.

2. During the period referred to in ►**M10** Article 10(2b), (2c), (4c) and (4d) ◄ of this Agreement, a Contracting Party may require that a written contract or draft contract be produced before issuing a first residence permit.

▼B

3. (a) Persons who have previously held temporary jobs in the territory of the host state for at least 30 months shall automatically have the right to take up employment for an unlimited duration ([1]). They may not be denied this right on the grounds that the number of residence permits guaranteed has been exhausted.

(b) Persons who have previously held seasonal employment in the territory of the host state for a total of not less than 50 months during the last 15 years and do not meet the conditions of entitlement to a residence permit in accordance with the provisions of subparagraph (a) above shall automatically have the right to take up employment for an unlimited duration.

Article 28

Employed frontier workers

1. An employed frontier worker is a national of a Contracting Party who has his normal place of residence in the frontier zones of Switzerland or neighbouring states and who pursues an activity as an employed person in the frontier zones of another Contracting Party returning as a rule to his principal residence every day, or at least once a week. For the purposes of this Agreement, frontier zones shall mean the zones defined in the agreements concluded between Switzerland and its neighbours concerning movement in frontier zones.

2. The special permit shall be valid throughout the frontier zone of the issuing state.

Article 29

Employed persons' right to return

1. An employed person who, on the date this Agreement entered into force, was holding a residence permit valid for at least one year and who has then left the host country shall be entitled to preferential access to the quota for a new residence permit within six years of his departure provided he proves that he is able to pursue an economic activity.

2. A frontier worker shall have the right to a new special permit within six years of the end of his previous employment over an uninterrupted period of three years, subject to verification of his pay and working conditions if he is employed for the two years following the Agreement's entry into force, provided he proves to the competent national authorities that he is able to pursue an economic activity.

3. Young persons who have left the territory of a Contracting Party after residing there for at least five years before the age of 21 shall have the right for a period of four years to return to that country and pursue an economic activity.

([1]) They shall not be subject to the priority accorded to workers integrated into the regular labour market or monitoring of compliance with wage and employment conditions in a particular sector or place.

▼B

Article 30

Employed persons' occupational and geographical mobility

1. An employed person holding a residence permit valid for less than one year shall, for the twelve months following the commencement of his employment, have the right to occupational and geographical mobility. The right to change from employed to self-employed status shall also be allowed subject to compliance with Article 10 of this Agreement.

2. Special permits issued to employed frontier workers shall confer the right to occupational and geographical mobility within all the frontier zones of Switzerland or its neighbouring states.

Article 31

Rules relating to the residence of self-employed persons

A national of a Contracting Party wishing to become established in the territory of another Contracting Party in order to pursue a self-employed activity (hereinafter referred to as a 'self-employed worker') shall receive a residence permit valid for a period of six months. He shall receive a residence permit valid for at least five years provided that he proves to the competent national authorities before the end of the six-month period that he is pursuing a self-employed activity. If necessary, the six-month period may be extended by a maximum of two months if there is a genuine likelihood that he will produce such proof.

Article 32

Self-employed frontier workers

1. A self-employed frontier worker is a national of a Contracting Party who is ordinarily resident in the frontier zones of Switzerland or neighbouring states and who pursues a self-employed activity in the frontier zones of the other Contracting Party returning as a rule to his principal residence in principle every day or at least once a week. For the purposes of this Agreement, frontier zones shall mean the zones defined in the agreements concluded between Switzerland and its neighbouring states concerning movement in frontier zones.

2. A national of a Contracting Party who wishes in his capacity as a frontier worker to pursue a self-employed activity in the frontier zones of Switzerland or its neighbouring states shall receive a preliminary six-month special permit in advance. He shall receive a special permit for a period of at least five years provided that he proves to the competent national authorities, before the end of that six-month period, that he is pursuing a self-employed activity. If necessary, the six-month period may be extended by a maximum of two months if there is a genuine likelihood that he will produce such proof.

3. Special permits shall be valid throughout the frontier zone of the issuing state.

▼B

Article 33

Self-employed persons' right to return

1. A self-employed person who has held a residence permit valid for a period of at least five years and who has left the host state shall have the right to a new permit within six years of his departure provided he has already worked in the host country for an uninterrupted period of three years and proves to the competent national authorities that he is able to pursue an economic activity.

2. A self-employed frontier worker shall have the right to a new special permit within a period of six years of the termination of previous activity lasting for an uninterrupted period of four years provided he proves to the competent national authorities that he is able to pursue an economic activity.

3. Young persons who have left the territory of a Contracting Party after residing there for at least five years before the age of 21 shall have the right for a period of four years to return to that country and pursue an economic activity.

Article 34

Self-employed persons' occupational and geographical mobility

Special permits issued to self-employed frontier workers shall confer the right to occupational and geographical mobility within the frontier zones of Switzerland or its neighbouring states. Preliminary six-month residence permits issued in advance (in the case of frontier workers, special permits) shall confer the right only to geographical mobility.

▼M3

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.

▼M3

(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 m^2), 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.

▼M3

(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.

▼M3

(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.

▼M3

(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, Dolnośląkie, 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.

▼M3

(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.

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11. **Croatia**

Croatia may maintain in force for seven years from the date of entry into force of this Protocol the restrictions laid down in its legislation, existing at the time of the signing of this Protocol, on the acquisition of agricultural land by Swiss nationals and by legal persons set up in accordance with the laws of Switzerland. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land than at the date of the signing of this Protocol or be treated in a more restrictive way than a national of a country other than the Contracting Parties to the agreement or Contracting Parties to the Agreement on the European Economic Area.

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Self-employed farmers who are Swiss nationals and who wish to establish themselves and reside in Croatia shall not be subject to the provisions of the preceding paragraph or to any procedures other than those to which the nationals of Croatia are subject.

A general review of these transitional measures shall be held in the third year following the date of entry into force of this Protocol. The Joint Committee may decide to shorten or terminate the transitional period indicated in the first paragraph.

If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or threat of serious disturbances on Croatia's agricultural land market, Croatia shall notify such circumstances to the Joint Committee before the end of the seven-year transitional period specified in the first paragraph. In this case, Croatia may continue to apply the measures described in the first paragraph until ten years after the entry into force of this Protocol. This extension may be limited to selected geographical areas particularly affected.

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ANNEX II

CO-ORDINATION OF SOCIAL SECURITY SCHEMES

Article 1

1. The contracting parties agree, with regard to the coordination of social security schemes, to apply among themselves the legal acts of the European Union to which reference is made in, and as amended by, section A of this Annex, or rules equivalent to such acts.

2. The term 'Member State(s)' contained in the legal acts referred to in section A of this Annex shall be understood to include Switzerland in addition to the States covered by the relevant legal acts of the European Union.

Article 2

1. For the purposes of applying the provisions of this Annex, the contracting parties shall take into due account the legal acts of the European Union referred to in section B of this Annex.

2. For the purposes of applying the provisions of this Annex, the contracting parties shall take note of the legal acts of the European Union referred to in section C of this Annex.

Article 3

1. Special provisions concerning the transitory arrangements relating to unemployment insurance for nationals of certain Member States of the European Union holding a Swiss residence permit valid for less than one year, concerning the Swiss allowances for helpless persons and concerning benefits under the occupational benefit plans regarding old-age, survivors' and invalidity pensions are set out in the Protocol to this Annex.

2. The Protocol forms an integral part of this Annex.

SECTION A: LEGAL ACTS REFERRED TO

(1) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ([1]),

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as amended by:

— Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes ([2]);

— Commission Regulation (EU) No 1244/2010 of 9 December 2010 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 ([3]);

([1]) OJ L 166, 30.4.2004, p. 1.
([2]) OJ L 284, 30.10.2009, p. 43.
([3]) OJ L 338, 22.12.2010, p. 35.

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— Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 ([1]);

— Commission Regulation (EU) No 1224/2012 of 18 December 2012 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 ([2]);

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— Council Regulation (EU) No 517/2013 of 13 May 2013 ([3]) adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia.

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For the purposes of this Agreement, Regulation (EC) No 883/2004 shall be adapted as follows:

(a) the following shall be added to Annex I, section I:

'*Switzerland*

Cantonal legislation concerning the advances of maintenance payments based on Articles 131 paragraph 2 and 293 paragraph 2 of the Federal Civil Act.';

(b) the following shall be added to Annex I, section II:

'*Switzerland*

Birth grants and adoption grants pursuant to the relevant cantonal legislation based on Article 3 paragraph 2 of the Federal Family Allowances Act.';

(c) the following shall be added to Annex II:

'*Germany-Switzerland*

(a) Convention on social security of 25 February 1964, as amended by Complementary Conventions No 1 of 9 September 1975 and No 2 of 2 March 1989:

(i) point 9b, paragraph 1, Nos 1-4 of the Final Protocol (legislation applicable and entitlement to sickness benefits in kind for residents of the German exclave of Büsingen);

(ii) point 9e, paragraph 1(b), first, second and fourth sentences, of the Final Protocol (access to voluntary sickness insurance in Germany by relocation in Germany).

(b) Convention on unemployment insurance of 20 October 1982, as amended by the Additional Protocol of 22 December 1992:

(i) Article 8(5), Germany (district of Büsingen) shall contribute a sum equivalent to the cantonal contribution under Swiss law towards the cost of actual places on employment-promotion measures for workers subject to this provision.

([1]) OJ L 149, 8.6.2012, p. 4.
([2]) OJ L 349, 19.12.2012, p. 45.
([3]) OJ L 158, 10.6.2013, p. 1.

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Spain-Switzerland

Point 17 of the Final Protocol to the Convention on social security of 13 October 1969, as amended by the Complementary Convention of 11 June 1982; persons insured under the Spanish scheme by virtue of this provision are exempted from the requirement to join the Swiss sickness insurance scheme.

Italy-Switzerland

Article 9(1) of the Convention on social security of 14 December 1962, as amended by Complementary Convention No 1 of 18 December 1963, the Complementary Agreement of 4 July 1969, the Additional Protocol of 25 February 1974 and Complementary Agreement No 2 of 2 April 1980.';

(d) the following shall be added to Annex IV:

'*Switzerland*';

(e) the following shall be added to Annex VIII, part 1:

'*Switzerland*

All claims for old-age, survivors' and invalidity pensions under the basic scheme (Federal Law on old-age and survivors' insurance and Federal Law on invalidity insurance) and statutory old-age pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).';

(f) the following shall be added to Annex VIII, part 2:

'*Switzerland*

Old-age, survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).';

(g) the following shall be added to Annex IX, part II:

'*Switzerland*

Survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).';

(h) the following shall be added to Annex X:

'*Switzerland*

1. Supplementary benefits (►**M8** Federal Supplementary Benefits Act of 6 October 2006 ◄) and similar benefits provided for under cantonal legislation.

2. Pensions in the case of hardship under invalidity insurance (Article 28 subparagraph 1a of the Federal Invalidity Insurance Act of 19 June 1959, as amended on 7 October 1994).

3. Non-contributory mixed benefits in the event of unemployment, as provided for under cantonal legislation.

4. Non-contributory extraordinary invalidity pensions for disabled persons (Article 39 of the Federal Invalidity Insurance Act of 19 June 1959) who have not been subject, before their incapacity for work, to the Swiss legislation on the basis of an activity as an employed or self-employed person.';

(i) the following shall be added to Annex XI:

'*Switzerland*

1. Article 2 of the Federal Old-Age and Survivors' Insurance Act and Article 1 of the Federal Invalidity Insurance Act, which govern voluntary insurance in these insurance branches for Swiss nationals resident in States not subject to this Agreement, shall be applicable to persons resident outside Switzerland who are nationals of the other States to which this Agreement applies, and to refugees and stateless persons resident in the territory of these States, where these persons join the voluntary insurance scheme not later than one year

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after the date on which they ceased to be covered by old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years.

2. Where a person ceases to be insured under Swiss old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years, he shall continue to be entitled to be insured with the agreement of the employer if he works in a State to which this Agreement does not apply for an employer in Switzerland and if he submits an application to this effect within six months of the date on which he ceases to be insured.

3. Compulsory insurance under Swiss sickness insurance and possible exemptions

(a) The Swiss legal provisions governing compulsory sickness insurance shall apply to the following persons not resident in Switzerland:

(i) persons subject to Swiss legal provisions under Title II of the Regulation;

(ii) persons for whom Switzerland shall bear the costs of benefits according to Articles 24, 25, 26 of the Regulation;

(iii) persons receiving Swiss unemployment insurance benefits;

(iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Spain, Hungary, Portugal, Sweden or the United Kingdom;

(v) family members of persons referred to in (ii) or of a pensioner resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Portugal, Sweden or the United Kingdom.

As family members are considered those persons who are defined as family members according to the legislation of the state of residence.

(b) Persons referred to in (a) may, on request, be exempted from compulsory insurance if and as long as they are resident in one of the following States and can prove that they are eligible for cover in the event of sickness: Germany, France, Italy, Austria, and, with regard to persons referred to in (a) (iv) and (v), Finland and, with regard to persons referred to in (a)(ii), Portugal.

This request

(aa) must be submitted within three months of the date on which the obligation to take out insurance in Switzerland comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation;

(bb) shall apply to all family members residing in the same State.

4. Where a person subject to Swiss legal provisions under Title II of the Regulation is, in application of 3(b), subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Swiss insurer

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against occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Swiss insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.

5. Persons who are working, but not residing in Switzerland and who have statutory insurance cover in their State of residence in accordance with point 3(b), as well as their family members, shall benefit from the provisions of Article 19 of the Regulation during a stay in Switzerland.

6. For the purposes of applying Articles 18, 19, 20, 27 of the Regulation in Switzerland, the competent insurer shall bear all invoiced costs.

7. Periods of daily allowance insurance completed under the insurance scheme of another State to which this Agreement applies shall be taken into account for reducing or lifting a possible reserve in daily allowance insurance in the event of maternity or sickness where the person becomes insured with a Swiss insurer within three months of ceasing to be covered by insurance in another country.

8. Where a person who was gainfully employed or self-employed in Switzerland and covering his vital needs has had to cease his activity owing to an accident or illness and is no longer subject to Swiss legislation on invalidity insurance, he shall be considered to be covered by that insurance for the purpose of eligibility for rehabilitation measures until the payment of an invalidity pension and throughout the period during which he benefits from these measures, provided that he has not taken up a new activity outside Switzerland.'.

(2) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems [1]

▼M8

as amended by

— Commission Regulation (EU) No 1244/2010 of 9 December 2010 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 [2];

— Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 [3];

— Commission Regulation (EU) No 1224/2012 of 18 December 2012 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 [4].

[1] OJ L 284, 30.10.2009, p. 1.
[2] OJ L 338, 22.12.2010, p. 35.
[3] OJ L 149, 8.6.2012, p. 4.
[4] OJ L 349, 19.12.2012, p. 45.

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For the purposes of this Agreement, Regulation (EC) No 987/2009 shall be adapted as follows:

The following shall be added to Annex 1:

'Arrangement between Switzerland and France of 26 October 2004 fixing the special procedures for the reimbursement of health care benefits

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(3) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community ([1]), as last amended by Regulation (EC) No 592/2008 of the European Parliament and of the Council ([2]), as applicable between Switzerland and the Member States before the entry into force of this Decision, and when referred to in Regulation (EC) No 883/2004 or (EC) No 987/2009 or when cases are concerned which occurred in the past.

(4) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community ([3]), as last amended by Commission Regulation (EC) No 120/2009 ([4]), as applicable between Switzerland and the Member States before the entry into force of this Decision, and when referred to in Regulation (EC) No 883/2004 or (EC) No 987/2009 or when cases are concerned which occurred in the past.

(5) Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community ([5]).

SECTION B: LEGAL ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE DUE ACCOUNT

(1) Decision of the Administrative Commission for the Coordination of Social Security Systems No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Regulation (EC) No 883/2004 of the European Parliament and of the Council ([6]).

(2) Decision of the Administrative Commission for the Coordination of Social Security Systems No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State ([7]).

(3) Decision of the Administrative Commission for the Coordination of Social Security Systems No A3 of 17 December 2009 concerning the aggregation of uninterrupted posting periods completed under the Council Regulation (EEC) No 1408/71 and Regulation (EC) No 883/2004 of the European Parliament and of the Council ([8]).

([1]) OJ L 149, 5.7.1971, p. 2.
([2]) OJ L 177, 4.7.2008, p. 1.
([3]) OJ L 74, 27.3.1972, p. 1.
([4]) OJ L 39, 10.2.2009, p. 29.
([5]) OJ L 209, 25.7.1998, p. 46.
([6]) OJ C 106, 24.4.2010, p. 1.
([7]) OJ C 106, 24.4.2010, p. 5.
([8]) OJ C 149, 8.6.2010, p. 3.

▼M7

(4) Decision of the Administrative Commission for the Coordination of Social Security Systems No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ([1]).

(5) Decision of the Administrative Commission for the Coordination of Social Security Systems No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits ([2]).

(6) Decision of the Administrative Commission for the Coordination of Social Security Systems No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems ([3]).

(7) Decision of the Administrative Commission for the Coordination of Social Security Systems No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems ([4]).

(8) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ([5]).

(9) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems ([6]).

(10) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 5 of 18 March 2010 concerning cooperation on combating fraud and error within the framework of Council Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems ([7]).

(11) Decision of the Administrative Commission for the Coordination of Social Security Systems No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-Age and survivors' benefits ([8]).

(12) Decision of the Administrative Commission for the Coordination of Social Security Systems No S1 of 12 June 2009 concerning the European Health Insurance Card ([9])..

(13) Decision of the Administrative Commission for the Coordination of Social Security Systems No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card ([10]).

([1]) OJ C 106, 24.4.2010, p. 9.
([2]) OJ C 106, 24.4.2010, p. 11.
([3]) OJ C 106, 24.4.2010, p. 13.
([4]) OJ C 106, 24.4.2010, p. 17.
([5]) OJ C 106, 24.4.2010, p. 56.
([6]) OJ C 107, 27.4.2010, p. 3.
([7]) OJ C 149, 8.6.2010, p. 5.
([8]) OJ C 106, 24.4.2010, p. 21.
([9]) OJ C 106, 24.4.2010, p. 23.
([10]) OJ C 106, 24.4.2010, p. 26.

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(14) Decision of the Administrative Commission for the Coordination of Social Security Systems No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A) (3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ([1]).

(15) Decision of the Administrative Commission for the Coordination of Social Security Systems No S4 of 2 October 2009 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 of the European Parliament and of the Council ([2]).

(16) Decision of the Administrative Commission for the Coordination of Social Security Systems No S5 of 2 October 2009 on interpretation of the concept of 'benefits in kind' as defined in Article 1(va) of Regulation (EC) No 883/2004 of the European Parliament and of the Council in the event of sickness or maternity pursuant to Articles 17, 19, 20, 22, 24 (1), 25, 26, 27 (1, 3, 4 and 5), 28, 34 and 36 (1 and 2) of Regulation (EC) No 883/2004 and on calculation of the amounts to be refunded under Articles 62, 63 and 64 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ([3]).

(17) Decision of the Administrative Commission for the Coordination of Social Security Systems No S6 of 22 December 2009 concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009 ([4]).

(18) Decision of the Administrative Commission for the Coordination of Social Security Systems No S7 of 22 December 2009 concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures ([5]).

(19) Decision of the Administrative Commission for the Coordination of Social Security Systems No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family ([6]).

(20) Decision of the Administrative Commission for the Coordination of Social Security Systems No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment ([7]).

(21) Decision of the Administrative Commission for the Coordination of Social Security Systems No U3 of 12 June 2009 concerning the scope of the concept of 'partial unemployment' applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council ([8]).

([1]) OJ C 106, 24.4.2010, p. 40.
([2]) OJ C 106, 24.4.2010, p. 52.
([3]) OJ C 106, 24.4.2010, p. 54.
([4]) OJ C 107, 27.4.2010, p. 6.
([5]) OJ C 107, 27.4.2010, p. 8.
([6]) OJ C 106, 24.4.2010, p. 42.
([7]) OJ C 106, 24.4.2010, p. 43.
([8]) OJ C 106, 24.4.2010, p. 45.

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(22) Decision of the Administrative Commission for the Coordination of Social Security Systems No E2 of 3 March 2010 concerning the establishment of a change management procedure applying to details of the bodies defined in Article 1 of Regulation (EC) No 883/2004 of the European Parliament and of the Council which are listed in the electronic directory which is an inherent part of EESSI ([1]).

(23) Decision of the Administrative Commission for the Coordination of Social Security Systems No E3 of 19 October 2011 concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ([2]).

(24) Decision of the Administrative Commission for the Coordination of Social Security Systems No H6 of 16 December 2010 concerning the application of certain principles regarding the aggregation of periods under Article 6 of Regulation (EC) No 883/2004 on the coordination of social security systems ([3]).

(25) Decision of the Administrative Commission for the Coordination of Social Security Systems No S8 of 15 June 2011 concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 33 of Regulation (EC) No 883/2004 on the coordination of social security systems ([4]).

(26) Decision of the Administrative Commission for the Coordination of Social Security Systems No U4 of 13 December 2011 concerning the reimbursement procedures under Article 65(6) and (7) of Regulation (EC) No 883/2004 and Article 70 of Regulation (EC) No 987/2009 ([5]).

▼M7

SECTION C: LEGAL ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

(1) Recommendation of the Administrative Commission for the Coordination of Social Security Systems No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence ([6]).

(2) Recommendation of the Administrative Commission for the Coordination of Social Security Systems No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State ([7]).

▼M8

(3) Recommendation of the Administrative Commission for the Coordination of Social Security Systems No S1 of 15 March 2012 concerning financial aspects of cross-border living organ donations ([8]).

([1]) OJ C 187, 10.7.2010, p. 5 (Electronic Exchange of Social Security Information).
([2]) OJ C 12, 14.1.2012, p. 6.
([3]) OJ C 45, 12.2.2011, p. 5.
([4]) OJ C 262, 6.9.2011, p. 6.
([5]) OJ C 57, 25.2.2012, p. 4.
([6]) OJ C 106, 24.4.2010, p. 49.
([7]) OJ C 106, 24.4.2010, p. 51.
([8]) OJ C 240, 10.8.2012, p. 3.

▼M7

PROTOCOL

to Annex II to the Agreement

I. **Unemployment insurance**

The following arrangements shall apply to 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 until 30 April 2011 and to workers who are nationals of the Republic of Bulgaria and Romania until 31 May 2016.

▼M10

Paragraph 1 of the Section 'Unemployment Insurance' of the Protocol to Annex II shall apply to workers who are nationals of the Republic of Croatia until the end of the seventh year after the entry into force of this Protocol.

▼M7

1. The following rules shall apply with respect to unemployment insurance for workers holding a residence permit with a period of validity of less than one year:

1.1. Only workers who have paid contributions in Switzerland for the minimum period required under the Federal Unemployment Insurance and Insolvency Allowances Act (*loi fédérale sur l'assurance-chômage obligatoire et l'indemnité en cas d'insolvabilité* — LACI) ([1]) and who also satisfy the other conditions of eligibility for unemployment benefit shall be entitled to such benefit provided by the unemployment insurance under the conditions laid down by law.

1.2. A portion of the contributions levied for workers whose period of contribution is too short to give entitlement to unemployment benefit in Switzerland under 1.1 shall be refunded to their States of origin in accordance with the provisions of 1.3. in order to contribute towards the cost of benefits provided to these workers in the event of full unemployment; these workers shall then have no entitlement to benefit in the event of their being fully unemployed in Switzerland. They shall, however, be entitled to allowances for bad weather and in the event of the employer becoming insolvent. Benefits in the event of full unemployment shall be paid by the State of origin, provided that the workers concerned make themselves available for work. Periods of insurance completed in Switzerland shall be taken into account in the same way as if they had been completed in the State of origin.

1.3. The portion of the contributions levied for workers referred to in 1.2 shall be refunded on an annual basis in accordance with the following provisions:

(a) The total contributions of these workers shall be calculated, by country, on the basis of the annual number of workers employed and the average annual contributions paid for each worker (employer's and employee's contributions).

([1]) Currently 12 months.

▼M7

(b) Of the amount calculated in this way, a portion thereof corresponding to the relative share represented by unemployment benefit as a percentage of all the allowances referred to in 1.2 shall be refunded to the workers' States of origin, and a portion shall be retained by Switzerland as a reserve for subsequent benefits ([1]).

(c) Switzerland shall, on an annual basis, provide a statement showing the contributions refunded. If the States of origin so request, it shall indicate the bases for the calculation and the sums refunded. The States of origin shall each year notify Switzerland of the number of recipients of unemployment benefit as referred to in 1.2.

2. If a Member State concerned by this arrangement encounters difficulties with the ending of the arrangements for refunding of contributions, or Switzerland encounters difficulties with the aggregation arrangements, the matter may be referred to the Joint Committee by any of the contracting parties.

II. **Allowances for helpless persons**

Allowances for helpless persons granted under the Swiss Federal Act of 19 June 1959 on invalidity insurance (LAI) and under the Federal Act of 20 December 1946 on old-age and survivors' pensions (LAVS) as amended on 8 October 1999 shall be provided exclusively if the person concerned resides in Switzerland.

III. **Occupational benefit plans concerning old-age, survivors' and invalidity pensions**

Notwithstanding Article 10(2) of Regulation (EEC) No 1408/71, the vested benefit provided for under the Federal Act on free movement among occupational benefit plans concerning old-age, survivors' and invalidity pensions (*Loi fédérale sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité*) of 17 December 1993 shall be paid out on request to an employed or self-employed person who intends to leave Switzerland for good and who, under Title II of the Regulation, will no longer be subject to Swiss law, provided that that person leaves Switzerland within five years of this Agreement entering into effect.

([1]) Refunded contributions for workers who will exercise their right to unemployment benefit in Switzerland after having paid contributions for at least 12 months — over several periods of residence — within the space of two years.

▼M6

ANNEX III

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

(Diplomas, certificates and other evidence of formal qualifications)

1. The Contracting Parties agree to apply amongst themselves, in the field of the mutual recognition of professional qualifications, the legal acts and communications of the European Union (EU) to which reference is made in Section A of this Annex, in accordance with the scope of the Agreement.

2. Unless otherwise specified, the term 'Member State(s)' in the acts to which reference is made in Section A of this Annex is considered to apply to Switzerland in addition to the States covered by the EU legal acts in question.

3. For the purposes of applying this Annex, the Contracting Parties take note of the EU legal acts to which reference is made in Section B of this Annex.

SECTION A: ACTS REFERRED TO

1a. **32005 L 0036:** Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22),

as amended by:

— Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 141),

— Commission Regulation (EC) No 1430/2007 of 5 December 2007 amending Annexes II and III to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 320, 6.12.2007, p. 3),

— Commission Regulation (EC) No 755/2008 of 31 July 2008 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 205, 1.8.2008, p. 10),

— Commission Regulation (EC) No 279/2009 of 6 April 2009 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 93, 7.4.2009, p. 11),

— Commission Regulation (EU) No 213/2011 of 3 March 2011 amending Annexes II and V to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 59, 4.3.2011, p. 4),

— Notification of Titles of Qualification in Architecture (OJ C 332, 30.12.2006, p. 35),

— Notification of Titles of Qualification in Architecture (OJ C 148, 24.6.2006, p. 34),

— Notification of Titles of qualification in architecture (OJ C 3, 6.1.2006, p. 12),

— Communication from the Commission — Notification of evidence of formal qualifications of practitioners of dentistry (OJ C 165, 19.7.2007, p. 18),

— Communication from the Commission — Notification of evidence of formal Qualifications of specialised doctors and general practitioners (OJ C 165, 19.7.2007, p. 13),

— Communication from the Commission — Notification of evidence of formal qualifications of specialised doctors, nurses responsible for general care, specialised dental practitioners, midwives and architects (OJ C 137, 4.6.2008, p. 8),

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— Communication — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 322, 17.12.2008, p. 3),

— Communication from the Commission — Notification of the professional associations or organisations fulfilling the conditions of Article 3(2) listed under Annex I to Directive 2005/36/EC (OJ C 111, 15.5.2009, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 114, 19.5.2009, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on the recognition of professional qualifications (Annex V) (OJ C 279, 19.11.2009, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 129, 19.5.2010, p. 3),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 337, 14.12.2010, p. 10),

— Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 271, 16.10.2007, p. 18),

— Corrigendum to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 93, 4.4.2008, p. 28),

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— Commission Regulation (EU) No 623/2012 of 11 July 2012 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 180, 12.7.2012, p. 9),

— Communication from the Commission — Notification of the professional associations or organisations fulfilling the conditions of Article 3(2) listed under Annex I to Directive 2005/36/EC (OJ C 182, 23.6.2011, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 183, 24.6.2011, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 367, 16.12.2011, p. 5),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 244, 14.8.2012, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 396, 21.12.2012, p. 1),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 183, 28.6.2013, p. 4),

— Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (OJ C 301, 17.10.2013, p. 1),

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— Act of Accession of the Republic of Croatia (OJ L 112 of 24 April 2012, p. 10), Annex III (List referred to in Article 15 of the Act of Accession of the Republic of Croatia: adaptations to acts adopted by the institutions — OJ L 112 of 24 April 2012, p. 41),

Article 23, paragraph 5 of Directive 2005/36/EC is replaced by the following:

'5. Without prejudice to Article 43b, each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Yugoslavia, or whose training commenced,

(a) for Slovenia, before 25 June 1991, and

(b) for Croatia, before 8 October 1991,

where the authorities of the aforementioned Member States attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45, paragraph 2, and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate.'

The following Article 43b is inserted into Directive 2005/36/EC:

'Acquired rights in midwifery shall not apply to the following qualifications which were obtained in Croatia before 1 July 2013: viša medicinska sestra ginekološko-opstetričkog smjera (High Gynaecology-Obstetrical Nurse), medicinska sestra ginekološko-opstetričkog smjera (Gynaecology-Obstetrical Nurse), viša medicinska sestra primaljskog smjera (High Nurse with Midwifery Degree), medicinska sestra primaljskog smjera (Nurse with Midwifery Degree), ginekološko-opstetrička primalja (Gynaecology-Obstetrical Midwife) and primalja (Midwife).',

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part A.

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b. For the purposes of this Agreement, Directive 2005/36/EC shall be adapted as follows:

1. The procedures laid down in the following Articles of the Directive shall not apply between the Contracting Parties:

— the third subparagraph of Article 3(2) — procedure for the update of Annex I to the Directive,

— the last sentence of Article 11(c)(ii) — procedure for the update of Annex II to the Directive,

— the third subparagraph of Article 13(2) — procedure for the update of Annex III to the Directive,

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— the second and third subparagraph of Article 14(2) — procedure in the case of a derogation to the migrant's choice between an adaptation period and an aptitude test,

— paragraphs 2 and 5 of Article 15 — procedure to adopt or revoke common platforms,

— Article 20 — procedure to amend Annex IV to the Directive,

— the second subparagraph of Article 21(6) — procedure to update knowledge and skills,

— Article 21(7) — procedure to update Annex V to the Directive,

— Article 25(5) — procedure to update the minimum periods of training for specialised doctors,

— the second paragraph of Article 26 — procedure for inserting new medical specialties,

— the second subparagraph of Article 31(2) — procedure to update the training of nurses responsible for general care,

— the second subparagraph of Article 34(2) — procedure to update the training of dental practitioners,

— the third subparagraph of Article 35(2) — procedure to update the minimum periods of training for specialised dentists,

— the second subparagraph of Article 38(1) — procedure to update the training of veterinary surgeons,

— the third subparagraph of Article 40(1) — procedure to update the training of midwives,

— the second subparagraph of Article 44(2) — procedure to update the training of pharmacists,

— Article 46(2) — procedure to update knowledge and skills in the case of architects,

— Article 61 — derogation clause.

2. Article 56(3) and (4) shall be implemented as follows:

The information of Member States on the competent authorities and on the coordinator designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

3. The second paragraph of Article 57 shall be implemented as follows:

The coordinator designated by Switzerland informs the Commission with copy to the Joint Committee.

4. Article 63 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of the legal acts and communications referred to in point 1a. Articles 58 and 64 shall not apply.

c. The following text shall be added to point 1 of Annex II to the Directive:

'in Switzerland:

— Opticien diplômé, diplomierter Augenoptiker, ottico diplomato (Optometrist with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 17 years' education, consisting of at least nine years' basic education, four years' vocational education and training provided partly in the workplace and partly by a professional institution, followed by a four-year apprenticeship or work placement, of which two

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years can be spent following full-time private education, and finally a higher vocational examination. This entitles the holder to adapt contact lenses or carry out eye tests either independently or in an employed capacity.

— Audioprothésiste avec brevet fédéral, Hörgeräte-Akustiker mit eidg. Fachausweis, audioprotesista con attestato professionale federale (Dispenser of hearing aids with Advanced Federal Certificate of Higher Vocational Education and Training),

Requires a minimum of 15 years' education, consisting of at least nine years' basic education, a minimum of three years' vocational education and training provided partly in the workplace and partly by a professional institution, followed by a three-year apprenticeship or work placement, including private education, and finally a vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

— Bottier-orthopédiste diplômé, diplomierter Orthopädie-Schuhmachermeister, calzolaio ortopedico diplomato (Orthopaedic footwear maker with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 17 years' education, consisting of at least nine years' basic education, four years' vocational education and training provided partly in the workplace and partly by a professional institution, followed by a four-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

— Technicien dentiste, maître, diplomierter Zahntechnikermeister, odontotecnico, maestro (Dental Technician with Federal Diploma of Higher Vocational Education and Training)

Requires a minimum of 18 years' education, consisting of at least nine years' basic education, four years' vocational education and training provided partly in the workplace and partly by a professional institution, followed by a five-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.

— Orthopédiste diplômé, diplomierter Orthopädist, ortopedista diplomato (Prosthetist with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 18 years' education, consisting of at least nine years' basic education, four years' vocational education and training provided partly in the workplace and partly by a professional institution, followed by a five-year apprenticeship or work placement, including private education, and finally a higher vocational examination. This entitles the holder to pursue this profession either independently or in an employed capacity.'.

d. The following text shall be added to point 4 of Annex II to the Directive:

'in Switzerland:

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— Guide de montagne avec brevet fédéral, Bergführer mit eidg. Fachausweis, guida alpina con attestato professionale federale (Mountain Guide with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 13 years' education, consisting of at least nine years' basic education, four years' vocational training under the supervision of a qualified professional, including private education, and finally a vocational examination. This entitles the holder to pursue this profession independently.

— Professeur de sports de neige avec brevet fédéral, Schneesportlehrer mit eidg. Fachausweis, Maestro di sport sulla neve con attestato professionale federale (Snow Sport Teacher with Advanced Federal Certificate of Higher Vocational Education and Training)

Requires a minimum of 15 years' education, consisting of at least nine years' basic education, four years' vocational education and training provided partly in the workplace and partly by a professional institution or a professional experience of four years, followed by a two-year education and experience as apprenticeship, and finally a vocational examination. This entitles the holder to pursue this profession independently.'.

e. The following text shall be added to point 5.1.1 of Annex V to the Directive:

'Country	Evidence of formal qualifications	Body awarding the qualifications	Certificate accompanying the qualifications	Reference date
Switzerland	Eidgenössisches Arztdiplom Diplôme fédéral de médecin Diploma federale di medico	Eidgenössisches Departement des Innern Département fédéral de l'intérieur Dipartimento federale dell'interno		1 June 2002'

f. The following text shall be added to point 5.1.2 of Annex V to the Directive:

'Country	Evidence of formal qualifications	Body awarding the qualifications	Reference date
Switzerland	Diplom als Facharzt Diplôme de médecin spécialiste Diploma di medico specialista	Eidgenössisches Departement des Innern und Verbindung der Schweizer Ärztinnen und Ärzte Département fédéral de l'intérieur et Fédération des médecins suisses Dipartimento federale dell'interno e Federazione dei medici svizzeri	1 June 2002'

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g. The following text shall be added to point 5.1.3 of Annex V to the Directive:

‘Country	Title
Anaesthetics **Minimum period of training: 3 years**	
Switzerland	Anästhesiologie Anesthésiologie Anestesiologia

Country	Title
General surgery **Minimum period of training: 5 years**	
Switzerland	Chirurgie Chirurgie Chirurgia

Country	Title
Neurological surgery **Minimum period of training: 5 years**	
Switzerland	Neurochirurgie Neurochirurgie Neurochirurgia

Country	Title
Obstetrics and gynaecology **Minimum period of training: 4 years**	
Switzerland	Gynäkologie und Geburtshilfe Gynécologie et obstétrique Ginecologia e ostetricia

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Country	Title
General (internal) medicine **Minimum period of training: 5 years**	
Switzerland	Allgemeine Innere Medizin Médecine interne générale Medicina interna generale

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Country	Title
Ophthalmology **Minimum period of training: 3 years**	
Switzerland	Ophthalmologie Ophtalmologie Oftalmologia

▼M6

Country	Title
Otorhinolaryngology **Minimum period of training: 3 years**	
Switzerland	Oto-Rhino-Laryngologie Oto-rhino-laryngologie Otorinolaringoiatria

Country	Title
Paediatrics **Minimum period of training: 4 years**	
Switzerland	Kinder- und Jugendmedizin Pédiatrie Pediatria

Country	Title
Respiratory medicine **Minimum period of training: 4 years**	
Switzerland	Pneumologie Pneumologie Pneumologia

Country	Title
Urology **Minimum period of training: 5 years**	
Switzerland	Urologie Urologie Urologia

Country	Title
Orthopaedics **Minimum period of training: 5 years**	
Switzerland	Orthopädische Chirurgie und Traumatologie des Bewegungsapparates Chirurgie orthopédique et traumatologie de l'appareil locomoteur Chirurgia ortopedica e traumatologia del sistema motorio

Country	Title
Pathological anatomy **Minimum period of training: 4 years**	
Switzerland	Pathologie Pathologie Patologia

Country	Title
Neurology **Minimum period of training: 4 years**	
Switzerland	Neurologie Neurologie Neurologia

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Country	Title
Psychiatry **Minimum period of training: 4 years**	
Switzerland	Psychiatrie und Psychotherapie Psychiatrie et psychothérapie Psichiatria e psicoterapia

Country	Title
Diagnostic radiology **Minimum period of training: 4 years**	
Switzerland	Radiologie Radiologie Radiologia

Country	Title
Radiotherapy **Minimum period of training: 4 years**	
Switzerland	Radio-Onkologie/Strahlentherapie Radio-oncologie/radiothérapie Radio-oncologia/radioterapia

Country	Title
Plastic surgery **Minimum period of training: 5 years**	
Switzerland	Plastische, Rekonstruktive und Ästhetische Chirurgie Chirurgie plastique, reconstructive et esthétique Chirurgia plastica, ricostruttiva ed estetica

Country	Title
Thoracic surgery **Minimum period of training: 5 years**	
Switzerland	Herz- und thorakale Gefässchirurgie Chirurgie cardiaque et vasculaire thoracique Chirurgia del cuore e dei vasi toracici

Country	Title
Paediatric surgery **Minimum period of training: 5 years**	
Switzerland	Kinderchirurgie Chirurgie pédiatrique Chirurgia pediatrica

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Country	Title
Cardiology **Minimum period of training: 4 years**	
Switzerland	Kardiologie Cardiologie Cardiologia

Country	Title
Gastroenterology **Minimum period of training: 4 years**	
Switzerland	Gastroenterologie Gastroentérologie Gastroenterologia

Country	Title
Rheumatology **Minimum period of training: 4 years**	
Switzerland	Rheumatologie Rhumatologie Reumatologia

Country	Title
General haematology **Minimum period of training: 3 years**	
Switzerland	Hämatologie Hématologie Ematologia

Country	Title
Endocrinology **Minimum period of training: 3 years**	
Switzerland	Endokrinologie-Diabetologie Endocrinologie-diabétologie Endocrinologia-diabetologia

Country	Title
Physiotherapy **Minimum period of training: 3 years**	
Switzerland	Physikalische Medizin und Rehabilitation Médecine physique et réadaptation Medicina fisica e riabilitazione

Country	Title
Dermato-venereology **Minimum period of training: 3 years**	
Switzerland	Dermatologie und Venerologie Dermatologie et vénéréologie Dermatologia e venerologia

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Country	Title
Tropical medicine **Minimum period of training: 4 years**	
Switzerland	Tropen- und Reisemedizin Médecine tropicale et médecine des voyages Medicina tropicale e medicina di viaggio

Country	Title
Child psychiatry **Minimum period of training: 4 years**	
Switzerland	Kinder- und Jugendpsychiatrie und -psychotherapie Psychiatrie et psychothérapie d'enfants et d'adolescents Psichiatria e psicoterapia infantile e dell'adolescenza

Country	Title
Renal diseases **Minimum period of training: 4 years**	
Switzerland	Nephrologie Néphrologie Nefrologia

Country	Title
Communicable diseases **Minimum period of training: 4 years**	
Switzerland	Infektiologie Infectiologie Malattie infettive

Country	Title
Community medicine **Minimum period of training: 4 years**	
Switzerland	Prävention und Gesundheitswesen Prévention et santé publique Prevenzione e salute pubblica

Country	Title
Pharmacology **Minimum period of training: 4 years**	
Switzerland	Klinische Pharmakologie und Toxikologie Pharmacologie et toxicologie cliniques Farmacologia e tossicologia cliniche

Country	Title
Occupational medicine **Minimum period of training: 4 years**	
Switzerland	Arbeitsmedizin Médecine du travail Medicina del lavoro

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Country	Title
Allergology **Minimum period of training: 3 years**	
Switzerland	Allergologie und klinische Immunologie Allergologie et immunologie clinique Allergologia e immunologia clinica

Country	Title
Nuclear medicine **Minimum period of training: 4 years**	
Switzerland	Nuklearmedizin Médecine nucléaire Medicina nucleare

Country	Title of diploma
Dental, oral and maxillo-facial surgery **(basic medical and dental training)** **Minimum period of training: 4 years**	
Switzerland	Mund-, Kiefer- und Gesichtschirurgie Chirurgie orale et maxillo-faciale Chirurgia oro-maxillo-facciale

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Country	Title
Medical oncology **Minimum period of training: 5 years**	
Switzerland	Medizinische Onkologie Oncologie médicale Oncologia medica

Country	Title
Medical genetics **Minimum period of training: 4 years**	
Switzerland	Medizinische Genetik Génétique médicale Genetica medica’

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h. The following text shall be added to point 5.1.4 of Annex V to the Directive:

‘Country	Evidence of formal qualifications	Professional title	Reference date
Switzerland	Diplom als praktischer Arzt/praktische Ärztin Diplôme de médecin praticien Diploma di medico generico	Médecin praticien Praktischer Arzt Medico generico	1 June 2002’

i. The following text shall be added to point 5.2.2 of Annex V to the Directive:

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‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Switzerland	1. Diplomierte Pflegefachfrau, diplomierter Pflegefachmann Infirmière diplômée et infirmier diplômé Infermiera diplomata e infermiere diplomato	Schulen, die staatlich anerkannte Bildungsgänge durchführen Écoles qui proposent des filières de formation reconnues par l’État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Pflegefachfrau, Pflegefachmann Infirmière, infirmier Infermiera, infermiere	1 June 2002
	2. Bachelor of Science in nursing	Schulen, die staatlich anerkannte Bildungsgänge durchführen Écoles qui proposent des filières de formation reconnues par l’État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Pflegefachfrau, Pflegefachmann Infirmière, infirmier Infermiera, infermiere	30 September 2011

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	3. Diplomierte Pflegefachfrau HF, diplomierter Pflegefachmann HF Infirmière diplômée ES, infirmier diplômé ES Infermiera diplomata SSS, infermiere diplomato SSS	Höhere Fachschulen, die staatlich anerkannte Bildungsgänge durchführen Écoles supérieures qui proposent des filières de formation reconnues par l'État Scuole specializzate superiori che propongono dei cicli di formazione riconosciuti dallo Stato	Pflegefachfrau, Pflegefachmann Infirmière, infirmier Infermiera, infermiere	1 June 2002’

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j. The following text shall be added to point 5.3.2 of Annex V to the Directive:

‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Professional title	Reference date
Switzerland	Eidgenössisches Zahnarztdiplom Diplôme fédéral de médecin-dentiste Diploma federale di medico-dentista	Eidgenössisches Departement des Innern Département fédéral de l’intérieur Dipartimento federale dell’interno		Zahnarzt Médecin-dentiste Medico-dentista	1 June 2002’

k. The following text shall be added to point 5.3.3 of Annex V to the Directive:

‘Orthodontics			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Switzerland	Diplom für Kieferorthopädie Diplôme fédéral d’orthodontiste Diploma di ortodontista	Eidgenössisches Departement des Innern und Schweizerische Zahnärzte-Gesellschaft Département fédéral de l’intérieur et Société suisse d’odonto-stomatologie Dipartimento federale dell’interno e Società Svizzera di Odontologia e Stomatologia	1 June 2002

Oral surgery			
Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Reference date
Switzerland	Diplom für Oralchirurgie Diplôme fédéral de chirurgie orale Diploma di chirurgia orale	Eidgenössisches Departement des Innern und Schweizerische Zahnärzte-Gesellschaft Département fédéral de l’intérieur et Société suisse d’odonto-stomatologie Dipartimento federale dell’interno e Società Svizzera di Odontologia e Stomatologia	30 April 2004’

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l. The following text shall be added to point 5.4.2 of Annex V to the Directive:

‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Switzerland	Eidgenössisches Tierarztdiplom Diplôme fédéral de vétérinaire Diploma federale di veterinario	Eidgenössisches Departement des Innern Département fédéral de l’intérieur Dipartimento federale dell’interno		1 June 2002’

m. The following text shall be added to point 5.5.2 of Annex V to the Directive:

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‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Professional title	Reference date
Switzerland	1. Diplomierte Hebamme Sage-femme diplômée Levatrice diplomata	Schulen, die staatlich anerkannte Bildungsgänge durchführen Écoles qui proposent des filières de formation reconnues par l'État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Hebamme Sage-femme Levatrice	1 June 2002
	2. [Bachelor of Science [Name of the UAS] in Midwifery] “Bachelor of Science HES-SO de Sage-femme” (Bachelor of Science HES-SO in Midwifery) “Bachelor of Science BFH Hebamme” (Bachelor of Science BFH in Midwifery) “Bachelor of Science ZFH Hebamme” (Bachelor of Science ZHAW in Midwifery)	Schulen, die staatlich anerkannte Bildungsgänge durchführen Écoles qui proposent des filières de formation reconnues par l'État Scuole che propongono dei cicli di formazione riconosciuti dallo Stato	Hebamme Sage-femme Levatrice	1 June 2002’

▼**M6**

n. The following text shall be added to point 5.6.2 of Annex V to the Directive:

‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference date
Switzerland	Eidgenössisches Apothekerdiplom Diplôme fédéral de pharmacien Diploma federale di farmacista	Eidgenössisches Departement des Innern Département fédéral de l’intérieur Dipartimento federale dell’interno		1 June 2002’

o. The following text shall be added to point 5.7.1 of Annex V to the Directive:

‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
Switzerland	Diploma di architettura (Arch. Dipl. USI)	Accademia di Architettura dell’Università della Svizzera Italiana		1996-1997
	Master of Arts BFH/HES-SO en architecture, Master of Arts BFH/HES-SO in Architecture	Haute école spécialisée de Suisse occidentale (HES-SO) together with Berner Fachhochschule (BFH)	—	2007-2008
	Master of Arts BFH/HES-SO in Architektur, Master of Arts BFH/HES-SO in Architecture	Haute école spécialisée de Suisse occidentale (HES-SO) together with Berner Fachhochschule (BFH)		2007-2008
	Master of Arts FHNW in Architektur	Fachhochschule Nordwestschweiz FHNW	—	2007-2008
	Master of Arts FHZ in Architektur	Fachhochschule Zentralschweiz (FHZ)	—	2007-2008

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‘Country	Evidence of formal qualifications	Body awarding the evidence of qualifications	Certificate accompanying the evidence of qualifications	Reference academic year
	Master of Arts ZFH in Architektur	Zürcher Fachhochschule (ZFH), Zürcher Hochschule für Angewandte Wissenschaften (ZHAW), Departement Architektur, Gestaltung und Bauingenieurwesen	—	2007-2008
	Master of Science MSc in Architecture, Architecte (arch. dipl. EPF)	École Polytechnique Fédérale de Lausanne		2007-2008
	Master of Science ETH in Architektur, MSc ETH Arch	Eidgenössische Technische Hochschule Zurich		2007-2008’

p. The following text is added to Annex VI to the Directive:

‘Country	Evidence of formal qualifications	Reference academic year
Switzerland	1. Dipl. Arch. ETH, arch. dipl. EPF, arch. dipl. PF	2004-2005
	2. Architecte diplômé EAUG	2004-2005
	3. Architekt REG A Architecte REG A Architetto REG A	2004-2005’

2a. **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),

as amended by:

— 1 79 H: Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties (OJ L 291, 19.11.1979, p. 91),

— 1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties (OJ L 302, 15.11.1985, p. 160),

— Decision of the Council of the European Union 95/1/EC, Euratom, ECSC, of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 1.1.1995, p. 1),

▼**M6**

— **1 2003 T:** 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 (OJ L 236, 23.9.2003, p. 33),

— Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 141),

▼**M10**

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part B (1).

▼**M6**

b. For the purposes of this Agreement, Directive 77/249/EEC shall be adapted as follows:

1. The following text shall be added to Article 1(2):

‘Switzerland:

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech

Avocat

Avvocato’.

2. Article 8 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of Directive 77/249/EEC.

3a. **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),

as amended by:

— **1 2003 T:** 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 (OJ L 236, 23.9.2003, p. 33),

— Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 141),

▼**M10**

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part B (2).

▼**M6**

b. For the purposes of this Agreement, Directive 98/5/EC shall be adapted as follows:

1. The following text shall be added to point (a) of Article 1(2):

'Switzerland:

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech

Avocat

Avvocato'.

2. Articles 16 and 17 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of Directive 98/5/EC.

3. Article 14 shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

4a. **374 L 0556**: Council Directive 74/556/EEC of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries (OJ L 307, 18.11.1974, p. 1).

b. For the purposes of this Agreement, Directive 74/556/EEC shall be adapted as follows:

1. Article 4(3) shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

2. Article 7 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of Directive 74/556/EEC.

5a. **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),

as amended by:

— Decision of the Council of the European Union 95/1/EC, Euratom, ECSC, of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1, 1.1.1995, p. 1),

— 1 2003 T: 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 (OJ L 236, 23.9.2003, p. 33),

— Council Directive 2006/101/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of freedom to provide services, by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 238),

▼**M10**

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part C.

▼**M6**

b. For the purposes of this Agreement, Directive 74/557/EEC shall be adapted as follows:

1. in Switzerland:

All the products and toxic substances set out in the poisons act (classified compilation of federal law (CC 813.1), and in particular those on the ordinances relating thereto (CC 813) and on the poisonous substances for the environment (CC 814.812.31, 814.812.32 and 814.812.33).

2. Article 7(5) shall be implemented as follows:

The information of Member States on the competent authorities designated by Switzerland is done by the Commission, once Switzerland has informed the Commission with copy to the Joint Committee.

3. Article 8 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of Directive 74/557/EEC.

6a. **386 L 0653**: Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17).

b. For the purposes of this Agreement, Directive 86/653/EEC shall be adapted as follows:

Article 22 shall not apply. However, the Swiss coordinator designated by Switzerland in conformity with Article 56 of Directive 2005/36/EC informs the Commission with copy to the Joint Committee of the legislation adopted on the basis of Directive 86/653/EEC.

SECTION B: ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The Contracting Parties shall take note of the content of the following act:

7. **389 X 0601**: Commission Recommendation 89/601/EEC of 8 November 1989 concerning the training of health personnel in the matter of cancer (OJ L 346, 27.11.1989, p. 1).

▼B

PROTOCOL ON SECONDARY RESIDENCES IN DENMARK

The Contracting Parties agree that Protocol 1 to the Treaty establishing the European Community concerning acquisition of real estate property in Denmark also applies to this agreement concerning Swiss nationals' acquisition of second homes in Denmark.

▼B

PROTOCOL REGARDING THE AALAND ISLANDS

The Contracting Parties agree that Protocol 2 to the Act of Accession of Finland to the European Union concerning the Aaland Islands also applies to this agreement.

▼B

FINAL ACT

The plenipotentiaries of

THE KINGDOM OF BELGIUM

THE KINGDOM OF DENMARK

THE FEDERAL REPUBLIC OF GERMANY

THE HELLENIC REPUBLIC

THE KINGDOM OF SPAIN

THE FRENCH REPUBLIC

IRELAND

THE ITALIAN REPUBLIC

THE GRAND DUCHY OF LUXEMBOURG

THE KINGDOM OF THE NETHERLANDS

THE REPUBLIC OF AUSTRIA

THE PORTUGUESE REPUBLIC

THE REPUBLIC OF FINLAND

THE KINGDOM OF SWEDEN

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

and

of the EUROPEAN COMMUNITY

of the one part, and

of the SWISS CONFEDERATION

of the other part,

▼B

meeting on 21 June 1999 in Luxembourg for the signature of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons, have adopted the Joint Declarations mentioned below and attached to this Final Act:

— Joint declaration on the general liberalisation of service provision

— Joint declaration on retirement pensions of former employees of institutions of the European Communities resident in Switzerland

— Joint declaration on the application of the agreement

— Joint declaration on further negotiations.

They also took note of the following declarations annexed to this Final Act:

— Declaration by Switzerland on renewal of the Agreement

— Declaration by Switzerland on migration and asylum policy

— Declaration by Switzerland on the recognition of architects' diplomas

— Declaration by the European Community and its Member States on Articles 1 and 17 of Annex I

— Declaration on Swiss attendance of committees.

Hecho en Luxemburgo, el ventiuno de junio de mil novecientos noventa y nueve.

Udfærdiget i Luxembourg den enogtyvende juni nitten hundrede og nioghalvfems.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα.

Done at Luxembourg on the twenty-first day of June in the year one thousand nine hundred and ninety-nine.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenennegentig.

Feito em Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove.

Tehty Luxemburgissa kahdentenakymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

Som skedde i Luxemburg den tjugoförsta juni nittonhundranittionio.

▼B

Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

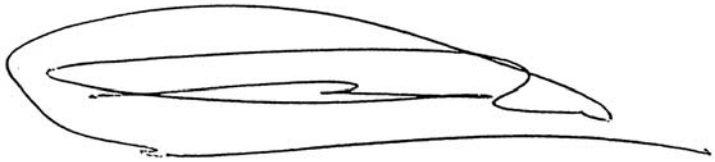
På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Για την Ελληνική Δημοκρατία

▼B

Por el Reino de España



Pour la République française



Thar cheann Na hÉireann
For Ireland



Per la Repubblica italiana



Pour le Grand-Duché de Luxembourg



▼B

Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



▼B

For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar





Für der schweizerischen Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera





▼B

JOINT DECLARATION

on the general liberalisation of service provision

The Contracting Parties undertake to commence as soon as possible negotiations on the general liberalisation of service provision on the basis of the *acquis communautaire*.

▼B

JOINT DECLARATION

on retirement pensions of former employees of institutions of the European Communities resident in Switzerland

The Commission of the European Communities and Switzerland undertake to seek an appropriate solution to the problem of the double taxation of the retirement pensions of former employees of institutions of the European Communities resident in Switzerland.

▼B

JOINT DECLARATION

on the application of the Agreement

The Contracting Parties will take the necessary measures to apply the *acquis communautaire* to nationals of the other Contracting Party in accordance with the Agreement concluded between them.

▼B

JOINT DECLARATION

on further negotiations

The European Community and the Swiss Confederation declare their intention of undertaking negotiations to conclude agreements in areas of common interest such as the updating of Protocol 2 to the 1972 Free Trade Agreement and Swiss participation in certain Community training, youth, media, statistical and environmental programmes. Preparatory work for these negotiations should proceed rapidly once the current bilateral negotiations have been concluded.

▼B

DECLARATION BY SWITZERLAND

on renewal of the agreement

Switzerland declares that it will reach a decision on renewal of the agreement during the seventh year of its application, on the basis of the applicable internal procedures.

▼B

DECLARATION BY SWITZERLAND

on migration and asylum policy

Switzerland reaffirms its wish to reinforce cooperation with the EU and its Member States in the area of migration and asylum policy. To this end, Switzerland is willing to participate in the EU system for coordinating asylum applications, and it proposes that negotiations be entered into for the conclusion of a convention parallel to the Dublin Convention (Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990).

▼B

DECLARATION BY SWITZERLAND

on the recognition of architects' diplomas

Switzerland will be proposing to the Joint Committee of the Agreement on Free Movement of Persons, as soon as this is established, that a decision be taken to include architects' diplomas awarded by Swiss universities of applied sciences in Annex III to the Agreement on Free Movement of Persons, in accordance with the provisions of Directive 85/384/EEC of 10 June 1986.

▼B

DECLARATION BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

on articles 1 and 17 of annex I

The European Community and its Member States declare that Articles 1 and 17 of Annex I to the Agreement shall be without prejudice to the *acquis communautaire* asregards the conditions of posting of employees who are nationals of a third country in the context of the cross-border provision of services.

▼B

DECLARATION

on swiss attendance of committees

The Council agrees that Switzerland's representatives may, in so far as the items concern them, attend meetings of the following committees and expert working parties as observers:

— Committees of research programmes, including the Scientific and Technical Research Committee (CREST)

— Administrative Commission on Social Security for Migrant Workers

— Coordinating Group on the mutual recognition of higher-education diplomas

— Advisory committees on air routes and the application of competition rules in the field of air transport.

Switzerland's representatives shall not be present when these committees vote.

In the case of other committees dealing with areas covered by these agreements in which Switzerland has adopted either the *acquis communautaire* or equivalent measures, the Commission will consult Swiss experts by the method specified in Article 100 of the EEA Agreement.