

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

PART TWO

**CITIZENS' RIGHTS**

*TITLE II*

***RIGHTS AND OBLIGATIONS***

*Chapter 2*

***RIGHTS OF WORKERS AND SELF-EMPLOYED PERSONS***

*Article 24*

**Rights of workers**

1 Subject to the limitations set out in Article 45(3) and (4) TFEU, workers in the host State and frontier workers in the State or States of work shall enjoy the rights guaranteed by Article 45 TFEU and the rights granted by Regulation (EU) No 492/2011 of the European Parliament and of the Council<sup>(1)</sup>. These rights include:

- a the right not to be discriminated against on grounds of nationality as regards employment, remuneration and other conditions of work and employment;
- b the right to take up and pursue an activity in accordance with the rules applicable to the nationals of the host State or the State of work;
- c the right to assistance afforded by the employment offices of the host State or the State of work as offered to own nationals;
- d the right to equal treatment in respect of conditions of employment and work, in particular as regards remuneration, dismissal and in case of unemployment, reinstatement or re#employment;
- e the right to social and tax advantages;
- f collective rights;
- g the rights and benefits accorded to national workers in matters of housing;
- h the right for their children to be admitted to the general educational, apprenticeship and vocational training courses under the same conditions as the nationals of the host State or the State of work, if such children are residing in the territory where the worker works.

2 Where a direct descendant of a worker who has ceased to reside in the host State is in education in that State, the primary carer for that descendant shall have the right to reside in that State until the descendant reaches the age of majority, and after the age of majority if that descendant continues to need the presence and care of the primary carer in order to pursue and complete his or her education.

3 Employed frontier workers shall enjoy the right to enter and exit the State of work in accordance with Article 14 of this Agreement and shall retain the rights they enjoyed as workers

there, provided they are in one of the circumstances set out in points (a), (b), (c) and (d) of Article 7(3) of Directive 2004/38/EC, even where they do not move their residence to the State of work.

#### *Article 25*

### **Rights of self-employed persons**

1 Subject to the limitations set out in Articles 51 and 52 TFEU, self-employed persons in the host State and self-employed frontier workers in the State or States of work shall enjoy the rights guaranteed by Articles 49 and 55 TFEU. These rights include:

- a the right to take up and pursue activities as self-employed persons and to set up and manage undertakings under the conditions laid down by the host State for its own nationals, as set out in Article 49 TFEU;
- b the rights as set out in points (c) to (h) of Article 24(1) of this Agreement.

2 Article 24(2) shall apply to direct descendants of self-employed workers.

3 Article 24(3) shall apply to self-employed frontier workers.

#### *Article 26*

### **Issuance of a document identifying frontier workers' rights**

The State of work may require Union citizens and United Kingdom nationals who have rights as frontier workers under this Title to apply for a document certifying that they have such rights under this Title. Such Union citizens and United Kingdom nationals shall have the right to be issued with such a document.

- (1) Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ([OJ L 141, 27.5.2011, p. 1](#)).