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from: Presidency
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on: 30-31 May 2011

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

Delegations will find attached Presidency compromise suggestions for Articles 1-3, 5-8, 11-14, 16, 16A and 19 of the above proposal on which the discussion will be focused at the meeting on 30-31 May.

Changes to the previous text of these Articles, as it appeared in doc 9601/11 (Articles 11, 13.4, 16, 16A), in doc. 7409/11 (Articles 9, 10, 12 and 19), in doc. 6027/11 (Articles 1-3, 5-8), and in doc. 17247/10 (Articles 13 and 14) are indicated with **bold** and [...].

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Subject-matter

This Directive determines:

- (a) the conditions of entry to and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals and of their family members in the framework of an intra-corporate transfer;
- (b) the conditions of entry to and residence [...], and the rights, of third-country nationals, referred to in point (a), in Member States other than the Member State which first grants the third-country national a residence permit on the basis of this Directive.

Article 2

Scope

1. This Directive shall apply to third-country nationals who reside outside the territory of a Member State and apply to be admitted or who have been admitted to the territory of a Member State in the framework of an intra-corporate transfer.

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

- (a) [...] who apply to reside in a Member State as researchers, within the meaning of Directive 2005/71/EC, in order to carry out a research project;
- (b) [...] who, under agreements between the Union and its Member States and third countries, enjoy rights of free movement equivalent to those of citizens of the Union or are employed by an undertaking established in those third countries;
- (c) [...] **who are temporarily posted in the framework of the provision of services, irrespective of whether the undertaking is established in a Member State or in a non-Member State, as long as they are posted;**
- (d) [...] **working for and being assigned by employment agencies, temporary work agencies or any other undertakings engaged in making available labour to work under the supervision and direction of another undertaking.**

Article 3

Definitions

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

- (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) ‘intra-corporate transfer’ means the temporary secondment of a third-country national from an undertaking established outside the territory of a Member State and to which the third-country national is bound by a work contract **during the transfer**, to an entity belonging to the undertaking or to the same group of undertakings which is established inside this territory;

- (c) ‘intra-corporate transferee’ means any third-country national subject to an intra-corporate transfer;
- (d) ‘host entity’ means the entity, regardless of its legal form, established, in accordance with national law, in the territory of a Member State to which the third-country national is transferred;
- (e) ‘manager’ means any person working in a senior position, who principally directs the management of the host entity, receiving general supervision or direction principally from the board of directors or stockholders of the business or equivalent; this position includes: directing the host entity or a department or sub-division of the host entity, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and dismiss or recommend hiring, dismissing or other personnel actions;
- (f) ‘specialist’ means any person possessing [...] **uncommon** knowledge essential and specific to the host entity, taking also account of whether the person has a high level of formal qualification and/or professional experience referring to a type of work or trade requiring specific technical knowledge;¹
- (g) ‘employee in training’ means any person **in employment relationship** with a higher education qualification who is transferred to broaden his/her knowledge of and experience in a company in preparation for a managerial or a specialist position within the company;

¹ Recital (10) additional sentence: “The criteria set out in the definition of specialists is in line with the definition of professional qualifications in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.”

- (h) ‘higher education qualification’ means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme of at least three years, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated;
- (i) ‘family members’ means the third-country nationals referred to in Article 4(1) of Council Directive 2003/86/EC²;
- (j) ‘intra-corporate transferee permit’ means any authorisation bearing the words ‘intra-corporate transferee’ entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;
- (k) ‘single application procedure’ means the procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of a Member State, to a decision on that application;
- (l) ‘group of undertakings’ for the purposes of this Directive means two or more undertakings recognised as linked in the following ways under national law: an undertaking, in relation to another undertaking directly or indirectly: holds a majority of that undertaking's subscribed capital; or controls a majority of the votes attached to that undertaking's issued share capital; or can appoint more than half of the members of that undertaking's administrative, management or supervisory body;
- (m) ‘first Member State’ means the **host** Member State which first grants a third-country national an intra-corporate transferee permit on the basis of this Directive;
- (n) ‘second Member State’ means any **host** Member State in which the intra-corporate transferee intends to exercise or exercises the right of mobility within the meaning of this Directive, other than the first Member State;

² OJ L 251, 3.10.2003, p. 12.

[...]

- (o) ‘regulated profession’ means a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC.

Article 4

More favourable provisions

1. This Directive shall apply without prejudice to more favourable provisions of:
 - (a) Union law, including bilateral and multilateral agreements concluded between the Union and its Member States on the one hand and one or more third countries on the other;
 - (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.
2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of Articles 3 (i), 12, 14 and 15.

CHAPTER II CONDITIONS OF ADMISSION

Article 5

*Criteria for admission*³

1. Without prejudice to Article 10, a third-country national who applies to be admitted under the terms of this Directive or the host entity shall:
 - (a) Provide evidence that the host entity and the undertaking established in a third country belong to the same undertaking or group of undertakings;
 - (b) present an assignment letter from the employer and/or a work contract, from the employer including:
 - (i) evidence of employment with the undertaking established [...] **in a third country**;
 - (ii) the duration of the transfer and the location of the host entity or entities of each Member State concerned;
 - (iii) evidence that the third-country national is taking a position as a manager, specialist or employee in training in the host entity or entities in the Member State concerned;
 - (iv) the remuneration **and the relevant terms and conditions of employment** granted during the transfer;

³ Recital (9): "This Directive establishes a transparent and simplified procedure for admission of intra-corporate transferees, based on common definitions and harmonised criteria. These set of rules should be applied without prejudice to Member States having the right to decide upon the technical formalities relating to the application, such as requesting that the address of the third-country national be provided."

- (v) evidence that the third-country national will be able to transfer back to an entity belonging to that group of undertakings and established in a third country at the end of the assignment.
 - (c) provide evidence that the third-country national has the professional qualifications needed in the Member State to which the third-country national applied to be admitted for the position of manager or specialist or, in the case of employee in training, the higher education qualifications required;
 - (d) present documentation certifying that the third-country national fulfils the conditions laid down under national legislation for citizens of the Union to exercise the regulated profession which the transferee is applying to work in;
 - (e) present a valid travel document of the third-country national, as determined by national law, and an application for a visa or a visa, if required; Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit;
 - (f) without prejudice to existing bilateral agreements, present evidence [...] **of having or being entitled to have by virtue of the application of [...]** national law, [...] a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in the [...] **Member State concerned;**
2. Member States shall require that the remuneration which will be granted to third-country national during the transfer is in line with the provisions of Article 14 (1).

3. In addition to the evidence stipulated in paragraphs 1 and 2, any third-country national who applies to be admitted as an employee in training shall present a training agreement, related to the preparation for his/her future position within the group of undertakings, including a description of the training programme, its duration and the conditions under which the applicant is supervised during the programme.
4. Any modification that affects the conditions for admission set out in this Article shall be notified by the host entity to the competent authorities of the Member State concerned.
5. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted for the purposes of this Directive.
6. Member States may require the third-country national to provide evidence of employment within the same group of undertakings, for up to six months immediately preceding the date of the intra-corporate transfer.
7. Member States may, if provided for by national law, require the host entity to provide a statement of financial responsibility to ensure that:
 - (a) The intra-corporate transferee will be guaranteed the required level of remuneration and rights as specified under Article 14, in particular that she/he will not have recourse to the social assistance system of the Member State concerned;
 - (b) All expenses that could be related to the return of the ICT in case of illegally stay are covered. The financial responsibility of the host entity shall end at the latest six months after the termination of the assignment in the Member State concerned.

Article 5A

[...]

Volumes of admission

[...] **This Directive shall not affect the right of a Member State to determine the volumes of admission of third-country nationals entering its territory.**⁴

Article 6

Grounds for refusal

1. Member States shall reject an application in the following cases:
 - (a) where the conditions set out in Article 5 are not met;
or
 - (b) where the documents presented have been fraudulently acquired, falsified or tampered with;
or
 - (c) where the host entity was established for the sole purpose of facilitating the entry of intra-corporate transferees;
or
 - (d) **where the maximum duration of stay as defined in Article 11(2) has been reached.**

2. Member States may reject an application if the employer or the host entity:

⁴ Recital (17): "This Directive should be without prejudice to the right of the Member States to determine the volumes of admission of third-country nationals entering their territory for the purposes of intra-corporate transfer as specified in [...] the Treaty."

(a) has been sanctioned in conformity with national law for undeclared work and/or illegal employment;

or

(b) **does not meet the legal obligations regarding social security, taxation and/or working conditions, set out in national law.**

3. Member States may reject an application for admission to a Member State for the purposes of this Directive on the ground set out in Article 5a.

Article 7

Withdrawal or non-renewal of the permit

1. Member States shall withdraw an intra-corporate transferee permit in the following cases:

(a) where it has been fraudulently acquired, or has been falsified, or tampered with;
or

(b) where the holder is residing for purposes other than those for which he/she was authorised to reside.
or

(c) where the host entity was established for the sole purpose of facilitating the entry of intra-corporate transferees.

[...]

2. Member States shall refuse to renew an intra-corporate transferee permit in the following cases:

- (a) where it has been fraudulently acquired, or has been falsified, or tampered with;
or
- (b) where the holder is residing for purposes other than those for which he/she was authorised to reside;
or
- (c) where the host entity was established for the sole purpose of facilitating the entry of intra-corporate transferees;
or
- (d) where the maximum duration of stay as defined in Article 11(2) has been reached.

3. Member States may withdraw or refuse to renew an intra-corporate transferee permit in the following cases;

- (a) wherever the conditions laid down in Article 5 were not met or are no longer met;
or
- (b) where the employer or the host entity has been sanctioned in conformity with national law for undeclared work and/or illegal employment;

or
- (c) **does not meet the legal obligations regarding social security, taxation and/or working conditions, set out in national law.**

Article 8

Penalties

Member States may, [...] **if** provided for in national law, hold the host entity responsible and provide for penalties for failure to comply with the conditions of admission and stay **or to comply with administrative and information requirements**. Those penalties shall be effective, proportionate and dissuasive.

CHAPTER III
PROCEDURE AND PERMIT

Article 9

Access to information

Member States shall take the necessary measures to make available information on entry and residence, including rights, and all documentary evidence needed for an application.

Article 10

Applications for admission

1. Member States shall determine whether an application is to be made by the third-country national and/or by the host entity.
2. The application shall be considered and examined when the third-country national is residing outside the territory of the Member State to which admission is sought. If provided for by national law, Member States may consider and examine an application submitted when the intra-corporate transferee concerned is already legally staying in its territory.

3. Member States shall designate the authority competent to receive and process the application and to issue the intra-corporate transferee permit.
4. The application shall be submitted in a single application procedure.
5. Simplified procedures related to the issuance of intra-corporate transferee permits, ICT family permits as well as visas may be made available to entities or to groups of undertakings that have been recognised for that purpose by Member States in accordance with their national legislation or administrative practice.

Recognition shall be regularly reassessed and appropriate penalties provided for, in accordance with national law.

Article 11

Intra-corporate transferee permit

1. Intra-corporate transferees who fulfil the admission criteria set out in Article 5 and for whom the competent authorities have taken a positive decision shall be issued with an intra-corporate transferee permit.
2. The period of validity of the intra-corporate transferee permit shall be at least one year or the duration of the transfer to the territory of the Member States concerned, whichever is shorter, and may be extended to a maximum of three years for managers and specialists and one year for [...] **employees in training**.
3. The intra-corporate transferee permit shall be issued by the competent authorities of the Member State using the uniform format as laid down in Council Regulation (EC) No 1030/2002.
4. Under the heading 'type of permit', the Member States shall enter 'intra-corporate transferee'.

5. Member States shall not issue any additional permits, in particular work permits of any kind.
6. Member States concerned [...] **may** issue to the holder of an intra-corporate transferee permit an additional document containing the relevant terms of employment according to national law.⁵
7. The Member State concerned shall grant third-country nationals whose application for admission has been accepted every facility to obtain the requisite visa.
8. Member States shall not require intra-corporate transferees to leave their territory in order to submit applications for visas or intra-corporate transferee permits without prejudice to Article 10 (2).

Article 12

Procedural safeguards

1. [...] The competent authorities of the Member State concerned shall adopt a decision on the application for an intra-corporate transferee permit or a renewal of it and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible but no later than 60 days of the complete application being lodged.

In exceptional cases involving complex applications the deadline may be extended by a maximum of 30 days.

National law of the relevant Member State shall determine any consequence of a decision not having been taken by the end of the period provided for in this paragraph.

⁵ New Recital: “Member States should decide on the form and detailed content of the additional document issued after registration. Such a document is not allowed to constitute an additional permit in any sense.”

2. Where the information supplied in support of the application is inadequate, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it.

The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If additional information or documents have not been provided within the deadline, the application may be rejected.

3. Reasons for a decision rejecting an application for an intra-corporate transferee permit [...] or renewal shall be given in writing to the applicant. Reasons for a decision withdrawing an intra-corporate residence permit shall be given in writing to the intra-corporate transferee and, when the application for the intra-corporate transferee permit was lodged by the host entity, to the applicant.
4. Any decision rejecting the application, refusing [...] renewal, or renewal or withdrawing an intra-corporate transferee 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 and/or administrative authority where an appeal may be lodged and the time-limit for lodging the appeal.
5. Within the period referred to in Article 11(2) an applicant shall be allowed to lodge an application for renewal before the expiry of the intra-corporate transferee permit.

Member States may set a maximum deadline of 90 days prior to the expiry of the intra-corporate transferee permit for submitting an application for renewal.

6. If the intra-corporate transferee permit expires during the procedure, Member States may issue, if required by national law, national temporary residence permits or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the application has been taken by the competent authorities.

Article 12A

Fees

Member States may request applicants to pay fees for handling applications in accordance with this Directive. The level of fees must be proportionate and reasonable.

CHAPTER IV
RIGHTS

Article 13

Rights on the basis of the intra-corporate transferee permit

During the period of validity of an intra-corporate transferee permit, the holder shall enjoy at least the following rights⁶:

1. the right to enter and stay in the territory of the Member States [...] **covered by the authorisation of the intra-corporate transferee permit;**
2. free access to the entire territory of the Member States [...] **covered by the authorisation of the intra-corporate transferee permit,** within the limits provided for by national law;

⁶ **New Recital: “Third-country nationals who are in possession of a valid travel document and an intra-corporate transferee 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) and Article 21 of 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).”**

3. the right to exercise the specific employment activity authorised under the permit in accordance with national law in any entity belonging to the group of undertakings in accordance with Article 16;
4. the right to carry out his/her assignment at the sites of clients of the entities belonging to the group of undertakings in **the Member State where the entity** covered by the authorisation of the intra-corporate transferee permit [...] is located, as long as the employment relationship is maintained with the undertaking established in a third country.

Article 14

Rights

Whatever the law applicable to the employment relationship, intra-corporate transferees shall be entitled to:

1. **without prejudice to Article 4 of this Directive, at least** the terms and conditions of employment applicable to posted workers in a similar situation [...] **in accordance with Article 3 of Directive 96/71/EC** in the Member State [...] **where the work is carried out.**

[...]

2. Equal treatment with nationals of the host Member State as regards:
 - (a) 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 benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
 - (b) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;

- (c) without prejudice to existing bilateral agreements, provisions in national law regarding the branches of social security defined in Article 3 of Regulation (EC) No 883/04. In the event of mobility between Member States and without prejudice to existing bilateral agreements, Council Regulation (EC) No [...] **1231/2010** shall apply accordingly;
- (d) without prejudice to Regulation (EC) No 859/2003⁷ and to existing bilateral agreements, payment of statutory pensions based on the worker's previous employment when moving to a third country;
- (e) access to goods and services and the supply of goods and services made available to the public, except public housing and [...] services afforded by employment services.

The right to equal treatment laid down in paragraph 2 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the permit in accordance with Article 7.

Article 15

Family members

1. Council Directive 2003/86/EC shall apply, subject to the derogations laid down in this Article.
2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification in the Member State shall not be made dependent on the requirement that the holder of the permit issued on the basis of this Directive must have reasonable prospects of obtaining the right of permanent residence and have a minimum period of residence.
3. By way of derogation from the last subparagraph of Article 4(1) and from Article 7(2) of Directive 2003/86/EC, the integration measures referred to therein may be applied by the Member State only after the persons concerned have been granted family reunification.

⁷ OJ L 124, 20.5.2003, p. 1.

4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted by the first Member State, if the conditions for family reunification are fulfilled, at the latest within two months from the date on which the application was lodged.
5. By way of derogation from Article 13(2) of Directive 2003/86/EC, the duration of validity of the residence permits of family members in the Member State may be the same as that of the intra-corporate transferee permit.

CHAPTER V

MOBILITY BETWEEN MEMBER STATES

Article 16

[...]

Provisions governing short-term mobility

1. When the **intra-corporate transferee** [...] intends to work **in a second Member State for a period of up to three months in any six-month period, the transfer may take place on the basis of the intra-corporate transferee permit issued by the first Member State during its validity, provided that there is a host entity in the second Member State concerned and the intra-corporate transferee is not considered to pose a threat to public policy, public security or public health in that second Member State.** [...]
2. **When lodging the application for an intra-corporate transferee permit the applicant shall notify the competent authorities of the first Member State and the host entity shall notify the competent authorities of the second Member State about the transfer intended to take place in that second Member State.**

[...]

3. The intra-corporate transferee permit issued by the first Member State entitles the intra-corporate transferee to work and reside, in accordance with Articles 13 and 14, in the first and in the second Member State(s), except [...] **where the criteria set out in paragraph 1 are not fulfilled.** [...]

Where the relevant legislation provides for the requirement for a visa for exercising short-term mobility, such a visa shall be granted in a timely manner within a period that does not hamper the transfer.

[...]

4. If the intra-corporate transferee intends to [...] **exercise the right of short-term mobility** in a second Member State other than the Member State(s) **notified during the application procedure, the host entity shall notify the competent authorities of the first and of the second Member State about this intention before the transfer takes place in that second Member State.** [...]

5. [...] **The second Member State may require registrations to be carried out in accordance with national law when the intra-corporate transferee enters the territory of the second Member State with the purpose of work.** The second Member State [...] **may** [...] issue [...] **an** additional document specified under Article 11 (6) as a proof of such registration.

[...]

6. The maximum duration of the transfer to the European Union shall not exceed three years for managers and specialists and one year for [...] **employees in training.**

In case the intra-corporate transferee permit is renewed by the first Member State within the maximum duration, the renewed intra-corporate transferee permit continues to authorise its holder to work in the second Member State(s) notified.

[...]

7. In case the first Member State withdraws the intra-corporate transferee permit, the authorities of the second Member State(s) shall be informed by the first Member State.

Article 16A

Provisions governing long-term mobility

1. If the third-country national who intends to work in a second Member State for more than 3 months within any 6-month period, an application for a new intra-corporate transferee permit shall be lodged to the authorities of the second Member State and present all the documents proving the fulfilment of the conditions set out in Article 5.

The application may be presented to the competent authorities of the second Member State outside the territories of the European Union or while residing in the territory of the first or the second Member State.

2. If the third-country national has already been granted an intra-corporate transferee permit the second Member State may decide not to verify certain criteria for admission and/or may allow the intra-corporate transferee to work until a positive decision on the application has been taken by its competent authority.
3. The provisions set out in Article 16 shall apply in a way that "the first Member State" shall be understood as the second Member States in which the application for a new intra-corporate permit is lodged and "the second Member State" as the Member State in which short-term mobility right is intended to be exercised.
4. The second Member State issuing or withdrawing a new intra-corporate transferee permit shall inform the first Member State about it, in case the intra-corporate transferee permit issued by the first Member State is still valid.

CHAPTER VI FINAL PROVISIONS

Article 17

Statistics

1. Member States shall communicate to the Commission statistics on the number of residence permits issued for the first time or renewed and, as far as possible, on the number of residence permits withdrawn for the purpose of intra-corporate transfer to persons who are third-country nationals, disaggregated by citizenship, age and sex, by transferee position (manager, specialist and graduate trainee), by length of validity of the permit and by economic sector.
2. The statistics referred to in paragraph 1 shall be communicated in accordance with Regulation (EC) No 862/2007.
3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission within six months of the end of the reference year. The first reference year shall be [...].

Article 18

Reports

By [three years after the date of transposition of this Directive] at the latest and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive in the Member States including any necessary proposal.

Article 19
Cooperation on information

1. Member States shall appoint [...] **contact points** which shall [...] be responsible for receiving and transmitting the information [...] **needed to implement Article 16 and 16A**. Member States shall give preference to exchange of information via electronic means.^{8 9}

2. Member States shall provide appropriate cooperation on exchanges of the information and documentation referred to in paragraph 1. Such procedural cooperation shall be effectively carried out especially when the application has not been lodged with the designated authorities of the Member State having competence within the meaning of this Directive.

[...]

Article 20
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁸ Recital: "In order to facilitate the fast processing of application Member States should give preference to exchanging information and transmitting relevant documents electronically, unless technical difficulties occur or essential interests require otherwise."

⁹ **New Recital: "The collection and transmission of files and data should be carried out in compliance with the relevant data protection and security rules."**

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 21

Entry into force

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

Article 22

Addressees

This Directive is addressed to the Member States in accordance with the Treaty on the Functioning of the European Union.

Done at Brussels, [...]

For the European Parliament

For the Council

The President

The President
