

End of transitional restrictions of free movement for Bulgarian and Romanian nationals

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Protocol II regarding the extension of the Free Movement of Persons Agreement to Bulgarian and Romanian nationals entered into force on June 1 2009. The protocol provides for the progressive liberalisation of the requirements for access to the Swiss labour market for nationals from Bulgaria and Romania.

The transitional restrictions regarding access to the Swiss labour market applicable to Bulgarian and Romanian nationals are:

- Priority of local workers – this means that an employee may be admitted onto the Swiss labour market only if no other person can be recruited from the labour market of Switzerland or another member state of the European Union or European Free Trade Association.
- Control of salary and working conditions – a work permit is granted only if the employment and salary conditions are customary at the place of work and in the trade.
- Quota system – Bulgarian and Romanian nationals will receive a Swiss work and residence permit only if quotas are available. These quotas are applicable only for work permits for more than four months or 120 days within a year. Work permits for up to four months or 120 days within a year are quota free.

On April 13 2016 the Federal Council decided that the transitional provisions on the agreement will end on May 31 2016. Thus, as of June 1 2016, the agreement will be in full force for Romanian and Bulgarian nationals. Nationals of these two EU countries will be eligible for a Swiss work and residence permit once they have been provided with a local employment contract in Switzerland and are registered with their commune of residence. Further, the online notification procedure will also apply to Bulgarian and Romanian nationals.

Should the immigration of Bulgarian and Romanian nationals exceed 10% of the average immigration of the past three years, Switzerland may reintroduce a work permit quota system until May 31 2019 for these two countries based on the safeguard clause. The Federal Council could decide on this by June 1 2017 and by no later than June 1 2018.

However, immigration of Bulgarian and Romanian nationals has been very low so far and the available quotas have not been fully utilised. In 2015 (compared to 2014), 22.1% fewer employees of these two countries were admitted to long-term residence in Switzerland.

The above restrictions (priority of local workers, control of salary and working conditions and the quota system) will still apply to Croatian nationals. Croatian nationals are subject to separate quotas and access to the Swiss labour market is still regulated by the Federal Act on Foreign Nationals. On March 4 2016 Switzerland signed Protocol III regarding the extension of the agreement to Croatia, and on April 26 2016 a majority of the House of Representatives voted in favour of Protocol III. The other parliamentary chamber is due to discuss the issue in the upcoming months.

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