



Plenary sitting

A9-0145/2023

13.4.2023

*****I**
REPORT

on 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)0650 – C9-0162/2022 – 2022/0134(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Damian Boeselager

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure
Abir Al-Sahlani, Committee on Employment and Social Affairs

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on 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)0650 – C9-0162/2022 – 2022/0134(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0650),
 - 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 (C9-0162/2022),
 - 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 26 October 2022¹,
 - having regard to the opinion of the Committee of the Regions of 30 November 2022²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to 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 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 (A9-0145/2023),
- 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

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.

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.

Amendment 1
Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Council Directive 2003/109/EC³¹ has been substantially amended³². ***Since further amendments are to be made***, that Directive should be recast ***in the interests of clarity***.

³¹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L16, 23.1.2004, p.44).

³² See Annex I, Part A.

Amendment 2
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) The prospect of obtaining EU long-term resident status in a Member State after a certain time is an important ***element*** for the full integration of beneficiaries of international protection in the Member

Amendment

(1) Council Directive 2003/109/EC³¹ has been substantially amended³². ***On the continued basis that the Union should ensure the fair treatment of third-country nationals who are legally residing in the territory of the Member States and that a more vigorous integration policy should aim to grant those third-country nationals rights and obligations comparable to those of citizens of the Union, for the purpose of enhancing the attractiveness of the Union, and in the interests of clarity***, that Directive should be recast.

³¹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L16, 23.1.2004, p.44).

³² See Annex I, Part A.

Amendment

(5) The prospect of obtaining EU long-term resident status in a Member State after a certain time is an important ***opportunity*** for the full integration of beneficiaries of international, ***temporary and other forms***

State of residence. Beneficiaries of international protection should therefore be able to obtain EU long-term resident status in the Member State which granted them *international* protection, subject to the same conditions as other third-country nationals.

Amendment 3
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Third-country nationals who are beneficiaries of free movement rights in accordance with EU law should be given access to EU long-term *residence* status in accordance with the same rules as any other third-country nationals falling within the scope of this Directive. The rights that such third-country nationals acquire as holders of the EU long-term *residence* status should be without prejudice to rights they may enjoy under Directive 2004/38/EC³³. All provisions in this Directive regarding the beneficiaries of the right to free movement should also apply to third-country nationals who enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and the Member States on the one hand, and third countries on the other, or between the Union and third countries.

³³ 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

of protection in the Member State of residence. Beneficiaries of international, *temporary or other forms of* protection should therefore be able to obtain EU long-term resident status in the Member State, which granted them *such* protection, subject to the same conditions as other third-country nationals.

Amendment

(6) Third-country nationals who are beneficiaries of free movement rights in accordance with EU law should be given access to EU long-term *resident* status in accordance with the same rules as any other third-country nationals falling within the scope of this Directive. The rights that such third-country nationals acquire as holders of the EU long-term *resident* status should be without prejudice to *the* rights they may enjoy under Directive 2004/38/EC³³. All provisions in this Directive regarding the beneficiaries of the right to free movement should also apply to third-country nationals who enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and the Member States on the one hand, and third countries on the other, or between the Union and third countries.

³³ 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

Amendment 4
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) *To promote the integration and social inclusion of third-country nationals, in particular third-country nationals from low-income categories, seasonal workers should have the prospect of obtaining EU long-term resident status, provided that they fulfil the conditions for conferring the status.*

Amendment 5
Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) The main criterion for acquiring the status of EU long-term resident should be the duration of residence in the **territory of a Member State**. Residence should be both legal and continuous in order to show that the person has put down roots in the country. Provision should be made for a degree of flexibility so that account can be taken of circumstances in which a person might have to leave the territory on a temporary basis.

(7) The main criterion for acquiring the status of EU long-term resident should be the duration of residence in the **Union**. Residence should be both legal and continuous in order to show that the person has put down roots in the country. Provision should be made for a degree of flexibility so that account can be taken of circumstances in which a person might have to leave the territory on a temporary basis.

Amendment 6
Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) To prevent the risk of abusive acquisition of EU long-term resident status, **Member States should ensure that the requirement of legal and continuous residence is duly monitored for all**

(8) To prevent the risk of abusive acquisition of EU long-term resident status third-country nationals who hold a residence permit granted on the basis of any kind of investment in a Member State

categories of third-country nationals. This risk is particularly relevant for those third-country nationals who hold a residence permit granted on the basis of any kind of investment in a Member State, as the issue of *these* residence permits is not always subject to the requirement of continuous physical presence in *the* Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time. To prevent *this risk*, Member States should *strengthen checks on the requirement of legal and continuous residence with particular regard to applications for* EU long-term resident status *submitted by third-country nationals who reside in a Member State* in exchange of any kind of investment, such as capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget.

Amendment 7
Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The required period of residence for the acquisition of EU long-term resident status *should be completed in the same Member State of application*. However, in order to promote the intra-EU mobility of third-country nationals, Member States should allow third-country nationals to cumulate periods of residence in different Member States. With the aim to limit the attractiveness of investor residence schemes and *in account of* the fact that not all Member States have regulated this category of residence permits, Member States should not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in *another* Member State for

should be excluded from the scope of this Directive. This is particularly relevant, as the issue of *such* residence permits is not always subject to the requirement of continuous physical presence in *that* Member State or is merely subject to the requirement of the investors' presence in the Member State for a limited time. To prevent *the risk of violation of the requirement of continuous physical presence in the Member State of residence*, Member States should *exclude from the scope of this Directive third-country nationals applying for an* EU long-term resident status in exchange of any kind of investment, such as capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget.

Amendment

(9) *To further promote the attractiveness of and facilitate access to EU long-term resident status for third-country nationals*, the required period of residence for the acquisition of EU long-term resident status *should be reduced from five to three years*. Member States *should inform a third-country national about the completion of lawful and continuous residence and the possibility to apply for the EU long-term resident status*. However, in order to promote the intra-EU mobility of third-country nationals, Member States should allow third-country nationals to cumulate periods of residence in different Member States. With the aim to limit the attractiveness of investor residence schemes and

the purpose of cumulating periods.

considering the fact that not all Member States have regulated this category of residence permits, Member States should not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in *any* Member State for the purpose of cumulating periods.

Amendment 8
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Any period of residence spent by a holder of a long-stay visa or residence permit issued under Union or national law should be counted for acquiring the EU long-term resident status, including periods of residence under a status or in a capacity that is excluded from the scope of the Directive, such as residence for study purposes or vocational training, *residence as beneficiary of national or temporary protection, or residence initially based solely on temporary grounds*. Where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status, these periods should be taken into account fully in the calculation of the period required to acquire EU long-term resident status, provided that the overall residence has been legal and continuous.

Amendment

(10) Any period of residence spent by a holder of a long-stay visa or residence permit issued under Union or national law should be counted for acquiring the EU long-term resident status, including *residence as a beneficiary of national or temporary protection, or residence initially based solely on temporary grounds, and* periods of residence under a status or in a capacity that is excluded from the scope of the Directive, such as residence for study purposes or vocational training. Where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status, these periods should be taken into account fully in the calculation of the period required to acquire EU long-term resident status, provided that the overall residence has been legal and continuous.

Amendment 9
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) To facilitate the integration and social inclusion of beneficiaries of international, temporary and other forms of national protection, Member States

should take into account the entire period of time between the date of the lodging of the application for international, temporary or national protection and the date of the granting of the status of beneficiary of international, temporary or national protection.

Amendment 10
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) To acquire EU long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance, ***to avoid becoming a burden for the Member State.*** Member States ***may indicate a certain sum as a reference amount, but they may*** not impose a minimum income level below which all applications for EU long-term resident status will be refused, irrespective of an actual examination of the situation of each applicant. When making an assessment of the possession of stable and regular resources, Member States may take into account factors such as contributions to the pension system and fulfilment of tax obligations. The concept of ‘resources’ should not concern solely the ‘own resources’ of the applicant for EU long-term resident status, but may also cover the resources made available to that applicant by a third party provided that, in the light of the individual circumstances of the applicant concerned, they are considered to be stable, regular and sufficient.

Amendment

(11) To acquire EU long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance. Member States ***should*** not impose a minimum income level below which all applications for EU long-term resident status will be refused, irrespective of an actual examination of the situation of each applicant. When making an assessment of the possession of stable and regular resources, Member States may take into account factors such as contributions to the pension system and fulfilment of tax obligations. The concept of ‘resources’ should not concern solely the ‘own resources’ of the applicant for EU long-term resident status, but may also cover the resources made available to that applicant by a third party provided that, in the light of the individual circumstances of the applicant concerned, they are considered to be stable, regular and sufficient. ***When evaluating stable and regular resources, Member States should be able to take into account certain types of social assistance, based on the individual circumstances of the applicants, such as those with disabilities, or those unable to work through pregnancy, who have suffered work-related injuries, accidents or disease, in order to ensure compliance with the principle of proportionality and non-discrimination. For the purpose of the evaluation of stable and regular resources, gaps in between labour***

contracts of less than two months should be considered irrelevant. For the uniform application of requirements on stable and regular resources, Member States should take into account a maximum period of one year for the assessment of resources. That would help address the wide discretion Member States enjoy in applying those requirements and therefore ensure that a larger group of third-country nationals can have access to EU long-term residency. Where Member States apply national provisions on assessing stable and regular resources when issuing national permanent residence permits, and those provisions are more favourable to third-country nationals than the provisions of this Directive, such more favourable provisions should apply.

Amendment 11
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Where a third-country national has resided for more than ten years in the Member State concerned immediately prior to his or her application, that third-country national should not be required to comply with requirements on income and sickness insurance. That could, in particular, be helpful to facilitate access to EU long-term residence for vulnerable groups, including people with a disability, and for pensioners.

Amendment 12
Proposal for a directive
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Where a third-country national already possesses a national permanent

residence permit, the Member State in which that permit was issued should consider all requirements to acquire EU long-term residence permit fulfilled.

Amendment 13
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Member States should be able to require applicants for EU long-term resident status to comply with **integration conditions, for example by requiring them to pass a civic integration or language examination**. However, the means for implementing this requirement should not be liable to jeopardise the objective of promoting the integration of third-country nationals, having regard, in particular, to the level of knowledge required to pass a civic integration examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of fees applicable to third-country nationals as registration fees to sit that examination, or to the consideration of specific individual circumstances, such as age, illiteracy or level of education.

Amendment

(12) Member States should be able to require applicants for EU long-term resident status to comply with **language** conditions. However, the means for implementing this requirement should not be liable to jeopardise the objective of promoting the integration of third-country nationals, having regard, in particular, to the level of knowledge required to pass a civic integration examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of fees applicable to third-country nationals as registration fees to sit that examination, or to the consideration of specific individual circumstances, such as age, **gender, illiteracy, caring responsibilities, health, previous diplomas acquired in the Member State** or level of education.

Amendment 14
Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Moreover, third-country nationals who wish to acquire and maintain EU long-term resident status should not constitute a threat to public policy or public security. The notion of public policy may cover a conviction for committing a serious crime.

Amendment

(13) Moreover, third-country nationals who wish to acquire and maintain EU long-term resident status should not constitute a threat to public policy or public security. The notion of public policy may cover a conviction for committing a serious crime. **The decision whether a third-country national constitutes a threat to public policy or public security should be made**

in accordance with procedures enshrined in national legislation and with the right for the applicant to appeal before the national court.

Amendment 15
Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The acquisition of EU long-term resident status should be certified by EU long term residence permits enabling those concerned to prove their legal status easily and immediately. Such residence permits should also satisfy high-level technical standards, notably as regards protection against falsification and counterfeiting, in order to avoid abuses in the Member State in which the status is acquired and in Member States in which the right of residence is exercised.

Amendment

(16) The acquisition of EU long-term resident status should be certified by EU long term residence permits enabling those concerned to prove their legal status easily and immediately. Such residence permits should also satisfy high-level technical standards, notably as regards protection against falsification and counterfeiting, in order to avoid abuses in the Member State in which the status is acquired and in Member States in which the right of residence is exercised. ***However, falsification and counterfeiting, in particular of documents, could take place without the knowledge of a third-country national. Therefore, Member States should individually examine cases and assess whether the third-country national had knowledge of and responsibility for such falsification and counterfeiting.***

Amendment 16
Proposal for a directive
Recital 17

Text proposed by the Commission

(17) In order to promote circular migration of EU long-term residents, in particular to allow them to invest in their countries of origin and share the knowledge and skills acquired in the Union, as well as to return temporarily to their countries of origin for personal and family circumstances, EU long-term residents should be allowed to be absent

Amendment

(17) In order to promote circular migration of EU long-term residents ***and contribute to brain gain***, in particular to allow them to invest in their countries of origin ***or other third countries*** and share the knowledge and skills acquired in the Union, as well as to return temporarily to their countries of origin for personal and family circumstances, EU long-term

from the territory of the Union for up to 24 consecutive months without losing their EU long-term resident status. In case of longer absences, Member States should establish a facilitated procedure for the re-acquisition of the EU long-term resident status.

residents should be allowed to be absent from the territory of the Union for up to 24 consecutive months without losing their EU long-term resident status. In case of longer absences, Member States should establish a facilitated procedure for the re-acquisition of the EU long-term resident status, ***by allowing a third-country national to apply for the re-acquisition of their EU long-term resident status after one year of continuous and legal residence in the Member State concerned. Where Member States issue a national permanent residence permit in accordance with national law and provide for provisions on periods of absences, more favourable provisions should apply.***

Amendment 17
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) ***Professional*** qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council³⁵. This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions.

Amendment

(20) ***The recognition of the qualifications and skills of third-country nationals is a key step for their integration into the labour market. Qualifications, including diplomas, certifications, as well as skills and competences*** acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council³⁵ ***without prejudice to future Union law on the recognition of qualifications of third-country nationals, to support Member States and to facilitate the integration of third-country nationals into the labour market as well as to support intra-EU labour mobility.*** This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions. ***Where the qualifications of the third-country national were already recognised in another Member State, the Member***

State concerned should take into account such qualifications in accordance with Directive 2005/36/EC.

³⁵ 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).

³⁵ 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).

Amendment 18
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Member States should ensure that all EU long-term residents enjoy equal treatment as set out in this Directive, in line with the principle of non-discrimination as enshrined in Article 21 of the Charter of the Fundamental Rights.

Amendment 19
Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) This Directive should take into account the common standards and procedures in Member States for returning ***illegally*** staying third-country nationals introduced by Directive 2008/115/EC of the European Parliament and of the Council³⁶.

(21) This Directive should take into account the common standards and procedures in Member States for returning ***irregularly*** staying third-country nationals introduced by Directive 2008/115/EC of the European Parliament and of the Council³⁶.

³⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

³⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Amendment 20
Proposal for a directive
Recital 22

Text proposed by the Commission

(22) EU long-term residents should enjoy reinforced protection against decisions ending their legal stay . Member States should provide for effective legal **redress** against such decisions .

Amendment

(22) EU long-term residents should enjoy reinforced protection against decisions ending their legal stay . Member States should provide for effective legal **remedy** against such decisions. ***In line with the case law of the European Court of Human Rights and the Court of Justice of the European Union, Member States should take into account the individual circumstances before taking a decision to end the legal stay of an EU long-term resident.***

Amendment 21
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Decisions ending the legal stay of EU long-term residents should not be founded on economic considerations.

Amendment

(23) Decisions ending the legal stay of EU long-term residents should not be founded on economic considerations. ***Before taking a decision to end the legal stay of an EU long-term resident, Member States should take into account the solidity of the person's family relations and the duration of residence, the existence of family, cultural and social ties with his or her country of origin, and in cases where there are children involved, the best interests of a child.***

Amendment 22
Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Where a Member State intends to end the legal stay , on a ground provided for in this Directive, of a beneficiary of

Amendment

(24) Where a Member State intends to end the legal stay , on a ground provided for in this Directive, of a beneficiary of

international protection who has acquired EU long-term resident status in that Member State, and refoule him/her, that person should enjoy the protection against refoulement guaranteed under Directive 2011/95/EU and under Article 33 of the Geneva Convention. For that purpose, where the person enjoys international protection in a Member State other than the one in which that person is currently residing as a long-term resident, it is necessary to provide, ***unless refoulement is permitted under Directive 2011/95/EU***, that that person may be required to go only to the Member State which granted international protection and that that Member State is obliged to take back that person. The same safeguards should apply to a beneficiary of international protection who has taken up residence but has not yet obtained EU long-term resident status in a second Member State.

international protection who has acquired EU long-term resident status in that Member State, and refoule him/her, that person should enjoy the protection against refoulement guaranteed under Directive 2011/95/EU and under Article 33 of the Geneva Convention. For that purpose, where the person enjoys international protection in a Member State other than the one in which that person is currently residing as a long-term resident, it is necessary to provide, that that person may be required to go only to the Member State which granted international protection and that that Member State is obliged to take back that person. The same safeguards should apply to a beneficiary of international protection who has taken up residence but has not yet obtained EU long-term resident status in a second Member State.

Amendment 23
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Where the refoulement of a beneficiary of international protection outside the territory of the Union is permitted under Directive 2011/95/EU Member States should be obliged to ensure that all information is obtained from relevant sources, including, where appropriate, from the Member State that granted international protection, and that it is thoroughly assessed with a view to guaranteeing that the decision to refoule that beneficiary is in accordance with Article 4 and Article 19(2) of the Charter of Fundamental Rights of the European Union.

Amendment

deleted

Amendment 24
Proposal for a directive
Recital 26

Text proposed by the Commission

(26) In order to promote better integration of EU long-term residents, rules on favourable conditions for family reunification and access to work for **spouses** should be introduced. Thus specific derogations from Council Directive 2003/86/EC should be provided for. Family reunification should not be subject to conditions relating to integration, as EU long-term residents and their families are deemed to be integrated in the host society.

Amendment

(26) In order to promote better integration of EU long-term residents, rules on favourable conditions for family reunification and access to **education, training or** work for **family members** should be introduced. Thus specific derogations from Council Directive 2003/86/EC should be provided for. Family reunification should not be subject to conditions relating to integration, as EU long-term residents and their families are deemed to be integrated in the host society.

Amendment 25
Proposal for a directive
Recital 27

Text proposed by the Commission

(27) As family life should be respected and its protection is an essential element of the integration of EU long-term residents, children of EU long-term residents **who are born or adopted in the territory of the EU Member State having issued to the latter the EU long-term residence permit** should acquire the EU long-term resident status **in that Member State** automatically, **in particular** without being subject to **the requirement of prior residence**.

Amendment

(27) As family life should be respected and its protection is an essential element of the integration of EU long-term residents, children of EU long-term residents, **irrespective of their place of birth** should acquire the EU long-term resident status automatically, without being subject to **any other specific conditions or requirements**.

Amendment 26
Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Harmonisation of the terms of acquisition of the EU long-term resident status promotes mutual confidence between Member States. However, this

Amendment

(28) Harmonisation of the terms of acquisition of the EU long-term resident status promotes mutual confidence between Member States. However, this

Directive should be without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit. Such national residence permits should not confer the right to reside in other Member States.

Directive should be without prejudice to the right of Member States to issue residence permits of permanent or unlimited validity other than the EU long-term residence permit. Such national residence permits should not confer the right to reside in other Member States. ***However, where a Member State decides to grant a national residence permit to a third-country national, the third-country national should also be offered at the same time an EU long-term residence permit in order to facilitate the acquisition of such right. An EU long-term resident should not be precluded from acquiring or holding other national or Union residence permits.***

Amendment 27
Proposal for a directive
Recital 29

Text proposed by the Commission

(29) Member States should ensure a level playing field between EU long-term residence permits and national residence permits of permanent or unlimited validity, in terms of procedural and equal treatment rights, procedures and access to information. In particular, Member States should ensure that ***the level of*** procedural safeguards and rights ***granted*** to EU long-term residents and their family members ***is not lower than the level of procedural safeguards and rights enjoyed by holders of national residence permits of permanent or unlimited validity.*** Member States should also ensure that applicants for an EU long-term residence permit are not required to pay higher fees for the processing of their application than applicants for national residence permits. Finally, Member States should engage in the same level of information, promotion and advertisement activities with respect to the EU long-term residence permit as they do for national residence permits of permanent or unlimited validity, ***for***

Amendment

(29) Member States should ensure a level playing field between EU long-term residence permits and national residence permits of permanent or unlimited validity, in terms of procedural and equal treatment rights, procedures ***to obtain the respective statuses*** and access to information. In particular, Member States should ensure that ***when issuing a national residence permit of permanent or unlimited validity, more favourable provisions on*** procedural safeguards and rights ***should apply*** to EU long-term residents and their family members. Member States should also ensure that applicants for an EU long-term residence permit are not required to pay higher fees for the processing of their application than applicants for national residence permits. Finally, Member States should engage in the same level of information, promotion and advertisement activities with respect to the EU long-term residence permit as they do for national residence permits of permanent or unlimited validity, ***and should inform***

example with regard to information on national websites on legal migration and information campaigns, and training programmes provided to the competent migration authorities.

applicants of the possibility of requesting the EU-long term residence when they submit an application for a national residence permit. When providing information about the EU long-term residence and national residence permits, Member States should provide the same level of information on national websites on legal migration and information campaigns, and training programmes provided to the competent migration authorities. All information on the procedure to obtain the EU long-term resident status should be available in a language that the applicants are likely to understand as determined by the Member State concerned, and should be accessible for persons with disabilities. Where a third-country national holds a national permanent residence permit and applies for an EU long-term residence permit in the same Member State, the Member State concerned should automatically grant an EU long-term residence permit to that person.

Amendment 28
Proposal for a directive
Recital 30

Text proposed by the Commission

(30) ***Residence of*** EU long-term residents ***in other Member States should be facilitated.*** Establishing the conditions subject to which the right to reside in another Member State may be acquired by third-country nationals who are EU long-term residents should contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured. The occupational and geographical mobility of third-country nationals who are already EU long-term residents in one Member State should be recognised as an important contributor to improving labour market efficiency across the Union, to addressing skills shortages

Amendment

(30) ***This Directive aims to facilitate and promote mobility for*** EU long-term residents ***within the Union ('intra-EU mobility') and to reduce the administrative burden associated with mobility. Intra-EU mobility is one of the key components of this Directive, as it provides a clear added value that cannot be achieved at a Member State level.*** Establishing the conditions subject to which the right to reside in another Member State may be acquired by third-country nationals who are EU long-term residents should contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured. The occupational and

and to offsetting regional imbalances.

geographical mobility of third-country nationals who are already EU long-term residents in one Member State should be recognised as an important contributor to ***enhancing the Union's attractiveness, to improving labour market efficiency across the Union, to addressing skills shortages and matching skills to the Union's labour market needs, to contributing to labour market adjustments, to boosting economic growth, and*** to offsetting regional imbalances. ***Furthermore, the intra-EU mobility of EU long-term residents and their family members can facilitate their social and cultural integration.***

Amendment 29
Proposal for a directive
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) For the purpose of facilitating intra-EU mobility, this Directive sets up a specific intra-EU mobility scheme whereby the holder of a valid EU long-term residence permit issued by a Member State is allowed to enter, to stay and to work in one or more Member States in accordance with the provisions governing short-term and long-term mobility under this Directive. Short-term mobility for the purposes of this Directive should cover stays in Member States other than the Member State that issued the long-term residence permit, for a period of up to 90 days per Member State. Long-term mobility for the purposes of this Directive should cover stays in Member States other than the Member State that issued the long-term residence permit for a period exceeding 90 days per Member State.

Amendment 30
Proposal for a directive
Recital 33 b (new)

(33b) For the purpose of enhancing intra-EU mobility, EU long-term residents should have the possibility to reside in another Member State, on the basis of an EU long-term or other residence permit issued in a second Member State. The EU long-term resident should apply for a residence permit within the first three months after arriving in the territory of the second Member State, subject to the provisions in Chapter III and provided that the requirement on the duration of residence in the first Member State has been fulfilled. The national authorities of the second Member State should provide easily understandable information to the EU long-term resident on the differences in rights and procedural guarantees granted on the basis of the different types of permit that the EU long-term resident applies for.

Amendment 31
Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) In order to facilitate the intra-EU mobility of EU long-term residents for the exercise of an economic activity in an employed or self-employed capacity, no check of the labour market situation should be carried out when examining applications for residence in a second Member State.

(34) In order to facilitate the intra-EU mobility of EU long-term residents for the exercise of an economic activity in an employed or self-employed capacity, ***and to reduce the unnecessary administrative burdens imposed on EU long-term residents***, no check of the labour market situation ***in a second Member State*** should be carried out when examining applications for residence in a second Member State.

Amendment 32
Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) When an EU long-term resident chooses to apply for a national residence permit, the Member State where the national residence permit is to be granted should explicitly mention on the permit that the third-country national is a holder of an EU long-term residence permit, and therefore, both the EU long-term resident and his or her family are entitled to related rights, including equal treatment, and procedural safeguards. Where Member States require the EU long-term resident to provide evidence, including on stable and regular resources, a similar evaluation and assessment as in the first Member State should be carried out, in line with the principle of proportionality.

Amendment 33
Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

(35) As soon as an EU long-term resident submits a complete application for residence in a second Member State within the deadline provided for in this Directive, it should be possible for that Member State to allow the EU long-term resident to begin employment or study. EU long-term residents **should be** entitled to begin employment or study **at the latest** 30 days after submitting the application for residence in the second Member State.

(35) As soon as an EU long-term resident submits a complete application for residence in a second Member State within the deadline provided for in this Directive, it should be possible for that Member State to allow the EU long-term resident to begin employment or study. **Member States should ensure that** EU long-term residents **are** entitled to begin employment or study **no later than** 30 days after submitting the application for residence in the second Member State.

Amendment 34
Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

(36) Where EU long-term residents

(36) Where EU long-term residents

intend to apply for residence in a second Member State in order to exercise a regulated profession, their professional qualifications should be recognised in the same way as those of Union citizens exercising the right to free movement, in accordance with Directive 2005/36/EC and other applicable Union and national law.

intend to apply for residence in a second Member State in order to exercise a regulated profession, their professional **diplomas, certifications and other qualifications as well as skills and competences** should be recognised in the same way as those of Union citizens exercising the right to free movement, in accordance with Directive 2005/36/EC and other applicable Union and national law.

Amendment 35
Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Family members should also be able to settle in a second Member State with an EU long-term resident in order to preserve family unity and to avoid hindering the exercise of the EU long-term resident's right of residence. With regard to the family members who **may be** authorised to accompany or to join the EU long-term residents, Member States should pay special attention to the situation of disabled adult children and of first-degree relatives in the direct ascending line who are dependent on them.

Amendment

(37) Family members should also be able to settle in a second Member State with an EU long-term resident in order to preserve family unity and to avoid hindering the exercise of the EU long-term resident's right of residence. With regard to the family members who **are** authorised to accompany or to join the EU long-term residents, Member States should pay special attention to the situation of disabled **or otherwise dependent** adult children, **spouses and legal partners** and of first-degree relatives in the direct ascending line who are dependent on them. **Family members residing in a second Member State should be able to exercise the same rights as family members residing in the first Member State.**

Amendment 36
Proposal for a directive
Recital 38

Text proposed by the Commission

(38) The Member State in which an EU long-term resident intends to exercise **his/her** right of residence should be able to check that the person concerned meets the conditions for residing in its territory. It

Amendment

(38) The Member State in which an EU long-term resident intends to exercise **his or her** right of residence should be able to check that the person concerned meets the conditions for residing in its territory. It

should also be able to check that the person concerned does not constitute a threat to public policy, public security or public health.

should also be able to check that the person concerned does not constitute a threat to public policy, public security or public health, *as defined in Article 2, point 21, of Regulation (EU) 2016/399 of the European Parliament and of the Council*^{1a}.

^{1a} *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).*

Amendment 37
Proposal for a directive
Recital 39

Text proposed by the Commission

(39) To avoid rendering the right of residence nugatory, EU long-term residents should enjoy in the second Member State ***the same*** treatment, under the conditions defined by this Directive, they enjoy in the Member State in which they acquired the status. The granting of benefits under social assistance is without prejudice to the possibility for the Member States to withdraw the residence permit if the person concerned no longer fulfils the requirements set by this Directive.

Amendment

(39) To avoid rendering the right of residence nugatory, EU long-term residents should enjoy in the second Member State ***equal*** treatment, under the conditions defined by this Directive, they enjoy in the Member State in which they acquired the status. The granting of benefits under social assistance is without prejudice to the possibility for the Member States to withdraw the residence permit if the person concerned no longer fulfils the requirements set by this Directive.

Amendment 38
Proposal for a directive
Recital 40

Text proposed by the Commission

(40) In order to ensure that the criteria for residence in the second Member State continue to be fulfilled, the second Member State should be allowed to require that EU long-term residents and their family members communicate to the

Amendment

deleted

competent authorities any change of employer or economic activity. The communication procedure should not suspend the right of the persons concerned to pursue the economic activity in an employed or self-employed capacity, and no check of the labour market situation should be carried out.

Amendment 39
Proposal for a directive
Recital 41

Text proposed by the Commission

(41) *Third-country nationals should be granted the possibility of acquiring EU long-term resident status in the Member State where they have moved and have decided to settle under the same conditions as those required for its acquisition in the first Member State. However, the required period of residence in the second Member State should be three years and it should not be possible to cumulate periods of residence in different Member States. In that case, it should be left to the second Member State to decide whether it will grant social assistance, or maintenance assistance for studies, including vocational training, to EU long-term residents other than those who are workers or self-employed persons or their family members, prior to the completion of five years of legal and continuous residence in its territory, bearing in mind that Union citizens who have exercised free movement rights in a capacity other than that of workers or self-employed persons in accordance with Directive 2004/38/EC or Article 21 TFEU, or their family members, may also be refused such benefits prior to the completion of five years of legal and continuous residence. The second Member State may decide to grant such assistance to EU long-term residents prior to the completion of five years of legal and continuous residence, provided that it*

Amendment

(41) *EU long-term residents should acquire EU long-term resident status in the second Member State where they have moved and have decided to settle if they had been granted EU long-term resident status in the first Member State. In that case, EU long-term residents should benefit from the same rights and obligations as mobile Union citizens, in particular concerning social security, social assistance and social protection as defined by national law in accordance with this Directive, as well as all rights and procedural safeguards in this Directive.*

ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members. Furthermore, prior to the completion of five years of legal and continuous residence in that Member State, where an EU long-term resident has ceased an employed or self-employed activity and he/she does not have sufficient resources for himself/herself and his/her family members and comprehensive sickness insurance cover so as not to become an unreasonable burden on the social assistance system of the second Member State, his/her legal stay may be ended on that ground, bearing in mind that Union citizens who have exercised free movement rights and their family members may be expelled in such a situation.

Amendment 40
Proposal for a directive
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) The Commission should assess the possibility of establishing a network between the Member States' labour and economy ministries, for the purpose of sharing information and best practices in the field of employment and social affairs, including on national labour market forecasts and anticipated shortages in sectors for which cooperation with third countries should be developed. In the development of the EU Talent Pool, the Commission should assess the inclusion of third-country nationals who are mobile

within the Union, covered by this Directive and other Union instruments on legal migration.

Amendment 41
Proposal for a directive
Article 1 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The purpose of this Directive is to create a harmonised EU long-term resident status and establish rules on the procedures and rights associated with that status.

This Directive aims to ensure the equal treatment of third-country nationals as referred to in Article 12, foster their integration and social inclusion, and enhance the right to mobility for EU long-term residents within the Union ('intra-EU mobility'). The rules set out in this Directive also aim to increase the Union's attractiveness to third-country skills and talents.

Amendment 42
Proposal for a directive
Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the terms for conferring and withdrawing EU long-term resident status granted by a Member State in relation to third-country nationals legally and continuously residing in its territory, and the rights pertaining thereto; and

(a) the terms for conferring, **renewing** and withdrawing EU long-term resident status granted by a Member State in relation to third-country nationals legally and continuously residing in its territory, and the rights pertaining thereto; and

Amendment 43
Proposal for a directive
Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'EU long-term resident' means any

(b) 'EU long-term resident' means any

third-country national who has EU long-term resident status as provided for under *Articles 4 to 7*;

third-country national who has EU long-term resident status as provided for under *this Directive*;

Amendment 44

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘second Member State’ means any Member State other than the one which for the first time granted EU long-term resident status to a third-country national and in which that long-term resident exercises the *right of residence*;

Amendment

(d) ‘second Member State’ means any Member State other than the one which for the first time granted EU long-term resident status to a third-country national and in which that long-term resident exercises the *rights provided under this Directive*;

Amendment 45

Proposal for a directive

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) *are authorised* to reside in a Member State on the basis of temporary protection *or have applied for authorisation to reside on that basis* and are awaiting a decision on their status;

Amendment

(b) *have applied for authorisation* to reside in a Member State on the basis of temporary protection and are awaiting a decision on their status;

Amendment 46

Proposal for a directive

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) *are authorised* to reside in a Member State on the basis of a form of protection other than international protection *or have applied for authorisation to reside on that basis* and are awaiting a decision on their status;

Amendment

(c) *have applied for authorisation* to reside in a Member State on the basis of a form of protection other than international protection and are awaiting a decision on their status;

Amendment 47
Proposal for a directive
Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) reside solely on temporary grounds **such** as au pair **or seasonal worker, or** as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services ;

Amendment

(e) reside solely on temporary grounds as au pair, as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services **as covered by Directive 96/71/EC of the European Parliament and of the Council^{1a}**;

^{1a} **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).**

Amendment 48
Proposal for a directive
Article 3 – paragraph 2 – point f a (new)

Text proposed by the Commission

(fa) reside in a Member State solely as a holder of a residence permit granted on the basis of any kind of investment in a Member State.

Amendment

Amendment 49
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Notwithstanding paragraph 3 of this article, Member States shall grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **five** years immediately prior to the submission of the relevant application.

Amendment

1. Notwithstanding paragraph 3 of this article, Member States shall grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **three** years immediately prior to the submission of the relevant application.

Amendment 50
Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. *Member States shall establish appropriate control mechanisms to ensure that the requirement of legal and continuous residence is duly monitored, with particular regard to applications submitted by third-country nationals holding and/or having held a residence permit granted on the basis of any kind of investment in a Member State.*

Amendment

deleted

Amendment 51
Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall allow third-country nationals to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, provided that they have accumulated **two years** of legal and continuous residence within the territory of the Member State where the application for EU long-term resident status is submitted immediately prior to the submission of the application. For the purpose of cumulating periods of residence in different Member States, Member States shall not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State.

Amendment

3. Member States shall allow third-country nationals to cumulate periods of **legal** residence in different Member States in order to fulfil the requirement concerning the duration of residence, provided that they have accumulated **one year** of legal and continuous residence within the territory of the Member State where the application for EU long-term resident status is submitted immediately prior to the submission of the application. For the purpose of cumulating periods of residence in different Member States, Member States shall not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State.

Amendment 52
Proposal for a directive
Article 4 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Regarding persons to whom international protection has been granted, ***at least half*** of the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the grant of the residence permit referred to in Article 24 of Directive 2011/95/EU, ***or the whole of that period if it exceeds 18 months***, shall be taken into account in the calculation of the period referred to in paragraph 1.

Amendment 53
Proposal for a directive
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

Regarding persons to whom international, ***temporary or other forms of national*** protection has been granted, ***the entirety*** of the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the grant of the residence permit referred to in Article 24 of Directive 2011/95/EU shall be taken into account in the calculation of the period referred to in paragraph 1.

Amendment

5a. Where a beneficiary of international protection is found in a Member State other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union, national or international law, the period of legal stay in the Member State that granted that beneficiary international protection preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.

By way of derogation from the first subparagraph, in particular where the beneficiary of international protection demonstrates that the reason for the stay or residence without a right was due to circumstances beyond the control of that beneficiary, Member States may provide, in accordance with their national law, that the calculation of the period referred to in paragraph 1 shall not be interrupted.

Amendment 54
Proposal for a directive
Article 4 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Periods of absence from the territory of the Member State concerned shall not interrupt the period referred to in paragraph 1 and shall be taken into account for its calculation where they are shorter than six consecutive months and do not exceed in total **10** months within the period referred to in paragraph 1.

Amendment

Periods of absence from the territory of the Member State concerned shall not interrupt the period referred to in paragraph 1 and shall be taken into account for its calculation where they are shorter than six consecutive months and do not exceed in total **12** months within the period referred to in paragraph 1.

Amendment 55
Proposal for a directive
Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. If an interruption between residence permits granted under national or Union law is less than two months, the residence shall still be interpreted as being of a continuous nature, as referred to in paragraph 1.

Amendment 56
Proposal for a directive
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain himself/herself and the members of his/her family, ***without recourse to the social assistance system of the Member State concerned.*** Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident status;

Amendment

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain himself/herself and the members of his/her family. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident status;

Amendment 57
Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The conditions referred to in paragraph 1 shall not apply to third-country nationals who have resided legally and continuously in the Member State concerned for ten years immediately prior to the lodging of an application for an EU long-term resident status.*

Amendment 58
Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purpose of paragraph 1, point (a), Member States shall evaluate the stable and regular resources by reference to their nature and regularity ***and may take into account the level of minimum wages and pensions prior to the application for long-term resident status.*** Member States ***may indicate a certain sum as a reference amount, but they may*** not impose a minimum income level, below which all applications for EU long-term resident status would be refused, irrespective of an actual examination of the situation of each applicant.

2. For the purpose of paragraph 1, point (a), Member States shall evaluate the stable and regular resources by reference to their nature and regularity. Member States ***shall also assess the individual circumstances of the applicant. To ensure compliance with non-discrimination Member States shall consider recourse to social assistance in the evaluation of stable and regular resources, in the case of an applicant's disability or incapacity to work due to circumstances such as pregnancy, injury, accident or disease, in accordance with national law. Stable and regular resources shall not be required to be higher than the threshold below which nationals of the Member State concerned become eligible for social assistance, or, where this criterion is not applicable, higher than the minimum social security pension paid by the Member State concerned.***

For the purpose of evaluating stable and regular resources, gaps in between labour contracts of less than two months shall be considered irrelevant. Member States shall not impose a minimum income level, below which all applications for EU long-

term resident status would be refused, irrespective of an actual examination of the situation of each applicant.

For the purpose of evaluating stable and regular resources, a maximum period of one year shall be considered. Where Member States issue national residence permits in accordance with Article 14(1) and where more favourable provisions apply for the evaluation of stable and regular resources than provided in this Article, the same evaluation shall be applied to EU long-term resident permit holders and applicants.

Amendment 59
Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. *Member States may require third-country nationals to comply with integration conditions, in accordance with national law.*

Amendment

3. In accordance with national law, *Member States may require a proof of language proficiency up to A2 level. In such cases, Member States shall provide language courses free of charge.*

Amendment 60
Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Where Member States issue national residence permits in accordance with Article 14, *they shall not require EU long-term resident permit applicants to comply with stricter resources and integration conditions than those imposed on applicants for such national residence permits.*

Amendment

4. Where Member States issue national residence permits in accordance with Article 14(1), *and where the conditions laid down in national law for issuance of such permit are met, the third-country national who applied for the national residence permit shall be considered to have fulfilled all the conditions to acquire the EU long-term resident permit.*

Amendment 61
Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. To acquire EU long-term resident status, the third-country national concerned shall **lodge** an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel document or **its** certified copy.

Amendment 62
Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than **six months** from the date on which the complete application was **lodged**. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.

Amendment 63
Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the documents presented or information provided in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional documents or information that are required and shall set a

Amendment

1. To acquire EU long-term resident status, the third-country national concerned shall **submit** an application with the competent authorities of the Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined by national law that he/she meets the conditions set out in Articles 4 and 5 as well as, if required, by a valid travel **or identification** document or **their** certified copy.

Amendment

The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than **60 days** from the date on which the complete application was **submitted**. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.

Amendment

Where the documents presented or information provided in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional documents or information that are required and shall set a

reasonable deadline for presenting or providing them. The period referred to in the first subparagraph shall be suspended until the authorities have received the additional documents or information required. If the additional documents or information required have not been provided within that deadline, the application may be rejected.

reasonable deadline for presenting or providing them. ***That reasonable deadline shall not be stricter than the equivalent deadline imposed on applicants for national permits.*** The period referred to in the first subparagraph shall be suspended until the authorities have received the additional documents or information required. If the additional documents or information required have not been provided within that deadline, the application may be rejected.

Amendment 64
Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Where an application for an EU long-term ***resident*** permit concerns a third-country national who holds a national residence permit issued by the same Member State in accordance with Article 14, that Member State shall not require the applicant to ***give*** evidence ***of the conditions provided for in Article 5(1) and (2), if*** the compliance with those conditions was already verified in the context of the application for the national residence permit.

Amendment

4. Where an application for an EU long-term ***residence*** permit concerns a third-country national who holds a national residence permit issued by the same Member State in accordance with Article 14(1), that Member State shall not require the applicant to ***present additional evidence for the application for the EU long-term residence permit*** provided the compliance with those conditions was already verified in the context of the application for the national residence permit. ***Where applicable, EU long-term residents shall not be precluded from retaining a national permanent residence permit in accordance with Article 14(1).***

Amendment 65
Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall issue an EU long-term residence permit to EU long-term residents. The permit shall be valid at least for five years; it shall, upon application if required, be automatically

Amendment

2. Member States shall issue an EU long-term residence permit to EU long-term residents. The permit shall be valid at least for five years; it shall, upon application if required, be automatically

renewable on expiry.

renewable on expiry, ***without introducing additional conditions.***

Amendment 66
Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

Withdrawal ***or loss*** of status

Withdrawal, ***loss or re-acquisition*** of status

Amendment 67
Proposal for a directive
Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) detection of fraudulent acquisition of EU long-term resident status;

(a) detection of fraudulent acquisition, ***unless there is a clear evidence that the applicant had no knowledge of and responsibility for the fraudulent acquisition,*** of EU long-term resident status;

Amendment 68
Proposal for a directive
Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) adoption of a decision ending the legal stay under the conditions provided for in Article 13;

(b) adoption of a decision ending the legal stay under the conditions provided for in Article 13, ***in which case the Member State concerned shall provide proof of the assessment of conditions listed under Article 13(3);***

Amendment 69
Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from

2. By way of derogation from

paragraph 1, point (c), Member States may **provide that** absences for specific or exceptional reasons **exceeding** 24 consecutive months shall not entail withdrawal or loss of status.

paragraph 1, point (c), Member States may **extend the period of** absences for specific or exceptional reasons **beyond** 24 consecutive months **which** shall not entail withdrawal or loss of status. **Where the duration of absence allowed under national permanent residence permit referred to in Article 14(1) is longer than the period of absence allowed under this Directive, the more favourable provision shall apply.**

Amendment 70
Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may provide that the EU long-term resident shall no longer be entitled to maintain his/her EU long-term resident status in cases where he/she constitutes a threat to public policy, in consideration of the seriousness of the offences he/she committed, but such threat is not a reason for ending his/her legal stay within the meaning of Article 13.

deleted

Amendment 71
Proposal for a directive
Article 9 – paragraph 5 – subparagraph 4

Text proposed by the Commission

Amendment

The Member States concerned may exchange information for the purpose of verifying the loss or withdrawal of the status in accordance with the cases referred to in this paragraph.

deleted

Amendment 72
Proposal for a directive
Article 9 – paragraph 6 – subparagraph 1

Text proposed by the Commission

With regard to the cases referred to in paragraph 1, point (c) and in paragraph 4, Member States who have granted the status shall provide for a facilitated procedure for the re-acquisition of EU long-term resident status.

Amendment

With regard to the cases referred to in paragraph 1, point (c) and in paragraph 5, Member States who have granted the status shall provide for a facilitated procedure for the re-acquisition of EU long-term resident status.

Amendment 73
Proposal for a directive
Article 9 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from Article 4(1), the persons referred to in paragraph 1, point (c), and paragraph 5 of this Article shall be allowed to apply for the re-acquisition of the EU long-term resident status after one year of continuous and legal residence in the Member State concerned.

Amendment 74
Proposal for a directive
Article 9 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

In *those cases*, Member States may decide not to require the fulfilment of the conditions set out in Article 4(1) and Article 5(1).

Where third country nationals have submitted a request for re-acquisition of EU long-term resident status following its loss or withdrawal, Member States may decide not to require the fulfilment of the conditions set out in Article 4(1) and Article 5(1).

Amendment 75
Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Reasons shall be given for any decision rejecting an application for EU long-term resident status or withdrawing that status. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation. The notification shall specify the redress procedures available and the time within which he/she may act.

Amendment

1. Reasons shall be given for any decision rejecting an application for EU long-term resident status or withdrawing that status. Any ***decision to do so shall take into account individual circumstances of the third-country national concerned and shall respect the principle of proportionality.*** Any such decision shall be ***duly substantiated and*** notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation. The notification shall specify the redress procedures available and the time within which he/she may act.

Amendment 76
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Where an application for EU long-term resident status is rejected or that status is withdrawn or lost or the residence permit is not renewed, the person concerned shall have the right to ***mount a legal challenge*** in the Member State concerned.

Amendment

2. Where an application for EU long-term resident status is rejected or that status is withdrawn or lost or the residence permit is not renewed, the person concerned shall have the right to ***an effective legal remedy*** in the Member State concerned, ***in accordance with national law. The appeal shall have suspensory effect until the decision has acquired the authority of a final decision. The effective legal remedy shall include judicial review. The written notification stating the decision of the Member State concerned shall specify the court or administrative authority with which an appeal may be lodged and the time limit for lodging such an appeal.***

Amendment 77
Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States may require the payment of fees for the **handling** of applications in accordance with this Directive. The level of fees imposed by a Member State for the processing of applications shall not be disproportionate or **excessive**.

Amendment

Member States may require the payment of fees, **where appropriate**, for the **processing** of applications **to issue and renew EU long-term residence permits** in accordance with this Directive. The level of fees imposed by a Member State for the processing of applications shall not be disproportionate or **dissuasive**.

Amendment 78
Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Where Member States issue national residence permits in accordance with Article **14**, they shall not require EU long-term resident applicants to pay higher fees than those imposed on applicants for national residence permits.

Amendment

Where Member States issue national residence permits in accordance with Article **14(1)**, they shall not require EU long-term resident applicants to pay higher fees than those imposed on applicants for national residence permits. **By way of derogation from this Article, applicants in possession of or applying for a national permanent residence permit in accordance with Article 14(1) shall not be subject to fees when applying for an EU long-term residence permit.**

Amendment 79
Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Where no decision is taken within the time limit provided for in Article 7(2), first subparagraph, any fee required in accordance with this Article shall be reimbursed to the applicant.

Amendment 80
Proposal for a directive
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. EU long-term residents shall enjoy equal treatment with nationals *as regards*:

Amendment

1. EU long-term residents shall enjoy equal treatment with nationals **at least with regard to**:

Amendment 81
Proposal for a directive
Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) access to employment and self-employed activity, **provided such activities do not entail even occasional involvement in the exercise of public authority, and conditions** of employment and working conditions, including conditions regarding dismissal and remuneration;

Amendment

(a) access to employment and self-employed activity, **terms** of employment and working conditions, including conditions regarding dismissal and remuneration, **working hours, leave and holiday, as well as health and safety requirements at the workplace**;

Amendment 82
Proposal for a directive
Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) education and **vocational** training, including study grants in accordance with national law;

Amendment

(b) education and training, including study grants in accordance with national law;

Amendment 83
Proposal for a directive
Article 12 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) recognition of **qualifications, including** diplomas, certificates and other qualifications, in accordance with the relevant national procedures, **and taking into account qualifications acquired in a third country in accordance with Directive**

2005/36/EC where the latter qualifications were already recognised in another Member State;

Amendment 84
Proposal for a directive
Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) branches of social security referred to in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁰, and social assistance and social protection as defined by national law;

⁴⁰ 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).

Amendment

(d) ***access to the*** branches of social security referred to in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁰, and social assistance and social protection as defined by national law;

⁴⁰ 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).

Amendment 85
Proposal for a directive
Article 12 – paragraph 1 – point f

Text proposed by the Commission

(f) access to goods and services and the supply of goods and services made available to the public, including access to private housing, and to procedures for obtaining public housing;

Amendment 86
Proposal for a directive
Article 12 – paragraph 1 – point g

Text proposed by the Commission

(g) freedom of association and

Amendment

(f) access to goods and services and the supply of goods and services made available to the public, including access to private housing, and to procedures for obtaining public housing ***ensuring a decent standard of living, as well as information and counselling services provided by employment offices;***

Amendment

(g) 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;

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, without prejudice to the national provisions on public policy and public security;

Amendment 87
Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. With respect to the provisions of paragraph 1, points **(b), (d), (e), (f) and (g)**, the Member State concerned may **restrict** equal treatment to cases where the registered or usual place of residence of the EU long-term resident lies within the **territory of the** Member State concerned.

Amendment

2. With respect to the provisions of paragraph 1, points **(d) and (e)**, the Member State concerned may **limit** equal treatment to cases where the registered or usual place of residence of the EU long-term resident lies within the Member State concerned. **Member States shall inform EU long-term residents of such restrictions when they acquire the EU long term resident status, and on request, provide the EU long-term resident with easily understandable and accessible reasons for such restriction.**

Amendment 88
Proposal for a directive
Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States may restrict equal treatment with nationals in the following cases:

Amendment

3. Member States may restrict equal treatment with nationals **only** in the following cases:

Amendment 89
Proposal for a directive
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) Member States may retain

Amendment

(a) Member States may retain

restrictions to access to employment or self-employed activities in cases where, in accordance with existing national or Union legislation, **these activities are reserved to nationals, EU or EEA citizens**;

restrictions to access to employment or self-employed activities in cases where **those activities are reserved to nationals, provided that such employment or activities entail occasional involvement in the exercise of public authority**, in accordance with existing national or Union legislation;

Amendment 90
Proposal for a directive
Article 12 – paragraph 3 – point b

Text proposed by the Commission

(b) Member States may require proof of appropriate language proficiency for access to education and training. Access to university may be subject to the fulfilment of specific educational prerequisites.

Amendment

(b) Member States may require proof of appropriate language proficiency for access to **tertiary** education and training. Access to university may be subject to the fulfilment of specific educational prerequisites. **Access to early childhood and secondary education and care shall be without any restrictions or prerequisites. Member States shall provide appropriate language training for children.**

Amendment 91
Proposal for a directive
Article 12 – paragraph 4

Text proposed by the Commission

4. As far as the Member State which granted international protection is concerned, **paragraphs 3 and 4** shall be without prejudice to Directive 2011/95/EU.

Amendment

4. As far as the Member State which granted international protection is concerned, **paragraph 3 of this Article** shall be without prejudice to Directive 2011/95/EU.

Amendment 92
Proposal for a directive
Article 12 – paragraph 5

Text proposed by the Commission

5. EU long-term residents moving to a

Amendment

5. EU long-term residents moving to a

third country, or their survivors who reside in a third country and who derive rights from an EU long-term resident, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU long-term resident's previous employment that were 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 nationals of the Member States concerned where such nationals move to a third country.

third country, or their survivors who reside in a third country and who derive rights from an EU long-term resident, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU long-term resident's previous employment that were 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 nationals of the Member States concerned where such nationals move to a third country. ***Any difficulty for EU long-term residents to receive their pension entitlements shall be addressed by the Member State in a timely and effective manner.***

Amendment 93
Proposal for a directive
Article 13 – paragraph 3 – point a

Text proposed by the Commission

(a) the duration of residence in their territory;

Amendment

(a) the duration of residence in their territory ***and the periods of absence;***

Amendment 94
Proposal for a directive
Article 13 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the nature and seriousness of the criminal offence committed by the person concerned;

Amendment 95
Proposal for a directive
Article 13 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) in cases where there are children involved, the best interests and well-being of the children;

Amendment 96
Proposal for a directive
Article 13 – paragraph 6

Text proposed by the Commission

6. *By way of derogation from paragraph 5, the Member State which adopted the decision ending the legal stay shall retain the right to refoule, in accordance with its international obligations, the EU long-term resident to a country other than the Member State which granted international protection where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU.*

Amendment

deleted

Amendment 97
Proposal for a directive
Article 13 – paragraph 7

Text proposed by the Commission

7. Where a decision ending the legal stay of an EU long-term resident has been adopted, *a judicial redress procedure shall be available to the* EU long-term resident in the Member State concerned.

Amendment

7. Where a decision ending the legal stay of an EU long-term resident has been adopted, *that* EU long-term resident *shall have the right to effective legal remedy* in the Member State concerned *in accordance with Article 10.*

Amendment 98
Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Where Member States issue national residence permits of permanent or unlimited validity, they shall grant third-country nationals to whom they issue the EU long-term resident status the same rights, procedural safeguards and advantages as those granted for under parallel national schemes, where such rights, safeguards and advantages are

Amendment

more favourable under the national permit. Where an EU long-term residence permit is issued under more favourable conditions, the EU long-term resident concerned shall enjoy the rights under Chapter III after the conditions referred to in Article 4(1) are met.

Amendment 99
Proposal for a directive
Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Where a third-country national already holds a national permanent residence permit in accordance with this Article, and applies for an EU long-term residence permit in the same Member State, the Member State in question shall automatically grant an EU long-term resident status to the person concerned.

Amendment 100
Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. The children of an EU long-term resident *who are born or adopted in the territory of the Member State that issued him/her the EU long-term residence permit* shall acquire EU long-term resident status automatically, without being subject to *the conditions set out in Articles 4 and 5*. The EU long-term resident shall lodge an application with the competent authorities of the Member State in which he/she resides to obtain the EU long-term *resident* permit for his/her child.

1. The *dependent* children of an EU long-term resident shall acquire EU long-term resident status automatically, without being subject to *any* conditions. The EU long-term resident shall lodge an application with the competent authorities of the Member State in which he/she resides to obtain the EU long-term *residence* permit for his/her child.

Amendment 101
Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from Article 15(1) and (3) of Directive 2003/86/EC, for the purpose of protecting family members, Member States shall grant an EU long-term residence permit to family members of an EU long-term resident, upon application, after two years of legal and continuous residence of those family members in the territory of the Member State concerned.

**Amendment 102
Proposal for a directive
Article 15 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the duration of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require one year of legal and continuous residence in the territory of the Member State where the application for the autonomous residence permit is submitted immediately prior to the submission of the application for the autonomous residence permit.

**Amendment 103
Proposal for a directive
Article 15 – paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. By way of derogation from Article 4(2) and 4(3) of the Directive 2003/86/EC, the categories of persons referred to in Article 4(2) and 4(3) of that Directive shall be authorised to join the EU long-term resident in the Member State

concerned.

Amendment 104
Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 4(1), third subparagraph, and from Article 7(2), first subparagraph, of Directive 2003/86/EC, the integration conditions and measures referred to therein may be applied, ***but only after the persons concerned have been granted family reunification.***

Amendment

2. By way of derogation from Article 4(1), third subparagraph, and from Article 7(2), first subparagraph, of Directive 2003/86/EC, the integration conditions and measures referred to therein may ***not*** be applied.

Amendment 105
Proposal for a directive
Article 15 – paragraph 3

Text proposed by the Commission

3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, where the conditions for family reunification are fulfilled, the decision shall be adopted and notified as soon as possible but not later than ***90*** days after the date of submission of the application for family reunification. Article 7(2) and Article 10 of this Directive shall apply accordingly.

Amendment

3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, where the conditions for family reunification are fulfilled, the decision shall be adopted and notified as soon as possible but not later than ***30*** days after the date of submission of the application for family reunification. ***When the applications where handled simultaneously, the reunification shall be immediate.*** Article 7(2) and Article 10 of this Directive shall apply accordingly.

Amendment 106
Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 14(2) of Directive 2003/86/EC, Member States shall not examine the situation of their labour market.

Amendment

4. By way of derogation from Article 14(2) of Directive 2003/86/EC, Member States shall not examine the situation of their labour market ***in relation to family***

members and family members shall have access to any employment and to self-employed activity in accordance with applicable requirements under national law.

Amendment 107
Proposal for a directive
Chapter III – title

Text proposed by the Commission

RESIDENCE IN THE OTHER
MEMBER STATES

Amendment

MOBILITY BETWEEN MEMBER
STATES

Amendment 108
Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. An EU long-term resident shall acquire the right to reside in the territory of a second Member State, provided that the conditions set out in this Chapter are met.

Amendment

1. *For the purpose of exercising long-term mobility*, an EU long-term resident shall acquire the right to reside in the territory of a second Member State, *in accordance with Articles 17 and 26*, provided that the conditions set out in this Chapter are met. *The EU long-term resident shall apply for a residence permit in the first three months after entering the territory of the second Member State. The competent national authorities shall provide complete and easily understandable information about the differences in rights and procedural guarantees depending on the type of a residence permit.*

Amendment 109
Proposal for a directive
Article 16 – paragraph 2 – point b

Text proposed by the Commission

(b) pursuit of studies or vocational training;

Amendment

(b) pursuit of studies or *training, including occupational and* vocational

training, *apprenticeships, internships or traineeships*;

Amendment 110
Proposal for a directive
Article 16 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may decide, in accordance with national law, the conditions under which long-term residents who wish to move to a second Member State with a view to exercising an economic activity as seasonal workers may reside in that Member State. Cross-border workers may also be subject to specific provisions of national law.

Amendment

deleted

Amendment 111
Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Short-term mobility

1. For the purpose of exercising short-term mobility, where a third-country national who holds a valid EU long-term residence permit issued by a Member State that applies the Schengen acquis in full enters and stays in one or several Member States for a period of 90 days in any 180-day period for the purpose of exercising an economic activity, the second Member State shall not require any authorisation for exercising such activity other than the EU long-term residence permit.

2. A third-country national who holds a valid EU long-term residence permit issued by a Member State that does not apply the Schengen acquis in full shall be entitled to enter and stay for the purpose of exercising an economic

activity in one or several Member States for up to 90 days in any 180-day period on the basis of the EU long-term residence and a valid travel document. Where the EU long-term resident crosses an internal border for which controls have not yet been lifted into a second Member State that applies the Schengen acquis in full, the second Member State may require the EU long-term resident to provide evidence of the business purpose of the stay. The second Member State shall not require any authorisation for exercising the business activity other than the EU long-term residence permit.

Amendment 112
Proposal for a directive
Article 17 – title

Text proposed by the Commission

Residence in a second Member State

Amendment

Long-Term mobility and residence in a second Member State

Amendment 113
Proposal for a directive
Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

As soon as possible and no later than three months after entering the territory of the second Member State, the EU long-term resident shall apply to the competent authorities of that Member State for a residence permit.

Amendment

deleted

Amendment 114
Proposal for a directive
Article 17 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The residence permit shall be issued in accordance with the rules and standard

model as set out in Regulation (EC) No 1030/2002. Under the heading ‘remarks’, the Member States shall add that the applicant is ‘entitled to rights referred to in Chapter III of the EU long-term residence directive (Directive XXX).’

Amendment 115
Proposal for a directive
Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain themselves and the members of their families, ***without recourse to the social assistance of the Member State concerned***. For each of the categories referred to in Article 16(2), Member States shall evaluate these resources ***by reference to their nature and regularity and may take into account the level of minimum wages and pensions;***

Amendment

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain themselves and the ***dependent*** members of their families. For each of the categories referred to in Article 16(2), Member States shall evaluate these resources ***in accordance with the evaluation provisions set out in Article 5(2). Member States shall also assess the individual circumstances of the applicant. To ensure compliance with non-discrimination, Member States shall consider recourse to social assistance in the evaluation of stable and regular resources, in the case of an applicant’s disability or incapacity to work due to circumstances such as pregnancy, injury, accident or disease, in accordance with national law;***

Amendment 116
Proposal for a directive
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States ***may*** require third-country nationals to comply with integration measures, ***in accordance with national law***.

Amendment

Member States ***may not*** require third-country nationals to comply with integration measures, in accordance with national law. ***The persons who acquired an EU long-term residence permit in the second Member State and their family members shall have access to free language courses.***

Amendment 117
Proposal for a directive
Article 17 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

This condition shall not apply where the third-country nationals concerned have been required to comply with integration conditions in order to be granted long-term resident status, in accordance with the provisions of Article 5(2).

deleted

Amendment 118
Proposal for a directive
Article 17 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

Without prejudice to the second subparagraph, the persons concerned may be required to attend language courses.

deleted

Amendment 119
Proposal for a directive
Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The application shall be accompanied by *documentary evidence, to be determined by national law, that the persons concerned meet the relevant conditions, as well as by their* long-term resident permit and a valid travel document or their certified copies.

The application shall be accompanied by *the EU* long-term *residence* permit and a valid travel *or identification* document or their certified copies.

Amendment 120
Proposal for a directive
Article 17 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

In particular:

Additional documentary evidence shall be

limited to:

Amendment 121

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

(b) in case of study or vocational training the second Member State may require the persons concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or **vocational** training.

Amendment

(b) in case of study or **training, including occupational and** vocational training, the second Member State may require the persons concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or training.

Amendment 122

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that any requirement of such evidence is proportionate and is not dissuasive.

Amendment 123

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

With regard to the exercise of an economic activity in a regulated profession as defined in Article 3(1), point (a), of Directive 2005/36/EC, for the purpose of applying for a residence permit in a second Member State, EU long-term residents shall enjoy equal treatment with Union citizens as regards recognition of professional qualifications, in accordance with applicable Union and national law.

With regard to the exercise of an economic activity in a regulated profession as defined in Article 3(1), point (a), of Directive 2005/36/EC, for the purpose of applying for a residence permit in a second Member State, EU long-term residents shall enjoy equal treatment with Union citizens as regards recognition of professional **and occupational diplomas, certificates or other** qualifications, in accordance with applicable Union and national law.

Amendment 124
Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

5. The EU long-term resident shall be allowed to commence work or study in the second Member State **not** later than 30 days after the date of submission of the complete application.

Amendment

5. The EU long-term resident shall be allowed to commence work or study in the second Member State **as soon as possible and no** later than 30 days after the date of submission of the complete application.

Amendment 125
Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. When the EU long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, other than those referred to in Article 4(1) of Directive 2003/86/EC, **may** be authorised to accompany or to join the EU long-term resident.

Amendment

2. When the EU long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family **present in the first Member State**, other than those referred to in Article 4(1) of Directive 2003/86/EC, **shall** be authorised to accompany or to join the EU long-term resident.

Amendment 126
Proposal for a directive
Article 18 – paragraph 4 – point c

Text proposed by the Commission

(c) evidence that they have stable and regular resources , also made available by a third party, which are sufficient to maintain themselves without recourse to the social assistance of the Member State concerned or that the EU long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State. Member States shall evaluate these resources by reference to their nature and regularity and may take

Amendment

deleted

into account the level of minimum wages and pensions.

Amendment 127
Proposal for a directive
Article 18 – paragraph 5

Text proposed by the Commission

5. Where the family was not already constituted in the first Member State, Directive 2003/86/EC shall apply.

Amendment

5. Where the family was not already constituted in the first Member State, ***Article 15 of this Directive and*** Directive 2003/86/EC shall apply.

Amendment 128
Proposal for a directive
Article 19 – title

Text proposed by the Commission

Public policy ***and*** public security

Amendment

Public policy, public security ***or public health***

Amendment 129
Proposal for a directive
Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States may refuse applications for residence from EU long-term residents or their family members where the person concerned constitutes a threat to public policy or public security.

Amendment

Member States may refuse applications for residence from EU long-term residents or their family members where the person concerned constitutes a threat to public policy, or public security, ***or public health.***

Amendment 130
Proposal for a directive
Article 20

Text proposed by the Commission

Article 20
Public health

Amendment

deleted

Member States may refuse applications for residence from EU long-term residents or their family members where the person concerned constitutes a threat to public health , as defined in Article 2, point 21, of Regulation (EU) 2016/399 of the European Parliament and of the Council⁴¹ .

⁴¹ 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).

Amendment 131
Proposal for a directive
Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The competent national authorities shall take a decision on the application and notify the applicant in writing as soon as possible but not later than **90** days from the date that the application has been **lodged**.

Amendment

The competent national authorities shall take a decision on the application and notify the applicant in writing as soon as possible but not later than **60** days from the date that the application has been **submitted**.

Amendment 132
Proposal for a directive
Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

If an application is not accompanied by the documentary evidence listed in Articles 17 and 18, or in exceptional circumstances linked with the complexity of the examination of the application, the time limit referred to in the first subparagraph may be extended for a period not exceeding 30 days . In such cases the competent national authorities shall inform the applicant thereof.

Amendment

If an application is not accompanied by the documentary evidence listed in Articles 17 and 18, or in exceptional circumstances linked with the complexity of the examination of the application, the time limit referred to in the first subparagraph may be extended for a period not exceeding 30 days. In such cases the competent national authorities shall inform, **in writing**, the applicant thereof.

Amendment 133
Proposal for a directive
Article 21 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where no decision is taken within the time limit provided for in the first subparagraph of this paragraph, any fee required in accordance with Article 11 shall be reimbursed to the applicant. Further consequences shall be determined by national law and shall contribute to the effective implementation of the time limit.

Amendment 134
Proposal for a directive
Article 21 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

Where the documents presented or information provided in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional documents or information that are required and shall set a reasonable deadline for presenting or providing them. The period referred to in the first subparagraph shall be suspended from the notification until the authorities have received the additional documents or information required. If the additional documents or information required have not been provided within that deadline, the application may be rejected.

Amendment 135
Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. If the conditions provided for in Articles 16, 17 and 18 are met, then,

2. If the conditions provided for in Articles 16, 17 and 18 are met, then,

subject to the provisions relating to public policy, public security and public health in Articles 19 and 20, the second Member State shall issue the EU long-term resident with a renewable residence permit. This residence permit shall, upon application, **if required**, be renewable on expiry. The second Member State shall inform the first Member State of its decision.

subject to the provisions relating to public policy, public security and public health in Articles 19 and 20, the second Member State shall issue the EU long-term resident with a renewable residence permit. This residence permit shall, upon application, be renewable on expiry. The second Member State shall inform the first Member State of its decision.

Amendment 136
Proposal for a directive
Article 21 – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the duration of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require **two years** of legal and continuous residence in the territory of the Member State where the application for the autonomous residence permit is submitted immediately prior to the submission of the application for the autonomous residence permit.

Amendment

4. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the duration of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require **one year** of legal and continuous residence in the territory of the Member State where the application for the autonomous residence permit is submitted immediately prior to the submission of the application for the autonomous residence permit.

Amendment 137
Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

2. Where an application for a residence permit is rejected, or the permit is not renewed or is withdrawn, the person concerned shall have the right to **mount a legal challenge** in the Member State concerned.

Amendment

2. Where an application for a residence permit is rejected, or the permit is not renewed or is withdrawn, the person concerned shall have the right to **effective judicial remedy** in the Member State concerned, **in accordance with national law. The appeal shall have suspensory effect until the decision has acquired the authority of a final decision. The effective legal remedy shall include judicial review. The written notification stating the**

decision of the Member State concerned shall specify the court or administrative authority with which the appeal may be lodged and the time limit for lodging the appeal.

Amendment 138
Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. As soon as **they have** received the residence permit provided for by Article 21 in the second Member State, EU long-term residents and their family members shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 12.

Amendment

1. As soon as **the EU long-term resident has** received the residence permit provided for by Article 21 in the second Member State, EU long-term residents and their family members shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 12.

Amendment 139
Proposal for a directive
Article 24 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed **or self-employed** capacity communicate to the competent authorities any change of employer or economic activity. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.

Amendment

Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed capacity communicate to the competent authorities any change of employer or economic activity. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.

Amendment 140
Proposal for a directive
Article 24 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States may decide in accordance with national law the conditions under

Amendment

Member States may decide in accordance with national law the conditions under

which the persons referred to in Article 16(2), **points (b) or (c)**, and their family members may have access to an employed or self-employed activity.

which the persons referred to in Article 16(2), **point (c)**, and their family members may have access to an employed or self-employed activity.

Amendment 141

Proposal for a directive

Article 24 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Persons referred to in Article 16(2), point (b), shall be entitled to have access to an employed or self-employed activity outside of their studies or training and subject to the rules and conditions applicable to the relevant activity in the Member State concerned. Each Member State shall determine the maximum amount of time allowed for such an activity, in accordance with Union and national law.

Amendment 142

Proposal for a directive

Article 25 – title

Text proposed by the Commission

Amendment

Withdrawal of the residence permit and obligation to take back

Withdrawal of the ***national*** residence permit and obligation to take back

Amendment 143

Proposal for a directive

Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Until the third-country national has obtained EU long-term resident status***, the second Member State may decide to ***refuse to renew or to*** withdraw the ***resident*** permit in the following cases:

1. The second Member State may decide to withdraw the ***national residence*** permit in the following cases:

Amendment 144
Proposal for a directive
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. *Unless, in the meantime, the international protection has been withdrawn or the person falls within one of the categories specified in Article 21(2) of Directive 2011/95/EU, the second Member State shall not refuse third-country nationals whose long-term resident's EU residence permit issued by the first Member State contains the remark referred to in Article 8(4) of this Directive.*

deleted

This paragraph shall be without prejudice to Article 21(1) of Directive 2011/95/EU.

Amendment 145
Proposal for a directive
Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Removal decisions may not be accompanied by a permanent ban on residence in the cases referred to in paragraph 1, point (b).

Amendment 146
Proposal for a directive
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. Upon application, the second Member State shall grant EU long-term residents the status provided for by Article 7, subject to the *provisions of Articles 3, 4, 5 and 6*. The second Member State shall notify its decision to the first Member State.

1. Upon application **for an EU long-term residence permit**, the second Member State shall grant EU long-term residents the status provided for by Article 7, subject to the **conditions referred to in Article 17 and 19**. The second Member State shall notify its decision to the first Member State.

Amendment 147
Proposal for a directive
Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Upon the granting of EU long-term residence permit, all rights as referred to in Chapter I and II of this Directive applicable to EU long-term residents and their family members in the first Member State shall apply to EU long-term residents and their family members in the second Member State.

Amendment 148
Proposal for a directive
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from Article 4(1) and (3), the second Member State shall grant EU long-term resident status to third-country nationals who, after acquiring the right to reside in accordance with this Chapter, have legally and continuously resided within its territory for three years immediately prior to the submission of the relevant application.

2. An EU long-term resident shall be entitled to submit an application for an EU long-term residence permit, upon the arrival of that EU long-term resident to the second Member State or no later than the expiry of that resident's EU long-term residence permit in the first Member State.

Amendment 149
Proposal for a directive
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from Article 17(2), point (a), a maximum period of six months shall be considered for the evaluation of stable and regular resources.

Amendment 150
Proposal for a directive
Article 26 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The second Member State ***shall not be obliged to confer*** entitlement to social assistance, or maintenance aid for studies, including vocational training, consisting in student grants or student loans to ***EU long-term residents*** other than workers, self-employed persons, ***and*** their family members, prior to the completion of five years of legal and continuous residence ***in its territory***.

Amendment

Where the second Member State ***confers*** entitlement to social assistance, or maintenance aid for studies, including vocational training, consisting in student grants or student loans to ***Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU***, other than workers, self-employed persons ***or persons who retain such status***, their family members, prior to the completion of five years of legal and continuous residence, ***it shall also confer such entitlement to EU long-term residents under the same conditions***.

Amendment 151
Proposal for a directive
Article 26 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The second Member State may decide to confer entitlement to such assistance to EU long-term residents prior to the completion of five years of legal and continuous residence, provided that it ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens other than workers, self-employed persons or persons who retain such status under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members.

Amendment

deleted

Amendment 152
Proposal for a directive
Article 26 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The second Member State shall, in accordance with national law or practice, provide social assistance to an EU long-term resident, in the case of a disability or incapacity to work due to circumstances such as pregnancy, accident, injury or disease.

Amendment 153
Proposal for a directive
Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 13(2), and solely prior to the completion of five years of legal and continuous residence in its territory, the second Member State may take a decision to end the legal stay of an EU long-term resident who has ceased an employed or self-employed activity, where he/she does not have sufficient resources for himself/herself and his/her family members and comprehensive sickness insurance cover so as not to become an unreasonable burden on its social assistance system.

deleted

Amendment 154
Proposal for a directive
Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The procedure laid down in Article 7 shall apply to the presentation and examination of applications for EU long-term resident status in the second Member State. Article 8 shall apply for the issuance of the residence permit. Where the

5. The procedure laid down in Article 7 shall apply to the presentation and examination of applications for EU long-term resident status in the second Member State. Article 8 shall apply for the issuance of the residence permit. Where the

application is rejected, the procedural guarantees provided for by Article 10 shall apply.

application is rejected, the procedural guarantees provided for by Article 10 shall apply. ***A decision to reject an application for mobility shall take into account the specific circumstances of the case and shall respect the principle of proportionality.***

Amendment 155
Proposal for a directive
Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ***make easily accessible*** to applicants for an EU long-term resident permit ***information***

Amendment

1. Member States shall ***provide information*** to applicants for an EU long-term resident permit ***in a language that they are likely to understand as determined by the Member State concerned.***

Amendment 156
Proposal for a directive
Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) on the documentary evidence needed for an application;

Amendment

(a) on the documentary evidence needed for an application ***and on rights and procedures related to living and working in a second Member State under relevant Union and national labour law and practice;***

Amendment 157
Proposal for a directive
Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards.

Amendment

(b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards ***under this Directive and under relevant***

Amendment 158
Proposal for a directive
Article 27 – paragraph 2

Text proposed by the Commission

2. Where Member States issue national residence permits in accordance with Article 14, they shall ensure the same access to information on the EU long-term resident permit as the one provided with respect to such national residence permits.

Amendment

2. Where Member States issue national residence permits in accordance with Article 14, they shall ensure the same access to information on the EU long-term resident permit as the one provided with respect to such national residence permits. ***During the application process, the Member State issuing a permit shall inform the applicant, in writing, of the possibility of obtaining an EU long-term residence permit and the possibility to retain national and EU long-term resident permits simultaneously. Member States shall ensure accessibility to information for persons with disabilities.***

Amendment 159
Proposal for a directive
Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once a third-country national has completed the required term of residence on Union territory, the applicant shall be informed by the competent authorities about completion of the term and the possibility to apply for the status provided for by Article 7, subject to the provisions in this Directive.

Amendment 160
Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

In the aforementioned report, the

In the aforementioned report, the

Commission shall specifically assess the impacts of the required residence period set out in Article 4(1) on the integration of third-country nationals, ***including the possible benefits of reducing this period,*** taking into account, inter alia, the different factors relevant for the integration of third-country nationals across Member States.

Commission shall specifically assess the impacts of the required residence period set out in Article 4(1) on the integration of third-country nationals, taking into account, inter alia, the different factors relevant for the integration of third-country nationals across Member States.

EXPLANATORY STATEMENT

It is high time for the European Union (EU) to rethink its labour migration policies and shift the focus to the 23 million third-country national regular residents that live and work within the Union's territory - and to those that might consider moving here. Labour migrants already play a crucial role in our societies, contribute to the Union's labour market, boost economic growth, and enrich our continent as a whole. The recent Covid-19 pandemic has shone another spotlight on the crucial role third-country nationals play within sectors identified as 'essential', even in times of higher unemployment.

The recast of the Long Term Residents Directive, which is one of the measures proposed within the Commission's 'Skills and Talent' package, is timely and provides an opportunity to not only focus the positive narrative on migration, but also to provide tangible, legislative improvements for third-country nationals and the Union as a whole. The Directive offers an opportunity to safeguard and strengthen the rights of third-country nationals, address the vulnerabilities they face, and further foster their integration and social inclusion.

The proposal addresses the changing reality of the Union's labour market, and with it first and foremost the challenge of an ageing society and the increasing skills shortages that many Member States already face. It is forecasted that over the next 30 years, our active workforce in the EU will decrease by 50 million people. In the meantime the USA, Australia and Canada are top destination countries for migrants and still continuously explore ways to better attract talent at all skills level. The EU could compete with other migration destinations, both in diversity and size. However, it requires further cooperation on labour migration policies in the EU to leverage the European added value. This Directive, as it was adopted in 2003, is clearly underused and requires substantial legislative changes to reach its full potential and meet the objectives set.

The purpose of recasting the EU Long-Term Residents Directive is to create a harmonised EU long-term resident status and set out rules on the procedures and rights associated with the status. The Rapporteur supports the Commission's proposal to allow third-country nationals to cumulate residence periods in different Member States and to ensure all periods of legal residence are fully taken into account. In addition, the Rapporteur proposes to reduce the period of residence required to acquire EU long-term resident status from five to three years. This measure would increase the use of an EU long-term resident status and have a positive impact on the integration of third-country nationals, as they would obtain full equal treatment rights faster. It is also in line with the European Parliament's Resolution on new avenues for legal labour migration (2020/2010(INI)) and the resolution with legislative recommendations to the Commission on legal migration policy and law (2020/2255(INL)). Furthermore, the Rapporteur's proposal facilitates access to the EU long-term resident status, by allowing beneficiaries of temporary and other forms of protection status to apply for an EU long-term

residence permit, as long as they fulfil the required conditions.

The Rapporteur also introduces a number of protections against ending legal stay and safeguards on withdrawal. Additionally, the Rapporteur allows for an option for a Member State to grant EU long-term resident status to vulnerable third-country nationals who have resided within its territory for less than three years. To protect third-country nationals from losing status or falling into irregularity, the proposal clarifies that an interruption of less than two months should not affect the continuous nature of residence and should not be taken into account.

In line with the European Parliament's resolution on citizenship and residence by investment schemes (2021/2026 (INL)), the Rapporteur proposes to exclude any third-country nationals who hold a residence permit solely on the basis of any kind of investment from applying for an EU long-term residence permit. The draft report supports the Commission's proposal prohibiting Member States to take into account periods of residence as a holder of residence permit granted on any kind of investment in another Member State for the purpose of cumulating periods of residence towards an EU long-term resident status.

The Commission proposal also aims to strengthen the rights of long-term residents and their family members. Additionally, the Rapporteur approximates rights of family members in the first and second Member State to the rights of EU citizens. This includes removing the prerequisite on integration conditions, and allowing for swifter family reunification by shortening the time needed to adopt the decision. Furthermore, family members would be entitled to access any employment, including self-employed activities in the host Member State. For protecting family life and in the best interests of a child, the Rapporteur also proposes facilitated measures on how family members and children in vulnerable situations can access autonomous residence permits.

A concrete step and a clear added value on how to enhance the attractiveness of the EU long-term resident status is to ensure effective intra-EU mobility rights for third-country nationals. Freedom of movement can allow third-country nationals to travel and seek opportunities across the EU, which can improve their prospects for integration, enhance the number and variety of opportunities they can take up, allow them to fill in labour shortages in Member States where there are needs, and help offset regional imbalances. In times of crisis, mobile third-country nationals can also contribute more to labour market adjustments and the overall economic growth of their host communities. In addition, it would render the EU much more attractive as a migration destination for third-country nationals in the first place. However, existing barriers continue hamper intra-EU mobility, significantly decreasing this attractiveness. The Rapporteur therefore puts forward a proposal removing barriers to mobility, by allowing third-country nationals who received an EU long-term resident status in the first Member State to move freely to the second Member State and apply for an EU long-term resident status immediately or for as long as the EU permit is valid in the first Member State. To have access to an EU long-term resident status in the second Member State, the EU long-term resident must fulfil the conditions on the required duration of residence. Overall, the measure proposed by the Rapporteur aims

for portability of an EU long-term resident status.

Finally, the Commission proposal puts in place a mechanism to ensure a level playing field between the EU long-term residence permit and national permanent residence permits on procedures, equal treatment rights, and access to information. The Rapporteur strengthens the Commission's proposal on level playing field by ensuring that Member States that issue parallel national permanent residence permits with more favourable provisions on safeguards, rights and conditions, should grant the same safeguards, rights and conditions to third-country nationals with EU long-term resident status. Furthermore, in cases where third-country nationals hold a national permanent residence permit and apply for an EU long-term residence permit in the same Member State, the Member State in question should automatically grant an EU long-term residence permit to the person applying. In any case, Member States should allow third country nationals to hold both national permanent residence permit and EU long-term residence permit at the same time. The additional measures proposed by the Rapporteur will address the uneven competition with national permits that does not benefit third-country nationals, and will help overcome the varied implementation of the Directive across the EU therefore improving its effectiveness.

In line with Rule 110(3) of EP Rules of Procedure, there is an inextricable link between the amendments adopted in LIBE in this procedure.

23.3.2023

ANNEX: LETTER OF THE COMMITTEE ON LEGAL AFFAIRS

Mr Juan Fernando López Aguilar
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on a 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)0650 – C9-0162/2022 – 2022/0134(COD))

Dear Mr Chair,

The Committee on Legal Affairs has examined the proposal referred to above pursuant to Rule 110 on recasting of Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 180 and 181, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the here attached opinion of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the Rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its meeting of 21 March 2023, the Committee on Legal Affairs unanimously¹

¹ The following were present for the final vote: Adrián Vázquez Lázara (Chair), Sergey Lagodinsky (Vice-Chair), Marion Walsmann (Vice-Chair), Lara Wolters (Vice-Chair), Raffaele Stancanelli (Vice-Chair), Pascal Arimont,

decided to recommend that the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, proceed to examine the above proposal in accordance with Rule 110.

Yours sincerely,

Adrián Vázquez Lázara

Encl.: Opinion of the Consultative Working Party.

Manon Aubry, Daniel Buda, Ilana Cicurel, Pascal Durand, Frances Fitzgerald (for Didier Geoffroy, pursuant to Rule 209(7)), Virginie Joron, Fabienne Keller (for Pierre Karleskind, pursuant to Rule 209(7)), Gilles Lebreton, Antonius Manders, Maria-Manuel Leitão-Marques, Emil Radev, René Repasi, Marie Toussaint, Tiemo Wölken, Axel Voss.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

Annex



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 16 March 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)0650 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 meetings¹, 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

¹. 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.

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’*;
- 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.

F. DREXLER
Jurisconsult

J.B. LAIGNELOT
acting Director-General

D. CALLEJA CRESPO
Director-General

24.1.2023

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on 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 (COM(2022)0650 – C9-0162/2022 – 2022/0134(COD))

Rapporteur for opinion: Abir Al-Sahlani

SHORT JUSTIFICATION

The recast of the Long Term Residents Directive provides an important opportunity to modernize the European labour market and make it more fit for the future, while safeguarding and strengthening the rights of third-country nationals who come to work in Europe. It is clear that a major contributing factor to Europe's future prosperity, innovation and competitiveness will be whether our companies have access to the skills and talents that they need, and whether it is attractive for third-country nationals to come to Europe instead of other parts of the world. It is also clear that although this directive has existed for more than two decades, it is not being used to its full potential.

That is why with this EMPL draft opinion on this recast I propose amendments that can facilitate and improve the integration of third-country nationals into the European labour market. A level playing field between the EU long-term resident status and national residence permits should be created, so that third-country nationals have a true choice between the two. This can be done without changing the national residence permits or interfering with the Member States' competence to give out national permits, if emphasis is simply put on improving the attractiveness of the EU long-term resident status. This also implies that the requirements to obtain the EU long-term resident status must be harmonized as much as possible between Member Status, so that the expectations, rights and obligations for third-country nationals are clear - to themselves, to their employers and to the Member States' authorities.

A concrete step towards enhancing the attractiveness, and thereby the utilisation, of the EU long-term resident status, is to decrease the period of residence in the EU required before one can obtain the long-term status. The draft shortens this period from five to three years, of which one year must be spent in the Member State of application. In order to promote intra-EU labour mobility, the required period of previous residence in a second Member State has been deleted. Lastly, the draft intends to bolster protections for EU long-term residents and eliminate discrimination of them on the labour market, for example against low- or medium-skilled workers, and different kinds of family structures.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) ***The required period of residence for the acquisition of EU long-term resident status should be completed in the same Member State of application.***

However, in order to promote the intra-EU mobility of third-country nationals, Member States should allow third-country nationals to cumulate periods of residence in different Member States. With the aim to limit the attractiveness of investor residence schemes and in account of the fact that not all Member States have regulated this category of residence permits, Member States should not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State for the purpose of cumulating periods.

Amendment

(9) In order to promote the intra-EU mobility of third-country nationals, Member States should allow third-country nationals to cumulate periods of residence in different Member States, ***in order to complete the required period of residence for the acquisition of EU long-term resident status. However, at least one year of legal and continuous residence should be completed in the same Member State of application.*** With the aim to limit the attractiveness of investor residence schemes and in account of the fact that not all Member States have regulated this category of residence permits, Member States should not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State for the purpose of cumulating periods.

Amendment 2

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Any period of residence spent by a holder of a ***long-stay visa or*** residence permit issued under Union or national law should be counted for acquiring the EU long-term resident status, including periods of residence under a status or in a capacity that is excluded from the scope of the Directive, such as residence for study purposes or vocational training, residence as beneficiary of national or temporary

Amendment

(10) Any period of residence spent by a holder of a residence ***visa or*** permit issued under Union or national law should be counted for acquiring the EU long-term resident status, including periods of residence under a status or in a capacity that is excluded from the scope of the Directive, such as ***residence for seasonal or posted work,*** residence for study purposes or vocational training, residence

protection, or residence initially based solely on temporary grounds. Where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status, these periods should be taken into account fully in the calculation of the period required to acquire EU long-term resident status, provided that the overall residence has been legal and continuous.

as beneficiary of national or temporary protection, or residence initially based solely on temporary grounds. Where the third-country national concerned has acquired a title of residence which will enable him/her to be granted EU long-term resident status, these periods should be taken into account fully in the calculation of the period required to acquire EU long-term resident status, provided that the overall residence has been legal and continuous.

Amendment 3

Proposal for a directive Recital 11

Text proposed by the Commission

(11) To acquire EU long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance, ***to avoid becoming a burden for the Member State***. Member States may indicate a certain sum as a reference amount, but they may not impose a minimum income level below which all applications for EU long-term resident status will be refused, irrespective of an actual examination of the situation of each applicant. When making an assessment of the possession of stable and regular resources, Member States may take into account factors such as contributions to the pension system and fulfilment of tax obligations. The concept of ‘resources’ should not concern solely the ‘own resources’ of the applicant for EU long-term resident status, but may also cover the resources made available to that applicant by a third party provided that, in the light of the individual circumstances of the applicant concerned, they are considered to be stable, regular and sufficient.

Amendment

(11) To acquire EU long-term resident status, third-country nationals should prove that they have adequate resources and sickness insurance. Member States may indicate a certain sum as a reference amount, but they may not impose a minimum income level below which all applications for EU long-term resident status will be refused, irrespective of an actual examination of the situation of each applicant. When making an assessment of the possession of stable and regular resources, Member States may take into account factors such as contributions to the pension system and fulfilment of tax obligations. The concept of ‘resources’ should not concern solely the ‘own resources’ of the applicant for EU long-term resident status, but may also cover the resources made available to that applicant by a third party provided that, in the light of the individual circumstances of the applicant concerned, they are considered to be stable, regular and sufficient. ***Recourse to social assistance should be considered in the evaluation of stable and regular resources in case of an applicant’s disability or incapacity to work due to circumstances such as pregnancy,***

accident, injury or disease.

Amendment 4

Proposal for a directive Recital 12

Text proposed by the Commission

(12) Member States should be able to require applicants for EU long-term resident status to comply with integration conditions, ***for example by requiring them to pass a civic integration or language examination.*** However, the means for implementing this requirement should not be liable to jeopardise the objective of promoting the integration of third-country nationals, having regard, in particular, to the level of knowledge required to pass a civic integration examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of fees applicable to third-country nationals as registration fees to sit that examination, or to the consideration of specific individual circumstances, such as age, illiteracy or level of education.

Amendment

(12) Member States should be able to require applicants for EU long-term resident status to comply with ***proportionate and reasonable*** integration conditions, ***which are of public interest.*** However, the means for implementing this requirement should not be liable to jeopardise the objective of promoting the integration of third-country nationals, having regard, in particular, to the level of knowledge required to pass a civic integration examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of fees applicable to third-country nationals as registration fees to sit that examination, or to the consideration of specific individual circumstances, such as age, illiteracy or level of education.

Amendment 5

Proposal for a directive Recital 18

Text proposed by the Commission

(18) In order to constitute a genuine instrument for the integration of EU long-term residents into the society in which they live, EU long-term residents should enjoy equality of treatment with citizens of the Member State in a wide range of economic ***and*** social matters, under the relevant conditions defined by this Directive.

Amendment

(18) In order to constitute a genuine instrument for the integration of EU long-term residents into the society in which they live, EU long-term residents should enjoy equality of treatment with citizens of the Member State in a wide range of economic, social ***and labour*** matters, under the relevant conditions defined by this Directive. ***Member States should include a gender-sensitive approach in compliance with Article 157 TFEU for all persons in***

all their diversity, irrespective of their sex, gender identity, gender expression or sexual characteristics.

Amendment 6

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council³⁵. This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions.

³⁵ 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).

Amendment

(20) Professional **and occupational diplomas, certificates and other qualifications, as well as skills and competences**, acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. **Professional** qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council ³⁵. This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions. **For the recognition, validation and certification of the skills, competences and qualifications of third-country nationals in occupational professions, including vocational training, a common Union initiative is required based on objective and uniform criteria, to support Member States and to facilitate the integration of third-country nationals into the labour market as well as to support intra-EU labour mobility.**

³⁵ 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).

Amendment 7

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) In order to promote better integration of EU long-term residents, rules on favourable conditions for family reunification and access to work for *spouses* should be introduced. Thus specific derogations from Council Directive 2003/86/EC should be provided for. Family reunification should not be subject to conditions relating to integration, as EU long-term residents and their families are deemed to be integrated in the host society.

Amendment

(26) In order to promote better integration of EU long-term residents, rules on favourable conditions for family reunification and access to work for ***family members, with particular regard to dependant children***, should be introduced, ***thereby guaranteeing rights equal to those of a citizen of the Union***. Thus specific derogations from Council Directive 2003/86/EC should be provided for. Family reunification should not be subject to conditions relating to integration, as EU long-term residents and their families are deemed to be integrated in the host society. ***In order to enhance the integration of family members of EU long term residents, the residence permit for the children of EU long-term residents should be interconnected to their residence permit. When a person acquires EU long-term resident status, his or her dependent children should acquire the EU long-term resident status automatically where they reside or will reside in the territory of the EU Member State having issued the EU long-term residence permit to that person, in particular without being subject to the requirement of prior residence.***

Amendment 8

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) As family life should be respected and its protection is an essential element of the integration of EU long-term residents, children of EU long-term residents who are born or adopted in the territory of the EU Member State having issued to the latter the EU long-term residence permit should acquire the EU

Amendment

deleted

long-term resident status in that Member State automatically, in particular without being subject to the requirement of prior residence.

Amendment 9

Proposal for a directive Recital 29

Text proposed by the Commission

(29) Member States should ensure a level playing field between EU long-term residence permits and national residence permits of permanent or unlimited validity, in terms of procedural and equal treatment rights, procedures *and* access to information. In particular, Member States should ensure that the level of procedural safeguards and rights granted to EU long-term residents and their family members is *not lower than* the level of procedural safeguards and rights enjoyed by holders of national residence permits *of permanent or unlimited validity*. Member States should *also* ensure that applicants for an EU long-term residence permit are not required to pay higher fees for the processing of their application than applicants for national residence permits. Finally, Member States should engage in the same level of information, promotion and advertisement activities with respect to the EU long-term residence permit as they do for national residence permits of permanent or unlimited validity, for example with regard to information on national websites on legal migration and information campaigns, and training programmes provided to the competent migration authorities.

Amendment

(29) Member States should ensure a level playing field between EU long-term residence permits and national residence permits of permanent or unlimited validity, in terms of procedural and equal treatment rights, procedures *to obtain the respective statuses as well as* access to information. In particular, Member States should ensure, *when issuing a national residence permit of permanent or unlimited validity*, that the level of procedural safeguards and rights granted to EU long-term residents and their family members is *equal to* the level of procedural safeguards and rights enjoyed by holders of *such* national residence permits. Member States should, *in particular*, ensure that applicants for an EU long-term residence permit are not required to pay higher fees for the processing of their application than applicants for national residence permits. *Relevant fees should not be disproportionate or dissuasive*. Finally, Member States should engage in the same level of information, promotion and advertisement activities with respect to the EU long-term residence permit as they do for national residence permits of permanent or unlimited validity, for example with regard to information on national websites on legal migration and information campaigns, *including the provision of that information in the most relevant languages that applicants can understand, as determined by the Member State and in accessible formats for people with disabilities*, and training programmes

provided to the competent migration authorities.

Amendment 10

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) Residence of EU long-term residents in other Member States should be facilitated. Establishing the conditions subject to which the right to reside in another Member State may be acquired by third-country nationals who are EU long-term residents should contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured. The occupational and geographical mobility of third-country nationals who are already EU long-term residents in one Member State should be recognised as an important contributor to improving labour market efficiency across the Union, to addressing skills shortages **and to offsetting regional imbalances**.

Amendment

(30) ***One of the aims of this Directive is to facilitate mobility for EU long-term residents within the Union and to simplify associated administrative burden for the benefit of both applicants and national authorities.*** Residence of EU long-term residents in other Member States should be facilitated **and promoted**. Establishing the conditions subject to which the right to reside in another Member State may be acquired by third-country nationals who are EU long-term residents should contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured. The occupational and geographical mobility of third-country nationals who are already EU long-term residents in one Member State should be recognised as an important contributor to improving labour market efficiency across the Union, to addressing skills shortages, **labour gaps and support skill transfer particularly in the context of the green transition, to supporting sustainable economic growth as well as to rebalancing intra and inter-regional disparities. At the same time, increased mobility provides advantages for third country nationals, expanding their access to social and employment opportunities for themselves and their families. Furthermore, the intra-EU mobility of EU long-term residents and their family members can have social and cultural added value for EU Member States and for third country nationals alike.**

Amendment 11

Proposal for a directive Recital 34

Text proposed by the Commission

(34) ***In order to facilitate the*** intra-EU mobility ***of EU long-term*** residents for the exercise of an economic activity in an employed or self-employed capacity, ***no check of the labour market situation should be carried out when examining applications for residence in a second Member State.***

Amendment

(34) ***Labour market checks can constitute a barrier to effective*** intra-EU mobility ***and an unnecessary administrative burden imposed on EU long term*** residents. ***Therefore, Member States should not carry out any check of the labour market situation in a second Member State when examining applications for residence in that second Member State*** for the exercise of an economic activity in an employed or self-employed capacity.

Amendment 12

Proposal for a directive Recital 35

Text proposed by the Commission

(35) As soon as an EU long-term resident submits a complete application for residence in a second Member State within the deadline provided for in this Directive, it should be possible for that Member State to allow the EU long-term resident to begin employment or study. EU long-term ***residents*** should ***be*** entitled to begin employment or study ***at the latest 30 days after submitting the application for residence*** in the second Member State.

Amendment

(35) As soon as an EU long-term resident submits a complete application for residence in a second Member State within the deadline provided for in this Directive, it should be possible for that Member State to allow the EU long-term resident to begin employment or study. ***At the latest 30 days after the submission of the application for residence by an EU long-term resident, Member States should ensure that he or she is*** entitled to begin employment or study in the second Member State.

Amendment 13

Proposal for a directive Recital 36

Text proposed by the Commission

(36) Where EU long-term residents intend to apply for residence in a second Member State in order to exercise a regulated profession, their professional qualifications should be recognised in the same way as those of Union citizens exercising the right to free movement, in accordance with Directive 2005/36/EC and other applicable Union and national law.

Amendment

(36) Where EU long-term residents intend to apply for residence in a second Member State in order to exercise a regulated profession, their professional ***diplomas, certificates and other qualifications, as well as skills and competences***, should be recognised in the same way as those of Union citizens exercising the right to free movement, in accordance with Directive 2005/36/EC and other applicable Union and national law.

Amendment 14

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Family members should also be able to settle in a second Member State with an EU long-term resident in order to preserve family unity and to avoid hindering the exercise of the EU long-term resident's right of residence. With regard to the family members who may be authorised to accompany or to join the EU long-term residents, Member States should pay special attention to the situation of disabled adult children and of first-degree relatives in the direct ascending line who are dependent on them.

Amendment

(37) Family members should also be able to settle in a second Member State with an EU long-term resident in order to preserve family unity and to avoid hindering the exercise of the EU long-term resident's right of residence. With regard to the family members who may be authorised to accompany or to join the EU long-term residents, Member States should pay special attention to the situation of disabled ***or otherwise dependent*** adult children, ***spouses or legal partners*** and of first-degree relatives in the direct ascending line who are dependent on them.

Amendment 15

Proposal for a directive

Recital 40

Text proposed by the Commission

(40) In order to ensure that the criteria for residence in the second Member State continue to be fulfilled, the second Member State should be allowed to require

Amendment

(40) In order to ensure that the criteria for residence in the second Member State continue to be fulfilled, the second Member State should be allowed to require

that EU long-term residents and their family members communicate to the competent authorities **any change** of employer or economic activity. The communication procedure should not suspend the right of the persons concerned to pursue the economic activity in an employed or self-employed capacity, and **no** check of the labour market situation **should be carried out**.

that EU long-term residents and their family members communicate to the competent authorities **any change** of employer or economic activity **which substantially affect their financial circumstances**. The communication procedure should not suspend the right of the persons concerned to pursue the economic activity in an employed or self-employed capacity, and **the Member State should not carry out any** check of the labour market situation **when assessing the information submitted**.

Amendment 16

Proposal for a directive Recital 41

Text proposed by the Commission

(41) **Third-country nationals** should be granted the possibility of acquiring EU long-term resident status in the Member State where they have moved and have decided to settle under the same conditions as those required for its acquisition in the first Member State. **However, the required period of residence in the second Member State should be three years and it should not be possible to cumulate periods of residence in different Member States**. In that case, **it should be left to the second Member State to** decide whether **it will** grant social assistance, or maintenance assistance for studies, including vocational training, to EU long-term residents **other than those who are workers or self-employed persons or their family members, prior to the completion of five years of legal and continuous residence in its territory, bearing in mind that Union citizens who have exercised free movement rights in a capacity other than that of workers or self-employed persons in accordance with Directive 2004/38/EC or Article 21 TFEU, or their family members, may also be refused such benefits prior to the completion of five**

Amendment

(41) **EU long-term residents** should be granted the possibility of acquiring EU long-term resident status in the Member State where they have moved and have decided to settle under the same conditions as those required for its acquisition in the first Member State. In that case, **they should benefit from the same rights and obligations as Union citizens, particularly as regards social security, social assistance and social protection as defined by national law in accordance with Article 12 of this Directive as well as all rights and procedural safeguards in this Directive**. The second Member State **may** decide whether **or not to** grant social assistance, or maintenance assistance for studies, including vocational training, to EU long-term residents, provided that it ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens under an agreement

years of legal and continuous residence. The second Member State may decide to grant such assistance to EU long-term residents prior to the completion of five years of legal and continuous residence, provided that it ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members. Furthermore, prior to the completion of five years of legal and continuous residence in that Member State, where an EU long-term resident has ceased an employed or self-employed activity and he/she does not have sufficient resources for himself/herself and his/her family members and comprehensive sickness insurance cover so as not to become an unreasonable burden on the social assistance system of the second Member State, his/her legal stay may be ended on that ground, bearing in mind that Union citizens who have exercised free movement rights and their family members may be expelled in such a situation.

between the Union and its Member States, on the one hand, and third countries on the other, and their family members.

Amendment 17

Proposal for a directive Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘family members’ means the third-country nationals who reside in the Member State concerned in accordance with Council Directive 2003/86/EC³⁷ ;

Amendment

(e) ‘family members’ means the **spouses or legal partners, minor and dependent adult children and any other family members of** third-country nationals who reside in the Member State concerned in accordance with Council Directive

³⁷ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

³⁷ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

Amendment 18

Proposal for a directive Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) reside in order to pursue studies or **vocational** training;

Amendment

(a) reside in order to pursue studies or training;

Amendment 19

Proposal for a directive Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) reside solely on temporary grounds such as **as au pair or seasonal worker, or** as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services ;

Amendment

(e) reside solely on temporary grounds such as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services;

Amendment 20

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. Notwithstanding paragraph 3 of this article, Member States shall grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **five** years immediately prior to the submission of the relevant application.

Amendment

1. Notwithstanding paragraph 3 of this article, Member States shall grant EU long-term resident status to third-country nationals who have resided legally and continuously within its territory for **three** years immediately prior to the submission of the relevant application.

Amendment 21

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall allow third-country nationals to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, provided that they have accumulated **two years** of legal and continuous residence within the territory of the Member State where the application for EU long-term resident status is submitted immediately prior to the submission of the application. For the purpose of cumulating periods of residence in different Member States, Member States shall not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State.

Amendment 22

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain himself/herself and the members of his/her family, **without recourse to the social assistance system of the Member State concerned.** Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident status;

Amendment

3. Member States shall allow third-country nationals to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, provided that they have accumulated **one year** of legal and continuous residence within the territory of the Member State where the application for EU long-term resident status is submitted immediately prior to the submission of the application. For the purpose of cumulating periods of residence in different Member States, Member States shall not take into account periods of residence as a holder of a residence permit granted on the basis of any kind of investment in another Member State.

Amendment

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain himself/herself and the members of his/her family, Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions prior to the application for long-term resident status. **Member States shall also assess the individual circumstances of the applicant. To ensure compliance with non-discrimination, Member States shall consider recourse to social assistance in the evaluation of stable and regular resources in the case of an applicant's disability or incapacity to work due to**

circumstances such as pregnancy, injury, accident or disease, in accordance with national law.

Amendment 23

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, point (a), Member States shall evaluate the stable and regular resources by reference to their nature and regularity ***and may take into account the level of minimum wages and pensions*** prior to the application for long-term resident status. Member States may indicate a certain sum as a reference amount, but they may not impose a minimum income level, below which all applications for EU long-term resident status would be refused, irrespective of an actual examination of the situation of each applicant.

Amendment

2. For the purpose of paragraph 1, point (a), Member States shall evaluate the stable and regular resources by reference to their nature and regularity prior to the application for long-term resident status. Member States may indicate a certain sum as a reference amount, but they may not impose a minimum income level, below which all applications for EU long-term resident status would be refused, irrespective of an actual examination of the situation of each applicant.

Amendment 24

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. Where Member States issue national residence permits in accordance with Article 14, they shall not require EU long-term resident permit applicants to comply with ***stricter resources and integration*** conditions than those imposed on applicants for such national residence permits.

Amendment

4. Where Member States issue national residence permits in accordance with Article 14, they shall not require EU long-term resident permit applicants to comply with conditions ***and requirements that are stricter*** than those imposed on applicants for such national residence permits, ***such as conditions and requirements related to resources, integration or administrative application procedures.***

Amendment 25

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than **six months** from the date on which the complete application was lodged. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.

Amendment

The competent national authorities shall give the applicant written notification of the decision as soon as possible and in any event no later than **90 days** from the date on which the complete application was lodged. Any such decision shall be notified to the third-country national concerned in accordance with the notification procedures under the relevant national legislation.

Amendment 26

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The person concerned shall be informed about his/her rights and obligations under this Directive.

Amendment

The person concerned shall be informed about his/her rights and obligations under this Directive, **including the applicable fees**.

Amendment 27

Proposal for a directive
Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) in the event of absence from the territory of the Union for a period of 24 consecutive months.

Amendment

(c) in the event of absence from the territory of the Union for a period of **more than** 24 consecutive months.

Amendment 28

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. **Where an** application **for** EU long-

Amendment

2. **Any decision declaring**

term resident status *is rejected or that status is withdrawn or lost or the residence permit is not renewed, the person concerned shall have the right to mount a legal challenge* in the Member State concerned.

inadmissible, rejecting the application, withdrawing the EU long-term resident status or rejecting the renewal of the permit shall be open to an effective judicial remedy in the Member State concerned, *in accordance with national law. The written notification shall specify the court or administrative authority with which an appeal may be lodged and the time-limit for lodging the appeal. Protection of EU long-term residents or applicants from discriminatory practices shall be ensured.*

Amendment 29

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of fees imposed by a Member State for the processing of applications shall not be disproportionate or *excessive*.

Amendment

Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of fees imposed by a Member State for the processing of applications shall not be disproportionate or *dissuasive and shall be based on the services actually provided for the processing of applications and the issuance of permits*.

Amendment 30

Proposal for a directive Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. EU long-term residents shall enjoy equal treatment with nationals as regards:

Amendment

1. EU long-term residents shall enjoy equal treatment with nationals as regards *at least*:

Amendment 31

Proposal for a directive Article 12 – paragraph 1 – point a

(a) access to employment and self-employed activity, provided such activities do not entail even occasional involvement in the exercise of public authority, and **conditions of** employment and working conditions, including conditions regarding dismissal **and** remuneration;

(a) access to employment and self-employed activity, provided such activities do not entail even occasional involvement in the exercise of public authority, and **decent** employment and working conditions, including conditions **and safeguards** regarding dismissal, remuneration, **working hours and overtime rates, as well as leave entitlements in particular annual and sick leave and familial and care leaves as well as health and safety at the workplace in accordance with, inter alia, Council Directive 89/391 EEC^{1a} and Directives 2008/104/EC^{1b}, (EU) 2019/1152^{1c} and 2022/2041^{1d} of the European Parliament and of the Council;**

^{1a} **Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).**

^{1b} **Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).**

^{1c} **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).**

^{1d} **Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33).**

Amendment 32

Proposal for a directive Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) education and vocational training, **including** study grants in accordance with national law;

(b) education **and training, including occupational** and vocational training **as well as** study grants in accordance with national law;

Amendment 33

Proposal for a directive

Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) recognition of **occupational and professional qualifications, including** diplomas, certificates and other qualifications, in accordance with the relevant national procedures;

Amendment 34

Proposal for a directive

Article 12 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) gender equality and protection against discrimination;

Amendment 35

Proposal for a directive

Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) branches of social security referred to in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁰, and social assistance and social protection as defined by national law;

(d) **access to the** branches of social security referred to in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁰, and social assistance and social protection as defined by national law;

⁴⁰ Regulation (EC) No 883/2004 of the

⁴⁰ 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).

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).

Amendment 36

Proposal for a directive Article 12 – paragraph 1 – point f

Text proposed by the Commission

(f) access to goods and services ***and the supply of goods and services made available to the public , including access to private housing, and to procedures for obtaining public housing;***

Amendment

(f) access to goods and services, ***in particular public*** services;

Amendment 37

Proposal for a directive Article 12 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) access to the supply of goods and services made available to the public, including access to and procedures for obtaining public and private housing ensuring a decent standard of living;

Amendment 38

Proposal for a directive Article 12 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) access to information and counselling services provided by public employment services;

Amendment 39

Proposal for a directive
Article 12 – paragraph 1 – point g

Text proposed by the Commission

(g) 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;

Amendment

(g) 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, ***including the right to negotiate and conclude collective agreements and the right to strike***, without prejudice to the national provisions on public policy and public security;

Amendment 40

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purposes of paragraph 1, Member States shall ensure national labour authorities have sufficient resources and carry out effective, proportionate and non-discriminatory controls and field inspections, including routine and unannounced visits to ensure equal treatment and strengthen the protection of third-country nationals.

Amendment 41

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. With respect to the provisions of paragraph 1, points (b), (d), (e), ***(f) and (g)***, the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the

Amendment

2. With respect to the provisions of paragraph 1, points (b), (d), (e), the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the EU long-

EU long-term resident lies within the territory of the Member State concerned.

term resident lies within the territory of the Member State concerned. ***Member States shall inform EU long-term residents of such restrictions when they acquire the status, and by the applicant's request, and provide the EU long-term resident with an easily accessible reason for such restriction.***

Amendment 42

Proposal for a directive

Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States may restrict equal treatment with nationals in the following cases:

Amendment

3. Member States may restrict equal treatment with nationals ***only*** in the following cases:

Amendment 43

Proposal for a directive

Article 12 – paragraph 3 – point b

Text proposed by the Commission

(b) Member States may require proof of appropriate language proficiency for access to education ***and training***. Access to university ***may be*** subject to the fulfilment of specific educational prerequisites.

Amendment

(b) Member States may require proof of appropriate language proficiency for access to ***higher*** education ***and make*** access to university subject to the fulfilment of specific educational prerequisites, ***in accordance with national law. Member States shall not require proof of appropriate language proficiency for access to childhood education and care.***

Amendment 44

Proposal for a directive

Article 12 – paragraph 5

Text proposed by the Commission

5. EU long-term residents moving to a

Amendment

5. EU long-term residents moving to a

third country, or their survivors who reside in a third country and who derive rights from an EU long-term resident, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU long-term resident's previous employment that were 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 nationals of the Member States concerned where such nationals move to a third country.

third country, or their survivors who reside in a third country and who derive rights from an EU long-term resident, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU long-term resident's previous employment that were 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 nationals of the Member States concerned where such nationals move to a third country. ***Any difficulty for EU long-term residents to receive their pension entitlements shall be addressed by the Member State in a timely and effective manner.***

Amendment 45

Proposal for a directive Article 12 – paragraph 7

Text proposed by the Commission

7. Where Member States issue national residence permits in accordance with Article 14, ***they shall grant EU long-term resident permit holders the same equal treatment rights as those granted to holders of national residence permits, where such equal treatment rights are more favourable than those provided for in this Article.***

Amendment 46

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

1. ***The children of an EU long-term resident who are born or adopted in the territory of the Member State that issued him/her the EU long-term residence permit shall acquire EU long-term resident status***

Amendment

7. Where Member States issue national residence permits in accordance with Article 14, ***which grant equal treatment rights that are more favourable than those provided for in this Article, Member States shall ensure that EU long-term residents are also granted those equal treatment rights.***

Amendment

1. Children of an EU long-term resident who are ***dependant and who reside or will reside in the Member State that issued him/her the EU long-term residence permit shall acquire EU long-***

automatically, without being subject to the conditions set out in Articles 4 and 5. The EU long-term resident shall lodge an application with the competent authorities of the Member State in which he/she resides to obtain the EU long-term resident permit for his/her child.

term resident status automatically ***in the territory of the Member State***, without being subject to the conditions set out in Articles 4 and 5. The EU long-term resident shall lodge an application with the competent authorities of the Member State in which he/she resides to obtain the EU long-term resident permit for his/her child.

Amendment 47

Proposal for a directive Article 15 – paragraph 4

Text proposed by the Commission

4. By way of derogation from Article 14(2) of Directive 2003/86/EC, Member States shall not examine the situation of their labour market.

Amendment

4. By way of derogation from Article 14(2) of Directive 2003/86/EC, Member States shall not examine the situation of their labour market ***in relation to the family members concerned***.

Amendment 48

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. An EU long-term resident shall acquire the right to reside in the territory of a second Member State, provided that the conditions set out in this Chapter are met.

Amendment

1. ***For the purpose of exercising long-term mobility***, an EU long-term resident shall acquire the right to reside in the territory of a second Member State, ***in accordance with Articles 17 and 27***, provided that the conditions set out in this Chapter ***and in Article 14(2)*** are met. ***The EU long-term resident shall apply for a residence permit in the first three months after entering the territory of the second Member State. The competent national authorities shall provide complete and clear information in different languages about the differences in rights and procedural guarantees depending on the type of a residence permit.***

Amendment 49

Proposal for a directive

Article 16 – paragraph 2 – point b

Text proposed by the Commission

(b) pursuit of studies or **vocational** training;

Amendment

(b) pursuit of studies or training;

Amendment 50

Proposal for a directive

Article 16 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may decide, in accordance with national law, the conditions under which long-term residents who wish to move to a second Member State with a view to exercising an economic activity as seasonal workers may reside in that Member State. Cross-border workers may also be subject to specific provisions of national law.

Amendment

deleted

Amendment 51

Proposal for a directive

Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) stable and regular resources , also made available by a third party, which are sufficient to maintain themselves and the members of their families, without recourse to the social assistance of the Member State concerned. For each of the categories referred to in Article 16(2), Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions;

Amendment

(a) stable and regular resources, also made available by a third party, which are sufficient to maintain themselves and the members of their families, without recourse to the social assistance of the Member State concerned. For each of the categories referred to in Article 16(2), Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions; ***Member States shall also assess the individual circumstances of the applicant. To ensure compliance with non-***

discrimination, Member States shall consider recourse to social assistance in the evaluation of stable and regular resources, in the case of an applicant's disability or incapacity to work due to circumstances such as pregnancy, injury, accident or disease, in accordance with national law;

Amendment 52

Proposal for a directive

Article 17 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Without prejudice to the second subparagraph, the persons concerned *may be required to attend* language courses.

Amendment

Without prejudice to the second subparagraph, the persons concerned *shall be supported in complying with any integration measures, which should be proportionate, in particular as regards affordable and accessible* language courses.

Amendment 53

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The application shall be accompanied by documentary evidence, to be determined by national law, that the persons concerned meet the relevant conditions, as well as by their long-term resident permit and a valid travel document or their certified copies.

Amendment

The application shall be accompanied by documentary evidence, to be determined by national law, that the persons concerned meet the relevant conditions *set out in Articles 16 and 17*, as well as by their long-term resident permit and a valid travel document or their certified copies.

Amendment 54

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 2 – point a – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that any requirement for such evidence is proportionate and is not dissuasive.

Amendment 55

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) in case of study or vocational training the second Member State may require the persons concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or ***vocational*** training.

(b) in case of study or vocational training the second Member State may require the persons concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or training.

Amendment 56

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

With regard to the exercise of an economic activity in a regulated profession as defined in Article 3(1), point (a), of Directive 2005/36/EC, for the purpose of applying for a residence permit in a second Member State, EU long-term residents shall enjoy equal treatment with Union citizens as regards recognition of professional qualifications, in accordance with applicable Union and national law.

With regard to the exercise of an economic activity in a regulated profession as defined in Article 3(1), point (a), of Directive 2005/36/EC, for the purpose of applying for a residence permit in a second Member State, EU long-term residents shall enjoy equal treatment with Union citizens as regards recognition of professional ***and occupational diplomas, certificates and*** qualifications, in accordance with applicable Union and national law.

Amendment 57

Proposal for a directive

Article 17 – paragraph 5

Text proposed by the Commission

5. The EU long-term resident shall be allowed to commence work or study in the second Member State not later than 30 days after the date of submission of the complete application.

Amendment

5. The EU long-term resident shall be allowed to commence work or study in the second Member State ***as soon as possible and*** not later than 30 days after the date of submission of the complete application.

Amendment 58

**Proposal for a directive
Article 18 – paragraph 4 – point c**

Text proposed by the Commission

(c) evidence that they have stable and regular resources, also made available by a third party, which are sufficient to maintain themselves ***without recourse to the social assistance of the Member State concerned*** or that the EU long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions.

Amendment

(c) evidence that they have stable and regular resources, also made available by a third party, which are sufficient to maintain themselves or that the EU long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks in the second Member State. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum wages and pensions. ***Member States shall also assess the individual circumstances of the applicant. To ensure compliance with non-discrimination, Member States shall consider recourse to social assistance in the evaluation of stable and regular resources, in the case of an applicant's disability or incapacity to work due to circumstances such as pregnancy, injury, accident or disease, in accordance with national law.***

Amendment 59

**Proposal for a directive
Article 21 – paragraph 4**

Text proposed by the Commission

4. By way of derogation from Article

Amendment

4. By way of derogation from Article

15(1) of Directive 2003/86/EC, for the purposes of calculation of the duration of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require **two years** of legal and continuous residence in the territory of the Member State where the application for the autonomous residence permit is submitted immediately prior to the submission of the application for the autonomous residence permit.

15(1) of Directive 2003/86/EC, for the purposes of calculation of the duration of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require **one year** of legal and continuous residence in the territory of the Member State where the application for the autonomous residence permit is submitted immediately prior to the submission of the application for the autonomous residence permit.

Amendment 60

Proposal for a directive

Article 24 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed or self-employed capacity communicate to the competent authorities **any change** of employer or economic activity. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.

Amendment

Member States may provide that the EU long-term residents and their family members who exercise an economic activity in an employed or self-employed capacity communicate to the competent authorities **the changes** of employer or economic activity **which substantially affect their financial circumstances**. Such requirement shall not affect the right of the persons concerned to take up and carry out the new activity.

Amendment 61

Proposal for a directive

Article 24 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States may decide in accordance with national law the conditions under which the persons referred to in Article 16(2), **points (b) or (c)**, and their family members may have access to an employed or self-employed activity.

Amendment

Member States may decide in accordance with national law the conditions under which the persons referred to in Article 16(2), **point (c)**, and their family members may have access to an employed or self-employed activity.

Amendment 62

Proposal for a directive Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Persons referred to in Article 16(2), point (b), shall be entitled to have access to an employed or self-employed activity outside of their studies or training and subject to the rules and conditions applicable to the relevant activity in the Member State concerned.

Amendment 63

Proposal for a directive Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from Article 4(1) **and (3)**, the second Member State shall grant EU long-term resident status to third-country nationals who, **after acquiring** the right to reside in accordance with this Chapter, **have legally and continuously resided within its territory for three years immediately prior to the submission of the relevant application.**

2. By way of derogation from Article 4(1), the second Member State shall grant EU long-term resident status to third-country nationals who **have acquired** the right to reside in accordance with this Chapter.

Amendment 64

Proposal for a directive Article 26 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The second Member State shall not be obliged to confer entitlement to social assistance, or maintenance aid for studies, including vocational training, consisting in student grants or student loans to EU long-term residents other than workers, self-employed persons, and their family members, **prior to the completion of five years of legal and continuous residence in**

The second Member State shall not be obliged to confer entitlement to social assistance, or maintenance aid for studies, including vocational training, consisting in student grants or student loans to EU long-term residents other than workers, self-employed persons, and their family members, **provided that it ensures the same treatment to Union citizens**

its territory.

exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens other than workers, self-employed persons or persons who retain such status under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members.

Amendment 65

Proposal for a directive Article 26 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The second Member State may decide to confer entitlement to such assistance to EU long-term residents ***prior to the completion of five years of legal and continuous residence***, provided that it ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens other than workers, self-employed persons or persons who retain such status under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members.

Amendment

The second Member State may decide to confer entitlement to such assistance to EU long-term residents, provided that it ensures the same treatment to Union citizens exercising free movement rights in accordance with Directive 2004/38/EC or Article 21 TFEU, other than workers, self-employed persons or persons who retain such status, their family members, as well as third-country nationals enjoying the right of free movement equivalent to that of Union citizens other than workers, self-employed persons or persons who retain such status under an agreement between the Union and its Member States, on the one hand, and third countries on the other, and their family members.

Amendment 66

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. ***By way of derogation from Article 13(2), and solely prior to the completion of five years of legal and continuous residence in its territory, the second Member State may take a decision to end the legal stay of an EU long-term resident who has ceased an employed or self-employed activity, where he/she does not have sufficient resources for himself/herself and his/her family members and comprehensive sickness insurance cover so as not to become an unreasonable burden on its social assistance system.***

deleted

Amendment 67

Proposal for a directive Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall ***make easily accessible to*** applicants for an EU long-term resident permit information

1. Member States shall ***provide*** applicants for an EU long-term resident permit information:

Amendment 68

Proposal for a directive Article 27 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards.

(b) on the status acquisition and residence conditions applicable to third-country nationals and to their family members, including their rights and obligations and the procedural safeguards ***under this Directive and under relevant Union and national law and practice.***

Amendment 69

Proposal for a directive
Article 27 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) on the rights related to employment in the Member State under relevant Union and national labour law and practice;

Amendment 70

Proposal for a directive
Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All relevant information shall be easily accessible and available in the most relevant languages that applicants can understand as determined by the Member State. Member States shall ensure the accessibility of information for applicants, in particular for persons with disabilities.

Amendment 71

Proposal for a directive
Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once a third-country national has completed the required term of residence on Union territory, he/she shall be informed by the competent authorities about the completion of that term and the possibility to apply for the status provided for by Article 7, subject to the provisions of Articles 3, 4, 5 and 6.

Amendment 72

Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

In the aforementioned report, the Commission shall specifically assess the impacts of the required residence period set out in Article 4(1) on the integration of third-country nationals, ***including the possible benefits of reducing this period***, taking into account, inter alia, the different factors relevant for the integration of third-country nationals across Member States.

Amendment

In the aforementioned report, the Commission shall specifically assess the impacts of the required residence period set out in Article 4(1) on the integration of third-country nationals, taking into account, inter alia, the different factors relevant for the integration of third-country nationals across Member States. ***The Commission shall also assess the possibility of establishing a network between the Member States' labour ministries, for the purpose of sharing information and best practices in the field of employment and social affairs including on national labour market forecasts and anticipated shortages in sectors for which cooperation with third countries and the development of talent partnerships should be considered. The network may also share best practices on the implementation of this Directive. The Commission shall also encourage Member States to take into account policy recommendations by relevant stakeholders, in particular the social partners and civil society organisations when implementing this Directive.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	The status of third-country nationals who are long-term residents (recast)
References	COM(2022)0650 – C9-0162/2022 – 2022/0134(COD)
Committee responsible Date announced in plenary	LIBE 22.6.2022
Opinion by Date announced in plenary	EMPL 22.6.2022
Associated committees - date announced in plenary	20.10.2022
Rapporteur for the opinion Date appointed	Abir Al-Sahlani 19.9.2022
Discussed in committee	25.10.2022 30.11.2022
Date adopted	24.1.2023
Result of final vote	+: 27 -: 8 0: 9
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Dominique Bilde, Gabriele Bischoff, Viliija Blinkevičiūtė, Milan Brglez, David Casa, Leila Chaibi, Ilan De Basso, Margarita de la Pisa Carrión, Özlem Demirel, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Rosa Estaràs Ferragut, Helmut Geuking, Alicia Homs Ginel, Agnes Jongerius, Irena Joveva, Radan Kanev, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Sara Matthieu, Max Orville, Kira Marie Peter-Hansen, Dragoş Pîslaru, Dennis Radtke, Elżbieta Rafalska, Guido Reil, Daniela Rondinelli, Mounir Satouri, Monica Semedo, Romana Tomc, Marianne Vind
Substitutes present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Robert Biedroń, Krzysztof Hetman, Livia Járóka, Peter Lundgren
Substitutes under Rule 209(7) present for the final vote	Deirdre Clune, Jens Geier, Robert Hajšel, Mircea-Gheorghe Hava

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

27	+
NI	Daniela Rondinelli
PPE	Deirdre Clune
Renew	Atidzhe Alieva-Veli, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Irena Joveva, Max Orville, Dragoş Pîslaru, Monica Semedo
S&D	João Albuquerque, Robert Biedroń, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Estrella Durá Ferrandis, Jens Geier, Robert Hajšel, Alicia Homs Ginel, Agnes Jongerius, Marianne Vind
The Left	Konstantinos Arvanitis, Leila Chaibi, Özlem Demirel
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Mounir Satouri

8	-
ECR	Peter Lundgren, Margarita de la Pisa Carrión, Elżbieta Rafalska
ID	Dominique Bilde, Elena Lizzi, Guido Reil
NI	Livia Járóka
PPE	Radan Kanev

9	0
PPE	David Casa, Rosa Estaràs Ferragut, Helmut Geuking, Mircea-Gheorghe Hava, Krzysztof Hetman, Miriam Lexmann, Dennis Radtke, Romana Tomc
S&D	Ilan De Basso

Key to symbols:

+ : in favour

- : against

0 : abstention

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
• Move Europe
• European Network of Migrant Women
• Organisation for Economic Co-operation and Development (OECD)
• International Labour Organisation (ILO)
• Platform for Undocumented Migrants (PICUM)
• European Trade Union Confederation (ETUC)
• Dr. Birte Nienaber, Professor at University of Luxembourg, European Migration Network (EMN) Luxembourg - Conducted a study in 2020 on the implementation of the Directive in 23 EU Member States - EMN Inform ‘Long-term resident status in the EU’
• Professor Diego Acosta Arcarazo, Lecturer in European and Migration law at the University of Bristol, ‘The Long-Term Residence Status as a Subsidiary Form of EU Citizenship’
• Daniel Thym, Professor of Public, European and International Law at the University of Konstanz and Director of the University's Research Centre for Immigration & Asylum Law (FZAA)
• Zvezda Vankova, Postdoc researcher at Lund University
• Tesseltje de Lange, Professor of European Migration Law in Radboud University -
• Prof. C.A. Groenendijk (Kees), Sociology of Law and Migration Law, Radboud Universiteit

PROCEDURE – COMMITTEE RESPONSIBLE

Title	The status of third-country nationals who are long-term residents (recast)
References	COM(2022)0650 – C9-0162/2022 – 2022/0134(COD)
Date submitted to Parliament	28.4.2022
Committee responsible Date announced in plenary	LIBE 22.6.2022
Committees asked for opinions Date announced in plenary	EMPL 22.6.2022
Associated committees Date announced in plenary	EMPL 20.10.2022
Rapporteurs Date appointed	Damian Boeselager 5.9.2022
Discussed in committee	1.12.2022
Date adopted	28.3.2023
Result of final vote	+: 36 –: 13 0: 16
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Vladimír Bilčík, Malin Björk, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Saskia Bricmont, Annika Bruna, Jorge Buxadé Villalba, Damien Carême, Patricia Chagnon, Lena Düpont, Cornelia Ernst, Laura Ferrara, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Erik Marquardt, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Karlo Ressler, Diana Riba i Giner, Birgit Sippel, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva
Substitutes present for the final vote	Damian Boeselager, Beata Kempa, Alessandra Mussolini, Jan-Christoph Oetjen, Carina Ohlsson, Sira Rego, Thijs Reuten, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Isabel Benjumea Benjumea, Othmar Karas, Joachim Kuhs, Aušra Maldeikienė, Daniela Rondinelli, Günther Sidl, Susana Solís Pérez

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

36	+
NI	Laura Ferrara
PPE	Othmar Karas
Renew	Abir Al-Sahlani, Malik Azmani, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Susana Solís Pérez, Ramona Strugariu, Yana Toom
S&D	Pietro Bartolo, Maria Grapini, Sylvie Guillaume, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Carina Ohlsson, Thijs Reuten, Daniela Rondinelli, Günther Sidl, Birgit Sippel, Elena Yoncheva
The Left	Konstantinos Arvanitis, Malin Björk, Cornelia Ernst, Sira Rego
Verts/ALE	Damian Boeselager, Saskia Bricmont, Damien Carême, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

13	-
ECR	Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Annika Bruna, Patricia Chagnon, Jean-Paul Garraud, Joachim Kuhs, Annalisa Tardino, Tom Vandendriessche
PPE	Nadine Morano

16	0
PPE	Isabel Benjumea Benjumea, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Jeroen Lenaers, Aušra Maldeikienė, Lukas Mandl, Nuno Melo, Alessandra Mussolini, Emil Radev, Karlo Ressler, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Tomáš Zdechovský

Key to symbols:

+ : in favour

- : against

0 : abstention