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Croatia joins the EU: immigration and social security consequences

On 1 July 2013, Croatia will be the 28th member state to join the EU. This entry will have consequences for migration 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 for EU Member States to implement transitional measures with respect to the free movement of Croatian workers. The consequence of these measures, if implemented by Member States, 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 has approved a draft Royal Decree, which will implement a 2 year transition period for the employment of Croatian nationals in Belgium. In practice, this implies that employers planning to hire a Croatian national in Belgium will still need to apply for a work permit with the relevant regional authorities.

Nevertheless, there will be a possibility for Croatian nationals (as EU-nationals) to 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 shortage 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 in fact prevail over the currently existing bilateral totalisation 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 European forms.

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

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