

Brussels, 28<sup>th</sup> April 2006

## **Transitional measures for the free movement of the workers forming the subject of the accession treaty of 2003**

### **Second phase 2006-2009**

After the last enlargement on 1 May 2004 Member States have had the possibility to introduce transitional arrangements concerning the access to their labour markets by workers from eight New Member States (Workers from Malta and Cyprus did not fall under this exemption). The first phase of these transitional arrangements comes to an end on 1 May 2006. Paragraph 2 of point 3 of the country-specific annexes to the 2003 Act of Accession requires all EU-15 Member States to notify the Commission 'no later than at the end of the two year period following the date of accession', i.e. 30 April 2006, whether they will continue applying national measures or measures resulting from bilateral agreements, or whether they will apply Community law on access to their labour markets. Importantly, the annexes also stipulate that in the absence of such notification by a particular Member State, Community law on free movement of workers shall apply in that Member State from 1 May 2006 onwards. This obligation of notification by the Member States before the 1 May 2006 was already underlined by the Commission during the last meetings of the Technical Committee on free movement of 22 February 2006 and of the High Level Group on free movement of 28 March 2006.

The table below gives an overview of the intentions of Member States for the second phase 2006-2009.

**State of play: 28<sup>th</sup> April 2006, 18.30**

Country	Application of restrictions first phase (2004-2006)	Content of the national measures first phase (2004-2006)	Indication of intentions for the second phase (2006-2009)	Additional information	Official source	Notification to the Commission
Germany	yes	- Work permit system  - Application of restrictions in certain cross-border services	<b>Will not lift restrictions</b>	German Representation informed the Commission on 20 April 2006 that Germany will not lift restrictions before 30 April 2009 and that the bilateral agreements will stay in force	yes	yes: letter received 20 April 2006
Austria	yes	- Work permit system  - Application of restrictions in certain cross-border services	<b>Will not lift restrictions</b>	Austrian Representation informed the Commission on 24 April 2006 that Austria will not lift restrictions before 30 April 2009 and that the bilateral agreements will stay in force	yes	yes: letter received 24 April 2006
Belgium	yes	- Work permit system	<b>Will not lift restrictions but will make the procedure more flexible in certain sectors/ occupations</b>	Belgium has announced that it will not be lifting restrictions for the moment but will make procedures for access to certain sectors more flexible.  The Brussels region has asked for privileged treatment for migrant nurses, plumbers, electricians, car mechanics, builders, architects, accountants, engineers and IT specialists. The Wallonia and Flanders regions will publish their lists by the end of April with the new regime in place from 1 May. (Press report)	yes	yes: letter received 28 April 2006
Denmark	yes	- Work permit system  -Work permit only for full-time workers  No examination of the labour market situation	<b>Will not lift restrictions but will ease the procedure</b>	Denmark has decided to maintain for a period of three years the restrictions on the free movement of workers from Eastern Europe which were imposed after the last enlargement of the EU. The Danish parliament arrived at a compromise at the beginning of April, specifying that the labour market would become increasingly flexible. (Press report)	yes	yes: letter received 28 April 2006

Spain	yes	- Work permit system	<b>Will lift restrictions</b>	The Prime Minister announced on Thursday 9 March, on the occasion of a summit with his Polish counterpart that restriction would be lifted for all the EU8. (Official report)	Press release plus declaration at Council on 10 March 2006	
Finland	yes	- Work permit system	<b>Intends to lift restrictions</b>	The Finnish Government submitted a report to the Parliament on 8 March 2006 containing the following recommendations:  * development of a registration system to improve the collection of statistics * stepping up labour inspections, including for subcontracting and posting (Official report)	yes – declaration at Council of 10 March 2006	yes: letter received 15 March 2006
France	yes	- Work permit system  - Certain sectors exempt	<b>Will lift restrictions gradually</b>	The French authorities will gradually and steadily lift restrictions on the free movement of workers from eight countries which joined the European Union in 2004. The lifting of these restrictions will mainly concern sectors with recruitment problems. Discussions concerning how these restrictions are to be lifted will take place with the social partners. (Press report)	yes: official press release issued on 13 March 2006	yes: letter received 28 April 2006
Greece	yes	- Work permit system	<b>Will lift restrictions</b>		Yes: declaration on 28 April 2006	yes: letter received 28 April 2006

Ireland	no	<b>No restrictions on access to the labour market</b>	No indication that the government intends to change its policy		yes	
Luxembourg	yes	- Work permit system	<b>Will not lift restrictions but will make the procedure more flexible in certain sectors/ occupations</b>	The Luxembourg Government has decided to maintain in force the national measures applied since 1 May 2004. However, in some sectors work permits will be readily granted to nationals of the Member States concerned under a minimalised, simplified procedure, without however abolishing the need for a work permit. The sectors concerned are agriculture, viticulture and Horeca (catering). In other sectors, depending on the labour market situation, the procedure for granting work permits will be simplified and the deadlines reduced. There will be an initial evaluation of the situation in May 2007 at the latest. (Official press release)	yes: official press release issued on 27 April 2006	yes: letter received 28 April 2006
Italy	yes	- Work permit system - Application of a quota system	No firm indication, just suggestions in the press that Italy will adopt a higher quota.	President of the Council of Ministers announced on 14 February 2006 that Italy raises the quota of workers from new member states to 170.000	yes	yes: letter received 28 April 2006
Netherlands	yes	- Work permit system - For certain sectors/professions, more flexible procedure	The CAB of the prime minister has, under pressure from the Parliament, postponed its decision to open up the labour market.	The Dutch centre-right government had proposed in late March to lift barriers to new member state workers from 1 January 2007, but a parliamentary debate on the issue on 12 April revealed broad opposition to the plan.  State secretary for social affairs Henk van Hoof indicated that the cabinet will now postpone a final decision on the opening of the labour market until the end of this year. Mr Hoof will in November or December submit another report to the parliament on planned measures to prevent abuse of Dutch labour market rules. In the meantime, the Netherlands will stick to its current restrictions. (Press report)	yes	yes: letter received 28 April 2006

Portugal	yes	- Work permit system - Application of a quota system	<b>Will lift restrictions</b>		yes: declaration at Council on 10 March 2006	yes: letter received 7 March 2006
The United Kingdom	No (but compulsory registration of workers)	<b>No restriction</b> on access to the labour market but must comply with: Workers' Registration Scheme	No indication that the Government intends to change its policy		yes	yes
Sweden	No		No indication that the government intends to change its policy		yes	

### European Economic Area

Norway	yes - Work permit system	The government has the intention not to lift the restrictions	yes	Notification has to be sent to EFTA surveillance authority
Iceland	yes - Work permit system	The government has the intention to lift the restrictions	no	Notification has to be sent to EFTA surveillance authority
Liechtenstein	yes - Work permit system	No indication		Notification has to be sent to EFTA surveillance authority