
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Accession (Immigration and Worker Registration) Regulations 2004 (“the 2004 Regulations”), which regulate access to the United Kingdom labour market by nationals of eight of the States that acceded to the European Union in 2004.

Under the treaty signed at Athens on 16th April 2003 (“the Accession Treaty”), 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 acceded to the European Union on 1st May 2004. The Accession Treaty provides, in derogation from the general free movement of worker rights of European Union nationals, that the existing Member States can apply national measures regulating access to their labour market by nationals of the accession States (other than nationals of the Republic of Cyprus and the Republic of Malta). Under the Accession Treaty these national measures can be applied during the five year period following the date of accession, that is, until 30th April 2009. At the end of that five year period a Member State applying national measures may, in the case of serious disturbances to its labour market or the threat of such disturbances, and after notifying the European Commission, apply those national measures for a further two years, that is, until 30th April 2011.

The 2004 Regulations contain the national measures applied by the United Kingdom to workers from the relevant accession States in accordance with the derogation contained in the Accession Treaty. Under the 2004 Regulations workers from those States are generally required to apply, within one month of beginning work with an employer, for a registration certificate authorising them to work for that employer. Under the 2004 Regulations the national measures apply during the “accession period”, which is defined as the period beginning on 1st May 2004 and ending on 30th April 2009. It has been decided to continue to apply the national measures set out in the 2004 Regulations for a further two years in accordance with the Accession Treaty, on the basis that there is a serious disturbance to the United Kingdom labour market. The definition of “accession period” in the 2004 Regulations is therefore being amended so that it will end on 30th April 2011. The European Commission will be notified of the continuation of the United Kingdom’s national measures in accordance with the Accession Treaty.