

# **Transitional Regulations for Workers from Croatia**

## LIVING AND WORKING IN AUSTRIA

Since July 1st, 2013, workers from Croatia enjoy **freedom of movement** and do not need a residence title. However, like all EEA citizens and Swiss citizens who want to stay in Austria for more than three months, if you are a Croatian citizen, you are also required to register with the competent residence authority within four months of your arrival in Austria. If you meet all requirements (e.g. sufficient means of subsistence) you will be issued a confirmation of registration (Anmeldebescheinigung).

The transitional regulations of the Act Governing the Employment of Foreign Nationals (Ausländerbeschäftigungsgesetz - AuslBG) concerning labour market access apply until June 30, 2020.

During the transitional period workers from Croatia enjoy preferential labour market access compared to third-country nationals (**community preference**).

### Employment opportunities in Austria

In order to take up employment in Austria during the transitional period, workers from Croatia need a **labour market permit** granted by the **Public Employment Service (Arbeitsmarktservice, AMS)**. For your job search, you can use the Public Employment Service's **eJob-Room**, where you can find job offers listed according to professional **sectors**.

Your prospective employer applies for a **work permit** with the **Public Employment Service** which is granted if certain conditions are met (Austrian wage and working conditions, no equally qualified registered workers available, no hiring-out of workers). Highly qualified workers („**key workers**“), **skilled workers in shortage occupations**, qualified health care personnel, and **seasonal workers** in tourism (hotel and restaurant industry) and agriculture enjoy easier access. **Application forms** can be found on the AMS website.

### Confirmation of freedom of (Freizügigkeitsbestätigung)

Upon application, the **Public Employment Service** will issue a confirmation of freedom of movement (Freizügigkeitsbestätigung), provided that you

- already had **free labour market access on the day of Croatia's accession** to the EU (such as holders of a “Long-term Resident-EC/EU” or a Red-White-Red-Card plus) or
- have been **legally working in Austria for at least 12 months**
- meet the requirements for a **Red-White-Red-Card plus according to § 15 AuslBG** or
- have been **settled in Austria for at least five consecutive years** and have a regular income from lawful occupation (e.g. self-employed occupation) or
- prove ten months of continued employment with a valid employment permit under the Red-White-Red-Card system.

As a holder of a confirmation of freedom of movement, your **Croatian or third-country spouse, registered partner, and children** (up to the age of 21) also obtain such a confirmation if you live together in the same household in Austria.

In case of **voluntary permanent absence** from the Austrian labour market your confirmation of freedom of movement will become invalid.

## Posting of Workers

### Posting Notification (Entsendemeldung)

The following rules apply to the transnational posting of workers: Any company based in an EU (or EEA) member state must report the posting of workers to Austria to the **Central Coordinating Agency** (Zentrale Koordinationsstelle, ZKO) at the Federal Ministry of Finance.

### Posting Permit (Entsendebewilligung) and Employment Permit (Beschäftigungsbewilligung)

In addition to the notification to the ZKO, a **posting permit (Entsendebewilligung)** is required for the following economic sectors, if a Croatia-based company seeks to post Croatian and/or third-country workers to Austria:

- horticultural (gardening) services
- natural stone working and processing
- manufacture of metal structures and parts of structures
- security services
- cleaning of buildings, inventory, and means of transport
- home nursing
- social services

For the construction sector (including related industries), the Austrian employer always has to apply for an **employment permit** (Beschäftigungsbewilligung).

An **employment permit** is also required if the work period exceeds a total of six months, or if the worker in question is posted for a period of more than four months.

The gross income of posted workers must be in accordance with the collective agreements and **regulations on minimum wage** applicable to Austrian workers.

The respective applications must be filed by the Austrian contractor (contractual partner) with the **Public Employment Service**.

### EU Posting Confirmation (EU-Entsendebestätigung)

In all other (liberalised) economic sectors, an EU posting confirmation is sufficient. For that purpose, the **Central Coordination Office for the Control of Illegal Employment** (Zentrale

Koordinationsstelle, ZKO) forwards the posting notification to the **Public Employment Service (AMS)**. The AMS will then issue an EU posting confirmation (EU-Entsendebestätigung) if

- the posted workers are legally entitled to be employed in the country where the company has its place of business,
- the posted workers are legally employed with the posting company, and
- the posting is in accordance with all Austrian wage and working conditions including social security regulations.