

WRITTEN QUESTION P-2701/06  
by Toomas Ilves (PSE)  
to the Commission

Subject: Interpretation of the Estonian Accession Treaty. Point 1.14 of the List referred to in Article 24 of the Act of Accession: Estonia

I carefully studied Mr Frattini's letter regarding labour market access for EU nationals and long-term residents. I must disagree with his interpretation of the Accession Treaty. The last sentence of the third subparagraph of p. 1.14 of the Annex to which he refers cannot be applied to access to the labour market, as suggested in the letter, as it only applies to situations where access is already granted and the person is already present in the labour market. Thus there is a clear difference between situations of access and already being in the labour market. The correct interpretation of the Treaty must be that once access is granted to a third-country national (asylum seeker, refugee, long term resident, etc) in accordance with national legislation, labour market access also must be granted to the nationals (Community preference) and once in the labour market they must be treated at least equally to third-country nationals legally present in a Member State.

It must be noted that the Accession Treaties of Bulgaria and Romania provide for exactly the same national restrictions, which means that the period of transition and restrictions for long-term residents and other third-country nationals shall be further prolonged and possibly extended as more Member States may consider applying national measures.

In the light of the above:

can the Commission agree to the interpretation in terms of the application of the Treaty of Accession of Estonia? If not, could it provide a legal analysis of the application of paragraph 1.14 of Annex VI to the Accession Treaty;

has the Commission studied how the principle of Community preference has been transposed into the national legislation of the Member States and applied in practice or when it intends to do so;

does the application of the labour market restrictions mean that during the period when restrictions are applied the relevant provisions of Community Directives shall not be applicable? In the light of Bulgaria's and Romania's accession, what is the likely impact on Community legislation relevant to the labour market access of third-country nationals passed under the Title IV of the TEC?