



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 May 2000

8665/00

LIMITE

ELARG 67

"I" ITEM NOTE

from : Enlargement Group
on : 17 May 2000
to : Permanent Representatives Committee

Subject : ENLARGEMENT
- **Preparation of the next Accession Conferences at Deputy level with
Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia
= Chapter 2 : Freedom of Movement for Persons**

1. With a view to preparing the above-mentioned Accession Conferences, the Enlargement Group has reached agreement on draft European Union common positions on Freedom of Movement for Persons.
2. In this light, and in line with the internal arrangements for the negotiations (doc. 5361/00), the Permanent Representatives Committee is invited to define the common positions as set out in the Annex I and include in its minutes the statement of the Austrian delegation in Annex II.

Following agreement by the Permanent Representatives Committee, the EU common positions will be made available respectively to Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia before the next meetings of the Accession Conferences at Deputy level.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- CYPRUS -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with Cyprus (CONF-CY 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-CY 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU recalls its statement relating specifically to the negotiations with Cyprus made at the opening of the Conference as well as in point 6 of the General Affairs Council conclusions of 5 October 1998. In this context the EU notes that the invitation of the Cyprus government to include representatives of the Turkish Cypriot community in the negotiations has so far not been taken up, and that the Conference may therefore return to this chapter at an appropriate moment. The EU stresses the particular relevance of its above-mentioned statements and conclusions for this chapter.

The EU underlines the importance for Cyprus of compliance with the Association Agreement, as well as the Accession Partnership which constitute basic elements of the specific pre-accession strategy. The EU encourages Cyprus to continue its progressive legislative alignment with the "acquis", as well as its efforts to ensure effective implementation.

The EU notes that Cyprus, in its position (CONF-CY 53/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that Cyprus declares that its legislation, organisational structures and mechanisms will be in line with EU requirements by the date of accession. Nonetheless, the EU considers it necessary to make the following remarks hereto.

Mutual recognition of qualifications

The EU underlines that the "acquis" in this area makes a clear distinction between academic and professional recognition. Cyprus is invited to confirm that its work towards alignment with the "acquis" is not limited to nor based on building a system of academic recognition only.

The EU notes Cyprus' statement that many of its citizens obtain their academic qualifications and professional training abroad. Cyprus is invited to provide details of the number of its citizens with such qualifications and estimates on how many of these people have been or will be employed in other Member States. The EU points out that Cyprus' own recognition of such qualifications does not oblige Member States to do so.

The EU invites Cyprus to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the "acquis" to allow the provision of services will be in place by accession. It is invited to indicate the adaptations that are required and when these procedures will be in place. Cyprus will also need to confirm that it will not maintain residence or language requirements which would be contrary to the "acquis".

Cyprus is invited to confirm that the present examination of forensic pharmacy, required from pharmacists, will be abolished.

The EU invites Cyprus to provide further information on the length and the content of training required for nurses. Cyprus is also invited to provide further information about specialist nursing qualifications.

Cyprus is invited to confirm that access to training for midwifery is on the basis of having completed a diploma in general nursing.

Citizens rights

The EU notes that Cyprus' amended legislation to implement the "acquis" will only enter into force from accession. The EU encourages Cyprus to prepare and adopt this legislation in good time.

Cyprus is invited to indicate the legislative measures it intends to take to ensure full compliance with Community legislation on non-active persons and student mobility rights, in particular the Gravier ruling. It is invited to indicate the timetable for adoption and implementation of these measures.

Free movement of workers

The EU takes note of the measures which already partially implement the "acquis". Current legislation, which gives Cypriot nationals preferential access over foreign nationals to professional positions, will have to be repealed by accession. Cyprus is invited to provide information on envisaged legislative amendments, besides the Aliens and Immigration law and regulations, in particular in the areas of public administration and social benefits.

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

In order to assess work-related migration and cross-border mobility arising from the application of the "acquis" by Cyprus, as well as the effects on labour markets and the wider economy, Cyprus is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

Cyprus is thus invited to provide quantitative estimates on the number of EU nationals working in Cyprus and Cypriot nationals working in the EU, and on possible forecasts of their future numbers.

Cyprus is furthermore invited to provide information on any expected increase in seasonal workers following accession and on any problems relating thereto.

The EU recalls that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff. Cyprus is invited to provide more information on the envisaged organisational and institutional adjustments, in particular as regards plans to train staff to take an active role in the network, for example as Euroadvisers, i.e. with good language skills and a good understanding of the implications of free movement of workers. Cyprus should also indicate its timetable for computerisation of the system.

Supplementary pension rights of workers moving within the Community

The EU notes that supplementary schemes are provided for in Cyprus by the provident funds law and the pensions law.

Co-ordination of social security systems

The EU notes the progress made in this field by Cyprus, but underlines that further efforts are still needed. In particular, Cyprus needs to ensure that the administrative structures will be sufficiently developed in order to meet upon accession the requirements of the "acquis", in particular Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community, its implementing Regulation 574/72, which are the major legal instruments concerned.

Cyprus is furthermore invited to confirm that it is fully aware of the financial transfers involved in co-ordination of social security schemes, in particular relating health care costs.

The EU invites Cyprus to provide further information on the extent of its experience from the application of bilateral agreements on social security.

The EU points out that special procedures in relation to Cypriot legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. Cyprus is therefore invited to present its requests for specific entries in the Annexes of these Regulations. All requests should be accompanied by the necessary information which would enable the EU to evaluate the need for their entry in the Annex.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of the conformity of Cyprus' legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites Cyprus to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis"

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- HUNGARY -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with Hungary (CONF-H 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-H 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU underlines the importance for Hungary of compliance with the Europe Agreement, as well as the Accession Partnership which constitute basic elements of the enhanced pre-accession strategy. The EU encourages Hungary to continue progressive legislative alignment with the "acquis", as well as efforts to ensure its effective implementation. The EU emphasises in particular the importance of the legislative and enforcement measures indicated in the Accession Partnership and in Hungary's National Programme for the Adoption of the "Acquis" for the mutual recognition of professional qualifications and for integration in the system of coordination of social security systems.

The EU notes that Hungary, in its position (CONF-H 58/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that Hungary declares that it is ready to apply its rules and mechanisms from accession and that it will create the necessary conditions for the effective application of the "acquis" by the time of accession. Nonetheless, the EU makes the following remarks thereto.

Mutual recognition of qualifications

The EU notes Hungary's statement that it will adopt the laws, regulations and administrative procedures necessary to comply with the "acquis" by the time of accession. In this context, Hungary is invited to confirm that it clearly distinguishes between academic and professional recognition and that its alignment with the "acquis" will not be limited to nor based on building a system of academic recognition, as its legislation suggests.

Hungary is invited to indicate whether compliance will be achieved through amending government decree 47/1999 on the recognition and the nostrification of degrees, diplomas and certificates issued by foreign higher education institutions or through the adoption of a new act. It is also invited to indicate any other legal adaptations required in order to ensure full transposition together with a timetable for adoption and implementation. It is furthermore invited to provide a more precise schedule for the adoption of these acts, both in respect of the general systems and the sectoral directives.

The EU invites Hungary to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the "acquis" to allow the provision of services will be in place by accession. Hungary is invited to indicate the adaptations that are required and when these procedures will be in place. Hungary will also need to confirm that it will not maintain nationality, residence or language requirements which would be contrary to the "acquis".

The EU notes Hungary's statement that amendments to its legislation will be needed in order to comply with the "acquis" concerning lawyers and invites Hungary to indicate the schedule for their adoption and implementation. Hungary should also indicate the schedule for adoption and implementation of legislation to comply fully with the "acquis" concerning architects.

The EU takes note of Hungary's statement that its legislation is, in substance, in conformity with the "acquis" on the health sector professions. Hungary is invited to confirm that Act CLIV of 1997 on public health, has entered into force as planned on 1 January 2000.

The EU invites Hungary to provide further information on the content of training for dentists, in order to assess its conformity with Directive 78/687/EEC and to indicate clearly the denomination of the Hungarian professional title of dentist.

The EU notes that Hungary will adjust the period of in-service training of pharmacists in order to comply with Community rules. It invites Hungary to confirm that existing additional training requirements imposed on a pharmacist wishing to run a pharmacy will be repealed in order to comply with Article 1(2) of Directive 85/432/EEC.

The EU invites Hungary to provide further information on the length and the content of training required for nurses. Hungary is also invited to provide further information on specialist nursing qualifications.

Citizens rights

The EU notes that Hungary's amended legislation to implement the "acquis" will only enter into force from accession. The EU encourages Hungary to prepare and adopt the new legislation in good time. The EU notes that an amendment to the Constitution will be required.

Hungary is invited to provide further details on those bilateral agreements concluded with third countries on employment issues that it wishes to maintain until accession.

Hungary is invited to indicate the legislative measures it intends to take to ensure full compliance with Community legislation on non-active persons and student mobility rights, in particular the Gravier ruling. It is invited to indicate the timetable for adoption and implementation of these measures.

Free movement of workers

The EU takes note of the envisaged modifications to Hungarian rules in the field of free movement of workers from accession.

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

In order to assess work-related migration and cross-border mobility arising from the application of the "acquis" by Hungary, as well as the effects on labour markets and the wider economy, Hungary is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

Hungary is invited to provide further clarification concerning the implementation of the equality of treatment principle as regards access to employment in the public sector as well as with respect to the granting of social advantages.

Hungary is also invited to provide quantitative estimates on the number of EU nationals working in Hungary and Hungarian nationals working in the EU, and on possible forecasts of their future numbers, including on cross-border commuters.

The EU recalls that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff. The EU invites Hungary to provide information on its capacity to participate in the network and on plans to train staff to take an active role, in particular as Euroadvisers, i.e. with good language skills and a good understanding of the implications of free movement of workers.

Supplementary pension rights of workers moving within the Community

The EU notes that supplementary schemes are regulated in Hungary by act XCVI of 1993 on voluntary mutual insurance funds.

Co-ordination of social security systems

The EU underlines that Hungary needs to ensure that its administrative structures will be sufficiently developed in advance in order to meet upon accession the requirements of the "acquis", in particular Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community, and its implementing Regulation 574/72/EEC, which are the major legal instruments concerned.

Hungary is furthermore invited to confirm that it is fully aware of the financial transfers involved in co-ordination of social security schemes, in particular relating to health care costs.

The EU invites Hungary to provide further information on the state of play of the bilateral agreements on social security concluded with Austria and Germany and whether Hungary intends to conclude such agreements with other Member States.

The EU points out that special procedures in relation to Hungarian legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. Hungary is therefore invited to present its requests for specific entries in the Annexes of these Regulations. All requests should be accompanied by the necessary information which would enable the EU to evaluate the need for their entry in the Annex.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of conformity of Hungary's legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites Hungary to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis".

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- POLAND -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with Poland (CONF-PL 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-PL 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU underlines the importance for Poland of compliance with the Europe Agreement, as well as the Accession Partnership which constitute basic elements of the enhanced pre-accession strategy. The EU encourages Poland to continue progressive legislative alignment with the "acquis", as well as efforts to ensure its effective implementation. The EU emphasises in particular the importance of the legislative and enforcement measures indicated in the Accession Partnership and in Poland's National Programme for the Adoption of the "Acquis" for the mutual recognition of professional qualifications and for integration in the system of coordination of social security systems.

The EU notes that Poland, in its position (CONF-PL 32/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that Poland declares that it will be able to implement it by the date of accession.

The EU notes that Poland reserves the right to revise its position on its full participation in Community co-ordination of social security systems at a later stage of the negotiations. Under the circumstances, the EU reserves its own position until Poland has provided the necessary clarifications. In addition, the EU makes the following remarks to the Polish position.

Mutual recognition of qualifications

The EU invites Poland to confirm that it clearly distinguishes between academic and professional recognition and that its alignment with the "acquis" will not be limited to nor based on building a system of academic recognition.

Poland is also invited to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the directives to allow the provision of services will be in place by accession. It is invited to indicate the adaptations that are required and when these procedures will be in place. Poland will also need to ensure that it does not maintain residence or language requirements which would be contrary to the "acquis".

In this regard, the EU notes that Poland intends to abolish the requirement for persons exercising the medical professions to pass a formal language test. Poland is invited to provide details on the procedures it proposes to check knowledge of the Polish language, which, it states, will still be required for these professions.

The EU notes that Poland intends to abolish nationality requirements by accession.

The EU notes that Poland does not intend to change its law concerning qualifications in architecture, which requires a Polish architect to obtain a university master's diploma in architecture and the "Construction License" (*Uprawnienia Budowlane*). Poland is invited to confirm that the "Construction License" will not be required from nationals of EU Member States who are qualified to practice architecture and who wish to practice in Poland.

The EU underlines that the profession of dentist must be clearly distinguished and separated from that of doctor, in particular as far as training and professional title are concerned. Thus the title of *lekarz stomatologii*, that refers to a medical specialisation, may not be used to refer to dentists and will need to be changed. Poland is invited to provide information on the length and content of the training in order to check its conformity with Directive 78/687/EEC.

Poland is invited to provide further information on the length and the content of training for nurses and midwives. Poland should also provide further information about specialist nursing qualifications.

Citizens rights

The EU notes that Poland's amended legislation to implement the "acquis" will only enter into force from accession. The EU encourages Poland to prepare and adopt the new legislation in good time.

Poland is invited to confirm that its legislation will ensure compliance with the Gravier ruling and to provide details of the measures taken or planned and the timetable for their adoption and implementation.

Free movement of workers

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

Poland is invited to provide further clarifications on the scope and extent of legislative amendments required to the Act on employment and combating of unemployment as well as to other specific laws limiting access to employment or benefits, in particular social advantages, to Polish nationals. Poland should also provide a timetable for their adoption and implementation.

In order to assess the work-related migration and cross-border mobility arising from the application of the "acquis" by Poland, as well as the effects on labour markets and the wider economy, Poland is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

Poland is thus invited to provide quantitative estimates on the number of EU nationals working in Poland and Polish nationals working in the EU, and on possible forecasts of their future numbers, including on cross-border commuters.

The EU recalls that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff. Poland is invited to provide more detailed information, including indicative timetable on the envisaged changes in organisation and on institutional adjustments, in particular as regards plans to train staff to take an active role in the network, for example as Euroadvisers, i.e. with good language skills and a good understanding of the implications of free movement of workers.

Supplementary pension rights of workers moving within the Community

The EU notes that Poland considers that it complies fully with the provisions of Directive 98/49/EC.

Co-ordination of social security systems

The EU notes that Poland states that it accepts the "acquis" in this field and is ready to apply its rules and mechanisms from accession, and to participate fully in the co-ordination of social security schemes. However, the EU also notes that Poland's reference to "acceptable" financial costs for the participation and to keeping financial transfers within "manageable limits". The EU considers that this position constitutes a reserve touching on the core of co-ordination in the field of social security. If this is the case, Poland is invited to provide further explanations and details regarding its position.

Poland is invited to confirm that it is fully aware of the financial transfers involved in co-ordination of social security schemes, in particular relating to health care.

Poland is furthermore invited to ensure that the necessary administrative structures are put in place in time for accession, and that they are sufficiently well developed to meet the requirements posed by the application of the regulations.

In addition, Poland is invited to provide detailed information on:

- studies and analyses being carried out to determine the reformed systems' "financial soundness" and the financial implications of co-ordination, notably on the data and methodology used, including the results of these studies as soon as they become available;
- the reasons why Poland considers that it will be able to conclude waiver agreements with Member States, particularly where such agreements would be financially biased in favour of Poland;
- any planned initiatives on administrative training in order to implement co-ordination rules.

Poland is also invited to provide further information on the scope of existing bilateral agreements with Member States in the field of social security.

The EU points out that special procedures in relation to Polish legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. Poland is therefore invited to present its requests for specific entries in the Annexes of these Regulations. All requests should be accompanied by the necessary information which would enable the EU to evaluate the need for the entry in their Annex.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of conformity of Poland's legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites Poland to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis".

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- ESTONIA -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with Estonia (CONF-EE 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-EE 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU underlines the importance for Estonia of compliance with the Europe Agreement, as well as the Accession Partnership which constitute basic elements of the enhanced pre-accession strategy. The EU encourages Estonia to continue its progressive legislative alignment with the "acquis", as well as efforts to ensure its effective implementation. The EU emphasises in particular the importance of the legislative and enforcement measures indicated in the Accession Partnership and the National Programme for the Adoption of the "Acquis" for the mutual recognition of professional qualifications and for the integration in the EU system of coordination of social security systems.

The EU notes that Estonia, in its position (CONF-EE 68/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that Estonia declares that it will be able to implement it upon the date of accession, with the exception of certain arrangements in the field of mutual recognition of diplomas and qualifications. The EU makes the following remarks with regard to the position of Estonia.

Mutual recognition of qualifications

The EU notes that Estonia wishes to negotiate recognition of diplomas and qualifications in respect of persons who completed their education during the time when Estonia was part of the Soviet Union. The EU stresses that any solutions to this issue must guarantee the integrity of the professions in the EU while taking account of the interests of the individuals concerned. Estonia is invited to provide additional information on the federal or sub-federal nature of the former USSR qualifications. In particular it is invited to provide information on the exact legal status of those qualifications in the Estonian system (especially those acquired outside Estonia).

The EU also notes that Estonia also wishes to negotiate recognition of diplomas and qualifications in respect of persons who began to study a profession listed in the sectoral directives before harmonisation of the Estonian curricula and duration of training with EU requirements. The EU considers that the qualifications not meeting the requirements of the sectoral directives on co-ordination of training are covered by the existing provisions on acquired rights.

Estonia is invited to confirm that it clearly distinguishes between academic and professional recognition and that its work towards alignment with the "acquis" is not limited to nor based on building a system of academic recognition.

The EU notes that Estonia considers that its legislation on mutual recognition of qualifications is harmonised through the adoption of the Act on the Professional Qualifications Obtained in a Foreign Country and the Law on Professions. Estonia is invited to inform the EU when the Law on Professions will enter into force. Estonia is also invited to state if changes are required to the Vocational Act.

Estonia is invited to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the "acquis" to allow the provision of services will be in place by accession. It is invited to indicate the adaptations that are required and when these procedures will be in place. Estonia will need to ensure that residence requirements linked to registration in any of the professional registers are removed.

Estonia will also need to confirm that it will not maintain residence or language requirements which would be contrary to the "acquis", in particular in the light of the recent Law on the Use of the Estonian Language.

Estonia is invited to indicate when the Bar Association Act will enter into force and whether Estonia will also adopt an Act of Legal Service.

The EU invites Estonia to provide further information on the length and the content of training required for dentists and nurses. Estonia is also invited to provide further information on specialist nursing qualifications.

Citizens rights

The EU notes that Estonia's amended legislation to implement the "acquis" will only enter into force from accession, but will be prepared and adopted in advance. The EU notes however that an amendment to the Constitution will be required.

The EU notes that Estonia considers that its legislation ensures compliance with the Gravier ruling.

Free movement of workers

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

In order to assess the work-related migration and cross-border mobility arising from the application of the "acquis" by Estonia, as well as the effects on labour markets and the wider economy, Estonia is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

Estonia is thus invited to provide quantitative estimates regarding the present number of EU nationals working in Estonia and Estonian nationals working in the EU, and possible forecasts of their future numbers, including on cross-border commuters.

Estonia is invited to provide more information on the amendment foreseen to the Aliens Act which deals with the cancellation of a residence permit in specific situations, in particular regarding the objective of this amendment and its precise scope.

With regard to employment of EU citizens in the public sector, Estonia is invited to examine whether, for legal certainty, an amendment to the Public Service Act is required, and if so to proceed to such amendment.

Estonia is invited to provide a timetable for the adoption and entry into force of the Employment Services Act.

The EU recalls that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff. The EU notes the information provided by Estonia on its preparations to participate in the EURES network and in particular that training of advisers will begin in 2001. The EU invites Estonia to provide further details on the content of this training. Estonia is invited to indicate its timetable for completion of its national database.

Supplementary pension rights of workers moving within the Community

The EU notes that Estonia considers that the pension fund and the income tax acts transpose Directive 98/49/EC on supplementary pension schemes in Estonia.

Co-ordination of social security systems

Estonia is invited to confirm that its administrative structures will be sufficiently developed in advance in order to meet upon accession the requirements of the "acquis", in particular Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community and its implementing Regulation 574/72/EEC, which are the major legal instruments concerned.

The EU notes Estonia's statement that compliance with Regulation 1408/71/EEC will probably place an additional, but manageable, financial burden on Estonia, which will have to refund Member States for medical treatment received by its nationals. The EU invites Estonia to further clarify how it intends to manage possible financial implications in this regard.

Estonia is invited to clarify its statement that it has entered into contracts with some countries on compensation of costs for emergency medical care.

With respect to its bilateral social security agreements with Finland, Sweden, Latvia, Lithuania and the Ukraine, Estonia is invited to present a specific request for entries into Annex III of provisions remaining applicable after the entry into force of Regulation 1408/71.

The EU points out that special procedures in relation to Estonian legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. Estonia is therefore invited to present all further requests for specific entries in the Annexes of these Regulations. All requests should be accompanied by the necessary information which would enable the EU to evaluate the need for their entry in the Annex.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of conformity of Estonia's legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites Estonia to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis".

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- CZECH REPUBLIC -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with the Czech Republic (CONF-CZ 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-CZ 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU underlines the importance for the Czech Republic of compliance with the Europe Agreement, as well as the Accession Partnership which constitute basic elements of the enhanced pre-accession strategy. The EU encourages the Czech Republic to continue progressive legislative alignment with the "acquis", as well as efforts to ensure its effective implementation. The EU emphasises in particular the importance of the necessary legislative and enforcement measures indicated in the Accession Partnership and the National Programme for the Adoption of the "Acquis" for the mutual recognition of professional qualifications and for integration in the system of coordination of social security systems.

The EU notes that the Czech Republic, in its position (CONF-CZ 66/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that the Czech Republic declares that it will be able to implement it by the date of accession, except that the Czech Republic refers to its request under chapter 4 (Free movement of capital), for a transitional period in respect of the acquisition of secondary residences by Community nationals who do not have a permanent residence in the Czech Republic, and makes a similar request under this chapter in respect of equal treatment in matters of housing, including ownership of apartments and houses for a migrant worker.

The EU considers that the question of a transitional period for the purchase of second homes must be separated from the question of a transitional period for the right of permanently resident migrant workers to rent or buy accommodation in the Czech Republic. The EU underlines the importance of ensuring equal treatment for migrant workers permanently residing in the Czech Republic. The Czech Republic is invited to clarify its request, in particular the length of the requested transitional period. Furthermore, the EU recalls its general position that transitional measures are exceptional, limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the "acquis". They must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition.

In addition, the EU makes the following remarks on the Czech Republic's position.

Mutual recognition of qualifications

The EU notes that the general issue of qualifications obtained when the Czech Republic and Slovakia were one country is not raised by the Czech Republic's negotiating position. Nevertheless, the issue of qualifications obtained in what is now Slovakia needs to be dealt with. The EU stresses that any solution to this issue must guarantee the integrity of the professions while taking account of the interests of the individuals concerned. The Czech Republic is invited to provide additional information on the exact legal status of those qualifications in the Czech system.

The Czech Republic is invited to confirm that there is a clear distinction between academic and professional recognition and that its work towards alignment with the EU is not limited to nor based on building a system of academic recognition.

The Czech Republic is invited to indicate the regulated professions for which it would require special conditions, in accordance with the general system directives and to indicate precisely the nature of these special conditions. The Czech Republic also needs to indicate the amendments that will be made to existing legislation in the area of mutual recognition of qualifications in order to comply with Community legislation and to provide a timetable for their adoption and entry into force.

The Czech Republic is encouraged to consider establishing the national coordinator and authorities dealing with applications for recognition of professional qualifications in advance of accession so as to ensure that they can be immediately operational.

The EU notes the information provided by the Czech Republic on its bilateral agreements. The Czech Republic is however invited to provide details on the content of bilateral agreements allowing automatic recognition of diplomas on "softer" conditions and to indicate more precisely its intentions regarding these agreements.

The Czech Republic is invited to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the directives to allow the provision of services will be in place by accession. The Czech Republic is invited to indicate the adaptations that are required and when these procedures will be in place. It will also need to confirm that it will not maintain residence or language requirements which would be contrary to the "acquis".

The EU notes the Czech Republic's statement that the act on advocacy and related regulations will be amended by 31 December 2002. The Czech Republic is invited to confirm whether this date refers to adoption or implementation of the amendments.

The EU notes that the Czech Republic intends to achieve full compatibility in the area of health care professions in 2000 through the adoption of a new Act on Ability for Health Care Provision and Further Education of Health Care Professions. The Czech Republic is invited to state when this Act will enter into force.

The EU underlines that the profession of dentist must be clearly distinguished and separated from that of doctor, in particular as far as training and professional title are concerned. Thus the EU considers that the title of "stomatologist", that refers to a medical specialisation, may not be used to refer to dentists and will need to be changed. The Czech Republic is invited to provide information on the content of the training so as to check its conformity with Directive 78/687/EEC. Furthermore, the Czech Republic is invited to provide detailed information (training and number of professionals concerned) about the old category of "dentists" trained in the 50s.

The Czech Republic is invited to indicate what measures it intends to take to ensure that the length and the content of nursing training is in conformity with Directive 77/453/EEC. It is also invited to provide further information on specialist nursing.

With respect to pharmacists, the Czech Republic is invited to confirm that the additional requirement of three years practice before a licence is granted to open a pharmacy relates only to professional experience and does not include any additional training qualifications.

Citizens rights

The EU notes that the Czech Republic's amended legislation to implement the "acquis" will only enter into force from accession, but that much of it will be prepared and adopted in advance. As this legislation will undergo further amendments in order to become compatible with the "acquis", the Czech Republic is invited to indicate the further amendments envisaged and the timetable for their adoption.

The EU notes that the Czech Republic considers that its legislation ensures compliance with the Gravier ruling.

Free movement of workers

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

The EU invites the Czech Republic to provide information on the nature of the administrative and organisational measures that it intends to adopt to facilitate direct applicability of Regulation 1251/70/EEC on the right of workers to remain in a Member State after having been employed in that Member State.

The EU invites the Czech Republic to provide information on the status and scope of any envisaged amendments to the Employment Act.

In order to assess the work-related migration and cross-border mobility arising from the application of the "acquis" in the Czech Republic, as well as the effects on labour markets and the wider economy, the Czech Republic is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

The Czech Republic is thus invited to provide quantitative estimates on the present number of EU nationals working in the Czech Republic and Czech nationals working in EU countries, and on possible forecasts of their future numbers, including on cross-border commuters.

The EU notes the information provided by the Czech Republic on its migration policies.

The EU notes the information provided by the Czech Republic on its capacity to participate in the EURES network and on its plans to train staff. The EU points out that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff.

Supplementary pension rights of workers moving within the Community

The EU invites the Czech Republic to confirm that compliance with the directive will be ensured by accession through the act on state-contributory pensions.

Co-ordination of social security systems

The Czech Republic is invited to ensure that its administrative structures will be sufficiently developed in advance in order to meet the requirements of the "acquis" upon accession, in particular Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community, and its implementing Regulation 574/72/EEC which are the major legal instruments concerned.

The Czech Republic is invited to confirm that it is fully aware of the financial transfers involved in co-ordination of social security schemes, in particular relating to health care costs.

The EU notes that the Czech Republic has expressed concerns regarding the costs of co-ordination and also regarding its administrative capacity. The Czech Republic is therefore invited to indicate the measures it intends to take to ensure that it will be capable of applying the "acquis" by the time of accession.

The EU invites the Czech Republic to clarify the extent of experience acquired as a result of implementation of bilateral agreements on social security and the content and scope for continued application of these agreements.

The Czech Republic is invited to provide further information on its intentions to conclude bilateral agreements with those countries with large numbers of Czech nationals who, with the application of Community rules, would be entitled to old-age benefits, in order to settle these issues before accession.

The Czech Republic is invited to indicate whether it will request an entry under Annex VI of Regulation 1408/71 to take account of the provisions of the Czech-Slovak agreement as regards the treatment of insurance periods before 1992.

The EU points out that special procedures in relation to Czech legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. The EU notes that the Czech Republic has already presented a list with requests for specific entries in the Annexes of these Regulations, and invites the Czech Republic to indicate whether this list is complete.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of the conformity of the Czech Republic's legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites the Czech Republic to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis"

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- SLOVENIA -**

DRAFT

EUROPEAN UNION COMMON POSITION

Chapter 2: Freedom of Movement for Persons

This position of the European Union is based on its general position for the Accession Conference with Slovenia (CONF-SI 2/98), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-SI 6/98), in particular:

- "- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established".

The EU underlines the importance for Slovenia of compliance with the Europe Agreement, as well as the Accession Partnership which constitute basic elements of the enhanced pre-accession strategy. The EU encourages Slovenia to continue progressive legislative alignment with the "acquis", as well as efforts to ensure its effective implementation. The EU emphasises in particular the importance of the legislative and enforcement measures indicated in the Accession Partnership and the National Programme for the Adoption of the "Acquis" for the mutual recognition of professional qualifications and for the integration in the system of coordination of social security systems.

The EU notes that Slovenia, in its position (CONF-SI 64/99), accepts the "acquis" under chapter 2 as in force on 31 December 1998 and that Slovenia declares that it will be able to implement it by the date of accession, except that it expects the EU to accept its position concerning the recognition of qualifications obtained prior to 25 June 1991 in other Republics of former Yugoslavia.

The EU makes the following remarks on the Slovenian position.

Mutual recognition of qualifications

The EU notes that Slovenia expects the EU to accept its position concerning the recognition of qualifications obtained prior to 25 June 1991 in other republics of the former Yugoslavia. The EU stresses that any solution to this issue must guarantee the integrity of the professions in the EU while taking account of the interests of the individuals concerned. Slovenia is invited to provide additional information on the federal or sub-federal nature of former Yugoslavian qualifications, obtained prior to 25 June 1991. In particular it is invited to provide information on the exact legal status of those qualifications in the Slovenian system, especially those acquired outside the territory of Slovenia.

Slovenia is invited to confirm that it clearly distinguishes between academic and professional recognition and that its work towards alignment with the EU "acquis" is not limited to nor based on building a system of academic recognition.

The EU notes that Slovenia considers its legislation on recognition of foreign school certificates and diplomas to be in accordance with Directives 89/48/EEC and 92/51/EEC, and that its legislation on professional and academic titles complies with Directive 89/48/EEC.

Slovenia is invited to provide information on the status of the accompanying implementing regulation to the Aliens Act, to be introduced by 31 December 2002.

Slovenia is invited to confirm that the requirement that migrants obtain a certificate of good health is non-discriminatory or otherwise that it will be repealed.

Slovenia is invited to confirm that its alignment with the "acquis" is not limited to cases of establishment but will equally ensure that the simpler procedures foreseen by the "acquis" to allow the provision of services will be in place by accession, as well as to indicate the adaptations that are required and when these procedures will be in place. The EU invites Slovenia to ensure that residence requirements linked to registration in any of the professional registers are removed. Slovenia is also invited to confirm that it will not maintain residence or language requirements which would be contrary to the "acquis".

Slovenia is invited to confirm that there are no restrictions on migrants practicing architecture as employees.

The EU considers the general requirement of permanent residence for some architectural activities (superintending urban planner or design engineer) to be *prima facie* disproportionate and invites Slovenia, in case it wants to maintain this requirement, to provide further details to justify it.

The EU underlines that the profession of dentist must be clearly distinguished and separated from that of doctor, in particular as far as training and professional title are concerned. Thus the title of "doctor in stomatology", that refers to the medical specialisation, may not be used to refer to dentists and has to be changed. Slovenia is invited to provide information on the content of the training course for "doctor in stomatology" so as to check its conformity with Directive 78/687/EEC. In addition, and in order to ensure mutual recognition for Slovenian dentists throughout the Community, the one-year probation required by Slovenia from its own nationals following the award of the diploma will need to be completed, as the required training in Slovenia consists of the academic diploma followed by this additional year of training.

The EU invites Slovenia to provide further information on the length and the content of training required for nurses. Slovenia is also invited to provide further information on specialist nursing qualifications.

Slovenia is invited to confirm that the requirement for pharmacists who do not exercise the profession for three years to pass an examination does not apply to nationals of Member States who wish to establish themselves for the first time in Slovenia, even if they have not recently practiced pharmacy.

Slovenia is also invited to clarify whether pharmacists who wish to work in the area of industrial pharmacy require a specialisation in industrial pharmacy. If this is the case, Slovenia is invited to indicate when this additional qualification requirement will be repealed.

Citizens rights

The EU notes that Slovenia's amended legislation to implement the "acquis" will only enter into force from accession, but will be prepared and adopted in advance.

Slovenia is invited to confirm that its legislation will ensure compliance with the Gravier ruling and to provide details of the measures taken or planned and the timetable for their adoption and implementation.

Free movement of workers

The EU stresses that freedom of movement concerns not only the economic but also the social and cultural integration of migrant workers and their families in the host Member States.

In order to assess the work-related migration and cross-border mobility arising from the application of the "acquis" by Slovenia, as well as the effects on labour markets and the wider economy, Slovenia is invited to provide information in this regard, including expected significant inflows or outflows of workers following accession, and any measures planned to deal with such situations.

The EU underlines the political and practical importance of this area of the "acquis" and notes that there are sensitivities over the issue of mobility of workers. The question of mobility of workers in the labour markets will have to be taken into account at a later stage of the negotiations.

Slovenia is thus invited to provide quantitative estimates on the present number of EU nationals working in Slovenia and Slovenian nationals working in EU countries, and possible forecasts of their future numbers, including on cross-border commuters.

Slovenia is invited to provide further information concerning the implementation of the principle of equal treatment as regards access to employment in the public sector.

Slovenia is invited to provide details, including a timetable, for the planned reinforcements to the staff of the Ministry in charge of labour, family and social affairs and the employment service.

The EU recalls that successful participation in the EURES network means that a number of institutional and administrative requirements need to be met, including sufficient and adequately trained staff. The EU invites Slovenia to provide information on its capacity to participate in the network and on plans to train staff to take an active role in the network, in particular as Euroadvisers, i.e. with good language skills and a good understanding of the implications of free movement of workers.

Supplementary pension rights of workers moving within the Community

Slovenia is invited to confirm that the Pension and Disability Insurance Act was adopted on 31 December 1999 and implemented on 1 January 2000 as planned. The EU notes that Slovenia considers that this measure transposes Directive 98/49/EC on supplementary pension schemes.

Co-ordination of social security systems

Slovenia is invited to confirm that its administrative structures will be sufficiently developed in advance in order to meet upon accession the requirements of the "acquis", in particular Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community, and its implementing Regulation 574/72/EEC, which are the major legal instruments concerned.

Slovenia is invited to confirm that it is fully aware of the financial transfers involved in co-ordination of social security schemes. Slovenia is invited to further explain its position that the financial implications would not pose a significant problem.

The EU recognises that Slovenia has gained experience from the implementation of several bilateral agreements on social security with most Member States and some countries of Central and Eastern Europe. However, the EU invites Slovenia to provide further information on the state of play of new agreements under way as well those concluded with Germany and Italy which are not yet in force.

The EU points out that special procedures in relation to Slovenian legislation might be needed for the application of the specific provisions of Regulations 1408/71 and 574/72. Slovenia is therefore invited to present its requests for specific entries in the Annexes of these Regulations. All requests should be accompanied by the necessary information which would enable the EU to evaluate the need for their entry in the Annex.

* * *

Monitoring of progress in the adoption and implementation of the "acquis" will continue throughout the negotiations, in particular as regards adherence to the planned legislative schedule and further measures aimed at ensuring effective enforcement. A final assessment of the conformity of Slovenia legislation and policies with the "acquis" and of its effective implementation can only be made after the adoption of the new legislation and at a later stage of negotiations. Particular consideration needs to be given to the links with other negotiating chapters, in particular those chapters dealing with the other freedoms, free movement of goods, freedom to provide services and free movement of capital as well as with the chapters on transport policy, social policy and employment and cooperation in the fields of justice and home affairs. In addition to all the information the EU may require for the negotiations on this chapter and which is to be provided to the Conference, the EU invites Slovenia to provide regularly detailed, written information to the Association Council on progress in the adoption and implementation of the "acquis"

In view of the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new "acquis" between 31 December 1998 and the conclusion of the negotiations.

Statement by Austria regarding Chapter 2 (Freedom of Movement for Persons)

Austria attaches particular importance to satisfactory solutions in order to avoid disturbances of its labour market as a consequence of accession of present candidate countries to the EU. A specific element in this respect are the foreseeable effects of cross-border commuting and cross border provision of services. The latter problem was already raised by Austria in its declaration regarding chapter 3.

Austria upholds therefore the view that a temporary regulatory framework will be necessary to safeguard an acceptable phasing in of the freedom of movement for persons.
