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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.7.2009  
COM(2009) 392 final

Proposal for a

**COUNCIL DECISION**

**on the Community position to be taken as regards the Joint Committee decision authenticating the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons in the Bulgarian and Romanian languages.**

## EXPLANATORY MEMORANDUM

The Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons<sup>1</sup> entered into force on 1 June 2002.

The accession of the ten new Member States to this Agreement was achieved by the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their Accession to the European Union, which entered into force on 1 April 2006.<sup>2</sup>

Bulgaria and Romania joined the European Union on 1 January 2007. Their accession to the Agreement is achieved by the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation on the other, on the free movement of persons regarding the participation as contracting parties of the Republic of Bulgaria and Romania pursuant to their accession to the European Union, signed on 27 May 2008.

Article 9, paragraph 2 of this Protocol authorizes the Joint Committee to approve the authentic texts of the Agreement, including all Annexes and Protocols thereto and the Final Act in the Bulgarian and Romanian languages.. However, Annexes II and III to the Agreement have been modified repeatedly, as a result of which an authentication in Bulgarian and Romanian would not fully reflect the current state of affairs concerning these annexes. With regard to Annexes II and III, it was agreed with the Swiss Confederation that the Joint Committee should establish a new consolidated version which will be equally authentic in all official languages of the European Union.

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<sup>1</sup> OJ L 114, 30.4.2002, p.6.

<sup>2</sup> OJ L 89, 28.3.2006, p.30.

Proposal for a

## COUNCIL DECISION

**on the Community position to be taken as regards the Joint Committee decision authenticating the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons in the Bulgarian and Romanian languages.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300, paragraph 2, subparagraph 2 thereof,

Having regard to the proposal from the Commission,<sup>3</sup>

Whereas:

- (1) The Community and its Member States concluded with the Swiss Confederation an Agreement on the free movement of persons<sup>4</sup> (hereafter : "the Agreement").
- (2) With a Protocol to the Agreement signed on 27 May 2008, Bulgaria and Romania became contracting parties to the Agreement, pursuant to their accession to the European Union.
- (3) Article 9, paragraph 2 of this Protocol provides that the Joint Committee established by the Agreement shall approve the authentic text of the Agreement in the Bulgarian and Romanian languages.
- (4) It is appropriate to await the establishment of a consolidated version of the Annexes II and III to the Agreement for the authentication of these texts in the new languages,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Community position on a decision to be adopted by the Joint Committee on the authentication of the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the Free Movement of Persons, including the final act, as well as of the Enlargement Protocol of 2004, in the Bulgarian and Romanian languages shall be based on the text set out in the Annex.

### *Article 2*

The decision of the Joint Committee shall be published in the Official Journal of the European Union.

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<sup>3</sup> OJ [...] p.[...]

<sup>4</sup> OJ L114, 30.4.2002, p. 6.

Done at Brussels,

*For the Council  
The President*

**ANNEX**

**Draft**

**DECISION No ...  
OF THE EU-SWISS JOINT COMMITTEE ON THE FREE MOVEMENT OF  
PERSONS**

**of ... 2009**

**on the authentication of the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons, including the final act, as well as the Enlargement Protocol of 2004 in the Bulgarian and Romanian languages**

**DECISION No ... OF THE EU-SWISS JOINT COMMITTEE**  
**ON THE FREE MOVEMENT OF PERSONS**  
**of ... 2009**

**on the authentication of the Agreement between the European Community and its Member States on the one part, and the Swiss Confederation on the other, on the free movement of persons, including the final act, as well as of the Enlargement Protocol of 2004 in the Bulgarian and Romanian languages**

THE JOINT COMMITTEE ,

Having regard to the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation on the other, on the free movement of persons regarding the participation as contracting parties of the Republic of Bulgaria and Romania pursuant to their accession to the European Union of 27 May 2008, and in particular Article 9, paragraph 2 thereof,

Whereas:

- (1) 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<sup>5</sup> (hereafter : "the Agreement") entered into force on 1 June 2002.
- (2) With a Protocol to the Agreement signed on 27 May 2008<sup>6</sup>, Bulgaria and Romania became contracting parties to the Agreement, pursuant to their accession to the European Union.
- (3) Article 9, paragraph 2 of this Protocol provides that the Joint Committee established by the Agreement shall approve the authentic text of the Agreement in the Bulgarian and Romanian languages.
- (4) It is appropriate to await the establishment of a consolidated version of the Annexes II and III to the Agreement for the authentication of these texts in the new languages,

HAS DECIDED AS FOLLOWS:

*Article 1*

- (1) The Bulgarian and Romanian versions of the Agreement of 21 June 1999 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, including the Final Act, as well as of the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their Accession to the European Union of 26 October 2004, which are attached to this Decision shall be equally authentic.

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<sup>5</sup> OJ L 114, 30.4.2002, p. 6.

<sup>6</sup> OJ [...], p. [...].

- (2) The Bulgarian and Romanian language versions of Annexes II and III to the Agreement shall be established by a separate decision of the Joint Committee.

*Article 2*

This Decision shall apply as of 1 June 2009.

Done at Brussels, ... 2009.

*For the Joint Committee*

*The President  
The Secretaries*