

**AGREEMENT
ON CONDITIONS FOR FREE ACCESS TO THE LABOUR MARKET IN THE
WESTERN BALKANS**

PREAMBLE

We, the Western Balkan participants referred to collectively as “the Contracting Parties” and individually as “the Contracting Party”

EXPRESSING willingness for strengthening the regional cooperation and mutual understanding, with the aim of contributing to economic development and increase of economic growth, investments and employment in the Western Balkans,

CONSIDERING the importance of the field of movement of workers, with the aim of ensuring progress and economic prosperity,

BEARING IN MIND the Joint Declaration signed in Novi Sad on 10 October 2019, which is based on the implementation of the four key freedoms of the European Union in the Western Balkans,

RECOGNIZING the Joint Declaration of the Prime Minister of the Republic of Albania, the Prime Minister of the Republic of North Macedonia and the President of the Republic of Serbia adopted at the Western Balkans Summit held in Ohrid on 10 November 2019,

ACKNOWLEDGING the Joint Declaration of the Prime Minister of the Republic of Albania, the Prime Minister of the Republic of North Macedonia and the President of the Republic of Serbia adopted at the Western Balkans Summit in Tirana on 21 December 2019,

FOLLOWING the Memorandum of understanding on cooperation related to free access to the labour market in the Western Balkans signed in Skopje on 29 July 2021,

NOTING that no provision of this Agreement may be interpreted as to exempt the Contracting Parties from their respective rights and obligations under existing treaties, including their existing regional and bilateral trade agreements,

INVITING the other Western Balkan participants to join this agreement in the spirit of inclusiveness, regional cooperation and with a view to improving the lives of all within region,

Hereby agree as follows:

GENERAL PROVISIONS

Article 1

Citizens of the Contracting Parties to which this Agreement applies shall have the right to move, stay and work freely within the territory of the Contracting Parties, in accordance with this Agreement.

DEFINITIONS

Article 2

For the purposes of this Agreement, the following terms shall have the meaning:

- 1) “Citizen” – a person who holds the citizenship of one of the Contracting Parties;
- 2) “Domestic legislation” – laws and other normative acts which are in force in one of the Contracting Parties;
- 3) “Receiving Party” – the Contracting Party into which territory the citizen of the other Contracting Party has entered, resides and works;
- 4) “Open Balkan ID number” – unique registration number for the citizens of the Contracting Parties, generated by the Party of their nationality, in accordance with the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans.

ENTRY, MOVEMENT, STAY AND WORK

Article 3

The Contracting Parties undertake to simplify the administrative procedures for entry, movement, stay and work of the citizens of other Contracting Parties.

The Contracting Parties guarantee that citizens of other Contracting Parties have equal access to the labour market in the Receiving Party, in accordance with this Agreement and the domestic legislation.

Article 4

A citizen of one of the Contracting Parties, in addition to the rights provided by the domestic legislation on the work of foreigners, shall have the right of entry and residence for work purposes in the Receiving Party in accordance with this Agreement, provided that:

- 1) he/she has a valid ID card or biometric travel document, valid for at least 90 days counting until the expiring date,
- 2) he/she has no ban on entry and stay in the territory of the other Contracting Party,
- 3) he/she does not pose a threat to the public order, national security, public health or the international relations of the other Contracting Party.

Article 5

A citizen of one Contracting Party who does not meet the requirements of Article 4 of this Agreement shall be denied free access to the labour market of the other Contracting Party in accordance with the domestic legislation of the Receiving Party.

Article 6

A citizen of one Contracting Party shall abide by the domestic legislation of the Receiving Party when entering, staying and working in the territory of the Receiving Party.

Each Contracting Party, in accordance with its domestic legislation, reserves the right to revoke the stay in its territory to a citizen of the other Contracting Party.

Article 7

In order to exercise the right to free access to the labour market, a citizen of a Contracting Party shall register both personal and other data as required by the appropriate online electronic service developed by each Contracting Party in compliance with domestic legislation and Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans.

Registration referred to in paragraph 1 of this Article may be performed prior to entering the territory of the Receiving Party, or following entry, but no later than 90 days from entering the territory of the Receiving Party.

A citizen of a Contracting Party who has Open Balkan ID number, shall be deemed to have registered for free access to the labour market in the territory of the Receiving Party after being electronically notified that the application procedure has been completed and that free access to the labour market has been approved, which shall entitle him/her to free access to the labour market.

Approval referred to in paragraph 3 of this Article shall allow a citizen of a Contracting Party to stay in the territory of the Receiving Party for up to two (2) years with the possibility for re-registration, provided that the conditions set out in Article 4 and 6 of this Agreement, are met.

Approval for free access to the labour market ensures the exercise of the right to employment without needing to obtain a work and residence permit in the Receiving Party, including the exclusion of application fees or tariffs as per the domestic legislation.

Approval for free access to the labour market in the Receiving Party excludes the right for state employment incentives unless otherwise agreed by the Contracting Parties.

If a citizen of a Contracting Party, to whom free access to the labour market in the Receiving Party has been approved in compliance with paragraph 3 of this Article, changes any of the data entered through the online electronic service of the Receiving Party, he/she shall report such information without delay via that online electronic service.

Article 8

In the case that application for free access to labour market has not been approved, the domestic legislation of the Receiving Party shall apply, of which the applicant shall be notified electronically.

Approval for free access to labour market shall cease to be valid if the stay in the territory of the Receiving Party of a citizen of a Contracting Party, in compliance with the domestic legislation, is subsequently cancelled, in case it is subsequently discovered that the approval for free access to the labour market was issued based on false information or on withholding of information on the actual purpose and circumstances of the employment, or if the reasons for which the approval for free access to the labour market had been issued, have ceased to exist.

Article 9

The provisions of this Agreement shall not apply with respect to the fulfilment of the requirements for applying for permanent stay in the Receiving Party.

A citizen of the Contracting Party who intends to apply for permanent stay in the Receiving Party shall be obliged to act in accordance with the domestic legislation of that Receiving Party.

Article 10

The provisions of this agreement shall not apply to citizens who are entering or staying in the territory of the other Contracting Party for purposes of tourism or other purposes not related to free access to the labor market according to this Agreement.

However, citizens referred to in paragraph 1 of this Article are not precluded from making use of this Agreement, should they want to apply for free access to labor market in accordance with Article 7, paragraph 1 of this Agreement

JOINT COMMITTEE

Article 11

A Joint committee shall be established based on this Agreement tasked with organising, coordinating and controlling activities related to the implementation of this Agreement.

Article 12

The Joint committee shall be composed of at least five representatives of each Contracting Party.

Article 13

The Joint committee shall meet at least once a year and shall report every six months to the Contracting Parties about the implementation of this Agreement.

The Joint committee shall have its first meeting within 30 days from the entry into force of this Agreement.

The Joint committee shall, at its first meeting, adopt its rules of procedure.

TRANSITIONAL AND FINAL PROVISIONS

Article 14

The Contracting Parties undertake to align their domestic legislation with the EU acquis on matters related to the implementation of this Agreement.

Article 15

Any matter that is not regulated by this Agreement shall be governed by the domestic legislation of the Receiving Party.

Article 16

The Contracting Parties agree that additional protocols may further regulate matters relevant to the implementation of this Agreement, especially matters related to the information system enabling the registration, as well as matters related to stay, movement and work of citizens in the territory of the Receiving Party.

The protocols shall be concluded by the competent authorities of the Contracting Parties.

Article 17

Any dispute arising from the interpretation or application of this Agreement shall be settled through negotiations.

Article 18

This Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties to which they are parties.

The Contracting Parties agree that agreement on social security shall be concluded.

Article 19

This Agreement shall be subject to ratification or approval in accordance with the domestic procedures of each Contracting Party. The Republic of Albania shall act as the Depositary of this Agreement.

This Agreement shall enter into force on the 30th (thirtieth) day following the date of the deposit of instruments of ratification by at least two Contracting Parties and shall produce legal effect only between those Contracting Parties.

For a Contracting Party, which ratifies or approves this Agreement after its entry into force in accordance with paragraph 2 of this Article, the Agreement shall enter into force on the 30th (thirtieth) day following the date of the deposit of instrument of ratification by that Contracting Party.

Provided that this Agreement has entered into force, its application shall begin on the date of the entry into force of the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans, concluded by the same Contracting Parties.

This Agreement may be amended upon mutual consent of all Contracting Parties.

The Agreement shall remain in force indefinitely.

Each Contracting Party may withdraw from this Agreement by notifying the Depositary, in written form, of its intention to withdraw. In such a case, the Agreement shall cease to be in force for that Contracting Party on the 30th (thirtieth) day following the date of the receipt of the notice by the Depositary.

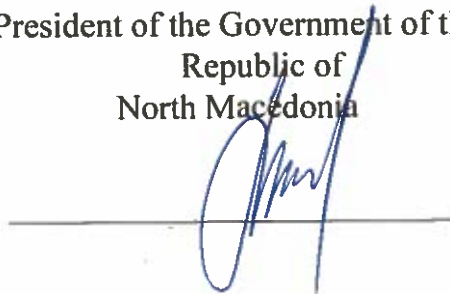
The original of this Agreement in a single copy in the English language shall be deposited with the Depository, which shall transmit a certified copy to each Contracting Party.

Done in Tirana, on the twenty-first December, two thousand twenty-one.

Aleksandar Vučić
President of the Republic of Serbia



Zoran Zaev
President of the Government of the
Republic of
North Macedonia



Edi Rama
Prime Minister of the
Republic of Albania

