



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 February 2013

6382/13

**Interinstitutional Files:
2010/0209 (COD)
2010/0210 (COD)**

LIMITE

**MIGR 16
SOC 100
CODEC 324**

NOTE

from: Presidency
to: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
on: 21 February 2013

Subject: Legal Migration

- Proposal for a Directive of the European Parliament and the Council on conditions of entry and residence of third country-nationals in the framework of an intra-corporate transfer

- Proposal for a Directive of the European Parliament and the Council on conditions of entry and residence of third country-nationals for the purpose of seasonal employment

= State of play

Negotiations between the Council and the European Parliament on the legislative proposals concerning intra-corporate transferees and seasonal workers are progressing well.

Discussions concerning the proposal on the Intra-Corporate Transferees Directive at the level of Justice and Home Affairs Counsellors in Council and between the Presidency and representatives of the European Parliament and the Commission in the second informal trilogue on 24 January, as well as in a number of technical meetings, have led to encouraging results. Compromise suggestions have been reached with regard to several technical points and positions on the issues still outstanding have been clarified.

The main issues remaining to be negotiated at political level concern *inter alia* the rights of intra-corporate transferees, in particular the right to equal treatment, simplified procedures for allowing intra corporate transfers for undertakings recognised for that purpose and the provisions on mobility of intra corporate transferees between Member States, for which the European Parliament and the Council envisage different schemes. The third trilogue is scheduled for 27 February.

As regards the proposal for the Seasonal Workers Directive, the first trilogue on 17 December was succeeded by technical meetings on 18 January and 8 February. The trilogue and the technical meetings clarified a large number of issues throughout the text. A second trilogue will take place on 19 February.

The main issue of discussion between the Council and the European Parliament concerns the system of authorisations for the purpose of seasonal work for stays exceeding three months and for stays not exceeding three months which must be compatible with relevant provisions of the Visa Code and the Schengen Borders Code. Other important outstanding issues relate to the definition of specific sectors for seasonal work, the duration of the period a seasonal worker can stay in the EU, facilitated re-entry and time limits for a decision on an application for seasonal work and equal treatment between seasonal workers and nationals.

Delegations are invited to take note of the progress achieved with regards to both legislative proposals on legal migration. The Presidency will continue placing its utmost efforts into advancing negotiations further.