



Plenary sitting

A9-0140/2023

13.4.2023

*****I**

REPORT

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

(COM(2022)0655 – C9-0163/2022 – 2022/0131(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Javier Moreno Sánchez

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure

Agnes Jongerius, 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 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)
(COM(2022)0655 – C9-0163/2022 – 2022/0131(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0655),
 - 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 (C9-0163/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having 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 (A9-0140/2023),
- 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 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,

¹ OJ C 77, 28.3.2002, p. 1.

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) A number of amendments are to be made to Directive 2011/98/EU of the European Parliament and of the Council³⁸. In the interests of clarity, that Directive should be recast.

³⁸ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1).

Amendment 2
Proposal for a directive
Recital 3

Text proposed by the Commission

(3) In order to allow initial entry into

Amendment

(1) A number of amendments are to be made to Directive 2011/98/EU of the European Parliament and of the Council³⁸. ***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, and*** in the interests of clarity, that Directive should be recast.

³⁸ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1).

Amendment

(3) In order to allow initial entry into

their territory, Member States should **be able to** issue a single permit or, if they issue single permits only after entry, a visa. Member States should issue such single permits or visas **in a timely manner**.

their territory, Member States should issue a single permit **to successful applicants** or, if they issue single permits only after entry, a visa. Member States should issue such single permits or visas **within the time limits established in this Directive**

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments. Due to the changes in provisions of Articles 4 and 5, this recital needs to be amended.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective **and manageable, taking account of the normal workload of the Member States' administrations**, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.

Amendment

(4) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be **efficient and effective, as harmonised and coordinated as possible**, as well as transparent, **non-discriminatory, gender-responsive, inclusive** and fair, in order to offer appropriate legal certainty to those concerned **within a reasonable time frame. In order to reinforce and promote the use of such single permits, Member States and the Commission are encouraged to strengthen advertisement activities and information campaigns, including, where appropriate, activities and campaigns directed towards third countries.**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

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

Text proposed by the Commission

Amendment

(4a) The European Pillar of Social Rights (the ‘Pillar’), proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion, which should also guide the treatment of third-country workers residing in the Union.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 5
Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) The provisions of this Directive should be without prejudice to the **competence** of the Member States to **regulate the admission, including the** volumes of admission, **of third-country** nationals **for the purpose of work.**

(5) The provisions of this Directive should be without prejudice to the **right** of the Member States to **determine** volumes of admission **of third-country** nationals **coming from third countries to their territory in order to seek work, whether employed or self-employed, in accordance with Article 79(5) of the Treaty on the Functioning of the European Union (TFEU).**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 6
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) This Directive should cover employment relationships between third-country workers and employers. Where a Member State's national law allows admission of third-country nationals through temporary work agencies established on its territory and which have an employment relationship with the worker, such agencies should ***not be excluded from*** the scope of this Directive.

Amendment

(6) This Directive should cover ***employment contracts and*** employment relationships between third-country workers and employers. ***A third-country worker should be considered to be any third-country national who is admitted to the territory of a Member State and who is legally residing and allowed to work in the context of an employment contract or employment relationship in that Member State, in accordance with national law, collective agreements or practice , and in line with the case-law of the Court of Justice of the European Union regarding workers.*** Where a Member State's national law allows the admission of third-country nationals through temporary work agencies established on its territory and which have an employment ***contract or employment*** relationship with the worker, such agencies should ***also be included in*** the scope of this Directive.

Amendment 7
Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Third-country nationals who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State should be covered by the scope of this Directive in order to be granted an enhanced set of rights.

Amendment

(8) Third-country nationals who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State, ***and third-country nationals who are beneficiaries of temporary protection,*** should be covered by the scope of this Directive in order to be granted an enhanced set of rights.

Amendment 8
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis and have applied for admission or have been admitted to the territory of a Member State in accordance with Directive 2014/36/EU of the European Parliament and of the Council⁴¹ ***should not be covered by this Directive given that they fall*** within the scope of Directive 2014/36/EU, which establishes a specific regime .

⁴¹ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).

Amendment

(10) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis and have applied for admission or have been admitted to the territory of a Member State in accordance with Directive 2014/36/EU of the European Parliament and of the Council⁴¹ ***while falling*** within the scope of Directive 2014/36/EU, which establishes a specific regime, ***should still have the possibility to apply for a single permit and thus benefit from this Directive.***

⁴¹ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 9
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) ***The obligation on the Member States to determine whether*** the application ***is*** to be submitted by ***a*** third-country national or ***by*** his or her ***employer*** ***should be without prejudice to any arrangements requiring both to be involved in the procedure.*** The Member States should allow the application for a single permit to be submitted both in the Member State ***of destination*** and from a

Amendment

(11) The Member ***State should allow*** the application ***for a single permit*** to be submitted by ***either the*** third-country national or ***the prospective employer on*** his or her ***behalf***. The Member States should allow the application for a single permit to be submitted both in the Member State ***in which the third-country national is legally present*** and from a third country.

third country.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 10

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The provisions of this Directive on the single application procedure and on the single permit should not **concern** uniform or long-stay visas , with the exception of the obligation for Member States to issue the requisite visa within the **deadline of four months** set out to adopt a decision on the Single Permit .

Amendment

(12) The provisions of this Directive on the single application procedure and on the single permit should not **affect** uniform or long-stay visas , with the exception of the obligation for Member States to issue the requisite visa within the **time limit of 90 days** set out to adopt a decision on the Single Permit. **Where a Member State allows third-country nationals to work on their territory on the basis of a visa, Chapter II of this Directive should not apply and the procedures laid down in national law for obtaining a visa apply.**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 11

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) The **deadline** for adopting a decision on the application should **include both the time required for issuing a visa where needed, and the time required to comply with the checks** of the labour market **situations**.

Amendment

(13) The **time limit** for adopting a decision on the application should **cover the entire procedure, including any check of the labour market situation, the recognition of professional qualifications and other qualifications, where relevant, and the issuing of the requisite visa, where necessary.**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 12 **Proposal for a directive** **Recital 13 a (new)**

Text proposed by the Commission

Amendment

(13a) Where, prior to his or her application being submitted, an applicant has taken part in an EU Talent Partnership with a third country, he or she has already established links with the Union. In such a situation, the time limit for adopting a decision on the application should be shortened to 45 days. Likewise, where the applicant is already a single permit holder in another Member State, the time limit for adopting a decision on the application should be shortened to 45 days.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 13 **Proposal for a directive** **Recital 14**

Text proposed by the Commission

Amendment

(14) To this end, Member States should only carry out one substantial check of the documentation submitted by the applicant for the issuing of both a single permit and the requisite visa in order to avoid duplication of work and prolonging the procedures. Furthermore, Member States should require applicants to submit the

(14) It is appropriate that Member States carry out only one substantive check of the documentation submitted by the applicant for the issuing of both a single permit and the requisite visa in order to avoid duplication of work and prolonging the procedures. Furthermore, Member States should require applicants to submit

relevant documentation only once.

the relevant documentation only once.

Documents can be submitted in electronic or in paper format.

Amendment 14

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) The deadline for adopting a decision on the application should, however , not include the time required for the recognition of professional qualifications . This Directive should be without prejudice to national procedures on the recognition of diplomas.

deleted

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 15

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002⁴² , enabling Member States to enter further information, in particular as to whether or not the person is permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence permit on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of

(17) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002⁴² , enabling Member States to enter further information, in particular as to whether or not the person is permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence permit on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of that Member State. *Member States should*

that Member State.

grant access to such information, including any changes thereto, to the third-country national.

⁴² Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

⁴² Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 16

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) The provisions of this Directive on the single permit and on the residence permit issued for purposes other than work should not prevent Member States ***from issuing*** an additional paper document in order to be able to give more precise information on the employment relationship for which the format of the residence permit leaves insufficient space. Such a document can serve to prevent the exploitation of third-country nationals and combat illegal employment but should be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. Technical possibilities offered by Article 4 of Regulation (EC) ***No 1030/2002*** and point (a)20 of the Annex thereto can also be used to store such information in an electronic format.

Amendment

(19) The provisions of this Directive on the single permit and on the residence permit issued for purposes other than work should not prevent ***competent authorities from collecting information related to employment conditions for the purpose of monitoring, implementing and enforcing labour and social security regulations.*** Member States ***should be able to issue*** an additional paper document in order to be able to give more precise information on the ***employment contract or*** employment relationship for which the format of the residence permit leaves insufficient space. Such a document can serve to prevent the exploitation of third-country nationals and combat illegal employment but should be optional for Member States, ***should not be a requirement for the third-country national to obtain,*** and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. ***Changes to the employment conditions contained in that document should not in itself constitute a change of employer for the purposes of the single***

permit. Technical possibilities offered by Article 4 of Regulation (EC) **No 1030/2002** and point (a)20 of the Annex thereto can also be used to store such information in an electronic format.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 17 **Proposal for a directive** **Recital 20**

Text proposed by the Commission

(20) The conditions and criteria on the basis of which an application to issue, amend or renew a single permit can be rejected, or on the basis of which the single permit can be withdrawn, should be objective and should be laid down in national law **including** the obligation to respect the principle of Union preference as expressed in particular in the relevant provisions of the 2003 and 2005 Acts of Accession. Rejection **and** withdrawal **decisions** should be **duly reasoned**.

Amendment

(20) The conditions and criteria on the basis of which an application to issue, amend or renew a single permit can be rejected, or on the basis of which the single permit can be withdrawn, should be objective and **proportionate, and** should be laid down in national law. **It should be possible for those conditions and criteria to** include the obligation to respect the principle of Union preference as expressed in particular in the relevant provisions of the 2003 and 2005 Acts of Accession. **Any decision to reject an application to issue, amend or renew a single permit and any decision to withdraw a single permit should be based on criteria provided for by Union or national law, should take into consideration the individual circumstances of the case, respect the principle of proportionality and be in full compliance with Article 47 of the Charter of Fundamental Rights of the European Union (the Charter). In particular, where the grounds for rejection, withdrawal or refusal to renew a single permit relate to the conduct of the employer of the third-country national concerned, the employer's minor misconduct should in no case constitute the sole ground for**

rejecting an application for a single permit or withdrawing or refusing to renew a single permit. The decision should be notified in writing to the third-country national concerned and, where relevant, to the employer of that third-country national in accordance with notification procedures set out in the relevant national law. The notified decision should specify reasons.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and the amendment is inextricably linked to other admissible amendments.

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

Text proposed by the Commission

Amendment

(20a) In order to ensure third-country nationals and their families have effective access to their rights, Member States should provide them with information on mechanisms for filing complaints and legal redress, on national labour inspectorates, on organisations representing third-country national workers, in particular trade unions and non-governmental and community associations, as well as on the employers' obligations to inform them of their workers' rights under Directive (EU) 2019/1152 of the European Parliament and of the Council^{43a} and under other relevant Union and national law and practice.

^{43a} ***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,***

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 19
Proposal for a directive
Recital 22

Text proposed by the Commission

(22) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration acquis, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. A third-country worker in this Directive should be defined, without prejudice to the interpretation of the concept of employment relationship in other provisions of Union law, as a third-country national who has been admitted to the territory of a Member State, who is legally residing and who is allowed, in the

Amendment

(22) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration acquis, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. A third-country worker in this Directive should be defined, without prejudice to the interpretation of the concept of employment ***contract or employment*** relationship in other provisions of Union law, as a third-country national who has been admitted to the territory of a Member State, who is legally

context of **a paid** relationship, to work there in accordance with national law **or** practice.

residing and who is allowed, in the context of **an employment contract or an employment** relationship, to work there in accordance with national law, **collective agreements or national** practice.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 20
Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) When a single permit holder changes employer, the new employer should communicate to the competent authorities details of the employment, providing information on the name and address, the habitual place of work of the single permit holder, the type of work, the working hours and the remuneration. That communication should be carried out in accordance with procedures laid down in national law. Minor errors or omissions in such communication should not prevent the single permit holder from taking up the new employment.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 21
Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) All third-country nationals who are

(23) All third-country nationals who are

legally residing and working in Member States should enjoy at least a common set of rights based on equal treatment with the nationals of *their respective host* Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields covered by this Directive should be granted not only to those third-country nationals who have been admitted to a Member State to work but also to those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other provisions of Union or national law, including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC⁴⁵ ; third-country nationals who are admitted to the territory of a Member State in accordance with Directive (EU) 2016/801 of the European Parliament and of the Council⁴⁶ .

⁴⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

⁴⁶ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

legally residing and working in Member States should enjoy at least a common set of rights based on equal treatment with the nationals of *the* Member State *where they reside*, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields covered by this Directive should be granted not only to those third-country nationals who have been admitted to a Member State to work but also to those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other provisions of Union or national law, including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC⁴⁵ ; third-country nationals who are admitted to the territory of a Member State in accordance with Directive (EU) 2016/801 of the European Parliament and of the Council⁴⁶ .

⁴⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

⁴⁶ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 22

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) The right to equal treatment in ***specified*** fields should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which are enshrined in the single permit encompassing the authorisation to reside and work and in residence permits issued for other purposes containing information on the permission to work.

Amendment

(24) The right to equal treatment in fields ***covered by this directive*** should be strictly linked to the third-country national's legal residence and the access given to the labour market in a Member State, which are enshrined in the single permit encompassing the authorisation to reside and work and in residence permits issued for other purposes containing information on the permission to work.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 23
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Working conditions as referred to in this Directive should cover at least ***pay and*** dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.

Amendment

(25) Working conditions as referred to in this Directive should cover at least ***the terms of employment, remuneration, dismissal, employment security***, health and safety at the workplace, ***maternity protection and leave***, working time and leave, taking into account collective agreements in force.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 24
Proposal for a directive
Recital 26

Text proposed by the Commission

(26) A Member State should recognise professional qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴⁷. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

⁴⁷ Directive 2005/36/EC on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Amendment

(26) A Member State should recognise professional ***qualifications and other*** qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴⁷. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

⁴⁷ Directive 2005/36/EC on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because of inextricable link to other admissible amendments.

Amendment 25
Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The single permit should entitle the third-country national to seek employment and change employer during the period of its validity or until a decision on an application for a renewal has been notified to the third-country national concerned. Where a change of employer takes place, Member States should require

notification of such change prior to the commencement of that employment and of information related to the new employment contract or employment relationship. In the event of the unemployment of the third-country national, the single permit should not be withdrawn until the period of unemployment has lasted at least nine months.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 26 **Proposal for a directive** **Recital 27**

Text proposed by the Commission

(27) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁸. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country. ***Nevertheless, this Directive should not confer on third-country workers more rights than those already provided in existing Union law in the field of social security for third-country nationals who are in cross-border situations.***

⁴⁸ 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

(27) Third-country workers should enjoy equal treatment as regards social security, ***including portability of rights***. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁸. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country.

⁴⁸ 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).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 27 Proposal for a directive Recital 31

Text proposed by the Commission

(31) To reinforce the equal treatment of third-country workers, Member States should provide for effective, proportionate and dissuasive penalties against employers in the event of infringements of national provisions adopted pursuant to this Directive, in particular with regard to working conditions, freedom of association and affiliation and access to social security benefits.

Amendment

deleted

Amendment 28 Proposal for a directive Recital 32

Text proposed by the Commission

(32) To ensure the proper enforcement of this Directive, Member States should ensure that appropriate mechanisms are in place for the monitoring of employers and that, where appropriate, effective and adequate inspections are carried out on their respective territories. The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

Amendment

(32) For the purpose of proper enforcement **of the rights, benefits and guarantees** of this Directive, Member States should ensure, **in cooperation with the social partners and in accordance with ILO Convention No. 81 on Labour Inspection**, that appropriate mechanisms are in place for the monitoring of employers and that, where appropriate, effective, **timely, proportionate, non-discriminatory** and adequate **controls and field** inspections, **including routine and unannounced visits**, are carried out on their respective territories **to ensure decent working conditions and equal treatment of third-country workers. To that aim, Member States should provide for appropriate resources so as to ensure the**

capability of enforcement authorities to proactively target and pursue non-compliant employers. The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

Amendment 29
Proposal for a directive
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) To reinforce the equal treatment of third-country workers, Member States should provide for effective, proportionate and dissuasive penalties against employers in the event of infringements of national provisions adopted pursuant to this Directive, in particular with regard to working conditions, freedom of association and affiliation and access to social security benefits.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 30
Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

(33) Member States should also put in place effective mechanisms through which third-country workers may seek legal redress and lodge complaints directly **or** through third parties having, in accordance with the criteria laid down by the national

(33) Member States should also **ensure, in their national legal systems, the equal access of third-country workers to an effective legal remedy, in accordance with Article 47 of the Charter, and** put in place **timely, accessible, impartial, gender-**

law, a legitimate interest in ensuring compliance with this Directive, such as trade unions or other associations, or competent authorities. ***That*** is considered necessary to address situations where third-country workers are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name, ***for example*** out of fear of possible consequences.

sensitive and effective mechanisms through which third-country workers may seek legal redress and lodge complaints directly ***and*** through third parties having, in accordance with the criteria laid down by the national law, a legitimate interest in ensuring compliance with this Directive, such as trade unions or other associations, or ***through*** competent authorities. ***The possibility to lodge complaints through third parties*** is considered necessary to address situations where third-country workers are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name out of fear of ***the*** possible consequences.

Amendment 31
Proposal for a directive
Recital 34

Text proposed by the Commission

(34) The single permit should authorise the third-country national to change the employer during the period of its validity. Member States should be able to require a notification of the change and to check the labour market situation where a change of employer takes place. The single permit should not be withdrawn during a period of at least three months in the event of the unemployment of its holder.

Amendment

deleted

Amendment 32
Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or

Amendment

(36) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or beliefs,

beliefs, political or other opinions, membership of a national minority, **fortune**, birth, **disabilities**, age or sexual orientation **in particular in accordance with Council Directive 2000/43/EC⁵⁰ and Council Directive 2000/78/EC⁵¹** .

political or **any** other opinion, membership of a national minority, **property**, birth, **disability**, age or sexual orientation.

⁵⁰ **Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).**

⁵¹ **Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 33 **Proposal for a directive** **Recital 39 – paragraph 1**

Text proposed by the Commission

In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the ***Treaty on European Union (TEU)*** and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article s 3 and 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and are not bound by it or subject to its application.

Amendment

In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the ***TEU*** and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article s 3 and 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and are not bound by it or subject to its application.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary

for pressing reasons relating to the internal logic of the text.

Amendment 34
Proposal for a directive
Recital 39 – paragraph 3

Text proposed by the Commission

[In accordance with Article 4a of the Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the ***Treaty on European Union (TEU)*** and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of Directive.]

Amendment

[In accordance with Article 4a of the Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice , annexed to the ***TEU*** and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of Directive.]

Justification

Amendment to part of the proposal which remains unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 35
Proposal for a directive
Article 1 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 36
Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the **Member States’ powers concerning the volume** of admission of third-country nationals coming from third countries to **seek employment**.

Amendment

2. This Directive shall not affect the **right of Member States to determine volumes** of admission of third-country nationals coming from third countries to **their territory to seek work in accordance with Article 79(5) TFEU**.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 37
Proposal for a directive
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘third-country national’ means **a** person who is not a citizen of the Union within the meaning of Article 20(1) TFEU;

Amendment

(a) ‘third-country national’ means **any** person who is not a citizen of the Union within the meaning of Article 20(1) TFEU;

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 38
Proposal for a directive
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘third-country worker’ means **a** third-country national who has been admitted to the territory of a Member State

Amendment

(b) ‘third-country worker’ means **any** third-country national who has been admitted to the territory of a Member State

and who is legally residing and is allowed to work in the context of an employment relationship in that Member State in accordance with national law or practice;

and who is legally residing and is allowed to work in the context of an employment **contract or employment** relationship in that Member State in accordance with national law, **collective agreements** or practice;

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 39

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Directive shall apply to:

Amendment

1. This Directive shall apply to **third-country nationals**:

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 40

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

- (a) **third-country nationals** who apply to reside in a Member State for the purpose of work;

Amendment

- (a) who apply to reside in a Member State for the purpose of work, **including for the purposes of work-related training such as an apprenticeship**;

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 41
Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) **third-country nationals** who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002; **and**

Amendment

(b) who have been admitted to a Member State for purposes other than work, in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002;

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 42
Proposal for a directive
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) **third-country nationals** who have been admitted to a Member State for the purpose of work in accordance with Union or national law.

Amendment

(c) who have been admitted to a Member State for the purpose of work, in accordance with Union or national law.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 43
Proposal for a directive
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) who are covered by **Directive** 96/71/EC as long as they are posted on the

Amendment

(c) who are covered by **Directives** 96/71/EC, **2014/67/EU^{1a}**, **2018/957/EU^{1b}**

territory of the Member State concerned ;

or (EU) 2020/1057^{1c} of the European Parliament and of the Council as long as they are posted on the territory of the Member State concerned;

^{1a} Directive (EU) 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

^{1b} Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provisions of services (OJ L 173, 9.7.2018, p. 16).

^{1c} Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 44
Proposal for a directive
Article 3 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) who have applied for admission or have been admitted to the territory of a Member State as seasonal workers in accordance with Directive 2014/36/EU or au pairs in accordance with Directive (EU) 2016/801 ; **deleted**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 45

Proposal for a directive

Article 3 – paragraph 2 – point f

Text proposed by the Commission

Amendment

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

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 46

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) whose removal has been suspended on the basis of fact or law; **deleted**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 47

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Member States may decide that Chapter II does not apply to third-country nationals who have been either authorised to work in the territory of a Member State for a period not exceeding **six** months or who have been admitted to a Member State for the purpose of study.

Amendment

3. Member States may decide that Chapter II does not apply to third-country nationals who have been either authorised to work in the territory of a Member State for a period not exceeding **three** months or who have been admitted to a Member State for the purpose of study.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 48

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. An application to issue, amend or renew a single permit shall be submitted by way of a single application procedure. Member States shall **determine whether** applications for a single permit are to be submitted by the third-country national or **by** the third-country national's employer. **Member States may also decide to allow an application from either of the two. If the application is to be submitted by** the third-country national, Member States shall allow the application to be introduced both from a third country and in the territory of

Amendment

1. An application to issue, amend or renew a single permit shall be submitted by way of a **harmonised** single application procedure. Member States shall **allow** applications for a single permit to be submitted by the third-country national or the third-country national's employer. **Where** the third-country national **submits an application**, Member States shall allow the application to be introduced both from a third country and in the territory of the Member State in which the third-country national is legally present. **Where the**

the Member State in which the third-country national is legally present.

employer submits the application, the Member State concerned shall ensure that the third-country national on whose behalf the application has been submitted is kept informed about the status of the application and the outcome of the application in a timely manner and, where appropriate, in electronic format.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 49 **Proposal for a directive** **Article 4 – paragraph 3**

Text proposed by the Commission

3. Provided that the requirements laid down by Union or national law are fulfilled and where a Member State issues single permits only on its territory, the Member State concerned shall issue the third country national with the requisite visa.

Amendment

3. Provided that the requirements laid down by Union or national law ***for the single permit*** are fulfilled and where a Member State issues single permits only ***when the third-country national is*** on its territory, the Member State concerned shall issue the third country national with the requisite visa ***within the time-limit laid down in Article 5(2).***

Amendment 50 **Proposal for a directive** **Article 4 – paragraph 4**

Text proposed by the Commission

4. Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or ***modify*** their residence permit after the entry into force of the national implementing provisions.

Amendment

4. Member States shall issue a single permit, where the conditions provided for are met, to third-country nationals who apply for admission and to third-country nationals already admitted who apply to renew or ***amend*** their residence permit after the entry into force of the national implementing provisions.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 51 **Proposal for a directive** **Article 5 – title**

Text proposed by the Commission

Amendment

Competent authority

Competent authority **and time limits**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 52 **Proposal for a directive** **Article 5 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Amendment

The competent authority shall adopt a decision on the complete application as soon as possible and in any event within **four months** of the date on which the application was **lodged**.

That competent authority shall adopt a decision on the complete application **and notify the applicant of that decision** as soon as possible and in any event within **90 days** of the date on which the application was **submitted**.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 53 **Proposal for a directive** **Article 5 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

The time limit referred to in the first subparagraph shall cover **checking** the labour market situation **and** issuing the requisite visa referred to in Article 4(3). ***The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application.***

Amendment

The time limit referred to in the first subparagraph shall cover ***the entire procedure. This shall include any check of conditions and criteria required under national law, such as a check of*** the labour market situation, ***and the recognition of professional, occupational or other qualifications, where necessary, as well as*** the issuing ***of*** the requisite visa referred to in Article 4(3).

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 54

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where the application is submitted by or on behalf of an applicant who has participated in an EU Talent Partnership with a third country, or where the applicant is already a single permit holder in another Member State, the competent authority shall adopt a decision on the complete application and notify the applicant of that decision within 45 days of the date on which the application was submitted.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 55
Proposal for a directive
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where no decision is taken within the time **limit** provided for in this paragraph, **any** consequences shall be determined by national law.

Amendment

Where no decision is taken within the time **limits** provided for in this paragraph **and paragraph 4, any fee required by a Member State in accordance with Article 10 shall be reimbursed to the applicant. Further** consequences shall be determined by national law **and shall contribute to the effective implementation of the time limits.**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 56
Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. The competent authority shall notify the decision to the applicant in writing in accordance with **the notification procedures laid down in the relevant** national law.

Amendment

3. The competent authority shall notify the decision to the applicant in writing. **The notification shall include the reasons for the decision and information on the procedure for challenging the decision** in accordance with Article 8. **Where the application was submitted by the employer, the competent authority shall also notify the third-country national on whose behalf the application was submitted. Where the application was submitted by the third-country national, the competent authority shall also notify the employer that the decision has been communicated to the applicant. Where appropriate, the competent authority shall provide all such notifications in electronic format.**

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 57

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information required. If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.

Amendment

4. If the information or documents in support of the application are incomplete according to the criteria specified in national law, the competent authority shall notify the applicant in writing of the additional information or documents required, setting a reasonable deadline to provide them. The time limit referred to in paragraph 2 shall be suspended until the competent authority or other relevant authorities have received the additional information required. ***The applicant shall, where appropriate, be entitled to submit information or documentation in electronic format.*** If the additional information or documents is not provided within the deadline set, the competent authority may reject the application.

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 58

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall issue a single permit using the uniform format as laid

Amendment

1. Member States shall issue a single permit using the uniform format as laid

down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with points (a)12 and 16 of the Annex thereto.

down in Regulation (EC) No 1030/2002 and shall indicate the information relating to the permission to work in accordance with points (a)12 and 16 of the Annex thereto. ***The single permit shall be valid for a minimum period equivalent to the duration of the contract of employment or, where the employment contract is of indefinite duration, for two years.***

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 59

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States ***may*** indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) ***No 1030/2002*** and in point (a)20 of the Annex thereto.

Amendment

Member States ***shall*** indicate additional information related to the employment ***contract or employment*** relationship of the third-country national, ***prior to the first working day***, such as the name and address of the employer, ***habitual*** place of work, type of work, working hours ***and*** remuneration, in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) ***No 1030/2002*** and in point (a)20 of the Annex thereto. ***A change to the conditions of employment indicated in the first sentence of this subparagraph shall not in itself constitute a change of employer. Member States shall grant the third-country national access to the additional information and shall inform the third-country national in writing and, where appropriate, in electronic format, about any changes to that information.***

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary

for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 60

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States may indicate additional information related to the employment relationship of the third-country national (such as the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, **or** store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto.

Amendment

Member States may indicate additional information related to the **employment contract or employment** relationship of the third-country national, such as the name and address of the employer, **habitual** place of work, type of work, working hours **and** remuneration in paper format **and** store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto. ***A change to the conditions of employment indicated in the first sentence of this subparagraph shall not in itself constitute a change of employer. Member States shall grant the third-country national access to the additional information and shall inform the third-country national in writing and, where appropriate, in electronic format, about any changes to that information.***

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 61

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. ***Reasons shall be given in the written notification of a decision rejecting*** an application to issue, amend or renew a

Amendment

1. A decision ***to reject*** an application to issue, amend or renew a single permit, or a decision ***to withdraw*** a single permit

single permit, or a decision **withdrawing** a single permit on the basis of criteria provided for by Union or national law.

on the basis of criteria provided for by Union or national law, ***shall be notified in writing to the third-country national concerned and, where relevant, to the employer of that third-country national in accordance with Article 5(2), subparagraph 1 and notification procedures set out in the relevant national law. The notification shall specify the reasons for the decision and, where appropriate, may be provided in electronic format.***

Justification

Amendment to parts of the proposal which remain unchanged ('white parts') was necessary for pressing reasons relating to the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 62 **Proposal for a directive** **Article 8 – paragraph 2**

Text proposed by the Commission

2. A decision rejecting the application to issue, amend or renew or withdrawing a single permit shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification referred to in paragraph 1 shall specify the court or administrative authority where the **person** concerned may lodge an appeal and the time limit therefor.

Amendment

2. A decision rejecting the application to issue, amend or renew, or withdrawing a single permit ***shall be based on criteria provided for by Union or national law, take account of the specific circumstances of the case and respect the principle of proportionality. Such a decision*** shall be open to legal challenge in the Member State concerned, in accordance with national law. The written notification referred to in paragraph 1 shall specify the court or administrative authority where the ***third-country national*** concerned may lodge an appeal and the time limit therefor. ***Member States shall provide for an effective judicial remedy, in accordance with national law.***

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked

to other admissible amendments.

Amendment 63
Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. An application may be considered as inadmissible on the grounds of volume of admission of third-country nationals coming from third countries for employment and, on that basis, need not to be processed. **deleted**

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 64
Proposal for a directive
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall make easily accessible, and provide upon request:

Member States shall make easily accessible, and provide, upon request, ***free of charge and in a language the third-country national can understand or can reasonably be expected to understand:***

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 65
Proposal for a directive
Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) **adequate information** to the third-country national and the **future** employer on all the documentary evidence needed for an application;

Amendment

(a) to the third-country national and the **prospective** employer, **sufficient information** on all the documentary evidence needed for an application **and, where appropriate, on the applicable fees;**

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 66

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) information on entry and residence conditions, **including** the rights, obligations and procedural safeguards **of the third-country nationals and of their family members.**

Amendment

(b) **to the third-country national and family members of that third-country national** information on entry and residence conditions, **information on** the rights, obligations and procedural safeguards **linked to the single permit, including information on legal redress and organisations relevant for** third-country **national workers.**

Amendment 67

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States may require **applicants to pay** fees, where appropriate, for processing applications in accordance with this Directive. The level of such fees shall **be proportionate and shall be based on the services actually provided for the processing of applications and the issuance of permits.**

Amendment

Member States may require **the payment of** fees, where appropriate, for processing applications **to issue and renew single permits** in accordance with this Directive. The level of such fees shall **not be disproportionate or excessive. Where fees for processing applications are paid by the employer, the employer shall not be entitled to recover such fees from the**

third-country national.

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 68

Proposal for a directive

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a single permit has been issued , it shall **authorise**, during its period of validity, its holder at least **to**:

Amendment

1. Where a single permit has been issued, it shall, during its period of validity **and pending a decision on an application for its renewal, entitle** its holder at least:

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 69

Proposal for a directive

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) enter and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements in accordance with national law;

Amendment

(a) **to enter, re-enter** and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements in accordance with national law;

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 70
Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) have free access to the entire territory of the Member State issuing the single permit ***within the limits provided for by national law***;

Amendment

(b) ***to*** have free access to the entire territory of the Member State issuing the single permit;

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 71
Proposal for a directive
Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) exercise the specific employment activity authorised under the single permit in accordance with national law;

Amendment

(c) ***to*** exercise the specific employment activity authorised under the single permit in accordance with national law;

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text.

Amendment 72
Proposal for a directive
Article 11 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to seek employment with different employers and to change employer;

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 73
Proposal for a directive
Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) be informed about the holder's own rights linked to the permit conferred by this Directive **and/or by** national law.

Amendment

(d) **to** be informed about the holder's own rights linked to the permit conferred by this Directive **or by Union and** national law, **in accordance with Article 9 of this Directive;**

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 74
Proposal for a directive
Article 11 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) **to receive the single permit in paper format and be able to access it in electronic format.**

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 75
Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. **Within the period of validity referred to in paragraph 1, Member States shall allow a single permit holder to be**

deleted

employed by a different employer than the first employer with whom the permit holder concluded a contract of employment.

Amendment 76

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Within the period of validity referred to in paragraph 1, Member States *may*:

Amendment

Within the period of validity referred to in paragraph 1, Member States ***shall require that a change of employer be communicated by the new employer to the competent authorities in the Member State concerned prior to the commencement of the new employment, providing information on the name and address of the new employer, the habitual place of work, the type of work, the working hours and the remuneration, in accordance with procedures laid down in national law.***

Amendment 77

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) require that a change of employer be communicated to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law,

Amendment

deleted

Amendment 78

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) require that a change of employer be subject to a check of the labour market

Amendment

deleted

situation.

Amendment 79

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The right of the single permit holder to pursue such a change of employer may be suspended for a maximum of 30 days while the Member State concerned checks the labour market situation and verifies that the requirements laid down by Union or national law are fulfilled. The Member State concerned may oppose the change of employment within those 30 days.

Amendment

Member States shall ensure that the competent national authorities confirm receipt of the information referred to in the first subparagraph to the new employer and to the third-country national.

Amendment 80

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Within the period of validity referred to in paragraph 1, Member States may require that the change of employer be subject to a check of the labour market situation only where:

(a) the change of employer involves a change of sector for the single permit holder; and

(b) the Member State, in general, carries out checks on the labour market situation for applications for single permits.

Amendment 81

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

On the basis of such a labour market check, the Member State may, within a

period of 30 days from the date on which the change of employer has been communicated, refuse the change of employer.

Amendment 82
Proposal for a directive
Article 11 – paragraph 3 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

Where the Member State does not refuse the change within 30 days, the change of employer shall be considered approved and the single permit holder may start the new employment.

Amendment 83
Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. *Within the period of validity referred to in paragraph 1, the single permit shall not be withdrawn during a period of at least three months in the event of unemployment of its holder. Member States shall allow the third-country national to stay in their territory until the competent authorities have taken a decision in accordance with paragraph 3, point (b), as relevant, even if that period of at least three months expired.*

4. *In the event of unemployment of the single permit holder, and in order to allow the holder to find alternative employment, the single permit shall not be withdrawn for a period of at least nine months during which period the third country national shall be allowed to remain on the territory of the Member State concerned and to seek employment.*

Amendment 84
Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for measures to prevent possible infringements by employers of *national* provisions adopted pursuant to Article 12. Preventive

1. Member States shall, *in cooperation with the social partners*, provide for measures to prevent possible infringements by employers of *the right to*

measures shall include monitoring, assessment and, *where appropriate*, inspections in accordance with national law or administrative practice.

equal treatment of third-country workers and the provisions adopted pursuant to Article 12. Preventive measures shall include monitoring, *risk* assessment and inspections, *particularly in sectors that have been identified through a risk assessment as at high risk of labour rights violations*, in accordance with national law or administrative practice.

Amendment 85
Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall lay down *the* rules *on* penalties *applicable to infringements by* employers *of national* provisions adopted pursuant to Article 12. *The* penalties *provided for* shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment 86
Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. Member States shall lay down rules *establishing the* penalties *to be imposed where* employers *are found to have infringed the rights of third-country workers protected under the* provisions adopted pursuant to Article 12. *Those* penalties shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

2a. Where it is established that a single permit holder has experienced a serious violation of his or her rights as a result of the conduct of his or her employer, Member States shall extend the validity of the single permit for a period of twelve months, with full access to the labour market, to enable him or her to seek and find alternative employment.

Amendment 87
Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that services in charge of inspection of labour or other competent authorities **and**, where provided for under national law in respect of national workers, organisations representing workers' interests **have** access to the workplace.

Amendment

3. Member States shall ensure that services in charge of inspection of labour or other competent authorities **have access, without prior notice, to the work place and** - where provided for under national law in respect of national workers - **that** organisations representing workers' interests, **in particular trade unions, have such** access to the workplace. **With the consent of the third-country worker, and where applicable, that access shall include access to accommodation.**

Amendment 88
Proposal for a directive
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that there are effective mechanisms through which third-country workers may lodge complaints against their employers:

Amendment

1. Member States shall ensure that there are **accessible, timely and** effective mechanisms through which third-country workers may lodge complaints against their employers:

Amendment 89
Proposal for a directive
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) directly; **or**

Amendment

(a) directly;

Amendment 90
Proposal for a directive
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive; **or**

Amendment

(b) through third parties which have, in accordance with the criteria laid down by their national law, ***practices or applicable collective agreements***, a legitimate interest in ensuring compliance with this Directive; ***and***

Amendment 91

Proposal for a directive

Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) through a competent authority of the Member State ***when*** provided for ***by*** national law.

Amendment

(c) through a competent authority of the Member State, ***where*** provided for ***under*** national law ***in respect of national workers***.

Amendment 92

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that third parties referred to in paragraph 1, point (b) may engage either on behalf of or in support of a third-country worker, with his or her ***approval***, in any judicial and/or administrative procedures aimed at enforcing ***compliance with*** this Directive.

Amendment

2. Member States shall ensure that third parties referred to in paragraph 1, point (b) may engage either on behalf of or in support of a third-country worker, with his or her ***consent***, in any judicial and/or administrative procedures aimed at ***or leading to enforcing the rights granted to the third-country worker pursuant to*** this Directive.

Amendment 93

Proposal for a directive

Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure that third-country workers have the same access

Amendment

3. Member States shall ensure that third-country workers, ***including those***

as nationals of the Member State where they reside with regard to:

whose employment relationship has come to an end, have the same access as nationals of the Member State where they reside with regard to:

Amendment 94
Proposal for a directive
Article 14 – paragraph 3 – point a

Text proposed by the Commission

(a) measures protecting against dismissal ***or other*** adverse treatment by the employer ***as a reaction to*** a complaint ***within the undertaking; or to***

Amendment

(a) measures protecting against dismissal, adverse treatment by the employer, ***or other adverse consequences as a result of*** a complaint ***or process seeking to enforce the rights granted pursuant to this Directive;***

Amendment 95
Proposal for a directive
Article 14 – paragraph 3 – point b

Text proposed by the Commission

(b) any judicial ***and/or*** administrative procedure ***aimed at enforcing compliance with*** this Directive.

Amendment

(b) any judicial ***or*** administrative procedure, ***including complaints, mediation or dispute resolution mechanism seeking to enforce the rights granted pursuant to*** this Directive.

Amendment 96
Proposal for a directive
Article 14 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) legal aid and assistance, in accordance with national law.

Amendment 97
Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Each Member State shall make easily accessible to the general public a regularly updated set of information:

Amendment

Each Member State shall make easily accessible to the general public, ***including in relevant third countries***, a regularly updated ***objective*** set of information ***drawing on all available sources***:

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 98

Proposal for a directive

Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) concerning the conditions of third-country nationals' admission to and residence in its territory ***in order to work there***;

Amendment

(a) concerning the conditions of third-country nationals' admission to and residence in its territory ***for the purpose of work***;

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 99

Proposal for a directive

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) on all the documentary evidence needed for ***the*** application;

Amendment

(b) on all the documentary evidence needed for ***an*** application;

Amendment 100

Proposal for a directive

Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive.

Amendment 101
Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. Annually, and for the first time no later than [], Member States shall communicate to the Commission (Eurostat) statistics on the volumes of third-country nationals who have been granted a single permit during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council⁵⁵. Those statistics shall relate to reference periods of one calendar year, be disaggregated by type of decision, reason, length of validity and citizenship and be transmitted within six months after the end of the reference period.

⁵⁵ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Amendment

(c) on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals, **and their family members**, falling under the scope of this Directive.

Amendment

2. Annually, and for the first time no later than [], Member States shall **publish and** communicate to the Commission (Eurostat) **high-quality and comparable** statistics **including disaggregated gender and equality data** on the volumes of third-country nationals who have **applied for a single permit, those who have** been granted a single permit, **and those whose single permit has been renewed or withdrawn** during the previous calendar year, in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council⁵⁵. Those statistics shall relate to reference periods of one calendar year, be disaggregated by type of decision, reason, length of validity and citizenship and **gender and** be transmitted within six months after the end of the reference period.

⁵⁵ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 102

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall adopt, by means of an implementing act, a common template for data collected pursuant to paragraph 2.

Justification

Amendment to parts of the proposal which remain unchanged ('white part') was necessary for pressing reasons relating to the internal logic of the text and because it is inextricably linked to other admissible amendments.

EXPLANATORY STATEMENT

INTRODUCTION TO THE EXPLANATORY STATEMENT

The Directive 2011/98/EU on a single application procedure for a Single Permit is an important instrument to regulate legal migration. Legal migration is the best instrument to combat irregular immigration and, therefore, it is positive and necessary. Demographic trends clearly show that the European Union's population is shrinking and aging rapidly. This phenomenon is creating across our societies an increasing difficulty in finding workers in different sectors of activity and employment. The Covid pandemic has only made this trend more evident. Many employment sectors depend on the presence and availability of migrant workers and this dependence is particularly noticeable in frontline services.

At the same time, millions of people around the world are trying to build a better future for themselves and their families by migrating to other countries, and contributing with their talents and work to the development and prosperity of the societies in which they have chosen to live. Only few of them - one on five - arrive in Europe.

Unfortunately, Member States have not been able to build at EU level a coherent labour migration policy that facilitates the arrival of migrant workers and their full integration into our societies. Therefore, the result is a patchwork of different tools specific to different types of workers - the Blue Card Directive, the Seasonal Workers Directive, the Intra-Corporate Transfer Directive, the Single Permit Directive, the Students and Researchers Directive and the Long-Term Residents Directive. This renders the system as a whole unintelligible.

As pointed out by the Commission, in its Communication "Attracting skills and talent to the EU", the European Union must be able to provide more opportunities for legal migration and mobility to the EU. Our economies need to attract new low and medium skilled third-country national workers, with a common harmonized European framework matching people, skills and labour market needs. Such migration is not only a way of addressing the drive of the many thousands of people who seek a better and more prosperous life, who want to contribute with their talent to the well-being of our societies and who cannot find legal ways to reach Europe. It is also a way of addressing the needs of our economies and our companies that have an interest in having skilled workers and in finding solutions to the shortage of workers on the labour market.

This is why, as indicated several times by the European Parliament, and recently with the initiative reports on "New avenues for labour legal migration", it is important to proceed rapidly with a review and harmonization of the existing legislative instruments, as we have done with the revision of the Blue Card Directive.

DETAILED PROVISIONS OF THE EXPLANATORY STATEMENT

The Rapporteur's main objective is to make the procedure for obtaining a single permit as simple and quick as possible, so that it can become a useful tool for third-country nationals seeking to come to the EU to work, and for our EU companies, big and small, to find the workers they need. It should allow for a swift response to the needs of the labour market and help strengthen legal channels for arriving in Europe for the purpose of work. An improved framework for managing low and medium skilled migration for employment purposes should have a positive impact on economic growth and, specifically, in filling labour shortages, by

creating a greater pool of labour to meet labour market needs.

Secondly, it is essential to provide third-country workers equal treatment with other workers, guaranteeing them and their families social rights that protect them from labour exploitation, while at the same time facilitating their full integration into our societies. The introduction of measures to fight labour exploitation of third-country workers, as well as the reinforcement of their rights should improve the social status of third-country workers as valued members of our societies, therefore contributing to their integration and social inclusion. A fairer treatment of third-country workers in the workplace should also have a positive impact on national workers, as it should help combat the risk of ‘social dumping’.

The Commission's proposal, while representing a good starting point, must be improved. We need to be more ambitious. In the 21st century, it is not credible that we cannot process an application for a single permit within 90 days. This period should be a maximum, in line with the time limits provided for in other directives. This time limit must include all the steps of the process, including the issuance of the visa, as already proposed by the Commission, but also any other verification of the situation of the labour market and, where necessary, of the skills of the worker. Simpler and faster procedures lead to time and cost savings for national administrations and employers, and provide increased legal certainty for third-country nationals seeking to come to Europe to work.

The costs of obtaining the single permit must be reduced to the minimum necessary, to prevent costs from representing a drawback for workers and employers.

It is also important to empower third-country national workers, by treating them as rights bearers and thus by providing them with the possibility to change employer, making this procedure simpler and faster. Such a possibility will mean that the third-country worker will be less dependent on a single employer and this should greatly reduce the risks of exploitation and abuse.

Moreover, in the event of loss of employment, the worker must be entitled to remain on the territory for a long enough period of time so that he/she can find a new job and thus continue to benefit from the right to stay in the Member State. In this respect, the Commission's proposal does not adequately reflect the dynamics of the labour market and exposes the worker to a permanently precarious working life, and exposes the labour market to unnecessary churn and the loss on the investment made in his/her professional development.

The rights and guarantees of equal treatment, provided for in the Directive, must be as close as possible to the conditions granted to national or EU workers without limitations and exceptions, in order to make those rights and guarantees effective. The Rapporteur's aim is to grant all third-country workers improved equal treatment and opportunities, in all main areas of life: work, education and training, social protection, access to goods and services, including housing, and increased protection from potentially severe abuses and exploitation, to allow them to maximise their contribution to our societies while maximising their opportunities in life.

Finally, in order to reinforce and promote the Single Permit scheme, it is important that Member States and the Commission will strengthen advertisement activities and information campaigns concerning the Single Permit, in particular towards third countries.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

23.3.2023

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 Proposal for a Directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast) (COM(2022)0655 – C9-0163/2022 – 2022/0131(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 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.

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, 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, Karen Melchior, Emil Radev, René Repasi, Marie Toussaint, Tiemo Wölken, Axel Voss.



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 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)
COM(2022) 655 of 27.4.2022 – 2022/0131(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 6 October 2022 and 1 February 2023 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings², an examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in recital 7, the adding of the words '*subject to Directive 96/71/EC of the European Parliament and of the Council*';
- in recital 9, the adding of the word '*globally*';
- in recital 17, the replacement of the word '*title*' with the word '*permit*';
- in recital 23, the replacement of the word '*specified*' with the word '*covered*';
- the entire text of recital 32 of Directive 2011/98/EU;
- in Article 1(2), the adding of the words '*volume of*' and '*coming from third countries to seek employment*' and the deletion of the words '*to their labour markets*';
- in Article 3(2), point (c), the replacement of the words '*posted for*' with the words '*covered by Directive 96/71/EC*';

² The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 9, point (a), the deletion of the word '*complete*';
- in Article 10, the replacement of the word '*may*' with the word '*shall*';
- in Article 18(1), first subparagraph, the replacement of the words '*25 December 2013*' with the words '*[two years after the entry into force]*'.

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

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 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)

(COM(2022)0655 – C9-0163/2022 – 2022/0131(COD))

Rapporteur for opinion: Agnes Jongerius

SHORT JUSTIFICATION

The recast of the Single Permit Directive should be seized as an opportunity to create fair working conditions for third-country nationals working in the Member States of the European Union.

However, any employment relationship is also a power relationship. It has to be borne in mind that the division of power between workers and employers is not in equilibrium. Workers draw the short end if they are, in practice, not allowed to organise, to collective bargaining and to strike. It requires regulation to bring this in balance.

In this sense, I urge one not to be naive. Most sectors of the economy where workers from third-countries are active, such as transport, hospitality or logistics, are known for their low wages and high-risk of labour rights violations.

This is already often the case for national workers in these sectors. Workers from third-countries are even more vulnerable to being abused and exploited, because they are lacking a stable place in society, knowledge about their rights, and effective access to redress.

With this recast, I wish to improve the situation of third-country nationals seeking employment and working in the EU. Therefore, more equal treatment is needed. This should be extended to what we find acceptable for own living and working conditions too: when it comes to remuneration, leave, working time, decent housing or back payments due.

Furthermore, the real access to redress mechanisms and support from representatives, in particular by trade unions, is a necessity.

Much more action needs to be taken to stop the undermining abusive and exploitative practices of those employers who bend or break the rules. So first of all, better documentation is needed, both to clarify which rights workers have, and to enable labour inspectorates to enforce them. The inspectorates themselves need to be strengthened.

This recast also requires to anticipate how new business models resulting in exploitation of third-country national workers could arise. I strive to do everything possible to prevent this from happening. For this reason, the explicit inclusion of temporary agencies or any other subcontractor, in this Directive is of utmost importance.

It is our obligation to create a level playing field for those employers that want to adhere to the rules, but find competitors cheating at the expense of third-country nationals. It is furthermore our obligation to protect the workers who bear the consequences of unequal treatment, adverse treatment or even exploitation. This way, we turn Europe into a better place.

AMENDMENTS

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

Amendment 1

Proposal for a directive **Recital 4**

Text proposed by the Commission

(4) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.

Amendment

(4) A set of rules governing the procedure for examination of the application for a single permit should be laid down. That procedure should be effective and manageable, taking account of the normal workload of the Member States' administrations, as well as transparent, ***non-discriminatory, gender-balanced, inclusive*** and fair, in order to offer appropriate legal certainty to those concerned.

Amendment 2

Proposal for a directive **Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) The European Pillar of Social Rights (the 'Pillar'), proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring equal opportunities and access to the labour

market, fair working conditions, and social protection and inclusion, which should also be guiding for the treatment of third-country workers residing in the Union.

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the admission, including the volumes of admission, of third-country nationals for the purpose of work.

Amendment

(5) The provisions of this Directive should be without prejudice to the competence of the Member States to regulate the admission, including the volumes of admission, of third-country nationals for the purpose of work ***in their labour markets. It is necessary to establish where the work is carried out habitually in order to ensure that third-country nationals benefit from working conditions and social security rights they are entitled to. This should also be the case when work is carried out in more than one place, such as in construction, or when work is mobile, such as in transport.***

Amendment 4

Proposal for a directive Recital 6

Text proposed by the Commission

(6) This Directive should cover employment relationships between third-country workers and employers. Where a Member State's national law allows admission of third-country nationals through temporary work agencies established on its territory and which have an employment relationship with the worker, such agencies should ***not be excluded from*** the scope of this Directive.

Amendment

(6) This Directive should cover employment ***contracts or*** relationships between third-country workers and employers. Where a Member State's national law allows admission of third-country nationals through temporary work agencies established on its territory and which have an employment ***contract or*** relationship with the worker, such agencies should ***also be included in*** the scope of this Directive.

Amendment 5

Proposal for a directive Recital 7

Text proposed by the Commission

(7) Posted third-country nationals subject to **Directive** 96/71/EC of the European Parliament and of the Council³⁹ should not be covered by this Directive. This should not prevent third-country nationals who are legally residing and working in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which are not affected by the application of **Directive** 96/71/EC .

³⁹ 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

(7) **Genuinely** posted third-country nationals subject to **Directives** 96/71/EC³⁹, **2014/67/EU**^{39a}, **2018/957/EU**^{39b} and **2020/1057/EU**^{39c} of the European Parliament and of the Council should not be covered by this Directive. This should not prevent third-country nationals who are legally residing and working in a Member State and posted to another Member State from continuing to enjoy equal treatment with respect to nationals of the Member State of origin for the duration of their posting, in respect of those terms and conditions of employment which are not affected by the application of **Directives** 96/71/EC, **2014/67/EU**, **2018/957/EU** and **2020/1057/EU**. **To prevent artificial cross-border arrangements, Member States should provide for adequate measures to protect third-country workers from abuse through fraudulent postings to other Member States. In the single application procedure and in the monitoring of employers, due regard should be given to the provisions of Regulation (EC) No 593/2008 of the European Parliament and of the Council ('Rome I')**^{39d} **to verify that the Member State concerned is in fact the habitual place of work.**

³⁹ 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).

^{39a} **Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision**

of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11).

^{39b} *Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).*

^{39c} *Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).*

^{39d} *Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).*

Amendment 6

Proposal for a directive Recital 10

Text proposed by the Commission

Amendment

(10) *Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis and have applied for admission or have been admitted to the territory of a Member State in accordance with Directive 2014/36/EU of the European Parliament and of the Council⁴¹ should not be covered by this Directive given that they fall within the scope of Directive 2014/36/EU, which establishes a specific regime .*

deleted

⁴¹ *Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).*

Amendment 7

Proposal for a directive Recital 12

Text proposed by the Commission

(12) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform or long-stay visas , with the exception of the obligation for Member States to issue the requisite visa within the deadline of ***four months*** set out to adopt a decision on the Single Permit .

Amendment

(12) The provisions of this Directive on the single application procedure and on the single permit should not concern uniform or long-stay visas , with the exception of the obligation for Member States to issue the requisite visa within the deadline of ***90 days*** set out to adopt a decision on the Single Permit .

Amendment 8

Proposal for a directive Recital 13

Text proposed by the Commission

(13) The deadline for adopting a decision on the application should include both the time required for issuing a visa where needed, and the time required to comply with the checks of the labour market ***situations***.

Amendment

(13) The deadline for adopting a decision on the application should include both the time required for issuing a visa, where needed, and the time required to comply with the checks of the ***criteria and conditions for issuing the permit as required by national law, including*** labour market ***situation checks where they exist***.

Amendment 9

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The designation of the competent **authority** under this Directive should be without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of, and the decision on, the application.

Amendment

(15) The designation of the competent **authorities** under this Directive should be without prejudice to the role and responsibilities of other authorities and, where applicable, the social partners, with regard to the examination of, and the decision on, the application, **in addition to monitoring, implementation and enforcement of labour standards and social security regulations, facilitation of complaints and legal redress. Information on working conditions should be provided to competent authorities, such as labour inspectorates, public employment services or social security institutions, in order to effectively guarantee the rights of third-country workers.**

Amendment 10

**Proposal for a directive
Recital 16**

Text proposed by the Commission

(16) The deadline for adopting a decision on the application should, however, not include the time required for the recognition of professional qualifications. This Directive should be without prejudice to national procedures on the recognition of diplomas.

Amendment

(16) The deadline for adopting a decision on the application should, however, not include the time required for the recognition of professional **and occupational** qualifications. This Directive should be without prejudice to national procedures on the recognition of diplomas.

Amendment 11

**Proposal for a directive
Recital 17**

Text proposed by the Commission

(17) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002⁴², enabling Member States to enter further information, in particular as to whether or not the person is

Amendment

(17) The single permit should be drawn up in accordance with Council Regulation (EC) No 1030/2002⁴², enabling Member States to enter further information, in particular as to whether or not the person is

permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence permit on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of that Member State.

⁴² Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

permitted to work. A Member State should indicate, inter alia, for the purpose of better control of migration, not only on the single permit but also on all the issued residence permits, the information relating to the permission to work, irrespective of the type of the permit or the residence permit on the basis of which the third-country national has been admitted to the territory and has been given access to the labour market of that Member State. ***Member States should grant access to such information, including any changes thereto, to the third-country national.***

⁴² Council Regulation (EC) No 1030/2002, of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

Amendment 12

Proposal for a directive Recital 19

Text proposed by the Commission

(19) ***The provisions of this Directive on the single permit and on the residence permit issued for purposes other than work should not prevent Member States from issuing an additional paper document in order to be able to give more precise information on the employment relationship for which the format of the residence permit leaves insufficient space. Such a document can serve to prevent the exploitation of third-country nationals and combat illegal employment but should be optional for Member States and should not serve as a substitute for a work permit thereby compromising the concept of the single permit. Technical possibilities offered by Article 4 of Regulation (EC) No 1030/2002 and point (a)²⁰ of the Annex thereto can also be used to store such***

Amendment

(19) ***Member States should, in addition to the single permit and the residence permit issued for purposes other than work, issue a document giving more precise information on the employment contract or relationship for which the format of the residence permit leaves insufficient space. Such a document should serve to prevent the exploitation of third-country nationals, including gender-related dimensions of exploitation, and combat illegal employment, but should not serve as a substitute for a work permit thereby compromising the concept of the single permit. Changes to the conditions of employment contained in that document should not necessarily constitute a change of employer for the purposes of the single permit. Information on working conditions should be provided to***

information in an electronic format.

competent authorities, such as labour inspectorates, public employment services or social security institutions in order to effectively guarantee the rights of third-country workers. Technical possibilities offered by Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto can also be used to store such information in an electronic format.

Amendment 13

Proposal for a directive Recital 22

Text proposed by the Commission

(22) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration acquis, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. A third-country worker in this Directive should be defined, without prejudice to the interpretation of the concept of employment relationship in other provisions of Union law, as a third-country national who has been admitted to the territory of a Member State, who is

Amendment

(22) In the absence of horizontal Union legislation, the rights of third-country nationals vary, depending on the Member State in which they work and on their nationality. With a view to developing further a coherent immigration policy and narrowing the rights gap between citizens of the Union and third-country nationals legally working in a Member State and complementing the existing immigration acquis, a set of rights should be laid down in order, in particular, to specify the fields in which equal treatment between a Member State's own nationals and such third-country nationals who are not yet long-term residents is provided. Such provisions are intended to establish a minimum level playing field within the Union, to recognise that such third-country nationals contribute to the Union economy through their work and tax payments and to serve as a safeguard to reduce unfair competition between a Member State's own nationals and third-country nationals resulting from the possible exploitation of the latter. ***In this regard, more attention should be paid to the gender-related dimensions and the feminisation of labour migration.*** A third-country worker in this Directive should be defined, without prejudice to the interpretation of the concept of employment relationship in

legally residing and who is allowed, in the context of *a paid* relationship, to work there in accordance with national law or practice.

other provisions of Union law, as a third-country national who has been admitted to the territory of a Member State, who is legally residing and who is allowed, in the context of *an employment contract or employment* relationship, to work there in accordance with national law, *collective agreements* or practice, *with consideration to the case-law of the Court of Justice*.

Amendment 14

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Working conditions as referred to in this Directive should cover at least *pay* and dismissal, health and safety at the workplace, working time and leave taking into account collective agreements in force.

Amendment

(25) ***Decent*** working conditions as referred to in this Directive should cover at least ***the terms of employment, remuneration, including minimum wages,*** and dismissal, health and safety at the workplace, working time and leave, taking into account collective agreements in force, ***as well as the right to organise and the right to strike.***

Amendment 15

Proposal for a directive Recital 26

Text proposed by the Commission

(26) A Member State should recognise professional qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴⁷. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance with the

Amendment

(26) A Member State should recognise professional ***and occupational*** qualifications acquired by a third-country national in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴⁷. The right to equal treatment accorded to third-country workers as regards recognition of diplomas, certificates and other professional qualifications in accordance

relevant national procedures should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

⁴⁷ Directive 2005/36/EC on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

with the relevant national procedures should be without prejudice to the competence of Member States to admit such third-country workers to their labour market.

⁴⁷ Directive 2005/36/EC on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Amendment 16

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Third-country workers should enjoy equal treatment as regards social security. Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁸. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country. ***Nevertheless, this Directive should not confer on third-country workers more rights than those already provided in existing Union law in the field of social security for*** third-country nationals who are in cross-border situations.

⁴⁸ 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 17

Proposal for a directive

Recital 29

Amendment

(27) Third-country workers should enjoy equal treatment as regards social security, ***including the portability of rights.*** Branches of social security are defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council⁴⁸. The provisions on equal treatment concerning social security in this Directive should also apply to workers admitted to a Member State directly from a third country. Third-country nationals who are in cross-border situations ***should also enjoy equal treatment as regards the rights provided for in Union law in the field of social security.***

⁴⁸ 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).

Text proposed by the Commission

(29) Union law does not limit the power of the Member States to organise their social security schemes. It is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.

Amendment

(29) Union law does not, **and should not**, limit the power of the Member States to organise their social security schemes. It is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.

Amendment 18

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) To reinforce the equal treatment of third-country workers, Member States should provide for effective, proportionate and dissuasive penalties against employers in the event of infringements of national provisions adopted pursuant to this Directive, in particular with regard to working conditions, freedom of association and affiliation **and access to social security benefits**.

Amendment

(31) To reinforce the equal treatment of third-country workers, Member States should provide for effective, proportionate and dissuasive penalties against employers in the event of infringements of national provisions adopted pursuant to this Directive, in particular with regard to working conditions, **access to social security benefits, labour rights, including freedom of association and affiliation, , the right to negotiate and conclude collective agreements, the right to take industrial action and the right to strike, the principle of equal pay for work of equal value, protection against forced and child labour, and protection against discrimination**.

Amendment 19

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) To ensure the proper enforcement

Amendment

(32) To ensure the proper enforcement

of this Directive, Member States should ensure that appropriate mechanisms are in place for the monitoring of employers and that, *where appropriate*, effective and adequate inspections are carried out on their respective territories. The selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

of this Directive, Member States should ensure, *in cooperation with the social partners, in particular trade unions, and in accordance with International Labour Organization (ILO) Convention No 81 on Labour Inspection*, that appropriate mechanisms are in place for the monitoring of employers and that effective, *routine and unannounced*, and adequate inspections are carried out on their respective territories, *to detect breaches of labour and social law, in order to ensure decent working conditions. Third-country workers still have a higher probability of experiencing violations of their rights and working conditions than other groups of workers. Therefore*, the selection of employers to be inspected should be based primarily on a risk assessment to be carried out by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement. *Third-country nationals are more likely to work in sectors which are known for a higher risk of labour standard violations. In order to be able to improve the proper enforcement of this Directive and to exchange best practices between Member States, it is crucial to monitor the patterns of application, renewal and withdrawal of single permits.*

Amendment 20

Proposal for a directive Recital 33

Text proposed by the Commission

(33) Member States should also put in place effective mechanisms through which third-country workers may seek legal redress and lodge complaints directly or through third parties having, in accordance with the criteria laid down by the national law, a legitimate interest in ensuring compliance with this Directive, such as trade unions or other associations, or

Amendment

(33) Member States should also put in place *timely, transparent, gender sensitive and* effective mechanisms through which third-country workers may seek legal redress and lodge complaints directly or through third parties having, in accordance with the criteria laid down by the national law, a legitimate interest in ensuring compliance with this Directive, such as

competent authorities. That is considered necessary to address situations where third-country workers are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name, for example out of fear of possible consequences.

trade unions or other associations, *the European Labour Authority* or competent authorities. *When granting the single permit, the access mechanisms for dispute resolution and legal redress and filing complaints should be communicated to the third-country nationals in an accessible way, including by providing that information in relevant languages the third-country nationals can understand.*

That is considered necessary to address situations where third-country workers are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name, for example out of fear of possible consequences.

Amendment 21

Proposal for a directive Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) In the implementation of this Directive, Member State authorities should pay particular attention to the role of recruitment agencies. While recruitment agencies might facilitate procedures for applicants, risks associated with third-party intermediation such as contract substitution, disproportionate and excessive fees, debt bondage and other exploitative practices should be addressed, in cooperation with trade unions and relevant civil society organisations, through the provision of information to potential applicants and permit holders, monitoring, penalties and facilitation of complaints and legal redress. In accordance with the ILO principles, Member States can provide that third-country nationals should not bear the costs of recruitment fees and related costs.

Amendment 22

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) The single permit should authorise the third-country national to ***change the*** employer during the period of its validity. Member States should ***be able to*** require a notification of the change ***and*** to check the labour market situation where a change of employer takes place. The single permit should not be withdrawn during a period of at least ***three*** months in the event of the unemployment of its holder.

Amendment

(34) The single permit should authorise the third-country national to ***seek employment and conclude an employment contract with a different*** employer during the period of its validity. Member States should require a notification of the change ***of employer and of any information related to the employment contract or relationship, prior to the first working day, and should be able*** to check the labour standards, ***including a check of*** the labour market situation, ***where it exists, only*** where a change of employer takes place ***to another sector of employment. Member States should ensure that the single permit holder can continue his or her employment contract or relationship with the current employer when pursuing a change of employer. The purpose of the communication procedure is to monitor and enforce labour standards and social security rights.*** The single permit should not be withdrawn during a period of at least ***nine*** months in the event of the unemployment of its holder. ***In the case of a third-country national's incapacity to work due to pregnancy, disability, injury, accident or disease, in particular where the disability, injury, accident or disease is work-related, Member States should assess the individual circumstances and should be able to extend the nine- month period.***

Amendment 23

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

Text proposed by the Commission

1. This Directive lays down:

Amendment

1. This Directive lays down, ***in accordance with fundamental rights as general principles of Union law as well as***

international law, including human rights obligations:

Amendment 24

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the Member States' powers concerning the volume of admission of third-country nationals coming from third countries to seek employment .

Amendment

2. This Directive shall not affect the Member States' powers concerning the volume of admission of third-country nationals coming from third countries to seek employment *in their labour markets*.

Amendment 25

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'third-country worker' means a third-country national *who has been admitted to the territory of a Member State and* who is legally residing and is allowed to work in the context of an employment relationship in *that* Member State in accordance with national law or practice;

Amendment

(b) 'third-country worker' means a third-country national who is legally residing and is allowed to work in the context of an employment *contract or employment* relationship in *the territory of a* Member State, in accordance with national law, *collective agreements*, or practice, *with consideration to the case-law of the Court of Justice*;

Amendment 26

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) third-country nationals who apply to reside in a Member State for the purpose of work;

Amendment

(a) third-country nationals who apply to reside in a Member State for the purpose of *work in its labour market*;

Amendment 27

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) third-country nationals who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002; **and**

Amendment

(b) third-country nationals who have been admitted to a Member State for purposes other than work in accordance with Union or national law, who are allowed to work and who hold a residence permit in accordance with Regulation (EC) No 1030/2002;

Amendment 28

Proposal for a directive

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) who are covered by **Directive** 96/71/EC as long as they are posted on the territory of the Member State concerned ;

Amendment

(c) who are covered by **Directives** 96/71/EC, **2014/67/EU**, **2018/957/EU** and **2020/1057/EU of the European Parliament and of the Council**, as long as they are **genuinely** posted on the territory of the Member State concerned;

Amendment 29

Proposal for a directive

Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) **who have applied for admission or have been admitted to the territory of a Member State as seasonal workers in accordance with Directive 2014/36/EU or au pairs in accordance with Directive (EU) 2016/801 ;**

Amendment

deleted

Amendment 30

Proposal for a directive

Article 3 – paragraph 2 – point f

Text proposed by the Commission

Amendment

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

deleted

Amendment 31

Proposal for a directive

Article 3 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) who have applied for admission or have been admitted as seafarers for employment or work in any capacity on board of a ship registered in or sailing under the flag of a Member State.

deleted

Amendment 32

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that Chapter II does not apply to third-country nationals who have been ***either authorised to work in the territory of a Member State for a period not exceeding six months or who have been*** admitted to a Member State for the purpose of study.

3. Member States may decide that Chapter II does not apply to third-country nationals who have been admitted to a Member State for the purpose of study ***in accordance with Directive (EU) 2016/801.***

Amendment 33

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. An application to issue, amend or

1. An application to issue, amend or

renew a single permit shall be submitted by way of a single application procedure. Member States shall *determine whether* applications for a single permit *are* to be submitted by the third-country national or by the third-country national's employer. *Member States may also decide to allow an application from either of the two. If the application is to be submitted by* the third-country national, Member States shall allow the application to be introduced both from a third country and in the territory of the Member State in which the third-country national is legally present.

renew a single permit shall be submitted by way of a single application procedure. Member States shall *allow* applications for a single permit to be submitted by *either* the third-country national or by the third-country national's employer. *Where* the third-country national *submits the application*, Member States shall allow the application to be introduced both from a third country and in the territory of the Member State in which the third-country national is legally present. *Where the employer submits the application, Member States' authorities shall ensure that the third-country national on whose behalf the application has been submitted is kept regularly informed of the status of the application during the process, and of the outcome of the application.*

Amendment 34

Proposal for a directive Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Applicants shall be granted the choice between remote and in-person service provision, and have the opportunity to submit relevant documents for the procedure in electronic or paper form.

Amendment 35

Proposal for a directive Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The competent authority shall adopt a decision on the complete application as soon as possible and in any event within *four months* of the date on which the application was lodged.

The competent authority shall adopt *and notify* a decision on the complete application *to the applicant* as soon as possible and in any event within *90 days* of the date on which the application was lodged.

Amendment 36

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The time limit referred to in the first subparagraph shall cover checking the ***labour market situation*** and issuing the requisite visa referred to in Article 4(3). The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application.

Amendment

The time limit referred to in the first subparagraph shall cover checking the ***criteria and conditions for issuing the permit as required by national law*** and issuing the requisite visa referred to in Article 4(3). The time limit may be extended in exceptional circumstances, linked to the complexity of the examination of the application. ***In case of an extension of the time limit, the Member State shall notify the applicant before the deadline and provide reasons in writing of the exceptional circumstances that led to the extension as well as an estimation of the time by which the applicant may expect a final response.***

Amendment 37

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where no decision is taken within the time limit provided for in this paragraph, any consequences shall be determined by national law.

Amendment

Where no decision is taken within the time limit provided for in this paragraph, any ***fee required by the Member States in accordance with Article 10 shall be reimbursed to the applicant. Further*** consequences shall be determined by national law ***and shall contribute to the effective implementation of the time limits. Member States shall ensure sufficient human, material and IT resources to meet these time limits.***

Amendment 38

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States **may** indicate **additional** information related to the employment relationship of the third-country national (**such as** the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a)20 of the Annex thereto.

Amendment

Member States **shall** indicate information related to **working conditions in** the employment **contract or** relationship of the third-country national, **prior to the first working day, at least** the name and address of the employer, **habitual** place of work, type of work, working hours, remuneration, in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point(a)20 of the Annex thereto. **Member States shall grant the third-country national access to this information and to any changes thereto.**

Amendment 39

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

Text proposed by the Commission

Member States **may** indicate **additional** information related to the employment relationship of the third-country national (**such as** the name and address of the employer, place of work, type of work, working hours, remuneration) in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto.

Amendment

Member States **shall** indicate information related to the employment **contract or** relationship of the third-country national, **at least** the name and address of the employer, **habitual** place of work, type of work, working hours, remuneration, in paper format or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)20 of the Annex thereto. **Member States shall grant the third-country national access to this information and to any changes thereto.**

Amendment 40

Proposal for a directive
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall make easily accessible, and provide upon request:

Member States shall make easily accessible, and provide ***free of charge, in a relevant language the third-country national can understand***, upon request:

Amendment 41

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) information on entry and residence conditions, including the rights, obligations and procedural safeguards of the third-country nationals and of their family members.

(b) information on entry and residence conditions, including the rights, obligations and procedural safeguards of the third-country nationals and of their family members, ***as well as on the applicable fees under Article 10..***

Amendment 42

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purpose of ensuring that third-country nationals have access to the information referred to in points (a) and (b), Member States may also provide such information upon request to social partners and civil society organisations.

Amendment 43

Proposal for a directive

Article 10 – title

Text proposed by the Commission

Amendment

Fees

Fees ***and costs***

Amendment 44

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

Member States may require applicants to pay fees, where appropriate, for processing applications in accordance with this Directive. The level of such fees shall be proportionate and shall be based on the services actually provided for the processing of applications **and the issuance of permits.**

Amendment

Member States may require applicants to pay fees, where appropriate, for processing applications **to issue, amend and renew a single permit** in accordance with this Directive. The level of such fees shall be proportionate, **affordable** and shall be based on the services actually provided for the processing of applications. **Where such fees are paid by the third-country national, Member States may provide that he or she is entitled to reimbursement from the employer. Where costs related to the application procedure, such as recruitment, travel or translation costs, are paid by the third-country national, Member States may provide that he or she is entitled to reimbursement from the employer. When such fees or costs are paid by the employers, they shall not be recoverable from the third-country national.**

Amendment 45

Proposal for a directive Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a single permit has been issued, it shall authorise, during its period of validity, its holder at least to:

Amendment

1. **Member States shall ensure that,** where a single permit has been issued, it shall authorise, during its period of validity **and, in cases where an application to amend or renew the single permit has been submitted, until the completion of such procedures,** its holder at least to:

Amendment 46

Proposal for a directive
Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) be informed about the holder's own rights linked to the permit conferred by this Directive *and/or by* national law.

Amendment

(d) be informed about the holder's own rights linked to the permit conferred by this Directive, *Union law*, national law *and practice, in particular social and labour rights and collective agreements, about procedures for filing complaints, access mechanisms for dispute resolution and legal redress, as well as about the contact details of organisations representing workers, in particular trade unions, of national labour inspectorates, the European Labour Authority, civil society organisations, and of other legal assistance available under national law;*

Amendment 47

Proposal for a directive
Article 11 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) receive and retain the permit and their identity documents in paper format and be able to access the permit in electronic format, while also preventing that these documents are retained solely by the employer;

Amendment 48

Proposal for a directive
Article 11 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) be informed about the criteria and conditions for issuing the permit as required by national law, including any checks of the labour market situation where they exist, and rights and procedures related to the change of

employer pursuant to paragraphs 2, 3 and 4 of Article 11;

Amendment 49

Proposal for a directive

Article 11 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) be informed about acquired social security rights and their portability, information assistance and support available when moving from the Member States that has issued the permit in accordance with Article 12;

Amendment 50

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Within the period of validity referred to in paragraph 1, Member States shall *allow a single permit holder to be employed by a different employer than the first employer with whom the permit holder concluded a contract of employment.*

2. Within the period of validity referred to in paragraph 1, Member States shall:

Amendment 51

Proposal for a directive

Article 11 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) allow a single permit holder to seek employment and conclude an employment contract with a different employer than the first employer with whom the permit holder concluded an employment contract;

Amendment 52

Proposal for a directive

Article 11 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) require that any change of employer is communicated, prior to the first working day, by the new employer to the competent authorities in the Member State concerned, providing information on at least the name and address of the employer, the habitual place of work, the type of work, working hours, and remuneration, in accordance with procedures laid down in national law. Any incorrect communication of such information by the new employer shall not affect the rights of the third-country national as set out in this Article;

Amendment 53

Proposal for a directive

Article 11 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) send a reception confirmation to the new employer and the third-country national upon receipt of the employment contract.

Amendment 54

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Within the period of validity referred to in paragraph 1, Member States may:

Within the period of validity referred to in paragraph 1, Member States may **only require that a change of employer be subject to a check of the labour market situation where such checks exist, in the case of a change of the sector of**

employment.

Amendment 55

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

- | | |
|---|----------------|
| (a) <i>require that a change of employer be communicated to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law,</i> | <i>deleted</i> |
|---|----------------|

Amendment 56

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

- | | |
|--|----------------|
| (b) <i>require that a change of employer be subject to a check of the labour market situation.</i> | <i>deleted</i> |
|--|----------------|

Amendment 57

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The right of the single permit holder to pursue such a change of employer may be suspended for a maximum of 30 days while the Member State concerned *checks the labour market situation and* verifies that the requirements laid down by Union or national law are fulfilled. The Member State concerned may oppose the change of employment within those 30 days.

The right of the single permit holder to pursue such a change of employer may be suspended for a maximum of 30 days while the Member State concerned verifies that the requirements laid down by Union or national law are fulfilled, *including any checks as referred to in the first subparagraph of this paragraph. The Member State shall require that the terms of employment and working conditions are in compliance with national law and practice, including collective agreements.* The Member State concerned may oppose

the change of employment within those 30 days, *particularly if the Member State considers that there is a risk of labour exploitation. When pursuing a change of employer, the single permit holder shall be eligible to continue working for the current employer or to enter a period of unemployment. The single permit holder shall be informed about the status of the checks regularly during the process, and about the outcome thereto.*

Amendment 58

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

4. Within the period of validity referred to in paragraph 1, the single permit shall not be withdrawn during a period of at least **three** months in the event of unemployment of **its** holder. Member States shall allow the third-country national to stay in their territory until the competent authorities have taken a decision in accordance with paragraph 3, point (b), as relevant, even if that period of at least **three** months expired.

Amendment

4. Within the period of validity referred to in paragraph 1, the single permit shall not be withdrawn during a period of at least **nine** months in the event of unemployment of **the single permit** holder. Member States shall allow the third-country national to stay in their territory until the competent authorities have taken a decision in accordance with paragraph 3, point (b), as relevant, even if that period of at least **nine** months expired, **in order to enable the third-country national to find alternative employment. Member States shall assess the individual circumstances of a third-country national and may extend this period in the case of a third-country national's incapacity to work due to pregnancy, disability, injury, accident or disease, in particular where the disability, injury, accident or disease is work-related.**

Amendment 59

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

Text proposed by the Commission

1. Third-country workers as referred to in Article 3(1), points (b) and (c) shall enjoy equal treatment with nationals of the Member State where they reside with regard to:

Amendment

1. Third-country workers as referred to in Article 3(1), points (b) and (c) shall enjoy equal treatment with nationals of the Member State where they reside with regard to ***at least***:

Amendment 60

Proposal for a directive

Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) working conditions, including ***pay*** and dismissal as well as health and safety at the workplace;

Amendment

(a) ***terms of employment, decent*** working conditions, including ***remuneration*** and dismissal, ***working hours, overtime rates, annual and sick leave and entitlements, leaves related to care and holidays, training, allowances or reimbursement of expenditure to cover travel, board and lodging expenses, ensuring that deductions from the remuneration, where they exist, are non-discriminatory, legitimate and proportionate, ,*** as well as ***equality of treatment between men and women, and*** health and safety at the workplace, ***in accordance with 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. The principle of equal pay for equal work shall apply, in line with Article 157 of the Treaty on the Functioning of the European Union;***

^{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. 3).

Amendment 61

Proposal for a directive

Article 12 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) back payments to be made by the employer, concerning any outstanding remuneration to the third-country national, in accordance with Directive 2009/52/EC, as well as the quick settlement of third-country nationals' outstanding claims resulting from an employment contract or employment relationship in the case of insolvency of the employer, in accordance with Directive 2008/94/EC;

Amendment 62

Proposal for a directive

Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 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

(b) 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***

prejudice to the national provisions on public policy and public security;

the right to negotiate and conclude collective agreements in compliance with the right to association, to organise, to collective bargaining as provided for in ILO Conventions Nos 87 and 98, the right to strike and take industrial action,
without prejudice to the national provisions on public policy and public security;

Amendment 63

Proposal for a directive

Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) education and training;

Amendment

(c) education and training, ***including vocational and occupational training;***

Amendment 64

Proposal for a directive

Article 12 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 65

Proposal for a directive

Article 12 – paragraph 1 – point e

Text proposed by the Commission

(e) branches of social security, as defined in Regulation (EC) No 883/2004;

Amendment

(e) ***access to*** branches of social security, as defined in Regulation (EC) No 883/2004;

Amendment 66

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

Text proposed by the Commission

(g) access to goods and services and the supply of goods and services made available to the public including procedures for obtaining access to public and private housing as provided by national law, without prejudice to the freedom of contract in accordance with Union and national law;

Amendment

(g) access to goods and services, ***in particular public services***, and the supply of goods and services made available to the public including procedures for obtaining access to public and private housing as provided by national law, ***ensuring a decent standard of living, as well as freedom of choice of housing without the obligation to reside in employer-provided housing***, without prejudice to the freedom of contract in accordance with Union and national law, ***deductions for travel, board and lodging from remuneration, where they exist, and housing conditions and rental contracts meeting standards and regulations for private rental under national law, including rent amounts***;

Amendment 67

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

Text proposed by the Commission

(h) ***advice*** services ***afforded*** by employment offices.

Amendment

(h) ***information, support and personalised counselling*** services ***provided*** by employment offices.

Amendment 68

Proposal for a directive
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) ***by limiting the rights conferred on third-country workers under paragraph 1, point (e), but shall not restrict such rights for third-country workers who are in employment or who have been employed for a minimum period of six months and***

Amendment

deleted

who are registered as unemployed.

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

Amendment 69

Proposal for a directive

Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

- (d) *under paragraph 1, point (g) , by:* *deleted*
- (i) *limiting its application to those third-country workers who are in employment;*
- (ii) *restricting access to public housing;*

Amendment 70

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall inform third-country nationals of any such restrictions applicable when they issue the single permit.

Amendment 71

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. *Third-country workers* moving to a 4. *Former single permit holders*

third country, or their survivors who reside in a third country and who derive rights from those workers, shall receive, in relation to old age, invalidity and death, statutory pensions based on those workers' previous employment and 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 the nationals of the Member States concerned when they move to a third country.

moving to a third country, or their survivors who reside in a third country and who derive rights from those workers, shall receive, in relation to old age, invalidity and death, statutory pensions based on those workers' previous employment and 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 the nationals of the Member States concerned when they move to a third country. ***Any difficulty for former single permit holders to receive their pension entitlements shall be addressed by the Member State in a timely and effective manner.***

Amendment 72

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for measures to prevent possible infringements by employers of national provisions adopted pursuant to Article 12. Preventive measures shall include monitoring, assessment and, ***where appropriate,*** inspections in accordance with national law or administrative practice.

Amendment

1. Member States shall, ***with the involvement of the social partners,*** provide for measures to prevent possible infringements by employers of national provisions adopted pursuant to Article 12. Preventive measures shall include monitoring, assessment and inspections, ***on the basis of a risk assessment, regularly identifying the sectors of activity in which the employment of third-country workers is concentrated,*** in accordance with national law or administrative practice.

Amendment 73

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall lay down the rules on penalties applicable to infringements by employers of national

Amendment

2. Member States shall lay down the rules on penalties applicable to infringements by employers of national

provisions adopted pursuant to Article 12. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

provisions adopted pursuant to Article 12. ***In addition to regularizing salaries and compensation to workers, social security and taxes, such penalties may include, among others, publicly registering infringements conducted by employers, administrative and financial penalties, such as fines or the payment of compensation, and suspension of the eligibility for employers to the single application procedure for issuing a single permit for third-country nationals as well as exemption for employers from public procurement procedures. If an infringement by the employer results in adverse treatment, including termination of the employment contract or employment relationship with the third-country national, the latter shall be eligible to find new employment under the conditions set out in Article 11.*** The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment 74

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that services in charge of inspection of labour or other competent authorities and, where provided for under national law ***in respect of national workers***, organisations representing workers' ***interests*** have access to the workplace.

Amendment

3. ***Member States shall, in cooperation with the social partners, and in accordance with ILO Convention No 81, ensure timely, effective, proportionate and non-discriminatory controls and field inspections conducted by labour inspectorates, including routine and unannounced visits. Member States shall develop the capability of enforcement authorities to proactively target and pursue non-compliant employers.*** Member States shall ensure that services in charge of inspection of labour or other competent

authorities ***are sufficiently resourced*** and, where provided for under national law, organisations representing workers, ***in particular trade unions***, have access to the workplace ***and, with the agreement of the worker, to their housing***.

Amendment 75

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall publish and communicate to the Commission statistics on the number of third-country nationals who have been granted a single permit and on those whose application has been rejected or considered inadmissible, as well as on the numbers of third-country nationals, whose single permit has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by citizenship, length of validity of permits, gender and age and, where available, by occupation, the size of the employer's undertaking and economic sector. Statistics on admitted family members of third-country nationals shall be communicated in the same manner, except as regards information on their occupation and the economic sector.

Amendment 76

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall ensure that there are effective mechanisms through which third-country workers may lodge complaints against their employers:

1. Member States shall, ***in accordance with Article 47 of the Charter of Fundamental Rights of the EU***, ensure that there are ***timely and*** effective mechanisms through which third-country workers may lodge complaints against their

employers:

Amendment 77

Proposal for a directive

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) directly; **or**

Amendment

(a) directly;

Amendment 78

Proposal for a directive

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive; **or**

Amendment

(b) **with the consent of the third-country worker**, through third parties which have, in accordance with the criteria laid down by their national law, **practice and collective agreements**, a legitimate interest in ensuring compliance with this Directive; **and**

Amendment 79

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that third parties referred to in paragraph 1, point (b) may engage either on behalf of or in support of a third-country worker, with his or her approval, in any judicial and/or administrative procedures **aimed at** enforcing compliance with this Directive.

Amendment

2. Member States shall ensure, **in accordance with national law, practice, and collective agreements**, that third parties referred to in paragraph 1, point (b) may engage either on behalf of or in support of a third-country worker, with his or her approval, in any judicial and/or administrative procedures **for** enforcing compliance with this Directive.

Amendment 80

Proposal for a directive

Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure that third-country workers have the same access as nationals of the Member State where they reside with regard to:

Amendment

3. Member States shall ensure that third-country workers, ***including those whose employment relationship has ended,*** have the same access as nationals of the Member State where they reside with regard to:

Amendment 81

Proposal for a directive

Article 14 – paragraph 3 – point a

Text proposed by the Commission

(a) measures protecting against dismissal or ***other*** adverse treatment ***by*** the employer ***as a reaction to a complaint within the undertaking***; or to

Amendment

(a) measures protecting against dismissal ***and protecting both third-country workers and workers' representatives, including those who are trade union members or representatives, from any*** adverse treatment ***and from any adverse consequences resulting from a complaint with the employer or resulting from any proceedings initiated with the aim of enforcing compliance in the case of infringements of rights provided in this Directive; and*** to

Amendment 82

Proposal for a directive

Article 14 – paragraph 3 – point b

Text proposed by the Commission

(b) any judicial and/or administrative procedure ***aimed at*** enforcing compliance with this Directive.

Amendment

(b) ***effective, timely and impartial dispute resolution, a right to redress, and*** any judicial and/or administrative procedure ***for*** enforcing compliance with this Directive;

Proposal for a directive
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. With a view to facilitate compliance with this Directive, Member States shall define in national law the rules under which they grant, on a case-by-case basis, an extension of the validity of the permit to single permit holders who have experienced violations of their rights under this Directive.

Where the employer is a subcontractor, or where a recruitment agency on behalf of the main contractor, who has infringed this Directive and where the main contractor and any intermediate subcontractor have not undertaken due diligence obligations as defined by national law, Member States shall ensure that the main contractor and any intermediate subcontractor are, in addition to or in place of the employer, liable to pay any back payments and compensation due to the third-country national in accordance with national law and are subject to penalties, in accordance with this Directive.

Member States may provide more stringent liability rules under national law.

Amendment 84

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

Text proposed by the Commission

Amendment

1a. Member States shall apply the relevant provisions of Regulation (EU) 2016/679 when implementing this Directive.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	A single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)	
References	COM(2022)0655 – C9-0163/2022 – 2022/0131(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	Agnes Jongerius 28.9.2022	
Discussed in committee	8.11.2022	30.11.2022
Date adopted	24.1.2023	
Result of final vote	+: 27 -: 7 0: 10	
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Dominique Bilde, Gabriele Bischoff, Vilija 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, Dragoș 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
Renew	Atidzhe Alieva-Veli, Abir Al-Sahlan, Lucia Ďuriš Nicholsonová, Irena Joveva, Max Orville, Dragoș Pîslaru, Monica Semedo
S&D	João Albuquerque, Robert Biedroń, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Ilan De Basso, 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

7	-
ECR	Peter Lundgren, Margarita de la Pisa Carrión, Elżbieta Rafalska
ID	Dominique Bilde, Elena Lizzi, Guido Reil
NI	Livia Járóka

10	0
PPE	David Casa, Deirdre Clune, Rosa Estaràs Ferragut, Helmut Geuking, Mircea-Gheorghe Hava, Krzysztof Hetman, Radan Kanev, Miriam Lexmann, Dennis Radtke, Romana Tomc

Key to symbols:

+ : in favour

- : against

0 : abstention

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



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 8 November 2022

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 a
single application procedure for a single permit for third-country nationals to reside and
work in the territory of a Member State and on a common set of rights for third-country
workers legally residing in a Member State (recast)
COM2022(0655) of 8.11.2022 – 2022/0131(COD)**

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPOREUR 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
• Prof. Tesseltje de Lange, Odysseus Network, Centre for Migration Law Radboud University
• Teresa Hornung, Senior Adviser of the Confederation of German Employers' Associations (BDA)
• Labor Mobility Partnerships (LaMP)
• International Labour Organisation ILO
• Platform for Undocumented Migrants PICUM
• European Trade Union Confederation ETUC
• Dutch Trade Union Confederation
• SMEunited

PROCEDURE – COMMITTEE RESPONSIBLE

Title	A single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)
References	COM(2022)0655 – C9-0163/2022 – 2022/0131(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	Javier Moreno Sánchez 5.9.2022
Discussed in committee	1.12.2022
Date adopted	23.3.2023
Result of final vote	+: 47 –: 13 0: 0
Members present for the final vote	Abir Al-Sahlani, Malik Azmani, Pietro Bartolo, Malin Björk, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Patricia Chagnon, Caterina Chinnici, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Laura Ferrara, Maria Grapini, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, 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, Paulo Rangel, Isabel Santos, Birgit Sippel, Sara Skytvedal, Tineke Strik, Ramona Strugariu, Milan Uhrík, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Loucas Fourlas, Daniel Freund, Balázs Hidvéghi, Beata Kempa, Jan-Christoph Oetjen, Carina Ohlsson, Philippe Olivier, Anne-Sophie Pelletier, Romana Tomc, Miguel Urbán Crespo, Loránt Vincze
Substitutes under Rule 209(7) present for the final vote	Gunnar Beck, Christophe Hansen, Ladislav Ilčić, Virginie Joron, Andrey Kovatchev, Nora Mebarek, René Repasi, Isabella Tovaglieri
Date tabled	13.4.2023

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

47	+
NI	Laura Ferrara
PPE	Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Loucas Fourlas, Christophe Hansen, Andrey Kovatchev, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Paulo Rangel, Sara Skyttedal, Romana Tomc, Loránt Vincze, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Ramona Strugariu
S&D	Pietro Bartolo, Caterina Chinnici, Maria Grapini, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Nora Mebarek, Javier Moreno Sánchez, Carina Ohlsson, René Repasi, Isabel Santos, Birgit Sippel, Elena Yoncheva
The Left	Malin Björk, Clare Daly, Anne-Sophie Pelletier, Miguel Urbán Crespo
Verts/ALE	Patrick Breyer, Saskia Bricmont, Daniel Freund, Alice Kuhnke, Erik Marquardt, Tineke Strik

13	-
ECR	Joachim Stanisław Brudziński, Ladislav Ilčíč, Patryk Jaki, Beata Kempa, Jadwiga Wiśniewska
ID	Gunnar Beck, Patricia Chagnon, Virginie Joron, Philippe Olivier, Isabella Tovaglieri
NI	Balázs Hidvéghi, Milan Uhrík
PPE	Nadine Morano

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention