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Ad-Hoc Query on 2023.18 Seasonal Workers Directive

Requested by EMN Luxembourg on 5 May 2023

Responses from Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (20 in Total)

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1. BACKGROUND INFORMATION

The European Commission has assessed the compliance of Luxembourg legislation with Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. Articles 5(1) and 6(1) of the Directive set out the criteria and requirements for admission for employment as a seasonal worker for stays not exceeding 90 days and for stays exceeding 90 days, respectively. These articles also list the documents that a third-country national should enclose to his/her application. While the Commission acknowledges that Luxembourg has correctly transposed the above provisions of the Directive into the specific articles of the *Law of 28 August 2008* on free movement and *immigration* concerning seasonal workers, it considers that the provisions of general application of this law, also applicable to seasonal workers, go beyond the requirements of the Directive by providing that a third-country national who intends to stay in Luxembourg for a period of up to three months may be obliged to undergo a medical examination in Luxembourg and that a third-country national who wishes to stay in Luxembourg for more than three months shall undergo a medical examination in Luxembourg before his or her residence permit is issued.

The Commission also considers that Luxembourg has not transposed Article 23 (1) e) of the Directive, which states that seasonal workers are entitled to equal treatment with nationals of the host Member State in respect of access to and supply of goods and services, other than housing, without prejudice to the freedom of contract in accordance with Union and national law.

Seeing the number of questions this ad-hoc query will count as **two ad-hoc queries**.

We would like to ask the following questions:

1. Does the legislation of your Member State provide that a third-country national who intends to stay on the territory of your Member State for a period not exceeding 90 days is required to undergo a medical examination?

Available choices: Yes, No, Not Applicable

2. If you answer YES to Q.1, is the medical examination optional or compulsory?

3. If you answer YES to Q.1, does the medical examination has to be carried out after the entry in the territory of your Member State? YES/NO. If you answer NO, please explain what is the procedure.

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4. If you answer YES to Q.1, does your Member State requires that third-country seasonal workers staying for a period not exceeding 90 days to undergo a medical examination?

Available choices: Yes, No, Not Applicable

5. If you answer NO to Q.1, how does your Member State checks that the entire condition for the third-country nationals who intend to stay on the territory no more than 90 days is respected as stated in Article 6 (1) e) of the Schengen Borders Code? Please explain.

Schengen Borders Code = Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders

6. Does the legislation of your Member State provide that a third-country national who intends to stay on the territory of your Member State for a period exceeding 90 days is required to undergo a medical examination?

Available choices: Yes, No, Not Applicable

7. If you answer YES to Q.6, does the medical examination is compulsory or optional?

8. If you answer YES, to Q.6, does the medical examination has to be carried out after the entry into the territory? YES/NO. If you answer NO, please explain.

9. f you answer YES to Q.6, does your Member State requires that third-country seasonal workers staying for a period exceeding 90 days to undergo a medical examination?

Available choices: Yes, No, Not Applicable

10. If you answer NO to Q.6, how does your Member State check that the entry condition for the third country nationals for staying in the territory more than 90 days, consisting in the fact that the third-country national must not be considered as posing a threat to public health is met? Please explain.

Please take into consideration that the Directive 2014/36/EU and other Directives mentioned the threat to public health as a requirement for refusing entry to the territory.

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11. How does your Member State transpose Article 23 (1) e) of the Directive 2014/36/EU which provides that seasonal workers have the right to equal treatment with nationals of the host Member State as regards access to goods and services, and the supply of goods and services made available to the public, except housing, without prejudice to the freedom of contract in accordance with Union and national law? Can you please also specify in which legislation it was transposed (e.g. Immigration Law or other).


We would very much appreciate your responses by **2 June 2023**.

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2. RESPONSES

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		Wider Dissemination	
	EMN NCP Austria	Yes	<p>1. No No, such an examination is not a requirement for the issuance of a visa in Austria (Art. 21 para. 1 Aliens Police Act).---Source: Ministry of the Interior</p> <p>2. n/a --- Source: Ministry of the Interior</p> <p>3. n/a --- Source: Ministry of the Interior</p> <p>4. Not Applicable</p> <p>5. With regard to the health status of the applicant, Austrian law provides that the issuance of a visa is to be refused if the person does not have health insurance coverage covering all risks or if he or she shows a serious illness in the health certificate (Art. 21 para 2 Aliens Police Act). In order to avoid endangering public health, the Federal Minister of Health may designate by decree certain states in which there is a significantly</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.


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		<p>increased risk of infection with</p> <ul style="list-style-type: none"> • a notifiable disease that is easily transmissible in normal social contact, • another serious infectious disease which is not notifiable, or • a notifiable tuberculosis <p>and there is thereby a risk of sustained and serious danger to a larger number of people. Persons who have stayed a state specified in the decree during the last six months before entering Austria may be granted a visa if they provide a health certificate stating that they are free of the diseases specified in the decree (Art. 23 Aliens Police Act). Such a regulation does not currently exist for Austria.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. No No, see response to Q1.---Source: Ministry of the Interior</p> <p>7. n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8. n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>9. Not Applicable</p> <p>10. See response to Q5.</p>
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	EMN NCP Bulgaria	Yes	<p>1. Yes</p> <p>2. According to the national legislation (Labour Code, Law on Healthy and Safe Conditions at Work, and Ordinance No. № 3 of 1987 on compulsory preliminary and periodic medical examinations of workers), all workers and employees are subject to compulsory preliminary and periodic medical examinations.</p> <p>3. Yes. Employers are obliged to provide workers with services by an occupational health body. These bodies shall advise and assist employers, committees and working conditions groups in planning and organising activities on:</p> <ul style="list-style-type: none"> - ensuring and maintaining healthy and safe working conditions; - strengthening the health and working capacity of workers in connection with the work they perform; - adapting the work to the capabilities of workers, taking into account their physical and mental health. <p>In addition, compulsory and periodic medical examinations and tests have been provided for in an ordinance of the Minister of Health for specific categories of workers and employees (Ordinance No. 15 of 27 June 2006). These requirements refer to the following categories of workers and employees: persons working in childcare facilities (nurseries and kindergartens) and specialised institutions for children (for taking care, ensuring accommodation and raising children); specialised institutions for adults; water supply facilities and sites – pumping and purification stations, reservoirs, chlorinators, water supply networks (applies to persons</p>

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		<p>who during repair and emergency activities have direct contact with drinking water) and sanitary and safety zones of water sources; companies (facilities) that produce and/or trade with food and barber, hairdressing and beauty salons.</p> <p>Given the above, the health requirements that apply in the country, refer to any person, regardless of their nationality, and are related to their place of work, and not to the fact of entering the national territory.</p> <p>4. Yes</p> <p>5. N/A</p> <p>6. Yes</p> <p>7. Please see the answer of question 1.</p> <p>8. Please see the answer of question 2.</p> <p>9. Yes</p> <p>10. N/A</p> <p>11. The Directive is transposed into the Law on Foreigners in the Republic of Bulgaria, the Law on Labour Migration and Labour Mobility and the Regulation on the Implementation of the Law on Labour Migration and Labour Mobility.</p> <p>According to the Art. 2 of the Law on Labour Migration and Labour Mobility (LLMLM), in exercising the rights and obligations under this Law, no direct or indirect discrimination shall be allowed, nor privileges or restrictions based on nationality, origin, ethnicity, personal status, sex, sexual orientation, race, age, political and religious convictions, membership in union and other public organisations and movements, family, social and material status, and mental and physical disabilities.</p>
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			<p>Article 49, paragraph 2 of the LLMLM provides for that third-country nationals, holders of the single residence and work permit, EU Blue Card holders and seasonal worker permit holders shall be equal to Bulgarian nationals in respect of:</p> <ol style="list-style-type: none"> 1. the access to information about vacant jobs announcements; 2. the use of mediation in information and employment; 3. working conditions, including in terms of pay, working hours and rest periods, termination of employment, the minimum age for employment, participation in collective labour bargaining; 4. safety and health at work; 5. the conditions for access, subordination of duties and the use of social insurance rights within the European Union legislation; 6. the access to goods and services, including public; 7. education and vocational training; 8. recognition of diplomas for completed education; 9. recognition of certificates and other evidence of formal qualifications in accordance with the Law on Recognition of Professional Qualifications; 10. payment of acquired statutory old-age, disability and death pensions, related to income to do with previous employment, at the amount applicable under the law of the Member State or of the Member States - debtors when moving to a third country, without prejudice of Regulation (EU) N° 1231/2010 of the European Parliament and of the Council of 24 November 2010 to extend of scope of Regulation (EC) N° 883/2004 and Regulation (EC) N° 987/2009 regarding third-country nationals who are not yet covered by these regulations solely on the ground of their nationality (OJ, L 344/1 of 29 December 2010), as well as of the existing bilateral agreements with third countries; the same shall apply with respect to payments to surviving spouses; 11. freedom of association, affiliation and membership in organisations of workers and employees or employers, as well as in professional and union organisations, including with regard to privileges granted by such membership, unless Bulgarian citizenship is required by law, statute or another regulation, without prejudice to public order and public security; 12. the rights for tax relief under the terms and conditions of the Law on Income Taxes on Natural Persons.
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	EMN NCP Croatia	Yes	<p>1. No</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. Not Applicable</p> <p>5. The measures at the external borders are carried out in accordance with the instructions and decisions of the competent authorities for public health, which decides in which cases and which persons must be quarantined, vaccinated, have appropriate examinations, etc.</p> <p>6. No</p> <p>7. N/a</p> <p>8. N/a</p> <p>9. Not Applicable</p> <p>10. As well as answer number 5.</p> <p>11. Article 23 of the Directive on seasonal workers has been transposed into the Aliens Act in Article 108, which reads: The rights of a seasonal worker</p> <p>(1) Seasonal workers shall have the rights equivalent to those of Croatian citizens with regard to the following:</p>
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			<ol style="list-style-type: none"> 1. terms of employment, including the minimum working age, and working conditions, including salary and termination of contract of employment, working hours, breaks, leaves, holidays and non-working days, as well health and safety requirements at the workplace, and the protection of rights arising from the employment relationship in line with the general labour legislation 2. right to participate in strikes and industrial actions, freedom to organise in trade unions and be members of trade unions or any other professional organisation, as well as the rights and benefits conferred by those organisations, including the right to collective bargaining and to conclude collective agreements 3. late payments to be paid by the employer in relation to outstanding remuneration, if any, to a third-country national 4. branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004 5. access to goods and services and the supply of goods and services made available to the public, other than housing, without prejudice to the freedom to conclude agreements in accordance with the Union and national law 6. counselling services on seasonal work provided by the competent public employment service 7. education and vocational training 8. recognition of diplomas, certificates and other professional qualifications in line with the legislation governing the recognition of foreign professional qualifications 9. tax benefits, insofar as the seasonal worker is deemed to have temporary residence in the Republic of Croatia for tax purposes. <p>(2) Seasonal workers who move to a third country, or survivors of those seasonal workers staying in a third country and who have acquired rights from seasonal workers shall receive pension on the basis of previous employment of a seasonal worker acquired in line with the legislation laid down in Article 3 of Regulation (EC) No 883/2004 under the same conditions as Croatian citizens when they move to a third country.</p> <p>(3) A seasonal worker shall exercise his rights in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, in any, governing specific areas referred to in the Article.</p>
	EMN NCP	Yes	1. No

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	Cyprus		<p>2.</p> <p>3.</p> <p>4.</p> <p>5. For third country nationals entering the Republic for a period less than 90 days there is no control regarding their condition.</p> <p>6. Yes</p> <p>7. The medical examination is compulsory.</p> <p>8. The examination has to be carried out in the country of origin, and has to be repeated a after entering the Republic.</p> <p>9. Yes</p> <p>10.</p> <p>11. According to the Aliens and Immigration Law, third country nationals who enter the Republic for seasonal work are required to have health insurance covering the risks usually covered by the insurance policies for Cypriot citizens.</p>
	EMN NCP Czech Republic	Yes	<p>1. No</p> <p>2. N/A</p>


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		<p>3. N/A</p> <p>4. No</p> <p>5. The Czech Foreign Police has the right to deny entry to the territory of Czechia at a border crossing to any foreign national who does not meet the requirements set out in an applicable protective measure of the Czech Ministry of Health against the spread of an infectious disease from abroad. This power was exercised during the COVID-19 pandemic in relation to foreign national who were not vaccinated or possessing a negative rapid/PCR testing result.</p> <p>6. No</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. No</p> <p>10. The Act on the <i>Residence of Foreign Nationals</i> in the Territory of the <i>Czech Republic</i> can in certain special cases allow an applicant for a long-stay visa to be required to undergo the relevant medical examination in his country of origin and present the document to the Czech embassy where he/she lodges the application. This situation, where an applicant is required to present a document proving the fulfilment of conditions for the prevention of the spread of infectious illnesses is to be set out by the protective measure of the Czech Ministry of Health in certain cases. In practice, such a document proving that the applicant does not suffer from infectious illness is requested from citizens of third countries where legitimate high-risk of serious infectious illnesses are present. Moreover, the Czech Foreign Police has the right to deny entry to the territory of Czechia at a border crossing to any foreign national who does not meet the requirements set out in an applicable protective measure of</p>
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			<p>the Czech Ministry of Health against the spread of an infectious disease from abroad. This power was exercised during the COVID-19 pandemic in relation to foreign national who were not vaccinated or possessing a negative rapid/PCR testing result.</p> <p>11. Article 23 (1) e) of the Directive 2014/36/EU was transposed into Act on the free movement of services. The section 12(1) of Act 222/2009 on the free movement of services states that: „The service provider is obliged to ensure that the conditions of access to the services provided are not discriminatory, in particular as regards the nationality of the recipients of the services or their place of residence“.</p>
	EMN NCP Estonia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. Not Applicable</p> <p>5. Aliens Act sets that during a temporary stay in Estonia, the foreigner must have a valid health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of stay in Estonia will be met (§ 45). Concerns regarding a threat to public health may result in refusal to issue a visa (Aliens Act § 65), premature termination of the period of stay (Aliens Act § 52) and annulment and revocation of visa (Aliens Act § 78). In terms of illegal stay or need to verify the legal bases for the arrival and stay in Estonia, the Police and Border Guard Board may detain the foreigner up to 48 hours without the permission from the administrative court. If necessary, health examination and provision of emergency medical care must be guaranteed (Obligation to Leave and Prohibition on Entry Act §154). Aliens Act does not describe on what terms a third country national could be considered a threat to public health.</p>


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			<p>According to chapter 12 “Offences against public health” of the Penal Code, offences against public health are tied with handling, cultivating and distributing narcotic drugs or psychotropic substances, causing threat of spread of infection disease or infectious animal disease, offences relating to medicinal products and doping, violations of occupational health and safety requirements as well as technical supervision.</p> <p>If the Police and Border Guard Board suspects that there is ground to believe that the foreigner may pose a threat to public health, relevant authorities will be informed depending on the nature of the threat (e.g., if there is a health related threat such as a highly infectious disease, then the health authorities will be informed; if there is ground to suspect a potential crime in terms of the Penal Code, then relevant procedures will follow by the Police and Border Guard Board).</p> <p>Communicable Diseases Prevention and Control Act states that “communicable disease” means a disease, or carrier state with no signs of disease, which is caused by the entry of an infectious agent into the human body which is transmitted or with regard to which there is reason to believe that it may be transmitted directly or indirectly person-to-person or animal-to-person. An “extremely dangerous communicable disease” means a disease with a high level of infectiousness which spreads rapidly and extensively or which is serious or life-threatening. For the purposes of this Act, the plague, cholera, yellow fever, viral haemorrhagic fevers and tuberculosis are extremely dangerous communicable diseases (§ 2).</p> <p>6. Not Applicable</p> <p>Communicable Diseases Prevention and Control Act §13 sets the requirements for medical examination of employees, employers and economic operators for communicable diseases. Employers are required to demand, in the areas of activity where the particular nature of work may contribute to the transmission of communicable diseases, the submission of a health certificate from employees concerning the passing of a medical examination for communicable diseases. A health certificate concerning the passing of a medical examination for communicable diseases required is, for example, required when: employees handle food and drinking water or come into contact with it; animal keepers and persons who, due to their duties, are in direct contact with farm animals and animal products; teachers, employees of child care institutions and other employees who, due to their duties, are in direct contact with children and adolescents; employees engaged in the provision of beauty treatments and personal services who are in direct contact with customers etc.</p>
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			<p>7. N/A</p> <p>8. N/A</p> <p>9. Not Applicable</p> <p>10. Please see answer to Q5.</p> <p>11. The Seasonal Workers directive has been transposed into Aliens Act (regulates the bases for the entry of foreigners into Estonia, their temporary stay, residence and employment in Estonia and their legal liability for violation of obligations provided for in this Act) and the amendments came into force 17.01.2017. With the amendment a list of sectors of seasonal work was enacted with the Government 's regulation "Requirements for seasonal work and the list of the activities dependant on the season". Other amendments were made respectively in: Labour Market Services and Benefits Act, Identity Documents Act, Obligation to Leave and Prohibition on Entry Act, Act on Granting International Protection to Aliens, Health Insurance Act etc.</p>
	EMN NCP France	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. Not Applicable</p> <p>5. The purpose of border health controls is to prevent the spread of communicable diseases by land, sea or air, and in particular to implement the World Health Organisation's international health regulations (Article R3115-1 of the French Health Code). It is governed, on French territory, by the provisions of the health regulations</p>


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			<p>issued by the WHO in accordance with articles 21 and 22 of its constitution, international arrangements, national laws and regulations in force or to be enacted in this area with a view to preventing the spread by land, sea or air of communicable diseases. The Border Police (Police aux frontières, PAF) does not carry out systematic health checks at borders. There is no standing instruction from the Ministry of Health to the Border police to implement such border controls, although instructions from the Ministry of Health may be addressed in certain circumstances (e.g. covid-19 pandemic) to border police.</p> <p>The tasks of border health checks include (Article R3115-4 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum):</p> <ol style="list-style-type: none"> 1. Checking general hygiene rules at points of entry to the country, in particular monitoring vectors and reservoirs of pathogenic agents; 2. Health checks on means of transport; 3. Health checks on travellers; 4. Preparing for and responding to public health emergencies at border entry points. <p>Border health checks are carried out under the authority of the Prefect.</p> <p>6. Yes</p> <p>7. The French legislation provides for certain cases, including for seasonal workers (see details in the next question) that third-country national who intends to stay on the French territory for a period exceeding 90 days to undergo a medical examination. Other categories (e.g. students) are exempted (Order of 4 May 2022 setting the list of supporting documents required for the issuance of residence permits provided for in Book IV of the Code on Entry and Residence of Foreign Nationals and Right of Asylum- NOR: INTV2212654A). When required, the medical certificate issued by the French Office for Immigration and Integration (Office français de l'immigration et de l'intégration , OFII) must be submitted at the time of the first residence permit issuance for professional reasons (employee, temporary worker, entrepreneur/self-employed, seasonal worker), spouses of French nationals, family members of beneficiaries of international protection, and other reasons (acquisition of French nationality, veteran, pensioner, etc.). Certain categories are exempted, in particular students, trainees and victims of human trafficking.</p>
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			<p>8. In general, the visit is carried out once the foreign national arrived in France. However, in the 8 countries where OFII representatives are based, it is possible to undergo an OFII medical examination before arriving in France.</p> <p>9. Yes</p> <p>10. N/A</p> <p>11. Article 2 of Law no. 2008-496 of 27 May 2008 containing various provisions adapting to Community law in the field of anti-discrimination transposed this provision: "Article 2: Without prejudice to the application of other rules ensuring compliance with the principle of equality : [...] 2° Any direct or indirect discrimination on any of the grounds mentioned in Article 1 is prohibited in relation to membership of and involvement in a trade union or professional organisation, including the benefits it provides, access to employment, employment, vocational training and work, including self-employment or self-employed work, as well as working conditions and professional promotion. 3° Any direct or indirect discrimination on any of the grounds mentioned in Article 1 is prohibited in relation to social protection, health, social advantages, education, access to goods and services or the supply of goods and services.</p>
	EMN NCP Greece	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. Not Applicable</p>


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			<p>5. With regard to public health risks, any disease that constitutes a public health risk as defined in the International Health Regulations (IHR) of the World Health Organization (WHO) and other infectious diseases or transmissible parasitic diseases, provided that they are subject to protective provisions that apply to nationals of Member States, may be considered to constitute such a threat. The risk to public health is assessed through the community network set up pursuant to Decision No. 082/2013/EU and the associated Early Warning and Response System (EWRS), as well as through the ECDC, which was established by Regulation (EC) No. 851/2004 on the establishment of a European Center for Disease Prevention and Control. Additional requirements to mitigate public health risks (e.g., submission of a vaccination certificate) are discussed and decided at the European level.</p> <p>6. Yes</p> <p>7. According to migration legislation (article 6 of L. 4251/14 GG A '80 and relevant ministerial decision published in GG B '1820/2014), the right of residence, for a period exceeding 90 days, of third country nationals in Greece, for one of the purposes provided in the legislation (e.g., employment, family reunification, etc.), is subject, among others, to the preconditions that they must hold a valid national entry visa (for one of the purposes of the law), subject to more specific provisions of this law. For the issuance of the national visa, the third country national concerned must submit to the competent Greek Consular Authority a medical certificate recognized by a state or private body that certifies that the person does not suffer from an illness posing a risk to the public health according to the international data of the World Health Organization (WHO) and the EU acquis, as well as other infectious, contagious, or parasitic diseases that require measures to be taken in order to protect public health. The submission of the medical certificate is compulsory.</p> <p>8. NO. The medical certificate is one of the general supporting documents that must be presented or submitted to the Greek Consular Authority; otherwise, the national entry visa will not be granted.</p> <p>9. Yes</p>
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			<p>10. N/A</p> <p>11. In the migration legislation (article 21 B of Law 4251/2014/GG A'80), it is provided that seasonal workers enjoy equal treatment with nationals in terms of, among others, access to goods and services and the supply of goods and services made available to the public, except housing, without prejudice to the freedom of contract in accordance with Union and national law.</p>
	EMN NCP Hungary	Yes	<p>1. No</p> <p>2. -</p> <p>3. -</p> <p>4.</p> <p>5. -</p> <p>6. No</p> <p>7. -</p> <p>8. -</p> <p>9. No</p> <p>10. In the application for a residence permit, the third-country national must declare whether, to the best of his/her knowledge, he/she is suffering from a disease as defined by the Minister responsible for healthcare, is</p>


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			<p>in a communicable or pathogen-carrying condition, or is receiving compulsory and regular care in the event of a disease, which is a threat to public health, or a communicable or pathogen-carrying condition (hereinafter referred to as a "condition qualifying as a threat to public health"). If the third-country national declares that he/she has a health risk, the regional directorate shall notify the competent state health administration body as per the place of stay of the third-country national in Hungary, which may require the third-country national to undergo the necessary medical examinations or to produce an official medical certificate issued by the authority of his/her country of origin, the content of which is specified in a separate act.</p> <p>11. When lodging an application for a residence permit, the third-country national must provide documentary evidence that he/she is insured for the full range of health care (in particular, that he/she is entitled to health care services under the specific law on social security, an international treaty or a separate agreement) or that he/she can cover the costs of his/her health care from the available financial resources.</p>
	EMN NCP Italy	Yes	<ol style="list-style-type: none"> 1. No 2. n.a 3. n.a. 4. 5. Further examining the requested information with the duly department 6. No 7. n.a. 8. n.a.


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			<p>9. Not Applicable</p> <p>10. Further examining the requested information with the duly department</p> <p>11. The Consolidated Immigration Act (Testo Unico Immigrazione (TUI) Legislative Decree No. 286 of 25 July 1998, art. 2 paragraph 3 provides general equality of treatment for all foreign workers legally residing in the national territory, implementing ILO Convention No. 143 of 24 June 1975.</p> <p>Article 22, paragraph 13 provides for the maintenance of accrued social security and welfare rights for workers who are third-country nationals upon their return to their country of origin.</p> <p>Article 25, paragraphs 1, 2 and 5 contain the specific regulation dedicated to seasonal workers, and provides for the following forms of compulsory social security and assistance for that category of subjects</p> <p>a) insurance for invalidity, old age and survivors;</p> <p>b) insurance against accidents at work and occupational diseases;</p> <p>(c) insurance against sickness;</p> <p>(d) maternity insurance.</p> <p>This rule also provides for the possibility of reconstructing the contribution position in the event of return to the country of origin and subsequent entry into national territory.</p> <p>Article 34 provides that all foreign citizens legally residing in Italy and regularly employed or self-employed, or registered in the jobseekers' lists at the Employment Centres are entitled to compulsory registration in the National Health Service (SSN). The same article provides for equal treatment and full equality of rights and duties with respect to Italian citizens as regards the obligation to pay contributions and the assistance provided in Italy by the National Health Service.</p>
	EMN NCP Latvia	Yes	<p>1. No</p> <p>2. N/a</p> <p>3. N/a</p>

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			<p>4. Not Applicable</p> <p>5. Third-country nationals are subject to the same entry check procedures at national borders, regardless of the intended duration of their stay. Specific procedures are applied in case of epidemiological risks (e.g. COVID-19). A check is carried out that the third-country national who enters has adequate medical travel insurance.</p> <p>6. No</p> <p>7. N/a</p> <p>8. N/a</p> <p>9. Not Applicable</p> <p>10. There are no cases in Latvia where the presence of seasonal workers has posed a risk to public health. The employer is responsible for ensuring that epidemiological requirements are respected in the workplace and any person taking up employment has the right to health-protective working conditions under the Labour Law. In addition, the responsible control authorities carry out inspections regardless of whether the workforce includes seasonal workers who are third-country nationals.</p> <p>11. Latvian legislation does not refer to the specific article of the Directive; third-country nationals have access to goods and services in the legislation that regulates the relevant issue. There is no regulatory limitation for seasonal workers, so the equal treatment of Article 23 (I) of Directive 2014/36/EU is considered to have been transposed.</p>
	EMN NCP Lithuania	Yes	<p>1. No</p> <p>2. N/A</p>


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			<p>3. N/A</p> <p>4. Not Applicable But see the answer to Q6.</p> <p>5. According to Article 6.1(e) of the Schengen Borders Code, one of the entry conditions for third-country nationals is that they are not considered to be a threat to public health. The Law on the Legal Status of foreigners does not detail how third-country nationals could come to be considered a threat to public health. In general, <u>only infectious diseases</u> are grounds for denial of entry or detention under the category of threats to public health (e.g., according to Article 98.3 of the Law on the Legal Status of Foreigners, a citizen of an EU Member State can be denied entry if s/he has a disease with epidemic potential, as defined in the World Health Organization's documents, or if s/he has other infectious diseases that are subject to the requirements of control according to national law). The national law in this area specifies measures to control dangerous and especially dangerous infectious diseases, the list of which is approved by the Ministry of Health. According to Article 3 of Government Regulation No. 1332 of 1 December 1999 on the requirements of the sanitary and medical/quarantine protection of the state border and territory, the health condition of a person entering the Republic of Lithuania must be checked for dangerous and particularly dangerous infectious diseases if a) s/he is <u>suspected of having such a disease</u> and b) is <u>arriving from territories affected by a contagion</u>. When the officials of the State Border Guard Service, as well as customs and other officials, notice a person entering the Republic of Lithuania with symptoms of a dangerous and particularly dangerous disease, they must immediately inform the specialists of the public health center. The specialists of the public health center have various and quite extensive rights, as specified in the Law on the Prevention and Control of Human Infectious Diseases. According to Article 28 of the said Law, the chief national epidemiologist and chief regional epidemiologists can decide on the detention of travelers and vehicles entering the Republic of Lithuania, as well as on mandatory health checks of travelers, and mandatory testing for dangerous and particularly dangerous diseases. The implementation of these decisions is ensured by the State Border Guard Service, police, and other competent state institutions.</p>
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			<p>6. Not Applicable It should be noted that some seasonal workers may need to provide evidence that they do not have certain diseases due to the nature of their work. Government Resolution No. 544 of 7 May 1999, as amended, contains a list of jobs and areas of activity where persons must have a health check before starting to work and, later, periodically. For example, employees providing services in hotels, motels, cruise ships etc. must check for tuberculosis, STD, and fungal skin infections. These requirements, however, are not specific to either seasonal workers or third-country nationals.</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. Not Applicable</p> <p>10. See the answer to Q5.</p> <p>11. According to Article 23 (1) e) of Directive 2014/36/EU, seasonal workers shall be entitled to equal treatment with nationals of the host Member State at least with regard to access to goods and services and the supply of goods and services made available to the public, except housing, without prejudice to the freedom of contract in accordance with Union and national law. Provisions of Directive 2014/36/EU were fully or partially transposed into national law through more than one law, including the Law on the Legal Status of Foreigners, the Law on Employment, the Labor Code, and Order No. A1-253 of 15 May 2017 of the Ministry of Social Security and Labor. To the best of our knowledge, Article 23 (1) e) has not been transposed in its entirety in any single legislation in Lithuania.</p>
	EMN NCP Luxembourg	Yes	<p>1. Yes</p> <p>2. Third country nationals may be required to undergo a medical examination even if they intend to stay in</p>

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			<p>Luxembourg for a period not exceeding three months.</p> <p>3. If the person <u>has</u> to undergo a medical examination, it should be carried out in Luxembourg.</p> <p>4. Yes They may be obliged to undergo a medical examination even if they stay less than three months.</p> <p>5. N/A.</p> <p>6. Yes</p> <p>7. In Luxembourg a medical examination is compulsory for all the third country nationals who apply for a residence permit. It is not systematically required neither for the third country nationals who has a long-term resident status in another Member State nor for their family members.</p> <p>8. It should be carried out before the issuance of the first residence permit within the first three months following his /her arrival in Luxembourg.</p> <p>9. Yes</p> <p>10. N/A.</p> <p>11. Article 23 (1) e) of the Directive has not been transposed.</p>
	EMN NCP Netherlands	Yes	<p>1. No</p> <p>2. Not Applicable</p>

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			<p>3. Not Applicable</p> <p>4. Not Applicable</p> <p>5. When a person is encountered, at the border or in the context of surveillance, an identity check always takes place. When the person is a third-country national, then an assessment takes place whether the person meets the conditions of de SGC (period of stay, purpose and means of support for stay and return). For this purpose, national as well as international systems are consulted. A specific check that the third-country national is not considered to be a threat to public health does not take place for stays not exceeding 90 days.[1]</p> <p>[1] This information was provided by the Ministry of Justice and Security on 2 June 2023.</p> <p>6. Yes However, a third-country national can be exempted from the obligation to undergo a tuberculosis (TB) test. This applies if the third-country national has a nationality of one of the countries on the list 'Appendix Exemption from the obligation to undergo a tuberculosis (TB) test' (1). Other exemption grounds are: if the third-country national already has a valid residence permit in the Netherlands and the third-country national is applying for a different residence permit, if the third-country national was born in the Netherlands and has always lived in the Netherlands, or if the third-country national took a TB test in the Netherlands less than 6 months ago (2).(1) Immigration and Naturalisation Service (IND), 'Appendix Exemption from the obligation to undergo a tuberculosis (TB) test', https://ind.nl/en/forms/7644.pdf , last accessed on 15 May 2023.(2) Immigration and Naturalisation Service (IND), 'Requirements that apply to everyone', https://ind.nl/en/requirements-that-apply-to-everyone , last accessed on 15 May 2023.</p> <p>7. Compulsory. Article 16 of the Aliens Act (Vw) 2000 states that the application to obtain a residence permit can be rejected if the foreign national is unwilling to cooperate in a medical examination for a disease designated by the Public Health Act (Wet publieke gezondheid) for the protection of public health or to undergo medical</p>
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			<p>treatment against such a disease.</p> <p>Article 3.79 of the Aliens Decree (Vb) 2000 states that the application to obtain a residence permit can be rejected if the foreign national is not prepared to undergo a tuberculosis (TB) test and - if necessary - treatment. However, as mentioned in question 6, there are certain situations in which a third-country national can be exempted from the obligation to undergo a tuberculosis (TB) test.^[1]</p> <p>^[1] Immigration and Naturalisation Service (IND), 'Requirements that apply to everyone', https://ind.nl/en/requirements-that-apply-to-everyone , last accessed on 15 May 2023.</p> <p>8. Yes In regards to the tuberculosis (TB) test, after the foreign national arrives in the Netherlands, the foreign national must take a TB test within three months after having received a residence permit.^[1]</p> <p>^[1] Immigration and Naturalisation Service (IND), 'Appendix TB test referral form', https://ind.nl/en/forms/7604.pdf , last accessed on 9 May 2023.</p> <p>9. Yes As mentioned before, the application to obtain a residence permit, including permits for seasonal work, can be rejected if the foreign national is unwilling to cooperate in a medical examination for a disease. Also, in order to obtain a residence permit, the foreign national must be prepared to undergo a tuberculosis (TB) test and - if necessary - treatment. This is a general requirement that applies to everyone who applies for a residence permit, including permits for seasonal work (1).(1) Immigration and Naturalisation Service (IND), 'Requirements that apply to everyone', https://ind.nl/en/requirements-that-apply-to-everyone , last accessed on 9 May 2023.</p> <p>10. Not Applicable</p> <p>11. No implementation of Article 23 (1) e) of the Directive 2014/36/EU was required, since the provisions of</p>
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			<p>this article already apply in existing regulations in the Netherlands. Namely, in Article 9 of the Equal Treatment Act (Algemene wet gelijke behandeling) and Article 15a Social Security Supplements Act (Toeslagenwet) of the Income-related Schemes Act (Algemene wet inkomensafhankelijke regelingen).[1]</p> <p>[1] Parliamentary Papers II, 2016-2017, 34590, no. 3</p>
	<p> EMN NCP Poland</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A - There is no standard procedure for examining foreigners in connection with arrival for seasonal work. The obligation of periodic examinations may result from the Labour Code, according to which every employee employed under an employment contract, regardless of citizenship (Polish and foreign), is obliged to undergo initial, control and periodic examinations ordered by an occupational medicine physician.</p> <p>3. N/A</p> <p>4. Not Applicable</p> <p>5. If an officer of the Border Guard, during the inspection, e.g. on the basis of information from databases, behaviour or appearance of the traveler, does not suspect that the traveler poses a threat to public policy, internal security, public health or international relations of any of the Member States, and in particular, he/she has not been entered in the national databases of the Member States for purposes of refusing an entry - allows crossing of the state border. Otherwise, the person is directed to the 2nd control line for a detailed control, e.g. for further investigation</p> <p>6. No</p> <p>7. N/A – see answer to Q4</p> <p>8. N/A</p>


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			<p>9. Not Applicable</p> <p>10. If an officer of the Border Guard, during the inspection, e.g. on the basis of information from databases, behavior or appearance of the traveler, does not suspect that the traveler poses a threat to public policy, internal security, public health or international relations of any of the Member States, and in particular, he/she has not been entered in the national databases of the Member States for the purposes of refusing an entry - allows crossing of the state border.</p> <p>Otherwise, the person is directed to the 2nd control line for a detailed control, e.g. for further investigation.</p> <p>11. Pursuant to the regulations in force in Poland, the rights described in this provision are vested in all employees, regardless of their nationality and based on Article 37 sec. 1. of the Constitution of the Republic of Poland: "whoever is under the authority of the Republic of Poland shall enjoy the freedoms and rights provided in the Constitution.</p> <p>2. Exceptions to this rule, relating to foreigners, shall be specified by law." No exceptions in this regard were specified.</p>
	EMN NCP Portugal	Yes	<p>1. No Regarding the request for a short stay visa for seasonal work for a period equal to or less than 90 days, article 51-A no. 1 b) of Law no. 23/2007, of 4/7, in its current wording, does not require prior medical examination, without prejudice to the fact that after entry into NT, access to medical care is safeguarded, as well as specific requirements imposed on certain professionals. repsae_law_no._18-2022.pdf</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p>


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			<p>5. When transposing the directive in question, the requirements of Article 5 were fully complied with. It is also important to note that this is the same regime applicable to visas allowing entry/stay as provided for in Article 6 of the Schengen Borders Code.</p> <p>6. No In relation to the application for a temporary stay visa for seasonal work for a period exceeding 90 days, article 56 no. 1 of the afore-mentioned Law refers to the regime of article 51-A no. 1, and therefore a prior medical examination is not required.</p> <p>7. N/a</p> <p>8. N/a</p> <p>9. Not Applicable</p> <p>10. N/a</p> <p>11. As stated in article 56-D of the referred law, it safeguards the rights, equal treatment and accommodation to the holders of short stay visas or temporary stay visas for seasonal work comprised in article 23 of the concerned directive.</p>
	EMN NCP Slovakia	Yes	<p>1. No</p> <p>2. NA</p> <p>3. NA</p>


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			<p>4. No</p> <p>5. The control of compliance with the conditions of entry is carried out at the external borders. According to Article 111 par. 2 letters a) of the Act on the Residence of Foreigners, third country national is obliged to report to the police department within three working days of entry the beginning, place and expected length of his stay, if he has been granted a Schengen visa or a national visa, or if he is not required to have a visa and if the accommodation provider does not have this obligation. At the request of a third-country national, the police department will issue a certificate of residence.</p> <p>6. Yes</p> <p>7. Compulsory. And it is required after being granted residence and after taking over the document on residence.</p> <p>8. Yes</p> <p>9. Yes</p> <p>10. NA</p> <p>11. NA</p>
	EMN NCP Slovenia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. Not Applicable</p>

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			<p>5. If Border Police suspect that the person can be a threat to public health, the police would notify and refer the case to public health authorities. Following their examination, the Border police will make a decision on entry or refusal of entry.</p> <p>6. No</p> <p>7. N/A</p> <p>8. Medical examination is not compulsory.</p> <p>9. Not Applicable</p> <p>10. In the procedure for obtaining a residence permit, the foreigner's state of health is not checked, but he or she must have adequate health insurance at the time the application is decided. If Border Police suspect that the person can be a threat to public health, the police would notify and refer the case to public health authorities. Following their examination, the Border police will make a decision on entry or refusal of entry.</p> <p>11. The issuance of a work permit for a seasonal worker for up to 90 days is regulated by the Act on Employment, Self-employment and Work of Foreigners, while the issuance of a single permit for seasonal work for more than 90 days is regulated by the Foreigners Act. The rights of foreigners arising from their status in the Republic of Slovenia are covered by other sectoral legislation (not migration legislation).</p>
	EMN NCP Spain	Yes	<p>1. Yes</p> <p>2. It will be compulsory when it has been determined by the Home Affairs Minister according to article 10 of Royal Decree 557/2011, of April 20, 2011.</p>

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			<p>According to article 25 bis 2. d) of the Immigration Law 4/2000, which regulates the temporary residence and work authorization granted under the contractual terms for a work or service activity, in relation with the article 174. 1. d) of Royal Decree 557/2011, it will be compulsory a medical certificate to certify that he/she does not suffer from any of the diseases that may have serious public health implications in accordance with the provisions of the International Health Regulations 2005.</p> <p>3. NO. According to article 10 of Royal Decree 557/2011, of April 20, 2011. : “When so determined by the Home Affairs Minister, in agreement with the Ministries of Health, Social Policy and Equality and of Labor and Immigration, persons intending to enter Spanish territory must present at the border posts a health certificate issued in the country of origin by the medical services designated by the Spanish diplomatic mission or consular office, or submit upon arrival, at the border, to a medical examination by the competent Spanish health services to certify that they do not suffer from any diseases that may have serious public health repercussions, in accordance with the provisions of the International Health Regulations 2005, as well as with the provisions of the International Health Regulations 2005, as well as with the provisions of the International Health Regulations 2005, to a medical examination by the competent Spanish health services, to certify that they do not suffer from any of the diseases that may have serious public health repercussions in accordance with the provisions of the International Health Regulations of 2005, as well as the international commitments on the matter signed by Spain, without prejudice to what is provided, to that effect, by the regulations of the European Union.</p> <p>The medical examinations will be carried out in all cases in accordance with the provisions of the International Health Regulations of 2005.”</p> <p>YES. Within a maximum period of two months following the notification of the decision granting the authorization for temporary residence and employment for a fixed term, for campaign or seasonal activities, and for the purposes of the visa application, the following documentation shall be submitted to the consular office in a grouped form: Medical certificate in order to certify that he/she does not suffer from any of the</p>
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			<p>diseases that may have serious public health implications in accordance with the provisions of the International Health Regulations of 2005.</p> <p>4. Yes</p> <p>5. Schengen Borders Code = Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders</p> <p>6. Yes</p> <p>7.</p> <ul style="list-style-type: none"> • Same answer as above. It will be compulsory when it has been determined by the Home Affairs Minister. • In case of Temporary non-profit residence (article 46. g) of Royal Decree 557/2011, of April 20, 2011), it will be compulsory. • In case of Temporary residence and employment (article 70.3 c) of Royal Decree 557/2011, of April 20, 2011), it will be compulsory. • In case of Temporary residence and self-employment (article 108. 1 c) of Royal Decree 557/2011, of April 20, 2011), it will be compulsory. • It is also compulsory for the recovery of long-term resident status (Article 159.3.c) of Royal Decree 557/2011, of April 20, 2011) <p>8.</p> <ul style="list-style-type: none"> • NO. According to article 10 of Royal Decree 557/2011, of April 20, 2011: "When so determined by the Home Affairs Minister, in agreement with the Ministries of Health, Social Policy and Equality and of Labor and Immigration, persons intending to enter Spanish territory must present at the border posts a health certificate issued in the country of origin by the medical services designated by the Spanish
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		<p>diplomatic mission or consular office, or submit upon arrival, at the border, to a medical examination by the competent Spanish health services to certify that they do not suffer from any diseases that may have serious public health repercussions, in accordance with the provisions of the International Health Regulations 2005, as well as with the provisions of the International Health Regulations 2005, as well as with the provisions of the International Health Regulations 2005, to a medical examination by the competent Spanish health services, to certify that they do not suffer from any of the diseases that may have serious public health repercussions in accordance with the provisions of the International Health Regulations of 2005, as well as the international commitments on the matter signed by Spain, without prejudice to what is provided, to that effect, by the regulations of the European Union.</p> <p>The medical examinations will be carried out in all cases in accordance with the provisions of the International Health Regulations of 2005.”</p> <ul style="list-style-type: none"> • NO. For the granting of an initial authorisation for temporary residence without performing work or professional activities, as well as the corresponding visa, the foreigner must meet the following requirements: Not suffer from any of the diseases that may have serious public health implications in accordance with the International Health Regulations 2005. (article 48.2. d) of Royal Decree 557/2011, of April 20, 2011). • NO. One of the conditions for the granting of a visa is that the visa application must be accompanied by the following documents: “medical certificate attesting that the applicant does not suffer from any of the following diseases which may have serious public health implications in accordance with the provisions of the International Health Regulations 2005”. • NO. The person concerned shall personally submit the application for a visa, on an official form, within one month of the date of notification of the grant of the authorisation for temporary residence and self-employment at the Spanish diplomatic mission or consular office corresponding to the place of
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			<p>residence. Together with the visa application, the foreigner must submit the following documentation: "Medical certificate certifying that he/she does not suffer from any of the diseases that may have public health repercussions in accordance with the provisions of the International Health Regulations of 2005" (article 108. 1 c) of Royal Decree 557/2011, of April 20, 2011).</p> <ul style="list-style-type: none"> IT DEPENDS WHERE THE APPLICATION HAS BEEN SUBMIT. In the case of presentation outside Spain, the foreign national's entry into Spanish territory will take place as the holder of a long-term residence authorisation, once the recovery of said status has been estimated, if applicable. <p>The application for the restoration of the long-term residence permit shall be submitted by the foreigner in person and on the officially established form. The following documents must be attached to the application for the restoration of long-term resident status: "medical certificate certifying that he/she does not suffer from any of the diseases subject to quarantine provided for in the International Health Regulations".</p> <p>9. Yes</p> <p>10. Please take into consideration that the Directive 2014/36/EU and other Directives mentioned the threat to public health as a requirement for refusing entry to the territory.</p> <p>11. That article has been transposed by the Immigration Law, specifically article 2bis LOEX.</p>
	EMN NCP Sweden	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. Not Applicable</p>

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		<p>5. An individual assessment based on circumstances is made in each individual case. If there is any circumstances indicating the an individual can pose a threat to public health, a deeper examination will be done. It can even include a requirement to present a health certificate.</p> <p>6. No</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. Not Applicable</p> <p>10. An individual assessment based on circumstances is made in each individual case. If there is any circumstances indicating the an individual can pose a threat to public health, a deeper examination will be done. It can even include a requirement to present a health certificate.</p> <p>11. Right to equal treatment is guaranteed in a number of different national legislations which are citizenship neutral and through the Swedish labour market model.</p>
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