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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  
- Political agreement

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1. On 29 October 2007, the Commission submitted the 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.
2. The European Parliament adopted amendments to the above proposal at the Plenary in first reading on 24 March 2011.

3. In accordance with the provisions of the joint declaration on practical agreements for the co-decision procedure<sup>1</sup>, representatives of Council, Parliament and the Commission conducted informal contacts with a view to finding an agreement on the proposal concerning the Single Permit Directive.
4. At its meeting on 29 June the Permanent Representatives Committee confirmed the agreement reached with the European Parliament on the proposal for a Directive on the Single Permit bearing in mind that the issue relating to correlation tables remained pending between the Council and the European Parliament.
5. The Rapporteur informed the European Parliament of the agreement reached between the two Institutions at the LIBE Committee meeting on 13 July. Subsequently, on 18 July the Chair of the Permanent Representatives Committee received a letter from the Chair of LIBE Committee, in which he indicates that he would recommend to the Members of LIBE Committee and the Plenary, in its second reading, to accept the agreement reached on the Single Permit proposal without amendments (doc. 12866/11). This is, however, with the exception of the pending issue of correlation tables for which, as the Chair of LIBE hopes, a solution would be found in due time in the context of ongoing negotiations between the Council and the Parliament.
6. The Permanent Representatives Committee is accordingly asked to confirm the informal agreement achieved by adopting a political agreement on the proposal for a Single Permit Directive as it appears in the Annex to this Note. After the adoption of the political agreement, the text will be sent for a lawyer-linguist revision, with a view to adopting Council's position at first reading. The Council will subsequently submit its position to Parliament for adoption without amendments.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

**Proposal for a directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State**

THE 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,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.

- (2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national legislation governing the conditions for admission and residence of third-country nationals. In this context, it stated in particular that the European Union should ensure fair treatment of third-country nationals residing lawfully on the territory of the Member States and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of citizens of the European Union. The European Council accordingly asked the Council to rapidly adopt the legal instruments on the basis of Commission proposals. The need for achieving the objectives defined at Tampere was reaffirmed by the Stockholm Programme of 10 and 11 December 2009.
- (3) Provisions for a single application procedure leading to one combined title encompassing both residence and work permit within one administrative act should contribute to simplifying and harmonising the rules currently applicable in Member States. Such procedural simplification has already been introduced by several Member States and has made for a more efficient procedure both for the migrants and for their employers, and allowed easier controls of the lawfulness of their residence and employment.
- (4) In order to allow initial entry into their territory, Member States should be able to issue, in a timely manner, a single permit or, if they issue such permits exclusively on their territory, a visa.
- (5) A set of rules governing the procedure for examination of the application for a single permit should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.
- (6) The conditions and criteria on the basis of which an application for a single permit can be rejected should be objective and laid down in national law including the obligation to respect the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005. Any rejection decision should be duly reasoned.

- (7) The single permit should take the harmonised format of the residence permit in accordance with Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals<sup>1</sup>, enabling the Member States to enter further information, in particular as to whether or not the person is permitted to work. Member States should indicate – also for the purpose of better control of migration – not only in the single permit but also in all the issued residence permits the information relating to the permission to work irrespective of the type of the permit or the residence title on the basis of which the third country national has been admitted to the territory of a Member State and has been given access to the labour market of that Member State.
- (8) The provisions in this Directive on the single permit and on the residence permit issued for purposes other than work do not prevent Member States from having 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 documents can serve to prevent the exploitation of third-country nationals and combat illegal employment but should, however, 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 Regulation (EC) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008, can also be used to store such information in an electronic format.
- (9) The obligation on the Member States to determine whether the application is to be made by a third-country national or by his or her employer should be without prejudice to any arrangements requiring both to be involved in the procedure. The Member States should decide whether the application for a single permit is to be made in the Member State of destination or from a third country. In cases where the third-country national is not allowed to make an application from a third country, Member States should ensure that the application may be made by the employer in the Member State of destination.

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<sup>1</sup> OJ L 157, 15.6.2002, p. 1.

- (10) 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 national or to Union rules on admission procedures and on procedures for issuing such permits.
- (11) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform and long-stay visas.
- (12) The deadline for adopting a decision on the application should not include the time required for the recognition of professional qualifications or the time required for issuing a visa. This Directive should be without prejudice to national procedures on the recognition of diplomas.
- (13) 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.
- (14) The provisions of this Directive are without prejudice to the competence of the Member States to regulate the admission, including volumes of admission for third-country nationals for the purpose of employment.
- (15) 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 accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)<sup>1</sup> and Article 21 of the The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (Schengen Implementing Convention).

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<sup>1</sup> OJ L 105, 13.4.2006, p. 1.

(16) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to pursuing a further development of a coherent immigration policy and narrowing the rights gap between Union citizens and third-country nationals legally working and complementing the existing immigration acquis, a set of rights should be laid down in particular in the form of specifying the policy fields where equal treatment with own nationals is provided for third-country workers legally admitted in a Member State but not yet long-term residents. Such provisions are intended to establish a minimum level playing field within the EU, to recognise that such third-country nationals legally working in Member States contribute to the European economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between own nationals and third-country nationals resulting from possible exploitation of the latter. Definition of "third country worker" as laid down in Article 2(b) of this Directive means, without prejudice to the interpretation of the concept of employment relationship in other EU legislation, any third-country national who has been admitted to the territory of a Member State, is legally resident and is allowed to work in the context of a paid relationship under national law and/or in accordance with national practice in that Member State.

- (17) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights in the form of equal treatment with the own nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not only to those third-country nationals who have been admitted to the territory of a Member State to work but also for those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Community or national legislation including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification<sup>1</sup>, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service<sup>2</sup> and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.
- (18) Third-country nationals who have acquired long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents<sup>3</sup> are not covered by this Directive given their more privileged status and their specific type of residence permit "long-term resident – EC".
- (19) Posted third-country nationals are not covered by this Directive. This should not prevent third-country nationals who are legally resident and lawfully employed in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which are not affected by the application of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services<sup>4</sup>.

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<sup>1</sup> OJ L 251, 3.10.2003, p. 12.

<sup>2</sup> OJ L 375, 23.12.2004, p. 12.

<sup>3</sup> OJ L 16, 23.1.2004, p. 44.

<sup>4</sup> OJ L 18, 21.1.1997, p. 1.

- (20) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis should not be covered by the Directive given their temporary status.
- (21) The right to equal treatment in specified policy fields should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which is enshrined in the single permit encompassing the authorization to both reside and work and in residence permits issued for other purposes containing the information on the permission to work.
- (22) Working conditions in this Directive are to be understood to cover at least pay and dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.
- (23) Professional qualifications acquired by a third-country national in another Member State should be recognised the same way as for Union citizens and qualifications acquired in a third country should be taken into account in conformity with the provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>1</sup>. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures is without prejudice to the competence of Member States to admit these third-country workers to their labour market.

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<sup>1</sup> OJ L 255, 30.9.2005, p. 22.

- (24) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems<sup>1</sup>. The provisions on equal treatment concerning social security in this proposal also apply to workers coming to a Member State directly from a third country. Nevertheless, this Directive should not confer on third-country workers more rights than those already provided in the existing Union legislation in the field of social security for third-country nationals who have cross-border elements between Member States. This Directive, furthermore, should not grant rights in relation to situations which lie outside the scope of Union legislation, for example family members residing in a third country. This Directive grants rights only in relation to those family members who join the third-country worker to reside in any Member State on the basis of family reunification or to those family members who already reside legally in the given Member State.
- (25) Member States should at least give equal treatment to those 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 in application of Regulation (UE) n° 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<sup>2</sup>.
- (26) Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at Union level, it is for the legislation of each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.

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<sup>1</sup> OJ L 166, 30.4.2004, p. 1.

<sup>2</sup> OJ L 344, 29.12.2010, p. 1.

- (27) Equal treatment of third-country workers does not cover measures in the field of vocational training which are financed under social assistance schemes.
- (28) Since the objectives of this Directive, namely determining a single application procedure for issuing a single permit for third-country nationals to work in the territory of a Member State and securing rights for third-country workers legally residing in a Member State cannot be sufficiently achieved 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. 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.
- (29) This Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union.
- (30) This Directive should be applied without prejudice to more favourable provisions contained in Union law and applicable international instruments.
- (31) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>1</sup> and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

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<sup>1</sup> OJ L 180, 19.7.2000, p. 22.

- (32) In accordance with paragraph 34 of the Interinstitutional agreement on better law making, Member States are encouraged to draw up, for themselves and in the interest of the Union, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and make them public.
- (33) In accordance with Articles 1 and 2 of the Protocol (N° 21) on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and without prejudice to Article 4 of that Protocol those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.
- (34) In accordance with Articles 1 and 2 of the Protocol (N° 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### **Purpose**

The purpose of this Directive is to determine:

- (a) a single application procedure for issuing a single permit for third-country nationals to reside for the purpose of work in the territory of a Member State, in order to simplify the procedures for their admission and to facilitate the control of their status; and
- (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.

This Directive is without prejudice to the Member States' powers concerning the admission of third-country nationals to their labour markets.

#### *Article 2*

##### **Definitions**

For the purposes of this Directive:

- (a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union;

- (b) "third-country worker" means any third-country national who has been admitted to the territory of a Member State, is legally resident and is allowed to work in the context of a paid relationship under national law and/or in accordance with national practice in that Member State;
- (c) "single permit" means a residence permit issued by the authorities of a Member State allowing a third-country national to stay legally in its territory in order to work there;
- (d) "single application procedure" means any procedure leading, on the basis of a single application made by a third-country national, or by his or her employer, for the authorisation of residence and work in the territory of a Member State, to a decision ruling on that application for the single permit.

### *Article 3*

#### **Scope**

1. This Directive shall apply:
  - (a) to third-country nationals who apply to reside for the purpose of work in the territory of a Member State,
  - (b) to third-country nationals who have been admitted for purposes other than work under national or Union law, are allowed to work and are issued a residence permit in accordance with Regulation (EC) No 1030/2002; and
  - (c) to third-country nationals who have been admitted for the purpose of work under national or Union 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 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;
  - (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 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;
  - (e) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers or au pairs;
  - (f) who are authorised to reside in a Member State on the basis of temporary protection, or who have applied for authorisation to reside there on that basis and are awaiting a decision on their status;
  - (g) who are beneficiaries of international protection under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>1</sup> or have applied for international protection under that Directive and whose application has not yet given rise to a final decision;

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<sup>1</sup> OJ L 304, 30.9.2004, p. 12.

- (h) who are beneficiaries of protection in accordance with national law, international obligations or the practice of the Member State or have applied for protection in accordance with national law, international obligations or the practice of the Member State and whose application has not given rise to a final decision;
  - (i) who have acquired long-term resident status in accordance with Directive 2003/109/EC;
  - (j) whose removal has been suspended for reasons of fact or law;
  - (k) who have applied for admission or 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 of this Directive does not apply to third-country nationals who have been either authorised to work on the territory of a Member State for a period not exceeding six months or admitted for the purpose of study.
4. Chapter II of this Directive shall not apply to third-country nationals who are allowed to work on the basis of a visa.

## CHAPTER II

### SINGLE APPLICATION PROCEDURE AND SINGLE PERMIT

#### *Article 4*

#### **Single application procedure**

1. An application for a single permit shall be submitted in a single application procedure. Member States shall determine whether applications for a single permit are to be made by the third-country national or by his/her employer. Member States may also decide to allow an application from either of the two. If the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, on the territory of the Member State in which he or she is already legally present.
2. Member States shall examine the application and adopt a decision to grant, to modify or to renew the single permit if the applicant fulfils the requirements specified by national or Union law. The decision granting, modifying or renewing the single permit shall constitute a single administrative act combining a residence permit and a work permit.
3. The single application procedure shall be without prejudice to the visa procedure which may be required for initial entry.
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 as soon as possible and no later than four months from the date on which the application was lodged.

The time limit referred to in the first subparagraph may be extended in exceptional circumstances, linked to the complexity of the examination of the application.

Any consequence of no decision being taken by the end of the period provided for in this provision shall be determined by national law of the relevant Member State.

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.
4. If the information or documents supporting the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required and may set a reasonable deadline to provide them. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required. If additional information or documents have not been provided within the deadline, the application may be rejected.

## *Article 6*

### **Single permit**

1. Member States shall issue the single permit using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with its Annex, a, 7.5-9.

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) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008.

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

## *Article 7*

### **Residence permits issued for purposes other than work**

1. When issuing residence permits in accordance with Regulation (EC) No 1030/2002 Member States shall indicate the information relating to the permission to work irrespective of the type of the permit.

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) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008.

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

#### *Article 8*

#### **Procedural Guarantees**

1. Reasons shall be given in the written notification for a decision rejecting the application for a single permit, not modifying or not renewing the single permit, or withdrawing the single permit on the basis of criteria provided for by national or Union law.
2. Any decision rejecting the application, not modifying or not renewing or withdrawing a single permit shall be open to a legal challenge in the Member State concerned, in accordance with national law. The written notification shall specify the court or administrative authority where the person concerned may lodge an appeal and the time-limit for the appeal.
3. An application may be considered as inadmissible on the grounds of volumes of admission of third-country nationals coming for employment and therefore has not to be processed.

#### *Article 9*

#### **Access to information**

Member States shall provide, upon request, adequate information to the third-country national and the future employer on the documents required to make a complete application.

## *Article 10*

### **Fees**

Member States may request applicants to pay fees. Where appropriate, these fees are collected for handling applications in accordance with this Directive. In such cases, the level of fees shall be proportionate and may be based on the principle of the services actually provided for the processing of applications and issuing of permits.

## *Article 11*

### **Rights on the basis of the single permit**

Where a single permit has been issued in accordance with national law and during its period of validity, it shall authorise its holder as a minimum to:

- (a) enter and stay in the territory of the Member State issuing the single permit, provided that he or she meets all admission requirements in accordance with national law;
- (b) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national legislation;
- (c) exercise the concrete employment activity authorised under the single permit in accordance with national law;
- (d) be informed about his/her own rights linked to the permit conferred by this Directive and /or by national legislation.

## **CHAPTER III**

### **RIGHT TO EQUAL TREATMENT**

#### *Article 12*

1. Third-country workers as referred to in paragraph 1(b) and (c) of Article 3 shall enjoy equal treatment with nationals of the Member State where they reside with regard to:
  - (a) working conditions, including pay and dismissal as well as health and safety at the workplace;
  - (b) freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to the 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 housing as provided by national law. This paragraph is without prejudice to the freedom of contract in accordance with Union and national law;
  - (h) advice services afforded by employment offices.

2. Member States may restrict equal treatment with nationals:

(a) under paragraph 1(c):

- by limiting its application to those third-country workers who are in employment or who have been employed and who are registered as unemployed;
- by excluding those third-country workers who have been admitted to their territory in conformity with Council Directive 2004/114/EC
- by excluding study and maintenance grants and loans or other grants and loans;
- by 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 to vocational training which is not directly linked to the concrete employment activity;

(b) under paragraph 1(g):

- by limiting its application to those third-country workers who are in employment;
- by restricting access to housing;

(c) by limiting the rights conferred under paragraph 1(e) for third-country workers, but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of 6 months and who are registered as unemployed.

In addition, Member States may decide that paragraph 1(e) with regard to family benefits shall not apply to third-country nationals who have been authorised to work on the territory of a Member State for a period not exceeding six months, 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.

- (d) under paragraph 1 (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 within the territory of the Member State concerned.
3. The right to equal treatment as laid down in paragraph 1 is without prejudice to the right of the Member State to withdraw or to refuse to renew the residence permit issued under this Directive, the residence permit issued for purposes other than work, or any other authorisation to work in a Member State.
4. Third-country workers moving to a third country, or the survivors of such workers residing in a third-country deriving rights from the worker, shall receive, in relation to old-age, invalidity and death, statutory pensions based on the workers' previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.

### *Article 13*

#### **More favourable provisions**

1. This Directive shall apply without prejudice to more favourable provisions of:
- (a) Union legislation, including bilateral and multilateral agreements between the Union, or the Union and its Member States, on the one hand and one or more third countries on the other.
- (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.

## **CHAPTER IV**

### **FINAL PROVISIONS**

#### *Article 14*

#### **Information to the general public**

Each Member State shall make available to the general public a regularly updated set of information concerning the conditions of third-country nationals' entry into and stay in its territory in order to work there.

#### *Article 15*

#### **Reporting**

1. Periodically, and for the first time no later than three years after the date specified in Article 16, the Commission shall present a report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments it deems necessary.
  
2. Annually, and for the first time no later than 1 July ...\*, Member States shall communicate to the Commission statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection.

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\* One year after the deadline for transposition of this Directive.

*Article 16*

**Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ....\* at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

*Article 17*

**Entry into force**

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

*Article 18*

**Addressees**

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

Done at

For the European Parliament

*The President*

For the Council

*The President*

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\* Two years after the entry into force.