

# **EUROPEAN UNION (CROATIAN ACCESSION AND IRISH PROTOCOL) ACT 2013**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### ***The Accession Treaty***

4. The Accession Treaty, signed by the Member States of the EU and the Republic of Croatia on 9 December 2011, provides for the accession of Croatia to the European Union on 1 July 2013. The Treaty falls into four parts:
  - a) Treaty between the twenty-seven existing Member States and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union;
  - b) Act concerning the conditions of accession and the adjustments to the Treaties on which the European Union is founded (“the Act of Accession”);
  - c) Protocol on certain arrangements concerning a possible one-off transfer of assigned amount units issued under the Kyoto Protocol; and
  - d) Final Act of the parties to the Treaty.
5. The text of the Accession Treaty was deposited in the Libraries of the House on 2 February 2012 to accompany the statement relating to the Treaty which was laid before Parliament under section 5 of the EU Act 2011.

#### ***Implementation in UK law of the Accession Treaty***

6. In order to give effect in UK law to the Accession Treaty, the Act amends the definitions of “the Treaties” and “the EU Treaties” in the European Communities Act 1972 (“the 1972 Act”). In broad terms, this grants automatic effect to directly applicable Treaty provisions, and otherwise allows designated Ministers, under section 2(2) of the 1972 Act, to make regulations amending existing UK legislation, to the extent necessary to implement the Treaty.

#### ***Freedom of movement for workers***

7. The Accession Treaty sets out the transitional provisions in relation to the free movement of workers that will apply to Croatian nationals. These provisions are as follows:
  - a) for the first two years after accession, Member States are required to apply national measures or bilateral agreements regulating the rights of nationals from Croatia to work in their territories;
  - b) from the third year, Member States must either grant nationals from Croatia the right to move and work freely in accordance with EU law, or continue to apply national measures or bilateral agreements for a further three years; and

*These notes refer to the European Union (Croatian Accession and Irish Protocol) Act 2013 (c.5) which received Royal Assent on 31 January 2013*

- c) from the sixth year, Member States must either grant nationals from Croatia the right to move and work freely in accordance with EU law, or, in cases of serious disturbances in its labour market or threat thereof, continue to apply national measures or bilateral agreements for a further two years.
8. [Section 4](#) of the Act provides a power to make regulations implementing these transitional arrangements concerning the free movement of Croatian workers. Regulations made under section 4 of the Act would, in effect, constitute the “national measures” anticipated in the Accession Treaty.
  9. [Section 5](#) requires the first set of Regulations made under section 4 to follow the affirmative parliamentary procedure. Any further Regulations will be subject to either the negative or affirmative procedure.