



# Explanatory Notes on Gainful Employment of Croatian Nationals

## Table of Contents

<b>1.</b>	<b>General information</b>	<b>2</b>
<b>2.</b>	<b>Local employment</b>	<b>3</b>
2.1.	Application	3
2.2.	Obligation to give notice of vacant positions (Art. 10 para. 2c AFMP and Art. 21a FNIA)	3
2.3.	Precedence of domestic employees (Art. 10 para. 2c AFMP and Art. 21 FNIA)	3
2.4.	Salary and employment conditions (Art. 10 para. 2c AFMP and Art. 22 FNIA)	3
2.5.	Regulation of exceptions	4
<b>3.</b>	<b>Cross-border services</b>	<b>5</b>
3.1.	Services up to ninety days per calendar year	5
3.1.1.	Croatian nationals assigned by companies based in the EU-27/EFTA	5
3.1.2.	Croatian nationals assigned by companies based in Croatia	5
b)	Notification procedure from the first day of work:	5
c)	Notification procedure no later than eight days:	5
3.2.	Services exceeding ninety work days per calendar year	5
3.2.1.	Application	5
3.2.2.	General interests of the economy (Art. 26 para. 1 FNIA)	6
3.2.3.	Salary and employment conditions (Art. 22 FNIA)	6
3.2.4.	Personal requirements (Art. 23 FNIA)	6
<b>4.</b>	<b>Self-employment</b>	<b>7</b>



## 1. General information

Croatia joined the European Union on 1 July 2013. The extension of the Agreement on the Free Movement of Persons (AFMP) to Croatia came into force on 1 January 2017. Since then, Croatian nationals may take up gainful employment in Switzerland or be temporarily assigned to work in Switzerland under *facilitated* conditions. However, **transitional provisions** still apply. Therefore, access to the Swiss employment market for Croatian nationals is only being eased gradually, and Switzerland may restrict full free movement rights of Croatian nationals up to maximum 31 December 2023.

First-time short-stay permits or residence permits are subject to a quota. Permits may only be granted if there is a quota. The quotas are released quarterly.

Whenever possible, applications are to be submitted electronically using our [e-Work-permits](#) electronic counter.

Applications are examined individually. Depending on the individual circumstances, the competent public authority may request additional documentation.

The documents are to be submitted in German or English. Accordingly, diplomas must be submitted as certified translations.

---



## **2. Local employment**

### **2.1. Application**

The application for a permit is to be submitted by the employer (Art. 11 para. 3 FNIA). Applications submitted by employees cannot be processed.

- Application for entry permit

### **2.2. Obligation to give notice of vacant positions (Art. 10 para. 2c AFMP and Art. 21a FNIA)**

Employers must notify the public employment agencies of vacant positions in professions with an unemployment rate of over 5%. More information is available [here](#).

The purpose of this measure is to further strengthen the employment market integration of the domestic workforce and to further reduce unemployment in Switzerland.

Therefore, anyone seeking to employ a Croatian national in said professions must, on all accounts, include proof in the application that notice of a vacant position was given.

### **2.3. Precedence of domestic employees (Art. 10 para. 2c AFMP and Art. 21 FNIA)**

Employees from Croatia may only be employed if it can be demonstrated that the vacant position cannot be filled with suitable domestic employees. Domestic employees are defined as persons who have a regulated stay in Switzerland and are admitted to the employment market. The relevant documents are:

- Job posting at the regional public employment agency (RAV)
- Job advertisements, with the date, from print or online media
- List of applicants with detailed information (nationality, education/qualification, date of job application and reason for rejection)

### **2.4. Salary and employment conditions (Art. 10 para. 2c AFMP and Art. 22 FNIA)**

The purpose of this provision is to ensure equal treatment of foreign and domestic employees. The employer is to inform the employment market authority about the length of employment, the employment conditions and the salary. The employment contract must be current and complete in content, and be in keeping with the conditions customary for the location and sector. The "[Lohnbuch Schweiz](#)" (Swiss salary book) and the "[Lohnrechner des Bundes](#)" (salary calculator of the Swiss Confederation) may prove helpful in this respect. Relevant documents:

- Employment contract with date and signed by both parties (mandatory)



## **2.5. Regulation of exceptions**

Short-stay permits of up to four months may be granted *quota-free* to managers, specialists or other qualified workers (Art. 23 FNIA).

All other short-stay permits of up to four months are subject to a quota.



### **3. Cross-border services**

#### **3.1. Services up to ninety days per calendar year**

##### **3.1.1. Croatian nationals assigned<sup>1</sup> by companies based in the EU-27/EFTA**

The [notification procedure](#) applies without any restrictions.

##### **3.1.2. Croatian nationals assigned by companies based in Croatia**

a) A work permit is required from the first day<sup>2</sup>:

- Construction and construction-related trades
- Gardening and landscaping services
- Industrial cleaning services
- Surveillance and security services

b) [Notification procedure](#) from the first day of work:

- Hospitality industry
- Cleaning work in households
- Itinerant trade
- Erotic services

c) [Notification procedure](#) no later than eight days:

- All other sectors and industries

#### **3.2. Services exceeding ninety work days per calendar year<sup>3</sup>**

##### **3.2.1. Application**

The application for a permit must be submitted by the foreign employer (Art. 11 para. 3 FNIA). Applications submitted by employees cannot be processed.

- Application for entry permit

---

<sup>1</sup> An employee is assigned if he/she temporarily executes an assignment in another country for his/her foreign employer within the scope of a service. The employee continues to be subject to his/her employment contract with his/her foreign employer.

<sup>2</sup> The salary and employment conditions are examined. In addition, only well-qualified workers are admitted. The reason for this is the particular sensitivity of the mentioned industries; unemployment and the risk of salary undercutting are rated as greater in these industries.

<sup>3</sup> These stays do not fall within the remit of the Agreement of Free Movement of Persons; a regular work permit pursuant to FNIA is required.



### 3.2.2. General interests of the economy (Art. 26 para. 1 FNIA)

The admission of an employee from Croatia to work must correspond to the general interests of the Swiss economy. In particular, the respective employment market situation as well as a future, sustainable economic development must be taken into account. Relevant documents:

- Specific reason for application (mandatory)  
With information about the business, the project and the assigned employee
- Assignment/service contract/project contract (mandatory)  
Between the Swiss company at which work/service will be performed (principal) and the foreign employer (agent)
- Actual project description

### 3.2.3. Salary and employment conditions (Art. 22 FNIA)

The purpose of this regulation is to ensure equal treatment of foreign and domestic employees. The foreign employer is to inform the job market authority about the length of employment, the employment conditions and salary. The employment contract must be current and complete in content, and be in keeping with the conditions customary for the location and sector. The "[Lohnbuch Schweiz](#)" (Swiss salary book) and the "[Lohnrechner des Bundes](#)" (salary calculator of the Swiss Confederation) may prove helpful in this respect. Relevant documents:

- "Letter of Assignment" form (for assignments up to four months)
- Assignment contract (for assignments exceeding four months)  
The following information must be included:
  - Employee
  - Home company and host company
  - Position during the assignment
  - Scope of tasks/duties
  - Place of work
  - Start and length of assignment
  - Basic salary in home country
  - Supplementary payment during the assignment
  - Confirmation that all assignment expenses will be assumed (travel, board, lodging) or payment of a monthly flat sum of minimum CHF 3,000 plus the actual travel expenses for a minimum of 12 months from the date of entry
  - Assurance of health and accident insurance coverage
  - Regulation of social security contributions
  - Explicit provisions concerning paid leave, working hours, etc. or annotation that Swiss law shall apply exclusively for all of the contractual points not governed in the contract
  - Date and signature of employer and employee.

### 3.2.4. Personal requirements (Art. 23 FNIA)

Croatian nationals may only be admitted to cross-border services if they are managers, specialists or other qualified workers. The professional qualifications must correspond to the new job to be performed. Relevant documents:

- Educational certificates and job references/testimonials (possibly certified translations)
- Curriculum vitae (mandatory)
- Copy of passport/ID (mandatory)



#### 4. Self-employment<sup>4</sup>

Croatian nationals who wish to carry out a self-employed activity in Switzerland will no longer need a permission to do so. The [provisions for EU27/EFTA citizens](#) will apply.

---

<sup>4</sup> A self-employed activity is regarded as an activity carried out within the framework of an own, freely chosen organisation aimed at generating income, under own authority to issue directives and at own entrepreneurial risk. This freely chosen organisation is used in relation to external parties, for example, by operating a trading, manufacturing, service, commercial or other business operation. Work as a medical doctor, lawyer or fiduciary is regarded as a self-employed activity (Art. 2 Ordinance on Admission, Stay and Employment, OASA).