

# The Federal Council maintains the activation of the safeguard clause for Croatian workers in 2024

On 22 November 2023, the Federal Council decided to maintain the activation of the safeguard clause established in the Agreement on the Free Movement of Persons ("AFMP") with regard to Croatian workers in 2024. Consequently, a maximum of 1,204 B permits and 1,053 L permits may be issued to Croatian workers between January 1 and December 31, 2024.

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## Background

Croatia joined the European Union on July 1, 2013 and the AFMP was extended on their behalf on January 1, 2017 as a result of the entry into force of the corresponding additional protocol (Protocol III). Thus, providing preferable residence and working conditions for EU nationals in Switzerland. This protocol does not, however, provide for a full and immediate application of the AFMP to Croatian nationals. In particular, it incorporates a safeguard clause in the AFMP allowing Switzerland to unilaterally reintroduce quotas for Croatian workers in the event of a great increase in immigration, for a period of ten years from the entry into force of Protocol III, i.e. until December 31, 2026.

On November 16, 2022, the Federal Council decided to activate this safeguard clause in respect of Croatian workers for 2023, noting that the number of work permits issued to Croatian workers during 2022 exceeded the AFMP threshold. On 22 November 2023, the Federal Council decided to maintain the activation of the safeguard clause for 2024.

Both the activation of the safeguard clause for 2023 and its extension for 2024 are based on art. 10 para.4d AFMP.

## Consequences

Only a limited number of L and B permits will be issued to Croatian workers hoping to start a gainful employment or a self-employment in Switzerland from January 1, 2024. In particular, only 1,053 L permits (issued for a gainful employment of one year utmost) and 1'204 B permits (issued for a gainful employment with a duration greater than one year) may be issued to Croatian workers in 2024, on a quarterly distribution.

L and B permits are issued on a "first come, first served" basis. When the limit is reached, the permit requested cannot be issued until the next quota release. Croatian workers can only start work once the necessary authorization has been received.

## Exceptions

With regard to the main exceptions, L permits for Croatian workers hoping to start a gainful employment or a self-employment in Switzerland, starting from January 1, 2024 for a maximum period of four months, are issued without limit. The same applies to G permits for Croatian cross-border commuters, regardless of the duration of the activity to be carried out in Switzerland.

Furthermore, Croatian nationals holding a student permit are free to engage in a gainful employment for a maximum duration of 15 hours per week (or full-time during the semester breaks) in parallel with their studies, provided they notify their occupation to the relevant authorities. The same applies to Croatian nationals admitted to a Swiss higher education institution as a doctoral or a post-doctoral student, who are gainfully employed for more than 15 hours per week.

In addition, extensions to L and B permits already issued to Croatian workers can, in principle, be made without limit.

Finally, Croatian nationals admitted for family reunification remain free to engage in gainful employment in Switzerland.

Please do not hesitate to contact us if you have any further questions on this subject.

**Legal Note:** The information contained in this Smart Insight newsletter is of general nature and does not constitute legal advice.



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