



Council of the  
European Union

Brussels, 24 March 2023  
(OR. en)

7794/23

LIMITE

JAI 354  
MIGR 107  
ASIM 38  
SOC 207  
EMPL 145  
EDUC 106  
IA 51  
CODEC 466

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Interinstitutional File:  
2022/0134(COD)

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#### NOTE

From:	Legal services of the European Parliament, the Council and the Commission
To:	Working Party on Integration, Migration and Expulsion (Admission)
No. prev. doc.:	8560/22
Subject:	Opinion of the legal services of the European Parliament, the Council and the Commission on the recasting technique used for the proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the status of third-country nationals who are long-term residents (recast) COM(2022) 650 final of 27.4.2022 - 2022/0134 (COD)

Delegations will find in the Annex the opinion of the legal services of the European Parliament, the Council and the Commission (Consultative Working Party) on the recasting technique used for the proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast) COM(2022) 650 final of 27.4.2022 - 2022/0134 (COD)



GROUPE CONSULTATIF  
DES SERVICES JURIDIQUES

Brussels,

16 MARS 2023

## OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION

**Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)**

**COM(2022) 650 final of 27.4.2022 - 2022/0134 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 30 September 2022 and 1 February 2023 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings<sup>1</sup>, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents resulted in the Consultative Working Party's establishing, by common accord, as follows.

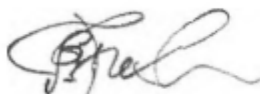
1. The following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- the entire texts of recitals 13, 14 and 15 of Directive 2003/109/EC;
- in recital 22, the replacement of the word '*expulsion*' with the words '*decisions ending their legal stay*', the deletion of the words '*In order to ensure protection against expulsion*' and the adding of the words '*against such decisions*';
- in recital 24, the replacement of the word '*expel*' with the words '*end the legal stay*' and the adding of the words '*and refoule him/her*';
- in recital 25, the replacement of the word '*expulsion*' with the word '*refoulement*' and of the word '*expel*' with the word '*refoule*';

<sup>1</sup> The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 3(3), point (b), the words '*this Directive*';
  - in Article 7(2), first subparagraph, the adding of the word '*complete*';
  - in Article 9(1), point (b), the replacement of the words '*an expulsion measure*' with the words '*a decision ending the legal stay*';
  - in Article 9(2), the adding of the words '*for specific or exceptional reasons*' after the word '*absences*' and the deletion of the words '*or for specific or exceptional reasons*';
  - in Article 9(3), the replacement of the word '*expulsion*' with the words '*ending his/her legal stay*';
  - in Article 13(1), the replacement of the words '*to expel*' with the words '*ending the legal stay of*';
  - in Article 13(3) and (4), the replacement of the word '*expel*' with the words '*end the legal stay of*';
  - in Article 13(6), the replacement of the words '*expulsion decision*' with the words '*decision ending the legal stay*' and of the word '*remove*' with the word '*refoule*';
  - in Article 13(7), the replacement of the words '*an expulsion decision*' with the words '*a decision ending the legal stay of an EU long-term resident*';
  - in Article 25(2), the deletion of the words '*its decision*';
  - in Article 28, first paragraph, the replacement of the words '*23 January 2011*' with the words '*[two years following the end of the transposition period]*'.
2. In recital 24, the replacement of the reference made to '*Directive 2003/109/EC*' in recital 10 of Directive 2011/51/EU with a reference to '*this Directive*' should have been marked with formal adaptation signs.

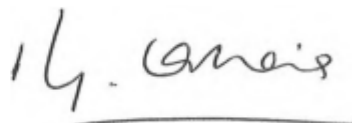
In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



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