

Procedure file

| Basic information | | |
|--|--------------------------------|---------------------|
| AVC - Assent procedure (historic) | 1999/0103(AVC) | Procedure completed |
| EC/Switzerland agreement: free movement of persons | | |
| See also 2013/0321(NLE) | | |
| Subject | | |
| 2.20 Free movement of persons | | |
| 6.40.01 Relations with EEA/EFTA countries | | |
| Geographical area | | |
| Switzerland | | |

| Key players | | | |
|-------------------------------|---|-------------------------------------|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ITRE Industry, External Trade, Research, Energy | | 14/10/1999 |
| | | PSE CARRARO Massimo | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | BUDG Budgets | | |
| | LIBE Citizens' Freedoms and Rights, Justice and Home Affairs | | 29/07/1999 |
| | | PSE ANDERSSON Jan | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Justice and Home Affairs (JHA) | 2411 | 04/04/2002 |
| | General Affairs | 2192 | 21/06/1999 |
| European Commission | Commission DG | Commissioner | |
| | External Relations | | |

| Key events | | | |
|------------|---|---|---------|
| 04/05/1999 | Initial legislative proposal published | COM(1999)0229 | Summary |
| 13/04/2000 | Legislative proposal published | 09748/1999 | Summary |
| 14/04/2000 | Committee referral announced in Parliament | | |
| 19/04/2000 | Vote in committee | | Summary |
| 19/04/2000 | Committee report tabled for plenary, 1st reading/single reading | A5-0118/2000 | |
| 03/05/2000 | Debate in Parliament |  | |
| 04/05/2000 | Decision by Parliament | T5-0189/2000 | Summary |

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|------------|---|--|--|
| 04/04/2002 | Act adopted by Council after consultation of Parliament | | |
| 04/04/2002 | End of procedure in Parliament | | |
| 30/04/2002 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---|
| Procedure reference | 1999/0103(AVC) |
| Procedure type | AVC - Assent procedure (historic) |
| Procedure subtype | International agreement |
| | See also 2013/0321(NLE) |
| Legal basis | EC Treaty (after Amsterdam) EC 300-p3-a2; EC Treaty (after Amsterdam) EC 300-p2-a1; EC Treaty (after Amsterdam) EC 300-p4 |
| Stage reached in procedure | Procedure completed |

| Documentation gateway | | | | | |
|---|--|---|------------|-----|---------|
| Initial legislative proposal | | COM(1999)0229 | 04/05/1999 | EC | Summary |
| Supplementary legislative basic document | | 07260/2000 | 03/04/2000 | CSL | Summary |
| Legislative proposal | | 09748/1999 | 13/04/2000 | CSL | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A5-0118/2000 OJ C 041 07.02.2001, p. 0005 | 19/04/2000 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T5-0189/2000 OJ C 041 07.02.2001, p. 0025-0040 | 04/05/2000 | EP | Summary |
| Implementing legislative act | | 22002A0430 OJ L 114 30.04.2002, p. 0006-0072 | 05/04/2002 | EU | |

| Additional information | |
|------------------------|-------------------------|
| European Commission | EUR-Lex |

| Final act |
|---|
| Decision 2002/309 OJ L 114 30.04.2002, p. 0001 Summary |

EC/Switzerland agreement: free movement of persons

PURPOSE: conclusion of an agreement with Switzerland regarding the free movement of persons. **CONTENT:** In the context of the overall package of liberalisation agreements negotiated with Switzerland and initialed by the parties on 26.02.1999, the Commission is proposing an agreement regarding the free movement of persons seeking to mutually abolish the majority of restrictions imposed on the free movement of persons. The approach advocated by the Community is a 'global' one integrating in each of the 7 agreements concerned, a common clause on simultaneous entry into force (this is to avoid that the referendum method that operates in Switzerland to approve these agreements does not generate a partial application of the agreements). As far as the free movement of persons is concerned, this draft agreement seeks to establish between the Union and Switzerland equivalent rules to those provided for in the 'acquis communautaire'. The purpose is to accord the same living, employment and working conditions as those accorded to nationals. The fundamental rights to enter, reside, work, to establish as self-employed, to study and the right to social security would all be covered by this agreement. They would be founded on the principles of non-discrimination on the basis of nationality and equality of treatment. Workers, self-employed persons, students, pensioners and non-active persons, as well as members of their family, whether their nationality is Swiss or of one of the Member States, would benefit from this agreement, which provides for a long transition period given the sensitivity of the liberalisation of the labour market in Switzerland. Workers and the self-employed would have the right to professional and geographical mobility. Persons not exercising an economic activity would have

to have at their disposal sufficient financial means and sickness insurance covering all risks, in accordance with the measures that apply in the Community. The agreement also provides for the right to acquire real estate in the country of principal residence under certain conditions. The mutual recognition of diplomas, certificates and other qualifications is also provided for. The freedom to offer trans-border services, linked to free circulation would be guaranteed up to a limit of 90 working days per year. The complete liberalisation of these services is, however, not envisaged. With respect to the co-ordination of social security systems, the agreement follows the provisions laid down in the 'acquis communautaire' and in operation between the Member States since 1971 and 1972 (Regulations 1408/71/EEC and 574/72/EEC). Specific conditions are put forward to take account of the Swiss social security systems. The agreement is concluded for an initial period of 7 years and is tacitly renewable for an unlimited period. For the first five years of application, Switzerland may maintain quantitative limits concerning access to an economic activity for stays of over 4 months. Stays of less than 4 months, however, will not be restricted. From the beginning of the sixth year of the agreement's application, all quantitative limits would be abolished but Switzerland could apply a correction mechanism up until the twelfth year of the agreement. For as long as transitional rules regarding the right to free movement of workers exist, a single derogation to the *acquis* is provided for concerning the right to Swiss unemployment benefits for workers who have worked for less than one year in Switzerland. In reciprocity, the retrocession of contributions for unemployment insurance is envisaged or maintained for as long as it is already part of a bilateral agreement. ?

EC/Switzerland agreement: free movement of persons

The Council presented a consolidated version of the agreement on the free movement of persons between the Community and its Member States, on the one hand, and Switzerland, on the other, that also includes the final act and the signatures of all of the contracting parties. It should be recalled that this agreement will establish the free movement of persons between the EU and Switzerland in accordance with the equivalent rules of the *acquis communautaire*. The transition periods granted to Switzerland will facilitate the liberalisation of its labour market. The objective of the agreement is to provide the same living, employment and working conditions to those of nationals. The basic rights of entry, residence, work, to set up as an independent, to study and the right to social security are all covered by this agreement. All the rights are based on principles of non-discrimination on the basis of nationality and equal treatment. The specific objective is to guarantee the rights of citizens already resident on the territory of the other contracting party.?

EC/Switzerland agreement: free movement of persons

The European Parliament adopted its resolution following the report of Mr. Massimo CARRARO (PES, Italy) and gave its assent to the conclusion of the Agreement between the European Community and the Swiss Confederation on the free movement of persons.?