

**Proposal for a Directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State**

**SUGGESTIONS OF EP IN PREPARATION OF SECOND TRILOGUE of 22 JUNE 2011**

<b>Initial Commission Proposal</b>	<b>Council text</b>	<b>EP amendments</b>	<b>Compromise suggestions and comments</b>
Proposal for a COUNCIL DIRECTIVE on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State	Proposal for a <b>DIRECTIVE of the European Parliament and of the Council</b> on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State	Proposal for a directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State	<i>OK (EP amendment acceptable to Council)</i>
THE COUNCIL OF THE EUROPEAN UNION,	<b>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</b>	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>OK</i>
Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(a) thereof,	Having regard to the <b>Treaty on the Functioning of the European Union</b> , and in particular Article <b>79(2)(a-b)</b> thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 79(2) thereof,	<i>OK</i>
Having regard to the proposal from the Commission,	Having regard to the proposal from the Commission,	Having regard to the proposal from the European Commission,	<i>OK</i>
Having regard to the opinion of the European Parliament,	<i>deleted</i>	<i>deleted</i>	<i>OK</i>
Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	<i>OK</i>

Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	<i>OK</i>
	<b>Acting in accordance with the ordinary legislative procedure,</b>	Acting in accordance with the ordinary legislative procedure,	<i>OK</i>
Whereas:	Whereas:	Whereas:	
(1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.	(1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.	(1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.	<i>OK</i>
(2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national legislation governing the conditions for admission and residence of third-country nationals. In this context, it stated in particular that the European Union should ensure fair treatment of third-country nationals residing lawfully on the territory of the Member States and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of citizens of the European Union. The European Council accordingly asked the Council to rapidly adopt the legal instruments on the basis of Commission proposals. The need for achieving the objectives defined at Tampere was reaffirmed by the Hague Program of 4 and 5 November	(2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national <b>law</b> governing the conditions for admission and residence of third-country nationals. In this context, it stated in particular that the European Union should ensure fair treatment of third-country nationals residing lawfully on the territory of the Member States and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of citizens of the European Union. The European Council accordingly asked the Council to rapidly adopt the legal instruments on the basis of Commission proposals. The need for achieving the objectives defined at Tampere was reaffirmed by the <b>Stockholm Programme of 10 and 11 December 2009.</b>	(2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national legislation governing the conditions for admission and residence of third-country nationals. In this context, it stated in particular that the European Union should ensure fair treatment of third-country nationals residing lawfully on the territory of the Member States and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of citizens of the European Union. The European Council accordingly asked the Council to rapidly adopt the legal instruments on the basis of Commission proposals. The need for achieving the objectives defined at Tampere was reaffirmed by the <b><i>Stockholm Programme of 10 and 11 December 2009.</i></b>	<i>OK</i>

2004.			
<p>(3) In an increasingly global labour market, the EU should enhance its appeal to attract third-country workers. This should be facilitated by administrative simplification and by facilitating access to relevant information. Provisions for a single application procedure leading to one combined title encompassing both residence and work permit within one administrative act should contribute to simplifying and harmonizing the diverging rules currently applicable in Member States. Such procedural simplification has already been introduced by the majority of Member States and has made for a more efficient procedure both for the migrants and for their employers, and allowed easier controls of the lawfulness of their residence and employment.</p>	<p>(3) [...] Provisions for a single application procedure leading to one combined title encompassing both residence and work permit within one administrative act should contribute to simplifying and more harmonizing the rules currently applicable in Member States. Such procedural simplification has already been introduced in several Member States and has made for a more efficient procedure both for the migrants and for their employers, and allowed easier controls of the lawfulness of their residence and employment.</p>	<p>(3) Provisions for a single application procedure leading to one combined title encompassing both residence and work permit within one administrative act should contribute to simplifying and harmonising the rules currently applicable in Member States. Such procedural simplification has already been introduced by <i>several</i> Member States and has made for a more efficient procedure both for the migrants and for their employers, and allowed easier controls of the lawfulness of their residence and employment.</p>	<p><i>OK</i></p>
<p>(4) In order to allow initial entry into their territory, Member States should be able to issue, in a timely manner, a single permit or, if they issue such permits exclusively on their territory, a visa.</p>	<p>(4) In order to allow initial entry into their territory, Member States should be able to issue, in a timely manner, a single permit or, if they issue such permits exclusively on their territory, a visa.</p>	<p>(4) In order to allow initial entry into their territory, Member States should be able to issue, in a timely manner, a single permit or, if they issue such permits exclusively on their territory, a visa.</p>	<p><i>OK</i></p>

<p>(5) A set of rules governing the procedure for examination of the application for a single permit should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.</p>	<p>(5) A set of rules governing the procedure for examination of the application for a single permit should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.</p>	<p>(5) A set of rules governing the procedure for examination of the application for a single permit should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.</p>	<p><i>OK</i></p>
<p>(6) The conditions and criteria on the basis of which an application for a single permit can be rejected is laid down in national law including the obligation to respect the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005.</p>	<p>(6) The conditions and criteria on the basis of which an application for a single permit can be rejected <b>should be objective and</b> laid down in national law including the obligation to respect the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005. <b>Any rejection decision should be duly reasoned.</b></p>	<p>(6) The conditions and criteria on the basis of which an application for a single permit can be rejected <b>should be objective and</b> laid down in national law including the obligation to respect the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005. <b>Any rejection decision should be duly reasoned.</b></p>	<p><i>OK</i></p>
<p>(7) The single permit should take the harmonized format of the residence permit in accordance with Regulation (EC) No 1030/2002, laying down a uniform format for residence permits for third-country nationals<sup>1</sup>, enabling the Member States to enter information, in particular as to whether or not the</p>	<p>(7) The single permit should take the harmonized format of the residence permit in accordance with Regulation (EC) No 1030/2002, laying down a uniform format for residence permits for third-country nationals, enabling the Member States to enter information, in particular as to whether or not the</p>	<p>(7) The single permit should take the harmonised format of the residence permit in accordance with Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals<sup>2</sup>, enabling the Member States to enter <b>further</b> information, in particular as to whether</p>	<p><i>OK</i></p>

<sup>1</sup> OJ L 157, 15.6.2002, p. 1.

<sup>2</sup> OJ L 157, 15.6.2002, p. 1.

<p>person is permitted to work. Member States should indicate – also for the purpose of better control of migration – not only in the single permit but also in all the issued residence permits the information relating to the permission to work irrespective of the type of the permit or the residence title on the basis of which the third country national has been admitted to the territory of a Member State and has been given access to the labour market of that Member State.</p>	<p>person is permitted to work. Member States should indicate – also for the purpose of better control of migration – not only in the single permit but also in all the issued residence permits, the information relating to the permission to work irrespective of the type of the permit or the residence title on the basis of which the third country national has been admitted to the territory of a Member State [...].</p>	<p>or not the person is permitted to work. Member States should indicate – also for the purpose of better control of migration – not only in the single permit but also in all the issued residence permits the information relating to the permission to work irrespective of the type of the permit or the residence title on the basis of which the third country national has been admitted to the territory of a Member State and has been given access to the labour market of that Member State.</p>	
	<p><b>(7a) The provisions in this Directive on the single permit and on the residence permit issued for purposes other than work do not prevent Member States from issuing additional documents, in particular to give more precise information on the right to work. Such additional documents should, however, be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit.</b></p>		<p><i>Council maintains suggests the following compromise text:</i></p> <p><b><u>(7a) The provisions in this Directive on the single permit and on the residence permit issued for purposes other than work do not prevent Member States from having an additional paper document in order to be able to give more precise information on the employment relationship for which the format of the residence permit leaves insufficient space. Such documents can serve to prevent the exploitation of third-country nationals and</u></b></p>

			<p><b><u>combat illegal employment but should, however, be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. <u>Technical possibilities offered by Article 4 Regulation (EC) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008, can also be used to store such information in an electronic format.</u></u></b></p> <p><b>Suggestions of EP in view of trilogue 22.06.2011:</b>  <b>EP can accept the amendment of Council in the context of an overall agreement.</b></p>
	<p><b>(7b) The obligation of the Member States to determine whether the application is made by a third-country national or by his employer is without prejudice to any arrangements requiring both to be involved in the procedure.</b></p>	<p><i>(7a) The obligation on the Member States to determine whether the application is to be made by a third-country national or by his or her employer should be without prejudice to any arrangements requiring both to be involved in the procedure. The Member States should decide whether the application for a single permit is to be made in the Member State of destination or from a third country. In</i></p>	<p>OK</p>

		<i>cases where the third-country national is not allowed to make an application from a third country, Member States should ensure that the application may be made by the employer in the Member State of destination.</i>	
	<b>(7c) The provisions in this Directive on residence permits for purposes other than work only concern the format of such permits and are without prejudice to national and/or Union rules on admission procedures and on procedures for issuing such permits.</b>	<i>(7b) The provisions of this Directive on residence permits for purposes other than work should apply only to the format of such permits and should be without prejudice to national or to Union rules on admission procedures and on procedures for issuing such permits.</i>	OK
	<b>(7d) The provisions in this Directive on the single application procedure and on the single permit do not concern uniform and long-stay visas.</b>	<i>(7c) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform and long-stay visas.</i>	OK
	<b>(7e) The deadline for adopting a decision on the application should not include the time required for the recognition of professional qualifications nor the time required for issuing a visa. This Directive is without prejudice to the national procedures on the recognition of diplomas.</b>	<i>(7d) The deadline for adopting a decision on the application should not include the time required for the recognition of professional qualifications or the time required for issuing a visa. This Directive should be without prejudice to national procedures on the recognition of diplomas.</i>	OK
	<b>(7f) The designation of the competent authority under this Directive is without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of</b>	<i>(7e) The designation of the competent authority under this Directive should be without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of, and the decision on,</i>	OK

	<b>and the decision on the application.</b>	<i>the application.</i>	
	<b>(7g) The provisions of this Directive are without prejudice to the competence of the Member States to regulate the admission, including volumes of admission for third-country nationals for the purpose of employment.</b>	<i>(7f) The provisions of this Directive are without prejudice to the competence of the Member States to regulate the admission, including volumes of admission for third-country nationals for the purpose of employment.</i>	<i>OK</i>
(8) Third-country nationals who are in possession of a valid travel document and a single permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to three months in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) <sup>3</sup> and Article 21 of the The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of	(8) Third-country nationals who are in possession of a valid travel document and a single permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to three months in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and Article 21 of the Schengen acquis – Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and	(8) Third-country nationals who are in possession of a valid travel document and a single permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to three months in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) <sup>5</sup> and Article 21 of the The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders	<i>OK</i>

<sup>3</sup> OJ L 105, 13.4.2006, p. 1.



Germany and the French Republic on the gradual abolition of checks at their common borders (Schengen Implementing Convention) <sup>4</sup> .	the French Republic on the gradual abolition of checks at their common borders (Schengen Implementing Convention).	(Schengen Implementing Convention).	
(9) In the absence of horizontal community legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. They do not have the same rights as nationals of the Member State, or other EU citizens. With a view to pursue a further development of a coherent immigration policy, to lower the rights gap between EU citizens and third-country nationals legally working and complementing the existing immigration acquis a set of rights should be laid down in particular in the form of specifying the policy fields where equal treatment with own nationals is provided for third-country workers legally admitted in a Member States but not yet long-term residents. Such provisions are intended to establish a level playing field within the EU, to recognize that such third-country nationals legally working in a Member States contribute to the	(9) ) [...] The rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. [...] With a view to pursuing a further development of a coherent immigration policy <b>and narrowing</b> the rights gap between EU citizens and third-country nationals legally working and complementing the existing immigration acquis, a set of rights should be laid down in particular in the form of specifying the policy fields where equal treatment with own nationals is provided for third-country workers legally admitted in a Member State but not yet long-term residents. Such provisions are intended to establish a <b>minimum</b> level playing field within the European Union, to recognise that such third-country nationals legally working in Member States contribute to the European economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between own	(9) In the absence of horizontal <i>Union</i> legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to <i>pursuing</i> a further development of a coherent immigration policy <b>and narrowing</b> the rights gap between <i>Union</i> citizens and third-country nationals legally working and complementing the existing immigration acquis, a set of rights should be laid down in particular in the form of specifying the policy fields where equal treatment with own nationals is provided for third-country workers legally admitted in a Member State but not yet long-term residents. Such provisions are intended to establish a <i>minimum</i> level playing field within the EU, to recognise that such third-country nationals legally working in Member States contribute to the European economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between own nationals and third-	OK  <u>Suggestions of EP in view of trilogue 22.06.2011:</u>

<sup>4</sup> OJ L 239, 22.9.2000, p. 19.

<sup>5</sup> OJ L 105, 13.4.2006, p. 1.

<p>European economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between own nationals and third-country nationals resulting from possible exploitation of the latter.</p>	<p>nationals and third-country nationals resulting from possible exploitation of the latter.</p>	<p>country nationals resulting from possible exploitation of the latter.  <i>Definition of "third country worker" as laid down in Article 2(b) of this Directive means, without prejudice to the interpretation of the concept of employment relationship in other EU legislation, any third-country national who has been admitted to the territory of a Member State, is legally resident and is allowed to work under national law and/or in accordance with national practice in that Member State.</i></p>	<p><i>Technical amendment to harmonise with corresponding Article 2(b)</i></p> <p><i>Definition of "third country worker" as laid down in Article 2(b) of this Directive means, without prejudice to the interpretation of the concept of employment relationship in other EU legislation, any third-country national who has been admitted to the territory of a Member State, is legally resident and is allowed to work in the context of a paid relationship under national law and/or in accordance with national practice in that Member State.</i></p>
<p>(10) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights in the form of equal treatment with the own nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not</p>	<p>(10) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights in the form of equal treatment with nationals of the respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted, not</p>	<p>(10) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights in the form of equal treatment with the own nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not only to those third-country</p>	<p>OK</p>

<p>only to those third-country nationals who have been admitted to the territory of a Member State to work but also for those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Community or national legislation including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification<sup>6</sup>, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service<sup>7</sup> and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research<sup>8</sup>.</p>	<p>only to those third-country nationals who have been admitted to the territory of a Member State to work but also to those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Union or national <b>law</b> including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.</p>	<p>nationals who have been admitted to the territory of a Member State to work but also for those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Community or national legislation including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification<sup>9</sup>, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service<sup>10</sup> and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.</p>	
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<sup>6</sup> OJ L 251, 3.10.2003, p. 12.

<sup>7</sup> OJ L 375, 23.12.2004, p.12.

<sup>8</sup> OJ L 289, 3.11.2005, p.15.

<p>(11) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents<sup>11</sup> are not covered by this Directive given their more privileged status and their specific type of residence permit "long-term resident – EC".</p>	<p>(11) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents are not covered by this Directive given their more privileged status and their specific type of residence permit "long-term resident – EC".</p>	<p>(11) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents<sup>12</sup> are not covered by this Directive given their more privileged status and their specific type of residence permit "long-term resident – EC".</p>	<p>OK</p>
<p>(12) Third-country nationals covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services<sup>13</sup> as long as they are posted to a Member State and third-country nationals entering a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons should not be covered by this Directive as they are not considered</p>	<p><b>(12) Third-country nationals who are posted should not be covered by this Directive as they are not considered part of the labour market of that Member State. However, this should not prevent third-country nationals who are legally residing and lawfully employed in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which</b></p>	<p><i>(12) Posted third-country nationals are not covered by this Directive. This should not prevent third-country nationals who are legally resident and lawfully employed in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which are not affected by the application of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in</i></p>	<p>OK</p>

<sup>9</sup> OJ L 251, 3.10.2003, p. 12.

<sup>10</sup> OJ L 375, 23.12.2004, p. 12.

<sup>11</sup> OJ L 16, 23.1.2004, p. 44.

<sup>12</sup> OJ L 16, 23.1.2004, p. 44.

<sup>13</sup> OJ L 18, 21.1.1997, p. 1.

part of the labour market of that Member State.	<b>are not affected by the application of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services<sup>1</sup>.</b>	the framework of the provision of services <sup>14</sup> .	
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<sup>14</sup> OJ L 18, 21.1.1997, p. 1.

<p>(13) Third-country nationals who have been admitted to the territory of a Member State for a period not exceeding 6 months in any twelve-month period to work on a seasonal basis should not be covered by the Directive given their temporary status.</p>	<p>(13) Third-country nationals who have been admitted to the territory of a Member State [...] to work on a seasonal basis should not be covered by the Directive given their temporary status.</p>	<p>(13) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis should not be covered by the Directive given their temporary status.</p>	<p>OK</p>
<p>(14) The right to equal treatment in specified policy fields should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which is enshrined in the single permit encompassing the authorization to both reside and work and in residence permits issued for other purposes containing the information on the permission to work.</p>	<p>(14) The right to equal treatment in specified policy fields should be strictly linked to the third-country national's legal residence and to the access given to the labour market in a Member State, which is enshrined in the single permit encompassing the authorization to both reside and work and in residence permits issued for other purposes containing the information on the permission to work.</p>	<p>(14) The right to equal treatment in specified policy fields should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which is enshrined in the single permit encompassing the authorization to both reside and work and in residence permits issued for other purposes containing the information on the permission to work.</p>	<p>OK</p>
	<p><b>(15) Working conditions in this directive are to be understood to cover at least pay and dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.</b></p>	<p><i>(14a) Working conditions in this Directive are to be understood to cover at least pay and dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.</i></p>	<p>OK</p>

<p>(15) Professional qualifications acquired by a third-country national in another Member States should be recognised the same way as for Union citizens and qualifications acquired in a third country should be taken into account in conformity with the provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>15</sup>.</p>	<p>(16) Professional qualifications acquired by a third-country national in another Member State should be recognised the same way as for Union citizens and qualifications acquired in a third country should be taken into account in conformity with the provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. <b>The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures is without prejudice to the competence of Member States to admit these third-country workers to their labour market.</b></p>	<p>(15) Professional qualifications acquired by a third-country national in another Member State should be recognised the same way as for Union citizens and qualifications acquired in a third country should be taken into account in conformity with the provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>16</sup>. <i>The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures is without prejudice to the competence of Member States to admit these third-country workers to their labour market.</i></p>	<p>OK</p>
<p>(16) Third-country nationals who work in the territory of a Member State should enjoy equal treatment as regards social security. Branches of social security are defined in the Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to</p>	<p>(17) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in <b>Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems</b>. The provisions on equal treatment</p>	<p>(16) Third-country <i>workers</i> should enjoy equal treatment as regards social security. Branches of social security are defined in <b>Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems</b><sup>19</sup>. The provisions on equal treatment</p>	<p>OK</p>

<sup>15</sup> OJ L 255, 30.9.2005, p. 22.

<sup>16</sup> OJ L 255, 30.9.2005, p. 22.

<p>self-employed persons and to members of their families moving within the Community<sup>17</sup>. Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality<sup>18</sup> extends the provisions of Regulation (EEC) No 1408/71 to third country nationals who are legally residing in the European Union and who are in a cross-border situation. The provisions on equal treatment concerning social security in this Directive also apply to persons coming to a Member State directly from a third country. Nevertheless, this Directive should not confer more rights than those already provided in existing Community legislation in the field of social security for third-country nationals who have cross-border elements between Member States.</p>	<p>concerning social security in this proposal also apply to <b>workers</b> coming to a Member State directly from a third country. Nevertheless, this Directive should not confer to third country workers more rights than those already provided in the existing Union legislation in the field of social security for third-country nationals who have cross-border elements between Member States. <b>This Directive furthermore should not grant rights in relation to situations which lie outside the scope of Union legislation like for example family members residing in a third country. This Directive only grants rights in relation to those family members who join the third-country worker to reside in any Member State on the basis of family reunification or to those family members who already reside in the given Member State.</b></p>	<p>concerning social security in this proposal also apply to <b>workers</b> coming to a Member State directly from a third country. Nevertheless, this Directive should not confer <b>on third-country workers</b> more rights than those already provided in <b>the</b> existing <b>Union</b> legislation in the field of social security for third-country nationals who have cross-border elements between Member States. <b><i>This Directive, furthermore, should not grant rights in relation to situations which lie outside the scope of Union legislation, for example family members residing in a third country. This Directive grants rights only in relation to those family members who join the third-country worker to reside in any Member State on the basis of family reunification or to those family members who already reside legally in the given Member State.</i></b></p>	
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<sup>17</sup> OJ L 149, 5.7.1971, p. 2.

<sup>18</sup> OJ L 124, 20.5.2003, p. 1.

<sup>19</sup> ***OJ L 166, 30.4.2004, p. 1.***



	<p><b>(17a) Member States should at least give equal treatment to those third-country nationals who are in employment or who after a minimum period of employment are registered as unemployed. Any restrictions to the equal treatment in the field of social security under this Directive should be without prejudice to the rights conferred in application of Council Regulation...<sup>20</sup></b></p>	<p><i>(16b) Member States should at least give equal treatment to those third-country nationals who are in employment or who after a period of employment are registered as unemployed. Any restrictions to the equal treatment in the field of social security under this Directive should be without prejudice to the rights conferred in application of Regulation (UE) n° 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality<sup>21</sup>.</i></p>	<p><i>Council suggests to insert in EP text: "...after a <b>minimum period of employment</b>" in order for the recital to be in line with the corresponding Article 12.2.(3) (EP text).</i></p> <p><b>Suggestions of EP in view of trilogue 22.06.2011:</b>  EP can accept the amendment of Council in the context of an overall agreement.  <b>Comment: part of technical amendments</b></p>
	<p><b>(17b) EU law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at EU level, it is for the legislation of each Member State to lay down the conditions</b></p>	<p><i>(16a) Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at Union level, it is for the legislation of each Member State to lay down the conditions under which social security</i></p>	<p><i>OK</i></p>

<sup>20</sup> Reference to the following instrument to be updated upon adoption: *Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/200 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality.*

<sup>21</sup> OJ L 344, 29.12.2010, p. 1.

	<b>under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with EU law.</b>	<i>benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.</i>	
	<b>(17c) Equal treatment of third country workers does not cover measures in the field of vocational training which are financed under social assistance schemes.</b>	<i>(17c) Equal treatment of third-country workers does not cover measures in the field of vocational training which are financed under social assistance schemes.</i>	OK
(17) Since the objectives of the proposed action, namely determining a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and securing rights for third-country workers legally residing in a Member State - cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved by the Community, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(18) Since the objectives of the proposed action, namely determining a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and securing rights for third-country workers legally residing in a Member State cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved by the <b>Union</b> , the <b>Union</b> may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the <b>Treaty on the Functioning of the European Union</b> . In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(17) Since the objectives of <i>this Directive</i> , namely determining a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and securing rights for third-country workers legally residing in a Member State cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved <i>at Union level</i> , the <i>Union</i> may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty <i>on European Union</i> . In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	OK

<p>(18) This Directive respects the fundamental rights and observes the principles recognized by the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights and Fundamental Freedoms and has to be implemented accordingly.</p>	<p>(19) This Directive respects the fundamental rights and observes the principles recognized by <b>Article 6 of the Treaty on European Union and reflected by</b> the Charter of Fundamental Rights of the European Union.</p>	<p>(18) This Directive respects the fundamental rights and observes the principles recognised by <b>Article 6 of the Treaty on European Union and reflected in</b> the Charter of Fundamental Rights of the European Union.</p>	<p>OK</p>
	<p><b>(20) This Directive shall apply without prejudice to the rights and principles contained in the European Social Charter of 18 October 1961 and the European Convention on the legal status of migrant workers of 24 November 1977.</b></p>	<p><i>(18a) This Directive should be applied without prejudice to more favourable provisions contained in Union law and international instruments.</i></p>	<p>Council suggests to insert in EP text: "...<b>applicable international instruments</b>" in order to make it more precise.  <u>Suggestions of EP in view of trilogue 22.06.2011:</u>  EP can accept the amendment of Council in the context of an overall agreement.  <b>Comment: part of technical amendments</b></p>
<p>(19) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal</p>	<p><b>(21) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal</b></p>	<p>(19) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective</p>	<p>OK</p>

<p>treatment between persons irrespective of racial or ethnic origin<sup>22</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>23</sup>.</p>	<p>treatment between persons irrespective of racial or ethnic origin<sup>24</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>25</sup>.</p>	<p>of racial or ethnic origin<sup>26</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.</p>	
	<p><b>(22) In accordance with paragraph 34 of the Interinstitutional agreement on better law making, Member States are encouraged to draw up, for themselves and in the interest of the Union, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and make them public.</b></p>		<p><i>Council maintains its position (see also Article 16)</i></p> <p><b>Suggestions of EP in view of trilogue 22.06.2011:</b>  <b>EP maintains its position.</b>  <i>Comment: negotiations pending on an interinstitutional level</i></p>
<p>(20) [In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community and without prejudice to Article 4 of the said Protocol these Member States are not participating in the adoption of this Directive and are not bound</p>	<p>(23) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the <b>Treaty on the Functioning of the European Union</b> and without prejudice to Article 4 of the said Protocol these Member States are not participating in the adoption of this Directive and are not bound by it or subject to its</p>	<p>(20) In accordance with Articles 1 and 2 of the Protocol (<b>N° 21</b>) on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty <b>on the Functioning of the European Union</b> and without prejudice to Article 4 of <i>that</i> Protocol <i>those</i> Member States are <b>not taking part</b> in the adoption of this Directive and are not bound by <i>it</i> or</p>	<p><i>OK</i></p>

<sup>22</sup> OJ L 180, 19.7.2000, p. 22.

<sup>23</sup> OJ L 303, 2.12.2000, p. 16

<sup>24</sup> OJ L 180, 19.7.2000, p. 22.

<sup>25</sup> OJ L 303, 2.12.2000, p. 16

<sup>26</sup> OJ L 180, 19.7.2000, p. 22.

by or subject to its application.]	application.	subject to its application.]	
(21) In accordance with Article 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive and is not bound by it or subject to its application.	(24) In accordance with Article 1 and 2 of the Protocol on the position of Denmark, annexed to the <b>Treaty on the Functioning of the European Union</b> , Denmark is not participating in the adoption of this Directive and is not bound by it or subject to its application.	(21) In accordance with Articles 1 and 2 of the Protocol ( <i>N° 22</i> ) on the position of Denmark, annexed to the Treaty on European Union and <i>to the Treaty on the Functioning of the European Union</i> , Denmark is not <i>taking part</i> in the adoption of this Directive and is not bound by it or subject to its application,	OK
HAS ADOPTED THIS IRECTIVE	HAVE ADOPTED THIS DIRECTIVE	<b>HAVE</b> ADOPTED THIS DIRECTIVE	
<b>Chapter I</b> <b>General provisions</b>		Chapter I General provisions	
<i>Article 1</i> Purpose	<i>Article 1</i> Purpose	Article 1 Purpose	
The purpose of this Directive is to determine:	The purpose of this Directive is to determine:	The purpose of this Directive is to determine:	
(a) a single application procedure for issuing a single permit for third country nationals to reside and work in the territory of a Member State, in order to simplify their admission and to facilitate the control of their status and;	(a) a single application procedure for issuing a single permit for third country nationals to reside <b>for the purpose of work</b> in the territory of a Member State, in order to simplify <b>the procedures for</b> their admission and to facilitate the control of their status and;	(a) a single application procedure for issuing a single permit for third-country nationals to reside <b>for the purpose of</b> work in the territory of a Member State, in order to simplify <b>the procedures for</b> their admission and to facilitate the control of their status; and	OK
(b) a common set of rights to third country workers legally residing in a Member State.	(b) a common set of rights to third country workers legally residing in a Member State, <b>based on equal treatment with nationals of this Member State.</b>	(b) a common set of rights to third-country workers legally residing in a Member State, <b>irrespective of the purposes for which they were initially admitted to the territory of that Member State, based on equal treatment with nationals of that</b>	OK

		<i>Member State.</i>	
	<b>This Directive does not affect the competence of the Member States with respect to the admission of third-country nationals to their labour markets.</b>	<i>This Directive is without prejudice to the Member States' powers concerning the admission of third-country nationals to their labour markets.</i>	OK
<i>Article 2</i> Definition	<i>Article 2</i> Definition	Article 2 Definitions	
For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	
(a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;	(a) "third-country national" means any person who is not a citizen of the Union within the meaning of <b>Article 20(1) of the Treaty on the Functioning of the European Union;</b>	(a) "third-country national" means any person who is not a citizen of the Union within the meaning of <b>Article 20(1) of the Treaty on the Functioning of the European Union;</b>	OK
(b) "third-country worker" means any third-country national who has been admitted to the territory of a Member State and is allowed to work legally in that Member State;	(b) "third-country worker" means any third-country national who has been admitted to the territory of a Member State, <b>is legally resident</b> and is allowed to work <b>in the context of a paid relationship under national law and/or in accordance with national practice</b> in that Member State;	(b) "third-country worker" means any third-country national who has been admitted to the territory of a Member State, <b>is legally resident</b> and is allowed to work <b>under national law and/or in accordance with national practice</b> in that Member State;	<i>Council prefers its text as it is more precise</i>  <b>Suggestions of EP in view of trilogue 22.06.2011:</b> EP can accept the amendment of Council in the context of an overall agreement. <b>Comment: part of technical amendments.</b>
(c) "single permit" means any authorisation issued by the authorities of a Member State allowing a third-country national to stay and work legally in its territory;	(c) "single permit" means a <b>residence permit</b> issued by the authorities of a Member State allowing a third-country national to <b>reside legally in its territory for the purpose of work;</b>	(c) "single permit" means <b>a residence permit</b> issued by the authorities of a Member State allowing a third-country national to stay legally <b>in order to work there;</b>	OK
(d) "single application procedure" means any procedure leading, on the basis of one application for the	(d) "single application procedure" means any procedure leading, on the basis of one application for the	(d) "single application procedure" means any procedure leading, on the basis of <b>a single application made by a</b>	OK

authorisation of a third-country national's residence and work in the territory of a Member State, to a decision on the single permit for that third-country national.	authorisation of a third-country national's residence and work in the territory of a Member State, to a decision on the <b>application for a</b> single permit for that third-country national.	<b><i>third-country national, or by his or her employer,</i></b> for the authorisation of residence and work in the territory of a Member State, to a decision <b><i>ruling</i></b> on <b><i>that application for</i></b> the single permit.	
<i>Article 3</i> Scope	<i>Article 3</i> Scope	Article 3 Scope	
1. This Directive shall apply:	1. This Directive shall apply:	1. This Directive shall apply:	
(a) to third-country nationals seeking to reside and work in the territory of a Member State, and	(a) to third-country <b>nationals who apply to reside for the purpose of work</b> in the territory of a Member State,	(a) to third-country nationals seeking to reside in the territory of a Member State <b><i>in order to work there;</i></b>	<i>Council prefers its text as it is more precise</i> <b>Suggestions of EP in view of trilogue 22.06.2011:</b> EP can accept the amendment of Council in the context of an overall agreement. <b>Comment: part of technical amendments.</b>
(b) to third-country workers legally residing in a Member State.	(b) to third-country nationals <b>who have been admitted for purposes other than work under national or Union rules, are allowed to work and are issued a residence permit in accordance with Regulation (EC) No 1030/2002; and</b>	(b) to third-country <b><i>nationals who have been admitted for purposes other than work under national or Union law, are allowed to work and are issued a residence permit in accordance with Regulation (EC) No 1030/2002; and</i></b>	OK
	(c) to third-country nationals <b>who have been admitted for the purpose of work under national or Union rules.</b>	<b><i>(ba) to third-country nationals who have been admitted for the purpose of work under national or Union law.</i></b>	OK
2. This Directive shall not apply to third-country nationals:	2. This Directive shall not apply to third-country nationals:	2. This Directive shall not apply to third-country nationals:	OK
(a) who are family members of Union citizens who have exercised,	(a) who are family members of Union citizens who have exercised,	(a) who are family members of citizens of the Union who have exercised, or are	OK

or are exercising their right to free movement within the Community;	or are exercising their right to free movement within the <b>Union, in conformity with Directive 2004/38/EC;</b>	exercising their right to free movement within the <i>Union in accordance with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;</i>	
	<b>(b) who, as well as their family members and whatever their nationality, enjoy rights of free movement equivalent to those of Union citizens under agreements between the Union and its Member States, on the one hand, and third-countries, on the other hand;</b>	<i>(aa) who, together with their family members, and irrespective of their nationality, enjoy rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and the Member States or between the Union and third countries;</i>	OK
(b) covered by Directive 96/71/EC as long as they are posted;	<b>(c) who are posted</b> as long as they are posted;	<i>(b) who are posted</i> as long as they are posted;	OK
(c) entering a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons in particular to intra-corporate transferees, contractual service suppliers and graduate trainees under the European Community's GATS commitments;	<b>(d) who have applied for admission or have been admitted to the territory of a Member State to work as intra-corporate transferees;</b>	<i>(c) who have applied for admission or have been admitted to the territory of a Member State to work as intra-corporate transferees;</i>	OK
(d) who have been admitted to the territory of a Member State for a period not exceeding six months in	<b>(e) who have applied for admission or have been admitted to the territory of a Member State as a</b>	<i>(d) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers or</i>	OK



any 12 month period to work on a seasonal basis;	<b>seasonal worker or as an au pair;</b>	<i>au pairs;</i>	
(e) who have applied for recognition as refugees and whose application has not yet given rise to a final decision;	<i>deleted</i>	<i>(e) deleted</i>	<i>OK</i>
	<b>(g) who are authorised to reside in a Member State on the basis of temporary protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status;</b>	<i>(da) who are authorised to reside in a Member State on the basis of temporary protection, or who have applied for authorisation to reside there on that basis and are awaiting a decision on their status;</i>	<i>OK</i>

	<b>(f) who are beneficiaries of international protection under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>1</sup> or have applied for international protection under that Directive and whose application has not yet given rise to a final decision;</b>	<i>(db) who are beneficiaries of international protection under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>27</sup> or have applied for international protection under that Directive and whose application has not yet given rise to a final decision;</i>	OK
	<b>(h) who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State or have applied for protection in accordance with national law, international obligations or practice of the Member State and whose application has not given rise to a final decision.</b>	<i>(dc) who are beneficiaries of protection in accordance with national law, international obligations or the practice of the Member State or have applied for protection in accordance with national law, international obligations or the practice of the Member State and whose application has not given rise to a final decision;</i>	OK
(f) staying in a Member State as applicants for international protection or under temporary protection schemes;	<i>deleted</i>	<i>deleted</i>	OK

<sup>27</sup>

*OJ L 304, 30.9.2004, p. 12.*

(g) who have acquired long-term resident status in accordance with Directive 2003/109/EC;	<b>(i) who are EC long-term residents</b> in accordance with Directive 2003/109/EC;	(g) who have acquired long-term resident status in accordance with Directive 2003/109/EC;	OK
(h) whose expulsion has been suspended for reasons of fact or law.	(j) whose <b>removal</b> has been suspended for reasons of fact or law;	(h) whose <b>removal</b> has been suspended for reasons of fact or law;	OK
	<b>(k) who have applied for admission or have been admitted to the territory of a Member State as self-employed;</b>	<i>(ha) who have applied for admission or have been admitted to the territory of a Member State as self-employed workers;</i>	OK
	<b>(l) who have applied for admission or have been admitted as seafarer for employment or work in any capacity on board of a ship registered in a Member State and sailing under the flag of a Member State.</b>	<i>(hb) who have applied for admission or have been admitted as seafarers for employment or work in any capacity on board of a ship registered in or sailing under the flag of a Member State.</i>	OK
	<b>3. Member States may decide that Articles 4 to 11 shall not apply to third-country nationals who have been authorised to work on the territory of a Member State for a period not exceeding six months and to third-country nationals who have been admitted for the purpose of study.</b>	<i>2a. Member States may decide that Chapter II of this Directive does not apply to third-country nationals who have been either authorised to work on the territory of a Member State for a period not exceeding six months or admitted for the purpose of study.</i>	OK
	<b>4. The provisions of Articles 4 to 11 do not apply to third country nationals who are allowed to work on the basis of a visa.</b>	<i>2b. Chapter II of this Directive shall not apply to third-country nationals who are authorised to work on the basis of a visa.</i>	Council prefers its text as it is more precise. Suggestions of EP in view of trilogue 22.06.2011: EP can accept the amendment of Council in the context of an overall agreement. Comment: part of technical

			<i>amendments.</i>
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Chapter II Single application procedure and single permit		Chapter II Single application procedure and single permit	
<i>Article 4</i> Single application procedure	<i>Article 4</i> Single application procedure	<i>Article 4</i> Single application procedure	
1. An application to reside and work in the territory of a Member State shall be submitted in a single application procedure.	1. An application <b>for a single permit</b> shall be submitted in a single application procedure. <b>Member States shall determine whether applications for a single permit are to be made by the third-country national or by his/her employer. Member States may decide to allow an application from either the third-country national or by his/her employer. If the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, on the territory of the Member State in which he or she is already legally present.</b>	1. An application <i>for a single permit</i> shall be submitted in a single application procedure. <i>Member States shall determine whether applications for a single permit are to be made by the third-country national or by his/her employer. Member States may also decide to allow an application from either of the two. If the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, on the territory of the Member State in which he or she is already legally present.</i>	OK
2. Member States shall examine the application and adopt a decision to grant, to modify or to renew the single permit if the applicant fulfils the requirements specified in national law. The decision granting, modifying or renewing the single permit shall constitute one combined title encompassing both residence and work permit within	2. Member States shall examine the application and adopt a decision to grant, to modify or to renew the single permit if the applicant fulfils the requirements specified <b>in Union or national law</b> . The decision granting, modifying or renewing the single permit shall constitute one combined title encompassing both residence and work permit within	2. Member States shall examine the application and adopt a decision to grant, to modify or to renew the single permit if the applicant fulfils the requirements specified <i>by national or Union law</i> . The decision granting, modifying or renewing the single permit shall constitute <i>a single administrative act combining a residence permit and a work permit</i> .	OK

one administrative act	one administrative act.		
	<b>3. The single application procedure is without prejudice to the visa procedure which may be required for initial entry.</b>	<i>2a. The single application procedure shall be without prejudice to the visa procedure which may be required for initial entry.</i>	OK
	<b>4. Member States shall issue a single permit, when the conditions provided for are met, to those third-country nationals who apply for admission, and to those third-country nationals already admitted and who apply to renew or modify their residence permit after the entry into force of the implementing national provisions.</b>	<i>2b. Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or modify their residence permit after the entry into force of the national implementing provisions.</i>	OK
Article 5 Competent authority	Article 5 Competent authority	Article 5 Competent authority	
1. Member States shall designate the authority competent to receive the application and to issue the single permit.	1. Member States shall designate the authority competent to receive the application and to issue the single permit.	1. Member States shall designate the authority competent to receive the application and to issue the single permit.	OK
2. The designated authority shall process the application and adopt a decision on the application as soon as possible and in any event no later than three months from the date on which the application was lodged.	2. The <b>competent</b> authority shall adopt a decision on the complete application as soon as possible and no later than <b>four</b> months from the date on which the application was lodged.	2. The <i>competent</i> authority shall process the application and adopt a decision on the application as soon as possible and in any event no later than three months from the date on which the application was lodged.	<i>Council maintains its position.</i> <b>Suggestions of EP in view of trilogue 22.06.2011: EP can accept the amendment of Council in the context of an overall agreement. .</b>
The time limit referred to in the first subparagraph may be extended in exceptional circumstances, linked to the complexity of the examination of the application.	The time limit referred to in the first subparagraph may be extended in exceptional circumstances linked to the complexity of the examination of the application.	The time limit referred to in the first subparagraph may be extended in exceptional circumstances, linked to the complexity of the examination of the application.	OK
	<b>Any consequence of no decision</b>	<i>Any consequence of no decision being</i>	OK

	<b>being taken by the end of the period provided for in this provision shall be determined by national law of the relevant Member State.</b>	<i>taken by the end of the period provided for in this provision shall be determined by national law of the relevant Member State.</i>	
3. The designated authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant legislation.	3. The <b>competent</b> authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant <b>national law</b> .	3. The <i>competent</i> authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant <i>national law</i> .	OK
4. If the information supporting the application is inadequate, the designated authority shall notify the applicant of the additional information that is required. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required.	4. If the information <b>or documents</b> supporting the application <b>are incomplete according to the criteria specified in national law</b> , the <b>competent</b> authority shall notify the applicant <b>in writing</b> of the additional information <b>or documents</b> required <b>and may set a reasonable deadline to provide them</b> . The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required. <b>If additional information or documents have not been provided within the deadline, the application may be rejected.</b>	4. If the information <i>or documents</i> supporting the application <i>are incomplete according to the criteria specified in national law</i> , the <i>competent</i> authority shall notify the applicant <i>in writing</i> of the additional information <i>or documents</i> required <i>and may set a reasonable deadline to provide them</i> . The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required. <i>If additional information or documents have not been provided within the deadline, the application may be rejected.</i>	OK

<i>Article 6</i> Single permit	<i>Article 6</i> Single permit	Article 6 Single permit	
<p>1. Member States shall issue the single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with its Annex, a, 7.5-9.</p>	<p>1. Member States shall issue the single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with its Annex, a, 7.5-9.</p> <p><b>Member States may issue an additional document to the single permit holding all relevant information on the specific right and conditions to work. Such an additional document shall complement the single permit and may be updated or withdrawn when the labour market position of the holder of the residence permit changes.</b></p>	<p>1. Member States shall issue the single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with its Annex, a, 7.5-9.</p>	<p><i>Council suggests the following compromise text:</i></p> <p>1. Member States shall issue the single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with its Annex, a, 7.5-9.</p> <p><b><u>Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008.</u></b></p> <p><b>Suggestions of EP in view of trilogue 22.06.2011:</b></p> <p><b>EP can accept the amendment of Council in the context of an</b></p>



			overall agreement
2. Member States shall not issue any additional permits, in particular work permits of any kind as proof of the access given to the labour market.	<b>2. When issuing the single permit</b> Member States shall not issue any additional permits [...] as proof of the access given to the labour market.	<b>2. When issuing the single permit</b> Member States shall not issue any additional permits as proof of the access given to the labour market.	OK
<i>Article 7</i> Residence permit issued for purposes other than work	<i>Article 7</i> Residence permits issued for purposes other than work	<i>Article 7</i> Residence permits issued for purposes other than work	
1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.	1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.  <b>Member States may issue an additional document to the residence permit holding all relevant information on the specific right and conditions to work. Such an additional document shall complement the residence permit and may be updated or withdrawn when the labour market position of the holder of the residence permit changes.</b>	1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.	Council suggests the following compromise text:  1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.  <b>Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred</b>

			<p><b>to in Article 4 of Regulation (EC) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008.</b></p> <p><u>Suggestions of EP in view of trilogue 22.06.2011:</u></p> <p>EP can accept the amendment of Council in the context of an overall agreement</p>
2. Member States shall not issue any additional permits, in particular work permits of any kind as proof of the access given to the labour market.	<b>2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002</b> , Member States shall not issue any additional permits as proof of the access given to the labour market.	<i>2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002</i> , Member States shall not issue any additional permits as proof of <b>authorisation to</b> access the labour market.	OK
<i>Article 8</i> Remedies	<i>Article 8</i> <b>Procedural guarantees</b>	Article 8 Remedies	<p><i>The heading of the Article should be changed to correspond to the content</i></p> <p><u>Suggestions of EP in view of trilogue 22.06.2011:</u></p> <p>EP can accept the amendment of Council in the context of an overall agreement <b>Comment: part of technical amendments</b></p>
1. Reasons shall be given in the written notification for a decision rejecting the application, not granting, not modifying or not renewing, suspending or	1. Reasons shall be given in the written notification for a decision rejecting <b>an application for a single permit</b> , not granting, not modifying or not renewing [...] or withdrawing	1. Reasons shall be given in the written notification for a decision rejecting the application <b>for a single permit</b> , not modifying or not renewing <b>the single permit</b> , or withdrawing the single	OK

withdrawing the single permit on the basis of criteria specified in national or community law.	the single permit on the basis of criteria specified in national or <b>Union</b> law.	permit on the basis of criteria <i>provided for by</i> national or <b>Union</b> law.	
2. Any decision rejecting the application, not granting, modifying or renewing, suspending or withdrawing a single permit shall be open to challenge before the courts of the Member State concerned. The written notification shall specify the possible redress procedures available and the time-limit for taking action.	Any decision rejecting the application, not granting, <b>not</b> modifying or <b>not</b> renewing [...] or withdrawing a single permit shall be open to <b>a legal challenge in</b> the Member State concerned, <b>in accordance with national law</b> . The written notification shall specify the <b>court or administrative authority where the person concerned may lodge an appeal</b> and the time-limit for <b>the appeal</b> .	2. Any decision rejecting the application, not modifying or <b>not</b> renewing or withdrawing a single permit shall be open to <b>a legal challenge in</b> the Member State concerned, <b>in accordance with national law</b> . The written notification shall specify the <b>court or administrative authority where the person concerned may lodge an appeal</b> and the time-limit for <b>the appeal</b> .	OK
	<b>2. An application may be considered as inadmissible on the grounds of volumes of admission of third-country nationals coming for employment and therefore has not to be processed.</b>	<b>2a. An application may be considered as inadmissible on the grounds of volumes of admission of third-country nationals coming for employment and therefore has not to be processed.</b>	OK
<i>Article 9</i> Access to information	<i>Article 9</i> <b>Information</b>	Article 9 Access to information	
Member States shall take the necessary measures to inform the third-country national and the future employer on all the documentary evidence they need in order to complete the application.	Member States shall <b>provide upon request adequate information to</b> the third-country national and the future employer on the <b>documents required</b> to complete the application.	Member States shall <b>provide, upon request, adequate information to</b> the third-country national and the future employer on <b>the documents required to make a complete</b> application.	OK
<i>Article 10</i> Fees	<i>Article 10</i> Fees	Article 10 Fees	
Member States may request applicants to pay fees for handling applications in accordance with this	Member States may request applicants to pay fees [...]. <b>Where appropriate, these fees are</b>	Member States may request applicants to pay fees ■ . <b>Where appropriate, these fees are collected</b> for handling	OK

Directive. The level of fees must be proportionate and may be based on the principle of the service actually provided.	<b>collected</b> for handling applications in accordance with this Directive. <b>In such cases</b> , the level of fees <b>shall</b> be proportionate and may be based on the principle of the services actually provided <b>for the processing of applications and issuing of permits</b> .	applications in accordance with this Directive. <b><i>In such cases</i></b> , the level of fees <b><i>shall</i></b> be proportionate and <b><i>may</i></b> be based on the principle of the <b><i>services</i></b> actually provided <b><i>for the processing of applications and issuing of permits</i></b> .	
<i>Article 11</i> Rights on the basis of the single permit	<i>Article 11</i> Rights on the basis of the single permit	Article 11 Rights on the basis of the single permit	
During the period of its validity, the single permit shall entitle its holder as a minimum to:	<b>Where a single permit has been issued under national law and during its period of validity, it shall entitle its holder as a minimum to:</b>	<b><i>Where a single permit has been issued in accordance with national law and during its period of validity, it shall authorise</i></b> its holder as a minimum to:	OK
(a) enter, re-enter and stay in the territory of the Member State issuing the single permit;	(a) enter [...] and stay in the territory of the Member State issuing the single permit <b>provided that he/she meets all admission requirements in accordance with national law;</b>	(a) enter and stay in the territory of the Member State issuing the single permit, <b><i>provided that he or she meets all admission requirements in accordance with national law;</i></b>	OK
(b) passage through other Member States in order to exercise the rights under point (a);	<i>deleted</i>	<i>deleted</i>	OK
(c) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national legislation for reasons of security;	(b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national <b>law</b> [...];	(c) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national legislation;	OK
(d) exercise of the activities authorised under the single permit;	(c) exercise <b>the concrete employment activity</b> authorised under the single permit <b>in accordance with national law;</b>	(d) exercise of the <b><i>specific professional activity</i></b> authorised under the single permit <b><i>in accordance with national law;</i></b>	<i>Council prefers its text as it is more precise.</i> <b>Suggestions of EP in view of trilogue 22.06.2011:</b> EP can accept the amendment

			of Council in the context of an overall agreement. <b>Comment: part of technical amendments.</b>
(e) be informed about his/her own rights linked to the permit conferred by this Directive or by national legislation.	(d) be informed about his/her own rights linked to the permit conferred by this Directive <b>and</b> /or by national law.	(e) be informed about his/her own rights linked to the permit conferred by this Directive <b>and</b> /or by national legislation.	OK
<b>Chapter III</b> <b>Right to equal treatment</b>		Chapter III Right to equal treatment	
<i>Article 12</i>	<i>Article 12</i> <b>Right to equal treatment</b>	Article 12	
1. Third-country workers shall enjoy equal treatment with nationals at least with regard to:	1. Third-country workers <b>as referred to in paragraph 1(b) and (c) of Article 3</b> shall enjoy equal treatment with nationals <b>of the Member State where they reside</b> with regard to:	1. Third-country workers <b>as referred to in paragraph 1(b) and (c) of Article 3</b> shall enjoy equal treatment with nationals <b>of the Member State where they reside</b> with regard to:	OK
(a) working conditions, including pay and dismissal as well as health and safety at the workplace;	(a) working conditions, including pay and dismissal as well as health and safety at the workplace;	(a) working conditions, including pay and dismissal as well as health and safety at the workplace;	OK
(b) freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to the national provisions on public policy and public security;	(b) freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to the national provisions on public policy and public security;	(b) freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to the national provisions on public policy and public security;	OK
(c) education and vocational training;	(c) education and vocational training;	(c) education and vocational training;	OK
(d) recognition of diplomas,	(d) recognition of diplomas,	(d) recognition of diplomas, certificates	OK

certificates and other professional qualifications in accordance with the relevant national procedures;	certificates and other professional qualifications in accordance with the relevant national procedures;	and other professional qualifications in accordance with the relevant national procedures;	
(e) branches of social security, as defined in Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. Regulation (EEC) No 859/2003, extending the provisions of Regulation (EEC) No 1408/71 and its implementing Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality shall apply accordingly;	(e) branches of social security, as defined in <b>Regulation (EC) No 883/2004 of the European Parliament and of the Council</b> ;	(e) branches of social security, as defined in <b>Regulation (EC) No 883/2004</b> ;	<i>OK</i>
(f) payment of acquired pensions when moving to a third country;	<i>deleted</i>	<i>deleted</i>	<i>OK</i>
(g) tax benefits;	<b>(f) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned;</b>	<b>(g) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned;</b>	<i>OK</i>
(h) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing and the assistance afforded by employment offices	<b>(g) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing [...] as provided by national law. This paragraph is without prejudice to the freedom of contract in accordance with</b>	<b>(h) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing and the assistance and advice services afforded by employment offices as provided by national law. This paragraph is without prejudice to the</b>	<i>Council maintains its position as it would like:</i>  <i>1) to replace, for the sake of clarity, assistance services by advice services afforded by employment offices and</i>

	<p><b>Union and national law;</b></p>	<p><i>freedom of contract in accordance with Union and national law;</i></p>	<p>2) to refer to advice services in a separate point so that the limitation in Article 12.2 (c) (only third-country workers who are in employment) would not apply to these services.</p> <p><u>Suggestions of EP in view of trilogue 22.06.2011:</u></p> <p>EP can accept the amendments of Council in the context of an overall agreement.</p> <p>The text of point h) reads then:</p> <p>(h) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining housing [...] <i>as provided by national law.</i></p> <p><i>This paragraph is without prejudice to the freedom of contract in accordance with Union and national law;</i></p>
	<p><b>(h) advice services afforded by employment offices.</b></p>		<p><i>Council maintains its position (see explanation above).</i></p> <p><u>Suggestions of EP in view of trilogue 22.06.2011:</u></p> <p>EP can accept the amendments of Council in the context of an overall agreement</p> <p>The text of the new point ha)</p>

			would read then: (ha) [...] <i>advice services</i> afforded by employment offices <i>Comment: the Council text is more favourable.</i>
2. Member States may restrict equal treatment with nationals:	2. Member States may restrict equal treatment with nationals:	2. Member States may restrict equal treatment with nationals:	
(a) by requiring proof of appropriate language proficiency for access to education and training. Access to university may be subject to the fulfilment of specific educational prerequisites;	(a) under paragraph 1 (c):  - <b>In respect to those third-country workers who have been admitted to their territory in conformity with Council Directive 2004/114/EC;</b>  - <b>To those third-country workers who are in employment;</b>  - In respect to study and <b>maintenance grants and loans or other grants and loans.</b>  - Access to university and <b>post-secondary education and to vocational training which is not directly linked to the concrete employment activity</b> , may be subject to the fulfilment of specific prerequisites <b>including language proficiency and the payment of tuition fees, according to national law;</b>	(a) <i>under paragraph 1(c):</i>  – <i>by limiting its application to those third-country workers who are in employment or have been employed;</i>  – <i>by excluding those third-country workers who have been admitted to their territory in conformity with Council Directive 2004/114/EC;</i>  – <i>by excluding study and maintenance grants and loans or other grants and loans;</i>  – <i>by laying down specific prerequisites including language proficiency and the payment of tuition fees, in accordance with national law, with respect to access to university and post-secondary education and to vocational training which is not directly linked to the concrete</i>	<i>OK although Council maintains its position regarding the first subparagraph in the EP amendment thus wishing to limit access to education and vocational training only to those who are in employment.</i>  <u>Suggestions of EP in view of trilogue 22.06.2011:</u>  EP maintains its position on §2 (a), first indent, but could as a way of compromise and in the context of an overall agreement accept the following text:  – <i>by limiting its application to those third-country workers who are in employment or who have been employed and who are registered as unemployed;</i>



		<i>employment activity;</i>	
(b) by restricting the rights conferred under paragraphs 1(c) in respect to study grants;	<i>moved to point a)</i>	(b) <i>deleted</i>	<i>OK</i>
(c) by restricting the rights conferred under paragraphs 1(h) in respect to public housing to cases where the third-country national has been staying or who has the right to stay in its territory for at least three years;	(b) under paragraph 1 (g): - <b>to those third-country workers who are in employment</b>  - <b>and</b> in respect to housing.	(c) under <i>paragraph</i> 1(h): – <i>by limiting its application to those third-country workers who are in employment;</i>  – <i>by restricting access to housing;</i>	<i>OK</i>
(d) by restricting the rights conferred under paragraphs 1(a), (b) and (g) to those third-country workers who are in employment;	<i>deleted</i>	(d) <i>deleted</i>	<i>OK</i>
(e) by restricting the rights conferred under paragraphs 1(e) to third-country workers who are in employment except for unemployment benefits.	(c) <b>as regards</b> the rights conferred under paragraph 1 (e) for third-country workers, <b>but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of 6 months and who are registered as unemployed.</b> <b>In addition, Member States may decide that paragraph 1 (e) with regard to family benefits shall not apply to third-country nationals who have been authorised to work on the territory of a Member State for a period not exceeding six months, to third-country nationals who have been admitted for the</b>	(e) by limiting the rights conferred under <i>paragraph</i> 1(e) <i>for</i> third-country workers, <i>but shall not restrict such rights for third-country workers</i> who are in employment <i>or who have been employed for a minimum period of 6 months and who are registered as unemployed.</i>  <i>In addition, Member States may decide that paragraph 1 (e) with regard to family benefits shall not apply to third-country nationals who have been authorised to work on the territory of a Member State for a period not exceeding six months, to third-country nationals who have been admitted for the purpose of study or to third-</i>	<i>OK</i>

	<b>purpose of study or to third-country nationals who are allowed to work on the basis of a visa.</b>	<i>country nationals who are allowed to work on the basis of a visa.</i>	
	<b>(d) under paragraph 1 (f) in respect to tax benefits to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies within the territory of the Member State concerned.</b>	<i>(ea) under paragraph 1 (g) with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies within the territory of the Member State concerned.</i>	OK
	<b>3. The right to equal treatment as laid down in paragraph 1 is without prejudice to the right of the Member State to withdraw or to refuse to renew the residence permit issued under this Directive, the residence permit issued for purposes other than work, or any other authorisation to work in a Member State.</b>	<i>2a. The right to equal treatment as laid down in paragraph 1 is without prejudice to the right of the Member State to withdraw or to refuse to renew the residence permit issued under this Directive, the residence permit issued for purposes other than work, or any other authorisation to work in a Member State.</i>	OK
	<b>4. Third-country workers moving to a third-country, or the survivors of such a worker residing in third-countries as they derive their rights from the worker, shall receive, in relation to old-age, invalidity and death, statutory pensions based on the worker's previous employment and acquired in accordance with the legislation set out in Article 3</b>	<i>2b. Third-country workers moving to a third country, or the survivors of such workers residing in a third-country deriving rights from the worker, shall receive, in relation to old-age, invalidity and death, statutory pensions based on the workers' previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions</i>	<i>Council maintains its position but suggests the following technical modification:</i>  <b>Third-country workers moving to a third-country, or the survivors of such a worker residing in third-countries as they derive their rights from the worker, shall receive, in relation to</b>

	<p><b>of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third-country. Member States may make the application of this provision conditional to the existence of bilateral agreements in which the reciprocal export of pensions is acknowledged and a technical cooperation established.</b></p>	<p><i>and at the same rates as the nationals of the Member States concerned when they move to a third country.</i></p>	<p><b>acquired</b> old-age, invalidity and death, statutory pensions based on the worker's previous employment <b>in accordance with</b> Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third-country. Member States may make the application of this provision conditional to the existence of bilateral agreements in which the reciprocal export of pensions is acknowledged and a technical cooperation established.</p> <p>Suggestions of EP in view of trilogue 22.06.2011: EP maintains its position.</p>
<p><i>Article 13</i> More favourable provisions</p>	<p><i>Article 13</i> More favourable provisions</p>	<p>Article 13 More favourable provisions</p>	
<p>1. This Directive shall apply without prejudice to more favourable provisions of:</p>	<p>1. This Directive shall apply without prejudice to more favourable provisions of:</p>	<p>1. This Directive shall apply without prejudice to more favourable provisions of:</p>	
<p>(a) Community legislation, including bilateral and multilateral agreements between the Community, or the Community and its Member States, on the one hand</p>	<p>(a) <b>Union</b> legislation, including bilateral and multilateral agreements between the <b>Union</b>, or <b>the Union</b> and its Member States, on the one hand and one or more third countries</p>	<p>(a) <i>Union</i> legislation, including bilateral and multilateral agreements between the <i>Union</i>, or the <i>Union</i> and its Member States, on the one hand and one or more third countries on the</p>	<p>OK</p>

and one or more third countries on the other.	on the other.	other.	
(b) bilateral or multilateral agreements between one or more Member States and one or more third countries;	(b) bilateral or multilateral agreements between one or more Member States and one or more third countries;	(b) bilateral or multilateral agreements between one or more Member States and one or more third countries;	OK
2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies.	2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies.	2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies.	OK
<b>Chapter IV</b> <b>Final provisions</b>		Chapter IV Final provisions	
<i>Article 14</i>	<i>Article 14</i> <b>Information to the general public</b>	Article 14 <b>Information to the general public</b>	
Each Member State shall ensure that a regularly updated set of information, concerning the conditions of third-country nationals' entry into and stay in its territory for the purpose of work, is made available to the general public.	Each Member State shall <b>make available to the general public</b> a regularly updated set of information, concerning the conditions of third-country nationals' entry into and stay in its territory for the purpose of work.	Each Member State shall <b>make available to the general public</b> a regularly updated set of information concerning the conditions of third-country nationals' entry into and stay in its territory <b>in order to work there</b> .	OK
<i>Article 15</i> Reporting	<i>Article 15</i> Reporting	Article 15 Reporting	
1. Periodically, and for the first time no later than three years after the date specified in Article 16, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments deemed necessary.	1. Periodically, and for the first time no later than three years after the date specified in Article 16, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments deemed necessary.	1. Periodically, and for the first time no later than three years after the date specified in Article 16, the Commission shall <b>present a</b> report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments <b>it deems</b> necessary.	OK

<p>2. Annually, and for the first time no later than 1 April of [one year after the date of transposition of this Directive], Member States shall communicate to the Commission and the other Member States through the network established by Decision 2006/688/EC statistics on the volumes of third-country nationals who have been granted, renewed or withdrawn a single permit during the previous calendar year, indicating their nationality and their occupation. Statistics on admitted family members shall be communicated likewise.</p>	<p>2. Annually, and for the first time no later than 1 <b>July</b> of [one year after the date of transposition of this Directive], Member States shall communicate to the Commission [...] statistics on the volumes of third-country nationals who have been granted [...] a single permit during the previous calendar year, <b>in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection.</b></p>	<p>2. Annually, and for the first time no later than 1 <b>July ...</b>*, Member States shall communicate to the Commission statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, <b>in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection.</b></p> <p>* One year after the deadline for transposition of this Directive.</p>	<p>OK</p>
<p><i>Article 16</i> Transposition</p>	<p><i>Article 16</i> Transposition</p>	<p>Article 16 Transposition</p>	
<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ..... at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <b>{two years after the entry into force}</b> at the latest. They shall forthwith communicate to the Commission the text of those provisions [...].</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p><i>Council maintains its position regarding correlation tables and insists on the transposition deadline of two years.</i></p> <p><b>Suggestions of EP in view of trilogue 22.06.2011:</b>  <b>EP maintains its position on the correlation tables (negotiations pending on an interinstitutional level), but agrees on the transposition deadline (technical).</b></p>

\* One year after the deadline for transposition of this Directive.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	OK
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	OK
<i>Article 17</i> Entry into force	<i>Article 17</i> Entry into force	<i>Article 17</i> Entry into force	
This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	OK
<i>Article 18</i> Addressees	<i>Article 18</i> Addressees	<i>Article 18</i> Addressees	
This Directive is addressed to the Member States.	This Directive is addressed to the Member States	This Directive is addressed to the Member States in accordance with the Treaties.	OK
Done at Brussels,	Done at Brussels,	Done at	
For the Council The President	For the Council The President	For the European Parliament For the Council The President                      The President	