

No. 39583. European Community and its Member States and Switzerland

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. LUXEMBOURG, 21 JUNE 1999 [*United Nations, Treaty Series, vol. 2227, I-39583.*]

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 (WITH ANNEXES AND DECLARATIONS). LUXEMBOURG, 26 OCTOBER 2004

Entry into force: 1 April 2006, in accordance with article 7

Authentic texts: Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish and Swedish*

Registration with the Secretariat of the United Nations: Council of the European Union, 8 February 2011

N° 39583. Communauté européenne et ses États membres et Suisse

ACCORD ENTRE LA COMMUNAUTÉ EUROPÉENNE ET SES ÉTATS MEMBRES, D'UNE PART, ET LA CONFÉDÉRATION SUISSE, D'AUTRE PART, SUR LA LIBRE CIRCULATION DES PERSONNES. LUXEMBOURG, 21 JUIN 1999 [*Nations Unies, Recueil des Traités, vol. 2227, I-39583.*]

PROTOCOLE À L'ACCORD ENTRE LA COMMUNAUTÉ EUROPÉENNE ET SES ÉTATS MEMBRES, D'UNE PART, ET LA CONFÉDÉRATION SUISSE, D'AUTRE PART, SUR LA LIBRE CIRCULATION DES PERSONNES, CONCERNANT LA PARTICIPATION, EN TANT QUE PARTIES CONTRACTANTES, DE LA RÉPUBLIQUE TCHÈQUE, DE LA RÉPUBLIQUE D'ESTONIE, DE LA RÉPUBLIQUE DE CHYPRE, DE LA RÉPUBLIQUE DE LETTONIE, DE LA RÉPUBLIQUE DE LITUANIE, DE LA RÉPUBLIQUE DE HONGRIE, DE LA RÉPUBLIQUE DE MALTE, DE LA RÉPUBLIQUE DE POLOGNE, DE LA RÉPUBLIQUE DE SLOVÉNIE ET DE LA RÉPUBLIQUE SLOVAQUE, À LA SUITE DE LEUR ADHÉSION À L'UNION EUROPÉENNE (AVEC ANNEXES ET DÉCLARATIONS). LUXEMBOURG, 26 OCTOBRE 2004

Entrée en vigueur : 1^{er} avril 2006, conformément à l'article 7

Textes authentiques : tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, italien, letton, lituanien, maltais, polonais, portugais, slovaque, slovène, espagnol et suédois*

Enregistrement auprès du Secrétariat des Nations Unies : Conseil de l'Union européenne, 8 février 2011

* Only the English and French texts are published herein – Seuls les textes anglais et français sont publiés ici.

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL

to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

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

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

of the one part, and

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

of the other part,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (hereinafter referred to as 'the Agreement'), which entered into force on 1 June 2002;

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

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

Article 2

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

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

'The European Community,

the Kingdom of Belgium,

the Czech Republic,

the Kingdom of Denmark,

the Federal Republic of Germany,

the Republic of Estonia,

the Hellenic Republic,

the Kingdom of Spain,

the French Republic,

Ireland,

the Italian Republic,

the Republic of Cyprus,

the Republic of Latvia,

the Republic of Lithuania,

the Grand Duchy of Luxembourg,

the Republic of Hungary,

the Republic of Malta,

the Kingdom of the Netherlands,

the Republic of Austria,

the Republic of Poland,

the Portuguese Republic,

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

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

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

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of the new Member States on the basis of a report from Switzerland. Upon completion of the review, and no later than at the end of the period mentioned above, Switzerland shall notify the Joint Committee whether it will continue applying quantitative limits to workers employed in Switzerland. Switzerland may continue to apply such measures until 31 May 2009. In the absence of such notification, the transitional period shall expire on 31 May 2007.

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