


Procedure file

Basic information		
AVC - Assent procedure (historic) Decision	2008/0080(AVC)	Procedure completed
EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania		
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
	LIBE Civil Liberties, Justice and Home Affairs	PPE-DE MARINESCU Marian-Jean	28/05/2008
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2907	27/11/2008
	General Affairs	2869	26/05/2008
European Commission	Commission DG Justice and Consumers	Commissioner BARROT Jacques	

Key events			
21/04/2008	Initial legislative proposal published	COM(2008)0209	Summary
18/05/2008	Legislative proposal published	09116/2008	Summary
04/06/2008	Committee referral announced in Parliament		
08/09/2008	Vote in committee		Summary
12/09/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0343/2008	
09/10/2008	Results of vote in Parliament		
09/10/2008	Decision by Parliament	T6-0464/2008	Summary
27/11/2008	Act adopted by Council after consultation of Parliament		
27/11/2008	End of procedure in Parliament		
20/05/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0080(AVC)

Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1/2; EC Treaty (after Amsterdam) EC 310
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/62100

Documentation gateway

Initial legislative proposal	COM(2008)0209	22/04/2008	EC	Summary
Document attached to the procedure	08689/2008	13/05/2008	CSL	Summary
Legislative proposal	09116/2008	19/05/2008	CSL	Summary
Committee draft report	PE407.928	30/06/2008	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0343/2008	12/09/2008	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0464/2008	09/10/2008	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2009/392](#)
[OJ L 124 20.05.2009, p. 0051](#) Summary

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

PURPOSE: to conclude a Protocol, on behalf of the European Community and its Member States and Switzerland on the free movement of persons, regarding the participation, as contracting parties, of Bulgaria and Romania, pursuant to their accession to the European Union.

PROPOSED ACT: Council Decision.

CONTENT: 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 entered into force on 1 June 2002 (see [AVC/1999/0103](#)).

Following the accession of Bulgaria and Romania to the European Union, this Agreement has been amended to allow the two countries to become contracting parties. Negotiations with Switzerland were concluded on 29 January 2008, and a draft Protocol was initialled on 29 February 2008.

The draft Protocol amending the Agreement foresees special transition periods for employed workers, and service providers in certain sectors, who are nationals of the Republic of Bulgaria and Romania. These transition periods will end at the latest 10 years after the entry into force of the Protocol.

The draft Protocol furthermore introduces adaptations concerning real estate acquisitions, as well as technical adaptations, in particular with respect to Annex II (Coordination of Social Security Schemes). The necessary adaptations to Annex III on the mutual recognition of professional qualifications shall be adopted by the Joint Committee of the Agreement.

The Protocol also stipulates, in the form of a declaration from Switzerland, that Switzerland will provide provisional access to its labour market for citizens of the new Member States, based on its national legislation, before the entry into force of the transitional arrangements contained in this Protocol. For this purpose, Switzerland will open specific quotas for short-term as well as long-term working permits in favour of citizens from the new Member States, as of the date of signature of this Protocol. The quotas will be 282 long-term permits and 1 006 short-term permits per year. In addition, 2 011 short-term workers per year will be admitted for a stay of less than 4 months.

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

This proposal constitutes the final act of the draft Council Decision on the signature, on behalf of the Community and its Member States, of a Protocol to an Agreement between the Community and the Swiss Confederation on the free movement of persons that takes account of Bulgarian and Romanian accession to the EU.

To recall, on 5 May 2006, the Council authorised the Commission to open negotiations with the Swiss Confederation for a Protocol to the Agreement on the free movement of persons. This was to take account of Bulgarian and Romanian participation on the Agreement pursuant to their accession to the EU. The main provisions agreed, in brief, relate to Bulgarian and Romanian employed and self-employed workers who reside and work in Switzerland; the acquisition of land for secondary residences by Swiss nationals non-resident in Bulgaria and Romania; restrictions on the acquisition of agricultural land, forest and forestry land by Swiss nationals in Bulgaria and Romania; and provisions on social security.

The general content of the Agreement has not been amended and remains in conformity with the Commission's initial proposal (please refer to the summary of the former initial proposal dated 22/04/2008).

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

This proposal constitutes the final act of the draft Council Decision on the signature, on behalf of the Community and its Member States, of a Protocol to an Agreement between the Community and the Swiss Confederation on the free movement of persons that takes account of Bulgarian and Romanian accession to the EU.

The general content of the Agreement has not been amended and remains in conformity with the Commission's initial proposal (please refer to the summary of the former initial proposal dated 22/04/2008).

However, it should be noted that an amendment has been proposed which stipulates that the Agreement requires the assent of the European Parliament.

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

The Committee on Civil Liberties, Justice and Home Affairs adopted a report drafted by Marian-Jean MARINESCU (EPP-ED, RO) and gave its assent to the conclusion, on behalf of the European Community and its Member States, of a 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.

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

The European Parliament adopted, by 542 votes to 12 with 32 abstentions, a resolution giving its assent to the conclusion, on behalf of the European Community and its Member States, of a 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. The report had been tabled for consideration by Marian-Jean MARINESCU (EPP-ED, RO) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

EC/Switzerland agreement: free movement of persons; participation as contracting parties of Bulgaria and Romania

PURPOSE: to conclude a Protocol, on behalf of the European Community and Switzerland on the free movement of persons, in order to take account of the accession of Bulgaria and Romania to the EU.

LEGISLATIVE ACT: Council Decision 2009/392/EC on the conclusion, on behalf of the European Community and its Member States, of a 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

CONTENT: 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 entered into force on 1 June 2002 (see [AVC/1999/0103](#)). Following the accession of Bulgaria and Romania to the EU, this Agreement has been amended to allow the two countries to become contracting parties. Negotiations with Switzerland were concluded on 29 January 2008, and a draft Protocol was initialled on 29 February 2008.

The Protocol amending the Agreement provides special transition periods for employed workers, and service providers in certain sectors, who are nationals of Bulgaria and Romania. These transition periods will end at the latest 10 years after the entry into force of the Protocol.

The Protocol furthermore introduces adaptations concerning real estate acquisitions, as well as technical adaptations, in particular with respect to Annex II (Coordination of Social Security Schemes). The necessary adaptations to Annex III on the mutual recognition of professional qualifications shall be adopted by the Joint Committee of the Agreement.

The Protocol also stipulates, in the form of a declaration from Switzerland, that Switzerland will provide provisional access to its labour market for citizens of the new Member States, based on its national legislation, before the entry into force of the transitional arrangements contained in this Protocol. For this purpose, Switzerland will open specific quotas for short-term as well as long-term working permits in favour of citizens from the new Member States, as of the date of signature of this Protocol. The quotas will be 282 long-term permits and 1 006 short-term permits per year. In addition, 2 011 short-term workers per year will be admitted for a stay of less than 4 months.

ENTRY INTO FORCE: the Protocol shall enter into force when all of the necessary procedures have been completed.