



GES NewsFlash

Belgium — Croatia joins the EU: immigration and social security consequences

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On 1 July 2013, Croatia will be the 28th member state to join the EU. This entry will have consequences for immigration and social security, two elements which we highlight below.

Transition period work permits

The treaty regulating Croatia's entry into the EU foresees the possibility of EU member states implementing transitional measures with respect to the free movement of Croatian workers. The consequence of these measures, if implemented, is that Croatian nationals will not yet be able to benefit from the free movement of workers principle.

On Friday, 17 May 2013, the Belgian Council of Ministers approved a draft Royal Decree that will implement a 2-year transition period for the employment of Croatian nationals in Belgium. In practice, this implies that employers planning to hire Croatian nationals in Belgium still need to apply for a work permit with the relevant regional authorities.

Nevertheless, there is a possibility that Croatian nationals (as EU-nationals) will be exempt from possessing a work permit within the free movement of services framework. This exemption is not valid for temporary agency work or for any other form of employee posting. In addition, Croatian nationals can also easily obtain a work permit if employed by a Belgian employer in order to solve manpower shortages in particular employment sectors (so-called "bottleneck occupations").

Social security coordination

Furthermore, as from Croatia's entry into the EU on 1 July 2013, EU Regulation 883/2004 on the coordination of social security systems will become applicable. The rules of this regulation will prevail over the currently existing bilateral social security totalization agreements.

Consequently, the social security situation should be examined (in principal before 1 July 2013) for all employees and self-employed persons assigned to or from Croatia within an EU-context, or working in simultaneous employment in Croatia and (an)other EU member state(s). Any existing and current bilateral social security documents should be replaced by the corresponding EU forms.

Deloitte Belgium's immigration and social security services team is readily available to provide more detailed information.

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