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UDK: 342.737(4-67 EU)
Review article

Received: March 7, 2019
Accepted for publishing: March 26, 2019

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CROATIAN ADJUSTMENT TO THE FREEDOM OF MOVEMENT FOR WORKERS AND ITS EFFECT IN THE PERIOD AFTER ACCESSION TO THE EUROPEAN UNION

ABSTRACT

Freedom of Movement for Workers in the European Union is one of the most attractive topics during the accession of new states to the membership of the European Union. Free movement of workers allows citizens of the Member States to look for new and better working conditions within the borders of the European Union. Free movement of workers was the subject of the second chapter of the accession negotiations between Croatia and the European Union. To enable not only its own citizens, but also the citizens of other EU Member States to move freely, Croatia had to adjust relevant legislation and tailor the governing systems in the state. The changes that were necessary within the Croatian legislation in order to fully align it with the *acquis* were connected to non-discrimination policies towards migrant workers. It was necessary to put in effort towards changing and adapting legislation and developing administrative abilities for coordination of social security systems. In addition, it was necessary to join the EURES network and introduce European Health Insurance Card. The government bodies in charge of supervising the free movement of workers in the sense of the social security are the Croatian Pension Insurance Institute, the Croatian Health Insurance Fund and the Croatian Employment Service.

Keywords: Free movement of workers, Croatia

1. Introduction

Croatia signed the accession treaty with the European Union on 9 December 2011. The negotiation process preceding the accession lasted ten years, and it was the longest negotiation process compared to other Member States. During the negotiation process, Croatia opened and closed 35 negotiation chapters, and had aligned its legislation with the

Community *acquis* thus meeting the preconditions for equal participation in the membership and work of the institutions of the EU. Croatia's chronological path to gaining full EU membership was as follows:

- *October 2001 the Stabilisation and Association Agreement signed – it represents a special type of an agreement of accession that the EU offered to the countries in the Stabilisation*

and Accession Process. The agreement allows the signing state the status of a potential candidate for the membership in the EU

- *February 2003 Croatia applies for EU membership*
- *20 July 2003 the president of the European Commission Romano Prodi delivers the Questionnaire with 4560 questions to the Croatian Government*
- *20 April 2004 the European Commission gives a positive Opinion (Avis) on Croatia's application for membership in the European Union and suggests the start of the negotiations with Croatia*
- *18 June 2004 the European Commission accords Croatia the status of a candidate country*
- *3 October 2005 start of the accession negotiations – the opening of the negotiations was late due to the lack of cooperation with the Hague court (ICJ)*
- *30 June 2011 end of the accession negotiations*
- *9 December 2011 Croatia and the European Union sign the accession treaty*
- *July 2013 Croatia becomes a full-fledged member of the European Union.*

During the negotiation phase, Croatia opened and closed 35 negotiation chapters in order to align its legislation with the Community *acquis*. The accession negotiation chapters comprised the following areas:

1. Free Movement of Goods
2. Freedom of Movement for Workers
3. Right of Establishment and Freedom to Provide Services
4. Free Movement of Capital
5. Public Procurement
6. Company Law
7. Intellectual Property Law
8. Competition Policy
9. Financial Services
10. Information Society and Media
11. Agriculture and Rural Development

12. Food Safety, Veterinary and Phytosanitary Policy
13. Fisheries Policy
14. Transport Policy
15. Energy
16. Taxation
17. Economic and Monetary Policy
18. Statistics
19. Social Policy and Employment
20. Enterprise and Industrial Policy
21. Trans-European Networks
22. Regional Policy and Coordination of Structural Instruments
23. Judiciary and Fundamental Rights
24. Justice, Freedom and Security
25. Science and Research
26. Education and Culture
27. Environment
28. Consumer and Health Protection
29. Customs Union
30. External Relations
31. Foreign, Security and Defence Policy
32. Financial Control
33. Financial and Budgetary Provisions
34. Institutions
35. Other Issues.

The second negotiation chapter – Freedom of Movement for Workers – represents the key chapter for one of the “four freedoms” which support the Single European Market, that is, the Internal Market of the EU. This allows free movement for workers who seek better work conditions and, consequently, better life conditions. Free movement of people relates to the freedom of employment and the access to the labour market in a non-native country and to the freedom of movement of the worker's family, together with social security including the health insurance. This paper will present the complete negotiation process between the Republic of Croatia and the European Union regarding the second negotiation chapter Freedom of Movement for Workers and the process of adjusting the system of

employment and the social system with the *acquis* through the revision of the screening reports, negotiation stances and progress reports. The paper will finish with the overview of the movement of workers after Croatia joined the EU and try to answer whether Croatia has been successful in ensuring the freedom of movement for workers from other Member States.

2. Legal ground for the freedom of movement for workers

Freedom of movement for workers is a sub-division of the freedom of movement of persons which is one of the four cornerstones of the European Single Market, i.e. free movement of goods, capital, services, and persons. The legislative basis for the freedom of movement for workers is Article 3 (1) of the Treaty on European Union (Treaty on European Union, 2016¹), Article 4 (2) point (a) and Articles 20, 26, and 45 – 48 of the Treaty on the Functioning of the European Union (The Treaty on the Functioning of the European Union, 2016²). The mentioned Articles of the Agreement are based on the non-discrimination principle on the basis of citizenship of workers from the Member States with regard to their employment, wages and other working and employment conditions. Furthermore, it is based on the Directive 2004/38/EC of the European Parliament on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States; Regulation (EU) No 492/2011 on freedom of movement for workers within the Union; Regulation (EC) No 883/2004 on the coordination of social security systems and its implementing Regulation (EC) No 987/2009. Each citizen of the Member State has the right to seek employment in other Member States in accordance with the legislation which applies to the national workers. The migrant worker has the right to get the same assistance as national workers from the national employment agency of the host Member State without discrimination on the grounds of nationality and the right to stay in the host country in search of an employment and during the job applications. These rights apply equally to all migrant workers from the Union regardless if they have long-term contracts, fixed-term contracts, if they are seasonal workers or offering cross-border provision of services. Workers cannot be discriminated against – for example, the demands for knowing a

language cannot exceed the needs of the workplace and of what is sensible.

Regulation (EU) No 492/2011 on freedom of movement for workers within the Union, with its provisions or more specifically Article 7, has kept the principle of equal treatment and has established that the worker who is a citizen of the Member State, may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work. Article 9 says that a worker who is a national of a Member State and who is employed in the territory of another Member State shall enjoy all the rights and benefits accorded to national workers in matters of housing (Regulation (EU) No 492/11, 2011³).

Directive 2004/ 38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States takes into consideration new legal and political circumstances created by EU citizenship. It leans on the EU citizenship as the legal basis for the citizens of the Member States and their family members to the right to move and reside within the Member States (Goldner Lang, 2007).

Article 6 of Directive 2004/38 gives Union citizens the right of residence on the territory of another Member State for a period of up to three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport. That Directive determines that after five years of residing in the host Member State, the worker and family members gain the right of permanent residence in the host Member State (Directive 2004/38/EC, 2004⁴).

By accession to the European Union, each Member State gains these four freedoms. Croatia has acquired all the rights and obligations after gaining full membership in the European Union. The rights regarding the freedom of movement for workers established through the Stabilisation and Association Agreement (Stabilisation and Association Agreement between the Republic of Croatia and the European Communities and their Member States⁵) entail:

- the right to work without the work permit (after the end of a transition period if it is determined)

- equal treatment in seeking employment in the territory of another Member State as nationals of that State
- the right to the same social benefits as national workers of the host Member State
- the right of family members to join the worker and receive family benefits
- complete coordination between social security systems (pensions and contributions)
- mutual recognition of qualifications.

The accession of a country to the EU presents workers with the opportunity to migrate and find better working conditions elsewhere. Mobility of the workforce is necessary for successful functioning of the Internal Market, stimulating employment rates and economic growth. Free movement of workers is a field of special importance for the EU. However, it does entail some negative aspects such as sudden weakening of an economic sector to which migrating workers belong. To avoid disturbances of the Internal Market by the accession of a new country to the EU and potential sudden migration wave, the EU can set limitations to the freedom of movement for workers. One of the measures is the transition period, which usually lasts for seven years and can be introduced by individual governments for the new members. During the transition period, the workers of the new Member State have to possess residence and work permits, same as workers from non-member countries.

3. Chapter 2. - Freedom of Movement for Workers

The 6th Intergovernmental Conference was held on 17 June 2008 in Luxembourg during which Croatia and the EU officially opened the second chapter of the accession negotiations entitled Freedom of Movement for Workers. Preceding the framework of that chapter, a screening report concerning the free movement of workers in Croatia was adopted in January 2007. The report outlined the main tasks for Croatia and the issues that needed to be amended and adjusted within its system to ensure the freedom of movement for workers in EU Member States. The part of the *acquis* concerned with the access to the labour market and requiring alignment was non-discriminatory treatment based on

nationality, residence and language towards the workers who are legally employed in a non-native country. Essential parts of the *acquis* regarding the free movement of workers (in the moment of opening the second negotiation chapter) were:

- the Treaty on European Union (now the Treaty on the Functioning of the European Union)
- Council Regulation No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EE
- Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Principal tasks for Croatia are: the participation in the EURES system (European Employment Services) aimed at promoting the freedom of movement for workers within the Community by close cooperation between national employment services to exchange information on employment opportunities and using all social rights (through coordination between social security systems of Member States) such as pension and health care insurance. The health care insurance entails health care coverage for citizens of the European Union during the stay in any of the Member States. To this end, a European Health Insurance Card has to be issued to all nationals (Screening Report Croatia, 2007⁶).

3.1 The state of the freedom of movement for workers before the negotiations – overview and necessary measures

As for the freedom of movement for workers, the situation in the Republic of Croatia allowed for fast adjustment to the *acquis*. In the context of freedom of employment and social security rights through the coordination of social security systems, there

were certain conditions that needed to be amended, as described below.

Generally, the employment of foreign workers in Croatia was regulated by the Act on Foreigners which has been in force since 2004. Pursuant to this legislation, foreigners may work if they hold a work permit; at the time when the accession negotiations started, the same conditions for work permits were applied to nationals of third countries and for migrant workers from the EU (Screening report Croatia, 2007). This was a logical concept of the state towards non-citizens although there were some exceptions. According to the data delivered by the Croatian authorities (Ministry of the Interior as the supervising body), EU nationals and their family members were favoured in procedures allowing them to work without a work permit if they held key positions in a company as defined by the SAA, i.e. work permits were granted to them outside the annual work permit quota for the non-citizens of the Republic of Croatia (Screening report Croatia, 2007). In this manner Croatia showed flexibility which led to the easier adjustment to the *acquis* in this specific area. In April 2005, a task force was formed to analyse the Act on Foreigners and start creating its amendments to ensure the abolition of work permits and business permits as a condition of employment of EU citizens and their family members in Croatia. The amendments of the Act provided the abolition of work permits also for positions of government employees (when these posts did not involve the exercise of State power). Foreigners would be able to be employed as civil servants only with the prior approval by the central State administration body competent for civil servants' affairs, independent of the country from which the worker originates (Screening report Croatia, 2007). This was the beginning of alignment to the *acquis* concerning the employment of the foreign workers.

Further on, there were language requirements good knowledge of the Croatian language in the fields of health care and primary education (Screening report Croatia, 2007). The Republic of Croatia was aware that the language prerequisite should be applied in certain cases under the proportionality test. Taking into consideration the previously mentioned and the legal importance of the regulation (vertical and horizontal directive effect), Croatia undertook that it would, from the day it becomes a full member of the EU, directly apply the relevant directives and Regulation 1612/68, and in that sense it was not

necessary to alter the Croatian legislation (Government of the Republic of Croatia, 2007).

To allow an unemployed foreign person to register with the Croatian Employment Service, it was necessary to have permanent residence. This regulation had to be changed by the end of 2007 through the amendments of the Act on Employment Mediation and Unemployment Rights.

Family members of EU migrant workers had the right to temporary residence for the purpose of family reunion regardless whether they were citizens of EU Member States or third countries. The residence permit of an EU migrant worker could have been revoked in case his work or business permit expired with the same effect on family members (Directive 2004/38, 2004). The Directive is explicit about that question taking into consideration that most often migrant workers use the possibility of family reunion. The amendments to the Act on Foreigners aimed at regulating the independent stay of family members of an EU migrant worker in the case of worker's death, divorce, etc. as well as the approval of permanent residence to EU migrant workers and their family members (Directive 2004/38/EC, 2004). This is one of the more popular measures in the European Union regarding the freedom of movement for workers.

Migrant workers who gained permanent residence and are issued work permit in Croatia must register in the pension insurance scheme when they start working. They enjoy the same rights and obligations as Croatian nationals and pensions are paid directly to beneficiaries in their country of residence (Directive 2004/38/EC, 2004). In the negotiation chapter from 2007, the Government of Croatia concluded that, in relation to the supplementary pension systems, the alignment with the Directive 98/49/EC is necessary for the third pillar of the pension system – voluntary pension insurance based on individual capital savings, in the part which concerns closed voluntary pension funds. The purpose of the mentioned Directive is preservation of the rights of the beneficiaries of supplementary pension systems who use the right to freedom of movement from one state to another, and that relates to pensions from obligatory and voluntary pension systems. Further on, in the negotiation chapter from 2007, the Government of Croatia states that for the purpose of implementation of Directive 98/49/EC it was necessary

to begin with drafting of amendments of the Act on Pension Insurance Companies and Pensions Based on Individual Capitalized Savings. In this regard, Act on Amendments to the Compulsory and Voluntary Pension Funds Act was passed in the Croatian Parliament on 21 June 2007. These legislative changes and amendments would, from the day that Croatia joined the Union, allow migrant workers from EU Member States the access to the voluntary pension insurance regardless of their residence because the amended act eliminated the requirement of permanent residence in the Republic of Croatia as a prerequisite for voluntary pension insurance. In addition, new terms were introduced – supplementary pension system and supplementary pension, which previously had not been regulated in Croatian legislation, as well as the term posted worker, which was previously legislated only in the system of generational solidarity – the first pillar of the pension insurance. With regard to payment of contributions for posted workers, sponsors of the closed pension fund were obliged to ensure continuation of payment of contributions to the personal account of the posted worker was introduced. Further on, cross-border payment of contributions was introduced, as well as the obligation to notify the beneficiary and potential beneficiaries of rights on the contributions and possibilities which are offered when migrating to work in another Member State.

Croatian self-evaluation regarding the free movement of workers was positive. The amendments, which were necessary within the Croatian legislation in order to align its legislation with EU rules on access to the labour market, were connected to non-discrimination policies toward migrant workers. It was necessary to work towards amendments of legislation and development of administrative coordination of social security systems. Further efforts were needed to develop participation in the EURES network as well as in view of the introduction of the European Health Insurance Card. The government bodies in charge of supervising the free movement of workers in the sense of social security are the Croatian Pension Insurance Institute, the Croatian Health Insurance Fund and the Croatian Employment Service.

4. Progress of Croatia in adjustments to the *acquis*

After detecting the state of the Croatian system regarding the implementation of free movement of workers, European Commission had created a Monitoring report on Croatia's accession preparations every year from the beginning to the end of the negotiations. Altogether, five reports were written in the period from 2007 to 2011.

In the **2007 progress report** regarding the second negotiation chapter, it was established that there had been adjustments and amendments to the Act on Foreigners in terms of abolishing work permits for the citizens of EU Member States their family members, and the amendments would enter into force from the moment Croatia becomes a full member of the Union. There had been no progress made regarding participation in EURES; there were still some discrepancies due to language barriers of potential EURES advisors. The infrastructure for gathering information for the EURES platform from the Croatian Employment Service regarding vacancies on the labour market was not enabled. No progress had been made concerning the improvement of the administrative coordination of social systems, as well no progress around the introduction of the European Health Insurance Card (Commission of the European Communities, 2007⁸).

The progress report from 2008 showed further development regarding the second negotiation chapter. Amendments to the Act on Pension Insurance Companies and the Payment of Pensions Based on Individualised Capital Savings were adopted aiming at enabling cross-border payment of pension benefits in the supplementary pension scheme. In addition, Act on Amendments to the Act on Employment Mediation and Unemployment Rights were made, which allowed migrant workers from other Member States the same assistance from the Croatian Employment Service with the process of finding employment as for Croatian workers. The organisational structure of the Croatian Employment Service was adjusted and administrative capacity strengthened but gaps remained in the language skills of potential EURES advisers and in connection to the EURES portal ensuring that all job vacancies of the public employment services were displayed on its public website. No progress had been made regarding coordination of social security systems and administrative capacity was still insufficient.

Preparations were ongoing for the introduction of the European Health Insurance Card (Commission of the European Communities, 2008⁹). In conclusion, a satisfactory level of legal alignment had been reached, but sustained efforts were needed to develop the necessary administrative capacity.

The progress report from 2009 finally confirmed that Croatia was largely fulfilling the *acquis* requirements in the area of free movement for workers. Good progress was reported on participation in the EURES network which meant that the administrative capacity of the Croatian Employment Service (CES) was strengthened (language gap was removed) and the organisational structure was adjusted to the demands. There had been good progress on coordination of social security systems which was a key element for the accession negotiations in this chapter and further preparations were ongoing for the introduction of the European Health Insurance Card (Commission of the European Communities, 2009¹⁰).

The progress report from 2010 confirmed continued good progress of Croatia. The Croatian Employment Service continued with the strengthening of capacities for inclusion in the EURES system, and good progress continued in the area of strengthening administrative powers for social security systems. Croatia was, for the first time, participating as an observer in the preparations for the EESSI project (on electronic exchanges of data under the new EU regulations). Preparations had been made for the introduction of the European Health Insurance Card upon accession (Commission of the European Communities, 2010¹¹).

The final **progress report was from 2011** and it concluded that Croatia made great progress in fulfilling the commitments of the *acquis* and enabling the freedom of movement for workers. In all fields which required adjustments, Croatia made progress regarding the administrative and IT capacities. The Croatian Employment Service had opened two new Migrant Information Centres in cross-border regions (Commission of the European Communities, 2011¹²).

5. Information on the Results of the EU Accession Negotiations with Croatia

In 2011 European Commission brought forth a report on the results of the accession negotiation for the second chapter - the Freedom of Movement for

Workers. The information was related to the manner of admission of Croatian workers to the Member States after Croatia became a member. The Commission brought forward the following measures which would refer to Croatia from the moment of becoming a Member State (Directorate General for Enlargement, 2011¹³):

- a two-year period during which national measures will be applied by current Member States to Croatia;
- after this period, reviews will be held: one automatic review before the end of the second year after accession and a further review at the request of Croatia;
- the transitional arrangement should in principle come to an end after five years, but may be prolonged for a further two years in those current Member States where there would be serious disturbances of the labour market or a threat of such disruption;
- safeguards may be applied by Member States up to the end of the seventh year;
- a standstill clause will apply, whereby current Member State labour markets cannot be more restricted than that prevailing at the time of the signature of the Accession Treaty. Current Member States must give preference to Croatian nationals over non-EU labour;
- Austria and Germany have the right to apply flanking national measures to address serious disturbances or the threat thereof, in specific sensitive service sectors on their labour markets, which could arise in certain regions from transnational provision of services;
- under the transitional arrangements the rights of Croatian nationals who are already legally resident and employed in a current Member State are protected;
- on the basis of reciprocity, Croatia may apply restrictions equivalent to the national measures applied by the respective Member State.

6. Freedom of Movement for Workers after the Accession

Croatia adjusted its legislation and systems before the accession on 1 July 2013 in order to be fully competent to satisfy the needs of the freedom of movement for workers and to enable entry of foreign workers into Croatia and migration of native workers elsewhere. After the accession, free movement of workers is functioning without difficulties. The competent institutions, the Croatian Employment Service, the Croatian Pension Insurance Institute and the Croatian Health Insurance Fund are carrying out all the tasks necessary to provide each EU citizen with easy access to the labour market and other social benefits pertaining to the worker.

The Croatian Employment Service gained the ability of tracking jobs within EU Member States through the EURES network and EURES contact centres within its own system. The Croatian Employment Service offers information not only to the workers who seek employment, but also to the employers who need workers from different states who have specific language skills. Moreover, the Croatian Employment Service, in cooperation with EURES networks in other Member States, organises projects of employment and offers information about European Job Days.

Concerning the social security system, the Croatian Parliament passed the Act on Implementation of the Regulations of the European Union on Coordination of Social Security Systems. The Act came into force on the same date Croatia became a full member of the EU, 1 July 2013. The basic postulates set by the Act are as follows:

- establishment of the competent authority in charge of implementing regulations of the European Union on coordination of social security systems, that is, the competent authorities are established for all aspects of the social security by the regulations on coordination, as well as competent authorities for the compulsory insurance;
- establishment of the competent authority in charge of dealing with issues of the EU Access Point for electronic exchange of information in the social security system;
- establishment of the competent authority in charge of setting legislation which applies

to, and shapes the process of making resolutions in that field;

- establishment of the competent authority for coordination according to the regulations of the European Union on the social security systems, and prescribing the manner of cooperation of the competent authorities and institutions in the area of social security coordination;
- establishment of the competent authority and the manner of participation of liaison offices within working bodies of the European Commission;
- establishment of the permanent Interdepartmental Group for coordination of social security systems, as the basic form of cooperation in the field of coordination of social security systems.

The following regulations apply to the area of coordination of social security systems: Regulation (EC) 883/2004, (EC) 987/2009, (EC) 988/2009, (EC)1231/201, (EC) 1244/2010, (EC)465/2012 and (EC) 1224/12. Considering that the regulations relate to the area of the pension insurance, health insurance, unemployment insurance and family benefits, the competent authorities implementing the mentioned areas under national legislation are in charge of implementing EU regulations concerning coordination of social security systems. The Ministry of Labour and the Pension System is in charge of pension insurance and unemployment insurance, the Ministry of Health is in charge of compulsory health insurance and health protection, whereas Ministry of Demographics, Family, Youth and Social Policy is responsible for administering family benefits as well as maternity and paternity benefits. The Croatian Pension Insurance Institute is appointed the authority for distribution of old age benefits, disability contributions, contributions to the surviving family members, insurance for accidents at work and occupational diseases from the generational solidarity pension scheme and for child benefits. The Croatian Health Care Insurance Fund is the institution in charge of distributing of benefits for illness, occupational diseases and accidents at work, maternity and paternity allowances, all from the compulsory insurance, whereas the Croatian Employment Service is in charge of contributions for unemployment. The Central Registry of Insured Persons is in charge of distribution of old

age benefits, disability contributions, contributions to the surviving family members based on voluntary pension insurance i.e. on individual capital savings (the third pillar of pension insurance), as well as being the Access Point for electronic exchange of information between the competent authorities of Member States in the system of social security. The institution appointed for the area of contributions for the compulsory insurance in the framework of coordination of social security system in the Ministry of Finance.

It can be concluded that there is administrative alignment with the EU *acquis* in the context of the freedom of movement for workers. All obstacles for the free exchange of the labour force had been removed with the accession of Croatia to the European Union. Croatia has been continually implementing all the obligations to ensure the freedom of movement for workers.

7. Conclusion

While working through the second chapter of accession negotiations (Freedom of Movement for Workers) Croatia has opened up its market to EU citizens and provided opportunity of finding employment in Croatia, as well as ensured that workers' families have the right of residence on the territory of the Republic of Croatia. In order to achieve this, it was necessary to adjust the system within the country, which Croatia successfully managed and is continuing to do so. In practice,

this refers to the migration of citizens, especially the labour force, which presents a major issue for Croatia due to the high number of people leaving the country. From 2013 on there has been a steady rise in emigration. Figures from the Croatian Bureau of Statistics (CBS) show that 15,262 people left the country in 2013, the following year it was 20,858 people, in 2015 there were 29,651 citizens who emigrated and in 2016 a total of 36,436 (CBS, 2017¹⁴). The data for 2017 is not yet available, but there is an evident growth in the emigration numbers. For the most part, Croatian citizens migrate to other Member States. Free movement of workers has been properly realised, but creates the issue of higher emigration out of the country than immigration to the country. Regarding the immigrants, 10,378 people moved to Croatia in 2013, in 2014 it was 10,638 people, in 2015 the figure was 11,706 and in 2016 13,985 people (CBS, 2017). The consequences of the migrations are not visible yet, but the continuation of the emigration trend might raise the question of the purpose of the Internal Market. The Internal Market was set up with the goal of equal development of the Member States. With great emigrations from one state to the other, and insufficient immigration to the states that are losing citizens, the latter might experience economic stagnation and decline. It is worth mentioning that Austria, Malta, the Netherlands, Slovenia and the United Kingdom are using the right to national measures of limited freedom of movement for Croatian workers.

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PRILAGODBA HRVATSKE NA SLOBODU KRETANJA RADNIKA I UČINAK U RAZDOBLJU NAKON PRIDRUŽIVANJA EUROPSKOJ UNIJI

SAŽETAK

Sloboda kretanja radnika u Europskoj uniji predstavlja jednu od najatraktivnijih tema prilikom ulaska novih država u punopravno članstvo Europske unije. Naime, sloboda kretanja radnika omogućuje državljanima država članica mogućnosti pronalaženja novih i boljih uvjeta rada unutar granica Europske unije. Sloboda kretanja radnika obuhvaćena je 2. pregovaračkim poglavljem između Republike Hrvatske i Europske unije. Kako bi omogućila svojim državljanima, ali i ostalima državljanima država članica Europske unije, slobodno kretanje radnika, Republika Hrvatska je u fazi pregovora morala uskladiti određeno zakonodavstvo i prilagoditi upravljačke sustave unutar države. Izmjene koje su bile potrebne unutar hrvatskog zakonodavstva kako bi se u potpunosti uskladilo sa *acquisom* ticale su se nediskriminacije prema radnicima migrantima te je bilo potrebno uložiti napore u smislu donošenja izmjena i dopuna zakonodavstva te razvoja administrativnih sposobnosti za koordinaciju sustava socijalne sigurnosti. Također, potrebno je bilo uložiti napore vezano za uključivanje u EURES mrežu i uvođenje Europske kartice zdravstvenog osiguranja. Državna tijela nadležna za slobodu kretanja radnika u smislu socijalne sigurnosti su Hrvatski zavod za mirovinsko osiguranje, Hrvatski zavod za zdravstveno osiguranje i Hrvatski zavod za zapošljavanje.

Gljučne riječi: sloboda kretanja radnika, Republika Hrvatska