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NOTE

from: Presidency

to: JHA Counsellors

No. Cion prop.: 14491/07 MIGR 105 SOC 414

Subject: 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

With a view to their meeting on 13 October, Counsellors will find attached hereafter a table reflecting the current state of negotiations between the three institutions on the above proposal.

Initial Commission Proposal	EP amendments	Council text	Comments and possible compromises
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 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	
THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(a) thereof,		Having regard to the Treaty on the Functioning of the European Union , and in particular Article 79(2)(a-b) thereof,	
Having regard to the proposal from the Commission,		Having regard to the proposal from the Commission,	
Having regard to the opinion of the European Parliament,		<i>deleted</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 Committee of the Regions,		Having regard to the opinion of the Committee of the Regions,	
		Acting in accordance with the ordinary legislative procedure,	
Whereas:		Whereas:	

<p>(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.</p>		<p>(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.</p>	<p><i>Cion text accepted by Council and EP</i></p>
<p>(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 2004.</p>	<p>(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 Stockholm Programme of 10 and 11 December 2009.(LIBE amendment I)</p>	<p>The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national law 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 Stockholm Programme of 10 and 11 December 2009.</p>	<p><i>Council text accepted by EP</i></p>

<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 harmonising the rules currently applicable in Member States. Such procedural simplification has already been introduced by 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. (<i>LIBE amendment 2</i>)</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><i>Council text accepted by EP</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><i>Cion text accepted by Council and EP</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</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</p>	<p><i>Cion text accepted by Council and EP</i></p>

<p>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>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>(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 should be objective and laid down in national law [...]. Any rejection decision should be duly reasoned.(<i>LIBE amendment 3</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>(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 nationals¹, enabling the Member States to enter information, in particular as to whether 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</p>	<p>(7) The single permit should take the <i>harmonised</i> 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 further information, in particular as to whether 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</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 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</p>	

¹ OJ L 157, 15.6.2002, p. 1.

<p>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>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 [...]. <i>(LIBE amendment 4)</i></p>	<p>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>(7a new) The provisions in this Directive on the single permit and on the residence permit issued for purposes other than work should 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 and thereby compromise the concept of the single permit. <i>(LIBE amendment 5)</i></p>	<p>(7b) 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.</p>	<p><i>Council text partially accepted by EP</i></p>
	<p>(7b new) 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</p>	<p>(7c) 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.</p>	<p><i>Council text partially accepted by EP</i></p>

	<p>Member States should decide whether the application for a single permit may be made in the Member State of destination or from a third country. In 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. (LIBE amendment 6)</p>		
	<p>(7c new) The provisions in 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 other Union rules on admission procedures and on procedures for issuing such permits. (LIBE amendment 7)</p>	<p>(7d) 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.</p>	<p><i>Council text accepted by EP</i></p>
	<p>(7d new) The provisions in this Directive on the single application procedure and on the single permit should not concern uniform and long-stay visas. (LIBE amendment 8)</p>	<p>(7e) The provisions in this Directive on the single application procedure and on the single permit do not concern uniform and long-stay visas.</p>	<p><i>Council text accepted by EP</i></p>
	<p>(7e new) 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.</p>	<p>(7f) 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</p>	<p><i>Council text accepted by EP</i></p>

	This Directive should be without prejudice to national procedures on the recognition of diplomas. (LIBE amendment 9)	without prejudice to the national procedures on the recognition of diplomas.	
	(7f new) 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, the application. (LIBE amendment 10)	(7g) 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 and the decision on the application.	<i>Council text accepted by EP</i>
	(7g new) This Directive should be without prejudice to the competence of the Member States to regulate the admission of third-country nationals for the purpose of employment, including the number of those nationals. (LIBE amendment 11)	(7h) 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. This Directive does not affect the competence of the Member States with respect to the admission of third-country nationals to their labour markets.	<i>Council text partially accepted by EP</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		(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	<i>Council text accepted by Council and EP</i>

<p>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)² 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 (Schengen Implementing Convention)³.</p>		<p>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 the French Republic on the gradual abolition of checks at their common borders (Schengen Implementing Convention).</p>	
<p>(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</p>	<p>(9) In the absence of horizontal Union 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 Union citizens. With a view to <i>pursuing the</i> further development of</p>	<p>(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 [...] and complementing the existing immigration acquis, a set of rights should be laid down in particular in</p>	<p><i>Compromise suggested by EP:</i></p> <p>(9) In the absence of horizontal Union 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 pursuing a further</p>

² OJ L 105, 13.4.2006, p. 1.

³ OJ L 239, 22.9.2000, p. 19.

<p>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 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>a coherent immigration policy, <i>narrowing</i> the rights gap between Union citizens and third-country nationals legally working and complementing the existing immigration acquis a set of socio-economic and labour-law 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 <i>State</i> but not yet <i>long-term</i> residents. Such provisions are intended to introduce a minimum level of fairness within the Union, to <i>recognise</i> 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-country nationals resulting from possible exploitation of the latter. Without prejudice to the interpretation of the concept of the employment relationship in other Union legislation, a third-country worker should be defined as any third-country national who has been admitted to the territory of a Member State, is legally resident</p>	<p>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 minimum level playing field within the European Union [...].</p>	<p>development of a coherent immigration policy, <i>narrowing</i> 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 minimum 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 nationals and third-country nationals resulting from possible exploitation of the latter.</p> <p><i>EP wishes to maintain the</i></p>
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	and is allowed to work under national law or in accordance with national practice in that Member State. (LIBE amendment 12)		<i>original text of the Commission that explains the aim of this Directive: "to recognise that such ... exploitation of the latter".</i>
(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 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 ⁴ , third-country		(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 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 law 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	<i>Cion text accepted by Council and EP</i>

⁴ OJ L 251, 3.10.2003, p. 12.

<p>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 service⁵ 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 research⁶.</p>		<p>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>(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 residents⁷ 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><i>Cion text accepted by Council and EP</i></p>
<p>(12) Third-country nationals covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996</p>	<p>(12) Posted third-country nationals are not covered by this Directive. This should not prevent third-country nationals who are legally</p>	<p>(12) Third-country nationals who are posted, irrespective whether the establishment that posts them is located in the Member State or in</p>	<p><u><i>Compromise suggested by EP:</i></u> (12) This directive does not cover posted workers, as long</p>

⁵ OJ L 375, 23.12.2004, p.12.

⁶ OJ L 289, 3.11.2005, p.15.

⁷ OJ L 16, 23.1.2004, p. 44.

<p>concerning the posting of workers in the framework of the provision of services⁸ 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 part of the labour market of that Member State.</p>	<p>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 the framework of the provision of services¹. (LIBE amendment 13) <i>OJ L 18, 21.1.1997, p. 1.</i></p>	<p>the third country, should not be covered by this Directive as they are not considered part of the labour market of that Member State</p>	<p>as they are posted, if they enjoy during the posting at least the same level of protection as provided for in Directive 96/71/EC. 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 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 services¹.</p>
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⁸ 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><i>EP did not take up the Council amendment whose aim is not to give a definition of a seasonal worker in this directive. Should be acceptable to EP.</i></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><i>Cion text accepted by Council and EP</i></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</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</p>	<p><i>Council text acceptable to EP</i></p>

<p>September 2005 on the recognition of professional qualifications⁹.</p>		<p>recognition of professional qualifications. 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.</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 self-employed persons and to members of their families moving within the Community¹⁰. 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</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 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. 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. (<i>LIBE amendment 14</i>)</p>	<p>(16) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are 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. 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 extends the</p>	<p><u><i>Compromise suggested by Council:</i></u> (16) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. The provisions on equal treatment concerning social security in this proposal also apply to workers coming to a Member State directly from a third country, provided that the</p>

⁹ OJ L 255, 30.9.2005, p. 22.

¹⁰ OJ L 149, 5.7.1971, p. 2.

<p>provisions solely on the ground of their nationality¹¹ 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>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 as regards social security in this proposal also apply to persons coming to a Member State directly from a third country, provided that the person concerned is legally residing and he/she fulfils the conditions set out under national law for being eligible to the social security benefits concerned. 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. 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.</p>	<p>person concerned is legally residing and fulfils the conditions set out under national law for being eligible to the social security benefits concerned. 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. 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.</p> <p>(16a new) Member States may restrict equal treatment with nationals in respect to social security but should give equal treatment</p>
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¹¹ OJ L 124, 20.5.2003, p. 1.

¹² 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 ... to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality.*

			<p>to those third-country nationals who are in employment and in respect of benefits resulting from the fact of having been employed, or from contributions paid whilst in employment. 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...¹²</p> <p><i>Compromise suggested by EP:</i></p> <p>(16) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. The provisions on equal treatment concerning social security in this Directive also apply to workers coming to a Member State directly from a third</p>
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			<p>country. Member States should give equal treatment to third-country nationals in employment or who are unemployed with nationals in employment or who are unemployed. 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. 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.</p> <p><i>Comments by EP:</i></p> <p>1) Cannot accept the following sentence: "...and fulfils the conditions set out under national law for being eligible to the social security benefits concerned" as this part was eliminated in Regulation 883/2004 by the Council.</p>
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			<p>2) The words "<i>provided that the person is legally residing</i>" are not necessary, as this is already covered by the definition of a third-country national in Art 2.</p> <p>3) The sentence "<i>Member States should give... whilst in employment</i>" is confusing. If the Council accepts that unemployed third-country workers should have equal rights as compared to unemployed national workers it should clearly indicate it.</p>
	<p>(16a new) 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 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. (LIBE amendment 15)</p>	<p>(16a) 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 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. Third-country nationals covered by this Directive should fulfil the conditions laid down by</p>	<p><i>EP cannot accept the last sentence of the Council text as it was removed by the Council in Regulation 883/2004.</i></p>

		the legislation of the competent Member State with regard to affiliation to a social security scheme or for the entitlement to a benefit.	
	(16b new) Member States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations on 18 December 1990. (LIBE amendment 16)		<i>EP insists on its text.</i>
		(16b) Receiving social security benefits may depend on general conditions defined in national law, including the readiness and formal entitlement to performing work.	<i>EP cannot support Council text</i>
		(16c) Equal treatment of third country workers does not cover measures in the field of vocational training which are financed under social assistance schemes.	<i>EP is opposed to limiting the rights of workers.</i>
(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		(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	<i>Cion text in principle accepted by Council and EP</i>

<p>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.</p>		<p>by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved by the Union, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. 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.</p>	
<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>(18) This Directive respects the fundamental rights and observes the principles <i>recognised</i> by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. (<i>LIBE amendment 17</i>)</p>	<p>(18) This Directive respects the fundamental rights and observes the principles recognized by Article 6 of the Treaty on European Union and reflected by the Charter of Fundamental Rights of the European Union.</p>	<p><i>Council text accepted by EP</i></p>
	<p>(18a new) This Directive should be applied without prejudice to more favourable provisions contained in Union legislation and international instruments. (<i>LIBE amendment 18</i>)</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</p>		<p><i>deleted</i></p>	<p><i>Cion text accepted by EP</i></p>

<p>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 of racial or ethnic origin¹³ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹⁴.</p>			
	<p>(19a new) In accordance with Point 34 of the Interinstitutional Agreement on better law-making¹, 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 this Directive and their transposition measures, and to make those tables public. (LIBE amendment 19)</p>	<p>(19a) 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.</p>	<p><i>Council text accepted by EP</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</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 the Functioning of</p>	<p><i>Cion text in principle supported by Council and EP</i></p>

¹³ OJ L 180, 19.7.2000, p. 22.

¹⁴ OJ L 303, 2.12.2000, p. 16

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 by or subject to its application.]		the European Union 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 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.		(21) In accordance with Article 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on the Functioning of the European Union , Denmark is not participating in the adoption of this Directive and is not bound by it or subject to its application.	<i>Cion text in principle supported by Council and EP</i>
HAS ADOPTED THIS IRECTIVE		HAS ADOPTED THIS DIRECTIVE	
Chapter I General provisions			
<i>Article 1</i> Purpose		<i>Article 1</i> Purpose	
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 for the purpose of work in the territory of a Member State, in order to simplify the procedures for their admission and to facilitate the control of their status and;	<i>Council amendments not taken over by EP</i>

(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, 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 Member State. (<i>LIBE amendment 20</i>)	(b) a common set of rights to third country workers legally residing in a Member State, based on equal treatment with nationals of this Member State.	<i>Council text partially accepted by EP</i>
	(1a) This Directive is without prejudice to the Member States' powers concerning the admission of third-country nationals to their labour markets. (<i>LIBE amendment 21</i>)	This Directive does not affect the competence of the Member States with respect to the admission of third-country nationals to their labour markets.	<i>Council text accepted by EP</i>
<i>Article 2</i> Definition		<i>Article 2</i> Definition	
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 Article 20(1) of the Treaty on the Functioning of the European Union;	<i>Council text accepted by Council and EP</i>
(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, without prejudice to the interpretation of the concept of employment relationship in other Union legislation, any third-country national who has been admitted to the territory of a Member State, who is legally resident and who is allowed to work under national law	(b) "third-country worker" means 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>EP supports the deletion of "in the context of a paid relationship".</i>

	or in accordance with national practice in that Member State; (<i>LIBE amendment 22</i>)		
(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 residence permit issued by the authorities of a Member State allowing a third-country national to stay [...] legally in its territory in order to work there ; (<i>LIBE amendment 23</i>)	(c) "single permit" means a residence permit issued by the authorities of a Member State allowing a third-country national to reside legally in its territory for the purpose of work ;	<i>Council text accepted by EP</i>
(d) "single application procedure" means any procedure leading, on the basis of one application for the 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.	(d) "single application procedure" means any procedure leading, on the basis of a single application made by a third-country national, or by his or her employer , for the authorisation of residence and work in the territory of a Member State, to a decision ruling on that application for the single permit . (<i>LIBE amendment 24</i>)	(d) "single application procedure" means any procedure leading, on the basis of one application for the authorisation of a third-country national's residence and work in the territory of a Member State, to a decision on the application for a single permit for that third-country national.	<i>Council text partially accepted by EP</i>
<i>Article 3</i> Scope		<i>Article 3</i> Scope	
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 nationals seeking to reside in the territory of a Member State in order to work there , (<i>LIBE amendment 25</i>)	(a) to third-country nationals who apply to reside for the purpose of work in the territory of a Member State,	<i>Council text accepted by EP</i>
(b) to third-country workers legally residing in a Member State.	(b) to third-country nationals who have been admitted for purposes other than work under national or Union rules, are allowed to work and are issued a residence permit	(b) to third-country nationals 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	<i>Council text accepted by EP</i>

	in accordance with Regulation (EC) No 1030/2002, and (LIBE amendment 26)	accordance with Regulation (EC) No 1030/2002; and	
	ba) to third-country workers who have been admitted for the purpose of work under national or Union rules; (LIBE amendment 27)	(c) to third-country nationals who have been admitted for the purpose of work under national or Union rules.	<i>Council text accepted by EP</i>
2. This Directive shall not apply to third-country nationals:		2. This Directive shall not apply to third-country nationals:	
(a) who are family members of Union citizens who have exercised, or are exercising their right to free movement within the Community;	(a) who are family members of Union citizens who have exercised, or are exercising, their right to free movement within the Union in conformity 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 States¹; (LIBE amendment 28) ¹ OJ L 229, 29.6.2004, p. 1.	(a) who are family members of Union citizens who have exercised, or are exercising their right to free movement within the Union, in conformity with Directive 2004/38/EC;	<i>Council text accepted by EP</i>
	(aa new) who, together with their family members, and whatever their nationality, enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and its Member States or between the Union and third countries; (LIBE amendment 29)	(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;	<i>Council text accepted by EP</i>

<p>(b) covered by Directive 96/71/EC as long as they are posted;</p>	<p>(b) covered by Directive 96/71/EC for the duration of their posting and shall not affect the Member States' responsibility for the access and admission of third-country nationals to their labour markets; <i>(LIBE amendment 30)</i></p>	<p>(c) who are posted, irrespective of whether their undertaking is established in a Member State or in a non-Member State, as long as they are posted;</p>	<p><u>Compromise suggested by Council:</u></p> <p>(c) who are posted workers, as long as they are posted, and who enjoy during the posting at least the same level of protection as provided for in Directive 96/71/EC;</p> <p><u>Compromise suggested by EP:</u></p> <p><i>(c) covered by Directive 96/71/EC as long as they are posted;</i></p> <p><i>This is a key issue for EP. EP supports the original Commission text. EP could accept the exclusion of posted of workers from this Directive as long as they are posted on the condition that they are covered by Directive 96/71/EC. Otherwise, as stated in the first part of the Council proposal, the country of origin principle would apply and this is, and will be, unacceptable for EP.</i></p>
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<p>(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;</p>	<p>(c) who have applied for admission or have been admitted to the territory of a Member State to work as intra-corporate transferees; (LIBE amendment 31)</p>	<p>(d) who enter 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 [...];</p>	
<p>(d) who have been admitted to the territory of a Member State for a period not exceeding six months in any 12 month period to work on a seasonal basis;</p>	<p>(d) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers or au pairs; (LIBE amendment 32)</p>	<p>(e) who have applied for admission or have been admitted to the territory of a Member State as a seasonal worker or as an au pair;</p>	<p><i>Council text accepted by EP</i></p>
<p>(e) who have applied for recognition as refugees and whose application has not yet given rise to a final decision;</p>	<p>(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 granted¹ or have applied for international protection under that Directive and whose application has not yet given rise to a final decision; (LIBE amendment 34)</p>	<p>(g) who are beneficiaries of international protection under Directive 2004/83/EC or have applied for international protection under that Directive and whose application has not yet given rise to a final decision;</p>	<p><i>Council text accepted by EP</i></p>

	<i>deleted (LIBE amendment 36)</i>		
	(da new) 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; (LIBE amendment 33)	(f) 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;	<i>Council text accepted by EP</i>
(f) staying in a Member State as applicants for international protection or under temporary protection schemes;	<i>deleted (LIBE amendment 37)</i>	<i>deleted</i>	<i>Council amendment accepted by EP</i>
	(dc new) 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; (LIBE amendment 35)	(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.	<i>Council text accepted by EP</i>
(g) who have acquired long-term resident status in accordance with Directive 2003/109/EC;		(i) who are EC long-term residents in accordance with Directive 2003/109/EC;	<i>Cion text supported by EP</i>
(h) whose expulsion has been suspended for reasons of fact or law.	(h) whose removal has been suspended for reasons of fact or law; <i>(LIBE amendment 38)</i>	(j) whose expulsion has been suspended for reasons of fact or law;	

	(ha new) who have applied for admission or have been admitted to the territory of a Member State as self-employed workers; (LIBE amendment 39)	(k) who have applied for admission or have been admitted to the territory of a Member State as self-employed;	<i>Council text accepted by EP</i>
	(hb new) 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 or sailing under the flag of a Member State. (LIBE amendment 40)	(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 / sailing under the flag of a Member State.	<i>Council text accepted by EP</i>
	(2a new) 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. (LIBE amendment 41)	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.	<i>Compromise suggested by Council:</i> 3. Member States may decide that Articles 4 to 11 and Article 12 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 and to third-country nationals who have been admitted for the purpose of study. 3bis. Member States may decide that Article 12 paragraph 1 (e) with regard to family benefits shall not apply to third-country

			<p>nationals who are allowed to work on the basis of a visa.</p> <p><i>EP opposes Council compromise proposals for 3 and 3bis.</i></p>
	<p>(2b new) Chapter II of this Directive shall not apply to third-country nationals who are authorised to work on the basis of a visa. <i>(LIBE amendment 42)</i></p>	<p>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.</p>	<p><i>Council text accepted by EP</i></p>
<p>Chapter II Single application procedure and single permit</p>			
<p><i>Article 4</i> Single application procedure</p>		<p><i>Article 4</i> Single application procedure</p>	
<p>1. An application to reside and work in the territory of a Member State shall be submitted in a single application procedure.</p>	<p>1. An application for a single permit shall be submitted in a single application procedure. Member States shall determine whether applications for a single permit are to be made by the third-country national or by his or 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</p>	<p>1. An application for a single permit shall be submitted in a single application procedure. 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</p>	<p><i>Council text partially accepted by EP</i></p>

	legally present. (<i>LIBE amendment 43</i>)		
		3. Member States may decide that the application is examined either when the third-country national concerned is residing outside the territory of the Member State in which he/she wishes to be admitted or, if foreseen by national law, when he/she is already legally residing in that Member State.	<i>Covered by LIBE amendment 43</i>
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 one administrative act	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 by national or Union law. The decision granting, modifying or renewing the single permit shall constitute a single administrative act combining a residence permit and a work permit. (<i>LIBE amendment 44</i>)	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 Union or national law. The decision granting, modifying or renewing the single permit shall constitute one combined title encompassing both residence and work permit within one administrative act.	<i>Council text accepted by Council and EP</i>
	(2a new) The single application procedure shall be without prejudice to the visa procedure which may be required for initial entry. (<i>LIBE amendment 45</i>)	4. The single application procedure is without prejudice to the visa procedure which may be required for initial entry.	<i>Council text accepted by EP</i>
	(2b new) Member States shall issue a single permit, when the conditions provided for are met, to those third-country nationals who	5. Member States shall issue a single permit, when the conditions provided for are met, to those third-country nationals who apply for	<i>Council text accepted by EP</i>

	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 national implementing provisions. <i>(LIBE amendment 46)</i>	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.	
<i>Article 5</i> Competent authority		<i>Article 5</i> 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.	<i>Cion text accepted by Council and EP</i>
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 competent authority shall adopt a decision on the complete application as soon as possible and no later than four months from the date on which the application was lodged.	<i>Council text not supported by EP</i>
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 for reasons linked to the complexity of the examination of the application	<i>Council text not supported by EP</i>
		Any consequence of no decision being taken by the end of the period provided for in this provision shall be determined by national law of the relevant Member State.	<i>Council text not supported by EP</i>

<p>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.</p>	<p>3. The relevant authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant provisions of national law. (<i>LIBE amendment 47</i>)</p>	<p>3. The competent authority shall notify the decision to the applicant in writing in accordance with the notification procedures laid down in the relevant national law.</p>	<p><i>Council text accepted by EP</i></p>
<p>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.</p>	<p>4. If the information or documents supporting the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required. (<i>LIBE amendment 48</i>)</p>	<p>4. If the information or documents supplied in support of the application is inadequate, the competent authority shall notify the applicant of the additional information or documents that are required and may set a reasonable deadline to provide them. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information or documents required. If additional information or documents have not been provided within the deadline, the application may be rejected.</p>	<p><i>Council text not supported by EP</i></p>
	<p>(4a new) Where the time limit for adopting the decision referred to in paragraph 2 is suspended or extended, the applicant shall be duly informed by the relevant authority. (<i>LIBE amendment 49</i>)</p>		

<i>Article 6</i> Single permit		<i>Article 6</i> 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 information relating to the permission to work in accordance with its Annex, a, 7.5-9.</p> <p>Member States may issue an additional document to the single permit holding all relevant information specific to the right to work.</p> <p>That additional document shall be optional and purely informative in nature. It shall have no effect on the validity of the single permit.</p> <p>The additional document may be updated when the single permit holder's labour market situation changes. <i>(LIBE amendment 50)</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>Member States may issue an additional document to the single permit holding all relevant information on the specific right and conditions to work and may revise it when the labour market position of the holder of the single permit changes.</p>	<p><i>Council text partially accepted by EP</i></p>
<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.</p>		<p>2. When issuing the single permit Member States shall not issue any additional permits [...] as proof of the access given to the labour market.</p>	<p><i>Council text not supported by EP</i></p>

<p style="text-align: center;"><i>Article 7</i></p> <p style="text-align: center;">Residence permit issued for purposes other than work</p>		<p style="text-align: center;"><i>Article 7</i></p> <p style="text-align: center;">Residence permits issued for purposes other than work</p>	
<p>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.</p>	<p>1a and 1b (new) Member States may issue an additional document to the residence permit holding all relevant information on the specific right and conditions to work.</p> <p>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. <i>(LIBE amendment 51)</i></p>	<p>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.</p> <p>Member States may issue an additional document to the residence permit holding all relevant information on the specific right and conditions to work and may revise it when the labour market position of the holder of the residence permit changes.</p>	<p><i>Council text accepted by EP</i></p>
<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.</p>	<p>2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002, Member States shall not issue any additional permits as proof of authorisation to access the labour market. <i>(LIBE amendment 52)</i></p>	<p>2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002, Member States shall not issue any additional permits as proof of the access given to the labour market.</p>	<p><i>Council text accepted by EP</i></p>
<p style="text-align: center;"><i>Article 8</i></p> <p style="text-align: center;">Remedies</p>		<p style="text-align: center;"><i>Article 8</i></p> <p style="text-align: center;">Procedural guarantees</p>	
<p>1. Reasons shall be given in the written notification for a decision rejecting the application, not granting, not modifying or not</p>	<p>1. Reasons shall be given in the written notification for a decision rejecting the application for a single permit, [...] not modifying or not</p>	<p>1. Reasons shall be given in the written notification for a decision rejecting an application for a single permit, not granting, not modifying</p>	<p><i>Council text partially accepted by EP</i></p>

renewing, suspending or withdrawing the single permit on the basis of criteria specified in national or community law.	renewing the single permit, [...] or withdrawing the single permit on the basis of criteria provided for by national or Union law. (<i>LIBE amendment 53</i>)	or not renewing or withdrawing the single permit on the basis of criteria specified in national or Union 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.	2. Any decision rejecting the application, not granting, modifying or renewing, suspending or withdrawing a single permit shall be open to a legal challenge in the Member State concerned in accordance with national law . The written notification shall specify the court or administrative authority where the person concerned may lodge an appeal and the time-limit for the appeal . (<i>LIBE amendment 54</i>)	Any decision rejecting the application, not granting, not modifying or not renewing [...] or withdrawing a single permit shall be open to a legal challenge in the Member State concerned, in accordance with national law . The written notification shall specify the possible redress procedures available and the time-limit for taking action.	<i>Council text partially accepted by EP</i>
	2a. An application may be considered inadmissible for reasons connected with the number of third-country nationals admitted to the territory of a Member State in order to work there. In such a situation, the application need not be processed. (<i>LIBE amendment 55</i>)	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.	<i>Council text in principle accepted by EP</i>

<i>Article 9</i> Access to information		<i>Article 9</i> 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 provide, upon request, adequate information to the third-country national and the future employer on the documents required to make a complete application. (<i>LIBE amendment 56</i>)	Member States shall provide upon request adequate information to the third-country national and the future employer on the documents required to complete the application.	<i>Council text accepted by EP</i>
<i>Article 10</i> Fees		<i>Article 10</i> Fees	
Member States may request applicants to pay fees for handling applications in accordance with this Directive. The level of fees must be proportionate and may be based on the principle of the service actually provided.	Member States may request applicants to pay fees [...]. Where appropriate, those fees shall be collected for handling applications in accordance with this Directive. In such cases, the level of fees <i>shall</i> be proportionate and be based on the principle of the service actually provided. (<i>LIBE amendment 57</i>)	Member States may request applicants to pay fees [...]. Where appropriate, these fees are collected for handling applications in accordance with this Directive. In such cases, the level of fees [...] may be based on the principle of the service actually provided.	<i>Council text partially accepted by EP</i>
<i>Article 11</i> Rights on the basis of the single permit		<i>Article 11</i> 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:	Where a single permit has been issued in accordance with national law and during its period of validity, it shall authorise its holder as a minimum to: (<i>LIBE amendment 58</i>)	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:	<i>Council text accepted by EP</i>

(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, provided that he or she meets all admission requirements in accordance with national law; (<i>LIBE amendment 59</i>)	(a) enter [...] and stay in the territory of the Member State issuing the single permit provided that he/she meets all admission requirements in accordance with national law;	<i>Council text accepted by EP</i>
(b) passage through other Member States in order to exercise the rights under point (a);		<i>deleted</i>	<i>Council text accepted by EP</i>
(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;	(c) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national legislation [...]; (<i>LIBE amendment 60</i>)	(b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law [...];	<i>Council text accepted by EP</i>
(d) exercise of the activities authorised under the single permit;	(d) exercise of the specific professional activity authorised under the single permit in accordance with national law; (<i>LIBE amendment 61</i>)	(c) exercise the concrete employment activity authorised under the single permit in accordance with national law;	<i>Council text accepted by EP</i>
(e) be informed about his/her own rights linked to the permit conferred by this Directive or by national legislation.	(e) be informed about his/her own rights linked to the permit conferred by this Directive and/or by national legislation. (<i>LIBE amendment 62</i>)	(d) be informed about his/her own rights linked to the permit conferred by this Directive and/or by national law.	<i>Council text accepted by EP</i>
	Article 11a (new) Notification of decisions The notification and information referred to in Articles 5, 8 and 9 shall be provided in such a way that the applicant is able to comprehend their content and implications. (<i>LIBE amendment 63</i>)		

<p align="center">Chapter III Right to equal treatment</p>			
<p align="center"><i>Article 12</i></p>		<p align="center"><i>Article 12</i> Right to equal treatment</p>	
<p>1. Third-country workers shall enjoy equal treatment with nationals at least with regard to:</p>		<p>1. Third-country workers as referred to in paragraph 1(b) and (c) of Article 3 shall enjoy equal treatment with nationals of the Member State where they reside with regard to:</p>	<p><i>EP can accept the Council text although finds it redundant</i></p>
<p>(a) working conditions, including pay and dismissal as well as health and safety at the workplace;</p>	<p>(a) working conditions, including pay and dismissal as well as health and safety at the workplace, working time, leave and disciplinary procedures, taking into account general collective agreements in force; <i>(LIBE amendment 64)</i></p>	<p>(a) working conditions, including pay and dismissal as well as health and safety at the workplace;</p>	<p><u>Compromise proposal by Council:</u> Recital 15new: "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."</p> <p><u>Comments by EP:</u> Council compromise proposal acceptable but only if "<i>taking into account general collective agreements in force</i>" is added to the paragraph.</p>
<p>(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</p>		<p>(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</p>	<p><i>Cion text accepted by Council and EP</i></p>

the national provisions on public policy and public security;		national provisions on public policy and public security;	
(c) education and vocational training;		(c) education and vocational training;	<i>Cion text accepted by Council and EP</i>
(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;		(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;	<i>Cion text accepted by Council and EP</i>
(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 Regulation (EC) No 883/2004 of the European Parliament and of the Council; (<i>LIBE amendment 65</i>)	(e) provisions in national laws regarding 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. The special provisions in the Annex to 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 these provisions solely on the basis of nationality shall apply accordingly	<i>Council can accept EP text</i>
(f) payment of acquired pensions when moving to a third country;		<i>deleted</i>	<i>Cion text accepted by EP</i>
(g) tax benefits;	(g) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned; (<i>LIBE amendment</i>	<i>deleted</i>	<i>Compromise proposed by Council:</i> could accept EP text in amendment 66 if the following subparagraph is

	66)		added in paragraph 2 of Article 12: "(x) 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. "
(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	(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. (<i>LIBE amendment 67</i>)	(f) 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 Union and national law;	<i>Compromise proposed by Council:</i> (f) 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 freedom of contract in accordance with Union and national law; <i>Council compromise acceptable to EP.</i>

		(g) counselling services afforded by employment offices	<i>Compromise proposed by Council: delete if compromise for para 1(f) accepted</i> <i>Council compromise acceptable to EP.</i>
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) by requiring proof of appropriate language proficiency for access to education and training. Access to university and post-secondary education or to vocational training may be subject to the fulfilment of specific [...] prerequisites, including the payment of tuition fees, according to national law;	<i>EP cannot accept the Council text and supports Cion's original proposal.</i>
(b) by restricting the rights conferred under paragraphs 1(c) in respect to study grants;		(b) under paragraph 1(c) in respect to study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training;	<i>EP insists that study grants should be granted to those third-country workers who are in employment or to those who have been employed.</i>
		(c) under paragraph 1 (c) in respect to those third-country workers who have been admitted to their territory in conformity with Council Directive 2004/114/EC.	<i>Council proposal acceptable to EP</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	(c) by imposing restrictions on the full application of the rights conferred under <i>paragraph 1(h)</i> in respect to public housing to cases where the third-country national has	(d) under paragraph 1(f) in respect [...] to housing [...];	<i>Compromise proposed by EP: "(c) by imposing restrictions on the full application of the rights conferred under paragraphs 1(h) in respect to</i>

in its territory for at least three years;	been staying or who has the right to stay in its territory for less than three years; (<i>LIBE amendment 68</i>)		public housing to cases where the third-country national has been staying or who has the right to stay in its territory for less than four years;"
(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>	<i>Council proposal acceptable to EP</i>
		(e) by limiting the rights conferred under paragraphs 1(c) and (f) to those third-country workers who are in employment;	<i>EP is against the Council's text as depriving unemployed third-country nationals of the right to education and vocational training and also to counselling services afforded by employment offices as well as access to goods and services is unacceptable.</i>
(e) by restricting the rights conferred under paragraphs 1(e) to third-country workers who are in employment except for unemployment benefits.	(e) by making use of residence criteria (for the residence-based benefits, but not employment-related benefits) if the residence permit is issued for the purposes other than work but the residence permit allows working; (<i>LIBE amendment 69</i>)	(f) by limiting the rights conferred under paragraph 1(e), with the exception of unemployment benefits for those whose entitlement is based on previous employment in the respective Member State , to third-country nationals who are in employment;	<u><i>Compromise proposed by Council:</i></u> "(f) as regards the rights conferred under paragraph 1 (e) for third-country workers, but shall not restrict such rights for third-country workers in employment nor the rights of third-country workers to benefits granted as a consequence of their activity as employed persons; "

			<p><i>Compromise proposed by EP:</i> "(f) as regards the rights conferred under paragraph 1 (e) for third-country workers, but shall not restrict such rights for third-country workers who are in employment or who have been employed;"</p> <p><i>Council compromise proposal is not acceptable to EP. It asked the Presidency to draw up a list of the benefits that a third-country national will not be given when unemployed as compared to the national of EU in the same situation.</i></p>
		(g) by limiting the rights conferred under paragraph 1 (g) to the third-country nationals who are allowed to work without any restriction.	<p><i>Compromise proposed by Council:</i> delete if para 1 (g) deleted.</p> <p><i>EP cannot accept limitations on the right to counselling services afforded by employment offices.</i></p>
	2b (new) Member States shall take the necessary measures to ensure that any violation of the rights enshrined in this Directive is subject to effective, proportionate and deterrent penalties. (LIBE		<i>EP insists on its amendment</i>

	<i>amendment 71)</i>		
	2c (new) Member States shall take the necessary measures to ensure that any violation of the rights enshrined in this Directive is subject to legal challenge. (LIBE amendment 72)		<i>EP insists on its amendment</i>
		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.	<i>In principle acceptable to EP but will be moved to Article 1</i>
	2a new. 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 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States	4. Without prejudice to bilateral agreements, 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 case of old-age, invalidity and death, statutory pensions based on the worker's previous employment and acquired in accordance with the legislation defined in Article 3 of Council Regulation (EC) No 883/2004, under the same conditions and at	<i>EP amendment acceptable to Council</i>

	<p>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. <i>(LIBE amendment 70)</i></p>	<p>the same rates as the nationals of the Member States concerned when they move to a third-country.</p>	
<p><i>Article 13</i> More favourable provisions</p>		<p><i>Article 13</i> 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>(a) Community legislation, including bilateral and multilateral agreements between the Community, or the Community and its Member States, on the one hand and one or more third countries on the other.</p>		<p>(a) Union legislation, including bilateral and multilateral agreements between the Union, or the Union and its Member States, on the one hand and one or more third countries on the other.</p>	<p><i>Council text acceptable to EP</i></p>
<p>(b) bilateral or multilateral agreements between one or more Member States and one or more third countries;</p>		<p>(b) bilateral or multilateral agreements between one or more Member States and one or more third countries;</p>	<p><i>Cion text accepted by Council and EP</i></p>
	<p>1a (new) 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. <i>(LIBE amendment 73)</i></p>		<p><i>Council's proposal to move the text in a recital could be acceptable to EP</i></p>

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.	<i>Cion text accepted by Council and EP</i>
Chapter IV Final provisions			
<i>Article 14</i>		<i>Article 14</i> Information to the general public	
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 make available to the general public a regularly updated set of information concerning the conditions of third-country nationals' entry into and stay in its territory in order to work there. (<i>LIBE amendment 74</i>)	Each Member State shall make available to the general public 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.	<i>Council text accepted by EP</i>
<i>Article 15</i> Reporting		<i>Article 15</i> 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 present a report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments it deems necessary. (<i>LIBE amendment 75</i>)	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.	<i>Cion text in principle accepted by Council and EP</i>
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	2. Annually, and for the first time no later than 1 July [one year after the date of transposition of this Directive], Member States shall	2. Annually, and for the first time no later than 1 July of [one year after the date of transposition of this Directive], Member States shall	<i>Council text accepted by EP</i>

<p>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>communicate to the Commission statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection¹. (<i>LIBE amendment 76</i>)</p> <p>_____</p> <p>¹ <i>OJ L 199, 31.7.2007, p. 1.</i></p>	<p>communicate to the Commission [...] statistics on the volumes of third-country nationals who have been granted [...] a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection.</p>	
<p><i>Article 16</i> Transposition</p>		<p><i>Article 16</i> 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 ...*. They shall forthwith communicate to the Commission the text of those provisions [...]. (<i>LIBE amendment 77</i>)</p> <p>_____</p> <p>* OJ please insert date: two years after entry into force of this Directive.</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by {two years after the entry into force} at the latest. They shall forthwith communicate to the Commission the text of those provisions [...].</p>	<p><i>Council text accepted by EP</i></p>
<p>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</p>		<p>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</p>	<p><i>Cion text accepted by Council and EP</i></p>

Member States.		Member States.	
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 governed by this Directive. (LIBE amendment 78)	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.	<i>Cion text accepted by Council and EP</i>
<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> .	<i>Cion text accepted by Council and EP</i>
<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	
Done at Brussels,		Done at Brussels,	
For the Council The President		For the Council The President	