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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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) – Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 March 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure[1], a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) Juan Fernando LÓPEZ AGUILAR (S&D, ES) presented on behalf of LIBE a compromise amendment (amendment number 117) to the abovementioned proposal for a Directive, for which Javier MORENO SÁNCHEZ (S&D, ES) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

[1] OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 13 March 2024, the plenary adopted the compromise amendment (amendment number 117) to the abovementioned proposal for a Directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto[2].

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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[2] The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics.*** The symbol " ▌ " indicates deleted text.

P9_TA(2024)0146

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)

European Parliament legislative resolution of 13 March 2024 on the proposal for a directive of the European Parliament and of the Council concerning 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) (COM(2022)0655 – C9-0163/2022 – 2022/0131(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0655),

– having regard to Article 294(2) and Article 79(2), points (a) and (b), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0163/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 28 October 2022[1],

– having regard to the opinion of the Committee of the Regions of 30 November 2022[2],

– having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts[3],

[1] OJ C 75, 28.2.2023, p. 136.
[2] OJ C 79, 2.3.2023, p. 59.
[3] OJ C 77, 28.3.2002, p. 1.

– having regard to the letter of 23 March 2023 sent by the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 110(3) of its Rules of Procedure,

– having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 December 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rules 110 and 59 of its Rules of Procedure,

– having regard to the opinion of the Committee on Employment and Social Affairs,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0140/2023),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0131

Position of the European Parliament adopted at first reading on 13 March 2024 with a view to the adoption of Directive (EU) 2024/… 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 Article 79(2), points (a) and (b), 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],

1 OJ C 75, 28.2.2023, p. 136.
2 OJ C 79, 2.3.2023, p. 59.
3 Position of the European Parliament of 13 March 2024.

Whereas:

(1) A number of amendments are to be made to Directive 2011/98/EU of the European Parliament and of the Council[4]. In the interests of clarity, that Directive should be recast.

(2) The Union should ensure the fair treatment of third-country nationals who are legally residing in the territory of the Member States and a more vigorous integration policy should aim to grant those third-country nationals rights and obligations comparable to those of citizens of the Union.

(3) 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.

(4) 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] 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).

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

(6) The European Pillar of Social Rights, proclaimed on 17 November 2017 in Gothenburg, establishes a set of principles to serve as a guide towards ensuring equal opportunities, access to the labour market, fair working conditions and social protection and inclusion. The review of Directive 2011/98/EU is part of the 'Skills and talent' package of measures which was proposed as a follow-up to the communication of the Commission of 23 September 2020 on a New Pact on Migration and Asylum. That review is also one of the elements of the communication of the Commission of 4 March 2021 on the European Pillar of Social Rights Action Plan.

(7) The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the ***requirements for issuing a single permit for the purpose of work. This Directive should not affect the right of Member States in accordance with 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.***

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

(9) Posted third-country nationals ▌ 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***[5].

(10) 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 this Directive***, except for Chapter III, that should apply if in accordance with national law those third-country nationals are allowed to work and do so or have done so.***

(11) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC[6] should not be covered by this Directive given their globally more privileged status and their specific type of residence permit 'long-term resident-EU'.

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5 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).

6 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).

(12) 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[7] should not be covered by this Directive given that they fall within the scope of Directive 2014/36/EU, which establishes a specific regime.

(13) The obligation on the Member States to determine whether the application is to be submitted by a third-country national or by the employer of that third-country national should be without prejudice to any arrangements requiring both to be involved in the procedure. The Member States should ***consider and examine applications*** for a single permit ***either where the third-country national is residing outside the territory of the Member State to which that third-country national wishes*** to be ***admitted, or where that third-country national 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 Council Regulation (EC) No 1030/2002[8]. Member States should also have the option of accepting applications submitted by other third-country nationals who are legally present on their territory***.

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7 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).

8 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).

(14) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform or long-stay visas***. 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***.

(15) The time limit for adopting a decision on the application should include ▌ the time required ***to check the labour market situation, 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 time limit for adopting a decision. Member States should endeavour to issue the requisite visa to obtain a single permit in a timely manner***.

(16) In order to avoid duplication of work and prolongation of the procedures, Member States should ***endeavour to require applicants to submit the relevant documents only once and*** only carry out one substantial check of the ***documents*** submitted by the applicant for the issuing of both a single permit and***, where applicable,*** the requisite visa ***to obtain a single permit.*** ▌

(17) 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.

(18) The time limit 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.

(19) Where no decision is taken by the authorities within the time limits provided for in this Directive, any consequences should be determined by national law and should be open to legal redress.

(20) As referred to in the communication of the Commission of 27 April 2022 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. Those partnerships aim to strengthen cooperation between the Union, Member States and partner countries, boost international labour mobility and develop 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.

(21) With the aim of making labour markets in the Union 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.

(22) The single permit should be drawn up in accordance with Regulation (EC) No 1030/2002, enabling Member States to enter further information, in particular as to whether the person is permitted to work or not. 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. ***Third-country nationals should have the right to verify the information contained on paper or in an electronic format and, where appropriate, to have it corrected or deleted, in accordance with Regulation (EC) No 1030/2002.***

(23) 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.

(24) 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, employers are required to inform third-country workers of the essential aspects of the employment relationship and of any change to them, in accordance with Directive (EU) 2019/1152 of the European Parliament and of the Council[9].***

[9] ***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).***

(25) 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. ***A decision to reject an application to issue, amend or renew a single permit and a 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, it should be possible to extend the time limit to take a decision pursuant to this Directive for an additional period of 30 days. In the event of a change of employer by the single permit holder, an extension for an additional period of 15 days should be duly justified.***

(26) In order to ensure that 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 documentary evidence needed 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. That information should include information on social partners, with special reference to workers' organisations, to facilitate their knowledge in order to better protect them at work.

(27) 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[10] 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[11] (Schengen Convention).

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10 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).

11 OJ L 239, 22.9.2000, p. 19.

(28) 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 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 ***an employment*** relationship, to work there in accordance with national law or practice. ***In this context, a third-country worker must have an employment contract or employment relationship as defined by national law, collective agreements or the practice of a Member State, with consideration to the case-law of the Court of Justice of the European Union.***

(29) 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 does not in itself constitute a change of employer.

(30) 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***, 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[12] and 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[13].

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

13 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).

(31) 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.

(32) ***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. That right*** should cover at least ***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, the ***equal treatment of men and women, training,*** health and safety at the workplace, working time and leave ***and holidays. The right to equal treatment should include working conditions laid down in Union law, national law,*** collective agreements ***and the practice of a Member State under the same terms as to nationals of the Member State concerned***.

(33) 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[14]. 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.

(34) 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[15]. 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.

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14 Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

15 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).

(35) The Court of Justice of the European Union held, in its judgment of 25 November 2020 in case C- 302/19[16], that a Member State cannot refuse or reduce the social security benefit to the holder of a single permit on the grounds that some or all of the family members of that holder 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.

(36) 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[17].

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16 ***Judgment of the Court of Justice of 25 November 2020, Istituto nazionale della previdenza sociale (INPS) v WS, C-302/19, ECLI:EU:C:2020:957, paragraph 39.***

17 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).

(37) 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.

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

(39) Member States should ensure that they prevent discrimination against third-country workers with regard to their access to goods and services for which the equal treatment of third-country workers with nationals of the Member State where they reside is guaranteed in accordance with this Directive and national law. Particular attention should be paid to preventing possible discrimination in access to private rented housing in order to ensure that the housing conditions and rental contracts comply with national standards and national rules for private rentals, including standards and rules concerning rent amounts. It is particularly relevant to ensure that the third-country workers remain free to choose their accommodation, without the obligation to reside in accommodation provided by the employer, as is the case for the workers of the Member State concerned, in accordance with national law.

(40) 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 ***branches of*** social security***, as defined in Regulation (EC) No 883/2004***.

(41) To ensure the proper enforcement of ***national provisions adopted pursuant to*** this Directive, Member States***, in cooperation with social partners where applicable in accordance with national law, should provide for appropriate mechanisms for monitoring and***, where appropriate, for effective and adequate inspections ▌ on their respective territories ***in accordance with national law or administrative practice. Services in charge of labour inspection or other*** competent authorities ***should, where appropriate, have access to the workplace.***

(42) Member States should also ***ensure that there are*** effective mechanisms through which third-country workers should be able to seek legal redress and lodge complaints directly or through third parties having, in accordance with the criteria laid down by the national law, ***administrative practice or applicable collective agreements,*** a legitimate interest in ensuring compliance with this Directive, such as trade unions or other associations, or through competent authorities. Those effective mechanisms are 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 in which 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 those proceedings, if provided for in their national law.***

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

(44) The single permit should authorise its holder to change employer during the period of its validity. ***In addition to verifying whether the single permit holder continues to fulfil the requirements laid down by Union or national law,*** Member States should be able to ***put in place certain conditions for a change of employer, including*** a notification ***procedure and 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. In order to prevent potential abuse of the provisions of this Directive related to the*** change of employer***, Member States should also be able to set a minimum period for which the single permit holder is required to work for the first employer before changing employer. Regardless of the duration of the employment contract established under national law, that minimum period should, in any event, not exceed six months. In exceptional and duly justified cases, for example the 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***.

(45) The single permit should not be withdrawn during a period of at least three months in the event of ***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 should be able to require single permit*** holders ***to provide evidence of having sufficient resources to maintain themselves***.

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

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

(48) 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 ***features***, language, religion or beliefs, political or ***any*** other opinions, membership of a national minority, ***property***, birth, ***disability***, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC[18] and Council Directive 2000/78/EC[19].

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18 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).

19 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).

(49) 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 but can rather, 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.

(50) 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.

(51) 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 TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(52) 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.

(53) The obligation to transpose this Directive into national law should be confined 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.

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

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 ***to determine volumes of*** admission of third-country nationals ***in accordance with Article 79(5) TFEU***.

Article 2

Definitions

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

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

(2) ‘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;

(3) ‘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;

(4) ‘single application procedure’ means any procedure leading, on the basis of a single application made by a third-country national, or by the employer of that third-country national, 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 applies to ▌ third-country nationals who*:*

(a) ▌ apply to reside in a Member State for the purpose of work;

(b) ▌ 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; or

(c) ▌ have been admitted to a Member State for the purpose of work in accordance with Union or national law.

2. This Directive does 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[20];

[20] 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

(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 ***posted for*** as long as they are posted ▌;

(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[21];

(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 as au pairs ▌;

[21] 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).

(f) who are authorised to reside in a Member State on the basis of temporary protection ***in accordance with Council Directive 2001/55/EC***[22], or who have applied for authorisation to reside there on that basis and are awaiting a decision on their status;

(g) who are beneficiaries of international protection under Directive 2011/95/EU of the European Parliament and of the Council[23] or who have applied for international protection under that Directive and whose application has not been the subject of a final decision;

(h) who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State or who 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;

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22 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

23 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).

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

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

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

(l) 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.

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

5. Notwithstanding paragraph 2, point (h) of this Article, Chapter III applies 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 ▌ allow ***applications to be submitted by either*** of the two. ▌

2. An application for a single permit shall be considered and examined either where the third-country national is residing outside the territory of the Member State to which that third-country national wishes to be admitted, or where that third-country national is already residing in the territory of that Member State as a 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.

3. 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.

4. 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***.

5. 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 an authority competent to receive the application and to issue the single permit.

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

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, first subparagraph of this Article, ***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 (a)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, the place of work, type of work, working hours and 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, a third-country national to whom the single permit is issued shall have the right to verify personal information contained in that permit and, where appropriate, to have it 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, the place of work, type of work, working hours and 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, a third-country national to whom the residence permit is issued shall have the right to verify that additional information contained in that permit and, where appropriate, to have that information corrected or deleted.***

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 safeguards

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 a decision 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. ***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 a communication to the applicant in accordance with the procedures laid down by national law.***

4. The period referred to in Article 11(3), third subparagraph, 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 ▌ 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 ***the payment of fees for the processing of*** applications in accordance with this Directive. The level of ***fees required by a Member State for the processing of applications*** shall ***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, other Union law or national law.

2. ▌Member States shall allow a single permit holder to ***change employer. Member States may subject the right of a single*** permit holder ***to change employer to any of the conditions set out in paragraph 3***.

3. During the period of validity of a single permit, Member States may:

(a) require that a change of employer be ***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;***

(c) require a minimum period during which the single permit holder is required to work for the first employer.

The minimum period referred to in the first subparagraph, point (c), shall not exceed the duration of the employment contract or the period of validity of the permit. It shall, in any event, not exceed six months. Member States shall allow a single permit holder to change employer before the expiration of that minimum period in duly justified cases of a serious breach by the employer of the terms and conditions of the employment relationship.

Where the Member State requires that a change of employer be notified in accordance with the first subparagraph, point (a), the right of the single permit holder to ▌ change ▌ employer may be suspended for a maximum ***period*** of ***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 the first subparagraph, points (b) and (c), as applicable, are fulfilled, and also verify whether the other*** requirements laid down by Union or national law continue to be fulfilled. The Member State ▌ may oppose the change of ***employer*** within ***that period of 45 days***.

4. ***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;***

(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***.

By way of derogation from the first subparagraph, point (a), the Member State may allow a single permit holder to be unemployed for a longer period.

For the purposes of the first subparagraph, point (b), 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 single permit holders to provide evidence of having sufficient resources to maintain themselves 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 referred to in this paragraph, and a Member State subjects the taking up of the new employment to any of the conditions set out in paragraph 3, it shall allow the single permit holder to stay in its territory until the competent authorities have ***verified the fulfilment of the conditions set out in paragraph 3*** even if ***the allowed*** period of ***unemployment has*** expired***.***

5. Where the validity of the single permit expires during the procedure for its renewal, Member States shall allow the third-country national to stay in their territory as if that third-country national were a single permit holder until the competent authorities have taken a decision on the application for its renewal.

6. Where, in accordance with the procedures laid down by national law, the competent authorities of the Member State establish that there are reasonable grounds to believe 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[24], that Member State shall extend the allowed period of unemployment referred to in paragraph 4 of this Article, by three months.

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[24] ***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 ***with regard to remuneration, dismissal, working hours, leave and holidays and the equal treatment of 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 to*** 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***, such as the right to negotiate and to 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*** 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 (EU) 2016/801;

(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 the third-country worker 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 ▌ housing***, except for the rental of a private residence, within the limits provided for by the national law.***

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, ▌ 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. Measures shall include monitoring, assessment and, where appropriate, inspections***, particularly in sectors identified as being at high risk of violations of labour rights,*** in accordance with national law or administrative practice.

2. Member States shall ***provide for*** penalties ***against employers who have not fulfilled their obligations under this Directive. Those*** penalties ▌ shall be effective, proportionate and dissuasive.

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

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:

   (a) directly;

   (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 ***and the national provisions adopted pursuant to this Directive***; and

   (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 the ***consent of that third-country worker***, in any ***administrative or civil proceedings*** aimed at enforcing compliance with this Directive ***and the national provisions adopted pursuant to this Directive***.

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;

(b) any ***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 in relevant third countries***:

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

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

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

Article 17

Reporting

1. Periodically, and for the first time no later than ... [***five years from the entry into force of this Directive]***, 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. For the first time no later than ***30 June 2028 and annually thereafter***, 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[25]. Those statistics shall relate to reference periods of one calendar year, be disaggregated by type of decision, reason for the decision, **,** length of validity ***of permits, citizenship, sex and age and, where available, by occupation*** and be transmitted within six months after the end of the reference period.

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25 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, point ***(2)***, Article 3(2) ***and (5)***, Article 4(1)***, (2)*** and (4), Article 5(2), (3) and ***(4), Article 6(1)***, Article 7(1), ***Article 8(2), (3) and (4)***, Article 9, ***Article 10***, Article 11(1), point (d), Article 11(2) to ***(6),*** Article 12(1), points ***(a), (b),*** (g) ***and (h),*** Article 12(2), point ▌ (d)(ii), Articles 13, 14***,*** 16 ***and 17*** by ... [two years from the entry into force of this Directive]. 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 is repealed with effect from ... [the 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-limit for the transposition into national law of the Directive set out in 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 ▌ points (1)***, (3)*** and ***(4)***, Article 3(1), ▌ (3) and (4), Article 4(3) and (5), Article 5(1) ▌ , Article 6***(2)***, Article 7(2), Article 8***(1)***, ▌ Article 11(1), points (a), (b) and (c), Article 12(1), points (c) to (f), Article 12(2), points (a), (b), (c) and (d)(i), Article 12(3) and (4) ▌ and Article 15, shall apply from ... [the day after the date set out in the first subparagraph of Article 18(1) of this Directive].

Article 21

Addressees

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

Done ...

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

ANNEX I

Time-limit 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(2)
Article 4(2)	Article 4(3)
Article 4(3)	Article 4(4)
Article 4(4)	Article 4(5)
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
-	Article 8(3)
-	Article 8(4)
Article 9	Article 9, point (a)
-	Article 9, point (b)
Article 10	Article 10

Article 11	Article 11(1)
-	Article 11(2) to (5)
Article 12	Article 12
-	Article 13
-	Article 14
Article 13	Article 15
Article 14	Article 16(a)
-	Article 16, points (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