

Særskilt vedlegg til St prp. nr 10

(2001-2002)

**Revidert Konvensjon om opprettelse av Det europeiske frihandelsforbund
(EFTA) av 21. juni 2001**

Konsolidert versjon

VEDLEGG 12

Annex K. Free movement of persons (Chapter VIII)

I. Basic provisions

Article 1

Objectives

The objectives of this Annex, for the benefit of nationals of the Member States, are:

to accord a right of entry, residence, access to work as employed persons, establishment on a self-employed basis and the right to stay in the territory of the Member States;

to facilitate the provision of services in the territory of the Member States, and in particular to liberalise the provision of services of brief duration;

to accord a right of entry into, and residence in, the territory of the Member States to persons without an economic activity in the host State;

to accord the same living, employment and working conditions as those accorded to nationals of the host State.

Article 2

Non-discrimination

Nationals of one Member State who are lawfully resident in the territory of another Member State shall not, in application of and in accordance with the provisions of Appendices 1, 2 and 3 to this Annex, be the subject of any discrimination on grounds of nationality.

Article 3

Right of entry

The right of entry of nationals of one Member State into the territory of another Member State shall be guaranteed in accordance with the provisions laid down in Appendix 1.

Article 4

Right of residence and access to an economic activity

The right of residence and access to an economic activity shall be guaranteed unless otherwise provided in Article 10 and in accordance with the provisions of Appendix 1.

Article 5

Persons providing services

Without prejudice to other specific agreements between the Member States specifically concerning the provision of services (including the Government Procurement Agreement in so far as it covers the provision of services), persons providing services, including companies in accordance with the provisions of Appendix 1, shall have the right to provide a service in the territory of another Member State for a period not exceeding 90 days' of actual work in a calendar year.

Providers of services shall have the right of entry into, and residence in, the territory of the other Member State:

where they have the right to provide a service under paragraph 1 or by virtue of the provisions of an agreement mentioned in paragraph 1; or

if the conditions specified in (a) are not fulfilled, where they have received authorisation to provide a service from the competent authorities of the Member State concerned.

Nationals of a Member State entering the territory of another Member State solely to receive services shall have the right of entry and residence.

The rights referred to in this Article shall be guaranteed in accordance with the provisions laid down in Appendices 1, 2 and 3. The quantitative limits of Article 10 may not be relied upon as against persons referred to in this Article.

Article 6

Right of residence for persons not pursuing an economic activity

The right of residence in the territory of a Member State shall be guaranteed to persons not pursuing an economic activity in accordance with the provisions of Appendix 1 relating to non-active people.

Article 7

Other rights

The Member States shall make provision, in accordance with Appendix 1, for the following rights in relation to the free movement of persons:

the right to equal treatment with nationals in respect of access to, and the pursuit of, an economic activity, and living, employment and working conditions;

the right to occupational and geographical mobility which enables nationals of the other Member States to move freely within the territory of the host State and to pursue the occupation of their choice;

the right to stay in the territory of a Member State after the end of an economic activity;

the right of residence for members of the family, irrespective of their nationality;

the right of family members to pursue an economic activity, irrespective of their nationality;

the right to acquire immovable property in so far as this is linked to the exercise of rights conferred by this Annex;

during the transitional period, the right, after the end of an economic activity or period of residence in the territory of a Member State, to return there for the purposes of pursuing an economic activity and the right to have a temporary residence permit converted into a permanent one.

Article 8

Coordination of social security systems

The Member States shall make provision, in accordance with Appendix 2, for the coordination of social security systems with the aim in particular of:

securing equality of treatment;

determining the legislation applicable;

aggregating, for the purpose of acquiring and retaining the right to benefits, and of calculating such benefits, all periods taken into consideration by the national legislation of the States concerned;

paying benefits to persons residing in the territory of the Member States;

fostering mutual administrative assistance and co-operation between authorities and institutions.

Article 9

Mutual recognition of professional qualifications (diplomas, certificates and other evidence of formal qualifications)

In order to make it easier for nationals of the Member States to gain access to and pursue activities as employed and self-employed persons and to provide services, the Member States shall take the necessary measures, in accordance with Appendix 3, concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications, and with the coordination of the laws, regulations and administrative provisions of the Member States on access to and pursuit of activities as employed and self-employed persons and the provision of services.

II. General and final provisions

Article 10

Transitional provisions and development of this Annex

For 5[1] years after the entry into force of 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 (hereinafter the «Swiss-EC Agreement on the free movement of persons»), Switzerland may maintain quantitative limits in respect of access to an economic activity for the following two categories of residence: residence for a period of more than four months and less than one year and residence for a period equal to, or exceeding, one year. There shall be no restriction on residence for less than four months. From the beginning of the 6th year, all quantitative limits applicable to nationals of the other Member States shall be abolished.

For a maximum period of 2 years after the entry into force of the Swiss-EC Agreement on the free movement of persons, the Member States may maintain the controls on the priority of workers integrated into the regular labour market and wage and working conditions applicable to nationals of other Member States, including the persons providing services referred to in Article 5. Before the end of the first year, the Committee referred to in Article 14 (hereinafter the «Committee») shall consider whether these restrictions need to be maintained. The Council may curtail the maximum period. The controls on the priority of workers integrated into the regular labour market shall not apply to providers of services liberalised under Annexes P, Q and R in so far as it covers the provision of services.

Upon entry into force of the Swiss-EC Agreement on the free movement of persons, and until the end of the 5th year, each year Switzerland shall reserve, within its overall quotas, for employed and self-employed persons of the other Member States, at least 300 new residence permits valid for a period equal to, or exceeding, one year and 200 valid for more than four months and less than one year. If the agreed quota should not suffice, arrangements will be made by the Council.

The number of new residence permits issued by Switzerland to employed and self-employed persons of the other Member States may not be limited to fewer than 300 per year valid for a period equal to, or exceeding, one year and 200 per year valid for more than four months and less than one year.

The transitional provisions of paragraphs 1 to 4, and in particular those of paragraph 2 concerning the priority of workers integrated into the regular labour market and controls on wage and working conditions, shall not apply to employed and self-employed persons who, at the time of the entry into force of the Swiss-EC Agreement on the free movement of persons, are authorised to pursue an economic activity in the territory of the Member States. Such persons shall in particular enjoy occupational and geographical mobility. The holders of residence permits valid for less than one year shall be entitled to have their permits renewed; the exhaustion of quantitative limits may not be invoked against them. The holders of residence permits valid for a period equal to, or exceeding, one year shall automatically be entitled to have their permits extended. Such employed and self-employed persons shall therefore enjoy the rights to free movement accorded to established persons in the basic provisions of this Annex, and in particular Article 7 thereof, from its entry into force.

Switzerland shall regularly and promptly forward to the Council any useful statistics and information, including measures implementing paragraph 2. A Member State may request a review of the situation.

No quantitative limits may be applied to frontier workers.

The transitional provisions on social security and the retrocession of unemployment insurance contributions are laid down in Protocols 1, 2 and 3 to Appendix 2.

Article 11

Processing of appeals

The persons covered by this Annex shall have a right of appeal to the competent authorities of the Member State concerned in respect of the application of the provisions of this Annex.

Appeals must be processed within a reasonable period of time.

Persons covered by this Annex shall have the opportunity to appeal to the competent national judicial body in respect of decisions on appeals, or the absence of a decision within a reasonable period of time.

Article 12

More favourable provisions

This Annex shall not preclude any more favourable national provisions which may exist for both nationals of the Member States and their family members.

Article 13

Standstill

The Member States undertake not to adopt any further restrictive measures vis-à-vis each other's nationals in fields covered by this Annex.

Article 14

Committee on the movement of persons

The Council shall establish a Committee on the movement of persons, which shall be responsible for the management and proper application of the Annex. To that end it shall issue recommendations. It may set up working groups on the coordination of social security systems and on the mutual recognition of professional qualifications.

For the purposes of proper implementation of this Annex, the Member States shall regularly exchange information and, at the request of one Member State, shall hold consultations within the Committee.

The Council may decide to modify the Appendices 2 and 3 of this Annex.

Article 15

Safeguard measures

In the event of serious economic or social difficulties, the Committee shall meet, at the request of one Member State, to examine appropriate measures to remedy the situation. The Council may decide what measures to take within 60 days of the date of the request. This period may be extended by the Council. The scope and duration of such measures

shall not exceed that which is strictly necessary to remedy the situation. Preference shall be given to measures that least disrupt the working of this Annex.

Article 16

Reference to Community law

In order to attain the objectives pursued by this Annex, the Member States shall take all measures necessary to ensure that rights and obligations equivalent to those contained in the legal acts of the European Community to which reference is made, as incorporated in the EEA Agreement and in the Swiss - EC Agreement on the free movement of persons, are applied in relations between them.

Insofar as the application of this Annex involves common concepts of the legal instruments referred to in paragraph 1, account shall be taken of relevant case-law prior to 21 June 1999. In order to ensure the good functioning of this Annex, the Council shall, at the request of any Member State, determine the implications of case-law after 21 June 1999.

Article 17

Development of law

As soon as one Member State initiates the process of adopting a draft amendment to its domestic legislation, or as soon as there is a change in the case-law of authorities against whose decisions there is no judicial remedy under domestic law in a field governed by this Annex, it shall inform the other Member States through the Committee.

The Committee shall hold an exchange of views on the implications of such an amendment for the proper functioning of this Annex.

Article 18

Relationship to bilateral social security agreements

Unless otherwise provided for under Appendix 2, bilateral social security agreements between the Member States shall be suspended upon entry into force of this Annex, in so far as the latter covers the same subject matter.

Article 19

Relationship to bilateral agreements on double taxation

The provisions of bilateral agreements between the Member States on double taxation shall be unaffected by the provisions of this Annex. In particular, the provisions of this Annex shall not affect the double taxation agreements' definition of «frontier workers».

No provision of this Annex may be interpreted in such a way as to prevent the Member States from distinguishing, when applying the relevant provisions of their fiscal legislation, between taxpayers whose situations are not comparable, especially as regards their place of residence.

No provision of this Annex shall prevent the Member States from adopting or applying measures to ensure the imposition, payment and effective recovery of taxes or to forestall

tax evasion under their national fiscal legislation or agreements aimed at preventing double taxation between the Member States, or any other tax arrangements.

Article 20

Relationship to bilateral agreements on matters other than social security and double taxation

Notwithstanding the provisions of Articles 18 and 19, this Annex shall not affect bilateral agreements between Member States, such as those concerning private individuals, economic operators, cross-border co-operation or local frontier traffic, in so far as they are compatible with this Annex.

In the event of incompatibilities between such agreements and this Annex, the latter shall prevail.

Article 21

Acquired rights

In the event of termination or non-renewal, rights acquired by private individuals shall not be affected. The Member States shall settle by mutual agreement what action is to be taken in respect of rights in the process of being acquired.

Appendix 1

Movement of persons (Art. 20)

I. General provisions

Article 1

Entry and exit

The Member States shall allow nationals of the other Member States and members of their family within the meaning of Article 3 of this Appendix and posted persons within the meaning of Article 16 of this Appendix to enter their territory simply upon production of a valid identity card or passport. No entry visa or equivalent requirement may be demanded save in respect of members of the family and posted workers within the meaning of Article 16 of this Appendix who do not have the nationality of a Member State. The Member State concerned shall grant these persons every facility for obtaining any necessary visas.

The Member States shall grant nationals of the Member States, and members of their family within the meaning of Article 3 of this Appendix and posted workers within the meaning of Article 16 of this Appendix, the right to leave their territory simply upon production of a valid identity card or passport. The Member States may not demand any exit visa or equivalent requirement from nationals of the other Member States. The Member States, acting in accordance with their laws, shall issue to such nationals, or renew, an identity card or passport, which shall state in particular the holder's nationality. The passport must be valid at least for all the Member States and for the countries through which the holder must pass when traveling between them. Where the passport is the only document on which the holder may lawfully leave the country, its period of validity may not be less than five years.

Article 2

Residence and economic activity

Without prejudice to the provisions for the transitional period, which are laid down in Article 10 of the Annex and Chapter VII of this Appendix, nationals of a Member State shall have the right to reside and pursue an economic activity in the territory of the other Member State under the procedures laid down in Chapters II to IV. That right shall be substantiated through the issue of a residence permit or, for persons from frontier zones, by means of a special permit. Nationals of a Member State shall also have the right to visit another Member State or to remain there after a period of employment of less than one year in order to seek employment and to reside there for a reasonable amount of time, which may be up to six months, to allow them to find out about the employment opportunities corresponding to their professional qualifications and, if necessary, take the appropriate steps to take up employment. Those seeking employment shall have the right, in the territory of the Member State concerned, to receive the same assistance as employment agencies in that State grant to its own nationals. They may be excluded from social security schemes for the duration of such residence.

Nationals of the Member States not pursuing any economic activity in the host State who do not have a right of residence pursuant to other provisions of the Annex shall, provided they fulfill the preconditions laid down in Chapter V, have a right of residence. That right shall be substantiated through the issue of a residence permit.

The residence or special permit granted to nationals of the Member States shall be issued and renewed free of charge or on payment of a sum not exceeding the charges or taxes which nationals are required to pay for the issue of identity cards. The Member States shall take the necessary measures to simplify the formalities and procedures for obtaining those documents as far as possible.

The Member States may require nationals of the other Member States to report their presence in the territory.

Article 3

Members of the family

A person who has the right of residence and is a national of a Member State is entitled to be joined by the members of his family. An employed person must possess housing for his family which is regarded as of normal standard for national employed persons in the region where he is employed, but this provision may not lead to discrimination between national employed persons and employed persons from the other Member State.

The following shall be regarded as members of the family, whatever their nationality:

his spouse and their relatives in the descending line who are under the age of 21 or are dependent;

his relatives in the ascending line and those of his spouse who are dependent on him;

in the case of a student, his spouse and their dependent children. The Member States shall facilitate the admission of any member of the family not covered by the provisions of this paragraph under (a), (b) and (c), if that person is a dependant or lives in the household of the national of a Member State in the country of provenance.

When issuing a residence permit to members of the family of a national of a Member State, the Member States may require only the documents listed below:

the document by virtue of which they entered the territory;

a document issued by the competent authority of the State of origin or provenance proving their relationship;

for dependants, a document issued by the competent authority of the State of origin or provenance certifying that they are dependants of the person referred to in paragraph 1 or that they live in his household in that State.

The period of validity of a residence permit issued to a member of the family shall be the same as that of the permit issued to the person on whom he is dependent.

The spouse and the dependent children or children aged under 21 of a person having a right of residence shall have the right to take up an economic activity whatever their nationality.

The children of a national of a Member State, whether or not he is pursuing or has pursued an economic activity in the territory of the other Member State, shall be admitted to general education, apprenticeships and vocational training courses on the same basis as nationals of the host State, if those children are living in its territory. The Member States shall promote initiatives to enable such children to follow the abovementioned courses under the best conditions.

Article 4

Right to stay

Nationals of a Member State and members of their family shall have the right to stay in the territory of another Member State after their economic activity has finished.

In accordance with Article 16 of the Annex, reference is made to Regulation (EEC) No 1251/70 (OJ L 142, 1970, p. 24) and Directive 75/34/EEC (OJ L 14, 1975, p. 10), as incorporated in the EEA Agreement and in the Swiss - EC Agreement on free movement of persons and as in force on 21 June 1999.

Article 5

Public order

The rights granted under the provisions of the Annex may be restricted only by means of measures which are justified on grounds of public order, public security or public health.

In accordance with Article 16 of the Annex, reference is made to Directives 64/221/EEC (OJ L 56, 1964, p. 850), 72/194/EEC (OJ L 121, 1972, p. 32) and 75/35/EEC (OJ L 14, 1975, p. 10), as incorporated in the EEA Agreement and in the Swiss - EC Agreement on free movement of persons and as in force on 21 June 1999.

II. Employed persons

Article 6

Rules regarding residence

An employed person who is a national of a Member State (hereinafter referred to as «employed person») and is employed for a period of one year or more by an employer in the host State shall receive a residence permit which is valid for at least five years from its date of issue. It shall be extended automatically for a period of at least five years. When renewed for the first time, its period of validity may be limited, but not to less than one year, where its holder has been involuntarily unemployed for more than 12 consecutive months.

An employed person who is employed for a period of more than three months but less than one year by an employer in the host State shall receive a residence permit for the same duration as his contract. An employed person who is employed for a period of up to three months does not require a residence permit.

When issuing residence permits, the Member States may not require an employed person to produce more than the following documents:

the document by virtue of which he entered their territory;

a contractual statement from the employer or a written confirmation of engagement.

A residence permit shall be valid throughout the territory of the issuing State.

Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

A valid residence permit may not be withdrawn from an employed person merely on the grounds that he is no longer working, either because he has become temporarily unable to work owing to an accident or illness, or because he is involuntarily unemployed as certified by the competent employment office.

Completion of the formalities for obtaining a residence permit shall not prevent an applicant immediately taking up employment under the contract he has concluded.

Article 7

Employed frontier workers

An employed frontier worker is a national of a Member State who has his residence in the territory of a Member State and who pursues an activity as an employed person in the territory of the other Member State, returning to his place of residence as a rule every day, or at least once a week. Frontier workers shall not require a residence permit. The competent authorities of the State of employment may nevertheless issue the frontier worker with a special permit for a period of at least five years or for the duration of his employment where this is longer than three months and less than one year. It shall be extended for at least five years provided that the frontier worker furnishes proof that he is actually pursuing an economic activity.

Special permits shall be valid throughout the territory of the issuing State.

Article 8

Occupational and geographical mobility

Employed persons shall have the right to occupational and geographical mobility throughout the territory of the host State.

Occupational mobility shall include changes of employer, employment or occupation and changing from employed to self-employed status. Geographical mobility shall include changes in the place of work and residence.

Article 9

Equal treatment

An employed person who is a national of a Member State may not, by reason of his nationality, be treated differently in the territory of the other Member State from national employed persons as regards conditions of employment and working conditions, especially as regards pay, dismissal, or reinstatement or re-employment if he becomes unemployed.

An employed person and the members of his family referred to in Article 3 of this Appendix shall enjoy the same tax concessions and welfare benefits as national employed persons and members of their family.

He shall also be entitled on the same basis and on the same terms as national employed persons to education in vocational training establishments and in vocational retraining and occupational rehabilitation centres.

Any clause in a collective or individual agreement or in any other collective arrangements concerning access to employment, employment, pay and other terms of employment and dismissal, shall be automatically void insofar as it provides for or authorizes discriminatory conditions with respect to foreign employed persons who are nationals of the Member States.

An employed person who is a national of a Member State and is employed in the territory of the another Member State shall enjoy equal treatment in terms of membership of trade union organisations and exercise of union rights, including the right to vote and right of access to executive or managerial positions within a trade union organisation; he may be precluded from involvement in the management of public law bodies and from holding an office governed by public law. He shall, moreover, have the right to be eligible for election to bodies representing employees in an undertaking. These provisions shall be without prejudice to laws or regulations in the host State which confer more extensive rights on employed persons from another Member State.

Without prejudice to the provisions of Article 25 of this Appendix, an employed person who is a national of a Member State and employed in the territory of another Member State shall enjoy all the rights and all the advantages accorded to national employed persons in terms of housing, including ownership of the housing he needs. Such a worker shall have the same right as nationals to register on the housing lists in the region in which he is employed, where such lists exist; he shall enjoy the resultant benefits and priorities. If his family has remained in his State of provenance, it shall be considered for this purpose as residing in the said region, where national workers benefit from a similar presumption.

Article 10

Public service employment

A national of a Member State pursuing an activity as an employed person may be refused the right to take up employment in the public service which involves the exercise of public power and is intended to protect the general interests of the State or other public bodies.

III. Self-employed persons

Article 11

Rules regarding residence

A national of a Member State wishing to become established in the territory of another Member State in order to pursue a self-employed activity (hereinafter referred to as a self-employed person) shall receive a residence permit valid for a period of at least five years from its date of issue, provided that he produces evidence to the competent national authorities that he is established or wishes to become so.

The residence permit shall be extended automatically for a period of at least five years, provided that the self-employed person produces evidence to the competent national authorities that he is pursuing a self-employed economic activity.

When issuing residence permits, the Member States may not require self-employed persons to produce more than the following:

the document by virtue of which he entered their territory;

the evidence referred to in paragraphs 1 and 2.

A residence permit shall be valid throughout the territory of the issuing State.

Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

Valid residence permits may not be withdrawn from persons referred to in paragraph 1 merely because they are no longer working owing to temporary incapacity as a result of illness or accident.

Article 12

Self-employed frontier workers

A self-employed frontier worker is a national of a Member State who is resident in the territory of a Member State and who pursues a self-employed activity in the territory of another Member State, returning to his place of residence as a rule every day or at least once a week.

Self-employed frontier workers shall not require a residence permit. The relevant authorities of the State concerned may nevertheless issue a self-employed frontier worker with a special permit valid for at least five years provided that he produces evidence to the competent national authorities that he is pursuing or wishes to pursue a self-employed activity. The permit shall be extended for at least five years, provided that the frontier worker produces evidence that he is pursuing a self-employed activity.

Special permits shall be valid throughout the territory of the issuing State.

Article 13

Occupational and geographical mobility

Self-employed persons shall have the right to occupational and geographical mobility throughout the territory of the host State.

Occupational mobility shall include change of occupation and changing from self-employed to employed status. Geographical mobility shall include changes in the place of work and residence.

Article 14

Equal treatment

As regards access to a self-employed activity and the pursuit thereof, a self-employed worker shall be afforded no less favourable treatment in the host State than that accorded to its own nationals.

The provisions of Article 9 of this Appendix shall apply mutatis mutandis to the self-employed persons referred to in this Chapter.

Article 15

Exercise of public authority

A self-employed person may be denied the right to pursue an activity involving, even on an occasional basis, the exercise of public authority.

IV. Provision of services

Persons providing services

Article 16

With regard to the provision of services, the following shall be prohibited under Article 5 of the Annex:

any restriction on the cross-frontier provision of services in the territory of a Member State not exceeding 90 days of actual work per calendar year;

any restriction on the right of entry and residence in the cases covered by paragraph 2 of Article 5 of the Annex concerning:

persons providing services who are nationals of a Member State and are established in the territory of a Member State other than that of the person receiving services;

employees, irrespective of their nationality, of persons providing services, who are integrated into one Member State's regular labour market and posted for the provision of a service in the territory of another Member State without prejudice to Article 1.

Article 17

The provisions of Article 16 of this Appendix shall apply to companies formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business in the territory of a Member State.

Article 18

A person providing services who has the right or has been authorised to provide a service may, for the purposes of its provision, temporarily pursue his activity in the State in which the service is provided on the same terms as those imposed by that State on its own nationals, in accordance with the provisions of this Appendix and Appendices 2 and 3 to the Annex.

Article 19

Persons referred to in Article 16(b) of this Appendix who have the right to provide a service shall not require a residence permit for periods of residence of 90 days or less. Such residence shall be covered by the documents referred to in Article 1, by virtue of which they entered the territory.

Persons referred to in Article 16(b) of this Appendix who have the right or have been authorised to provide a service for a period exceeding 90 days shall receive, to substantiate that right, a residence permit for a period equal to that of the provision of services.

The right of residence shall apply throughout the territory of the Member States.

For the purposes of issuing residence permits, the Member States may not require of the persons referred to in Article 16(b) of this Appendix more than:

the document by virtue of which they entered the territory;

evidence that they are providing or wish to provide a service.

Article 20

The total duration of provision of services under Article 16(a) of this Appendix, whether continuous or consisting of successive periods of provision, may not exceed 90 days of actual work per calendar year.

The provisions of paragraph 1 shall be without prejudice to the discharge by the person providing a service of his legal obligations under the guarantee given to the person receiving the service or to cases of force majeure.

Article 21

The provisions of Articles 16 and 18 of this Appendix shall not apply to activities involving, even on an occasional basis, the exercise of public authority in the Member State concerned.

The provisions of Articles 16 and 18 of this Appendix and measures adopted by virtue thereof shall not preclude the applicability of laws, regulations and administrative provisions providing for the application of working and employment conditions to employed persons posted for the purposes of providing a service. In accordance with Article 16 of the Annex reference is made to Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 1997, p.1), as incorporated in the EEA Agreement and in the Swiss - EC Agreement on free movement of persons and as in force on 21 June 1999.

The provisions of Articles 16(a) and 18 of this Appendix shall be without prejudice to the applicability of the laws, regulations and administrative provisions prevailing in all Member States at the time of the entry into force of the Annex in respect of:

the activities of temporary and interim employment agencies;

financial services where provision is subject to prior authorisation in the territory of a Member State and the provider is subject to prudential supervision by that Member State's authorities.

The provisions of Articles 16(a) and 18 of this Appendix shall be without prejudice to the applicability of the Member States' respective laws, regulations and administrative provisions concerning the provision of services of 90 days of actual work or less required by imperative requirements in the public interest.

Persons receiving services

Article 22

A person receiving services within the meaning of paragraph 3 of Article 5 of the Annex shall not require a residence permit for a period of residence of three months or less. For a period exceeding three months, a person receiving services shall be issued with a residence permit equal in duration to the service. He may be excluded from social security schemes during his period of residence.

A residence permit shall be valid throughout the territory of the issuing State.

V. Persons not pursuing an economic activity

Article 23

Rules regarding residence

A person who is a national of a Member State not pursuing an economic activity in the State of residence and having no right of residence pursuant to other provisions of the Annex shall receive a residence permit valid for at least five years provided he proves to the competent national authorities that he possesses for himself and the members of his family:

sufficient financial means not to have to apply for social assistance benefits during their stay;

all-risks sickness insurance cover.^[2] The Member States may, if they consider it necessary, require the residence permit to be revalidated at the end of the first two years of residence.

Financial means shall be considered sufficient if they exceed the amount below which nationals, having regard to their personal situation and, where appropriate, that of their family, can claim social security benefits. Where that condition cannot be applied, the applicant's financial means shall be regarded as sufficient if they are greater than the level of the minimum social security pension paid by the host State.

Persons who have been employed for less than one year in the territory of a Member State may reside there provided they comply with the conditions set out in paragraph 1 of this

Article. The unemployment benefits to which they are entitled under national law which is, where appropriate, complemented by the provisions of Appendix 2 to the Annex, shall be considered to be financial means within the meaning of paragraphs 1(a) and 2 of this Article.

A student who does not have a right of residence in the territory of another Member State on the basis of any other provision of the Annex shall be issued with a residence permit for a period limited to that of the training or to one year, if the training lasts for more than one year, provided he satisfies the national authority concerned, by means of a statement or, if he chooses, by any other at least equivalent means, that he has sufficient financial means to ensure that neither he, his spouse nor his dependent children will make any claim for social security of the host State during their stay, and provided he is registered in an approved establishment for the purpose of following, as his principal activity, a vocational training course and has all-risks sickness insurance cover. The Annex does not regulate access to vocational training or maintenance assistance given to the students covered by this Article.

A residence permit shall automatically be extended for at least five years provided that the eligibility conditions are still met. Residence permits for students shall be extended annually for a duration equal to the remaining training period.

Breaks in residence of less than six consecutive months and absences for the purposes of fulfilling military service obligations shall not affect the validity of the residence permit.

A residence permit shall be valid throughout the territory of the issuing State.

The right of residence shall remain for as long as beneficiaries of that right fulfill the conditions laid down in paragraph 1.

VI. Purchase of immovable property

Article 24

A national of a Member State who has a right of residence and his principal residence in the host State shall enjoy the same rights as a national as regards the purchase of immovable property. He may set up his principal residence in the host State at any time in accordance with the relevant national rules irrespective of the duration of his employment. Leaving the host State shall not entail any obligation to dispose of such property.

The national of a Member State who has a right of residence but does not have his principal residence in the host State shall enjoy the same rights as a national as regards the purchase of immovable property needed for his economic activity. Leaving the host State shall not entail any obligation to dispose of such property. He may also be authorised to purchase a second residence or holiday accommodation. The Annex shall not affect the rules applying to pure capital investment or business of unbuilt land and apartments.

A frontier worker shall enjoy the same rights as a national as regards the purchase of immovable property for his economic activity and as a secondary residence. Leaving the host State shall not entail any obligation to dispose of such property. He may also be authorised to purchase holiday accommodation. The Annex shall not affect the rules applying in the host State to pure capital investment or business of unbuilt land and apartments.

VII. Transitional provisions and development of the annex

Article 25

General provisions

When the quantitative restrictions laid down in Article 10 of the Annex are applied, the provisions contained in this Chapter shall supplement or replace the other provisions of this Appendix, as the case may be.

When the quantitative restrictions laid down in Article 10 of the Annex are applied, the pursuit of an economic activity shall be subject to the issue of a residence and/or a work permit.

Article 26

Rules relating to the residence of employed persons

The residence permit of an employed person who has an employment contract for a period of less than one year shall be extended for up to a total of 12 months provided that the employed person furnishes proof to the competent national authorities that he is able to pursue an economic activity. A new residence permit shall be issued provided that the employed person furnishes proof that he is able to pursue an economic activity and that the quantitative limits laid down in Article 10 of the Annex have not been reached. There shall be no obligation to leave the country between two employment contracts in accordance with Article 23 of this Appendix.

During the period referred to in paragraph 2 of Article 10 of the Annex, a Member State may require that a written contract or draft contract be produced before issuing a first residence permit.

Persons who have previously held temporary jobs in the territory of the host State for at least 30 months shall automatically have the right to take up employment for an unlimited duration.¹³ They may not be denied this right on the grounds that the number of residence permits guaranteed has been exhausted.

Persons who have previously held seasonal employment in the territory of the host State for a total of not less than 50 months during the last 15 years and do not meet the conditions of entitlement to a residence permit in accordance with the provisions of subparagraph (a) above shall automatically have the right to take up employment for an unlimited duration.

Article 27

Employed frontier workers

An employed frontier worker is a national of a Member State who has his normal place of residence in the frontier zones of Switzerland or neighbouring States and who pursues an activity as an employed person in the frontier zones of Switzerland and its neighbouring States returning as a rule to his principal residence every day, or at least once a week. For the purposes of the Annex, frontier zones shall mean the zones defined in the agreements concluded between Switzerland and its neighbouring States concerning movement in frontier zones.

The special permit shall be valid throughout the frontier zone of the issuing State.

Article 28

Employed persons' right to return

An employed person who, on the date the Annex entered into force, was holding a residence permit valid for at least one year and who has then left the host State shall be entitled to preferential access to the quota for a new residence permit within six years of his departure provided he proves that he is able to pursue an economic activity.

A frontier worker shall have the right to a new special permit within six years of the end of his previous employment over an uninterrupted period of three years, subject to verification of his pay and working conditions if he is employed for the two years following the entry into force of the Annex, provided he proves to the competent national authorities that he is able to pursue an economic activity.

Young persons who have left the territory of a Member State before the age of 21, after residing there for at least five years, shall have the right for a period of four years after having left to return to that Member State and pursue an economic activity.

Article 29

Employed persons' occupational and geographical mobility

An employed person holding a residence permit valid for less than one year shall, for the twelve months following the commencement of his employment, have the right to occupational and geographical mobility. The right to change from employed to self-employed status shall also be allowed subject to compliance with Article 10 of the Annex.

Special permits issued to employed frontier workers shall confer the right to occupational and geographical mobility within all the frontier zones of Switzerland or its neighbouring States.

Article 30

Rules relating to the residence of self-employed persons

A national of a Member State wishing to become established in the territory of another Member State in order to pursue a self-employed activity (hereinafter referred to as a «self-employed worker») shall receive a residence permit valid for a period of six months. He shall receive a residence permit valid for at least five years provided that he proves to the competent national authorities before the end of the six-month period that he is pursuing a self-employed activity. If necessary, the six-month period may be extended by a maximum of two months if there is a genuine likelihood that he will produce such proof.

Article 31

Self-employed frontier workers

A self-employed frontier worker is a national of a Member State who is ordinarily resident in the frontier zones of Switzerland or neighbouring States and who pursues a self-employed activity in the frontier zones of Switzerland or its neighbouring States returning as a rule to his principal residence in principle every day or at least once a week. For the

purposes of the Annex, frontier zones shall mean the zones defined in the agreements concluded between Switzerland and its neighbouring States concerning movement in frontier zones.

A national of a Member State who wishes in his capacity as a frontier worker to pursue a self-employed activity in the frontier zones of Switzerland or its neighbouring States shall receive a preliminary six-month special permit in advance. He shall receive a special permit for a period of at least five years provided that he proves to the competent national authorities, before the end of that six-month period, that he is pursuing a self-employed activity. If necessary, the six-month period may be extended by a maximum of two months if there is a genuine likelihood that he will produce such proof.

Special permits shall be valid throughout the frontier zone of the issuing State.

Article 32

Self-employed persons' right to return

A self-employed person who has held a residence permit valid for a period of at least five years and who has left the host State shall have the right to a new permit within six years of his departure provided he has already worked in the host State for an uninterrupted period of three years and proves to the competent national authorities that he is able to pursue an economic activity.

A self-employed frontier worker shall have the right to a new special permit within a period of six years of the termination of previous activity lasting for an uninterrupted period of four years provided he proves to the competent national authorities that he is able to pursue an economic activity.

Young persons who have left the territory of a Member State before the age of 21, after residing there for at least five years, shall have the right for a period of four years after having left to return to that Member State and pursue an economic activity.

Article 33

Self-employed persons' occupational and geographical mobility

Special permits issued to self-employed frontier workers shall confer the right to occupational and geographical mobility within the frontier zones of Switzerland or its neighbouring States. Preliminary six-month residence permits issued in advance (in the case of frontier workers, special permits) shall confer the right only to geographical mobility.

Appendix 2

Co-ordination of social security schemes (Art. 21)

Article 1

The Member States agree, with regard to the co-ordination of social security schemes, to apply among themselves the Community acts to which reference is made, as incorporated in the EEA Agreement and the Swiss-EC Agreement on the free movement of persons, and as in force on 21 June 1999 and as amended by Section A of this Appendix, or rules equivalent to such acts.

The term «Member State(s)» contained in the acts referred to in Section A of this Appendix shall be understood to refer to the Member States of this Convention.

Article 2

For the purposes of applying the provisions of this Appendix, the Member States shall take into consideration the Community acts referred to in or amended by Section B of this Appendix, as incorporated in the EEA Agreement and the Swiss-EC Agreement on the free movement of persons, and as in force on 21 June 1999.

For the purposes of applying the provisions of this Appendix, the Member States shall take note of the Community acts referred to in Section C of this Appendix, as incorporated in the EEA Agreement and the Swiss-EC Agreement on the free movement of persons, and as in force on 21 June 1999.

Article 3

The arrangements relating to unemployment insurance for workers from the Member States other than Switzerland holding a Swiss residence permit valid for less than one year are set out in Protocol 1 to this Appendix.

Sections A and B are applicable to the relations between Liechtenstein and Switzerland under the conditions set out in Protocol 2 to this Appendix.

Sections A and B are applicable to the relations between Norway and Switzerland under the conditions set out in Protocol 3 to this Appendix.

Section A: Acts referred to

371 R 1408[4]: Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community, as updated by:

397 R 0118: Council Regulation (EC) No 118/97 of 2 December 1996 (OJ L 28, 30.1.97, p. 1) modifying and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

397 R 1290: Council Regulation (EC) No 1290/97 of 27 June 1997 (OJ L 176, 4.7.97, p. 1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

398 R 1223: Council Regulation (EC) No 1223/98 of 4 June 1998 (OJ L 168, 13.6.98, p.1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

398 R 1606: Council Regulation (EC) No 1606/98 of 29 June 1998 (OJ L 209, 25.7.98, p. 1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving

within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

399 R 0307: Council Regulation (EC) No 307/1999 of 8 February 1999 (OJ L 38, 12.2.1999 p. 1) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 with a view to extending them to cover students.

The provisions of the Regulation shall, for the purposes of this Convention, be read with the following adaptations:

The third subparagraph of Article 1(j) shall not apply.

Article 94 (9) shall not apply.

Article 95a shall not apply.

Article 95b shall not apply.

Article 96 shall not apply.

The following shall be added to Annex I(I):

«P. ICELAND

Any person who is an employed or self-employed person within the meaning of the provisions relating to the occupational injuries insurance in the Social Security Act shall be considered respectively as employed or self-employed within the meaning of Article 1(a)(ii) of the Regulation.

Q. LIECHTENSTEIN

Does not apply.

R. NORWAY

Any person who is an employed or self-employed person within the meaning of the National Insurance Act shall be considered respectively as employed or self-employed within the meaning of Article 1(a)(ii) of the Regulation.

S. SWITZERLAND

If a Swiss institution is the competent institution for granting healthcare benefits in accordance with Title III Chapter 1 of the Regulation: (a) an employed worker within the meaning of the Federal Old Age and Survivors' Insurance Act shall be deemed «employed person» within the meaning of Article 1(a)(ii) of the regulation; and (b) a self-employed worker within the meaning of the Federal Old-Age and Survivors' Insurance Act shall be deemed a «self-employed person» within the meaning of Article 1(a)(ii) of the Regulation.».

The following shall be added to Annex I(II):

«P. ICELAND

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, «member of the family» means a spouse or a child under the age of 25.

Q. LIECHTENSTEIN

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, «member of the family» means a spouse or a dependent child under the age of 25.

R. NORWAY

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, «member of the family» means a spouse or a child under the age of 25.

S. SWITZERLAND

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Title III Chapter 1 of the Regulation, «member of the family» shall mean the spouse as well as the children under the age of 18 and those under the age of 25 attending school, pursuing studies or undergoing apprenticeship.».

The following shall be added to Annex II(I):

«P. ICELAND

Does not apply.

Q. LIECHTENSTEIN

Does not apply.

R. NORWAY

Does not apply.

S. SWITZERLAND

The cantonal schemes (Graubunden, Lucerne, St. Gallen) for family allowances for self employed persons.».

The following shall be added to Annex II(II): «P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

Lump sum grants payable at childbirth pursuant to the National Insurance Act;

Lump sum grants payable at adoption pursuant to the National Insurance Act. S. SWITZERLAND

Birth grants and adoption grants pursuant to the relevant cantonal legislation on family benefits (Fribourg, Geneva, Jura, Lucerne, Neuchatel, Schaffhausen, Schwyz, Solothurn, Uri, Valais, Vaud).».

The following shall be added to Annex II(III):

«P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

None.

S. SWITZERLAND

Does not apply.».

The following shall be added to Annex IIa:

«P. ICELAND

None.

Q. LIECHTENSTEIN

Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970).

Maternity allowances (Law on the granting of maternity allowances of 25 November 1981).

Supplementary benefits to the old age, survivors' and invalidity insurance Law on supplementary benefits to the old age, survivors' and invalidity insurance of 10 December 1965 as revised on 12 November 1992).

Helplessness allowance (Law on supplementary benefits to the old age, survivors' and invalidity insurance of 10 December 1965 as revised on 12 November 1992).

R. NORWAY

Basic benefit and attendance benefit in accordance with Articles 6-1 to 6-8 of the National Insurance Act of 28 February 1997 No 19 to cover extra expenses or the need for special attention, nursing or domestic help incurred by the disability, except for instances where the beneficiary is drawing old-age, disability or survivors' pensions from the National Insurance Scheme.

Guaranteed minimum supplementary pension to persons who are born disabled or become disabled at an early age in accordance with Articles 3-21 and 3-22 of the National Insurance Act of 28 February 1997 No 19.

Child care benefit and educational benefit to surviving spouse in accordance with Article 17-9 of the National Insurance Act of 28 February 1997 No 19.

SWITZERLAND

Supplementary benefits (Federal Supplementary Benefits Act of 19 March 1965) and similar benefits provided for under cantonal legislation.

Pension in the case of hardship under invalidity insurance (Article 28 subpara. 1a of the Federal Invalidity Insurance Act of 19 June 1959, as amended on 7 October 1994).

Non-contributory mixed benefits in the event of unemployment, as provided for under cantonal legislation.».

The following shall be added to Annex III(A):

«106. ICELAND - LIECHTENSTEIN

No convention.

107. ICELAND - NORWAY

Article 10 of the Nordic Convention on social security of 15 June 1992.

108. ICELAND - SWITZERLAND

No convention.

109. LIECHTENSTEIN - NORWAY

No convention.

110. LIECHTENSTEIN - SWITZERLAND

Article 4 of the Convention on Social Security of 8 March 1989 as amended by the Complementary Conventions No 1 of 9 February 1996 and No 2 of 29 November 2000 as regards the payment of cash benefits to persons residing in a third State;

Article 5 paragraphs 1 and 2 as well as Articles 6 to 8a with respect to the legal provisions of the two States covered by article 4 paragraph 1 of the Regulation;

Article 14 paragraph 1, with the reservation that rehabilitation measures granted pursuant to the legislation of the last State of employment are granted only for a period of three years. After that the insurance scheme of the State of residence takes over and deals with the claim as if it had arisen under its own legislation;

Article 14 paragraphs 3 and 4; Articles 20 to 22;

Point 20 of the Final Protocol to the said Convention and Article 3 paragraph 3 of the said Complementary Convention No 2.

Article 6 of the Convention on Unemployment Insurance of 15 January 1979.111.

NORWAY - SWITZERLAND

Article 6(2) of the Convention on social security of 21 February 1979.».

The following shall be added to Annex III(B):

«106. ICELAND - LIECHTENSTEIN

No convention.

107. ICELAND - NORWAY

None.

108. ICELAND - SWITZERLAND

No convention.

109. LIECHTENSTEIN - NORWAY

No convention.

110. LIECHTENSTEIN - SWITZERLAND

(Article 4 of the Convention on Social Security of 8 March 1989 as amended by the Complementary Conventions No 1 of 9 February 1996 and No 2 of 29 November 2000 as regards the payment of cash benefits to persons residing in a third State.

Article 6 of the Convention on Unemployment Insurance of 15 January 1979.

111. NORWAY - SWITZERLAND

Article 6(2) of the Convention on social security of 21 February 1997.».

The following shall be added to Annex IV Heading A:

«P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

None.

S. SWITZERLAND

None.».

The following shall be added to Annex IV Heading B:

«P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

None.

S. SWITZERLAND

None.».

The following shall be added to Annex IV Heading C:

«P. ICELAND

All applications for the old-age basic, supplementary and special scheme for civil servants' pensions.

Q. LIECHTENSTEIN

All applications for ordinary pensions of the old-age, survivors' and invalidity insurances as well for old-age, survivors' and invalidity pensions of the occupational scheme so far as the regulations of the respective pension fund do not contain provisions concerning reduction.

R. NORWAY

All applications for old-age pensions, except pensions mentioned in Annex IV(D).

S. SWITZERLAND

All claims for old-age, survivors' and invalidity pensions under the basic scheme and old-age pensions under the occupational benefit plans.».

The following shall be added to Annex IV Heading D 2:

Norwegian disability pensions, also when converted into an old-age pension upon the reaching of the pensionable age, and all pensions (survivors' and old-age pensions) based on a deceased person's pension earnings.

Swiss Survivors' and invalidity pensions under the Federal Law on occupational benefits plans for old-age, survivors' and invalidity insurance of 25 June 1982.».

The following shall be added to Annex VI:

«P. ICELAND

Where employment or self-employment in Iceland has terminated and the contingency occurs during employment or self-employment in another State to which this Regulation applies and where the disability pension of both the social security and the supplementary pension schemes (pension funds) in Iceland no longer includes the period between the contingency and the pensionable age (future periods), periods of insurance under the legislation of another State to which this Regulation applies shall be taken into consideration for the requirement of the future periods as if they were periods of insurance in Iceland.

A person who is covered by a special scheme for civil servants who is resident in Iceland and to whom the provisions of Title III, Chapter 1, sections 2 to 7 do not apply, and

who is not entitled to an Icelandic pension,

shall be liable to pay for the costs of benefits in kind granted to him or his family members in Iceland, insofar as the benefits in kind are covered by the special scheme concerned and/or by the personal insurance scheme supplementing it.

Persons insured in Iceland who are registered in the National Registry, with residence in Iceland, and who take up studies in another State to which this Regulation applies, are covered by the Icelandic social security scheme. The student's insurance is independent of the duration of the studies. In case of transfer of residence from Iceland to, or active employment in, another State to which this Regulation applies the student's insurance coverage is withdrawn.

Q. LIECHTENSTEIN

Any employed or self-employed person who is no longer subject to the Liechtenstein legislation on invalidity insurance shall, for the purpose of Chapter 3 of Title III of the Regulation, be considered as insured under this insurance for the granting of an ordinary invalidity pension if:

either for the date on which the insurance risk materializes according to the provisions of the Liechtenstein legislation on invalidity insurance:

he benefits from rehabilitation measures provided under the invalidity insurance of Liechtenstein; or

he is insured under the legislation on old age, survivors' or invalidity insurance of another State to which this Regulation applies; or

he can establish a claim to pensions under the invalidity or old age insurance of another State to which this Regulation applies or if he receives such a pension; or

he is incapable for work under the legislation of another State to which this Regulation applies and can establish a claim to benefits from the sickness or accident insurance of that State or if he receives such a benefit; or

he can establish a claim, due to unemployment, to cash benefits from the unemployment insurance of another State to which this Regulation applies or if he receives such a benefit;

or if he worked in Liechtenstein as a frontier worker and, within the three years immediately before the risk materializes according to the Liechtenstein legislation, he paid contributions under this legislation for at least twelve months; or

if he has to give up his employment or self-employment in Liechtenstein following an accident or illness, for as long as he stays in Liechtenstein; he shall be required to contribute on the same basis as a person without a gainful activity.

R. NORWAY

The transitional provisions of the Norwegian legislation entailing a reduction of the insurance period which is required for a full supplementary pension for persons born before 1937 shall be applicable to persons covered by the Regulation provided that they have been residents of Norway, or engaged in gainful occupation as employed or self-employed in Norway, for such a number of years as is required after their sixteenth

birthday and before 1 January 1967. This requirement shall be one year for each year the person's year of birth falls before 1937.

A person insured under the National Insurance Act who provides care to insured care-need old, disabled or sick persons shall, according to prescribed conditions, be credited pension points for such periods. Likewise, a person who takes care of small children shall be credited pension points when staying in another State to which this Regulation applies than Norway provided that the person concerned is on parental leave under Norwegian labour law.

In so far as Norwegian survivors' or disability pension is payable under the Regulation, calculated in accordance with Article 46(2) and by applying Article 45, the provisions of Articles 12-2 section 3, 17-3 section 4 and 18-2 section 4 of the National Insurance Act by which a pension may be granted by making an exception from the general requirement of having been insured under the National Insurance Act during the last three years up to the contingency, shall not apply.

Persons insured in Norway to whom this Regulation applies, who receive a loan or scholarship from the State Educational Loan Fund (Statens lånekasse for utdanning) and who take up studies in another State to which this Regulation applies are covered by the Norwegian national insurance scheme. As far as studies in Denmark, Finland, Iceland and Sweden are concerned, the student must also be registered in the Norwegian Population Register. The student's insurance is independent of the duration of the studies. In case of active employment in another State to which this Regulation applies the student's insurance coverage is withdrawn.

S. SWITZERLAND

Article 2 of the Federal Old-Age and Survivors' Insurance Act and Article 1 of the Federal Invalidity Insurance Act, which govern voluntary insurance in these insurance branches, shall be applicable to persons, who are nationals of the other Member States and who reside outside Switzerland, the territory of the other Member States and the territory of the Member States of the European Community, where these persons join the voluntary insurance scheme not later than one year after the date on which they ceased to be covered by old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years.

Where a person ceases to be insured under Swiss old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years, he shall continue to be entitled to be insured with the agreement of the employer unless he works in a Member State or in a Member State of the European Community for an employer in Switzerland and if he submits an application to this effect within six months of the date on which he ceases to be insured.

Where in application of Article 14 paragraph 1, Article 14a paragraph 1 and Article 17 a person remains subject to the legislation of one Member State while he or she is gainfully occupied in the territory of an other Member State, the same applies to the spouse and the children of this person residing with that person in the territory of the latter Member State, provided that they are not gainfully occupied themselves in the territory of this State.

Where in application of paragraph a) the Swiss legislation applies to the spouse and the children, they are insured in the Swiss old-age, survivors' and invalidity insurance.

The Swiss legal provisions with respect to the compulsory insurance under the sickness insurance scheme apply to the following persons who are not resident in Switzerland:

persons subject to Swiss legal provisions under the terms of Title II of the Regulation;

persons for whom Switzerland is the competent State under Articles 28, 28a or 29 of the Regulation;

persons receiving Swiss unemployment insurance benefits;

members of the family of these persons or of a worker resident in Switzerland who is insured under the Swiss sickness insurance scheme.

For the purposes of applying Articles 22, 22a, 22b, 22c, 25 and 31 of the Regulation, the Swiss insurer shall bear all invoiced costs.

Periods of daily allowance insurance completed under the insurance scheme of another Member State shall be taken into account for reducing or lifting a possible reserve in daily allowance insurance in the event of maternity or sickness where the person becomes insured with a Swiss insurer within three months of ceasing to be covered by insurance in another State.

An employed or self-employed person who is no longer subject to Swiss legislation on invalidity insurance shall be regarded as being insured by that insurance for a period of one year with effect from the day on which work preceding invalidity was interrupted, if he had to give up his gainful employment or self-employment in Switzerland owing to an accident or an illness and if the invalidity was diagnosed in this State; he shall be obliged to pay contributions to old-age, survivors' and invalidity insurance as if he were domiciled in Switzerland.

An employed or self-employed person who is no longer subject to Swiss legislation on invalidity insurance, since he had to give up his employment in Switzerland providing sufficient income for living because of an accident or an illness, shall be regarded as being insured by that insurance for the purposes of granting rehabilitation measures and throughout the period for which he undergoes these measures, unless he takes up another gainful employment outside of Switzerland.».

19. The following shall be added to Annex VII:«13. Where a person resident in Iceland is self-employed in Iceland and gainfully employed in any other State to which this Regulation applies. 14. Where a person is self-employed in Liechtenstein and gainfully employed in any other State to which this Regulation applies. 15. Where a person resident in Norway is self-employed in Norway and gainfully employed in any other State to which this Regulation applies. 16. Where a person is self-employed in Switzerland and gainfully employed in the territory of another Member State.».

372 R 0574: Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community, as updated by:

397 R 118: Council Regulation (EC) No 118/97 of 2 December 1996 (OJ L 28, 30.1.97, p. 1) modifying and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

397 R 1290: Council Regulation (EC) No 1290/97 of 27 June 1997 (OJ L 176, 4.7.97, p. 1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

398 R 1223: Council Regulation (EC) No 1223/98 of 4 June 1998 (OJ L 168, 13.6.98, p. 1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

398 R 1606: Council Regulation (EC) No 1606/98 of 29 June 1998 (OJ L 209, 25.7.98, p. 1) modifying Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

399 R 307: Council Regulation (EC) No 307/1999 of 8 February 1999 (OJ L 38, 12.2.1999 p. 1) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 with a view to extending them to cover students. The provisions of the Regulation shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Annex 1:

«P. ICELAND

Heilbrigðis- og tryggingamálaráðherra (Minister of Health and Social Security),
Reykjavík

Félagsmálaráðherra (Minister of Social Affairs), Reykjavík

Fjármálaráðherra (Minister of Finance), Reykjavík

Q. LIECHTENSTEIN

Die Regierung des Fürstentums Liechtenstein (the Government of the Principality of Liechtenstein), Vaduz

R. NORWAY

Sosial- og helsedepartementet (Ministry of Health and Social Affairs), Oslo

Arbeids- og administrasjonsdepartementet (Ministry of Labour and Government Administration), Oslo

Barne- og familiedepartementet (Ministry of Children and Family Affairs), Oslo

Justisdepartementet (Ministry of Justice), Oslo

Utenriksdepartementet (Ministry of Foreign Affairs), Oslo

S. SWITZERLAND

Bundesamt für Sozialversicherung, Bern - Office fédéral des assurances sociales, Berne-
Ufficio federale delle assicurazioni sociali, Berna (Federal Social Insurance Office, Berne)

Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern - Secrétariat d'Etat à
l'économie, Direction du travail, Berne - Segretariato di Stato dell'economia, Direzione del
lavoro, Berna (State Secretariat for Economic Affairs, Directorate of Labour, Berne)».

The following shall be added to Annex 2:

«P. ICELAND

For all contingencies except unemployment benefits and family benefits:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

For unemployment benefits:

Atvinnuleysistryggingasjóður, Vinnumálaskrifstofan (the Unemployment Insurance
Fund), Reykjavík

For family benefits:

Family benefits with the exception of children's and supplementary children's benefits:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

Children's and supplementary children's benefits:

Ríkisskattstjóri (the Director of Internal Revenue), Reykjavík

Q. LIECHTENSTEIN

Sickness and maternity:

the Recognized Sickness Insurance Fund with which the person concerned is insured; or

the Amt für Volkswirtschaft (Office of National Economy)

Invalidity:

Invalidity insurance:

Liechtensteinische Invalidenversicherung (Invalidity Insurance of Liechtenstein)

Occupational scheme:

the pension fund to which the last employer is affiliated

Old-age and death (pensions):

Old age and survivors insurance

Liechtensteinische Alters- und Hinterlassenenversicherung (Old Age and Survivors' Insurance of Liechtenstein)

Occupational scheme:

the pension fund to which the last employer is affiliated

Accidents at work and occupational diseases:

the accident insurance fund with which the person concerned is insured; or

the Amt für Volkswirtschaft (Office of National Economy)

Unemployment:

Amt für Volkswirtschaft (Office of National Economy)

Family benefits:

Liechtensteinische Familienausgleichskasse (Families' Compensation Fund of Liechtenstein)

R. NORWAY

Unemployment benefits:

Arbeidsdirektoratet, Oslo, fylkesarbeidskontorene og de lokale arbeids-kontorer på bostedet eller oppholdsstedet (the Directorate of Labour, Oslo, the regional labour offices and the local labour offices at the place of residence or at the place of stay)

All other benefits under the Norwegian National Insurance Act:

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

Family allowances:

Rikstrygdeverket (the National Insurance Administration), Oslo and Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

Pension insurance scheme for seafarers:

Pensjonstrygden for sjømenn (the Pension Insurance for Seafarers), Oslo

Act of 16 June 1989 on Industrial Injury Insurance (lov av 16. juni 1989 om yrkesskadeforsikring):

The insurer by whom the employer is insured. If not insured;

Yrkesskadeforsikringsforeningen (the Industrial Injury Insurance Association), Oslo

Guarantee scheme for social security entitlements pursuant to section 32 of the Seamen's Act of 30 May 1975 (sjømannsloven av 30. mai 1975):

The insurer by whom the employer is insured

Benefits under the Act of 28 July 1949 No 26 on the Norwegian Public Service Pension Fund (lov av 28. juli 1949 nr 26 om Statens Pensjonskasse):

Statens Pensjonskasse (the Norwegian Public Service Pension Fund)

S. SWITZERLAND

Sickness and maternity:

Versicherer - Assureur - Assicuratore (Insurer) under the Federal Sickness Insurance Act providing cover to the person concerned.

Invalidity:

Invalidity insurance:

Persons resident in Switzerland: IV-Stelle - Office AI - Ufficio AI (Invalidity insurance office) of the canton in which they are resident.

Persons not resident in Switzerland: IV-Stelle für Versicherte im Ausland, Genf - Office AI pour les assurés à l'étranger, Genève - Ufficio AI per gli assicurati all'estero, Ginevra (Invalidity insurance office for persons insured abroad, Geneva).

Occupational benefit plans: Pension fund of which the most recent employer is a member.

Old age and death:

Old-age and survivors' insurance:

Persons resident in Switzerland: Ausgleichskasse - Caisse de compensation - Cassa di compensazione (Compensation fund) to which contributions have been paid most recently.

Persons not resident in Switzerland: Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational benefit plans: Pension fund of which the most recent employer is a member.

Occupational accidents and diseases:

Employed persons:

Insurer against accidents with which the employer is insured.

Self-employed persons:

Insurer against accidents with which the person concerned is voluntarily insured.

Unemployment:

Full unemployment:

Unemployment insurance fund chosen by the worker.

Partial unemployment:

Unemployment insurance fund chosen by the employer.

Family benefits:

Federal scheme:

Employed persons:

Kantonale Ausgleichskasse - Caisse cantonale de compensation - Cassa cantonale di compensazione (cantonal compensation fund) of which the employer is a member.

Self-employed persons:

Kantonale Ausgleichskasse - Caisse cantonale de compensation - Cassa cantonale di compensazione (cantonal compensation fund) of the canton of residence.

Cantonal schemes:

Employed persons:

Familienausgleichskasse - Caisse de compensation familiale - Cassa di compensazione familiare (family compensation fund) of which the worker is a member, or the employer.

Self-employed persons:

The institution designated by the canton.».

The following shall be added at the end of Annex 3:

«P. ICELAND

Sickness, maternity, invalidity, old-age, death, accidents at work and occupational diseases:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

Unemployment benefits:

Atvinnuleysistryggingasjóður, Vinnumálaskrifstofan (the Unemployment Insurance Fund), Reykjavík

Family benefits

Family benefits with the exception of children's and supplementary children's benefits:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

Children's and supplementary children's benefits:

Ríkisskattstjóri (the Director of Internal Revenue), Reykjavík

Q. LIECHTENSTEIN

Sickness, maternity, accidents at work and occupational diseases, unemployment:

Amt für Volkswirtschaft (Office of National Economy)

Old age and death

Old age and survivors insurance:

Liechtensteinische Alters- und Hinterlassenenversicherung (Old-Age and Survivors' Insurance of Liechtenstein)

Occupational scheme:

Amt für Volkswirtschaft (Office of National Economy)

(Occupational scheme for civil servants:

Stiftungsrat der Pensionskasse für das Staatspersonal (Foundation Board of the occupational scheme for civil servants).

Invalidity:

Invalidity insurance:

Liechtensteinische Invalidenversicherung (Invalidity Insurance of Liechtenstein)

Occupational scheme:

Amt für Volkswirtschaft (Office of National Economy)

Occupational scheme for civil servants:

Stiftungsrat der Pensionskasse für das Staatspersonal (Foundation Board of the occupational scheme for civil servants).

Family benefits:

Liechtensteinische Familienausgleichskasse (Families' Compensation Fund of Liechtenstein)

R. NORWAY

De lokale arbeidskontor og trygdekontor på bostedet eller oppholdsstedet (the local labour and insurance offices of the place of residence or the place of stay).

Act of 16 June 1989 on Industrial Injury Insurance (lov av 16 juni 1989 om yrkesskadeforsikring):

The insurer by whom the employer is insured. If not insured:

Yrkesskadeforsikringsforeningen (the Industrial Injury Insurance Association), Oslo.

Guarantee scheme for social security entitlements pursuant to section 32 of the Seamen's Act of 30 May 1975 (sjømannsloven av 30. mai 1975):

Employees may contact the employer at the place of service, i.e. on board ship. From the place of residence or stay the employee must contact the insurer by whom the employer is insured.

Benefits under the Act of 28 July 1949 No 26 on the Norwegian Public Service Pension Fund (lov av 28. juli 1949 nr 26 om Statens Pensjonskasse):

Statens Pensjonskasse (the Norwegian Public Service Pension Fund).

S. SWITZERLAND

Sickness and maternity:

Gemeinsame Einrichtung KVG, Solothurn - Institution commune LAMal, Soleure - Istituzione commune LAMal, Soletta (common institution under the Federal Sicknes Insurance Act, Solothurn).

Invalidity:

Invalidity insurance:

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational welfare benefit:

Sicherheitsfonds - Fonds de garantie - Fondo di garanzia LPP (Guarantee Fund).

Old age and death:

Old-age and survivors' insurance:

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational benefit plans:

Sicherheitsfonds - Fonds de garantie - Fondo di garanzia LPP (Guarantee Fund).

Occupational accidents and diseases:

Schweizerische Unfallversicherungsanstalt, Luzern - Caisse nationale suisse d'assurance en cas d'accidents, Lucerne - Istituto nazionale svizzero di assicurazione contro gli infortuni, Lucerna (Swiss National Accident Insurance Fund, Lucerne).

Unemployment:

Full unemployment:

Unemployment insurance fund chosen by the employed person.

Partial unemployment:

Unemployment insurance fund chosen by the employer.

Family benefits:

The institution designated by the canton of residence or the host canton.».

The following shall be added to Annex 4:

«P. ICELAND

Sickness, maternity, invalidity, old-age, death, accidents at work and occupational diseases:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

Unemployment benefits:

Atvinnuleysistryggingasjóður, Vinnumálaskrifstofan (the Unemployment Insurance Fund), Reykjavík

Family benefits:

Family benefits with the exception of children's and supplementary children's benefits:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

Children's and supplementary children's benefits:

Ríkisskattstjóri (the Director of Internal Revenue), Reykjavík

Q. LIECHTENSTEIN

Sickness, maternity, accidents at work and occupational diseases, unemployment:

Amt für Volkswirtschaft (Office of National Economy)

Old age and death:

Old age and survivors insurance:

Liechtensteinische Alters- und Hinterlassenenversicherung (Old Age and Survivors Insurance of Liechtenstein)

Occupational scheme:

Amt für Volkswirtschaft (Office of National Economy)

Occupational scheme for civil servants:

Geschäftsleitung der Pensionsversicherung für das Staatspersonal (Management of the occupational scheme for civil servants)

Invalidity:

Invalidity insurance:

Liechtensteinische Invalidenversicherung (Invalidity Insurance of Liechtenstein)

Occupational scheme:

Amt für Volkswirtschaft (Office of National Economy)

Occupational scheme for civil servants:

Geschäftsleitung der Pensionsversicherung für das Staats-personal (Management of the occupational scheme for civil servants)

Family benefits:

Liechtensteinische Familienausgleichskasse (Families' Compensation Fund of Liechtenstein)

R. NORWAY

Unemployment benefits:

Arbeidsdirektoratet (the Directorate of Labour), Oslo

Benefits under the Act of 28 July 1949 No 26 on the Norwegian Public Service Pension Fund (lov av 28. juli 1949 nr 26 om Statens Pensjonskasse):

Statens Pensjonskasse (the Norwegian Public Service Pension Fund

In all other cases:

Rikstrygdeverket (the National Insurance Administration), Oslo

S. SWITZERLAND

Sickness and maternity:

Gemeinsame Einrichtung KVG, Solothurn - Institution commune LAMal, Soleure - Istituzione commune LAMal, Soletta (common institution under the Federal Sickness Insurance Act, Solothurn).

Invalidity:

Invalidity insurance:

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational benefit plans:

Sicherheitsfonds - Fonds de garantie - Fondo di garanzia LPP (Guarantee Fund).

Old-age and death:

Old-age and survivors' insurance:

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational benefit plans:

Sicherheitsfonds - Fonds de garantie - Fondo di garanzia LPP (Guarantee Fund).

Occupational accidents and diseases:

Schweizerische Unfallversicherungsanstalt, Luzern - Caisse nationale suisse d'assurance en cas d'accidents, Lucerne - Instituto nazionale svizzero di assicurazione contro gli infortuni, Lucerna (Swiss National Accident Insurance Fund, Lucerne).

Unemployment:

Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern - Secrétariat d'Etat à l'économie, Direction du travail, Berne - Segretariato di Stato dell'economia, Direzione del lavoro, Berna (State Secretariat for Economic Affairs, Directorate of Labour, Berne).

Family benefits:

Bundesamt für Sozialversicherung, Bern - Office fédéral des assurances sociales, Berne - Ufficio federale delle assicurazioni sociali, Berna (Federal Social Insurance Office, Berne).».

The following shall be added to Annex 5:

106. ICELAND - LIECHTENSTEIN

Does not apply.

107. ICELAND - NORWAY

Article 23 of the Nordic Convention on Social Security of 15 June 1992: Agreement on the reciprocal waiver of refunds pursuant to Articles 36(3), 63(3) and 70(3) of the Regulation (costs of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105(2) of the implementing Regulation (costs of administrative checks and medical examinations).

108. ICELAND - SWITZERLAND

Does not apply.

109. LIECHTENSTEIN - NORWAY

Does not apply.

110. LIECHTENSTEIN - SWITZERLAND

Does not apply.

111. NORWAY - SWITZERLAND

Does not apply.».

The following shall be added to Annex 6:

«P. ICELAND

Direct payment.

Q. LIECHTENSTEIN

Direct payment.

R. NORWAY

Direct payment.

S. SWITZERLAND

Direct payment.».

The following shall be added to Annex 7:

«P. ICELAND:

None.

Q. LIECHTENSTEIN:

Liechtensteinische Landesbank (National Bank of Liechtenstein), Vaduz.

R. NORWAY:

Sparebanken NOR (the Union Bank of Norway), Oslo.

S. SWITZERLAND

UBS S.A., Genf - Genève - Ginevra - Geneva.».

The following shall be inserted into Annex 8 at the end of Point A. (a):

«Iceland and Liechtenstein

Iceland and Norway

Liechtenstein and Norway».

The following shall be added to Annex 9:

«.P. ICELAND

The average annual cost of benefits in kind shall be calculated by taking into account the benefits provided under social-security schemes in Iceland.

Q. LIECHTENSTEIN

The average annual cost of benefits in kind shall be calculated by taking into account the benefits granted by the recognized sickness funds in accordance with the provisions of the national legislation on sickness insurance.

R. NORWAY

The average annual cost of benefits in kind shall be calculated by taking into consideration the benefits provided under chapter 5 of the National Insurance Act (Act 28 February 1997), under the Act 19 November 1982 on Municipal Health Care, under the Act 2 July 1999 on Specialised Health Services etc.

S. SWITZERLAND

The annual average cost of benefits in kind is calculated by taking into account the benefits granted by insurers under federal legislation on sickness insurance.».

The following shall be added to Annex 10:

«P. ICELAND

For the purpose of applying Articles 13(2)(d), 14(1)(a), 14(2)(b), 14a(1)(a), 14a(2), 14a(4), 14b(1), 14b(2), 14b(4) and 14c(a) of the Regulation and Articles 11, 11a, 12a(2)(a), 12a(5)(c) and 12a(7)(a) of the implementing Regulation:

Alþjóðadeild Tryggingastofnunar ríkisins (International Division of the State Social Security Institute), Reykjavík

For the purpose of applying Article 17 of the Regulation:

Heilbrigðis- og tryggingamálaráðuneytið (the Ministry of Health and Social Security), Reykjavík

For the purpose of applying Chapters 1, 2, 3, 4, 5 and 8 of Title III of the Regulation and the provisions linked to these provisions in the implementing Regulation:

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík

For the purpose of applying Chapter 6 of Title III of the Regulation and the provisions linked to these provisions in the implementing Regulation:

Atvinnuleysistryggingasjóður, vinnumálaskrifstofan (the Unemployment Insurance Fund), Reykjavík

For the purpose of applying Chapter 7 of Title III of the Regulation and the provisions linked to these provisions in the implementing Regulation:

Ríkisskattstjóri (the Directorate of Internal Revenue), Reykjavík

Q. LIECHTENSTEIN

For the purpose of applying Article 11(1) of the implementing Regulation:

In relation to Article 14(1) and Article 14b(1) of the Regulation:

Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Old Age, Survivors and Invalidity Insurance of Liechtenstein)

In relation to Article 17 of the Regulation:

Amt für Volkswirtschaft (Office of National Economy)

For the purpose of applying Article 11a(1) of the implementing Regulation:

In relation to Article 14a(1) and Article 14b(2) of the Regulation:

Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Old Age, Survivors and Invalidity Insurance of Liechtenstein)

In relation to Article 17 of the Regulation:

Amt für Volkswirtschaft (Office of National Economy)

For the purpose of applying Article 13(2) and (3) and Article 14(1) and (2) of the implementing Regulation:

Amt für Volkswirtschaft und Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Office of National Economy and Old Age, Survivors and Invalidity Insurance of Liechtenstein)

For the purpose of applying Articles 38(1), 70(1), 82(2) and 86(2) of the implementing Regulation:

Gemeindeverwaltung (Communal Administration) of the place of residence

For the purpose of applying Article 80(2) and Article 81 of the implementing Regulation:

Amt für Volkswirtschaft (Office of National Economy)

For the purpose of applying Article 102(2) of the implementing Regulation in relation to Articles 36, 63 and 70 of the Regulation:

Amt für Volkswirtschaft (Office of National Economy)

For the purpose of applying Article 113(2) of the implementing Regulation:

Amt für Volkswirtschaft (Office of National Economy)

R. NORWAY

For the purpose of applying Articles 14(1)(a) and (b) of the Regulation, Article 11(1)(a) and (2) of the implementing Regulation when the work is carried out outside Norway, and Article 14a(1)(b) of the Regulation:

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

For the purpose of applying Article 14a(1)(a) of the Regulation if the work is carried out in Norway:

The local insurance office in the municipality where the person concerned is resident

For the purpose of applying Article 14(1)(a) and (b) of the Regulation, if the person concerned is posted in Norway:

The local insurance office in the municipality where the employer has his registered office, and if the employer has no registered office in Norway, Stavanger trygdekontor (Stavanger local insurance office), Stavanger

For the purpose of applying Article 14(2) and Article 14(3) of the Regulation:

The local insurance office in the municipality in which the person concerned is resident

For the purpose of applying Article 14a(2) of the Regulation:

The local insurance office in the municipality where the work is carried out

For the purpose of applying Article 14b(1) and (2) of the Regulation:

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

For the purpose of applying Article 17 of the Regulation:

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

Stavanger trygdekontor (Stavanger local insurance office), Stavanger

For the particular case of:

Persons working in Norway for a foreign employer not having any registered office in Norway,

Persons working in Norway for an employer with a registered office in Stavanger

For the purpose of applying Articles 36, 63 and 87 of the Regulation and Articles 102(2) and 105(1) of the implementing Regulation:

Rikstrygdeverket (the National Insurance Administration), Oslo

For the purpose of applying the remaining provisions of Chapters 1, 2, 3, 4, 5, 7, and 8 of Title III of the Regulation and the provisions linked to these provisions in the implementing Regulation:

Rikstrygdeverket (the National Insurance Administration), Oslo and its designated bodies (Folketrygdkontoret for utenlandssaker, Oslo (the National Office for Social Insurance Abroad), the regional insurance offices and the local insurance offices)

For the purpose of applying Chapter 6 of Title III of the Regulation and the provisions linked to these provisions in the implementing Regulation:

Arbeidsdirektoratet (the Directorate of Labour), Oslo and its designated bodies

For the purpose of applying Article 10a of the Regulation and Article 2 of the implementing Regulation:

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo

For the pension insurance scheme for seafarers:

The local insurance office at the place of residence when the person concerned is resident in Norway

Folketrygdkontoret for utenlandssaker (the National Office for Social Insurance Abroad), Oslo in relation to paying benefits under the scheme to persons resident abroad

Benefits under the Act of 28 July 1949 No 26 on the Norwegian Public Service Pension Fund (lov av 28. juli 1949 nr 26 om Statens Pensjonskasse):

Statens Pensjonskasse (the Norwegian Public Service Pension Fund).

S. SWITZERLAND

For the application of Article 11(1) of the implementing Regulation:

in relation to Article 14(1) and 14b(1) of the Regulation:

Ausgleichskasse der Alters-, Hinterlassenen- und Invalidenversicherung - Caisse de compensation de l'assurance-vieillesse, survivants et invalidité - Cassa die compensazione dell'assicurazione vecchiaia, superstiti e invalidità (the competent compensation fund for old-age, survivors' and invalidity insurance);

in relation to Article 17 of the Regulation:

Bundesamt für Sozialversicherung, Bern - Office fédéral des assurances sociales, Berne - Ufficio federale delle assicurazioni sociali, Berna (Federal Social Insurance Office, Berne).

For the application of Article 11a(1) of the implementing Regulation:

in relation to Articles 14a(1) and 14b(2) of the Regulation:

Ausgleichskasse der Alters-, Hinterlassenen- und Invalidenversicherung - Caisse de compensation de l'assurance-vieillesse, survivants et invalidité - Cassa die compensazione dell'assicurazione vecchiaia, superstiti e invalidità (the competent compensation fund for old-age, survivors' and invalidity insurance);

in relation to Article 17 of the Regulation:

Bundesamt für Sozialversicherung, Bern - Office fédéral des assurances sociales, Berne - Ufficio federale delle assicurazioni sociali, Berna (Federal Social Insurance Office, Berne).

For the application of Article 12a of the implementing Regulation:

Ausgleichskasse der Alters-, Hinterlassenen- und Invalidenversicherung - Caisse de compensation de l'assurance-vieillesse, survivants et invalidité - Cassa die compensazione dell'assicurazione vecchiaia, superstiti e invalidità (the competent compensation fund for old-age, survivors' and invalidity insurance).

For the application of Article 13(2) and (3) and Article 14(1) and (2) of the implementing Regulation:

Eidgenössische Ausgleichskasse, Bern - Caisse fédérale de compensation, Berne - Cassa federale di compensazione, Berna (Federal Compensation Fund, Berne).

For the application of Articles 38(1), 70(1), 82(2) and 86(2) of the implementing Regulation:

Gemeindeverwaltung - Administration communale - Amministrazione comunale (the local authority).

For the application of Articles 80(2) and 81 of the implementing Regulation:

Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern - Secrétariat d'Etat à l'économie, Direction du travail, Berne - Segretariato di Stato dell'economia, Direzione del lavoro, Berna (State Secretariat for Economic Affairs, Directorate of Labour, Berne).

For the application of Article 102(2) of the implementing Regulation:

in relation to Article 36 of the Regulation:

Gemeinsame Einrichtung KVG, Solothurn - Institution commune LAMal, Soleure - Istituzione commune LAMal, Soletta (common institution under the Federal Sickness Insurance Act, Solothurn);

in relation to Article 63 of the Regulation:

Schweizerische Unfallversicherungsanstalt, Luzern - Caisse nationale suisse d'assurance en cas d'accidents, Lucerne - Instituto nazionale suizzero di assicurazione contro gli infortuni, Lucerna (Swiss National Accident Insurance Fund, Lucerne);

in relation to Article 70 of the Regulation:

Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern - Secrétariat d'Etat à l'économie, Direction du travail, Berne - Segretariato di Stato dell'economia, Direzione del lavoro, Berna (State Secretariat for Economic Affairs, Directorate of Labour, Berne).

For the application of Article 113(2) of the implementing Regulation:

in relation to Article 20(1) of the Regulation:

Gemeinsame Einrichtung KVG, Solothurn - Institution commune LAMal, Soleure - Istituzione commune LAMal, Soletta (common institution under the Federal Sickness Insurance Act, Solothurn);

in relation to Article 62(1) of the implementing Regulation:

Schweizerische Unfallversicherungsanstalt, Luzern - Caisse nationale suisse d'assurance en cas d'accidents, Lucerne - Instituto nazionale suizzero di assicurazione contro gli infortuni, Lucerna (Swiss National Accident Insurance Fund, Lucerne).».

The following shall be added to Annex 11:

«P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

None.

SWITZERLAND

None.».

3. 398 L 0049: Council Directive 98/49/EC of 29 June 1998 (OJ L 209, 25.7.98, p. 46) on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Section B: Acts of which the member states shall take due account

4.1 373 Y 0919(02): Decision No 74 of 22 February 1973 concerning the provision of medical care in cases of temporary stay under Article 22(1)(a)(i) of Council Regulation

(EEC) No 1408/71 and Article 21 of Council Regulation (EEC) No 574/72 (OJ C 75, 19.9.1973, p. 4).

4.2 373 Y 0919(03): Decision No 75 of 22 February 1973 concerning the investigation of applications for review made under Article 94(5) of Council Regulation (EEC) No 1408/71 by invalidity pensioners (OJ C 75, 19.9.1973, p. 5).

4.3 373 Y 0919(06): Decision No 78 of 22 February 1973 concerning the interpretation of Article 7(1)(a) of Council Regulation (EEC) No 574/72 relating to the procedure for implementing the provisions on reduction and suspension (OJ C 75, 19.9.1973, p. 8).

4.4 373 Y 0919(07): Decision No 79 of 22 February 1973 concerning the interpretation of Article 48(2) of Council Regulation (EEC) No 1408/71 relating to the aggregation of insurance periods treated as such with regard to insurance for invalidity, old age and death (OJ C 75, 19.9.1973, p. 9).

4.5 373 Y 0919(09): Decision No 81 of 22 February 1973 concerning aggregation of insurance periods completed in a specific employment pursuant to Article 45(2) of Council Regulation (EEC) No 1408/71 (OJ C 75, 19.9.1973, p. 11).

4.6 373 Y 0919(11): Decision No 83 of 22 February 1973 concerning the interpretation of Article 68(2) of Council Regulation (EEC) No 1408/71 and of Article 82 of Council Regulation (EEC) No 574/72 relating to increases in unemployment benefit for dependent members of the family (OJ C 75, 19.9.1973, p. 14).

4.7 373 Y 0919(13): Decision No 85 of 22 February 1973 concerning the interpretation of Article 57(1) of Council Regulation (EEC) No 1408/71 and of Article 67(3) of Council Regulation (EEC) No 574/72 relating to the determination of the applicable legislation and the institution competent for the granting of benefits in respect of occupational diseases (OJ C 75, 19.9.1973, p. 17).

4.8 373 Y 1113(02): Decision No 86 of 24 September 1973 concerning the methods of operation and the composition of the Audit Board of the Administrative Commission of the European Communities on social security for migrant workers (OJ C 96, 13.11.1973, p. 2), as amended by: 395 D 0512: Decision No 159 of 3 October 1995 (OJ L 294, 8.12.1995, p. 38).

4.9 374 Y 0720(06): Decision No 89 of 20 March 1973 concerning the interpretation of Article 16(1) and (2) of Council Regulation (EEC) No 1408/71 relating to persons employed by diplomatic missions and consular posts (OJ C 86, 20.7.1974, p. 7).

4.10 374 Y 0720(07): Decision No 91 of 12 July 1973 concerning the interpretation of Article 46(3) of Council Regulation (EEC) No 1408/71 relating to the award of benefits due under paragraph 1 of the said Article (OJ C 86, 20.7.1974, p. 8).

4.11 374 Y 0823(04): Decision No 95 of 24 January 1974 concerning the interpretation of Article 46(2) of Council Regulation (EEC) No 1408/71 on the calculation of pro rata pensions (OJ C 99, 23.8.1974, p. 5).

4.12 374 Y 1017(03): Decision No 96 of 15 March 1974 concerning the revision of rights to benefit pursuant to Article 49(2) of Council Regulation (EEC) No 1408/71 (OJ C 126, 17.10.1974, p. 23).

4.13 **375 Y 0705(02)**: Decision No 99 of 13 March 1975 concerning the interpretation of Article 107(1) of Council Regulation (EEC) No 574/72 with regard to the obligation to recalculate current benefits (OJ C 150, 5.7.1975, p. 2).

4.14 **375 Y 0705(03)**: Decision No 100 of 23 January 1975 concerning the refund of cash benefits provided by the institution of the place of stay or of residence on behalf of the competent institution and the details of refunding these benefits (OJ C 150, 5.7.1975, p. 3).

4.15 **376 Y 0526(03)**: Decision No 105 of 19 December 1975 on the implementation of Article 50 of Council Regulation (EEC) No 1408/71 (OJ C 117, 26.5.1976, p. 3).

4.16 **378 Y 0530(02)** : Decision No 109 of 18 November 1977 amending Decision No 92 of 22 November 1973, concerning the concept of sickness and maternity insurance benefits in kind referred to in Articles 19(1) and (2), 22, 25(1), (3) and (4), 26, 28(1), 28a, 29 and 31 of Council Regulation (EEC) No 1408/71 and the determination of the amounts to be refunded under Articles 93, 94 and 95 of Council Regulation (EEC) No 574/72, as well as the advances to be paid in pursuance of Article 102(4) of the same Regulation (OJ C 125, 30.5.1978, p. 2).

4.17 **383 Y 0115**: Decision No 115 of 15 December 1982 concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 24(2) of Council Regulation (EEC) No 1408/71 (OJ C 193, 20.7.1983, p. 7).

4.18 **383 Y 0117**: Decision No 117 of 7 July 1982 concerning the conditions for implementing Article 50(1)(a) of Council Regulation (EEC) No 574/72 (OJ C 238, 7.9.1983, p. 3).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Point 2(2):

«Iceland

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík.

Liechtenstein

Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Old Age, Survivors' and Invalidity Insurance of Liechtenstein), Vaduz.

Norway

Rikstrygdeverket (National Insurance Administration), Oslo.

Switzerland

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).».

4.19 **383 Y 1112(02)** : Decision No 118 of 20 April 1983 concerning the conditions for implementing Article 50(1)(b) of Council Regulation (EEC) No 574/72 (OJ C 306, 12.11.1983, p. 2).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to point 2(4):

«Iceland

Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavík.

Liechtenstein

Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Old Age, Survivors' and Invalidity Insurance of Liechtenstein), Vaduz.

Norway

Rikstrygdeverket (National Insurance Administration), Oslo.

Switzerland

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).».

4.20 383 Y 1102(03): Decision No 119 of 24 February 1983 concerning the interpretation of Article 76 and Article 79(3) of Council Regulation (EEC) No 1408/71 and of Article 10(1) of Council Regulation (EEC) No 574/72 relating to the overlapping of family benefits and allowances (OJ C 295, 2.11.1983, p. 3).

4.21 383 Y 0121: Decision No 121 of 21 April 1983 concerning the interpretation of Article 17(7) of Council Regulation (EEC) No 574/72 relating to the granting of prostheses, major appliances and other substantial benefits in kind (OJ C 193, 20.7.1983, p. 10).

4.22 386 Y 0126: Decision No 126 of 17 October 1985 concerning the application of Articles 14(1)(a), 14a(1)(a), 14b(1) and (2) of Council Regulation (EEC) No 1408/71 (OJ C 141, 7.6.1986, p. 3).

4.23 387 Y 1009(01): Decision No 132 of 23 April 1987 concerning the interpretation of Article 40(3)(a)(ii) of Council Regulation (EEC) No 1408/71 (OJ C 271, 9.10.1987, p. 3).

4.24 387 Y 1022(01): Decision No 133 of 2 July 1987 concerning the application of Articles 17(7) and 60(6) of Council Regulation (EEC) No 574/72 (OJ C 284, 22.10.1987, p. 3 and OJ C 64, 9.3.1988, p. 13).

4.25 388 Y 0309(01): Decision No 134 of 1 July 1987 concerning the interpretation of Article 45(2) of Council Regulation (EEC) No 1408/71 relating to aggregation of insurance periods completed in an occupation subject to a special scheme in one or more Member States (OJ C 64, 9.3.1988, p. 4).

4.26 388 Y 0309(03): Decision No 135 of 1 July 1987 concerning the granting of benefits in kind provided for in Article 17(7) and Article 60(6) of Council Regulation (EEC) No 574/72 and the concept of urgency within the meaning of Article 20 of Council Regulation (EEC) No 1408/71 and of extreme urgency within the meaning of Articles 17(7) and 60(6) of Council Regulation(EEC) No 574/72 (OJ C 281, 9.3.1988, p. 7).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Article 2 No 2:

«CHF 800 for the institution of the place of residence in Switzerland;»

«Euro 500 for the institutions of the place of residence in Iceland, Liechtenstein and Norway».

4.27 388 Y 0309(01): Decision No 136 of 1 July 1987 concerning the interpretation of Article 45(1) to (3) of Council Regulation (EEC) No 1408/71 with regard to the taking into account of insurance periods completed under the legislations of other Member States for the acquisition, retention or recovery of the right to benefits (OJ C 64, 9.3.1988, p. 7).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to the Annex:

«P. ICELAND

None.

Q. LIECHTENSTEIN

None.

R. NORWAY

None.

S. SWITZERLAND

None.».

4.28 389 Y 0606(01): Decision No 137 of 15 December 1988 concerning the application of Article 15(3) of Council Regulation (EEC) No 574/72 (OJ C 140, 6.6.1989, p. 3).

4.29 389 Y 1115(01): Decision No 138 of 17 February 1989 concerning the interpretation of Article 22 (1)(c)(i) of Council Regulation (EEC) No 1408/71 in the case of organ transplants or other forms of surgery requiring tests on biological samples while the person concerned is not present in the Member State where the tests are carried out (OJ C 287, 15.11.1989, p. 3).

4.30 390 Y 0412(01): Decision No 139 of 30 June 1989 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 107 of Council Regulation (EEC) No 574/72 to be applied when calculating certain benefits and contributions (OJ C 94, 12.4.1990, p. 3).

4.31 390 Y 0412(02): Decision No 140 of 17 October 1989 concerning the rate of conversion to be applied by the institution of a wholly unemployed frontier worker's place of residence to the last wage or salary he received in the competent State (OJ C 94, 12.4.1990, p. 4).

4.32 **390 Y 0412(03)**: Decision No 141 of 17 October 1989 amending Decision No 127 of 17 October 1985 concerning the compilation of the lists provided for in Articles 94(4) and 95(4) of Regulation (EEC) No 574/72/EEC (OJ C 94, 12.4.1990, p. 5).

4.33 **390 Y 0330(01)**: Decision No 142 of 13 February 1990 concerning the application of Articles 73, 74 and 75 of Council Regulation (EEC) No 1408/71 (OJ C 80, 30.3.1990, p. 7).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

Point 1 shall not apply.

Point 3 shall not apply.

4.34 **391 D 0140**: Decision No 144 of 9 April 1990 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E401- E410 F) (OJ L 71, 18.3.1991, p. 1).

4.35 **391 D 0425**: Decision No 147 of 11 October 1990 concerning the application of Article 76 of Council Regulation (EEC) No 1408/71 (OJ L 235, 23.8.1991, p. 21), as amended by:

395 D 2353: Decision No 155 of 6 July 1994 (E 401-411) (OJ L 209, 5.9.1995, p. 1).

4.36 **393 D 0068**: Decision No 148 of 25 June 1992 concerning the use of the certificate concerning the applicable legislation (Form E 101) where the period of posting does not exceed three months (OJ L 22, 30.1.1993, p. 124).

4.37 **393 D 0825**: Decision No 150 of 26 June 1992 concerning the application of Articles 77, 78 and 79(3) of Regulation (EEC) No 1408/71 and of Article 10(1)(b)(ii) of Regulation (EEC) No 574/72 (OJ C 229, 25.8.1993, p. 5).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to the Annex:

«P. ICELAND

Tryggingastofnun ríkisins (The State Social Security Institute), Laugavegur 114, 150 Reykjavík.

Q. LIECHTENSTEIN

For family benefits:

Liechtensteinische Familienausgleichskasse (Families' Compensation Fund of Liechtenstein).

For orphan pensions:

Liechtensteinische Alters- und Hinterlassenenversicherung (Old Age and Survivors' insurance of Liechtenstein).

R. NORWAY

Folketrygdkontoret for Utenlandssaker (the National Office for Social Insurance Abroad), Oslo.

S. SWITZERLAND

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).».

4.38 **394 D 0602** : Decision No 151 of 22 April 1993 concerning the application of Article 10a of Regulation (EEC) No 1408/71 and Article 2 of Regulation (EEC) No 1247/92 (OJ L 244, 19.9.1994, p. 1).

The provisions of the Decision shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to the Annex:

«13. Iceland:

Tryggingastofnun ríkisins (The State Social Security Institute), Laugavegur 114, 150 Reykjavík.

14. Norway:

Folketrygdkontoret for Utenlandssaker (the National Office for Social Insurance Abroad), Oslo.

15. Liechtenstein:

Amt für Volkswirtschaft (Office of National Economy) concerning maternity allowances

Liechtensteinische Alters- und Hinterlassenenversicherung (Old Age and Survivors' Insurance of Liechtenstein) concerning allowances for widowers, supplementary benefits to the old age, survivors' and invalidity insurance and concerning helplessness allowances

Liechtensteinische Invalidenversicherung (Invalidity Insurance) concerning allowances for blind persons.

16. Switzerland:

Invalidity, old age and death

Old Age, survivors' and Invalidity insurance:

Schweizerische Ausgleichskasse, Genf - Caisse suisse de compensation, Genève - Cassa svizzera di compensazione, Ginevra (Swiss Compensation Fund, Geneva).

Occupational welfare benefit:

Sicherheitsfonds - Fonds de garantie - Fondo di garanzia LPP. Provident institution under the Federal Act on occupational benefit plans for old-age, survivors' and invalidity insurance.

Unemployment

Staatssekretariat für Wirtschaft, Direktion für Arbeit, Bern - Secrétariat d'Etat à l'économie, Direction du travail, Berne - Segretariato di Stato dell'economia, Direzione del lavoro, Berna - (State Secretariat for Economic Affairs, Directorate of Labour, Berne).

Family benefits

Bundesamt für Sozialversicherung, Bern - Office fédéral des assurances sociales, Berne - Ufficio federale delle assicurazioni sociali, Berna (Federal Social Insurance Office, Berne).».

4.39 **394 D 0604:** Decision No 153 of 7 October 1993 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E001, E103-E127) (OJ L 244, 19.9.1994, p. 22).

4.40 **394 D 0605:** Decision No 154 of 8 February 1994 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E301, E302, E303) (OJ L 244, 19.9.1994, p. 123).

4.41 **395 D 0353:** Decision No 155 of 6 July 1994 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E401-E411) (OJ L 244, 5.9.1995, p. 1).

4.42 **395 D 0419:** Decision No 156 of 7 April 1995 concerning the rules of priority with regard to sickness and maternity insurance (OJ L 249, 17.10.1995, p. 41).

4.43 **396 D 0732:** Decision No 158 of 27 November 1995 on the model forms necessary for the application of Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E201-E215) (OJ L 336, 27.12.1996, p. 1).

4.44 **395 D 0512:** Decision No 159 of 3 October 1995 amending Decision No 86 of 24 September 1973 concerning the methods of operation and the composition of the Audit Board of the Administrative Commission of the European Communities on Social Security for Migrant Workers (OJ L 294, 8.12.1995 p. 38).

4.45 **396 D 0172:** Decision No 160 of 28 November 1995 concerning the scope of Article 71(1)(b)(ii) of Council Regulation (EEC) No 1408/71 relating to the right to unemployment benefits of workers, other than frontier workers, who, during their last employment, were resident in the territory of a Member State other than the competent State (OJ L 49, 28.2.1996, p. 31).

4.46 **396 D 0249:** Decision No 161 of 15 February 1996 concerning the reimbursement by the competent institution of a Member State of the costs incurred during a stay in another Member State by means of the procedure referred to in Article 34(4) of Regulation (EEC) No 574/72 (OJ L 83, 2.4.1996, p. 19).

4.47 **396 D 0554:** Decision No 162 of 31 May 1996 concerning the interpretation of Articles 14(1) and 14b(1) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers (OJ L 241, 21.9.1996, p. 28).

4.48 **396 D 0555:** Decision No 163 of 31 May 1996 concerning the interpretation of Article 22(1)(A) of Regulation (EEC) No 1408/71 in respect of persons undergoing dialysis or oxygen therapy (OJ L 241, 21.9.1996, p. 31).

4.49 **397 D 0533**: Decision No 164 of 27 November 1996 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101 and E 102) (OJ L 216 du 8.8.1997, p. 85).

4.50 **397 D 0823**: Decision No 165 of 30 June 1997 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E128 and E128B) (OJ L 341, 12.12.1997, p. 61).

4.51 **398 D 0441**: Decision No 166 of 2 October 1997 on the amending of forms E106 and E109 (OJ L 195, 11.7.1998, p. 25).

4.52 **398 D 0442**: Decision No 167 of 2 December 1997 amending Decision No 146 of 10 October 1990 concerning the interpretation of Article 94(9) of Regulation (EEC) No 1408/71 (OJ L 195, 11.7.1998, p. 35).

4.53 **398 D 0443**: Decision No 168 of 11 June 1998 on the amending of forms E121 and E127 and the discontinuance of form E122 (OJ L195, 11.7.1998, p. 37).

4.54 **398 D 0444**: Decision No 169 of 11 June 1998 concerning the methods of operation and the composition of the Technical Commission on Data Processing of the Administrative Commission of the European Communities on Social Security for Migrant Workers (OJ L 195, 11.7.1998, p. 46).

4.55 **398 D 0565**: Decision No 170 of 11 June 1998 amending Decision No 141 of 17 October 1989 concerning the compilation of the lists provided for in Articles 94(4) and 95(4) of Council Regulation (EEC) No 574/72 of 21 March 1972 (OJ L 275, 10.10.1998, p. 40).

Section C: Acts of which the member states shall take note

The Member States shall take note of the content of the following acts:

5.1 Recommendation No 14 of 23 January 1975 concerning the issue of Form E111 to workers posted abroad (adopted by the Administrative Commission during its 139 th meeting on 23 January 1975).

5.2 Recommendation No 15 of 19 December 1980 on the determination of the language of issue of the forms required for the purposes of Regulations (EEC) No 1408/71 and (EEC) No 574/72/EEC (adopted by the Administrative Commission during its 176 th meeting on 19 December 1980).

5.3 **385 Y 0016**: Recommendation No 16 of 12 December 1984 concerning the conclusion of agreements pursuant to Article 17 of Regulation (EEC) No 1408/71 (OJ C 273, 24.10.1985, p. 3).

5.4 **385 Y 0017**: Recommendation No 17 of 12 December 1984 concerning the statistical data to be supplied each year for the drawing up of the reports of the Administrative Commission (OJ C 273, 24.10.1985, p. 3).

5.5 **386 Y 0018**: Recommendation No 18 of 28 February 1986 relating to the legislation applicable to unemployed persons engaged in part-time work in a Member State other than the State of residence (OJ C 284, 11.11.1986, p. 4).

5.6 **392 Y 0019**: Recommendation No 19 of 24 November 1992 on the improvement of cooperation among the Member States in implementing the Community Regulations (OJ C 199, 23.7.1993, p. 11).

5.7 **396 X 0592**: Recommendation No 20 of 31 May 1996 concerning improvement of the administration and settlement of reciprocal claims (OJ L 259, 12.10.1996, p. 19).

5.8 **397 Y 0304(01)**: Recommendation No 21 of 28 November 1996 concerning the application of Article 69(1)(a) of Regulation (EEC) No 1408/71 to unemployed persons accompanying their spouses employed in a Member State other than the competent State (OJ C 67, 4.3.1997, p. 3).

5.9 **380 Y 0609(03)**: Updating of the Declarations of the Member States provided for in Article 5 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ C 139, 9.6.1980, p. 1).

6.0 **381 Y 0613(01)**: Declarations by Greece provided for in Article 5 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ C 143, 13.6.1981, p. 1).

6.1 **380 Y 0609(01)**: Updating of the Declarations of the Member States provided for in Article 5 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ C 139, 9.6.1980, P. 1).

6.2 **C/107/87/p. 1**: Declarations of the Member States provided for in Article 5 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed and self employed persons and their families moving within the Community (OJ C 107, 22.4.1987, p. 1).

6.3 **C/323/80/p. 1**: Notifications to the Council by the Governments of the Federal Republic of Germany and of the Grand Duchy of Luxembourg of the conclusion of a convention between these two Governments on various social security questions, pursuant to Articles 8(2) and 96 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ C 323, 11.12.1980, p. 1).

6.4 **L/90/87/p. 39**: Declaration made by the French Republic pursuant to Article 1(j) of Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, self-employed persons and members of their families moving within the Community (OJ L 90, 2.4.1987, p. 39).

Protocol 1 to Appendix 2

Unemployment insurance

The following rules shall apply with respect to unemployment insurance for workers holding a residence permit with a period of validity of less than one year:

Only workers who have paid contributions in Switzerland for the minimum period required under the Federal Unemployment Insurance and Insolvency Allowances Act (loi fédérale sur l'assurance-chômage obligatoire et l'indemnité en cas d'insolvabilité -

LACI)[\[5\]](#) and who also satisfy the other conditions of eligibility for unemployment benefit shall be entitled to such benefit provided by the unemployment insurance under the conditions laid down by law.

A portion of the contributions levied for workers whose period of contribution is too short to give entitlement to unemployment benefit in Switzerland under 1.1 shall be refunded to their States of origin in accordance with the provisions of 1.3. in order to contribute towards the cost of benefits provided to these workers in the event of full unemployment; these workers shall then have no entitlement to benefit in the event of their being fully unemployed in Switzerland. They shall, however, be entitled to allowances for bad weather and in the event of the employer becoming insolvent. Benefits in the event of full unemployment shall be paid by the State of origin, provided that the workers concerned make themselves available for work there. Periods of insurance completed in Switzerland shall be taken into account in the same way as if they had been completed in the State of origin.

The portion of the contributions levied for workers referred to in 1.2 shall be refunded on an annual basis in accordance with the following provisions:

The total contributions of these workers shall be calculated, by State, on the basis of the annual number of workers employed and the average annual contributions paid for each worker (employer's and employee's contributions).

Of the amount calculated in this way, a portion thereof corresponding to the relative share represented by unemployment benefit as a percentage of all the allowances referred to in 1.2 shall be refunded to the workers' States of origin, and a portion shall be retained by Switzerland as a reserve for subsequent benefits.[\[6\]](#)

Switzerland shall, on an annual basis, provide a statement showing the contributions refunded. If the States of origin so request, it shall indicate the bases for the calculation and the sums refunded. The States of origin shall each year notify Switzerland of the number of recipients of unemployment benefit as referred to in 1.2.

Number 1.2 first sentence and number 1.3 are not applicable to Liechtenstein.

Article 9 of the Convention on Unemployment Insurance between Switzerland and Liechtenstein of 15 January 1979 shall continue to be applicable.

The arrangements under 1 and 2 shall apply for a period of seven years from the date of entry into effect of the Agreement. If, at the end of the seven-year period, a Member State encounters difficulties with the ending of the arrangements for refunding of contributions, or Switzerland encounters difficulties with the aggregation arrangements, the matter may be referred to the Working Group on Social Security referred to in Article 14 of the Annex by any of the Member States.

Allowances for helpless persons

Allowances for helpless persons under the Federal Old-Age and Survivors' Insurance Act (loi fédérale sur l'assurance-vieillesse et survivants) and the Federal Invalidity Insurance Act (loi fédérale sur l'assurance-invalidité) shall, by means of a decision of the Council, be provided for in the text of Appendix 2 to the Annex in Annex IIa to Regulation No 1408/71, as soon as the amendment of these Acts stipulating that these benefits shall be financed exclusively by the public authorities enters into effect.

Occupational benefit plans concerning old-age, survivors' and invalidity pensions

Notwithstanding Article 10 (2) of Council Regulation (EEC) No 1408/71, the vested benefit provided for under the Federal Act on free movement among occupational benefit plans concerning old-age, survivors' and invalidity pensions (Loi fédérale sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité) of 17 December 1993 shall be paid out on request to an employed or self-employed person who intends to leave Switzerland for good and who, under Title II of the Regulation, will no longer be subject to Swiss law, provided that they leave Switzerland within five years of the entry into force of the Annex.

Protocol 2 to Appendix 2

Sections A and B of Appendix 2 are applicable to the relations between Liechtenstein and Switzerland under the conditions set out in this Protocol:

Compulsory insurance under the sickness insurance scheme

Persons residing in one of the two States are subject to the legal provisions on compulsory sickness insurance of their State of residence, if:

being gainfully employed, they are subject to the legal provisions relative to the other branches of social security in one of the two States;

pursuant to Title III Chapter 1 of the Regulation, they are subject to the legislation of one of the two States as beneficiaries or claimants of a pension;

they receive unemployment benefits from one of the two States;

they are family members of a person subject to the provisions concerning compulsory sickness insurance of one of the two States pursuant to letters a) to c).

The obligation to be insured under the daily allowance insurance is determined by the legislation applicable to the person by reason of his or her gainful employment.

Workers who pursuant to point 1.1 letter a) are subject to Swiss provisions, and are subject to provisions of Liechtenstein with reference to point 1.2 are entitled to a subsidy from their employer in Liechtenstein corresponding to the part that employers there have to contribute to the premiums of their employees affiliated in the compulsory Liechtenstein sickness insurance scheme.

Article 20 of the Regulation applies in analogy to frontier workers who, pursuant to point 1.1 letter a), are subject to the compulsory sickness insurance in their State of residence.

Children's and orphans' pensions from the old age, survivors' and invalidity insurance scheme

Title III Chapter 3 of the Regulation applies to:

Increases and supplements to pensions in respect of children, when the pension beneficiary receives old age or invalidity benefits exclusively according to the legislations of Liechtenstein and Switzerland;

Orphans' pensions, except those granted under insurance schemes for accidents at work and occupational diseases, if the deceased employed or self-employed person was subject exclusively to the legislations of Liechtenstein and Switzerland.

Unemployment insurance A totally unemployed employed or self-employed person who, pursuant to Article 69 paragraph 1 of the Regulation, fulfils the conditions for entitlement according to the legislation of one State, and moves to the other State in search of employment, will, as a departure from Article 70 paragraph 1 first sentence of the Regulation, receive benefits from the competent institution of the first State and be subject to its control regulations.

Protocol 3 to Appendix 2

Sections A and B of Appendix 2 are applicable to the relations between Norway and Switzerland under the conditions set out in this Protocol:

Title III Chapter 3 of the Regulation applies to:

Increases and supplements to pensions in respect of children, when the pension beneficiary receives old age or invalidity benefits exclusively according to the legislations of Norway and Switzerland;

Orphans' pensions, except those granted under insurance schemes for accidents at work and occupational diseases, if the deceased employed or self-employed person was subject exclusively to the legislations of Norway and Switzerland.

Appendix 3

Mutual recognition of professional qualifications (diplomas, certificates and other evidence of formal qualifications) (Art. 22)

The Member States agree, with regard to the mutual recognition of professional qualifications, to apply among themselves the Community acts to which reference is made, as incorporated in the EEA Agreement and in the Swiss-EC Agreement on the free movement of persons, and as in force on 21 June 1999 and as amended by Section A of this Appendix, or rules equivalent to such acts.

For the purposes of applying the provisions of this Appendix, the Member States shall take into consideration the Community acts referred to in or amended by Section B of this Appendix, as incorporated in the EEA Agreement and in the Swiss-EC Agreement on the free movement of persons, and as in force on 21 June 1999.

The term «Member State(s)» contained in the acts referred to in Section A of this Appendix shall be understood to refer to the Member States of the present Convention.

Section a - acts to which reference is made

A. General system

389 L 0048: Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration (OJ L 19 of 24.1.1989, p. 16).

392 L 0051: Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 209 of 24.7.1992, p. 25), as amended by:

394 L 0038: Commission Directive 94/38/EC of 26 July 1994 amending Annexes C and D to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 217 of 23.8.1994, p. 8),

395 L 0043: Commission Directive 95/43/EC of 20 July 1995 amending Annexes C and D to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 184 of 3.8.1995, p. 21),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1),

397 L 0038: Commission Directive 97/38/EC of 20 June 1997 amending Annex C to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Council Directive 89/48/EEC (OJ L 184 of 3.8.1997, p. 31).

For the purposes of this Convention, the Directive shall be read with the following adaptations:

(I) The following shall be added to Annex C (List of courses having a special structure as referred to in point (ii) of the second indent of the first subparagraph of Article 1(a)):

Under the heading «2. Master craftsman sector («Mester/Meister/Maître») which represents education and training courses concerning skills not covered by the Directives listed in Annex A» the following shall be inserted:

«In Norway

training for:

landscape gardener («anleggsgartner»),

dental technician («tanntekniker»). These courses are of a total duration of at least fourteen years, including at least five years training within a structured training framework divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training of two years' duration, culminating in a mastership examination relating to the craft and conferring the rights to train apprentices and to use the title «Mester».

Under the heading «3. Seafaring sector» the following shall be inserted:

Under the subheading «(a) Sea transport»:

«In Iceland

training for:

ship's captain («skipstjóri»),

chief mate («styrimaður»),

watchkeeping officer («undirstyrimaður»),

marine engineer, first grade («vélstjóri 1. stigs»).

In Norway

training for:

master mariner/deck officer Class 1 («skipsfører»),

chief mate/deck officer Class 2 («overstyrmann»),

master home trade/deck officer Class 3 («kystskipper»),

mate/watchkeeping officer/deck officer Class 4 («styrmann»),

chief engineer officer/engineer officer Class 1 («maskinsjef»),

second engineer officer/engineer officer Class 2 («1. maskinist»),

solo engineer/engineer officer Class 3 («enemaskinist»),

watchkeeping engineer/engineer officer Class 4 («maskinoffiser»), which represents training

in Iceland, of nine or ten years' primary schooling followed by two years' service at sea, supplemented by three years of specialized vocational training (five years for the marine engineer),

in Norway, of nine years' primary schooling followed by a course of basic training and service at sea of three years (two and a half years for engineering officers), supplemented by,

for watchkeeping officers, one year of specialized vocational training,

for the others, two years of specialized vocational training, and by further service at sea and which is recognized under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

In Norway

training for:

electro-automation officer (ship's electrician), («elektro-automasjonstekniker/skipselektriker»), which represents training of nine years' primary schooling followed by a two year course of basic training, supplemented by one year of practical experience and service at sea and one year of specialized vocational training.».

Under the sub-heading «(b) Sea fishing»:

«In Iceland

training for:

ship's captain («skipstjóri»),

chief mate («styrimaður»),

watchkeeping officer («undirstyrimaður»), which represents training of nine or ten years' primary schooling followed by two years' service at sea, supplemented by two years of specialized vocational training culminating in an examination and is recognized under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).».

Under a new sub-heading «(c) Mobile drilling rig personnel»:

«In Norway

training for:

platform manager («plattformsjef»),

stability section manager («stabilitetssjef»),

control room operator («kontrollromoperatør»),

technical section leader («teknisk sjef»),

assistant technical section leader («teknisk assistent»), which represents training of nine years' primary schooling, followed by a two year course of basic training, supplemented by at least one year's service off-shore and,

for the control room operator, one year of specialized vocational training,

for the others, two and a half years of specialized vocational training.».

Under the heading «4. Technical sector» the following shall be inserted:

«In Liechtenstein

training for:

fiduciary expert («Treuhänder») Length, level and requirements: The training is based on nine years' compulsory school and - unless a maturity certificate is achieved - a commercial apprenticeship of three years with training of practical skills in an enterprise, while the necessary theoretical knowledge as well as general education are provided by a vocational school, both combined leading to the national examination (National certificate of proficiency as a commercial employee). After three years of practical experience in an enterprise combined with further theoretical education of four years, which may be done simultaneously, the national diploma may be passed, leading to the abovementioned professional title. In general the whole duration of this training is between 16 and 19 years. Regulations: The profession is regulated by national legislation. Any candidate is free to choose the way he wants to prepare himself for the examination (vocational schools, private schools, distance learning),

auditing expert («Wirtschaftsprüfer») Length, level and requirements: The training is based on nine years of compulsory school, followed by a commercial apprenticeship of three years with training and practical skills in an enterprise, while the necessary theoretical knowledge as well as general education are provided by a vocational school. After three more years of practical experience in an enterprise and further theoretical education of five years, which may be done simultaneously as distance learning, the national diploma may be passed, leading to the abovementioned professional title. The

whole duration of this training is between 17 and 18 years. Candidates who have gained their practical experience abroad have only to provide proof of a further year's professional experience in Liechtenstein. Regulations: The profession is regulated by national legislation.».

(II) The additions to Annex C listed in adaptation I are to be read together with the list included in Annex II to Commission Directive 95/43/EC, as amended by Commission Directive 97/38/EC and as incorporated in the EEA Agreement and in the Swiss-EC Agreement on the free movement of persons.

(III) The Swiss lists relating to Annexes C and D of Directive 92/51/EEC will be drawn up in the framework of the application of the present Convention.

B. Legal professions

377 L 0249: Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78 of 26.3.1977, p. 17), as amended by:

1 79 H: Act concerning the conditions of accession of the Hellenic Republic to the European Communities and the adjustments to the treaties (OJ L 291 of 19.11.1979, p. 91),

1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302 of 15.11.1985, p. 160),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptation: The following shall be added to Article 1(2):

<i>«In Iceland:</i>	«Lögmaður»,
<i>In Liechtenstein:</i>	«Rechtsanwalt»,
<i>In Norway:</i>	«Advokat»,
<i>In Switzerland:</i>	«Avocat/Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech/Avvocato»».

C. Medical and paramedical activities

381 L 1057: Council Directive 81/1057/EEC of 14 December 1981 supplementing Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of doctors, nurses responsible for general care, dental practitioners and veterinary surgeons respectively, with regard to acquired rights (OJ L 385 of 31.12.1981, p. 25).

Doctors

393 L 0016: Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 165 of 7.7.1993, p. 1), as amended by:

398 L 0021: Commission Directive 98/21/EC of 8 April 1998 amending Council Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 119 of 22.4.1998, p. 15),

398 L 0063: Commission Directive 98/63/EC of 3 September 1998 amending Council Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 253 of 15.9.1998, p. 24). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations:

(I) The following shall be added to Article 3:

«(m)	<i>In Iceland:</i>
	«próf í læknisfræði frá læknadeild Háskóla Íslands» (diploma from the Medical Faculty of the University of Iceland) and a certificate of practical training issued by the competent authorities;
(n)	<i>In Liechtenstein:</i>
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article, accompanied by a certificate on the completed practical training issued by the competent authorities;
(o)	<i>In Norway:</i>
	«bevis for bestått medisinsk embeteksamen» (diploma of the degree cand. med.) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities;
(p)	<i>In Switzerland:</i>
	«titulaire du diplôme fédéral de médecin»
	«Eidgenössisch diplomierter Arzt»
	«titolare di diploma federale di medico»
	awarded by the Département fédéral de l'intérieur.».

(II) The following shall be added to Article 5(2):

	<i>In Iceland:</i>
	«sérfræðileyfi» (certificate of specialist in medicine) issued by the Ministry of Health;
	<i>In Liechtenstein:</i>
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present article, accompanied by a certificate on the completed practical training issued by the competent authorities;
	<i>In Norway:</i>
	«bevis for tillatelse til å benytte spesialisttittelen» (certificate of the right to use the title of specialist) issued by the competent authorities;
	<i>In Switzerland:</i>
	«spécialiste»
	«Facharzt»

«specialista»

awarded by the Département fédéral de l'intérieur.».

(III) The following entries shall be added to the indents in Article 5(3) indicated hereafter:

<i>anaesthetics:</i>	
«Iceland:	svæfinga- og gjörgæslulæknisfræði
Liechtenstein:	Anästhesiologie
Norway:	anestesiologi
Switzerland:	anesthésiologie
	Anästhesiologie
	anestesiologia,»;
<i>general surgery:</i>	
«Iceland:	skurðlækningar
Liechtenstein:	Chirurgie
Norway:	generell kirurgi
Switzerland:	chirurgie
	Chirurgie
	chirurgia,»;
<i>neurological surgery:</i>	
«Iceland:	taugaskurðlækningar
Liechtenstein:	Neurochirurgie
Norway:	nevrokirurgi
Switzerland:	neurochirurgie
	Neurochirurgie
	neurochirurgia,»;
<i>obstetrics and gynaecology:</i>	
«Iceland:	fæðingar- og kvenlækningar
Liechtenstein:	Gynäkologie und Geburtshilfe
Norway:	fødselshjelp og kvinnesykdommer
Switzerland:	gynécologie et obstétrique
	Gynäkologie und Geburtshilfe
	ginecologia e ostetricia,»;
<i>general (internal) medicine:</i>	
«Iceland:	lyflækningar
Liechtenstein:	Innere Medizin
Norway:	indremedisin
Switzerland:	médecine interne

	Innere Medizin
	medicina interna,»;
<i>ophthalmology:</i>	
«Iceland:	augnlækningar
Liechtenstein:	Augenheilkunde
Norway:	øyesykdommer
Switzerland:	ophtalmologie
	Ophthalmologie
	oftalmologia,»;
<i>otorhinolaryngology:</i>	
«Iceland:	háls-, nef- og eyrnalækningar
Liechtenstein:	Hals-, Nasen- und Ohrenkrankheiten
Norway:	øre-nese-halssykdommer
Switzerland:	oto-rhino-laryngologie
	Oto-Rhino-Laryngologie
	otorinolaringoiatria,»;
<i>paediatrics:</i>	
«Iceland:	barnalækningar
Liechtenstein:	Kinderheilkunde
Norway:	barnesykdommer
Switzerland:	pédiatrie
	Kinder- und Jugendmedizin
	pediatria,»;
<i>respiratory medicine:</i>	
«Iceland:	lungnalækningar
Liechtenstein:	Lungenkrankheiten
Norway:	lungesykdommer
Switzerland:	pneumologie
	Pneumologie
	pneumologia,»;
<i>urology:</i>	
«Iceland:	þvagfæraskurðlækningar
Liechtenstein:	Urologie
Norway:	urologi
Switzerland:	urologie
	Urologie
	urologia,»;
<i>orthopaedics:</i>	

«Iceland:	bæklunarskurðlækningar
Liechtenstein:	Orthopädische Chirurgie
Norway:	ortopedisk kirurgi
Switzerland:	chirurgie orthopédique
	Orthopädische Chirurgie
	chirurgia ortopedica,»;
<i>pathological anatomy:</i>	
«Iceland:	vefjameinafræði
Liechtenstein:	Pathologie
Norway:	patologi
Switzerland:	pathologie
	Pathologie
	patologia,»;
<i>neurology:</i>	
«Iceland:	taugalækningar
Liechtenstein:	Neurologie
Norway:	nevrologi
Switzerland:	neurologie
	Neurologie
	neurologia,»;
<i>psychiatry:</i>	
«Iceland:	geðlækningar
Liechtenstein:	Psychiatrie und Psychotherapie
Norway:	psykiatri
Switzerland:	psychiatrie et psychothérapie
	Psychiatrie und Psychotherapie
	psichiatria e psicoterapia,».

(IV) The following entries shall be added to the indents in Article 7(2) indicated hereafter:

<i>microbiology - bacteriology:</i>	
«Iceland:	syklafræði
Norway:	medisinsk mikrobiologi,»;
<i>biological chemistry:</i>	
«Iceland	klinísk lífefnafræði
Norway:	klinisk kjemi,»;
<i>immunology:</i>	
«Iceland:	ónæmisfræði

Norway:	immunologi og transfusjonsmedisin,»;
<i>plastic surgery:</i>	
«Iceland:	lytalækningar
Norway:	plastikkirurgi
Switzerland:	chirurgie plastique et reconstructive
	Plastische und Wiederherstellungschirurgie
	chirurgia plastica e ricostruttiva,»;
<i>thoracic surgery:</i>	
«Iceland:	brjóstholsskurðlækningar
Norway:	thoraxkirurgi
Switzerland:	chirurgie cardiaque et vasculaire thoracique
	Herz- und thorakale Gefässchirurgie
	chirurgia del cuore e dei vasi toracici,»;
<i>paediatric surgery:</i>	
«Iceland:	barnaskurðlækningar
Norway:	barnekirurgi
Switzerland:	chirurgie pédiatrique
	Kinderchirurgie
	chirurgia pediatrica,»;
<i>vascular surgery:</i>	
«Iceland:	æðaskurðlækningar
Norway:	karkirurgi,»;
<i>cardiology:</i>	
«Iceland:	hjartalækningar
Norway:	hjertesykdommer
Switzerland:	cardiologie
	Kardiologie
	cardiologia,»;
<i>gastro-enterology:</i>	
«Iceland:	meltingarlækningar
Norway:	fordøyelsesssykdommer
Switzerland:	gastro-entérologie
	Gastroenterologie
	gastroenterologia,»;
<i>rheumatology:</i>	
«Iceland:	gigtlækningar

Liechtenstein:	Rheumatologie
Norway:	revmatologi
Switzerland:	rhumatologie
	Rheumatologie
	reumatologia,»;
<i>general haematology:</i>	
«Iceland:	blóðmeinafræði
Norway:	blodsykdommer
Switzerland:	hématologie
	Hämatologie
	ematologia,«;
<i>endocrinology:</i>	
«Iceland:	efnaskipta- og innkirtlalækningar
Norway:	endokrinologi
Switzerland:	endocrinologie-diabétologie
	Endokrinologie-Diabetologie
	endocrinologia-diabetologia,»;
<i>physiotherapy:</i>	
«Iceland:	orku- og endurhæfingarlækningar
Liechtenstein:	Physikalische Medizin und Rehabilitation
Norway:	fysikalsk medisin og rehabilitering
Switzerland:	médecine physique et réadaptation
	Physikalische Medizin und Rehabilitation
	medicina fisica e riabilitazione,»;
<i>dermato-venereology:</i>	
«Iceland:	húð- og kynsjúkdómalækningar
Liechtenstein:	Dermatologie und Venereologie
Norway:	hudsykdommer og veneriske sykdommer
Switzerland:	dermatologie et vénéréologie
	Dermatologie und Venerologie
	dermatologia e venereologia,»;
<i>radiology:</i>	
«Iceland:	geislalækningar
Norway:	radiology,»;
<i>diagnostic radiology:</i>	
«Iceland	geislagreining

Liechtenstein	Medizinische Radiologie
Switzerland:	radiologie médicale/radio-diagnostic
	Medizinische Radiologie/Radiodiagnostik
	radiologia medica/radiodiagnostica,»;
<i>radiotherapy:</i>	
«Norway:	onkologi
Switzerland:	radiologie médicale/radio-oncologie
	Medizinische Radiologie/Radio- Onkologie
	radiologia medica/radio-oncologia,»;
<i>tropical medicine:</i>	
«Switzerland:	médecine tropicale
	Tropenmedizin
	medicina tropicale,»;
<i>child psychiatry:</i>	
«Iceland:	barna- og unglingageðlækningar
Liechtenstein:	Kinder- und Jugendpsychiatrie und - psychotherapie
Norway:	barne- og ungdomspsykiatri
Switzerland:	psychiatrie et psychothérapie d'enfants et d'adolescents
	Kinder- und Jugendpsychiatrie und - psychotherapie
	psichiatria e psicoterapia infantile e dell'adolescenza,»;
<i>geriatrics:</i>	
«Iceland:	öldrunarlækningar
Liechtenstein:	Geriatrie
Norway:	geriatri,»;
<i>renal diseases:</i>	
«Iceland:	nyrnalækningar
Norway:	nyresykdommer
Switzerland:	néphrologie
	Nephrologie
	nefralogia,»;
<i>communicable diseases:</i>	
«Iceland:	smitsjúkdómar
Norway:	infeksjonssykdommer,»;

<i>community medicine:</i>	
«Iceland:	félagslækningar
Liechtenstein:	Prävention und Gesundheitswesen
Norway:	samfunnsmedisin
Switzerland:	prévention et santé publique
	Prävention und Gesundheitswesen
	prevenzione e salute pubblica,»;
<i>pharmacology:</i>	
«Iceland:	lyfjafræði
Norway:	klinisk farmakologi,»;
<i>occupational medicine:</i>	
«Iceland:	atvinnulækningar
Norway:	yrkesmedisin
Switzerland:	médecine du travail
	Arbeitsmedizin
	medicina del lavoro,»;
<i>allergology:</i>	
«Iceland:	ofnæmislækningar
Switzerland:	allergologie et immunologie clinique
	Allergologie und klinische Immunologie
	allergologia e immunologia clinica,»;
<i>gastro enterological surgery:</i>	
«Norway:	gastroenterologisk kirurgi,»;
<i>dental, oral and maxillo-facial surgery (basic medical and dental training):</i>	
«Liechtenstein:	Kieferchirurgie
Norway:	kjevekirurgi og munnhulesykdommer
Switzerland:	chirurgie maxillo-faciale
	Kiefer- und Gesichtschirurgie
	chirurgia mascello-facciale,»;
<i>nuclear medicine:</i>	
«Switzerland:	radiologie médicale/médecine nucléaire
	Medizinische Radiologie/Nuklearmedizin
	radiologia medica/medicina nucleare.».

Nurses

377 L 0452: Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of

nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services (OJ L 176 of 15.7.1977, p. 1), as amended by:

1 79 H: Act concerning the conditions of accession of the Hellenic Republic to the European Communities and the adjustments to the treaties (OJ L 291 of 19.11.1979, p. 91),

1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302 of 15.11.1985, p. 160),

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19),

389 L 0595: Council Directive 89/595/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 30),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Article 1(2): «*In Iceland:* «hjúkrunarfræðingur»; *In Liechtenstein:* «Krankenschwester - Krankenpfleger»; *In Norway:* «offentlig godkjent sykepleier»; *In Switzerland:* «infirmière, infirmier», «Krankenschwester, Krankenpfleger», «inferniera, infermieri»...».

The following shall be added to Article 3:

«(o)	<i>In Iceland:</i>
	«próf í hjúkrunarfræðum eða hjúkrunarpróf» (diploma in nursing) certified by the competent authorities;
(p)	<i>In Liechtenstein:</i>
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article;
(q)	<i>In Norway:</i>
	«bevis for bestått sykepleiereksamen» (diploma of general nursing) awarded by a college of nursing;
(r)	<i>In Switzerland:</i>
	«infirmière diplômée en soins généraux, infirmier diplômé en soins généraux», «diplomierte Krankenschwester in allgemeiner Krankenpflege, diplomierte Krankenpfleger in allgemeine Krankenpflege», «inferniera diplomata in cure generali, infermiera diplomato in cure generali» awarded by the Conférence des directeurs cantonaux des affaires sanitaires (cds).».

377 L 0453: Council Directive 77/453/EEC of 27 June 1977 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care (OJ L 176 of 15.7.1977, p. 8), as amended by:

389 L 0595: Council Directive 89/595/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 30).

Practitioners of dentistry

378 L 0686: Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 233 of 24.8.1978, p. 1), as amended by:

1 79 H: Act concerning the conditions of accession of the Hellenic Republic to the European Communities and the adjustments to the treaties (OJ L 291 of 19.11.1979, p. 91),

1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302 of 15.11.1985, p. 160),

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1).

The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Article 1: «*In Iceland*: «tannlæknir», *In Liechtenstein*: «Zahnarzt», *In Norway*: «tannlege», *In Switzerland*: «médecin-dentiste», «Zahnarzt», «medico-dentista»..».

The following shall be added to Article 3:

«(m)	<i>In Iceland</i> :
	«próf frá tannlæknadeild Háskóla Íslands» (diploma from the Dental Faculty of the University of Iceland);
(n)	<i>In Liechtenstein</i> :
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present article, accompanied by a certificate on the completed practical training issued by the competent authorities;
(o)	<i>In Norway</i> :
	«bevis for bestått odontologisk embetseksamen» (diploma of the degree cand. odont.) awarded by a university faculty of dentistry;

(p)	<i>In Switzerland:</i>
	«titulaire du diplôme fédéral de médecin-dentiste»,
	«eidgenössisch diplomierter Zahnarzt»,
	«titolare di diploma federale di medico-dentista»
	awarded by the Département fédéral de l'intérieur.».

The following entries shall be added to the indents in Article 5 indicated hereinafter:

Orthodontics: «*In Norway*: «bevis for gjennomgått spesialistutdanning i kjeveortopedi» (certificate of specialist studies in orthodontics) awarded by a university faculty of dentistry, *In Switzerland*: «diplôme fédéral d'orthodontiste», «Diplom als Kieferorthopäde», «diploma di ortodontista» awarded by the Département fédéral de l'intérieur.»;

Oral surgery: «*In Norway*: «bevis for gjennomgått spesialistutdanning i oralkirurgi» (certificate of specialist studies in oral surgery) awarded by a university faculty of dentistry.».

378 L 0687: Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners (OJ L 233 of 24.8.1978, p. 10), as amended by:

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1).

Veterinary surgeons

378 L 1026: Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 362 of 23.12.1978, p. 1), as amended by:

1 79 H: Act concerning the conditions of accession of the Hellenic Republic to the European Communities and the adjustments to the treaties (OJ L 291 of 19.11.1979, p. 91),

1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302 of 15.11.1985, p. 160),

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations: The following shall be added to Article 3:

«(o)	<i>In Iceland:</i>
------	--------------------

	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article, accompanied by a certificate on the completed practical training issued by the competent authorities;
(p)	<i>In Liechtenstein:</i>
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article, accompanied by a certificate on the completed practical training issued by the competent authorities;
(q)	<i>In Norway:</i>
	«eksamsbevis utstedt av Norges veterinærhøgskole for bestått veterinærmedisinsk embetseksamen» (diploma of degree cand.med.vet.) awarded by the Norwegian College of Veterinary Medicine;
(r)	<i>In Switzerland:</i>
	«titulaire du diplôme fédéral de vétérinaire»,
	«eidgenössisch diplomierter Tierarzt»,
	«titolare di diploma federale di veterinario»
	awarded by the Département fédéral de l'intérieur.».

378 L 1027: Council Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons (OJ L 362 of 23.12.1978, p. 7), as amended by:

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19).

Midwives

380 L 0154: Council Directive 80/154/EEC of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 33 of 11.2.1980, p. 1), as amended by:

380 L 1273: Council Directive 80/1273/EEC of 22 December 1980 (OJ L 375 of 31.12.1980, p. 74),

1 85 I: Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (OJ L 302 of 15.11.1985, p. 160),

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Article 1: «*In Iceland*: «ljósmóðir», *In Liechtenstein*: «Hebamme», *In Norway*: «jordmor», *In Switzerland*: «sage-femme», «Hebamme», «levatrice»...».

The following shall be added to Article 3:

(m)	<i>In Iceland</i> :
	«embættispróf frá Háskóla Íslands eða próf í ljósmóðurfræðum frá Ljósmæðraskóla Íslands» (diploma in midwifery) certified by the competent authorities;
(n)	<i>In Liechtenstein</i> :
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article;
(o)	<i>In Norway</i> :
	«bevis for bestått jordmoreksamten» (diploma of midwifery) awarded by a college of midwifery and a certificate of practical training issued by competent public health authorities;
(p)	<i>In Switzerland</i> :
	«sage-femme diplômée»,
	«diplomierte Hebamme»,
	«levatrice diplomata»
	diplomas awarded by the Conférence des directeurs cantonaux des affaires sanitaires (cds)...».

380 L 0155: Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives (OJ L 33 of 11.2.1980, p. 8), as amended by:

389 L 0594: Council Directive 89/594/EEC of 30 October 1989 (OJ L 341 of 23.11.1989, p. 19).

Pharmacy

385 L 0432: Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy (OJ L 253 of 24.9.1985, p. 34).

385 L 0433: Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (OJ L 253 of 24.9.1985, p. 37), as amended by:

385 L 0584: Council Directive 85/584/EEC of 20 December 1985 (OJ L 372 of 31.12.1985, p. 42),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations: The following shall be added at the end of Article 4:

«(m)	<i>In Iceland:</i>
	«próf frá Háskóla Íslands í lyfjafræði» (diploma in pharmacy from the University of Iceland);
(n)	<i>In Liechtenstein:</i>
	the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present article, accompanied by a certificate on the completed practical training issued by the competent authorities;
(o)	<i>In Norway:</i>
	«bevis for bestått cand.pharm. eksamen» (diploma of the degree cand. pharm.) awarded by a university faculty;
(p)	<i>In Switzerland:</i>
	«titulaire du diplôme fédéral de pharmacien»,
	«eidgenössisch diplomierter Apotheker»,
	«titolare di diploma federale di farmacista»
	awarded by the Département fédéral de l'intérieur.».

D. Architecture

385 L 0384: Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 223 of 21.8.1985, p. 15), as amended by:

385 L 0614: Council Directive 85/614/EEC of 20 December 1985 (OJ L 376 of 31.12.1985, p. 1),

386 L 0017: Council Directive 86/17/EEC of 27 January 1986 (OJ L 27 of 1.2.1986, p. 71),

390 L 0658: Council Directive 90/658/EEC of 4 December 1990 (OJ L 353 of 17.12.1990, p. 73),

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptations:

The following shall be added to Article 11:

«(l)	<i>In Iceland:</i>
	- the diplomas, certificates and other titles awarded in another State to which this Directive applies and listed in the present Article, accompanied by a certificate on the completed practical training issued by the competent authorities;

(m)	<i>In Liechtenstein:</i>
	- the diplomas awarded by the «Fachhochschule» (Dipl.-Arch. (FH));
(n)	<i>In Norway:</i>
	- the diplomas («sivilarkitekt») awarded by the Norwegian Institute of Technology at the University of Trondheim, the Oslo College of Architecture and the Bergen College of Architecture,
	- the certificates of membership of the «Norske Arkitekters Landsforbund» (NAL) if the persons concerned have received their training in a State to which this Directive applies;
(o)	<i>In Switzerland:</i>
	- the diplomas awarded by the Ecoles polytechniques fédérales, (Eidgenössische Technische Hochschulen, Politecnici Federal (arch.dipl.EPF, dipl.Arch.ETH, arch.dipl.PF)),
	- the diplomas awarded by the Ecole d'architecture de l'Université de Genève (architecte diplômé EAUG),
	- the certificates of the Fondation des registres suisses des ingénieurs, des architectes et des techniciens, Stiftung der Schweizerischen Register der Ingenieure, der Architekten und der Techniker, Fondazione dei Registri svizzeri degli ingegneri, degli architetti e dei tecnici (REG): architecte REG A, Architekt REG A, architetto REG A.».

The provisions of Article 15 shall not apply.

E. Commerce and intermediaries Trade in and distribution of toxic products

374 L 0556: Council Directive 74/556/EEC of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries (OJ L 307 of 18.11.1974, p. 1).

374 L 0557: Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products (OJ L 307 of 18.11.1974, p. 5), as amended by:

395 D 0001: 95/1/EC, Euratom, ECSC, adjusting the instruments concerning the accession of new Member States to the European Union (OJ L 1 of 1.1.1995, p. 1). The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptation: The following shall be added to the Annex: «*In Liechtenstein:*

Benzol and tetrachlorocarbon (Regulation No 23 of 1 June 1964);

All toxic substances and products according to Art. 2 of the Toxicity Law (SR 814.80), especially those that are registered in the list of toxic substances or products 1, 2, 3 according to Art. 3 of the Regulation relating to Toxic Substances (SR 814.801) (applicable according to Customs Treaty, Public Notice No 47 of 28 August 1979). *In Norway:*

Pesticides covered by the Act on Pesticides of 5 April 1963 and regulations;

Chemicals covered by the Regulation of 1 June 1990 on marking and trading of chemicals which may be of danger for the health of man, with the corresponding Regulation on the List of Chemicals.*In Switzerland:* All the products and toxic substances set out in Article 2 of the Poisons Act (RS 814.80), and in particular those on the list of toxic substances and products in classes 1, 2 and 3, in accordance with Article 3 of the Regulation on toxic substances (RS 814.801).».

Self-employed commercial agents

386 L 0653: Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382 of 31.12.1986, p. 17).

K. Miscellaneous

385 D 0368: Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community (OJ L 199 of 31.7.1985, p. 56).

Section B - Acts of which the member states shall take note

The Member States shall take note of the content of the following acts:

In general terms

C/81/74/p.1: Communication from the Commission concerning the proofs, declarations and certificates relating to good repute, absence of previous bankruptcy, nature and duration of activity in country of provenance, provided for in Council Directives adopted before 1 June 1973 in the field of freedom of establishment and freedom to provide services (OJ C 81 of 13.7.1974, p. 1).

374 Y 0820(01): Council Resolution of 6 June 1974 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications (OJ C 98 of 20.8.1974, p. 1).

General system

389 L 0048: Declaration of the Council and the Commission on Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ L 19 of 24.1.1989, p. 23).

Doctors

375 X 0366: Council Recommendation 75/366/EEC of 16 June 1975 concerning nationals of the Grand Duchy of Luxembourg who hold a diploma in medicine conferred in a third country (OJ L 167 of 30.6.1975, p. 20).

375 X 0367: Council Recommendation 75/367/EEC of 16 June 1975 on the clinical training of doctors (OJ L 167 of 30.6.1975, p. 21).

375 Y 0701(01): Council Statements made on adopting the texts concerning freedom of establishment and freedom to provide services for doctors within the Community (OJ C 146 of 1.7.1975, p. 1).

386 X 0458: Council Recommendation 86/458/EEC of 15 September 1986 concerning nationals of the Grand Duchy of Luxembourg who hold a diploma in medicine conferred by a third State (OJ L 167, 30.6.1975, p. 30).

389 X 0601: Commission Recommendation 89/601/EEC of 8 November 1989 concerning the training of health personnel in the matter of cancer (OJ L 346 of 27.11.1989, p. 1).

Dental surgeons

378 Y 0824(01): Council Statement on the Directive concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental surgeons (OJ C 202 of 24.8.1978, p. 1).

Veterinary medicine

378 X 1029: Council Recommendation 78/1029/EEC of 18 December 1978 concerning nationals of the Grand Duchy of Luxembourg who hold a diploma in veterinary medicine conferred in a third country (OJ L 362 of 23.12.1978, p. 12).

378 Y 1223(01): Council Statements on the Directive concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ C 308 of 23.12.1978, p. 1).

Pharmacy

385 X 0435: Council Recommendation 85/435/EEC of 16 September 1985 concerning nationals of the Grand Duchy of Luxembourg who hold a diploma in pharmacy conferred in a third State (OJ L 253 of 24.9.1985, p. 45).

Architecture

385 X 0386: Council Recommendation 85/386/EEC of 10 June 1985 concerning holders of a diploma in architecture awarded in a third country (OJ L 223 of 21.8.1985, p. 28).

Protocol regarding the free movement of persons between Switzerland and Liechtenstein

Switzerland and Liechtenstein, hereinafter referred to as the «Parties»,

Having regard to the conclusion by Switzerland, Iceland and Norway, within the framework of the Agreement amending the Convention establishing the European Free Trade Association, of an agreement regarding the movement of persons which is based on the Agreement between the European Community and its Member States on the one hand and the Swiss Confederation on the other on the free movement of persons;

Having regard to the aim of Switzerland and Liechtenstein to conclude such an agreement as well;

Considering the special situation of Liechtenstein, as a result of which Liechtenstein as a Member State of the European Economic Area (EEA) has negotiated a special solution in the field of free movement of persons that is based on the Declaration of the EEA Council regarding the free movement of persons, which in turn is part of the Conclusions of the second meeting of the EEA Council of 20 December 1994 and in which the EEA Council

recognises that Liechtenstein is a very small habitable area of a rural character with an exceptionally high percentage of foreign residents and workers and also has a vital interest to preserve its national identity; and considering further the Decision of the EEA Joint Committee No 191/1999 of 17 December 1999;

Having regard to the Joint Declaration on equal treatment between Switzerland and Liechtenstein of 2 November 1994;

Implementing the Declaration of the delegations of Liechtenstein and Switzerland on free movement of persons that was signed on 6 April 2001 in Geneva within the framework of the negotiations for the amendment of the EFTA Convention;

have agreed as follows:

As regards point 29 (*Free movement of persons*) and Annex VIII of the Agreement amending the Convention establishing the European Free Trade Association (Art. 20 and Annex K of the consolidated version of the EFTA Convention):

Principles

Liechtenstein and Switzerland agree that Liechtenstein will apply to Swiss citizens treatment equal to that applied to EEA citizens under the special solution granted to Liechtenstein in the EEA.

Liechtenstein and Switzerland agree that Switzerland will apply to Liechtenstein the provisions set out in Annex VIII of the Agreement amending the Convention establishing the European Free Trade Association (Annex K of the consolidated version of the EFTA Convention).

With a view to equivalent solutions, Liechtenstein and Switzerland shall concert their corresponding regulations.

If serious economic, societal or environmental difficulties of a sectorial or regional nature liable to persist are arising, Liechtenstein and Switzerland may unilaterally take appropriate measures. Such safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of this agreement.

A Party which is considering taking safeguard measures shall, without delay, notify the other Party thereof and shall provide all relevant information. Liechtenstein and Switzerland shall immediately enter into consultations with a view to finding a mutually acceptable solution and shall inform the EFTA Council thereof. The safeguard measures may not be taken until one month has elapsed after the date of notification of such measures to the other Party, unless the consultations have been completed before the expiration of the stated time-limit. When exceptional circumstances requiring immediate action exclude prior examination, the protective measures strictly necessary to remedy the situation may be applied forthwith.

Bilateral consultations shall take place at least every three months with a view to the abolition of safeguard measures before the date of expiry envisaged, or to the limitation of their scope of application.

If a safeguard measure taken by a Contracting Party creates an imbalance between the rights and obligations under this Protocol, each Party may towards the other Party take

such proportionate rebalancing measures as are strictly necessary to remedy the imbalance. Priority shall be given to such measures as will least disturb the functioning of this agreement.

Implementation

After one year from the entry into force of the Agreement amending the Convention establishing the European Free Trade Association, Liechtenstein will apply to Swiss citizens who are already residing in Liechtenstein treatment identical to that applied to EEA citizens residing in Liechtenstein.

At the same time, Switzerland will, in accordance with Art. 10 para. 5 set out in Annex VIII of the Agreement amending the Convention establishing the European Free Trade Association (Annex K of the consolidated version of the EFTA Convention), grant the free movement of persons to Liechtenstein citizens who are already residing in Switzerland.

Within one year after the entry into force of the Agreement amending the Convention establishing the European Free Trade Association, Liechtenstein and Switzerland shall agree on provisions regarding the cross-border supply of commercial services.

Within two, or at the latest three years after the entry into force of the Agreement amending the Convention establishing the European Free Trade Association, Liechtenstein and Switzerland shall agree on the introduction of treatment of Swiss citizens equal to that of EEA citizens without residence in Liechtenstein and on the introduction of treatment of Liechtenstein citizens equal to that of EU-/EFTA-citizens without residence in Switzerland respectively.

As regards point 29 (*Co-ordination of social security systems*) as well as Annex VIII and Appendix 2 in Annex VIII of the Agreement amending the Convention establishing the European Free Trade Association (Art. 21 and Annex K of the consolidated version of the EFTA Convention):

The provisions set out in Annex VIII (Annex K of the consolidated version of the EFTA Convention) and Appendix 2 in Annex VIII (Annex K of the consolidated version of the EFTA Convention) of the Agreement amending the Convention establishing the European Free Trade Association shall apply to the relations between Switzerland and Liechtenstein.

As regards point 29 (*Mutual recognition of diplomas*) as well as Annex VIII and Appendix 3 in Annex VIII of the Agreement amending the Convention establishing the European Free Trade Association (Art. 22 and Annex K of the consolidated version of the EFTA Convention):

The provisions set out in Annex VIII (Annex K of the consolidated version of the EFTA Convention) and Appendix 3 in Annex VIII (Annex K of the consolidated version of the EFTA Convention) of the Agreement amending the Convention establishing the European Free Trade Association shall apply to the relations between Switzerland and Liechtenstein in accordance with the provisions on the movement of persons agreed upon by the Parties.

This Protocol forms an integral part of the Agreement amending the Convention establishing the European Free Trade Association and will enter into force simultaneously.

Declaration
of the Governments
of Switzerland and of Liechtenstein
on further negotiations
between Switzerland and Liechtenstein
regarding the equal treatment of their own citizens in the other State

With regard to the provisions in points 2.1 to 2.3 of this Protocol (persons with residence in the other State), Switzerland and Liechtenstein shall examine together by the end of 2001 the legal requirements regarding the need for a regulation and with a view to elaborating an appropriate agreement between the two Parties. Thereafter, the studies for the clarification of the legal requirements regarding point 2.4 of this Protocol (persons without residence in the other State) will be initiated.

[1]

The transitional period should expire at the same time as the corresponding period in the bilateral agreement between Switzerland and the European Community.

[2]

In Switzerland, sickness insurance for persons who do not elect to make it their domicile must include accident and maternity cover.

[3]

They shall not be subject to the priority accorded to workers integrated into the regular labour market or monitoring of compliance with wage and employment conditions in a particular sector or place.

[4]

¹ The principles of aggregation of entitlements to unemployment benefit and its provision in the State of last employment apply irrespective of the duration of employment. Persons who have been employed for a period of less than one year within the territory of a Member State may, in order to seek a new job, reside there after the end of their employment for a reasonable period, which may be up to six months, for the purpose of identifying offers of jobs corresponding to their professional qualifications and, if necessary, taking the steps required to obtain employment. These persons may also remain after the end of their employment if they have sufficient financial means to support themselves and the members of their families without having to draw on welfare benefits during their stay, and if they have sickness insurance cover for all risks. Unemployment benefit to which they are entitled under national legislation, and which may if necessary be supplemented under aggregation rules, is to be regarded as such financial means. Financial means are deemed adequate if they exceed the amount below which nationals of the State concerned may, while taking into account their personal circumstances and possibly those of their families, claim welfare benefits. If this precondition is not applicable, the financial means of the applicant are considered adequate if they exceed the level of the minimum social security pension granted by the host State. Seasonal workers

may exercise their rights to unemployment benefits in the State of last employment regardless of when the season concerned comes to an end. They may remain after the end of their employment provided that they satisfy the conditions mentioned in the previous paragraph. If they make themselves available for work in the State of residence, they will receive unemployment benefits in that State in accordance with the provisions of Article 71 of Regulation 1408/71. Frontier workers may make themselves available for work in the State of residence or in the State of last employment if they have maintained personal and professional links and thus have better prospects of finding employment there. They will draw unemployment benefits in the State in which they make themselves available for work.

[5

Currently 6 months, or 12 months in the event of recurring unemployment.

[6

Refunded contributions for workers who will exercise their right to unemployment benefit in Switzerland after having paid contributions for at least six months - over several periods of residence -within the space of two years.