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NOTE

from:	Presidency
to:	COREPER/Council
Subject :	Draft Council Directive concerning the status of third-country nationals who are long-term residents

Delegations will find attached the text of the above draft Directive as it results following the meeting of the Strategic Committee on Immigration, Frontiers and Asylum held on 22 and 23 May 2003.

Chapter I¹

General provisions

Article 1

Subject matter

This Directive determines:

- (a) the terms for conferring and withdrawing long-term resident status granted by a Member State in relation to third-country nationals legally residing in its territory, and the rights pertaining thereto; and
- (b) the terms of residence in Member States other than the one which conferred long-term status on them for third-country nationals enjoying that status.

Article 2

Definitions

For the purposes of this Directive:

- (a) “*third-country national*” means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;
- (b) “*long-term resident*” means any third-country national who has long-term resident status as provided for by Article 7;
- (c) “*first Member State*” means the Member State which granted a third-country national long-term resident status;

¹ NL maintained a parliamentary reservation on the whole of the Directive.

- (d) “*second Member State*” means any Member State other than the one which for the first time granted a third-country national long-term resident status and in which that long-term resident exercises the right of residence;
- (e) “*family members*” means the third-country nationals who reside in the Member State concerned in accordance with Council Directive .../.../EC on the right to family reunification.¹
- (f) “*refugee*” means any third-country national enjoying refugee status within the meaning of the Geneva Convention on the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967;
- (g) “*long-term resident’s EC residence permit*” means a residence permit issued by the Member State concerned upon the acquisition of long-term resident status.

Article 3²

Scope

1. This Directive applies to third-country nationals residing legally in the territory of a Member State.
2. This Directive does not apply to third-country nationals who:
 - (a) reside in order to pursue studies or vocational training;

¹ OJ L [COM(2000) 624 final, 10.10.2000].

² In the framework of the examination of this provision it has been agreed to insert the following joint statement of the Council and of the Commission ad Article 3:
The Council welcomes the commitment of the Commission to table within one year and possibly by the end of 2003 a proposal for a Directive on the extension of long-term resident status to refugees and persons under subsidiary protection, taking into account the study on transfer protection status.

- (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;
- (c) are authorised to reside in a Member State on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or the practice of the Member States or have applied for authorisation to reside on that basis and are awaiting a decision on their status;
- (d) are refugees or have applied for recognition as refugees and whose application has not yet given rise to a final decision;
- (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 or in cases where their residence permit has been formally limited;
- (f) enjoy a legal status governed by the Vienna Convention on diplomatic relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention of 1969 on Special Missions or the Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character of 1975.

3. This Directive shall apply without prejudice to more favourable provisions of:

- (a) bilateral and multilateral agreements between the Community or the Community and its Member States, on the one hand, and third countries, on the other;
- (b) bilateral agreements already concluded between a Member State and a third country;
- (c) the European Convention on Establishment of 13 December 1955, the European Social Charter of 18 October 1961 and the European Convention on the Legal Status of Migrant Workers of 24 November 1977.¹

¹ The **Working Party** agreed to move the text of former Article 4 to the Preamble as a recital (*Member States shall give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation*).

Chapter II

Long-term resident status in a Member State

Article 4

Duration of residence

1. Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years¹ immediately prior to the submission to the relevant application.
2. Periods of residence for the reasons referred to in Article 3(2), points e) and f) are not taken into account for the purposes of calculating the period of legal and continuous residence referred to in paragraph 1.

Regarding the cases covered in Article 3, point a), where the third-country national concerned has acquired a title of residence which will enable him/her to being granted long-term resident status, periods of residence for study purposes or vocational training may be taken into account as to half only in the calculation of the period of legal and continuous residence referred to in paragraph 1.

¹ According to I, which maintained a reservation on paragraph 1, this time-period should be extended to six years.

3. Periods of absence from the territory of the Member State concerned shall not interrupt the period of legal and continuous residence 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 ten months within the five-year period referred to in paragraph 1.

In cases of specific or exceptional reasons of a temporary nature and in accordance with their national law, Member States may accept that a longer period of absence than that which is referred to in this point will not interrupt the period of legal and continuous residence referred to in paragraph 1. In such cases Member states shall not take into account the relevant period of absence in the calculation of the total period of legal and continuous residence referred to in paragraph 1.

By derogation to the second sub-paragraph, Member States may take into account in the calculation of the total period of legal and continuous residence referred to in paragraph 1 periods of absence relating to detachment for employment purposes, including the provision of cross-border services.

Article 5
Conditions for acquiring long-term resident status

1. Member States shall ask third-country nationals to provide evidence that they have, for themselves and for dependent family members¹:
 - (a) stable and regular resources 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.
 - (b) sickness insurance in respect of all risks normally covered for his own nationals in the Member State concerned.
2. Member States may require third-country nationals to comply with integration conditions, in accordance with national law.

¹ It has been granted to include the following clause in the Preamble as a recital in connection with Article 5(1):
Whereas Member States, when making an assessment of the possession of stable and regular resources may take into account factors such as contributions to the pension system and fulfilment of tax obligations.
In the framework of the examination of Article 5(1) it has also been agreed to include the following clause concerning public policy in the Preamble as a recital in connection with all the relevant provisions of the Directive:
Whereas the notion of public policy may cover a conviction for committing a serious crime.

Article 6
Public policy and public security¹

1. Member States may refuse to grant long-term resident status on grounds of public policy or public security.

When taking the relevant decision, the Member State shall consider the severity or type of offence against public policy or public security, or the danger that emanates from the person concerned, while also having proper regard to the duration of residence and to the existence of links with the country of residence.

2. The refusal referred to in paragraph 1 shall not be founded on economic considerations.²

¹ It has been agreed to include the following statement concerning Article 6 (identical to the second sentence of the statement regarding Article 6 contained in the Directive on the right to family reunification):

The notion of public policy and public security covers also cases in which a third-country national belongs to an association which supports terrorism, supports such an association or has extremist aspirations.

² It has been agreed to include the following explanatory clause in the Preamble as a recital in connection with Article 6(2):

Whereas the economic considerations referred to in Article 6(2) shall not be a ground for refusing to grant long-term resident status and shall not be considered as interfering with the condition of resources referred to in Article 5(1).

Article 7

Acquisition of status

1. To acquire 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.

The evidence referred to in the first sub-paragraph may also include documentation with regard to appropriate accommodation.

2. 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 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.

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

In addition, the person concerned shall be informed about his/her rights and obligations under this Directive.

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

3. If the conditions provided for by Articles 4 and 5 are met, and the person does not represent a threat within the meaning of Article 6, the Member State concerned shall grant the third-country national concerned long-term resident status.

Article 8
EC document certifying the long-term resident status

1. The status as long-term resident shall be permanent, subject to article 9.
2. Member States shall issue a long-term resident's EC residence permit to long-term residents. The permit shall be valid at least for five years; it shall, upon application, if required, be automatically renewable on expiry.
3. A long-term resident's EC residence permit may be issued in the form of a sticker or of a separate document. It shall be issued in accordance with the rules and standard model in by Council Regulation (EC) 1030/2002, of 30 June 2002, laying down a uniform model for the residence permit for third-country nationals¹. Under the heading "type of permit", the Member States shall enter "long-term resident – EC".

¹ OJ L 157 of 15.6.2002, p. 1.

Article 9
Withdrawal or loss of status

1. Long-term residents shall no longer be entitled to maintain long-term resident status in the following cases:
 - (a) detection of fraudulent acquisition of long-term resident status;
 - (b) adoption of an expulsion measure under the conditions provided for in Article 12;
 - (c) in the event of absence from the territory of the Community for a period of twelve consecutive months.
2. By derogation to paragraph 1 (c), Member States may provide that absences exceeding twelve consecutive months or for specific or exceptional reasons shall not entail withdrawal or loss of status.
3. Member States may provide that the long-term resident shall no longer be entitled to maintain his/her 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 it is not a reason for expulsion within the meaning of Article 12.
4. The long-term resident who has resided in another Member State in accordance with Chapter III shall no longer be entitled to maintain his/her long-term resident status when such a status is granted in another Member State pursuant to Article 23.

In any case after six years of absence from the territory of the Member State that granted long-term resident status the person concerned shall no longer be entitled to maintain his/her long term resident status in the said Member State.

By derogation to the second sub-paragraph the Member State concerned may provide that for specific reasons the long-term resident shall maintain his/her status in the said Member State in case of absences for a period exceeding six years.

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

The said procedure shall apply in particular to the cases of persons that have resided in a second Member State on grounds of pursuit of studies, as provided for in Article 14(2)(b).

The conditions and the procedure for the re-acquisition of long-term resident status shall be determined by national law.

6. The expiry of a long-term resident's EC residence permit shall in no case entail withdrawal or loss of long-term resident status.
7. Where the withdrawal or loss does not lead to removal, the Member State shall authorize the person concerned to remain in its territory if he/she fulfils the conditions provided for in its national legislation and/or if he/she does not constitute a threat to public policy or public security.

Article 10
Procedural guarantees

1. Reasons shall be given for any decision rejecting an application for 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 may act.
2. Where an application for 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.

Article 11

Equal treatment

1. Long-term residents shall enjoy equal treatment with nationals as regards:
 - (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;
 - (b) education and vocational training, including study grants¹;
 - (c) recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures;
 - (d) social security, social assistance and social protection as defined by national law²;

¹ Following a remark from **B**, it has been agreed to insert, in connection with point b), a specific clause either in the Preamble as a recital or in the Council minutes as a statement. **B** suggested the following draft:
En ce qui concerne l'octroi des bourses d'étude, les Etats Membres tiendront compte, le cas échéant, du fait que les citoyens de l'Union puissent bénéficier de ce même avantage dans le pays d'origine.
In order to cover some concern expressed in particular by **D** the **Pres** suggested introducing the following clause in the Preamble as a recital in connection with point b)
The notion of study grants in the field of vocational training does not cover measures which are financed under social assistance schemes. Moreover, access to study grants is dependent on the prior acquisition of long-term resident status by the person concerned.
D preferred maintaining only the first sentence of the suggested draft.
F maintained a scrutiny reservation on this suggestion.

² The current draft of point d) results from a compromise suggestion submitted by the **Pres**. In connection with this provision the **Pres** also suggested:
a) to introduce in the Preamble the following recital:
Whereas core benefits cover at least minimum income support, assistance in case of illness, pregnancy, parental assistance and long-term care. The modalities for granting such benefits will be determined by national law
b) to introduce the following clause as a new paragraph 3a in Article 11:
Member States may limit equal treatment in respect of social assistance and social protection to core benefits.
B and **F** maintained scrutiny reservations on the “package compromise” suggested by the **Pres**. **L** maintained a scrutiny reservation in particular on the mention of *social protection*.

- (e) tax benefits¹;
 - (f) access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining housing;
 - (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;
 - (h) free access to the entire territory of the Member State concerned, within the limits provided for by the national legislation for reasons of security.
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 long-term resident, or that of family members for whom he/she claims benefits, lies within the territory of the Member State concerned.
3. Member States may restrict equal treatment with nationals in the following cases:
- a) Member States may retain restrictions to access to employment or self-employed activities in cases where, in accordance with existing national or Community legislation, these activities are reserved to nationals, EU or EEA citizens;

¹ F, which wanted a reference to *social benefits* to be introduced in point (e), maintained a reservation on this provision.

- b) Member States may require proof of necessary language proficiency for access to education and training. Access to university may be subject to the fulfilment of specific educational prerequisites¹.
- 3a. Member States may limit equal treatment in respect of social assistance and social protection to core benefits².
- 4. Member States may decide to grant access to additional benefits in the areas referred to in paragraph 1.

Member States may also decide to grant equal treatment with regard to areas not covered in paragraph 1.

¹ **D** and **F** maintained scrutiny reservations on this provision, and in particular on the second sentence, which results from a compromise suggestion submitted by the **Pres**.
D suggested introducing the following additional sentence:
Awards of study grants may be conditional upon previous employment of the third-country national or his/her parents.
It also suggested deleting the word *educational* in the current draft of the second sentence of this provision.

² See footnote 2 on page 15.

Article 12
Protection against expulsion

1. Member States may take a decision to expel a long-term resident solely where he/she constitutes an actual and sufficiently serious threat to public policy or public security.
2. The decision referred to in paragraph 1 shall not be founded on economic considerations.
3. Before taking a decision to expel a long-term resident, Member States shall have regard to the following factors:
 - (a) the duration of residence in their territory;
 - (b) the age of the person concerned;
 - (c) the consequences for the person concerned and family members;
 - (d) links with the country of residence or the absence of links with the country of origin.
4. Where an expulsion decision has been adopted, a judicial redress procedure shall be available to the long-term resident in the Member State concerned.
5. Legal aid shall be given to long-term residents lacking adequate resources, on the same terms as apply to nationals of the State where they reside.

Article 13
More favourable national provisions

Member States may issue residence permits of permanent or unlimited validity on terms that are more favourable than those laid down by this Directive. Such residence permits shall not confer the right of residence in the other Member States as provided by Chapter III of this Directive.

Chapter III

Residence in the other Member States

Article 14

Principle

1. A long-term resident shall acquire the right to reside in the territory of Member States other than the one which granted him/her the status, for a period exceeding three months, provided that the conditions set out in this Chapter are met.
2. A long-term resident may reside in a second Member State on the following grounds:
 - (a) exercise of an economic activity in an employed or self-employed capacity;
 - (b) pursuit of studies or vocational training;
 - (c) other purposes.
- 3¹. In cases of an economic activity in an employed or self-employed capacity referred to in paragraph 2(a) Member States may examine the situation of their labour market before authorising long-term residents to exercise the said activities².

For reasons of labour market policy, Member States may give preference to EU nationals, to nationals of third countries, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member State concerned.

¹ **B, F, NL and S** maintained reservations on paragraph 3.

² As an alternative draft for this provision, the **Pres** suggested a clause, which should be further considered by delegations, along the following lines:
In cases of an economic activity in an employed or self-employed capacity referred to in paragraph 2(a), Member states may apply their national procedures regarding the requirements for, respectively, filling a vacancy or on having access to the labour market.

4. By derogation to the provisions of paragraph 1, Member States may limit the total number of persons entitled to be granted right of residence, provided that such limitations are already set out for the admission of third-country nationals in the existing legislation at the time of the adoption of this Directive¹.
5. This Chapter does not concern the residence of long-term residents in the territory of the Member States:
 - (a) as employed workers posted by a service provider for the purposes of cross-border provision of services;
 - (b) as providers of cross-border services;
 - (c) as cross-border workers.

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.

6. This Chapter is without prejudice to the relevant Community legislation on social security with regard to third-country nationals.

¹ B, F, NL and S maintained scrutiny reservations on paragraph 4.

Article 15

Conditions for residence in a second Member State

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

Member States may accept that the long-term resident submits the application referred to in the first sub-paragraph to the competent authorities of the second Member state while still residing in the territory of the first Member State.

2. Member States may ask the persons concerned to provide evidence that they have:
 - (a) stable and regular resources 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 14(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.
 - (b) sickness insurance covering all risks in the second Member State normally covered for its own nationals in the Member State concerned.
3. Member States may require third-country nationals to comply with integration measures, in accordance with national law.

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).

Without prejudice to the second sub-paragraph, the persons concerned may be required to attend language courses.

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

The evidence referred to in the first sub-paragraph may also include documentation with regard to appropriate accommodation.

In particular:

- (i) in case of exercise of an economic activity the second Member State may ask the person concerned to provide evidence:
 - (a) if they are in employed capacity, that they have an employment contract, a statement by the employer that they are hired or a proposal for an employment contract, under the conditions provided for by national legislation. Member States shall determine which of the said forms of evidence is required.
 - (b) if they are in a self-employed capacity, that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity, presenting the necessary documents and permits.
- (ii) in case of study or vocational training the second Member State may ask the person concerned to provide evidence of enrolment in an accredited establishment in order to pursue studies or vocational training.

Article 16
Family members ¹

1. When the 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, who fulfil the conditions referred to in Article 4(1) of the Council Directive 2003/.../EC [on the right to family reunification] shall be authorised to accompany or to join the long-term resident.
2. When the 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 the Council Directive 2003/.../EC [on the right to family reunification] may be authorised to accompany or to join the long-term resident.
3. With respect to the submission of the application for a residence permit, the provisions of Article 17(1) apply.
4. The second Member State may ask the family members concerned to present with their application for a residence permit:
 - (a) their long-term resident's permit or residence permit and a valid travel document or their certified copies;

¹ Noting that homosexual couples are not covered by Article 16, **NL** maintained a reservation on this provision.
In order to meet the concern expressed by **A** to have the possibility of introducing specific quotas for family members, the **Pres** suggested to introduce the following clause in Article 16 as a new paragraph 6:
Member States may decide to apply the provisions of Article 14(4). In such cases, a time-limit of one year maximum shall apply.
B, F, NL and **S** did not favour this compromise suggestion.

- (b) evidence that they have resided as members of the family of the long-term resident in the first Member State;
- (c) evidence that they have stable and regular resources which are sufficient to maintain himself/herself without recourse to the social assistance of the Member State concerned or that the 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.

5. Where the family was not already constituted in the first Member State, Directive .../.../EC [on the right to family reunification] shall apply.

Article 17

Public policy and public security

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

When taking the relevant decision, the Member State shall consider the severity or type of offence against public policy or public security committed by the long-term resident or his/her family member(s), or the danger that emanates from the person concerned.

2. The decision referred to in paragraph 1 shall not be founded on economic considerations.

Article 18

Public health

1. Member States may refuse applications for residence from long-term residents or their family members where the person concerned constitutes a threat to public health.
2. The only diseases or infirmities that may justify a refusal to allow entry or the right of residence in the territory of the second Member State shall be the quarantinable diseases referred to by the the World Health Organisation's International Health Regulation No 2 of 25 May 1951 and such other infectious or contagious parasite-based diseases as are the subject of protective provisions in relation to nationals in the host country. Member States shall not introduce new more restrictive provisions or practices.
3. Diseases or infirmities contracted after the first residence permit was issued in the second Member State shall not justify a refusal to renew the permit or expulsion from the territory.
4. A Member State may require a medical examination, for persons to whom this Directive applies, in order to certify that they do not suffer from any of the diseases referred to in paragraph 1. Such medical examinations, which may be free of charge, shall not be performed on a systematic basis.

Article 19

Examination of applications and issue of a residence permit

1. The competent national authorities shall process applications within four months from the date that these have been lodged.

If an application is not accompanied by the documentary evidence listed in Articles 15 and 16, or in exceptional circumstances linked with the complexity of the examination of the application, the time-limit referred to in the first sub-paragraph may be extended for a period not exceeding three months. In such cases the competent national authorities shall inform the applicant thereof.

2. If the conditions provided for in Articles 14, 15 and 16 are met, then, subject to the provisions relating to public policy, public security and public health in Articles 17 and 18, the second Member State shall issue the 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.
3. The second Member State shall issue members of the long-term resident's family with renewable residence permits valid for the same period as the permit issued to the long-term resident.

Article 20
Procedural guarantees

1. Reasons shall be given for any decision rejecting an application for a residence permit. It 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 possible redress procedures available and the time limit for taking action.

Any consequences of no decision being taken by the end of the period referred to in Article 19(1) shall be determined by the national legislation of the relevant Member State.

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.

Article 21

Treatment granted in the second Member State

1. As soon as they have received the residence permit provided for by Article 19 in the second Member State, long-term residents shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 11¹.
2. Long-term residents shall have access to the labour market in accordance with the provisions of paragraph 1².

Member States may provide that the persons referred to in Article 14(2)(a) shall have restricted access to employed activities different than those for which they have been granted their residence permit under the conditions set by national legislation for a period not exceeding twelve months³.

Member States may decide in accordance with national law the conditions under which the persons referred to in Article 14(2)(b) or (c) may have access to an employed or self-employed activity.

¹ **D** wanted social assistance and study grants to be expressly excluded in this provision.

² **F** maintained a scrutiny reservation on paragraph 2.

³ **D**, which maintained a scrutiny reservation on this provision, wanted the deadline to be extended to twenty four months.

3. As soon as they have received the residence permit provided for by Article 19 in the second Member State, members of the family of the long-term resident shall in that Member State enjoy the rights listed in Article 14 of Directive .../.../EC [on the right to family reunification] ¹.

¹ OJ L ...

Article 22

Withdrawal of residence permit and obligation to readmit

1. Until the third-country national has obtained long-term resident status, the second Member State may decide to refuse to renew or to withdraw the resident permit and to oblige the person concerned and his/her family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory in the following cases:
 - (a) on grounds of public policy or public security as defined in Article 17;
 - (b) where the conditions provided for in Articles 14, 15 and 16 are no longer met;
 - (c) where the third-country national is not lawfully residing in the Member State concerned.
2. If the second Member State adopts one of the measures referred to in paragraph 1, the first Member State shall immediately readmit without formalities the long-term resident and his/her family members. The second Member State shall notify the first Member State of its decision.
3. Until the third-country national has obtained long-term resident status and without prejudice to the obligation to readmit referred to in paragraph 2, the second Member State may adopt a decision to remove the third-country national from the territory of the Union, in accordance with and under the guarantees of Article 12, on serious grounds of public policy or public security¹.

In such cases, when adopting the said decision the second Member State shall consult the first Member State.

When the second Member State adopts a decision to remove the third-country national concerned, it shall take all the appropriate measures to effectively implement it. In such cases the second Member State shall provide to the first Member State appropriate information with respect to the implementation of the removal decision.

¹ NL maintained a scrutiny reservation on Article 22(3), whose text has been revised following a suggestion from I.

4. Removal decisions may not be accompanied by a permanent ban on residence in the cases referred to in paragraph 1(b) and (c).
5. The obligation to readmit referred to in paragraph 2 shall be without prejudice to the possibility of the long-term resident and his/her family members moving to a third Member State.

Article 23

Acquisition of long-term resident status in the second Member State

1. Upon application, the second Member State shall grant 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.
2. The procedure laid down in Article 7 shall apply to the presentation and examination of applications for 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.

Chapter IV

Final provisions

Article 24

Report and rendez-vous clause

Periodically, and for the first time no later than five years after the deadline set by Article 26, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose such amendments as may be necessary. These proposals for amendments shall be made by way of priority in relation to Articles 4, 5, 9, 11 and to Chapter III.

Article 25

Contact points

Member States shall appoint contact points who will be responsible for receiving and transmitting the information referred to in Articles 19(2), 22(2) and 23(1).

Member States shall provide appropriate co-operation in the exchange of the information and documentation referred to in the first sub-paragraph.

Article 26

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by¹ at the latest. They shall forthwith inform the Commission thereof.

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

Article 27

Entry into force

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

Article 28

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

¹ 24 months from the date of adoption of the Directive.