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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 (recast) - Letter to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE)

Following the Permanent Representatives Committee meeting of 20 December 2023 which confirmed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE).

Council of the European Union

SGS 23 / 005673

Brussels, 20/12/2023

Mr. Juan Fernando LÓPEZ AGUILAR
Chair of the Committee on Committee on Civil Liberties, Justice and Home Affairs
European Parliament
Rue Wiertz 60
B-1047 BRUSSELS

Subject: Proposal for a 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 (recast)

Dear Mr. LÓPEZ AGUILAR,

Following the informal negotiations on this proposal between the representatives of the three institutions, today the Permanent Representatives Committee agreed with the final compromise text.

I am therefore now in a position to inform you that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the exact form of the text set out in the Annex to this letter (subject to revision by the lawyer-linguists of the two institutions), the Council, in accordance with Article 294(4) TFEU, will approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.

On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely

Marcos Alonso Alonso
Chairman of the
Permanent Representatives Committee

Copy:
- Ms Ylva JOHANSSON, European Commissioner for Home Affairs
- Mr Javier MORENO SANCHEZ, European Parliament rapporteur

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ANNEX

2022/0131 (COD)

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 (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 79(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

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1 OJ C 27, 3.2.2009, p. 114.

2 OJ C 257, 9.10.2008, p. 20.

3 Position of the European Parliament of 24 March 2011 (not yet published in the Official Journal) and position of the Council at first reading of 24 November 2011 (not yet published in the Official Journal). Position of the European Parliament of 13 December 2011 (not yet published in the Official Journal).

Whereas:

(1) A number of amendments are to be made to Directive 2011/98/EU of the European Parliament and of the Council[4]. **On the continued basis that the Union should ensure the fair treatment of third-country nationals who are legally residing in the territory of the Member States and that a more vigorous integration policy should aim to grant those third-country nationals rights and obligations comparable to those of citizens of the Union, and** in the interests of clarity, that Directive should be recast.

(2) Provisions for a single application procedure leading to a combined title encompassing both residence and work permits within a single administrative act will contribute to simplifying and harmonising the rules currently applicable in Member States.

(3) In order to allow initial entry into their territory, Member States should be able to issue a single permit or, if they issue single permits only after entry, a visa. Member States should issue such single permits or visas in a timely manner.

(4) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent, ~~and~~ fair **and non-discriminatory**, in order to offer appropriate legal certainty to those concerned **within a reasonable time frame**.

[4] Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 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 (OJ L 343, 23.12.2011, p. 1).

(4a) **The European Pillar of Social Rights (the 'Pillar'), proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion. The review of the single permit, part of the 'Skills and talent' package of measures proposed as a follow-up to the Commission's Communication on a New Pact on Migration and Asylum[5], is one of the elements of the European Pillar of Social Rights Action Plan[6].**

(5) The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the ~~admission, including the volumes of admission, of third-country nationals for the purpose of work~~ **requirements for issuing a single permit for the purpose of work. This Directive should not affect the right of Member States under Article 79(5) of the Treaty on the Functioning of the European Union (TFEU). On that basis, Member States should be able to either consider an application for a Single Permit to be inadmissible or to reject it.**

(6) This Directive should cover employment **contracts and employment** relationships between third-country ~~workers~~ **nationals** and employers. Where a Member State's national law allows admission of third-country nationals through temporary work agencies established on its territory and which have an employment relationship with the worker, such ~~agencies~~ **third-country nationals** should not be excluded from the scope of this Directive**, and all provisions of this Directive concerning employers should equally apply to such agencies**.

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5 **COM/2020/609 final**

6 **COM/2021/102 final**

(7) Posted third-country nationals ~~**subject to Directive 96/71/EC of the European Parliament and of the Council**~~ should not be covered by this Directive. This should not prevent third-country nationals who are legally residing and working 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**[7].

(8) Third-country nationals who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State should **not** be covered by the scope of this Directive**, except for Chapter III, that should apply if, in accordance with national law, they are allowed to work and do work or have worked** ~~**in order to be granted an enhanced set of rights**~~.

(9) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC [8] should not be covered by this Directive given their globally more privileged status and their specific type of residence permit 'long-term resident-EU'.

(10) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis and have applied for admission or have been admitted to the territory of a Member State in accordance with Directive 2014/36/EU of the European Parliament and of the Council[9] should not be covered by this Directive given that they fall within the scope of Directive 2014/36/EU, which establishes a specific regime~~.~~

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7 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

8 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

~~9~~ ~~Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).~~

(11) The obligation on the Member States to determine whether the application is to be submitted by a third-country national or by his or her employer should be without prejudice to any arrangements requiring both to be involved in the procedure. The Member States should ~~**allow the application**~~ **consider and examine applications** for a single permit **either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes** to be ~~**submitted both**~~ **admitted, or when he or she is already residing** in the **territory of that** Member State **as a holder of a valid residence permit issued by that Member State in accordance with Regulation (EC) No 1030/2002** ~~**of destination and from a third country**~~. **Member States should also have the option of accepting applications submitted by other third-country nationals that are legally present on their territory.**

(12) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform or long-stay visas. ~~**with the exception of the obligation for Member States to issue the requisite visa within the deadline of four months set out to adopt a decision on the .**~~ **Provided that the requirements laid down by Union or national law are fulfilled and where a Member State issues single permits only on its territory, the Member State concerned should issue the third country national with the requisite visa to obtain a** single permit.

(13) The deadline for adopting a decision on the application should include ~~**both the time required for issuing a visa where needed, and**~~ the time required to comply with the checks of the labour market situations, **where such a check is carried out in connection with an individual application for a single permit. A general check of the labour market situation that is not linked to an individual application for a single permit is therefore not covered by the deadline for adopting a decision. Member States should endeavour to issue the requisite visa for obtaining the single permit in a timely manner.**

(14) To this end, Member States should **endeavour to require applicants to submit the relevant documents only once and** only carry out one substantial check of the ~~**documentation**~~ **documents** submitted by the applicant for the issuing of both a single permit and**, where applicable,** the requisite visa **to obtain the permit** in order to avoid duplication of work and prolonging the procedures. ~~**Furthermore, Member States should require applicants to submit the relevant documentation only once.**~~

(15) 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.

(16) The deadline for adopting a decision on the application should, however, not include the time required for the recognition of professional qualifications. This Directive should be without prejudice to national procedures on the recognition of diplomas. **Any consequences where no decision is taken by the authorities within the time limits should be determined by national law and should be open to legal redress.**

(16a) As referred to in the Communication on attracting skills and talent to the EU, Talent Partnerships are one of the key tools of the New Pact on Migration and Asylum with regard to its external dimension. They aim at strengthening cooperation between the EU, Member States and partner countries, at boosting international labour mobility and at developing talent in a mutually beneficial and circular way. Accelerating the processing of single permit applications within the limits provided for in this Directive, could also contribute to the effective implementation of Talent Partnerships with key partner countries.

(16b) With the aim of making labour markets in the EU more efficient and attractive, Member States should be able to expedite the processing of single permit applications submitted by or on behalf of third-country nationals who are already single permit holders in another Member State, within the limits provided for in this Directive.

(17) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002[10], enabling Member States to enter further information, in particular as to whether or not the person is permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence permit on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of that Member State**. In accordance with Council Regulation (EC) No 1030/2002, third-country nationals should have the right to verify the information contained in paper or electronic format and, where appropriate, to have it corrected or deleted.**

(18) The provisions of this Directive on residence permits for purposes other than work should apply only to the format of such permits and should be without prejudice to Union or national rules on admission procedures and on procedures for issuing such permits.

(19) The provisions of this Directive on the single permit and on the residence permit issued for purposes other than work should not prevent Member States from issuing an additional paper document in order to be able to give more precise information on the employment relationship for which the format of the residence permit leaves insufficient space. Such a document can serve to prevent the exploitation of third-country nationals and combat illegal employment but should be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. Technical possibilities offered by Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto can also be used to store such information in an electronic format. **Furthermore, and in any event, employers should inform third-country workers of the essential aspects of the employment relationship and any change of them, in accordance with the provisions of Directive (EU) 2019/1152 of the European Parliament and of the Council[11].**

~~10~~ ~~Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).~~

11 **Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105).**

(20) The conditions and criteria on the basis of which an application to issue, amend or renew a single permit can be rejected, or on the basis of which the single permit can be withdrawn, should be objective and should be laid down in national law including the obligation to respect the principle of Union preference as expressed in particular in the relevant provisions of the 2003 and 2005 Acts of Accession. Rejection and withdrawal decisions should be duly reasoned. **Any decision to reject an application to issue, amend or renew a single permit and any decision to withdraw a single permit should be based on criteria provided for by Union or national law and should take account of the specific circumstances of the case, where appropriate, and respect the principle of proportionality. In exceptional and duly justified circumstances linked to the complexity of the application, and in the interest of the applicant, the time limit to take a decision pursuant to Article 5(2) may be extended for an additional period of 30 days. In the event of a change of employer by the third-country national, any extension of the period referred to in Article 11(3) for an additional period of 15 days should be duly justified.**

(20a) In order to ensure third-country nationals and their families have effective access to their rights, Member States should provide them with accessible information, free of charge, on the documentation required to apply for the single permit, as well as on the conditions of entry and residence and the rights, obligations, and procedural safeguards for their protection and that of their family members. This information should include social partners, with special reference to workers' organizations, to facilitate their knowledge in order to better protect them at work.

(21) Third-country nationals who are in possession of a valid travel document and a single permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to three months in any six-month period in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council[12] and Article 21 of the 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[13] (Schengen Convention).

(22) 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 developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration *acquis*, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. A third-country worker in this Directive should be defined, ~~**without prejudice to the interpretation of the concept of employment relationship in other provisions of Union law**~~, as a third-country national who has been admitted to the territory of a Member State, who is legally residing and who is allowed, in the context of a**n** ~~**paid**~~ employment relationship, to work there in accordance with national law or practice. **In this context, a third country national worker must have an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice.**

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12 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

13 OJ L 239, 22.9.2000, p. 19.

(22a) **When a single permit holder changes employer, the new employer should communicate to the competent authorities details of the employment in accordance with procedures laid down in national law. A change to the conditions of employment such as the address of the employer, the habitual place of work, the working hours, and the remuneration should not in itself constitute a change of employer.**

(23) All third-country nationals who are legally residing and working in Member States should enjoy at least a common set of rights based on equal treatment with the nationals of **the Member State where they reside** ~~**their respective host Member State**~~, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields covered by this Directive should be granted not only to those third-country nationals who have been admitted to 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 provisions of 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 [14]; third-country nationals who are admitted to the territory of a Member State in accordance with Directive (EU) 2016/801 of the European Parliament and of the Council[15].

(24) The right to equal treatment in specified 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 are enshrined in the single permit encompassing the authorisation to reside and work and in residence permits issued for other purposes containing information on the permission to work.

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[14] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

[15] Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

(25) **The right to equal treatment of third-country workers with nationals of the Member State with regard to terms of employment and** working conditions as referred to in this Directive **contributes to decent work and the prevention of the exploitation of third country workers, and** should cover at least ~~**pay and**~~ **the terms of employment, remuneration including overtime rates, deductions and back-payments thereof, claims in the event of the employer's insolvency, the application of the principle of equal remuneration for equal work,** dismissal, **equality of treatment between men and women, training,** health and safety at the workplace, working time and leave ~~**taking into account**~~ **and holidays**. **The right to equal treatment should include the working conditions laid down in Union law, national law,** collective agreements in force **and national practice under the same terms as to nationals of the Member State concerned.**

(26) A Member State should recognise professional qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council [16]. 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 should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

[16] Directive 2005/36/EC on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

(27) 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 [17]. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country. Nevertheless, this Directive should not confer on third-country workers more rights than those already provided in existing Union law in the field of social security for third-country nationals who are in cross-border situations.

(27a) **Notwithstanding the above, as held by the Court of Justice in its judgment in case C- 302/19[18], a Member State may not refuse or reduce the social security benefit to the holder of a single permit on the grounds that some or all of his family members reside not in its territory, but in a third country, if it grants that benefit to its own nationals irrespective of the place of residence of their family members.**

(28) Member States should ensure at least equal treatment of third-country nationals who are in employment or who, after a minimum period of employment, are registered as unemployed. Any restrictions to the equal treatment in the field of social security under this Directive should be without prejudice to the rights conferred pursuant to Regulation (EU) No 1231/2010 of the European Parliament and of the Council [19].

(29) Union law does not limit the power of the Member States to organise their social security schemes. It is for 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.

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17 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

18 **Paragraph 39.**

19 Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ L 344, 29.12.2010, p. 1).

(30) Equal treatment of third-country workers should not apply to measures in the field of vocational training which are financed under social assistance schemes.

(30a) **Member States should ensure that they prevent discrimination against third-country nationals in access to goods and services for which equality with nationals of the Member State where they reside is guaranteed in accordance with the provisions of this Directive and their national law. Particular attention should be paid to avoid possible discrimination in access to private rented housing in order to ensure that the housing conditions and rental contracts meet the standards and regulations for private rental under national law, including with regard to rent amounts. It is particularly relevant to ensure that the third-country worker remains free to choose his or her accommodation, without the obligation to reside in employer provided accommodation, as it is the case for the workers of the Member State concerned, in accordance with national law.**

(31) To reinforce the equal treatment of third-country workers, Member States should provide for effective, proportionate and dissuasive penalties against employers in the event of infringements of national provisions adopted pursuant to this Directive, in particular with regard to working conditions, freedom of association and affiliation and ~~access to~~ **branches of** social security**, as defined in Regulation (EC) No 883/2004** ~~benefits~~.

(32) To ensure the proper enforcement of **national provisions adopted pursuant to** this Directive, Member States**, in cooperation with the social partners where applicable in accordance with national law, should provide for appropriate mechanisms for monitoring and** ~~should ensure that appropriate mechanisms are in place for the monitoring of employers and that~~, where appropriate, effective and adequate inspections ~~are carried out~~ on their respective territories. ~~The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the~~ **in accordance with national law or administrative practice. Services in charge of labour inspection or other** competent authorities ~~in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement~~ **should, where appropriate, have access to the workplace**.

(33) Member States should also ~~**put in place**~~ **ensure that there are** effective mechanisms through which third-country workers may seek legal redress and lodge complaints directly or through third parties having, in accordance with the criteria laid down by the national law, **administrative practices or applicable collective agreements,** a legitimate interest in ensuring compliance with this Directive, such as trade unions or other associations, or competent authorities. That is considered necessary to address situations where third-country workers are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name, for example out of fear of possible consequences. **Member States should ensure that third-country workers have the same access as nationals of the Member State where they reside to legal proceedings, including judicial and administrative procedures, complaints, mediation, and other mechanisms laid down under national law for nationals of the Member State. Member States should also guarantee access to legal aid under the same conditions provided for national workers in these processes, if provided for in their national law.**

(33a) In the context of the protection of workers, similar national measures concerning monitoring, assessment, inspections, penalties and facilitation of complaints should already be adopted and in force at national level.

(34) The single permit should authorise the third-country national to change the employer during the period of its validity. **In addition to verifying whether the single permit holder still fulfils the requirements laid down by Union or national law,** Member States should be able to ~~**require a notification of the change and to**~~ **put in place certain conditions for a change of employer, including a notification procedure and a** check **of** the labour market situation ~~**where a**~~ **if the Member State concerned carries out checks of the labour market situation for applications for a single permit. In order to prevent potential abuse in the provisions related to the** change of employer**, Member States should also be able to set a minimum period of time for which the single permit holder is required to work for the first employer before changing employer. In any case, and regardless of the duration of the employment contract established under national law, this minimum period during which the single permit holder is required to work for the first employer should not exceed six months. In exceptional and duly justified cases, for example in case of exploitation of the single permit holder or if the employer fails to meet its legal obligations in relation to the single permit holder, Member States should allow the change of employer before the expiration of such a minimum period** ~~**takes place**~~. The single permit should not be withdrawn during a period of at least three months in the event of the unemployment **or six months if the third-country national has been a holder of the single permit for more than two years. For periods of unemployment longer than three months, Member States may require the single permit** ~~**of its**~~ holder **to provide evidence of having sufficient resources**.

(34a) In order to reinforce the knowledge of the procedure for obtaining the single permit and the rights, obligations and procedural safeguards of the third-country workers and their family members, Member States are encouraged to strengthen advertising activities and information campaigns concerning these issues, including, where appropriate, activities and campaigns directed at third countries.

(35) This Directive should be applied without prejudice to more favourable provisions contained in Union law and applicable international instruments.

(36) 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~~ **features**, language, religion or beliefs, political or **any** other opinions, membership of a national minority, ~~fortune~~ **property**, birth, ~~disabilities~~ **disability**, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC [20] and Council Directive 2000/78/EC [21].

(37) Since the objectives of this Directive, namely laying down a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and a common set of rights for third-country workers legally residing in a Member State, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). 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.

(38) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in accordance with Article 6(1) of the TEU.

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[20] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

[21] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

(39) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article ~~s 3 and~~ 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and ~~are~~ **is** not bound by it or subject to its application.

~~**[OR]**~~

~~**[In accordance with Article 4a of the Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of Directive.]**~~

(40) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(41) The obligation to transpose this Directive into national law should be limited to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under that earlier Directive.

(42) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex I, Part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

1. This Directive lays down:

   (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;

   (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.

2. This Directive shall not affect the **right of** Member States' ~~**powers concerning the volume of**~~ **to determine volumes of** admission of third-country nationals ~~**coming from third countries to seek employment**~~ **in accordance with Article 79(5) TFEU**.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

(a) 'third-country national' means a person who is not a citizen of the Union within the meaning of Article 20(1) TFEU;

(b) ‘third-country worker’ means a third-country national who has been admitted to the territory of a Member State and who is legally residing and is allowed to work in the context of an employment relationship in that Member State in accordance with national law, **collective agreements** or practice;

~~**(c) ‘employer’ means any natural person or any legal entity, including temporary work agencies, for or under the direction and/or supervision of whom the employment is undertaken;**~~

(d) ‘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;

(e) ‘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.

Article 3

Scope

1. This Directive shall apply to **third-country nationals**:

(a) ~~**third-country nationals**~~ who apply to reside in a Member State for the purpose of work;

(b) ~~**third-country nationals**~~ who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002; and

(c) ~~**third-country nationals**~~ who have been admitted to a Member State for the purpose of work in accordance with Union or national law.

2. This Directive shall not apply to third-country nationals:

(a) who are family members of citizens of the Union who have exercised, or are exercising, their right to free movement within the Union in accordance with Directive 2004/38/EC of the European Parliament and of the Council [22];

(b) who, together with their family members, and irrespective of their nationality, enjoy rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and the Member States or between the Union and third countries;

(c) who are ~~**covered by Directive 96/71/EC**~~ **posted for** as long as they are posted ~~**on the territory of the Member State concerned**~~;

(d) who have applied for admission or have been admitted to the territory of a Member State to work as intra-corporate transferees in accordance with Directive 2014/66/EU of the European Parliament and of the Council [23];

(e) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers in accordance with Directive 2014/36/EU or au pairs;

(f) who are authorised to reside in a Member State on the basis of temporary protection in accordance with Directive 2001/55/EC, or who have applied for authorisation to reside there on that basis and are awaiting a decision on their status;

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22 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

23 Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).

(g) who are beneficiaries of international protection under Directive 2011/95/EU of the European Parliament and of the Council[24] or who have applied for international protection under that Directive and whose application has not been the subject of a final decision;

(ga) who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State or have applied for protection in accordance with national law, international obligations or the practice of a Member State and whose application has not been the subject of a final decision;

(h) who are long-term residents in accordance with Directive 2003/109/EC;

(i) whose removal has been suspended on the basis of fact or law;

(j) who have applied for admission or who have been admitted to the territory of a Member State as self-employed workers;

(k) who have applied for admission or have been admitted as seafarers for employment or work in any capacity on board of a ship registered in or sailing under the flag of a Member State.

3. Member States may decide that Chapter II does not apply to third-country nationals who have been either authorised to work in the territory of a Member State for a period not exceeding six months or who have been admitted to a Member State for the purpose of study.

[24] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

4. Chapter II shall not apply to third-country nationals who are allowed to work on the basis of a visa.

5. Notwithstanding paragraph 2, point ga, Chapter III shall apply to beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State, if in accordance with national law they are allowed to work.

CHAPTER II
SINGLE APPLICATION PROCEDURE AND SINGLE PERMIT

Article 4

Single application procedure

1. An application to issue, amend or renew a single permit shall be submitted by way of a single application procedure. Member States shall determine whether applications for a single permit are to be submitted by the third-country national or by the third-country national's employer. **Alternatively,** Member States may ~~**also decide to**~~ allow ~~**an application from either of the two. If the application is**~~ **applications** to be ~~**submitted by the third-country national, Member States shall allow the application to be introduced both from a third country and in the territory**~~ **made by either** of the ~~**Member State in which the third-country national is legally present**~~ **two**.

1a. An application for a single permit shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes to be admitted, or when he or she is already residing in the territory of that Member State as holder of a valid residence permit. A Member State may also accept, in accordance with its national law, applications for a single permit submitted by other third-country nationals who are legally present in its territory.

2. Member States shall examine an application submitted under paragraph 1 and shall adopt a decision to issue, amend or renew the single permit if the applicant fulfils the requirements laid down by Union or national law. A decision to issue, amend or renew the single permit shall constitute a single administrative act combining a residence permit and a work permit.

3. Provided that the requirements laid down by Union or national law are fulfilled and where a Member State issues single permits only on its territory, the Member State concerned shall issue the third country national with the requisite visa **to obtain a single permit**.

4. Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or modify their residence permit after the entry into force of the national implementing provisions.

Article 5

Competent authority

1. Member States shall designate the authority competent to receive the application and to issue the single permit.

2. The competent authority shall adopt a decision on the ~~**complete**~~ application **for a single permit** as soon as possible and in any event within **90 days** of the date ~~**on which the appication was lodged**~~ **of submission of a complete application**.

The time limit referred to in the first subparagraph shall cover checking the labour market situation **where such a check is carried out in connection with an individual application for a single permit** ~~**and issuing the requisite visa referred to in Article 4(3).**~~. ~~**The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application.**~~

Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law.

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. **Where the third-country national's employer submits the application, Member States shall ensure that the employer informs the third-country national about the status of the application and its outcome in a timely manner.**

4. If the information or documents in support of 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, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 **and the additional period referred to in Article 8(3)** shall be suspended until the competent authority or other relevant authorities have received the additional information required. If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.

Article 6

Single permit

1. Member States shall issue a 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 points (a)12 and 16 of the Annex thereto.

Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a)20 of the Annex thereto. **In accordance with Article 4 of Regulation (EC) No 1030/2002, without prejudice to data protection rules, the third-country national to whom the single permit is issued shall have the right to verify the personal particulars contained in the residence permit and, where appropriate, to have them corrected or deleted.**

2. When issuing the single permit Member States shall not issue additional permits as proof of authorisation to access the labour market.

Article 7

Residence permits issued for purposes other than work

1. When issuing residence permits for purposes other than work 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.

Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and **in** point (a)20 of the Annex thereto. **Without prejudice to data protection rules, the third-country national to whom the single permit is issued shall have the right to verify that additional information contained in the single permit and, where appropriate, to have that information corrected or deleted, in accordance with Article 4 of Regulation (EC) No 1030/2002.**

2. When issuing residence permits in accordance with Regulation (EC) No 1030/2002, Member States shall not issue additional permits as proof of authorisation to access the labour market.

Article 8

Procedural guarantees

1. Reasons shall be given in the written notification of a decision rejecting an application to issue, amend or renew a single permit, or a decision withdrawing a single permit on the basis of criteria provided for by Union or national law.

2. A decision rejecting the application to issue, amend or renew or withdrawing a single permit**, shall take account of the specific circumstances of the case and respect the principle of proportionality, in accordance with Union and national law. Such a decision** shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification referred to in paragraph 1 shall specify the court or administrative authority where the person concerned may lodge an appeal and the time limit therefor.

~~3. An application may be considered as inadmissible on the grounds of volume of admission of third-country nationals coming from third countries for employment and, on that basis, need not to be processed.~~

3a. **The time limit to take a decision pursuant to Article 5(2) may be extended for an additional period of 30 days, in exceptional and duly justified circumstances linked to the complexity of the application by means of a notification or communication to the applicant in accordance with the procedures laid down by national law**.

3b. **The period referred to in Article 11(3) may be extended for an additional period of 15 days, in exceptional and duly justified circumstances.**

Article 9

Access to information

Member States shall make easily accessible, and provide upon request**, to the third-country national and the future employer**:

(a) adequate information ~~to the third-country national and the future employer~~ on all the documentary evidence needed for an application**, and, where appropriate, on the applicable fees**;

(b) information on entry and residence conditions, including the rights, obligations and procedural safeguards**, including legal redress,** of the third-country nationals and of their family members**, and information on the workers' organisations in accordance with national law**.

Article 10

Fees

Member States may require ~~**applicants to pay fees, where appropriate, for processing**~~ **the payment of fees for the handling of** applications in accordance with this Directive. The level of ~~**such fees shall be proportionate and**~~ **fees required by a Member State for the processing of applications** shall ~~**be based on the services actually provided for the processing of applications and the issuance of permits**~~ **not be disproportionate or excessive. Where fees for processing applications are paid by the employer, the employer shall not be entitled to recover such fees from the third-country national**.

Article 11

Rights on the basis of the single permit

1. Where a single permit has been issued, it shall authorise, during its period of validity, its holder at least to:

   (a) enter and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements in accordance with national law;

   (b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law;

   (c) exercise the specific employment activity authorised under the single permit in accordance with national law;

   (d) be informed about the holder's own rights linked to the permit conferred by this Directive and/or by **Union and** national law.

2. ~~**Within the period of validity referred to in paragraph 1**~~, Member States shall allow a single permit holder to ~~**be employed by a different employer than the first employer with whom the**~~ **change employer. Member States may subject the right of a single** permit holder ~~**concluded a contract of employment**~~ **to change employer to any of the conditions set out in paragraph 3**.

3. Within the period of validity referred to in paragraph 1, Member States may:

(a) require that a change of employer be ~~**communicated**~~ **notified** to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law**,**

(b) require that a change of employer be subject to a check of the labour market situation **if the Member State concerned carries out checks of the labour market situation for applications for a single permit**.

(ba) require a minimum period of time during which the single permit holder is required to work for the first employer; this minimum period of time shall not exceed the duration of the employment contract or the period of validity of the permit; In any event, this minimum period during which the single permit holder is required to work for the first employer shall also not exceed six months. In duly justified cases of a serious breach by the employer of the contractual terms and conditions of the contracts or employment relationships, Member States shall allow the change of employer before the expiration of such a minimum period.

The right of the single permit holder to **~~pursue such a~~** change **~~of~~** employer may be suspended for a maximum **period** of **~~30 days while the Member State concerned checks the labour market situation and verifies that~~ 45 days from the date on which the notification to the national competent authorities was made. During that period, the national competent authorities may verify whether the conditions set out under points (b) and (c), as applicable, are fulfilled, and also verify whether the other** requirements laid down by Union or national law are **still** fulfilled. The Member State **~~concerned~~** may oppose the change of **~~employment~~ employer** within **that period of 45 ~~those 30~~** days.

4. **~~Within the period of validity referred to in paragraph 1, the single permit shall not be withdrawn during a period of at least three months in the event of unemployment of its holder.~~ Unemployment in itself shall not constitute a reason for withdrawing a single permit provided that:**

(a) the total period of unemployment does not exceed three months during the period of validity of a single permit, or six months if the third-country national has been a holder of the single permit for more than two years. Member States may allow a single permit holder to be unemployed for a longer period of time.

(b) the beginning and, where applicable, the end of any period of unemployment is notified to the competent authorities of the Member State concerned, in accordance with the relevant national procedures. Member States shall determine whether the third-country national or the third-country national's employer shall notify the competent authorities.

For periods of unemployment longer than three months, Member States may require the single permit holder to provide evidence of having sufficient resources to maintain himself or herself without recourse to the social assistance system of the Member State concerned.

Where an unemployed single permit holder finds a new employer within the allowed period of unemployment, and where a Member State subjects the taking up of the new employment to the conditions referred to in paragraph 3 it shall allow the single permit holder to stay in their territory until the competent authorities have assessed the fulfilment of the conditions set out in paragraph 3 even if the allowed period of unemployment has expired.

4a. **Where the validity of the single permit expires during the renewal procedure,** Member States shall allow the third-country national to stay in their territory **as if he or she were a single permit holder** until the competent authorities have taken a decision **on the application for renewal** ~~**in accordance with paragraph 3, point (b), as relevant, even if that period of at least three months expired**~~.

4b. **Where, in accordance with the procedures laid down by national law, the competent authorities of the Member State establish that there are reasonable grounds that a single permit holder has experienced particularly exploitative working conditions, as defined in Article 2, point (i), of Directive 2009/52/EC of the European Parliament and of the Council[25], Member States shall extend the allowed period of unemployment referred to in paragraph 4 by three months**.

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25 **Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 28).**

CHAPTER III
RIGHT TO EQUAL TREATMENT

Article 12

Right to equal treatment

1. Third-country workers as referred to in Article 3(1), points (b) and (c) shall enjoy equal treatment with nationals of the Member State where they reside with regard to **at least**:

(a) **terms of employment and** working conditions, including ~~**pay**~~ **remuneration** and dismissal**, working hours, leave and holiday, equality of treatment between men and women** as well as health and safety at the workplace;

(b) **the right to strike and take industrial action, in accordance with the Member State's national law and practice, and** freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the **rights and** benefits conferred by such organisations**, including the right to negotiate and conclude collective agreements**, without prejudice to the national provisions on public policy and public security;

(c) education and **vocational** training;

(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;

(e) branches of social security, as defined in Regulation (EC) No 883/2004;

(f) tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Member State concerned;

(g) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining access to public and private housing as provided by national law, without prejudice to the freedom of contract**,** in accordance with Union and national law;

(h) advice services **and information provided** ~~**afforded**~~ by employment offices~~.~~

2. Member States may restrict equal treatment:

(a) under paragraph 1, point (c), by:

(i) limiting its application to those third-country workers who are in employment or who have been employed and who are registered as unemployed;

(ii) excluding those third-country workers who have been admitted to their territory in conformity with Directive 2016/801/EU;

(iii) excluding study and maintenance grants and loans or other grants and loans;

(iv) laying down specific prerequisites including language proficiency and the payment of tuition fees, in accordance with national law, with respect to access to university and post-secondary education and training and to vocational education and training which is not directly linked to the specific employment activity;

(b) by limiting the rights conferred on third-country workers under paragraph 1, point (e), but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed.

In addition, Member States may decide that paragraph 1, point (e), with regard to family benefits shall not apply to third-country nationals who have been authorised to work in the territory of a Member State for a period not exceeding six months, to third-country nationals who have been admitted for the purpose of study**, or to third-country nationals who are allowed to work on the basis of a visa.**

(c) under paragraph 1, point (f), with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the third-country worker for whom he/she claims benefits, lies in the territory of the Member State concerned.

(d) under paragraph 1, point (g), by:

(i) limiting its application to those third-country workers who are in employment;

(ii) restricting access to ~~**public**~~ housing**, <u>except for the rental of the private residence, within the limits provided for by the national legislation</u>.**

3. The right to equal treatment laid down in paragraph 1 shall be 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.

4. Third-country workers moving to a third country, or their survivors who reside in a third country and who derive rights from those workers, shall receive, in relation to old age, invalidity and death, statutory pensions based on those workers' previous employment and acquired in accordance with the legislation referred to 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 concerned when they move to a third country.

Article 13

Monitoring, ~~risk~~ assessment, inspections and penalties

1. Member States shall provide for measures to prevent possible **abuses and to sanction** infringements by employers of national provisions **on equal treatment** adopted pursuant to Article 12. ~~**Preventive**~~ **Those** measures shall include monitoring, assessment and, where appropriate, inspections**, particularly in sectors identified at high risk of labour rights violations,** in accordance with national law or administrative practice.

2. Member States shall ~~**lay down the rules on**~~ **provide for** penalties ~~**applicable to infringements by employers of national provisions adopted pursuant to Article 12.**~~ **against employers who have not fulfilled their obligations under this Directive. Those** penalties ~~**provided for**~~ shall be effective, proportionate and dissuasive. ~~**Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them**~~.

3. Member States shall ensure that services in charge of inspection of labour or other competent authorities and, where provided for under national law ~~**in respect of**~~ **for** national workers, organisations representing workers' interests have access to the workplace. **With the consent of the third-country worker, and where provided for under national law for nationals of the Member State, that access shall include access to accommodation where provided by the employer.**

Article 14

Facilitation of complaints and legal redress

1. Member States shall ensure that there are effective mechanisms through which third-country workers may lodge complaints against their employers **through any of the following means**:

   (a) directly;~~ or~~

   (b) through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive~~; or~~ **and the national provisions adopted pursuant to this Directive**

   (c) through a competent authority of the Member State when provided for by national law.

2. Member States shall ensure that third parties referred to in paragraph 1, point (b) may engage either on behalf of or in support of a third-country worker, with his or her ~~**approval**~~ **consent**, in any ~~**judicial and/or administrative procedures**~~ **administrative or civil proceedings** aimed at enforcing compliance with this Directive **and the national provisions adopted thereto**.

3. Member States shall ensure that third-country workers have the same access as nationals of the Member State where they reside with regard to:

   (a) measures protecting against dismissal or other adverse treatment by the employer as a reaction to a complaint within the undertaking; or to

   (b) any ~~**judicial and/or administrative procedure**~~ **legal proceedings** aimed at enforcing compliance with **this Directive and the national provisions adopted pursuant to** this Directive.

CHAPTER IV
FINAL PROVISIONS

Article 15

More favourable provisions

1. This Directive shall apply without prejudice to more favourable provisions of:

   (a) Union law, 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; and

   (b) bilateral or multilateral agreements between one or more Member States and one or more third countries.

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.

Article 16

Information to the general public

Each Member State shall make easily accessible to the general public a regularly updated set of information**, including through sources accessible from relevant third countries.**

(a) concerning the conditions of third-country nationals' admission to and residence in its territory ~~in order to~~ **for the purpose of** work ~~there~~ **;**

(b) on all the documentary evidence needed for the application;

(c) on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive**, and their family members**.

Article 17

Reporting

1. Periodically, and for the first time no later than ~~[…]~~ **five years after the entry into force**, 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 amendments it deems necessary.

2. Annually, and for the first time no later than [**If adoption beginning of 2024: 30 June 2028]**, Member States shall communicate to the Commission (Eurostat) statistics on the volumes of third-country nationals who have **applied for a single permit, those who have** been granted a single permit **and those whose single permit has been renewed or withdrawn** during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council [26]. Those statistics shall relate to reference periods of one calendar year, be disaggregated by type of decision, reason, citizenship**,** length of validity **of permits, sex and age and, where available, by occupation** and be transmitted within six months after the end of the reference period.

[26] Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Article 18

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with **Article 2(b),** Article 3(2) **and (5)**, Article 4**(1), (1a)** and **(3)**, Article 5(2) **to (4)**, **Article 6(1),** Article 7(1), **Article 8(2) to (3b),** Article 9, Article 10, Article 11(2) to **(4b)**, **Article (12)(1)(a), (b), (g) and (h), Article 12(2)(d)(ii),** Article 13, Article 14**,** Article 16 **and Article 17** by [two years after the entry into force]. They shall immediately communicate the text of those measures to the Commission.

   When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 19

Repeal

Directive 2011/98/EU listed in Part A of Annex I, is repealed with effect from [day after the date set out in the first subparagraph of Article 18(1) of this Directive], without prejudice to the obligations of the Member States relating to the time- limits for the transposition into national law of the Directive set out in Part B of Annex I.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Article 20

Entry into force and application

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 1, Article 2 **(a), (c) and (d)**, Article 3(1), Article 3(3) and (4), Article 4~~**(1)**~~ **(2) and (4)**~~**, (3) and (5)**~~, Article 5(1)-Article 6**(2)**, Article 7**(2)**, Article 8**(1)**, Article 11(1), and Article 15, shall apply from [the day after the date in the first subparagraph of Article 18(1)].

Article 21

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

Part A

Repealed Directive

(referred to in Article 19)

Directive 2011/98/EU of
the European Parliament and of the Council
(OJ L 343, 23.12.2011, p. 1)

Part B

Time-limits for transposition into national law

(referred to in Article 19)

Directive	Time-limit for transposition
2011/98/EU	25 December 2013

ANNEX II

CORRELATION TABLE

Directive 2011/98/EU	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
-	Article 3(5)
Article 4(1), first and second sentence	Article 4(1), first and second sentence
Article 4(1), third sentence	Article 4(1a)
Article 4(2)	Article 4(2)
Article 4(3)	Article 4(3)
Article 4(4)	Article 4(4)
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
-	Article 8(3a)
-	Article 8(3b)
Article 9	Article 9(a)
-	Article 9(b)
Article 10	Article 10
Article 11	Article 11(1)
-	Article 11(2) to (4b)
Article 12	Article 12
-	Article 13
-	Article 14

Directive 2011/98/EU	This Directive
Article 13	Article 15
Article 14	Article 16(a)
-	Article 16(b) and (c)
Article 15	Article 17
Article 16	Article 18
-	Article 19
Article 17	Article 20
Article 18	Article 21
-	Annex I
-	Annex II