



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : The Commission
to : COUNCIL (Employment, Social Policy, Health and Consumer Affairs)
Subject : **The impact of free movement of workers in the context of EU enlargement -
Report on the third phase of the Transitional Arrangements set out in the
2003 Accession Treaty
- Information from the Commission
(Any other business item)**

Delegations will find attached a note from the Commission.

Information Note from the Commission

Free movement of workers – The impact of free movement of workers in the context of EU enlargement - Report on the third phase of the Transitional Arrangements set out in the 2003 Accession Treaty

Free movement of workers is one of the fundamental freedoms guaranteed by the EC Treaty. It gives EU citizens the right to move freely to another Member State to work (without needing a work permit) and reside there for that purpose. The Acts of Accession (2003 and 2005) provide for a transitional period of a maximum of seven years. During that period, workers from the Member States concerned may face restrictions in terms of access to the labour markets of the other EU Member States. The overall transitional period is divided into three distinct phases ("2-plus-3-plus-2"). Different conditions apply during each phase.

Current state of play: EU-8

The final third phase of the transitional period for workers from 8 of the 10 Member States (except Cyprus and Malta) that joined the EU on 1 May 2004 ("EU-8") started on 1 May 2009. The end of the third phase on 30 April 2011 will mark the overall end of the transitional period and thus of the possibility of making labour market access subject to national law instead of applying EC law.

The Accession Treaty requires notification of a serious labour market disturbance, or threat thereof, for restrictions to continue to apply after 1 May 2009. As required by the Accession Treaty, Germany, Austria and the United Kingdom notified the Commission before 1 May 2009 of serious labour market disturbances, or threat thereof. Germany and Austria continue to apply restrictions on labour market access by maintaining the work permit requirement. The United Kingdom operates an ex-post registration scheme, allowing workers to start employment but asking for registration within 30 days.

The Commission, as the "Guardian of the Treaty", will ensure that the provisions of the Accession Treaty are complied with and reserves itself the right to request clarification from the Member States that continue to apply restrictions.
